

**CHALLENGES IN THE ESTABLISHMENT
OF THE WRIT OF THE STATE IN FATA
(A CASE STUDY OF KHYBER AGENCY)**

BY

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INTIKHAB ALAM

CHALLENGES IN THE ESTABLISHMENT OF THE WRIT OF THE STATE IN FATA (A CASE STUDY OF KHYBER AGENCY)

ABSTRACT

The present study was conducted on challenges in the establishment of the writ of the state in Khyber Agency, one of the seven agencies of the Federally Administered Tribal areas (FATA) of Pakistan. The main purpose of this study was to sociologically analyze the multiple Challenges weakening the writ of the state. Data was collected from the sampled agency-related people, including Internally Displaced Persons (IDPs), business community, intellectuals (academicians, lawyers, journalists, and political leaders), students of post graduate classes and political administration. Total sample size of the study is 380 whereas each group has equal representation of 76. Data was taken randomly from each group under purposive sampling technique through Likert Scale questionnaire. Inferences were drawn through univariate and bivariate modes of analysis. The study proceeded with the major objectives: Identifying the cross sectional perception of the tribal community; knowing the existing constitutional arrangements and vacuum therein; ascertaining the elements blocking the way of implementing the constitution of Pakistan; and assessing the role of political administration and local leaders (Maliks) in the State writ from their end. A conceptual framework, containing dependent variable (writ of the State) and independent variable (Challenges) including Frontier Crime Regulation, social deprivation, socio- economic under development, insurgency, foreign interference, traditional role of the tribal elders and their political interests, was developed. The study found that Frontier Crime regulation (FCR) was a law of the tribal areas which had a greater association with the weak writ of the state as it promoted crime rate, defended the interests of political administration as well as of local leaders who did not pay state taxes of different nature, and provided a safe place to the inside and outside insurgents. They (insurgents) pushed down the peaceful people into the settled areas of the country in the guise of internally displaced persons (IDPs) as they demanded of induction of the local youngsters in their camps and also of financial support. The study further indicates that post-1979 and 9/11 incidents were among the other reasons which escalated insurgency in the entire tribal belt situated around the Afghan border. Low socio-economic status of the area was also found as an influencing stimulant to motivate the tribal people to amass war weapons and participate in illegal activities. Unemployment, marginalized status, illiteracy, critical physical infrastructure, no access of NGOs to tribal areas, and gender inequality in education, health and employment were endorsed by the study findings which played a subsidiary role in weakening the State writ. The uncertain situation also compelled the business community to migrate to Peshawar, Mardan and other big cities of the province of Khyber Pakhtunkhwa.

The study recommends concrete measures for creating the opportunities of employment, education, health and other activities of socio-economic development for the tribal people, with the conviction to transform their life patterns. It would enable them to be part of race of national development. Besides, the government needs to reframe the FCR by making necessary alterations to its existing structure and such changes must define the role of local leaders and political administration in terms of their rules of business., so as execution to the writ of the state could be ensured there.

I. INTRODUCTION

Every state has its constitutionally defined mechanism to establish as well as maintain the law and order situation for the purpose of smooth functioning of state affairs. The implementation of orders issued by the concerned organs of the state is binding upon all, irrespective of any discrimination and specification. However, the global society depicts a varied picture regarding the implementation strategy and coping mechanism in the case of violation. The writ of the state is considered a key to the national development and prosperity; and its failure is tantamount to put the state on the track of underdevelopment and destructive states. The 21st century has been observing turbulent situation in most of the parts of the world and the writ of the state seems alien in terms of its implementation. The diversity in geography, political landscape and social fabric reflects a diverse panorama of challenges to the writ of the state (White, 2009).

Pakistan is in the grip of insurgency for the last several years in its different parts which has been responsible for scratching down the wheel of development, breaking down the sense of security among the masses and overturning the social structure of the affected zones. The writ of the government in Pakistan, focusing on the tribal belt known as the Federally Administered Tribal Area (FATA) and Provincially Administered Tribal Area (PATA), is not properly being established. The poor writ of the State in FATA is a reflection of the socio-economic underdevelopment and deprivation, invalid political structure, constitutional vacuum and Frontier Crimes Regulations (FCR) (Ziad, 2009). The unprotected borders which are prone to foreign infiltration has created such an atmosphere which has let the paths open for those who are disturbing the law and order situation and resultant in insurgency in the country. This insurgency is not only affecting Pakistan but also its neighboring countries and international community, as FATA is being considered a safe haven for the insurgents. The American attack on Afghanistan has further increased the vulnerability of tribal areas of Pakistan to unwanted elements, and even it has disturbed the tribal people. The insurgents demanded of the local people to provide them with man power to work with them and also to pay cash money. Consequently, military operation was launched by the government against the desperate forces but the insurgency still prevails in affected zones. However, the local

communities reluctantly left their respective areas and became IDPs (Internally Displaced Persons) in different parts of Khyber Pakhtunkhwa. The cultivated land of IDPs became barren businesses stood shrunk and their assets were put at risk, and the whole social fibre got torn. This powerlessness of the State generated many questions in the mind of people regarding the ineffective role of security agencies and the logic behind the question of not integrating the tribal people into the fiber of socio-economic development. Rotberg (2004) observed the emergence of warlords as the resultant phenomenon of breaching of the writ of the State which onwardly promoted their sectional and community loyalties. These warlords terrorized the local people and established their power-based position for generating different sources of income, including sale of narcotics and arms beside being involved in different kinds of criminal activities as well.

The emergence of Talibanization could not be linked to the local tribal traditions enshrined in their age old customs which were utilized by the wake of the resistance of these tribal people against the British Empire. Lack of constitutional rights with explicit demarcation of political and basic human rights has always hampered the process of flourishing sound economy wherein many have an equal opportunity to participate in the State mechanism under strong controlling mechanics. These actions have contributed to the under developed nature of the area marred by violence, insecurity and political instability. The history clearly depicts such a policy on the part of British Empire which kept the area comprehensively separate from the other parts of the country with separate administrative laws. This led to the emergence of that political vacuum which was devoid of all the legal practitioners functioning around. The only controlling mechanism i.e. FCR meant for containing the local people without taking into consideration the ramification it carries. Perhaps, this vacuum in the process contributed to the marginalization in the provision of health, medical and employment opportunities. The resultant outcome was imminent as appeared in the emergence of economy based on illegal activities including drug and human trafficking along with rise of militancy which took a shape of trade (Townshend, 2009; Aziz, 2009; and Haidar and Arther, 2008). The unique geographic location with little control of the state has led to the rise of Talibanization and insurgency. This insurgency works as a breeding ground for the training of the unemployed youths whereas the socio-political life is intact through political

administration (Mehdi, 2012; Graham, 2012; Haidar, 2009; Tahir et al. 2005; Behar, 2002; and Rashid, 2000).

1.1 Historical Background of FATA:

Throughout the period of the British Empire rule, there were introduced different kinds of rules and regulations relating to civil and criminal laws in order to enforce their hegemony in the Subcontinent and uphold law and order there, but basically to make sure that the people of British India continued under the total control of the government. On the other hand, in the hilly regions of the North West Frontier, the area known as Federally Administered Tribal Areas (FATA) and Provincially Administered Tribal Areas (PATA), being part of Pakistan, a different set of rules and regulations was planned that successfully retained the people of the region under the despotic rule of the Political Agents and their cohorts -- Khans and Maliks (tribal leaders or chieftains). They supported the British in their endeavor to suppress the wild yet violently self-governing tribes of the Frontier.

After the Independence of Pakistan, it was hoped that the 1973 Constitution would launch a new period of freedom for the people of this country to flourish and progress. However, the Constitution encompassed the whole country except the region of FATA whose people continued and are still continuing to suffer the indignities and cruelties of the archaic British laws under the Frontier Crimes Regulation (FCR) established in 1901 (Shinwari, 2008).

The tribal belt of Pakistan is in the peripheral areas of Khyber Pakhtunkhwa province and situated on the border of Afghanistan. It has seven agencies including Bajur, Mohmand, Khyber, Orakzai, Kuram, North Waziristan, and South Waziristan; and six Frontier Regions (FR) including FR Peshawar, FR Kohat, FR Bannu, FR Lakki Marwat, FR Tank, and FR Dera Ismail Khan. According to 1998's census report, the population of FATA was 3.18 million. Since 1849, FATA has a unique administrative and political status because the colonial rulers introduced a series of laws during 1871 and 1876 known as "Frontier Crimes Regulations", which are different in procedure from the criminal and civil laws of the British India. The FCR expanded the scope of earlier regulations and also delegated judicial power to the administrative officers since independence; Pakistan inherited this system and granted

special administrative status to FATA. Article 01 of the 1973 constitution of Pakistan defines the tribal areas as the area within the territory of Pakistan with administrative authority based on tribal codes and traditional institutions”. The President of Pakistan is empowered to enact laws for FATA and likewise the present President of Pakistan, Asif Ali Zardari, approved two basic changes in the FCR in 2011 and one of them was to introduce the Political Parties Order, 2002 to FATA in order to bring about effective organizational, legal and political reforms therein (Ziad , 2009).

The bicameral legislature, National Assembly and Senate, has representation of FATA and the President of Pakistan holds direct executive authority over the tribal areas. Legislation designed by the parliament does not apply to tribal area without prior permission of the President. The area is administered under Article 247 (3) of the Constitution where the President has the last word for the areas. The Governor of Khyber Pakhtunkhwa works as a representative of the federal government and an agent of the President of Pakistan, assuming the performance of governmental functions in FATA (Gunaratana and Neilson, 2008).

1.2 State:

Weber (1947) described state as *“a compulsory political association that successfully upholds a claim to the monopoly of the legitimate use of physical force in the enforcement of its order...within a given territorial area”*. Modern state has to maintain law and order (Wallenstein, 2000; Herbst, 2000; Rothberg, 2004; and Clapham, 2004). Mann (1984) and Migdal (1988) have viewed that “the institutions of the modern state are closely linked with the masses and keep social relationships intact among different groups of the society and are capable to implement its political decisions”. Some scholars have differentiated state from the failed state on the basis of different socio-economic characteristics.

Failed state reflects its failure in performing the basic functions of security and development, and depicts its inability to have effective control over its defined geographical areas. Rothberg (2004) has referred to the different stages of failed state, including: “weak, failing, failed and collapsed”. An America Think Tank organization “Fund for Peace” has charted out different parameters in the failed state index, including dishonesty, immoral behaviors, failure to collect taxes, unintentional

displacement of inhabitants, financial turn down, group based disparity, institutionalized discrimination or intolerance, abnormal population pressure, brain drain or leaving of intellectuals and ecological crumble. Leading reasons of turndown of the unsuccessful state commence through fall down of the opinionated course of action. The political involvement is diluted in unsuccessful state as people are incapable to play a part with restraint and in opinionated process, and basic municipal and human rights are not valued or appreciated. (The Fund for peace, 2009).

1.3 Writ of the State

Webster's Dictionary defines writ of the state as "a formal order used in the name of a sovereign, government, court or other competent authority, enjoining the officer or other to whom it is issued addressed to do or refrain from some specified act". Whereas a general perception regarding the writ of the state is observed as "it is an administrative matter concerning the supremacy and regulation of law in the affairs pertaining to all spheres of life in a territorially defined area". Some of the legal experts view writ of the state an execution of law in a defined manner.

1.4 Statement of the Problem:

Being on the borderline with Afghanistan FATA has an important geo-strategic position which has been serving as a transit route for different countries for different purposes. It has seven agencies (Khyber, Mohmand, Bajur, Orakzai, Kuram, North Waziristan and South Waziristan) and all of them are on the borderline connecting with different provinces of Afghanistan. The political landscape of Afghanistan has direct effect on the law and order situation of the tribal belt of Pakistan. The US-led invasion of Afghanistan in response to 9/11 incident fueled the already existent turbulent situation of FATA by encouraging the desperate forces and illegal outfits in diverse disguises which not only ruined the peace of FATA but also engulfed the whole country, particularly the province of Khyber Pakhtunkhwa. Internally, the tribal belt also depicts a dismal picture of constitutional vacuum where the state law is not implemented in civil and criminal cases; rather they are run by the *Frontier Crime Regulations*. The FCR is in vogue since the British rule in the Sub-continent. It got the constitutional protection after Pakistan came into being and traditionally it was supported by the local leaders (Malakan) and general masses. The

9/11 incident played an important role in weakening the influence of FCR and opened the ways for such illegal outfits to adjudicate on their own in important cases. The State writ could have resolved the escalating tension in FATA provided the State law had been implemented there in but some socio-cultural constraints and political restraints hampered the implementation of the law of the State. Such situation became detrimental to the socio-economic and political development of the area. Both external and internal situations indicate that the tribal belt has become a safe haven for the militants and terrorists. Such forces have reportedly enjoyed free mobility in all agencies of the tribal belt. They evolve their strategic plans in this area and they feel no hesitation in carrying out their subversive actions in the settled areas and return back to their safe havens in the tribal areas without any tension. If Pakistan is blamed for harboring terrorists by the Western media, it is only because of the non-existence of writ of the State in FATA. The present study is aimed to look into forces not allowing the implementation of writ of the State by the introduction of the law of the state in FATA.

1.5 Causes of Resistance: Theoretical Arguments:

The fact that why an individual goes against the writ and established rules and regulations is justified or explained through various searches and theories. According to Glue theory, the cultural aspect plays a vital role in this respect motivating the people to go against the rules of established order.

Lindholm (1977) gave an idea of segmentation or different groups that each group is connected or restricted to his own customs and thus follow them..”, Kahneman and Tversky’s “Prospect theory” also supported the idea that people get or gain rapidly than losing. They presented their idea through an example of an employee who gets some raise in salary and then its sudden deduction. It will hyper him and thus will show a reaction. Then gives an example of bargaining’s.

Lindholm, (1977) gave an idea of segmentation or different groups that each group is connected or restricted to his own customs and thus follow them.

According to Max Weber’s theory of legitimate dominance, that authority has the power to enforce the laws but it sometimes makes the people deprive and thus

reaction emerges. The other category is domination by virtue of legality means that if people elect a leader, and he proves himself as a leader which the people needed.

According to Weber's third category, the state therefore wants to bring some changes in the tribal areas which cause panic and troublesome situation. (Swidler, 1978; and Levy, 2000).

1.6 Significance of the Study:

Previously, many studies have been conducted on non-compliance of the writ of the State in different parts of the country but the present study, being sociological in nature, is of great importance. It is expected to play an important role in filling up the existing vacuum of constitution by furnishing inputs to the legislators and other concerned bodies to bring about constitutional reforms in FATA. By this way, FATA will come to the mainstream of development and resultantly the non-complying attitude will start mitigating. Besides, this study substantively focuses on the basic roots of society and culture which are deeply associated with the question of writ of the State in FATA. The government will get an opportunity to utilize the study findings not only in FATA but also in the entire region in reducing the grip of militancy/terrorism. Academically, it will also be helpful to students of social sciences and other researchers to get guidelines for their studies on the issue.

1.7 Objectives of the Study:

The major objective of the study is to understand the perception of diverse sections of the tribal community regarding the writ of the State and problems in implementation of the State law in FATA. The study focused on the following objectives.

- To study the existing constitutional arrangements and vacuum reflecting its relation to the writ of the state in FATA.
- To identify the multidimensional factors sabotaging the ways to implement the constitution of Pakistan in FATA, with major emphasis on those having vested interests in politics.

- To have a glance on the role of the administration and political interventions in the establishment of the writ of the State in FATA.
- To explore the association of multiple constraints in the socio-economic development of the area with the establishment of the writ of the State
- To study the impact of law and order situation on local community.
- To put forward suggestions to the concerned quarters of the government of Pakistan in making writ of the State acceptable and effective in FATA in light of the findings of the research study.

1.8 Research Questions:

- o Does the tribal community perceive implementation of the Constitution of Pakistan a threat to eliminating of their traditions rooted and effectiveness practiced long time there?
- o Whether judicial system, if introduced, would create certain problems for the people of tribal belt in Pakistan?
- o Whether political forces or people with vested interests are putting hurdles in the implementation of the Constitution of Pakistan beyond the consent of tribal masses?
- o Do the local people associate the socio-economic underdevelopment of FATA with the writ of the State?

1.9 Conceptual Framework:

Independent Variables	Dependent variables
I. Frontier Crimes Rules	Challenges in the establishment of the Writ of the State
II. Socio-economic Deprivation	
III. Insurgency	
IV. Traditional Role of Tribal Elders	
V. Political Vested Interests	
VI. Governance in vogue	

II. LITERATURE REVIEW

The chapter of literature review has an architect role in a research study as it furnishes guidelines in designing its roadmap. The conceptual framework, dimensions of study and premises of the study are constructed with the help of this chapter.

2.1 FCR

Haider (2012) mentioned that the President of Pakistan issued the Frontier Crimes Regulation (Amendment) ordinance 2011 on August 12 after that some scholars and stakeholders termed it as a historic and major event in the history of the tribal people.

Afridi (2012) stated that the central Government of Pakistan through notification Action (in Aid of Civil Power) Regulation 2011, for FATA and the Provincially Administered Tribal Areas (PATA), empowered armed forces to arrest and detain a person for a period of 120 days. This would certainly increase the miseries of the tribal people and again misuse of power by the concerned agencies like the Draconian Rules of the British Empire.

Hashmi (2012) stated that through another amendment about the FATA tribunal which is an appellate body with powers to hear complaints of the tribal people against the judgments passed by the political authority. The erstwhile FCR Tribunal comprised provincial law and home secretaries and in case of a dissenting opinion between the two, the issue was referred to the Chief Secretary. Under the amended law, the tribunal consists of a chairman and other members. The chairman will be a civil servant having a vast experience of FATA administration and not less than BPS-21. The other one will be a competent person eligible for the appointment as a high court judge. The third person will be a civil servant having knowledge of tribal customs.

Wazir M. M. (2009) stated the effectiveness of Frontier Crimes Regulations of 1901, which describes that the act that lays out the governance and administrative structure in FATA. After independence Pakistan inherited the FCR from the British in 1947, many of its clauses are in practiced without any amendment till today (Abbas, 2009). (Wazir M. M., 2009) stated that clauses in the FCR made it easier for militants

to make the FATA the hub for their activities (Abbas, 2009). The study focuses on the system of governance, its pitfalls, the actors involved and the impediment it has had in the establishment of the writ of the State and on the development of FATA.

Moor (2010); Rakisitis (2008) ; Dogar (2009) & Christine Fair and Chalk, (2006) have described that *melmastia* (unconditional hospitality) whichever one demanded. Majority of the insurgents have taken refuge under this value as a guest, criminal, a friend or an enemy. By taking the advantage of *malmastia*, some foreigners have taken refuge in the tribal area. When government demanded from the tribesmen to handover these foreigners to the State agencies, they refused to hand over. On this issue government started operation in the tribal area against these elements. The aspect of *pakhtoonwali* is *nanawati* where the offending party begs for pardon from the aggrieved party by sending women and children to the concerned party's house. It is an established norm that the aggrieved parties usually forgive the offender irrespective of their nature of crime. Thus *nanawati* is considered as an appeal for forgiveness.

Ghafoor (2009) stated that FATA is part of Pakistan but its administration and governance is different from the rest of the Country. FATA is governed with a mixture of formal State law and informal local codes. The local codes, known as the *Pashtunwali*, cover all affairs of *Pakhtun's* life. The traditional institutions (*Jirga*, *Hujra*, *Lashkar* etc.) run through these codes. Truth, hospitality, cooperation, appeals for forgiveness and revenge are the basic codes of *Pakhtunwali*. These codes of conducts have not been adjusted properly in relation to the passage of time, and the other holds that they have been rendered defunct by non-state actors in the region and they have established their own rules and regulations (Kerr, 2010). There may be different explanations and reasons. One, the codes and institutions have not been adjusted properly in relation to passage of time; these have been replaced by the non-state actors in the area (Kerr, 2010). The improper adjustment artificial intentions and creation of the local codes and institutions can be understood by the division of *Jirga* into *Hakumati Jirga* (Political Administrations sponsored council of *Maliks*) and *Qaumi Jirga* (locally made council of elders) (Khosro, 2010). The tribal people are not ready to compromise on the abolition of their codes and the elimination of these codes and institutions can be viewed by the statistics of target killing of more than 1500 tribal elders and *Maliks* including *Lashkar* leaders in FATA (Ali, 2012). The

validity of Jirga decisions is rarely questioned as FATA people use and abide by verdicts passed on by Jirgas (FRC 2012).

Rana (2009) reported that among the most damaging clauses known as collective responsibility in the FCR is the “confiscation and seizure of assets and arrest of an individual without any legal aspect and can ban a person from entering into rest of Pakistan. Section 21 explains collective responsibility. Clause in which a offence takes place in an area of particular tribe where whole tribe is responsible for the offence. They will be arrested and punished. The arrested person are not allowed to make any appeal against their arrest and cannot hire legal counsel.

Rana (2009) stated that under the chairmanship of Senator Raza Rabbani a Parliamentary Committee on Constitutional Reform was constituted. The committee, after reviewing Article 247 of the Constitution of Pakistan, suggested to the central government Pakistan that” the Government should take immediate steps to implement the reforms amended by the president in respect of FATA, particularly about major changes in FCR and providing opportunities to the national Political parties to organize their activities in the area. The government may also associate other parties who are stakeholders in the on-going consultations regarding administration of tribal Areas.

Bangash (1996) mentioned that the major fault lies with the provisions of the FCR which does not respect the fundamental rights of justice. It is considered a black law having draconian provisions which deny the fundamental rights of the tribal people. These constitutional rights are that every citizen should be treated with proper legal procedure and protect him from torturous detention not violating self respect; and should be considered as equal citizen before law as per (Articles 9,10,14, 24and 25 of Articles of FCR.

According to SPARC’s annual report 2009, in December 2009, it was reported that 14 children were detained under the FCR. In 2004, the annual report of SPARC had reported that about 70 children were detained under the same law. None of these children were being treated, or tried, under the set procedures of the JJSO.

Alaiwah (2008); and PLD (1950) mentioned in its report that much later in 1944, questions had arisen about its application, and in 1946, validation of the FCR

was challenged in the Lahore High Court. Application of the FCR was also effectively challenged in Mianwali district and the noxious laws were removed from the area. The FCR of 1901 was declared by notification in the Gazette and contained the same rules as previous FCR's as well as additional provisions. These regulations were enforced against these tribes.

Amnesty International (2008) reported that the FCR was developed under the law of necessity by the then British Empire to keep various tribes of FATA under control. This area was used as a buffer zone to avoid war between two super powers of that time. The FCR encompassed substantive and procedural law relating to criminal and civil matters; and the intention was to establish the writ of the colonizers' power which aimed to protect the interests of British India.

Khan (2008) termed the FCR as "an indirect rule to deal with different tribes of India for dealing s of intertribal disputes".

Alaiwah (2008) mentioned that in the amended FCR, the people of tribal belt were given free hand to govern their territory according to their customs and traditions known as Pakhtoonwali. The tribal areas were given a semi-autonomous status subject to their compliance to colonial rule. The tribal elders (*maliks*) were made bound to "safeguard trade roots and will be awarded allowances for their services to the government. They never resisted against foreign rule but occasionally.

Amenesty International (2008) describes that one of the worst aberrations of the FCR is the collective punishment of clause no. 21 which is imposed on anyone in the tribal area for a crime committed by his or her relative, spouse, or even a person from the same tribe and area.

Amnesty International (2008) reports that the only positive provision in the FCR, in the view of human rights organizations is that it does not provide for the death penalty whereas sentence of death penalty is awarded by the courts throughout Pakistan.

From time to time, the FCR has been challenged in the courts on the grounds that the regulations negate fundamental human rights. In most cases judgments have been passed against the FCR, and even against the provisions of the Constitution

which stop High Courts and the Supreme Court from intervening in the judicial and administrative affairs of FATA.

Amnesty International (2008) reported that civil society has demanded for some time that the FCR should either be repealed or be overhauled extensively so that constitutional as well as international human rights guarantees can be enjoyed by the people of FATA. Some inhabitants from FATA have advocated repeal of the law, while others desire that it should be amended as per international standards, but the process of its implementation should be slow so that the system may not be disrupted abruptly. In fact, it is hoped and expected that the Parliamentary Committee on Constitutional Reforms will amend Article 247 of the Constitution which deprives parliamentarians from intervening in the affairs of FATA or from any legislation connected to FATA. Thus, senators and MNAs from FATA can involve themselves in legislation related to the whole of Pakistan with the exclusion of their home region, FATA.

Rakisits (2008) described that after the ‘Tribal Wars’ in 1897-98, when the Frontier tribesmen continued to attack the British Indian Army and criminal activities were on the rise, a Close Border Policy was adopted and implemented whereby a number of tribal agencies were established (including Mianwali) under the FCR of 1901. The Pakhtoon were allowed to rule their area according to their own code by allowing cantonment and check post in their area which were enclosed by a chain of posts and cantonments where the Pakhtun tribes were allowed to govern according to their own laws and customs.

Amnesty International (2008) mentioned in its report that Pakistan’s international responsibilities in respect of different memorandum ratified by the government of Pakistan, such as the CRC, and in order to rectify some of the oppressive laws imposed on the children of FATA through the FCR, on 22 November 2004, the Juvenile Justice System Rules KP were extended to FATA. However, beyond mere words on paper, the government made no infrastructural arrangements which are essential to the implementation of the law. Six years down the line, FATA does not have juvenile courts, a probation system, borstal arrangements, nor any system in place to protect the rights of juveniles. Rather, grave abuses of child rights have been witnessed in FATA even after the JJSO were extended to the region.

Alaiwah (2008); and HRCP (2005) reported that the FCR was amended once again in 1954, but interestingly, in April 1962, when the law was extended to Shahdadkot (in district Larkana), Sukkur, Sargodha, and Shikarpur, it was withdrawn immediately. Before 1970, FATA had no regular court procedure. In 1970, jirga (informal assembly of elders) type court procedures were initiated, but they were not well-structured. After 1978 assistant political Agent was empowered to execute authority, before that he did have any authority to exercise in FATA.

Ziad Haider (2008) mentioned that in the past Pakistan dialogued with insurgents but all failed due to opposition from American. In this regard first agreement was reached in 2004 with militants known as Shakai agreement. This was sabotaged by a drone attack in which Taliban leader was killed, and war started once again in Waziristan .Another example of an agreement was from Bajuar Agency in 2006, where an agreement was going to be signed between the government and the militants. On the same very day early in the morning a madrassa was bombed which also was involved in dialogues. Thus the peace process was destroyed by American. The third example was of the agreement signed by the government and insurgent in Waziristan Makki and ladda area. This agreement was also met with similar fate and opposed by American forces stationed in Afghanistan. According to American, this type of deals bore no fruits but only strengthened the militants by purchasing time to regroup and launches new offences in Afghanistan and Pakistan. However, it is intentionally ignored that military operations provide no solution but help increase militancy in whole Pakistan. The collateral damages multiply the rate of insurgency. The aftershocks of the military operations were very dangerous. The incident of Dargai in which 42 innocent soldiers were killed by a young suicide bomber is clear example. After that no tribal agency is at peace whether it is Mohmand, Khyber or Waziristan and NATO convoys carrying supply to Afghanistan are attacked every other day.

PLD (2006) mentioned that in 1975, the Supreme Court of Pakistan in the case of Chaudhry Manzoor Elahi versus Federation of Pakistan said that the High Courts are authorized to intervene in the tribal areas. In 1979, the Balochistan High Court termed many provisions of the FCR as un-Islamic. On 29th July 2002, the Lahore High Court termed the FCR as a void law after the Balochistan High Court's judgment of 1979, and therefore, arrest and detention under the FCR was illegal and directed the

administration to release the accused that was behind the bar for the last two years without any defense. Qimat Gul was detained under the FCR because he protested against the illegal occupation of his land by some influential persons of the area.

Khan (2006) stated that procedure laid down in Section-2 of the FCR describes the procedure of the Jirga member's selection and section 8 and 11 lays down the procedure of trial in civil and criminal nature. Section 31 is related with construction and demolishing of houses/ village/ hamlets in tribal areas. Mode of detention/ arrest are given in section 38 & 39, guaranty for good behavior is described in sections 40 and 42 respectively, while collection and imposition of fine is written in sections 22-27. All these and other sections are against the 1973 Constitution of Pakistan.

Khan (2006), and SPARC, (2004); and Hussain, (2005) reported that "these local customs and traditions were changed according to the administration needs. Before 1901, the colonial government had divided the tribal areas into six Frontier districts and regulated these under the civil and criminal laws applicable to the whole of British India. However, the tribes rebelled against these laws and to pacify them, the colonial rulers designed the FCR. The FCR was enacted as a special law in 1871 and new provisions and offences were subsequently added in due course.

Hussain (2005); and PLD (1958) reported that the law was amended in 1887. A seven-year sentence was introduced for a particular crime whereas previously the offence had only earned a fine. The law was enforced against both Pathans and the Baloch.

Hussain (2005); and SPARC (2004) mentioned that the major fault lies in the "double standard on the part of the central government to deal with tribal region". In 1973 FCR was allowed to operate in the FATA. Article 247 explains the methods and procedure for administration setup. Governor is the representative of the central government responsible for the look after of the affairs of FATA on behalf of the President of Pakistan. Article 247 explains that no act of parliament can be extended to the FATA. Similarly higher judiciary is barred from FATA under article 247(7). Interestingly article 199(4) explains that superior judiciary can guarantee the fundamental rights all over Pakistan, but tribal area is excluded from its jurisdiction.

Article 2-A and 175 describes that independent judicial system would be introduced in the tribal belt.

Daily Times (2005) reported that two committees were constituted on the FCR. 1) The Senate of Pakistan's Standing Committee on Human Rights constituted a sub-committee on the FCR which comprised of Senator Farhatullah Baber, Senator Hamidullah and Senator Dr Saad. In August 2005, the sub-committee submitted its final report along with recommendations to the main committee in which amendments were proposed in the FCR. The report of the subcommittee has not been made public yet. 2) The Governor of KP also constituted a review committee under the Chairmanship of former Justice Supreme Court, Mian Mohammad Ajmal which submitted its report in 2006. The committee was asked to recommend necessary amendments and modifications in certain clauses of the law. In a workshop organized by CAMP in 2009, Retired justice Mian Ajmal said that the Committee has proposed many changes including the name of the law. Besides, decrease in the powers of the Political Agent was also proposed by the committee. It was suggested that judicial powers should be "divided between the jirga and FATA Tribunal that will be on the pattern of Sessions courts and will include members eligible for presiding over high courts or shariat courts. Obsolete laws and sections have been completely removed and people will now have a right to ask for bail". The Committee investigated the practice of the law in FATA in depth but since submission of its report in 2006, the state has not taken any step yet to implement it. Neither has the report itself been made public to date.

SPARC (2005) reported that the Convention on the Rights of the Child (CRC), under Section 21 and 40, guarantees the liberty of the child and no arrest of child should be made until and unless there is no other option available. The child should be given a fair trial/hearing and be represented by legal counsel of his or her choice and have the right of appeal against the conviction and sentence. However, all such rights are usurped by the FCR. The FCR also contradicts Article 8, 9, and 10 of the UDHR. FCR is also a violation of the international civil and political rights, 1966.

Bibi (2005) described that FCR applied to all residents of FATA irrespective of age or sex. Thus, these black laws are applied across the board, to young or old men and women, and children as young as two or three years old, even on infants.

Women and girls are considered as commodity and their right to own or inherit property is not recognized under the FCR. Young girls and women are given in exchange 'Badal' by members of one clan or tribe to another in settlement of rivalries. The FCR, in fact, negates all the rights and guarantees granted to women in Islam, and by the laws of Pakistan. The UN Committee on the Rights of the Child (CRC), in its final remarks on Pakistan's 2008, has expressed grave concern over the application of FCR in FATA.

HCRP (2005) mentioned that they had conducted several meetings in different tribal areas regarding the FCR in Khyber, Mohmand and Kurram Agencies of FATA in which the following problems were discussed and grey areas of the FCR were identified by the participants. Progress cannot be achieved under the FCR which is not less than slavery. Where political activities are not allowed and tribal people cannot get loan for economic activities. No new crops have been introduced in the area and people are only poppy cultivators. Administrative action cannot be challenged in any courts of Pakistan and no officer is accountable to any legal body. FCR is an out dated system which does not meet the needs of the modern age. FATA was kept backward through this draconian law. It should not be abolished but amended to halt unlawful activities by the administration. The law of Collective Responsibility should be amended. The houses should not be demolished and families should not be removed from the area. This is considered as an uncivilized punishment in this modern age. The traditional system of dispute settlement is corrupt and partial; the members of the jirga sign on blank paper and afterwards political authorities write the decision according to their wishes. Riway (customs) cannot meet the issues of the modern age. The judiciary and administration should be separated under modern day requirements. All democratic rights are denied to tribal people under the FCR; political agent has all the power. The question related to the FCR abolishment, created so many queries like what law will replace it?

SPARC (2004) reported that FCR in whole repudiates tribal citizens: they are not dealt according to the established norms of human rights i.e arrest and detention by not violating the dignity and respect. There is no room for torture to extract evidence or force a person to record a statement according to the wishes of the administration.

SPARC (2004) reported that grave violations under the FCR surfaced when its representative visited jails and saw innocent women and children languishing in prison. Immediately, on 19 November 2004, SPARC, along with other organizations, held a press conference at the Peshawar Press Club and organized a protest march from the Press Club to the Governor House against this tyranny. However, no one from the Governor House came to meet with the protestors to address their complaints and resolve the issue. On 10 December 2004, in a seminar organized by the Regional Directorate of the Ministry of Law, and Human Rights Organizations, SPARC brought the matter to the notice of the Governor of KP. However, the Governor did not accept that children had been detained under the FCR or that human rights violations were taking place under the FCR. In fact, in 2004, Senator Farhatullah Babar of Pakistan People Party took serious notice of grave child and human rights violations in FATA and initiated debate on the issue in the Senate. Beside other faults in the law, the Senate pointed out that Pakistan was the only country in the world where entire villages and houses were knocked down on the pretext of collective punishment under the FCR.

Shinwari (2005), mentioned that in section 6 of the FCR, sentence of whipping is allowed which has been abolished in Pakistan through the Abolition of the Punishment of Whipping Act, 1996.

SPARC (2005), mentioned in its report that in 2004, during a visit to Haripur Central Prison, the SPARC team met 21 women and children who were members of a fugitive's family. The women and children were convicted under section 40 of the FCR. They were arrested after the wanted man had escaped arrest. The government, however, claimed that these women and children were, in fact, being kept in protective custody in order to shield them from any offence feared against them by the people of Lakki Marwat whom the fugitive had allegedly enraged. In 2005, SPARC learnt that there were more than 25 women, children, and juveniles in the Central Prison, Dera Ismail Khan, who belonged to the Betani tribe and were arrested in lieu of the actual fugitive who himself was a member of the same tribe. On the same pretext, an old lady was imprisoned under the FCR along with nine of her relatives including a one and a half year old girl. The elderly lady informed SPARC that the police of Lakki Marwat and Bannu raided their home in the presence of the Assistant

Political Agent of the Lakki Marwat Region and they had been arrested simply because they happened to be related to a notorious criminal.

Section 23 explains that according to FCR all community members will be responsible if a dead body is found in their respective area. Article 22 and 23 describe the fine collection procedure, where if fine is not paid off by their relative the property of the accused will be sold out to realize the fine.

The daily Dawn (2004), reported that Senator Farhatullah Babar produced a clipping in a meeting of the Human Rights Committee of the Senate about a three-year-old girl sentenced under the FCR. However, Secretary FATA denied the report and dismissed it as fictitious. The secretary said that “A political agent will be out of his mind to sentence three-year-olds under the FCR.” Consequently, the matter was not followed up. However, the Human Rights Committee expressed concern that the report may be true and demanded that such provisions of the FCR which permitted such actions should be abolished.

Later, on 1 December 2004, Dawn reported that the Law Minister had assured the Senate that the government in consultations with the tribal leaders, was working to amend the FCR.

In another case in 2006, Ijaz Khan filed petition number 2038 of 2005 against his warrant of arrest issued by the political Administration of Bara, Khyber Agency within the constitutional jurisdiction of the Peshawar High Court, and termed his warrant of arrest as being against the provisions of Chapter-I, Part-II of the Constitution in which liberty, security, dignity and freedom of a person has been fully secured and guaranteed, and also under the Charter of Human Rights. The High Court declared the arrest of the petitioner illegal, without lawful authority and without jurisdiction. This is not the only case that sought help from the courts; many such people have been arrested within the constitutional jurisdictions of the Peshawar High Court of and have been sentenced; although their sentences have been challenged in the Peshawar High Court.

Ali (1997) described the history of Pakhtunwali a centuries old system covering almost 5000 five thousand years. Pakhtunwali contains the values of

Melmastia (hospitality), Nanawati (intrusion for forgiveness and Badal (revenge). On this pretext, some commentators describe that the tribals have been given refuge.

Bangash (1996) mentioned that the FCR, also known as ‘jackpot justice’ was designed to tackle bad elements and pacify the angry tribes in the tribal areas on the Afghan border. In order to keep the tribal leaders happy, some of the customs and traditions prevailing in the region were retained in the FCR.

In the same year, a journalist, Amir Mohammad Khan, visited the central prison Haripur to verify claims of civil society that under section 40 of the FCR the government has sentenced minor children on the pretext of being relatives of an alleged offender. Under the collective responsibility clause, the political agent North Waziristan arrested women and children and put them behind the bar in Haripur central jail. Some fifteen children were in central prison Haripur. They did not know their crimes for which they were behind the bar. These children were sentenced for three years (SPARC, 2004). The concerned law enforcing agencies failed to perform their duties properly. Due to failure in their duty, they punished innocent women and children (SPARC, 2004). It was all up to the political agent who has the power to either release such innocent women and children or even award them a further three years imprisonment if the fugitive is not arrested during their internment. There is a clear disparity between the FCR and United Nations standards and guidelines. In this system, there are no chances of a fair trial because the judiciary is not separate from the executive, which according to Article 37 and 40 of the UNCRC, is an open violation of children’s human and legal rights. The draconian clauses of collective responsibility are in violation of the Constitution of Pakistan. This describes that every person is entitled to be treated equally. In contrast the collective responsibility law empowered the administration to arrest and jail the whole tribe. Whereas, FCR presumption of innocence is not considered. If a child is a relative of an offender, therefore he/she is considered an offender too. Therefore, all arrested and detained children under the collective responsibility clause 21 are considered guilty before their trial starts.

2.2 Socio economic deprivation:

Graham, U (2012); and Abbas and Hassan (2011) have mentioned that lack of trust is responsible for the widespread of insurgency across the border. The insecurity

in the region and Pakistan is the result of the poor writ of the State. Some scholars consider it as ungoverned and source of all terrorist activities in the world. Federally Administered Tribal Areas (FATA) of Pakistan is the poorest part of Pakistan. About 66% populations live below poverty line with per capita income as low as 250 dollar. Literacy ratio is 17% in male and 3% in female. This area is governed through informal system known as collective responsibility. All the State taxes are exempted in the area. All powers are concentrated in one office known as Political Agent. Higher judiciary has no jurisdiction in FATA.

Wazir (2012) stated that since British Empire, FATA is being governed differently from other parts of the country, which is known as FCR. Under this law all rights including human rights, political rights and legal rights are not similar as in the other areas of Pakistan. Since its implementation, it has been a problem for the tribal people. It is considered that international terrorist activities are planned there and is being used as safe haven by several international terrorist groups. Due to indifferent attitude by the State, FATA has remained undeveloped because of the colonial period laws prevalent in the tribal areas. Due to the failure of the government to integrate FATA into main streams tribal people have been kept impoverished and marginalized. The governance vacuum has left tribal people at the mercy of insurgents groups, who are exploiting this opportunities by establishing their authority in the region. Those who have power to make decision should develop sustainable strategy to ensure peace in FATA and the whole country.

Kusair (2012) observed that terrorism and extremism are related to low socio economic condition of FATA. The uplift projects are in progress in FATA by the government. The media should play its role to create awareness among the masses for the exploitation of available resources to enhance the prevailing socio economic condition of FATA. Illiteracy is the biggest problem of the area, where literacy ratio amongst female is 3% and male is 18% lowest in Pakistan. The media should project positive aspect of the FATA.

Rabbani (2012) stated that due to military operations against militants more than ninety percent of the tribal areas have been cleared from the insurgents and normalcy has been returned. During the ongoing war against militancy, 3500 soldiers embraced shahadit (martyred) and ten thousands injured. The Pakistan army is

working on different angles to establish permanent peace and stability by introducing socio-economic and educational enhancement projects. These projects will help improve socio economic conditions of the tribal people. He also suggested that popular support is needed to win the war against insurgency and FATA should be merged with the other provinces.

Afridi (2012) observed that the geography of a nation has a determining factor in shaping its prosperity and geo-politics or geo-economics. Historically the tribes of the region have resisted all invaders including the Great Chengiz Khan, Great Game between the Russian and British Empires, Taimur the lame, the Mughals, the Turks, the British Empire, cold war super powers (US & USSR. Once again FATA is under the clouds of war i-e war on terror. Inappropriately FATA was made a safe haven and training zone during the war against USSR. After the withdrawal of USSR this region was left without any proper mechanism and these warlords have exploited this situation. FATA was peaceful before 9/11 and after US attacked on Afghanistan which so far has no sign of end. Due to unrest in the tribal the natural resources like gas, oil, manganese, soap stone, chromate, fluorite, coal, gypsum, iron ore, lead, quartz, marble and lime stone could not be exploited to maximum extent. The present administrative system needs replacement with the Pakistani laws. This would help initiate the processes of development of the area. This will change the lifestyle of the residents of the area.

Hashmi (2012) observed the socio-economic deprivation of FATA residents since independence, pushing them to extremism and joining the terrorist organizations. It is the responsibility of the government to pay focus by introducing change through new projects and merging them with the provincial government of Khyber Pakhtukhwa. Due to war in FATA the government developmental projects are often interrupted. The educational infrastructure in FATA is on the target list of the Taliban because they consider it as English culture promoter. The substandard educational system is another factor which is responsible for the promotion of drug trafficking and suicide bombers. The majority of the illiterate, unemployed youths are vulnerable to extremists groups easily.

Niaz (2011); Khan (2010); and Datta and Sharma (2002) have stated that 'Despair and frustration arising from political instability and dictatorial regimes, is

directly linked with the unfair socio-economic order and foreign policy issues'. This all has resulted in extremism, fundamentalism, intolerance, and socio-political annihilation of minorities. The madrassas have become the home for deserted children and for children of poor families as well. 'The rural poor have no gateway to modern education. They are driven to madrassas which are located all over Pakistan and where education is free with free hostel, food and clothing. They naturally act as magnets to draw *talibs* (students)'. 'Consequences on deep determinants of terrorism elude us even as Islamic religious schools are widely cited as important contributors to extremism. Nowhere have these statements been more strongly applied than to Pakistan, where religious schools - commonly known as madrassas-were responsible for educating the leadership of the *Taliban* during the 1980s'.

Post Crisis Need Assessment of KP and FATA (2011) reported that violence and militancy are due to the reasons of poverty, unemployment, bad governance, low human development, poor infrastructure, acute shortage of basic services, economic backwardness of the residents of KP and FATA. These factors are adding fuels to militancy and insurgency and youth are paid high salaries ranging from 15 to 20 thousands per month. The smuggling of drugs and arms are run by these militants. These militants have control over these supply routes. The pro militants are the main beneficiary of this business. The opponents groups are loser in this game. Resultantly unemployment increases in the tribal area. These militants are offering employment to the unemployed youths. The Government is facing the problem of initiating employment opportunities in these circumstances and increases lawful livelihood environment. Attention should be given to the youths, women and create job opportunities for achieving long lasting peace.

Niaz (2011) have mentioned that 'The problem of militancy is embedded in the extended society; the way in which the state is being governed and the kinds of relief a citizen is denied through normal economic, legal and administrative or political processes. This accompanied by the feeling of deprivation among a large majority of the people. This practice has severely compromised on merit, excellence, and professionalism which have been replaced by the mediocre. All these trends promote militancy as citizens have no customary channels to redress their grievances. Moreover, Talibanization is growing amidst political instability and ethnic tensions. The latest and most horrendous fact of this non tolerant culture is the suicide bomber

where for the sake of indoctrinated ends, the raw minds are prepared to take their own lives besides butchering as many innocent people as possible. Thus a small beginning in the name of sectarian superiority nourished with bigotry, dis information and hatred culminate in macabre display of complete annihilation of the poor body and the soul that has been fed with it in its tender years. By joining sectarian based movements and organizations, the unemployed youths found an occupation to earn livelihood an ideology to live with and a new family in which they found security and feeling of belongingness. The net outcome of the journey of extremism in Pakistan is an intolerant culture being imposed on any inhere ably progressive society which is otherwise keen to live a modern, productive and normal life.

Pakistan Institute for Peace Studies (2010) concluded that the youths of the society desire socio-economic change for the prosperity, development, and liberty for the sake of peace. This will block the radicalization of the society.

Wazir (2010) argued that youths are the backbone of any nation. Progress and prosperity depends on its youth. Healthy and educated youths play an important and positive role in the development of the nation. Majority of the FATA residents are youths who are constantly isolated and neglected from the fruit of development. Thousands of FATA people have been displaced from their respective areas due to war. Most of them suffered from human losses and injuries both from militants and military operations. The pro Pakistan Maliks have been killed or threatened by insurgents. After the destruction of the educational infrastructure, the students who were enrolled in educational institutions are now inclined to join insurgents because militants are paying high salaries to youngsters. Due to these environments unemployment, illiteracy and poverty are increasing. Already poor tribal population problems multiplied due to war. Therefore, it is recommended that FATA should be treated like other parts of the Pakistan. Development projects like exploration of mineral resources, industrialization and basic infrastructure will minimize the extent of unemployment and ultimately militancy.

Pirzada (2010) demanded that Pakistani establishment should not close its doors of dialogue with those fighting against its army. All the previous governments have isolated FATA. The importance of the tribal areas was felt after 9/11 incident and it is dubbed as terrorists safe haven from where Alquida and Taliban are

launching their attack on different places in and outside Pakistan. Drone attacks are further adding fuel to the already affected by the world power games in the region. The aid for the development of FATA by donors has not been properly utilized due to the lack of distribution. These funds are always at the mercy of the Political agents. The local leadership is also not interested in the development of the area. The political leadership and beauracracy are protecting each other in embezzlement of these funds.

Ali (2010) mentioned that issue of violence has expanded its roots in Pakistani culture due to numerous causes. The major aspects prominent to extremism in FATA are nonexistence of commercial opportunities, uneven access to opportunities for social and economic utilization, bribery, faulty education system, poverty, joblessness, illiteracy, easy access to firearms, bad governance, instable geopolitical situation, side lining of the rural areas and non-availability of justice.

Mandokhel (2009) referred to the armed struggles in FATA as transnational magnitudes which have introduced smuggling, terrorism, militancy and drugs culture which have badly affected not only Pakhtunkhwa but also the whole country. The network of these extremists and terrorists in FATA should be broken as it is disturbing FATA as well as the other parts of Pakistan. To address this issue we should launch wide-ranging changes in the current tribal system, based on social, economic, legal and democratic changes.

International Crisis Group's report (2009) highlighted maternal health where maternal mortality rate is much higher than the rest of Pakistan. The isolation and neglect of FATA contributed to the rise of insurgency and threat to the writ of the State. Majority of the population is living below poverty line. Due to non availability of employment opportunities, people rely on cross border trade. These meager resources of employment pushed youths towards militancy where they are paid minimum salary Rs. 15000 per month.

Daily Times Islamabad (2009) reported that government is going to start uplift projects for the people of FATA which will bring job outlet for the youngsters and help reduce poverty. The government was determined to the socio-economic prosperity of FATA. This will help bring FATA at equal footing with other parts of the country. Through initiating development projects with special emphasis on health

and educational facilities in FATA would create economic opportunities. It will certainly eradicate the root causes of instability from the tribal belt.

Nawaz (2009) referred to different aspects of FATA where poverty ratio is very high and also considered it the most marginalized area of Pakistan. After the independence this area has been neglected by successive governments. Due to few limited socioeconomic activities like health, education etc FATA has been a breeding ground for terrorism and militancy. In FATA, insurgency is not the function of its rigid culture and tradition. It is due to its geographical location between Pakistan and Afghanistan. The great's game in the region pushed tribal people at mercy of the warlords. The FATA was kept isolated and neglected in political process. People of FATA are governed through old FCR which was introduced during British colonial era. This law always been beneficial for the local leaders (blue eyed) Maliks.

Ghuman (2009) quoted Pakistan president as saying that tribal areas will be developed on the basis of Alaska and Assam model with the partnership of public and private sectors for industrialization. He further commented that only dialogue was the solution of tribal areas problems. The federal government will provide 350 million dollars for the establishment of reconstruction zones in FATA. Pakistan will also convince USA to stop drone attacks in FATA.

Razia (2009) states that there is no doubt about the fact that FATA have constitutional, administrative and political problems, yet it had been quite peaceful before 9/11 the American attacks on Afghanistan and the presence of coalition forces in that country. The immediate cause which made FATA a flash point for international attention is the American and NATO presence in Afghanistan. It is also the cause of Al-Qaeda and Taliban's presence in FATA. This is the backdrop in which one has to see the current turbulence and volatility of FATA. It has been felt and experienced not only by the people of that area but by also the entire population in the form of violent acts taking place all over the country, particularly, during the last couple of year. Following points are important in this connection.

Ghani (2009) referred to the concern of tribal that since the creation of Pakistan FATA was not treated like other parts of the country, which resulted in the multiplication of problems in the life of tribal people. FCR, poverty, illiteracy and bad governance kept the tribal people away from the fruits of modernization. The local

Maliks and warlords exploited this situation. The menace such as illiteracy and ignorance from their civil and legal rights along with rights of existence, freedom, protection, self-respect, assets and liberty of thought, movement, manifestation and relationship place tribal people at the mercy of extremist groups for the recruitment as a insurgents. These environments created extremism and militancy which have destroyed FATA society. Majority of the FATA population wants a change in their life. Now it is the responsibility of those who have the power to take positive steps towards the socio-economic uplift of the area which will liberate these people from these warlords and militancy.

Khattak (2009) associated the prosperity of the people of FATA with top priority to redressal of their problems. The socio-economic development can be achieved by integrating FATA into the mainstream by extending democracy to the tribal area. The system of adult franchise and local body system will bring positive change in the life of tribal people.

Ashely. T (2009) states that spreading of insurgency is the product of socio-economic deprivations of the tribal area. The lack of human, political and legal rights have pushed tribal people to opt for other solutions available in the shape of warlords. FATA people are suffering from menace of poverty, illiteracy and unemployment. These situations have facilitated FATA residents to join militants. FATA people are still governed through century old British law known as FCR where Political Agent still exercises power of executive and judiciary at the same time. Political parties are not allowed to work in the tribal area. The elected members of the parliament are not allowed to legislate for the FATA. Incapable judicial system has provided grounds for insurgents to recruits tribal youths. The Taliban are running their own courts based on their own style of sharia.

Hoffmann (2008) pointed to the underdeveloped status of FATA while being a part of Pakistan. The war against terrorism started in FATA after 9/11 incident. The location of the FATA has become a pain for its residents, and the Taliban and other insurgents groups have taken refuge over there. The most of the area is now under their control. More than 500 Maliks have been killed by these extremist groups and their authority is obeyed by the residents of the tribal areas and those who oppose them are killed by these insurgents. Majority of the population in the FATA is poor

and unemployed youngster is recruited by these insurgents on handful salaries. FATA has become a launching pad for all terrorist groups against Pakistan and Afghanistan. Those who are involved in war against terrorism should change their strategy and address the socio- economic problems of the tribal people which are poverty, unemployment and illiteracy.

Khan (2008) argued that after 9/11, FATA has become the focus of national and international media and governments. Despite government claims nothing has been done for the development of education. The non-availability of the educational facilities for females and strict culture of the Pukhtoons have further added to the misery in this sector. Due this only one percent of girls reach to graduation level. It is suggested that fight against terrorism can be won through enhancing education in the tribal area.

Ahmar (2008) fingered at the tribal regions of Pakistan are being neglected by the Federal Government resulting poverty and high of ratio and illiteracy. 60 percent of the population lives below poverty line. Lack of socio economic development of the people of area has been pushed to adopt smuggling of weapons and narcotics with the connivance of the Pakistani authorities. After 9/11, warlords have replaced Pakistani authorities and FATA has become uncontrolled and ungoverned and the residents of the area are ruled over by Taliban and other terrorist groups.

Hussain (2008) looked for the utilization of collective wisdom required for the development of peace and stability in FATA. The problem is to involve all the stake holders who are the main players to make consensus for the sake of peace in the tribal belt. That will be helpful for the socio-economic uplift of the area .If this decision is not positively implemented and not welcomed by the local it will have negative effects for the whole country and especially for the region. Almost for the last three decades FATA and Pakistan are facing war like situations which have directly or indirectly received repercussion from these events. FATA is confronting multidimensional problems like law and order situation, insurgency, poverty, unemployment, civil and legal rights. Now it is the right time to decide and bring about changes in the life of the tribal people who have been ignored since the creation of Pakistan.

Haq (2004) while explaining the causes of terrorism states that poverty, deprivation and lack of job opportunities have given chance to foreign powers and drug dealers to financially support militancy in the affected areas. Wrong concept that Pakistan is fighting the war of US is also one of the factors leading to terrorism in FATA. The militants are pursuing a foreign agenda of destabilization of Pakistan by using the name of Islam to declare it a failed State so that its nuclear assets could be captured. The militants are getting consistent financial and weapon support from India, Israel and Afghan drug dealers.

Behar, R. (2002) mentioned that the local /regional money transaction system known as hawala is backbone of informal economy. They handle approximately 4.6\$ in foreign currency. The other main source of income is narcotics. According to some estimates drug produced in Afghanistan pass through these areas are one third of the production.

2.3 Governance in FATA:

Fiaz (2012) explained that FCR has laid down a procedure of governance under which Political Agent (PA) is given the authority to administer any one of tribal agencies. The Political Agent is a representative of the central government; the FCR designates him the most senior bureaucrat in the region, empowering him to execute both executive and judicial powers in the region.

Amrit. S (2011) states that the century old system of governance in FATA has failed to provide justice, civil and human rights. The people of FATA are paying the cost of international conspiracies. The world terrorist groups have established their heaven in FATA and launching activities from this soil. They have carried out their activities across the world. The extremist elements have challenged the state writ and established their own parallel governing system. Pakistan, Afghanistan and India have been confronted with insurgency from the region. India successfully eradicated or minimized it from its soil by using different tactics and techniques. These lessons or experiences from India could be applied to FATA. The COIN activities are engulfing all sorts of force and socio-economic packages for the development of the concerned area.

Khan (2009) hinted at the main concern of the tribal people regarding their dispute resolution mechanism which is their present non transparent, substandard judicial system, The reluctance of the government to implement judicial system in tribal areas which is operated in other parts of the country also adds fuel to the fire. The present government is committed in the implementation of the reforms in tribal areas in consultation with tribal people.

Aziz (2009) states that majority of tribal youths are illiterate, have low access to justice, employment opportunities and low income are prone to join ranks of the militants. The PATA Regulation 1969 marginalized Swat and it created many issues leading to weak governance which finally culminated in militancy and terrorism. That the rank and file of those who challenged the State mainly included persons from marginalized communities in terms of access to employment, livelihood and identity and were thus upset with the State. Many unemployed youth joined the insurgents because of poverty others became militants because of deprivation of assets — particularly land. The spread of insurgency in Swat is the creation of the years of mis-governance, an inability to dispense quick justice, lack of reform to mainstream Swat, and marginalization of inhabitants.

Aziz (2008) argued that Pakhtoonwali is the main cause of FATA underdevelopment and illiteracy, which is responsible for the instability and terrorism in the region. It has also made this part of the world fertile place for extremism. He opines that democracy is the only solution of problems.

Khan (2008) says that the system of administration is the gift of colonial the mindset. FATA problem is not the result of foreign interference but is related to the governance. The residents of FATA have significantly altered due to remittances from Middle East, with passage of time exposed to education and war in Afghanistan. For the implementation of democracy, the presence of certain settings is essential and those pre-requisites should be provided so that democracy can take roots in FATA. In the last 60 years, the presence of a political vacuum is responsible for extremists to come and exploit the situation.

Afridi (2008) pointed out that FATA is the focus of world attention not because of the sacrifices of its people but due to the presence of Taliban. Beside the presence of 1.5 million soldiers, sincere efforts are delivered to restore peace and

stability. Jirga members are facing problems in implementation of peace in tribal areas. He also demanded from the government to restore peace and stability for the sake of education, development, morality, and humanity. In this background of FATA there is no doubt is the involvement of some invisible actors creating instability. The Pak army should take result oriented actions in order to bring peace and stability in the patriotic FATA. Without restoration of peace and stability developmental projects are not fruitful. If this situation is not addressed, it will take the shape of cancer. To alleviate poverty, long and short term projects should be initiated.

Khalid Aziz (2008) mentioned that the following are the *drivers* that encourage radicalization in Pakistan. The failings in governance and maintenance of rule-of-law and inability to protect basic citizen rights have caused alienation. Large pockets of population suffer dis-enfranchisement, corruption, poverty, under-development, insecurity Pakistan is in strategic engagement with the US and the latter's occupation of Afghanistan, use of religion for political ends and lawlessness has forced many people to look for solutions provided by the radicals. Secondly, the frequent experiments with governance structures for political ends – the dissolution of district administration in 2002 at the start of a global war on terrorism created large spaces for radicals to exploit. A weak and corrupt regulatory environment and absence of enforcement has discouraged investment in the country. Thirdly, the emergence of extreme interpretations of Islam due to unhindered access provided to some Muslim countries, has led to the creation of a disastrous sectarian war in Pakistan. Clearly, it is the time that the country should give up the communal narrative of 1947 and adopt the principles that are acceptable within this fast changing world – this new narrative must be based on respecting *diversity* and should adopt policies based on *peace, love and brotherhood*. An exclusive national identity based on Wahabist interpretation of Islam which is slowly beginning to dominate Pakistani rural and urban areas like Karachi can only bring future pain.

Leghari (2008) elaborated the tribal area structure that were prevailing in FATA before Soviet invasion of Afghanistan and then attack on Taliban by American led forces. Before 1979, Fata society was limited to the State while looking at the current prevailing situation in FATA, the important things to understand is the structure of FATA. Before 1979 the structure of FATA was limited to two features i-e tribal and government which continued very peaceful. Third power emerged after the

Soviet and international community pullout from Afghanistan, the so called freedom fighter or mujahidin. They changed their name as Taliban after the US attack on Afghanistan in October 2001. These Taliban were financially strong and sound and well-armed equipped with latest technology. Whoever tried to stop them were removed with force and they killed hundreds of tribal elders. After the disintegration of the Soviet Union and the end of the cold war, Pakistan failed to reintegrate these mujahideen into the mainstream. Due to deprivation of the tribal people from socio economic including the basic amenities of life i-e education, health and communication, and government failure to bring about political and administrative changes in FATA led to rise of fanaticism and radicalization. As a consequence the Taliban and other rebellious organizations have been able to hire the younger population and many remnants of Afghan jihad. The carrot and stick policy of US has badly failed to win the hearts and minds of the tribal people in the war on terror. The drone attacks have multiplied miseries of the tribal people. Keeping in view all these facts it is foolish to expect sport from the tribal people.

Aziz (2008) Identified that due to isolation of FATA, lack of democracy, feeble management and powerless people living in FATA, have made FATA safe sanctuaries for troublemakers, external elements like al-Qaeda and kashmiri Mujahideen. Due to volatile situation of FATA, many government supporters, elders and Maliks have been killed. The FATA has different ruling structure known as FCR. Political Agent has both the administrative and judicial power; often resolves the conflicts with the help of powerful tribal heads. After 9/11, things have changed. The presence of Pak army in FATA has minimized the role of the political agents. In this environment, FATA needs reforms to bring stability by accelerating peace process. Without peace and progress in the tribal areas, it is not possible to have a strong and stable Pakistan. Reforms in the region will empower the local residents to elect their leaders who will solve tribal people problems.

Abbasi (2008) stated that before going to take any step regarding FATA, it is important to understand the nature of governance inherited from the British Empire. Nato led forces attack on Afghanistan is the root cause of this problem. Pakistan is engulfed by all sorts of enemies and conspiracies. We should sit together to chalk out a policy which is acceptable to all stakeholders. We should involve all political parties in this process to reach on a durable peace.

Amnesty International (2008) reported that Code of criminal procedure and Pakistan Penal Code are not applicable in FATA. The absence of judicial system created vacuum of governance in FATA which is easily filled by militants. The political administration of FATA is working beyond their jurisdiction. They perform the task of judge and administrator at the same time. Political Agent is responsible to the governor of Khyber Pakhtoonkhwa.

Johns and Mason (2008); and Huntington (1996) opine that most of the operational and tactical achievements have been compromised and thwarted as a result of repeated disregard for the dynamics and fertile conditions that make FATA a Black Spot and a source of insecurity. The matter has not been helped by the lack of political will and a lagging counter-insurgency capacity of Pakistan to bring the FATA under control through increased State presence. Political and legal reforms within FATA are considered inevitable, but there is difference of opinions regarding the nature and extent of those reforms.

Krueger and Laitin (2007) concluded that poverty and civil liberty have no significant role in promoting terrorism in the world. These results are based on the US State Department's data and analyses on world terrorism, and the socioeconomic and political profile of the country of origin, the terrorist and the target country of the terrorist event. The study focused on two indicators: GDP per capita and civil liberties in countries from where terrorists originate. The findings were not supported by theory and other wise these result in illiteracy, poverty, corruption drug barons and warlords networks that lead to fragile governments which are unable to protect their citizens.

Qureshi (2004) have suggested that to realize peace and stability in FATA, local people should be involved in government jobs. They know the custom and tradition of the tribal people. The non local officers are efficient, but they are not aware of the code and ground realities of this area. He also suggested that government should give preference to locals over others.

Gandhi (2004) termed Pakhtunwali as an ideology based on codes of Pakhtun. Pakhtuns respect it and obey it wholeheartedly in their respective areas. All disputes are resolved through the institution of councils of elders known as jirga. This ideology covers all aspects i.e. political, economic, social, and religious and other aspects of

daily life activities. They welcome outsiders such as Punjabi, Sikhs and other foreigners. Pakhtun society based on equality and gender disparity exists in Pakhtoon.

Rashid (2000) stated that FATA is difficult to govern. The people of FATA keep all economics, political activities outside the governmental control. The topography of the area helps these insurgents. Black economy in the shape of Hawala system (illegal transaction of money), smuggling of different articles are facilitated through Afghan transit trade.

Rashid (2000) has stated that the natives of FATA by nature have independent life style in the past. They are not interested to handover this liberty to the government control easily. The topography of area also helps invisibility of terrorist group for the foreigners in the area. The black market which is operated in the area in the shape of smuggling, tax evasion and Afghan transit trade is a clear example of it. There is a consensus among scholars as well as practitioners that following the insurgency and terrorism of the last decade, the erstwhile governance system has totally collapsed, leaving the areas at the disposal of militants that have turned into warlords.

2.4 Insurgency:

South Asian Studies (2012) describes that Pakistan is the worst hit country by terrorism. No city or area is beyond the reach of the militants in carrying out terrorist activities that include suicide attacks, bomb blasts, target killings and kidnappings. No place is safe from them even markets, mosques, shrines, educational institutions, hotels, government offices and even the offices of security agencies. They no more discriminate between civilians, children, women or security forces while carrying out their terrorist activities. This has led to a fearful society with masses losing faith in government for its failure in controlling the menace of terrorism and in providing them adequate security. The militants are no more limited to tribal areas as earlier; they have moved and based themselves in other settled cities where they have found protection, hospitality and support of local religious or sectarian groups who have joined hands with them.

The Daily Dawn (2011) reported that two more recent tragic and painful incidents in 2010 show how radicalization and intolerance are spreading in Pakistan. Due to flourishing of radical views, the Governor of Punjab, Salman Taseer was shot

down by his own extremist bodyguard after he had raised certain concerns regarding interpretation of blasphemy law. Few months later, on the same issue the Minister for Minorities; Shahbaz Bhatti was killed by the militant extremists in Islamabad. These incidents have become not only a matter of grave concern for the moderates and civil society but also for the government.

Hoffmann (2011) in his article entitled “How dangerous is the situation now in Pakistan’s tribal areas (FATA)” described that Pakistan's Federally Administered Tribal Areas (FATA) had been peaceful before 9/11. The ongoing insurgency is not a local phenomenon; rather things have spilled over into Pakistan from across its Western borders where American and Allied Forces have drastically failed in achieving any of their stated targets. NATO and America have been launching military operations without informing Pakistani authorities and this has resulted in foreign militants being pushed into Pakistani areas. Agreements with militants that could ensure peace in the area were sabotaged with airstrikes and propaganda - resulting in expansion of the militancy. Youth of the area are fast in joining the militants which is one of the reasons that FATA is underdeveloped with scarce social services and virtually no job opportunities. Despite the territory having vast potential for development, particularly in the mineral sector. For immediate and long-term peace and development in the region, dialogue should precede military action. National strategy about the "War on Terror" itself needs a review and the development potential of FATA needs to be exploited. Today, FATA is being labeled as a cause and center of militancy by many, not only in Pakistan but in the entire region. While the Afghan government and the international community is blaming Pakistan for providing a safe haven to militants in its tribal belt, the government of Pakistan believes that the growing number of suicide attacks and other violent incidents have their roots in this area. Meanwhile, the people of FATA feel that they are being subjected to killings and forcible displacements not only by the US and NATO forces but by the Pakistani army and the militant groups as well. While the international community and global media are describing FATA as the cause of instability in the region, most people in the country and even outside believe otherwise; that is, it is basically the consequence of the presence of foreign forces in Afghanistan. Pakistan has deployed 100,000 troops to the border area to control cross border militancy; however, the Afghan government is not taking serious action for

stopping the militants from Afghanistan to carry out terrorist activities in border areas of Pakistan.

Niaz (2011) mentions two events in recent years show how Talibanization is entering into the society. The dreadful and alarming situation arose was an eye opener for all when in 2009 a local hard core Islamic cleric Maulana Fazlulla took over Swat, an area of Khyber Pakhtunkhwa; famous for its natural beauty and tourism. Establishing his so called Islamic rule over there, his style of occupation was similar to that of hard core Taliban. All video and CD shops were destroyed or closed. Women were not allowed to go out. A large number of girls' schools were also destroyed. Situation became so worse that the Pakistani government had to take a military operation against these elements and to do so, a very large number of internally displaced persons were moved from Swat to other areas. The operation ended with Maulana being removed and with most of the beautiful Swat destroyed due to the fighting between security forces and militants. The most tragic and saddening of all incidents was the killing of Ms Benazir Bhutto who was an educated, liberal and moderate leader. After being threatened by fundamentalist elements, she was eventually killed by them, leaving political vacuum and instability in Pakistan which lost a very popular national leader. 'The tendency of intolerance has invaded all level of State institutions, and is not simply restricted only to the non-state actors. At the beginning of the twenty-first century, this trend in Pakistan has become more prominent and is reflected at all levels of societal contacts'.

Lodhi (2011) try to expose the extremist face of Pakistan which can be best understood in the backdrop of its different phases of political history. The heterogeneous composition of Pakistani society, its sub nationalities, ethno-cultural communities, diversified sub cultures in its variety of sub groups, and political interests. 'The Islamic narrative in Pakistan has been hijacked by an array of groups who use religion as a means to diverse ends: to secure political and territorial power, exorcise corrosive Western influence, engage in class warfare, and redress perceived injustices'. Besides these factors, the trends of international politics, the internal political fermentation of the neighboring states have also contributed towards the nourishment of religious extremism in Pakistan. Pakistani society has virtually served as sparing partner to all sectarian conflicts and debates in the neighboring Muslim States settling the historic scores amongst inter and intra regional populace.

Hussain (2010) has termed the year 2007 as beginning of the downfall of Mushraf era; When Musharraf had to face a very critical situation when for nearly six months Islamabad was viewing a situation which had never been anticipated and was looking upon with anxiety and concern the activities of militant fundamentalist students of Red Mosque which was located in the centre of Islamabad. These were led and guided by two brothers Maulana Abdul Aziz and Maulana Abdul Rasheed Ghazi who were the clerics of the mosque. This red colored pro Taliban mosque provided living to a large number of male and female youngsters from various areas of Pakistan, especially the frontier region. During their stay in the mosque, they came out as radicalized and fundamentalists, all ready to join various militant extremist groups. 'The long standing links between the Pakistani military establishment and Lal Masjid had turned hostile after President Musharraf allied himself with the United States following the 9/11 attacks'.

Jaspal (2010) states that the problems such as extremism and radicalization need not only military approaches but also require nonmilitary tactics for their solution. The intellectual/academic input in the counterterrorism strategy is inevitable because in the uneven warfare one needs to chalk out innovative counter-strategy(s) for combating the terrorist attacks. More precisely, the strategic military option, open political dialogue, committed social development, and promising political empowerment of the people of FATA must go in tandem with one another.

Rahman (2010) terms *FATA* despite having some administrative and political problems has been one of the most peaceful areas of Pakistan since 1947. The areas remained, generally, stable even when the war against Soviet Union in Afghanistan was in progress and later during the infighting among various Afghan groups. These were the days when about one-fourth of total five million Afghan refugees were living together with the local inhabitants. Even in the initial years after the US attack on Afghanistan in 2001, this tribal belt remained calm. However, with increased resistance in Afghanistan, the tribal areas have been gradually transformed into a kind of war zone.

NDU (2010) have explained extremism in these words, 'Extremism is a state of mind while terrorism is a tool for violent manifestation of extremism – the reasons for both vary from ideological to socio-economic disparities to quest for rights and

justice to plain psychological. The nature, extent and footprint of extremism and terrorism in Pakistan, too spans the entire spectrum’.

Rahman (2010) describes that FATA was peaceful till 2001. However, after the American attacks on Afghanistan and resistance from Taliban increased the importance of FATA. FATA has become war belt and a center for terrorist activities not only for Pakistan, but for international community. Now FATA people are trapped by insurgents, Pakistan army and are being killed and displaced from their respective areas. The warlords have established their own Malatia (force) and running their own administration and court system parallel to the State. International community is blaming Pakistan for giving refuge to these insurgents. While other claim that this is due to the presence of foreign forces in Afghanistan.

Umbreen (2010) mentions that Pakistani society is inherently a liberal and moderate society, with majority of people following a liberal, Sufi-oriented and non-violent vision of Islam. The well documented history of Pakistan movement reveals that quite a few religious factions and Muslim politicians literally opposed Pakistan but right after its emergence, all of them tried hard to give severe blow to the modern or secular forces by stressing upon the orthodox Islamic version of society and on that ground, demanded Pakistan to be an orthodox Islamic polity.

Azam (2009) identifies that government policies, international pressure are responsible of the radicalization for the Pakistani society and not the socio-cultural aspects. The major factors responsible for the polarization is the division of the society on the basis of sectarian line and economic. This gives birth to radicalization of the youth. The state and non-state actors have exploited religion as an instrument to mobilize youth serve to international interests. As perceived by the youth, America is a threat to Pakistan security and not to Taliban or Al-quida. Socio-economic factors are one of the reasons of radicalization among the youth of Pakistan and not the main cause. This could be linked to the wrong policies of the government.

Khadim Hussain (2009) have mentioned that South Waziristan dominated by Mehsud and Wazir tribes is a hot bed of religious militancy which served as TTP leader Baitullah Mehsud’s base until his death. Maulana Fazlur Rehman’s Jamiat Ulema-e-Islam (JUI-F), the largest constituent of the military-backed MMA, which at the time formed the NWFP government, had helped broker a deal between the

military and South Waziristan-based militants in April 2004. One of the first and most far-reaching accords with FATA-based militants, this deal allowed local militants to establish parallel Taliban-style policing and court systems, and facilitated the spread of Talibanisation into other tribal agencies and even NWFP's settled districts. The TTP, although still a loosely organized umbrella organisation, now exerts influence across FATA and in NWFP's Malakand district where it supports the Sunni extremist Tehrik-e-Nifaz-e-Shariat-e-Mohammadi (TNSM). Since mid-2009, the military has sporadically launched artillery and air attacks against the TTP in South Waziristan ostensibly to "soften up" the area in preparation for a major attack but far more likely in response to U.S. pressure to take action. Citing shortage of equipment, among other factors, it had refrained from launching a large-scale operation. On 17 October, following a spate of militant attacks countrywide over two weeks, including the army's general headquarters in Rawalpindi, which claimed more than 175 lives, the military finally launched the ground offensive⁵⁶. However, hoping to gain their support against the Hakimullah Mehsud faction, the military also attempted to win over rival factions led by Pakistani Taliban commanders Gul Bahadur and Maulvi Nazir. A leading national daily expressed concern about the military's reliance on such "unpredictable characters", who were believed to be involved in and supporting the insurgency in Afghanistan and linked to al-Qaeda and the Afghan Taliban, and whose "ultimate objective appears to be to secure their quasi-kingdoms and rule with little or no interference from the state".

Jan et al (2009) indicated that FATA was peaceful before 9/11. The invasion on Afghanistan by American forces has altered the situation altogether. Resultantly, all trained remnants of Russian war developed their network in FATA from where they are launching terrorist attack on different targets both in Pakistan and around the world. It is considered as a safe haven for these insurgents. The perceptions which emerged in the minds of the FATA residents that Pakistan and NATO forces are the same and attacking and destroying peace of the tribal areas, responsible for displacement. The national and international media is portraying that FATA is the root cause of instability in the region. While the truth is that the presence of international forces in Afghanistan, and Afghan refugees have created instability in the area. It is recommended that government should include FATA in the mainstream. Socio-economic development, education and employment opportunity for youth

should be created. Through dialogue with the militants, viable peace should be restored in the tribal areas. Military operation should only be launched with masses support and aerial strike should be avoided.

Mark. M. (2008) & Mumtaz. M. (2008) have mentioned that militancy in North Waziristan is dominated by the Haqqani network. Led by Afghan Taliban leader Sirajuddin Haqqani, the network uses the agency as a base from which they launch attacks in Afghanistan. This organisation has been implicated in attacks on the Serena Hotel and Indian embassy in Kabul in January and July 2008 respectively which together killed 62 people, allegedly with support from the Pakistan military's intelligence wing, the Directorate of Inter-Services Intelligence (ISI). Pakistani Taliban groups led by Hafiz Gul Bahadur and Maulvi Nazir Ahmed also operate in North Waziristan. The military entered into peace deals with Bahadur, Nazir and other groups in the agency in 2006 and 2007; thus provided space to operate; The Bahadur-led network has attacked Western troops in Afghanistan. In June 2009, citing repeated U.S. drone attacks in FATA, Bahadur declared an end to the peace deal, yet the military has thus far refrained from confronting his group and other North Waziristan-based militants. Nor has any attempt been made to disrupt, let alone dismantle the Haqqani network. Said a FATA analyst: "Is the military going to strike against the Haqqani network [in North Waziristan]? If the military attacks them it will indicate that the security paradigm has shifted".

Aftab (2008) identified links of terrorism back to Zia periods. The organizational capability of these groups are very strong and sometime it seems that government machinery has no match of it. Majority of the analysts are of the view that the phenomena of the 9/11 incidents, and Pakistan becoming the front ally of the war against terrorism. The increasing insurgency is the result of attack on Afghanistan and Iraq. Other factors must be analyzed in order arrive on certain conclusion which include socio-economic indicators. This will help address root cause of this menace.

Fair (2008) has concluded that Madrasa (Islamic religious Schools) has no relationship with terrorism in Pakistan. Unemployment and poverty play important role in spreading militancy among youth of Pakistan. The study rejected general perception that illiteracy is the driving force behind militancy.

Amir (2008) describes the law breaking activities and forceful imposition of their extremist version of laws began in protest to the demolition of two mosques in Islamabad which had been illegally constructed. Taking law in their hands, the male and female students were seen on the main roads of Islamabad carrying out activities which openly challenged the writ of the State. These scenes were shown live by the national and international media along with the diplomats in Islamabad with questions being raised as to why the government was not taking any action against these militants and law breakers who had created fear and horror not only in Islamabad but all over Pakistan. The situation became extremely critical when the students of the Mosque made hostage Chinese workers of a massage Parlor on the pretext that their activities were anti Islamic. On this incident the Chinese government also had to put pressure on Musharraf government to take a stern action against these radicals. This also projected a bad image of Pakistan internationally. Islamabad became a battlefield when in July 2007, the government eventually decided to initiate a militant commando operation called 'operation silence' at Lal Mosque. This operation resulted in large number of casualties of hard core militant students, arrest of one and death of other cleric brothers. As a reaction to this operation, a very large number of series of suicide attacks began in Pakistan which still continue. This also became a glaring case showing how religious fundamentalism was infiltrating even in the settled cities of Pakistan which was very worrying and shocking for many within and outside of Pakistan.

Johns and Mason (2008) have explored the history and describes that Fundamentalism, in the context of religion, is not a recent phenomenon or only specific to Islam; it has diverse manifestations through the history and in the contemporary world. Various Christian denominations, Zionist organizations, orthodox Buddhist groups, Hindu extremists in India and radical pressure group in Muslim world demonstrate a common trait cutting across all religions and spanning all the periods. All these manifestations share some commonalities like rejection of modern concepts, claim of purity, aversion to reason, intermingling of state and religion for gaining and preserving political power, maltreatment of weaker segments, and discrimination against other creeds and breeds. 'Religion has played, and perhaps will continue to play a major role in molding human consciousness.'

Andrabi. T et al (2005) describes that this region is historically familiar with weapons. After Soviet invasion of Afghanistan exposed these tribal people to heavy weaponry which are being used by insurgents against Pakistan. The foreign funded religious madrassas are mushrooming in the area. They are being considered as source of recruits provider to insurgents.

Domke (2004). Describes the term fundamentalism connotes going back to the basic tenants and reproducing as closely as possible the laws and institutions founding them. Fundamentalism is characterized by a rigid adherence to the most basic and traditional principles and beliefs of that religion as perceived commonly. Fundamentalism now is just not confined to religion, it sprawls over socio-political dimensions occurring during a rapid of social change emanating out of different crises. The common denominator of all forms of fundamentalism old or new religion or mundane is the preservation of original social order. The South Asian societies in contemporary environment are confronted with religion based violence, sectarianism, extremism, communalism and even regionalism. This has made them vulnerable societies, specifically due to their closed nature and illiterate and down trodden masses that are an easy prey to exploitation at the hands of politically motivated religious leaders. The divisive characteristic of fundamentalism seriously impairs cohesiveness and unity in the society and makes it vulnerable and fragile. All of this confuses up in the emergence of extremist religious movements particularly formulated in the wake of identity threat to various groups. Further contributing to radicalization are failure of intellectual and political elites dwindling influence of tradition, lack of ideological or political synthesis, economic disparity demographic and spatial imbalances, political suppression, and self seeking big power involvement in the region.

Rashid. A. (2000); and Johson et al (2008) state that during the 1980s, around 35,000 Muslim radicals passed through the FATA area to wage jihad against the “Russian infidels. The war left behind experienced fighters, training camps, substantial amounts of military equipment, transnational networks of organizational relationships, and—above all—self-confidence and a belief in the possibility of a victory over a superpower.

Chopra (1994) termed the 'Religious fundamentalists conceive the world in a hierarchical manner in which wisdom and decision are seen as emanating from source of perceived authority - particularly sacred texts, traditions, and selected leaders. These sources, could not be challenged'.

2.5 Political vested interest:

Haider Mehdi (2012) mentioned that the political aristocracy never wants to relinquish their power over common man. This hereditary nature of politicians resist any change regarding power sharing in decision making process. All political parties in Pakistan whether they belong to urban or rural or from FATA have common characteristics. These maliks oppose amendments in FCR or in administration of FATA. Likewise, political administration is also not in favor of amendments because of their un auditable funds and unlimited powers which become a hurdle in the way of any change.

Haider (2012) mentioned that the root causes of religious extremism can be traced back to mass 1979 revolution in Iran, the Sunni dominated Iraq's war upon Iran which virtually involved a race to get more and more support amongst the Pakistani populace. For this purpose, Mullas of respective sects with extremist ideas applied all kinds of tactics. This made Pakistan a secondary battle field of Iran-Iraq war and unleashing of unbridled wave of sectarian violence in Pakistan society. The situation further deteriorated when US initiated a proxy war against Soviet Union in Afghanistan with the help of Mujahideen who were motivated for battle through religious propaganda urging them to wage a holy war expelled the infidels from Muslim Afghanistan.

Wazir (2011) informed that FATA is the habitat of over seven million poor people facing all kinds of problem in the area. Since independence, this area was kept backward due to its geo-strategic importance. No senior leader has ever visited the tribal belt to understand the real picture. Due to old administrative system the region has remained backward. This is responsible for unchecked corruption and wastage of resources. The recent amendments in FCR are only eye wash and have no positive relief for the tribal people. The short term answers are the rehabilitation and compensation of internally displaced people due to war and long term including political and economic empowerment of the people of FATA.

Volpi (2011) stated that in fact Zia ul Haq was seeing them as long run partners in his political end game. The success in expulsion of Soviet troops from Afghanistan proved to be a source of inspiration for Kashmir liberation movement. This provided Jihadi movements another battle field to test their muscles against India's imperialism. A necessary corollary of this matrix was deep rooted sectarian violence in Pakistan. These religious Jihadi movements not just carried massive appeal on ideological grounds but wide spread economic disparity provided them a good opportunity to swell their ranks. The madrassah became the safe heaven for deserted children and for children of poor families as well. Inter religion and intra religion minorities suffered a lot through this onslaught of the extremist culture. 'The narrower and much more radical Islamist groups have assumed more uncompromising lines on Kashmir, sectarianism and social issues. The badly deteriorating situation in Pakistan contributes to the rise of more extreme Islamist groups'.

Paris and Ali, (2010) stated that religious parties are not in a position to gain political dominance, they threaten the stability of the State in several ways'. 'The religious parties and fundamentalists managed to build in the "Objectives Resolution of Islam" in the 1956 constitution and also have managed to make the same resolution as an operative part of 1973 constitution'. Before, the 1970's religion was not generally a controversial issue in Pakistan as largely it was not political before that. The general elections of 1970 in which the establishment patronized the religious political parties, the massive anti religious government movement of 1977 again alleged to be backed by the establishment and getting slots in the government of the day gave them the first taste of power which they relished and ever after always strived the harshest to attain it rather in fuller doses. Political cum religious disturbance in the region specially in the neighboring Iran and Afghanistan in the eventful year of 1979 gave an altogether different hue to religious political elements in Pakistan.

Ahmed (2010); and Ali (2002) mentioned that under the dictatorship of General Zia ul Haq, Pakistan imported hard Islam from Saudi Arabia in response to the rising challenge of Imam Khomeini in Iran.

Shinwari (2008) has specified reasons of backwardness of tribal people in terms of their culture and traditions. It is evident from the history that several regimes

in Pakistan have exploited tribal people by using religious card and motivated them for jihad. In the past both civil and military governments have supported Islamic groups for their political gain. Pakistan withdrawal of support from Taliban has turned the situation against the administration following pressure from USA which they were supporting for US benefits in the cold war. Now Pakistani forces are fighting against these Taliban and has become the front ally in the “war on terror”. This shifting in policy has created anarchy, exploitation, uncertainty, radicalisms, religious narrow-mindedness and sectional division which has ruined the peaceful and very fabric of FATA. Moreover the majority of FATA population is young. The non-availability of jobs, educational, skills training, and lack of entertainment facilities have helped extremists groups in hiring these unemployed youth.

Masod and Ayaz wazir (2008) opine tribal area was peaceful before 9/11 incident as compared to other parts of the country. After that 300 malik’s have been killed by the insurgents who were government supporters. The youngsters of the area should be provided jobs, education, health and playground.

Juergensmeyer (2008) termed that ‘Opposition to Musharraf and what was perceived to be his pro-US stance deepened in 2007 after a bloody confrontation between government security forces and radical Muslim clerics and students at Islamabad’s Red Mosque. The leading cleric at the mosque, Abdul Rashid Ghazi, had openly announced his support of the Taliban and Osama bin Laden, and many of the students in the schools and Seminars located in the mosque compound came from Taliban-influenced Pashtun tribal areas’.

Ali (2007) stated that in the period of Zia ul Haq, religious extremism gained momentum due to Afghan war against Soviet union. This policy continued for decades to achieve United States interest in the region. Both these countries have used these mujahideen in the period of cold war.

Abbas (2005) mentioned that it is noteworthy that during 1999, ‘by the time General Pervez Musharraf, a moderate and progressive Muslim, came to the scene. The very scale of religious extremism had reached its climax. When he halfheartedly tried to halt its trend before the tragedy of 9/11, the army found that it was faced with a potential adversary that it was not willing or able to bring to heel. Many of these groups had developed independent channels of financing; giving them increased

maneuverability'. A number of religious and sectarian groups in Pakistan have joined hands with Al-Qaeda, Taliban and many of them claimed themselves to be Pakistani Taliban. All these militant groups wanted transformation of the society according to their own particular fundamentalist view point which seemed to be very close to the views of Taliban.

Achar (2004) describes that during 1979 to 1988, the Zia government, under cross current of its political agenda, gave free hand to religious extremists organizations having Jihadi motivations and orientations which they used to their utmost to strengthen them within the Pakistan policy. 'To win the fundamentalists' sympathy, Zia Ul-Haq's reactionary bourgeois military dictatorship took over their projects for Islamic reforms and used them to its own advantage'. 'Zia's military dictatorship, once again fully backed by the United States, was the worst period in the country's history. The new regime had decided to use Islam as its battering ram, and its bearded supporters, often incredibly dull, were opportunities to the marrow of their bones. They combined religion with profanities of the vilest kind. The political culture of Pakistan was brutalized.

2.6 Traditional leader:

Achakzai (2012) pointed out that all the inhabitants in tribal areas are pukhtoon by race, origin, religion, culture, customs and traditions. Due to American interest in the region FATA has become the battle zone and safe haven for militant. These militant have killed thousands of tribal elders and due to war hundreds of thousands displaced from their respective areas. Peace should return to FATA because these tribal people are religious and warriors by birth. It is evident from the history that they have resisted all outsiders including Pak army. These tribes have sacrifices for the protection of Pakistan Strong steps are needed to restore peace in the FATA. It is believed that tribal people are brutal, There are false perceptions in Pakistan that tribal are killers, ignorant, harsh, prejudiced and sectarianisms. The tribal system of maintaining peace is much better than other legal systems prevailing in other parts of the country. FATA was a training and recruiting place for the militants to wage attack on Afghanistan. Political agent is powerful so that tribal people cannot purchase utility items without the permission of administration. The government of Pakistan should stop differentiating between good Taliban and bad Taliban. Turbulent

Afghanistan means turbulent Pakistan. Pakistan should abandon its policy of interference in Afghanistan and leave Afghan people to decide what type of government they want. Peace in Afghanistan means peace in region and Pakistan. Negotiation should be started with all stakeholders to restore peace in FATA. The outsiders should be informed that tribal people are fed up with war and now we want peace in FATA, Afghanistan and Pakistan. USA and NATO should show leniency towards militants to go back to their homes. FATA people should be rehabilitated through compensation and establishment of their livelihood.

Afridi (2012) pointed out that elected leadership has failed in provision of basic facilities to their masses for the development. The elected representatives are only busy in making money. The government departments are virtually unable to provide any relief to the people of FATA. Majority of the educational institutions and healthcare centers are damaged or closed due to war in the areas. Markets places are closed and unemployment increased due to which recruitments for insurgency has become easier. Due to wrong policies of the State, the life of the tribal people has become miserable and they are forced to become displaced from their land. He further appeals to the Chief Justice of Pakistan to take notice of the situation in FATA, because these people are true Pakistani and in the past made huge sacrifices for the protection of the country.

Asmat (2012) reported that the procedure for the appointment of Malik in the Agencies. Today Malik is easily appointed whereby in the past it was not so easy to be appointed as a Malik in the agencies because he has to spend some time with Malik as an internee not less than ten years.

Nawaz (2009) stated that under FCR the Governor of Khyber Pukhtunkhwa province appoints the PA whereby the tribal Malik is appointed for each agency by the Political Agent.

Rana (2009); Rakistis (2008); and AITPN (2006) mentioned that the jirga is constituted by the Political Agent which supervises the whole trial and the makes decisions and accused have no right of appeal against the decision of the jirga. The political Agent assigns anyone the title of Malik and can withdraw it whenever he considers that the Malik is not serving the state. Perks and privileges are awarded to

the tribesmen over their cooperation in controlling tribal areas. Maliks also receive cash awards over their loyalty to administration.

White (2008) describes that the British controlled the institutions of traditional tribal authority that existed in a comparatively egalitarian Pakhtun society to invent a system that was very mediated and flexible. The system adopted in the Pakhtun Tribal area was different to that of the Baloch Tribal area because Baloch tribes were easy to rule by proxy, but Pashtun tribes were so egalitarian in nature that their elders were first among equals and were not easy to rule.

Asia Report (2006) mentioned that belligerency in tribal areas poses a serious threat to international and national security and stability of Pakistan. The Musharraf government's ill planned and unsuccessful military operations, due to lack of the support of masses cause huge losses. This policy has stimulated unrest and lawlessness in FATA, permitting militants to form a parallel Taliban-style government there and spread their influence into the other parts of the country. This will provide a safe haven for the foreigners involved in terrorist activities. Due to FCR, poverty, and poor economic structure which encouraged local youth to join militants groups. Counter insurgency strategy requires sincere steps towards normalcy by introducing democratic reforms and socio-economic developments of the respective areas. The government is not interested in introducing restructurings, transformation and economic development but has used the convenient excuse of respecting the independence and cultural values of the tribal people by sustaining the status quo. There is no explanation for holding FCR, where civil and political rights are not honored. Pakistan's political and economic development depends ultimately on eradicating insurgency from its tribal areas. The global powers should re-consider their support for undemocratic rule in Pakistan. They should relate their economic assistance and political support to the reestablishment of democratic rule without any interference by fair elections in 2007, with the commitment that steps will be taken against all those who are involved in extremism without any discrimination, Pakistani or Afghan. Through implementation of reforms in FATA and encouragement of liberal and moderate forces in Pakistan's mainstream politics will solve the disease of extremism and terrorism in the country and beyond.

Shinwari (2005) reported that the individual's rights were denied in this regulation including an appeal against Jirga decision and confiscation of property by the Federal government. The government has the power to ban any individual of the tribal community to enter in the other areas of the Pakistan.

SPARC (2004); Bangash (1996) & PLD (1954) mentioned that grave injustice is often done to hapless citizens because members of the Jirgas are not neutral and vote in favor of members of their own clans or sub clans. There are no checks and balances with the political agent being the executive head. The concentration of power in single office create so many problems and absolute power corrupts absolutely. The verdicts of Jirgas "are intolerable to all known modern principles governing the dispensation of justice".

Bangash (1996) stated that Frontier Crimes Regulation (FCR) is a unique combination of laws meant for handling tribal areas of Pakhtun by the British Empire in 1901. These laws were designed to implement British rule in the Pakhtun areas that were resisting its hegemony. FCR imposes joint responsibility of crimes committed by any individuals on a whole family or tribe. The decision of punishment is made by the jirga members who are usually unelected. The accused is denied the right of appeal against the verdicts. The tribal chief is made responsible for keeping law and order in the area.

Wilcox (1967) described that in the Pashtun society disputes are resolved through its methods where elders of the tribe come together to discuss and reach a compromise on any raised issue.

Wilcox (1967) described that Maliki system is the mechanism in which tribal Maliks function. This system further readdressed by the British ruler. Although elders did exist in Pakhtun tribes and British used them and ultimately redefined this group, and formed a class of 'tribal Maliks', to be used as 'intermediate authorities'. who could be controlled by providing discretionary funds to help them bolstering their local influence.

Synthesis of Review:

The present study was designed to investigate the “challenges in the establishment of the writ of the state. After thorough review it was observed that FCR; socio-economic deprivation of the tribal area; governance style; terrorism; geopolitical situation; tribal elders; political administration were the major challenges in the establishment of the writ of the State.

III. METHODOLOGY

The present study was carried out to look into the phenomena pertaining to the challenges in the establishment of writ of the State in FATA. The main focus of this study was centered on FCR, socio-economic deprivation, Governance in vogue, political interest of local maliks and insurgency in the Federally Administered Tribal Areas (FATA). Keeping in view the methodological framework was carefully designed. Going through all the studies in line, the statistical tools in association with conceptual framework of the present study were chosen.

FATA includes seven agencies, including Kurram, Orakzai, South Waziristan, North Wazirisatn, Mohmand, Bajuar and Khyber. Khyber agency was selected for the study due to its geo-political status and its relevance to the issue being affected adversely in the prevalent insurgency which resultantly weakened the writ of the State. Data were collected through sampling procedure shown below.

3.1 Sampling Technique/Sample Size

It is a quantitative study in nature and sampling is an essential tool in conducting a research. The real outcomes highly depend upon the accuracy of sample size and sampling procedure. Accurate sample size which is also known as precession is comprehensively helpful in the predictability of a phenomenon (Nachmias,1992). To reach the depth of problem through the help of various segments of the sampled community (living inside or outside of Khyber Agency) associated from one way or other, 05 different groups were interviewed. These groups included Internally Displaced Persons (IDPs), Business Community, Intellectuals (Academicians, journalists, lawyers, political leaders), Students of post graduate level and political administration respectively.

According to the 1998's census report, the total population of FATA is 3176331 where as that of Khyber Agency is 546730. Keeping in view the multiple variables of the study, the sample size was drawn as per the analogy given by Sekaran (2003). According to Sekaran's table, a sample size of 380 is sufficient and appropriate for a population of 546730 of the sampled agency. Keeping in view the socio-economic diversity of the population, stratified random sampling technique was adopted. For this purpose, the population was divided into five strata and then under

quota sampling technique a uniform/equal sample of 76 respondents was randomly drawn from each stratum. Since the exact numbers were not available, so quota sampling was exercised. It is worth-underscoring that the stratum of intellectuals further included four different categories like academicians, lawyers, journalists and political leaders and the total number of 76 specified intellectuals was further divided evenly amongst them. The details are given as under:

Table 3.1 Breakup of Sampled Respondents Groups

S.No	Sampled Groups	No.
1	Internally Displaced Persons (IDPs)	76
2	Business Community	76
3	Intellectuals (Academicians, Lawyers, Journalists and Pol. Leaders)	76 (19x4)
4	Tribal Students of Post Graduate Level	76
5	Political Administration	76
Total		380

Selection of the sampled groups for study is justified as below:

IDPs were the permanent inhabitants of the turbulent area and they had clear understanding of the issue. The information received from them helped the researcher understand precisely the nature, intensity and direction of the study under investigation. Keeping a keen observation, they explicitly explained all the events damaging the writ of the State with all explicit and implicit interventions.

Business community is one of the key stakeholders of the study in terms of goods and services along with alignment to the other non local markets. The business community information helped in giving worthy information in the study with relevant parameter as flow of money suffered with a number of gimmicks due to the investment of foreign currency into the local market for the purpose of paying to insurgents as salaries. This phenomenon not only ruined the business but also promoted the insurgents which onwardly weakened the writ of the State in FATA. Business community was thought to provide valuable information about the improper governance and no opportunities of business in FATA.

Intellectuals: they included academicians, lawyers, journalists and political leaders. The first three categories are related to the issue of the writ of the state as they kept in touch themselves with it from their respective areas where as political leaders from FATA had an important role in reference to FCR, insurgency and other related affairs. Their contribution in regard to determining the directions of study and also in provision of information about the topic under study remained very much important.

Tribal students: the perception of tribal students studying at post graduate level teaching departments in University of Peshawar and University of Agriculture was thought to be sought on the issue. It is important to mention that educated people (students) had knowledge about various factors weakening the writ of the State.

Political administration has been playing an important role in tribal affairs. All decisions relating to administration under FCR, insurgency and other threats to writ of the State come under its domain.

3.2 Tools of Data Collection:

A wide-ranging interview schedule encircling approximately all features of the study was developed. The theoretical design of the Interview schedule was framed with seven parameters of independent variable: FCR, socio-economic deprivation, insurgency, foreign interference, traditional tribal elders, political vested interest and governance in vogue whereas dependent variable was the writ of the State. The interview schedule was pretested in order to remove any error or ambiguity or to add something more important for study before actual data collection process was started. A team of five paid investigators was hired and trained on the interview schedule. All the important sections of the interview schedule were thoroughly discussed with them and confusion was removed to obtain quality data. Various groups, selected as respondents were approached for interview on prior designed schedule as per their convenience. The whole task of data collection was carefully monitored by the researcher himself and this exercise took about 03 months in data accomplishment.

Problems Encountered:

Apparent problems encountered during data collection included security concern which remained a major problem during the process of data collection. The data collection team accessed the sampled area on prior appointment of the political administration and political leaders (Maliks or Malakan). The team members, as trained already, put question very carefully to Maliks to avert any unwanted situation. Anyhow, the team successfully acquired the required data.

3.3 Steps in Interview Schedule Creation:

The scaling procedure was adopted during construction of interview schedule by making statements related to different variables of the study. Further detail of scale selected study is given as under;

3.4 Likert Scale:

The attitude measurement is usually carried out by the tool known as likert scale. It is the most reliable technique in such kind of study used so far (Smith, 1981; and Nachmias, 1992). While the scale statements were framed on the basis of literature review, field observation with relevant expert, academicians and experience of researcher. The responses of statements were given personal score. The individual responses were classified as “agree”, “disagree”, and “do not know”. The Likert scale was then applied for seeking answers based on the independent variables and dependent variable respectively.

3.5 Indexation

This is defined as calculating procedure in social science research, mainly in the attitudinal studies while calculates two or more items or concepts. Thus, the process of joining of two variables is known as index construction. Accordingly, the dependent variable “writ of the state” was indexed to obtain desired degree of responses.

3.6 Data Analysis

The analysis of data was carried out by applying different statistical techniques like uni-variate and bi-variate procedures. The detail of each technique is explained as under:

3.7 Uni-variate Analysis:

Uni-variate was applied in order to get information regarding different background variables, including different personal characteristics of the respondents and socio-economic and demographic profile of respondents. The data was presented in the form of percentage and frequency.

3.8 Bi-variate analysis:

To measure the association between dependent and independent variables, Bi-variate analysis was carried out. The purpose of this type of analysis revealed the direction of the responses favoring or disfavoring one or more aspect of variables under investigation. The hypothesis formulated for working out such type of association between the independent variables and dependent variables was tested through Chi-square adopting the procedure outlined by McCall (1975).

It was assumed that the subjects for each group were randomly and independently selected. The groups were independent and each observation had to qualify for one and only one category.

The data collected was analyzed with the help of suitable software (SPSS Version 20); and percentage and frequency were used for the purpose.

3.9 Chi-square Test:

To measure the association between independent variables, Chi-square (χ^2) statistic was applied through procedure of Tai (1978)

$$(\chi^2) = \sum_{j=1}^I \sum_{j=1}^k \frac{(o_{ij} - e_{ij})^2}{e_{ij}}$$

Where

(χ^2) = Chi-square application is restricted to two categorical variables only.

o_{ij} = observed frequency is shown in the cross tabulated category.

e_{ij} = expected frequency representing same category with assumption of no relationship between variables

This formula is fairly based on squaring in summation of the frequencies of all the cells through division of expected frequencies. Outcome (frequency) is distributed as (χ^2) with relevant D.F. which is calculated as follow:

$$\text{“df} \quad = \quad (r-1) (c-1)$$

where

Df = Degree of freedom

r = the number of rows

c = the number of columns”

(Hanan, 2012).

IV. RESULTS AND DISCUSSIONS

This chapter deals with analysis of collected data from the sampled population in Khyber Agency regarding “Challenges in the Establishment of the Writ of the State in FATA”. The chapter has been divided into two sections. The first section deals with demographic information of respondents, while the second section deals with the analysis of different variables.

4.1 Age of the Respondents:

Table 4.1 indicates that 37.89 percent respondents were between the age group of 16-25 years, while 34.47 percent were between the age group of 26-40 years. In addition, 21.5 percent respondents were between the age group of 41-52 years. The remaining 6.84% respondents had 53 and onwards age.

It is obvious from the nature of the data that almost every age group had a representation on the issue under investigation. Majority of the selected population is from the youths who are mostly unemployed and are prone to be trapped by militants in the area. It supports the statements given by Ziad (2008) and Hashmi and Afridi (2012) that teen-agers are more vulnerable to suicide bombing as majority of the tribal youths are unemployed, illiterate and have lived a deprived life as compared to the other developed parts of Pakistan. Data taken from them stood very much contributory in compilation of this study.

Table-4.1 Age of the Respondents

Age groups	Frequency	Percent
16-25	144	37.89
26-40	131	34.47
41-52	80	21.05
53 and above	26	6.84
Total	380	100

Source: Field survey, 2012.

4.2 Qualification of the Respondents:

Table No-4.2 shows a diverse picture of population regarding their educational background. As per data, 31.84 percent respondents were illiterate. This could be linked with non availability of educational institutional facilities and poverty in the area. Where as 43.68 percent were post graduates including academicians, lawyers, journalists, tribal students of post graduate level, political leaders and office bearers of political administration. Besides, 5.26 percent had matriculation and 19.21 percent respondents had graduation as qualification. This table depicts the literacy rate along with relative individuals ranking to it. It gives a ray of hope for further dynamic changes with reference to the issue under investigation. Events pertaining to insurgency are also clubbed together with rise in literacy and economic boom towards the final culmination. The high rate of illiteracy in tribal belt is mainly responsible for spreading insurgency in the area. These findings are in line with the findings of Fair, and Khan (2008) and Afridi (2012) who quoted that militants were destroying educational infrastructure as they dubbed them as nurseries of English culture. These studies further confirmed that lack of proper educational institutions played role in keeping the locals as uneducated and resultantly the uneducated youngsters remained vulnerable to militancy, drug addiction, kalashunkove culture and other menaces.

Table-4.2 Qualification of the Respondents

Categories	Frequency	Percent
Illiterate	121	31.84
Upto Matric	20	5.26
Upto Graduate	73	19.21
Post Graduate	166	43.68
Total	380	100.0

Source: Field survey, 2012.

4.3 Occupations of the Respondents:

Occupation plays a significant role in the process of social mobility. The more the work opportunities exist the higher would be the rate of mobility. Higher rate of mobility in turn is responsible for economic and social change. Table 4.3

indicates that 25 percent respondents were government servants and businessmen cadre which are related with informal money transaction and smuggling of different items including cloth, crockery, arms and narcotics. These findings are similar to the findings of (Rotberg, 2004 and Hashmi, 2012). Moreover, 20 percent of the respondents were farmers and students and 5 percent each were lawyers and journalists. Such situation reflects the existence of multidimensional economic scenario where every opportunity further mobilizes as according to demand of given situation.

Table 4.3 Occupations of the Respondents

Occupation	Frequency	Percent
Farmers	76	20
Government Servants	95	25
Businessman	95	25
Students	76	20
Lawyers	19	5
Journalists	19	5
Total	380	100.0

Source: Field Survey, 2012.

4.4 Family Types of the Respondents:

Table No-4.4 reflects that 66.1 percent respondents lived in joint families, 31.8 percent of the total respondents had extended families while 2.1 percent of respondents dwelt in nuclear families. These findings are synonymous with the findings of Spain (1962) and Caroe (1952) that any cultural dynamics, which give stress for living together, is a reflection of centralized economy and its protection to members in a society of factions and feuds. Joint family was also observed as a major source of transferring cultural heritage.

Table 4.4 Family Types of the Respondents

Family type	Frequency	Percent
Joint Family	251	66.1
Extended family	121	31.8
Nuclear Family	8	2.1
Total	380	100.0

Source: Field Survey, 2012.

4.5 Housing Patterns of the Respondents:

Table No-4.5 disseminates information about the housing pattern of the targeted population. According to data obtained, 57.6 percent respondents had cemented houses, 35.3 percent respondents lived in mud houses and 7.1 percent of total respondents lived in semi cemented houses. A positive change in the housing pattern was observed mainly due to the reason of status mobility as such situation was an indicator for further acceptance and adaptability of changes in the sampled area. Such data endorses information on housing structures given by Dupree (1980).

Table 4.5 Types of Houses of Respondents

Houses	Frequency	Percent
Cemented	219	57.6
Muddy	134	35.3
mixed of both	27	7.1
Total	380	100.0

Source: Field Survey, 2012.

4.6 Ownership Status of Houses Occupied by Sampled Respondents:

Table 4.6 is about the house ownership of the respondents. Majority (72.6%) of the respondents had their own houses, 19.7 percent respondents were living in rented houses and 7.6 percent respondents were provided with houses by the owners on the condition of serving them. Ownership indicated the native status as was supposed to be the real custodians of an area. Chances of immigration to the study

area are invisible. However, rented house could be occupied by the Afghan refugees, semblance of their cultural integration, close geographic proximity and also by militants of different countries taking refuge in the tribal areas (Levy, 2000).

Table 4.6 Ownership status of Houses of Sampled Respondents

House Status	Frequency	Percent
Owned	276	72.6
Rented	75	19.7
Onservice condition	29	7.6
Total	380	100.0

Source: Field Survey, 2012.

4.7 Frequency and Percentage Wise Distribution of Respondents on Monthly Basis Income

Table No-4.7 shows monthly income of respondents in the selected areas. Respondents 54.47% had monthly income ranging between Rs1000/ Rs 20000/; while 30.26 percent of the total respondents income ranged from Rs 21000/ to Rs 40000/. A part from these, 9.21 percent of the respondents income was Rs 61000 and above while 6.05 percent respondents had income between Rs.41000/ to Rs 60000/. It is obvious to say that most of the people had low monthly income from all the sources. People with low level of income are vulnerable to become easy prey of the insurgents existing in the area. Findings of Aziz (2012) are very much similar to the present inference which elaborated very dismal picture of the area as tribal population suffer disenfranchisement, corruption and poverty that has forced many people to look for other solutions easily provided by the extremists. International Crises Group (2009) reported that with meager employment opportunities available, the opportunity cost of those who offer their services for militancy is low. According to one estimate, the militant recruits receive monthly salary of around Rs.15000 on average that is much higher than the prevailing salary in many other occupations in the study area which could be determined as one of the most influencing factor in the escalation of insurgency.

Table 4.7 Frequency and Percentage Wise Distribution of Respondents on Monthly Basis Income

Monthly Income	Frequency	Percent
1000-20000	207	54.47
21000-40000	115	30.26
41000-60000	23	6.05
61000 and above	35	9.21
Total	380	100

Source: Field Survey, 2012.

4.8 Size of land holdings under the Possession of Respondents:

Table No-4.8 shows the total land holding size by the respondents in Kanal (Kanal is a measurement of land size. One Kanal is equal to 20 Marla and one Marla is equal to 272 sq. feet. According to the obtained data from the respondents, majority of them i.e. 62.2 percent had land possession ranged from 01 to 20 kanals. 10.78 percent respondents had land possession between 21 to 40 kanals and only 2.10 percent respondents had land possession above 41kanals. Whereas 25% respondents did not having land. Landholding was not as a serious problem as it is in other parts of the country in view of its topology. Most of the area is hilly terrain and suitable for cultivation. These findings are similar to the findings of Caroe, (1952).

Table 4.8 Landholding Size of the Sampled Respondents:

Size in kanals	Frequency	Percent
Not possessing	85	25.02
1-20	236	62.10
21-40	41	10.78
41 and above	8	2.10
Total	380	100

Source: Field survey, 2012.

4.9 Perceptions of Respondents on Displacement Causes:

Table No4.9 indicates the reasons of migration to other areas. Respondents (47.9%) people left the area due to war and feuds, 42.9% left their area due to manpower demand extended by the insurgents. Beside it, 5.5 percent left the area due to demand of ransom by criminal people and 1.3 percent migrated due to non availability of basic needs. Causes of migration to other areas by the local people disclose a grim situation prevailing around the study area. Fighting between two sectarian groups and military operation against these groups caused large scale civilian displacement and casualties in the area. These findings are synonymous with the findings of Richard (2009) published in an article in The Daily News, February, 10, 2013).

Table 4.9 Respondents' Perception on leaving their Areas

Reasons of leaving area	Frequency	Percent
War/feuds	182	47.9
Manpower demand	163	42.9
demand of ransom	21	5.5
Demand of man power	9	2.4
High prices of basic needs	5	1.3
Total	380	100.0

Source: Field survey, 2012.

4.10 Places for Internally Displaced People from Selected Areas:

Table No-4.10 describes the accommodation status of displaced people. Majority i.e 37.9 percent were living in camps established by the governmental and other Non-governmental organizations for them. Camps included facilities of basic needs including shelter, food items, health care, and educational facilities for children, 37.9 percent respondents were living with the host community. 14.21 percent of IDP's were living with their relatives in different locations in Peshawar. These IDP's were confronted with multiple problems, including scarcity of food, sanitations, lack of toilets facilities both for males and females, exposure to hostile environment, diseases, improper educational facilities for children, harsh weather in tented villages, and problems for administration in handling the influx of IDP's. These findings are similar to findings of (Wazir, 2011).

Table 4.10 Present Accommodation Statuses of IDPs

places of residence of IDPs	Frequency	Percent
Non IDPs	182	47.9
IDPs with host community	144	37.9
With relatives	54	14.21
Total	380	100.0

Source: Field Survey, 2012

4.11 Sources of Drinking Water Available to Respondents:

The table No-4.11 identifies sources of drinking water in targeted area. According to the data 53.9 percent of respondent were using the spring water for drinking. The second largest source i.e 26.3 percent had drinking water from tube wells and 10.5 percent of the respondents were using well for drinking water. However due to scarcity of water people were forced to use ponds water as other source of drinking water as well 2.6 used streams occasionally dependent on rain fall for drinking water and only 0.3 percent used tape water respectively. Lack of socio-economic infrastructure, uneven access to social and economic opportunities, defective education system, and lack of safe drinking water has deepened the roots of terrorism in tribal society. These findings are synonymous with the findings of (Ali, 2011).

Table 4.11 Sources of Drinking Water Supply in the Sampled Area

Sources of water	Frequency	Percent
Spring	205	53.9
Ponds	24	6.3
Streams	10	2.6
Tube Well	100	26.3
Tape Water	1	.3
Well	40	10.5
Total	380	100.0

Source: Field survey, 2012.

4.12 Sources of Fuel Consumption in Sampled Area (for cooking purpose):

Table No-4.12 shows the existing sources of fuel consumption in their area. Majority of the respondents i.e. 84.7 percent were using wood whereas 6.8 percent were utilizing LPG and 6.3 percent were consuming kerosene oil as fuel. Nature of fuel consumption presents a dismal picture about the future of local forests. Mostly, woods are cut and collected from local forests which had led to deforestation. If proper measures are not taken, it will cause climate changes including degradation of resources and erosions of all kind in the area. Mandokhel (2009) has concluded that the warlords in Swat and tribal area are busy in timber trade making billions of rupees by ruthlessly destroying the forest in area. Here both the studies result in similarity.

Table 4.12 Fuel Consumption Sources in Sampled Area

Sources of fuel con	Frequency	Percent
Wood	322	84.7
Kerosene Oil	24	6.3
LPG	26	6.8
Electric Heater	8	2.1
Total	380	100.0

Source: Field Survey, 2012.

4.13 Existence of Services and Facilities in Sampled Area:

Table No-4.13 shows the different types of services and facilities available in the sampled area. Majority of the respondents i.e. 61.6 percent stated that health facilities were available. When asked about schools majority i.e. 70.50 percent respondents replied that there was no school and college in their areas. While on Mudrassa type school 55.3 percent replied in affirmative. Regarding roads facilities 66.30 percent respondents replied in positive about availability of this vital resource. Moreover, telephone facilities were also availed by the locals (58.7%) with cells phone in exceeding (68.2%) along with the electronic media i.e TV and radio with 66.1% and 29.2% respectively. Tribal belt is lacking basic facilities and not at par with other parts of the country. This deprivation of tribal people pushed these tribal people to welcome foreign elements and get recruited with insurgents as supported by

the studies of Ahmer, (2008); and Haq, Khan, and Ghauri (2009) that socio-economic deprivation leads to insurgency and becomes a threat to the writ of the State.

Table 4.13 Services and Facilities Available in the Sampled Area

Services	Existed	Did not exist	Total
Health (Hospital, BHU, Dispensary etc.)	234(61.6)	146(38.40)	380
Schools/ Colleges	112(29.50)	268(70.50)	380
Madrasa Education	210(55.3)	170(44.7)	380
Infrastructure	163(42.9)	217(57.1)	380
Roads	252(66.30)	128(33.7)	380
Telephone	223(58.7)	157(41.3)	380
Cell services	259(68.2)	121(31.8)	380
T.V	251(66.1)	129(33.9)	380
Cable	111(29.2)	269(70.8)	380

Source: Field Survey, 2012. Note: (values in parenthesis indicate percentage)

4.14 Availability of Electricity Facility:

Table No-4.14 provides information upon the provision of electricity connections in the targeted area. It was disclosed that majority i.e 62.1 percent respondents had access to electricity. Whereas 37.9 percent respondents were not facilitated with electricity connections.

Table 4.14 Status of Electricity Connections in the Sampled Area

Electricity Connection	Frequency	Percent
Yes	236	62.1
No	144	37.9
Total	380	100.0

Source: Field Survey, 2012.

4.15 Payment Status of Electricity Bill by Sampled Respondents:

Table No-4.15 shows the payment of electricity dues by the respondents. Respondents 57.4% were paying the bills. Whereas, 42.65% respondents did not pay their bills. It was seemingly due to weak writ of the government and relevant institutions which have failed to ensure writ in letter and spirit. Moreover, it could also be contributed to the hilly terrain of the Pakhtuns areas. It means that a considerable number are reluctant to pay electricity bills showing their negative tendency.

Table 4.15 Payment of Electricity Bills by the Respondents.

Bill Payment	Frequency	Percent
Yes	218	57.4
No	162	42.6
Total	380	100.0

Source: Field Survey, 2012.

4.16 Taxes in the Sampled Area:

Table No-4.16 gives information about vehicles regarding custom paid and non- custom paid. Majority of the respondents i.e. 57.6 percent used custom paid vehicles while 42.4 percent used non custom paid. This data is synonymous to the information shown in the preceding table where poor writ of the government was found as the probable reason for non-payment of taxes on part of the locals.

Table 4.16 Possession of Custom Paid and Non Custom Paid Vehicles

Vehicles possessed	Frequency	Percent
Custom paid	219	57.6
Non custom paid	161	42.4
Total	380	100.0

Source: Field Survey, 2012.

4.17 Reasons for Non-payment of Taxes

Table No-4.17 shows the reasons for not paying taxes of vehicles in the targeted area. It was found that 50.8 percent respondents did not pay the custom duty as they thought themselves to be free of this obligation. However, 48.2 percent respondents termed the prevalent law as ineffective to collect the revenue from the locals.

Table 4.17 Reasons for Non Payment of Custom Duty by the Respondents

Reasons	Frequency	Percent
It is exempted in your area	193	50.8
(b Writ of law is not around there	187	49.2
Total	380	100

Source: Field Survey, 2012.

4.18 Possession of Arms License in the Sampled Area

Table No-4.18 shows the total number of respondents who got arm license. Majority i.e 51.1 percent respondents had arm license as they normally used to travel from tribal area to settled parts of the country. While 48.9 percent respondents did not possess any license being exempted from arms license. It is again obvious here that abundance of arms in the study area is due to its semi administrative region along with poor law and order situation, war in Afghanistan since 1979 and the presence of insurgent groups in the area. This is a vivid evidence of poor writ of the State.

Table 4.18 Arms License in the Sampled Area

Arms license	Frequency	Percent
Got	194	51.1
Did not get	186	48.9
Total	380	100.0

Source: Field Survey, 2012.

4.19 Reasons of not having arm license

Table No 4.19 shows the reasons for not having the arms license. Nearly, 49.5 % respondents believed that they had no need to have arm license because of no strict

law around while 46.8 percent considered themselves exempted from this obligation. However, 3.7 percent respondents considered other reasons responsible for it.

Table 4.19 Causes of Non-Payment by Sampled Respondents.

Causes	Frequency	Percent
writ of law is not in strict sense	188	49.5
Exempted	178	46.8
Any other	14	3.7
Total	380	100.0

Source: Field Survey, 2012.

4.20 Level of Authority in the Sampled Area:

Table-4.20 shows the level of authority in the sampled area where 62.9 percent reported that Bara Tehsil is ungoverned, 58.9 percent reported Jamrud as ungoverned and, 54.2 percent respondents viewed Landi kotal as ungoverned. When asked regarding partially governed areas Bara Tehsil was declared by 30.30 percent respondents as partially governed area. While, regarding Jamrud 30.0 percent respondents termed it as partially governed. In case of fully governed Bara 6.8 percent, Jamrud 11.1 percent and Landi kotal 22.1 percent stood respectively. Free movement for carrying weapons, non custom paid vehicles and other disbanded activities made locals little bothered about acknowledging the existence, prevalence and implementation of law. These findings are similar to the findings of Ghauri (2009) and The NEWS, (Feb.,2,2013) that Pakistan is losing control over its territory. Most parts of the country are out of the control of the State authority. Some of the areas are ungoverned since the creation of Pakistan which also include tribal areas located at borders with Afghanistan.

Table-4.20 Respondent's Perception on Level of authority

Tehsil	Ungoverned	Partially governed	Fully governed	Total
Bara	239(62.9)	115(30.30)	26(6.8)	380
Jamrud	224(58.9)	114(30.0)	42(11.1)	380
Landikotal	206(54.2)	88(23.2)	86(22.6)	380

Source: Field Survey, 2012. Note: (values in parenthesis indicate percentage)

4.21 Problems of the Area

Table-4.21 endorses the existence of problems in study area and 85.8 percent respondents pointed that un employment was the major problem of the area. Second largest majority i.e 83.2 percent respondents mentioned females' education as a problem. Whereas 78.2 percent respondents considered lack of medical staff as one of the problems of area. Fourth largest majority i.e 76.8 percent respondents discussed the presence of insurgents as one of the major problems of area along with 74.5 percent considered infighting amongst clans as a problem of the area. Moreover, displacement of the locals surfaced as a big problem with (73.9%) representation. In bulk migration from local areas due to unpleasant environment and their subsequent replacement by the Afghan refugee were proven to be the major factors leading towards the prevalence of insurgency.

Table 4.21 Respondents' Perception on Problems of Sampled Area

Statement	Yes	No	Total
Non availability of education for females	316(83.2)	64(16.8)	380
Unemployment	326(85.8)	54(14.2)	380
Availability of staff i.e. Doctor and Para Medical staff	297(78.2)	83(21.8)	380
Displacement from the area	281(73.9)	99(23.2)	380
Presence of insurgents	292(76.8)	88(23.2)	380
Clan infighting	283(74.5)	97(25.5)	380
Any other	278(73.2)	102(26.8)	380

Source: Field Survey, 2012. Note: (values in parenthesis indicate percentage)

4.22 Reasons for Unsatisfactory Law and Order Situation in Sampled Area:

Table No-4.22 reveals the reasons for unsatisfactory law and order situation of the sampled area. According to the sampled data, 88.4 percent termed unsatisfactory law and order situation due to the war in Afghanistan, foreign interference and religious conflict in divergent groups. Additionally, majority 87.4 percent respondents disclosed insurgency, poorly trained Khasadar (local government force) are the main reason for unsatisfactory law and order situation in the area. Third largest majority i.e 86.6% held unsatisfactory laws as an outcome of the lack of awareness regarding their basic rights. Besides it 85.8 found unsatisfactory law of the area due to faction and feuds. However, negligible no. i.e 14.2 percent respondents did not endorse any of the above mentioned reasons. Moreover, 85.3 percent rated the existing law of the area as not at par with other parts of the country. Non existence of political system operational through parties was indication of the poor law and order situation as disclosed by (83.2%) respondents.

Table No-4.22 Reasons for Unsatisfactory Law and Order Situation in FATA

Factors affecting law and order situation in FATA	Yes	No	Total
War in Afghanistan	336(88.4)	44(11.6)	380
Foreign Interference	336(88.4)	44(11.6)	380
Religious Conflict in Divergent Groups	336(88.4)	44(11.6)	380
Smuggling of Different Goods	336(85.4)	44(11.6)	380
FCR	331(87.1)	49(12.9)	380
Vacuum created by Absence of political parties	316(83.2)	64(16.8)	380
Poorly Trained Khasadar	332(87.4)	48(12.6)	380
Laws in Tribal areas are not at par with those of settled areas	324(85.3)	56(14.7)	380
Insurgency	332(87.4)	48(12.6)	380
Tribal people's unawareness regarding their basic right	329(86.6)	51(13.40)	380
Faction and feuds	326(85.8)	54(14.2)	380
Any other	329(85.8)	51(13.4)	380

Source: Field Survey, 2012. Note:(values in parenthesis indicate percentage)

4.23 Frontier Crimes Regulations:

Table No 4.23 describes the opinion of the sampled respondents regarding FCR which was introduced by the British Emperor in 1901 to extend their rule over the Pakhtun tribes on the bordering areas of Pakistan connected with Afghanistan. Since then these regulations have been kept as a sacred document and no changes have been introduced since independence in 1947. It is comprehensively different in nature and manifestation from the rest of the country. Some basic attributes pertaining to the existence and operationalization of FCR were found as inhuman and injudicious as supported by 85.5% respondents and Bibi (2005) also held the view that FCR negates all the rights and privileges granted to women in Islam and by the laws of Pakistan. It does not face the provisions of judicial norms and justices (Bangash, 1996). It is considered as a black law having draconian provisions which denies the fundamental rights of the tribal people (Rana, 2009). FCR as a law needs amendments over the passage of time as desired by 83.9 percent sampled respondents. The tribal system under the FCR does not meet the needs of the modern age. It is an outdated system isolating FATA from the rest of the country and international community as well. However, CRS(2008) and other human organization have had the stand point that its total abolition may lead to legal vacuum; rather partial and gradual amendments are essential to be brought in it. Respondents (79.2%) observed the punishment on whole tribe for the offence of its single member as wrong provision of FCR. One of the worst aberrations of FCR is the collective punishment clause no. 21 which is imposed on anyone in the tribal area for a crime committed by his or her relative, spouse, or even a person from the same tribe and area (Amnesty International, 2008).

Political administration is also creating hurdles in favor of maintaining FCR as responded by (76.6%) respondents. There is no check upon political agent who is the executive head as well as the magistrate in power of accountability. This kind of situation often leads to the enjoyment of power by one person with little fears from above. This result is in line to the findings of Bangash (1996) that concentration of power in a single office usually leads to brutality, injustices and unfair play. Such a situation usually emerges when belonging to an activity/affair is either denied or

owned by majority. This is like the theory of tragedy of commons. Where, every man supposed to be custodian as well as hostile to a property (Abbas, Hassan, 2009)

Moreover, (73.80%) respondents termed FCR as a source of flourishing the crime rate in the area. This result is oblivious in light of the findings of (Ziad Haider, 2008) that lacks of writ and law prevalent across the bordering areas Afghanistan and Pakistan are exposed to the breeding environment for terrorists.

A reasonable number of respondents i.e, 66.1 percents were of the view that local Maliks favored FCR because of their personal monetary gains in shape of financial and political benefits. Provision of privileges, perks and benefits usually aimed at benefiting the local leaders for controlling their community through, FCR (SPARC, 2004; Hassan, 2005; Khan, 2005; and Rakistis, 2008) that most of such activities performed by the local Maliks are due to benefits from the administrations.

Majority of the respondents (62.1%) apprehended that abolition of FCR would lead the state to snatch their freedom like nonpayment of taxes, smuggling and informal system of banking (Hawala system). Besides local Maliks and other political forces are also hurdles in bringing about changes in FCR as disclosed by 59.2 percent respondents. This is due to the privileges enjoyed by the local chiefs. However, finding pertains to its continuity are contrary linking peace and normalcy, as such situation often embarked on erupting violence.

Mehdi (2012) has also mentioned that odd maltreatment of political power and privilege would breed anger, frustration, deprivations; and the present-day Pakistan has no exception. The contemporary chaos in the country is nothing more than a blatant violation of the “Political-Morals” doctrine and its intrinsic linkage to the “conflict of interest” syndrome which is mostly disastrous.

Respondents (51.1%) viewed that tribal people were very difficult to be governed; this analogy was realized by the then British Empire and resultantly imposed FCR which served them with two reasons i.e controlling locals and to maintain buffer zone between United India and Afghanistan to stop Russian escalation (Amnesty international, 2008). Through retaining writ of the state by the process of indirect governance of local chiefs of their relative tribes to deal intra and

intertribal disputes/matters (Khan, 2008). In addition, majority of the respondents i.e. 49.5 percent did not consider FCR as law sufficiently protecting the legal right of the local people while 45.8 percent held the positive view point in this respect.

These constitutional rights are: the right to be treated in accordance with the law (Article 4), security of persons (Article 9), safeguards as to arrest and detention (Article 10), protection against double jeopardy, self-incrimination (Article 13), inviolability of the dignity of man, prohibition of torture for extracting evidence (Article 14), protection of property rights (Article 24), and equality of citizens (Article 25) (SPARC, 2004).

Table No-4.23 Perceptions of Respondents Regarding Frontier Crime Regulation (FCR) in Sampled Area

Statement	Agree	Disagree	Not sure	Total
FCR is the only law through which tribal people can be governed	194 (51.1)	177 (46.6)	9 (2.4)	380
FCR as law is sufficiently protects the legal rights of the local people	174 (45.8)	188 (49.5)	18 (4.7)	380
FCR as law needs amendments over passage of time	319(83.9)	45(11.5)	16(4.2)	380
Local Maliks favor FCR	251(66.1)	119(31.3)	10(2.6)	380
Political administration favors FCR	291(76.6)	71(18.70)	10(2.6)	380
Political forces are hurdles in bringing about changes in FCR	225(59.2)	120(31.6)	35(9.2)	380
In case FCR is abolished, would state law snatch the existing freedom like nonpayment of taxes, smuggling etc	236(62.1)	122(32.1)	22(5.8)	380
FCR flourishes the crime rate in area	280(73.70)	80(21.1)	20(5.3)	380
Instead of wrong doer, whole tribe is punished under FCR	301(79.2)	67(17.6)	12(3.20)	380
FCR is inhuman and injudicious	325(85.5)	44(11.6)	11(2.9)	380

Source: Field Survey, 2012. Note:(values in parenthesis indicate percentage)

4.24 Socio-Economic Deprivation of FATA

Table No-4.24 describes that the human rights are not honored in FATA as reported by 97.1% respondents, job opportunities are not available to FATA people like other parts of the country as mentioned by 96.1% respondents. Moreover, political activities are not similar in nature as described by 94.4% respondents; furthermore, legal rights are not available to FATA people as disclosed by 92.1% respondents. Moreover, Fata is not developed like other parts of the country as mentioned by 91.8% respondents, health facilities are not the same as in other region of the country as reported by 89.2% respondents, right of appeal against political administration does not exist as disclosed by 82.1% respondents. However, educational facilities in the area are available but not at par with the rest of the country's standard, it was affirmed by 61.8% respondents.

FATA witnessed a peaceful environment before 9/11 incidents. However, a lot of militancy took place post 9/11. The most vivid reason for these developments was geo-political situation of FATA.

Unfortunately, very little attention was paid to the developmental activities of these tribal areas. In 1999 and even till 2001, the total budget for FATA used to be not more than 800 to 900 million rupees for 3.5 million people and over 27,000 sq kilometers of area. Gradually, it was increased and today it stands approximately 7.5 billion rupees, around 100 million US dollars. It is, indeed, a very small amount for development. Perhaps, there were some factual assumptions which proved a haven for breeding of anti state activities. Furthermore, it also hindered the process of social inclusion of these tribal's into the mainstream of national activities.

Table 4.24 Socio-economic Deprivation

Statements	Agree	Disagree	Don't know	Total
Fata is developed like other parts of the countries	30 (7.9)	349(91.8)	1(.3)	380
Jobs opportunities are available to FATA people as in other parts of the countries	14(3.7)	365(96.1)	1(.3)	380
Educational facilities in FATA are like other parts of the country	144(37.9)	235(61.8)	1(.3)	380
Health facilities are the same as in other areas of the country	35(9.2)	339(89.2)	6(1.6)	380
Political activities are similar in nature to rest of Pakistan	13(3.4)	358(94.4)	9(2.4)	380
Human rights are honored in FATA	4(1.1)	369(97.1)	7(1.8)	380
Legal rights are available to FATA people	17(4.5)	350(92.1)	13(3.4)	380
Right of appeal against political administration's decision exists	50(13.2)	312(82.1)	18(4.7)	380

Source: Field Survey, 2012. Note:(values in parenthesis indicate percentage)

4.25 Perceived Causes of Insurgency;

Cause and effects as interdependent phenomenon, usually predict towards the end outcome. Taking FATA on these lines has taken this shape of threatening repercussion for both local and international community. It got imminence sign after the 9/11 tragedy and the US invasion of Afghanistan in 2001. A new notion of extremism erupted with little sound leaders. The study area was the worst hit in the aftermath of the geo political transition, since long. It is perhaps some of the obvious factors of misunderstanding the study area and on the immanent ground that is psychological and socio economic disparities (NDU, 2010).

At this time Pakistan is the worst hit country by terrorism. No city or area is beyond the reach of the militant extremists in carrying out terrorist activities that include suicide attacks, bomb blasts, target killings and kidnappings. No place is safe from them even markets, mosques, shrines, educational institutions, hotels, government offices and offices of security agencies. Therefore, attempts devoid discriminations among civilians, children, and women with conspicuous focus on security forces. This has led to a fearful society with masses losing faith in

government in controlling the menace of terrorism and in providing them adequate security.

Main reasons of sprouting these terrorists tendencies could be linked to less access of government with tribal areas, prevalence of notion of hospitality amongst locals (Pakhtoons) as their cultural enshrinement (South Asian studies, 26).

The main cause of insurgency in the area was post 1979 invasion by Russian on Afghanistan and 9/11 attacks of US as indicated by 84.7 % respondents. Religious extremism took an alarming shape in the shades of Iranian revolution and Iraq invasion of Iran, which lasted for almost 10 years, resulting in a million casualties on both ends. This led to the bi-furcating of Muslim world into two main groups on obvious grounds of their sect's i.e Sunni & Shia. This resulted into sectarian violence; worst hit the Pakistani society, taking shape of holy war between two obvious warring factions (S.A.S).

The second main reason was poor governance as poor and marginalized people are more prone to insurgency as discussed by 82.9%. These are in line with the findings of Khalid (2009) that marginalization and denial of access to education, law and health. Many of those who are marginalized because of the lack of access to law, education, health and employment or due to income deficit are the future recruits to the ranks of the militants. The PATA Regulation of 1969 marginalized Swat and that created many issues leading to weak governance and that finally culminated in militancy and terrorism. That the rank and file of those who challenged the state mainly included persons from marginalized communities in terms of access to employment, livelihood and identity and were thus upset with the State. Many unemployed youth joined the insurgents because of poverty, others became militants because of deprivation of assets-particularly land. These findings are similar to the findings of (Khalid Aziz, 2009).

The warlords decisions are binding on respect, accounted for 82.4%. The trained ruminants of Russian war multiplied insurgency, accounted for 78.7%. There is a consensus among scholars as well as practitioners that following the insurgency and terrorism of the last decade the erstwhile governance system has totally collapsed, leaving the areas at the disposal of militants that turned into warlords (Johson et al, 2008) as well as local and foreign militants. During the 1980s, around 35,000 Muslim

radicals passed through FATA area to wage *jihad* against the “Russian infidels (Rashid. A, 2000). The war left behind experienced fighters, training camps, and substantial amounts of military equipment, transnational networks of organizational relationships, and above all self-confidence and a belief in the possibility of a victory over a superpower (Huntington, 1996). It is evident that government lack of interest to develop the area and corrupt administration, and in capable local based judiciary system is responsible for insurgency in local area as expressed by 78.8% respondents. Strong conviction of win over superpower encouraged insurgency accounted for 78.4%. Unemployment pushed youths to join insurgent group a view expressed by 78.4% sampled respondents. The other reasons i.e socio-economic conditions, vested interest groups and insurgency emerged as trade in the area was almost similar. It varied from 71% to 75%.

The religion extremism and abundance of war arms was 65% and 63% respectively. The costly process of Jirga and its decisions are usually influenced by political administration. FATA is one of the poorest regions of the earth. There is no livelihood opportunity due to which youths of the area are more easily trapped towards insurgency. As they do not have other source of income and so they are easily employed by insurgent group. Those who were trained by CIA and other agencies against Russia were sheltered in Fata and now wage war against U S A and Pakistani forces. These environments created warlords in the area who have set their own judicial system based on their own brand of Islam as expressed by 74.4% respondents.

Table 4.25 Respondent's views on Causes of Insurgency in FATA

Statements	Agree	Disagree	Not sure	Total
Post 1979 and 9/11 incidents promoted insurgency in area	322(84.7)	30(7.9)	28(7.4)	380
Fighting against these invaders was declared a holy war	222(58.4)	130(34.2)	28(7.4)	380
Socio- economic conditions created insurgents in area	279(73.4)	68(17.9)	33(8.7)	380
Abundance of war arms fuelled insurgency	242(63.7)	115(30.3)	23(6.1)	380
Religious extremism emerged in view of external attacks	250(65.8)	90(23.7)	40(10.5)	380
Vested interest groups are helping insprouting insurgency	271(71.3)	77(20.3)	32(8.4)	380
Wrong policies of government. of Pakistan are helpful in insurgency	256(67.4)	83(21.8)	41(10.8)	380
Insurgency emerged as trade in local area	288(75.8)	55(14.5)	37(9.7)	380
Poor governance pushed local people for insurgency	315(82.9)	43(11.3)	22(5.7)	380
Incapable locally based judicial system is responsible for insurgency in local area	299(78.7)	56(14.7)	25(6.6)	380
Unemployment pushed youth's to join insurgent groups	298(78.4)	56(14.7)	26(6.8)	380
Trained remnants of Russian war multiplied insurgency	299(78.7)	56(14.7)	25(6.6)	380
Strong conviction of winover superpower encouraged insurgency	298(78.4)	56(14.7)	26(6.80)	380
Warlords(insurgent leaders) set their own judicial system	284(74.7)	74(19.5)	22(5.5)	380
Warlords are running their administration in FATA	280(73.3)	80(21.1)	20(5.0)	380
Warlords' decision is binding from all respect in terms of implementation	313(82.4)	48(12.6)	19(5.0)	380

Source: Field Survey, 2012. Note: (values in parenthesis indicate percentage)

4.26 Traditional role of Tribal Leaders

Table-4.26 indicates that majority (88.2%) considered Maliks as their traditional leaders in the area. It is obvious here that if any change is to be introduced, the local leaders and maliks will play an important role. However, change could be imminent if this system is replaced through a popular system as majority i.e (78%) found unhappy with the role of maliks. They were blamed for getting financial benefits from political administration. about (85.5%) perceived them as not focusing on improvement of the lot of masses. Moreover, they were also blamed for getting

silent over malpractices like smuggling and supporting warlords i.e 78.2%, 79.2% and 69.7% respectively.

Table 4.26 Traditional Role of the Tribal Leaders

Statements	Agree	Disagree	Not sure	Total
Local people are unhappy with Malik,s role for their personal interests	285(75%)	75(19.7%)	20(5.3%)	380
Local people are unhappy with Maliks' role for their personal interests	297(78.2%)	51(13.4%)	32(8.4%)	380
Tax Collection is carried out by tribal people	243(63.9%)	117(30.8%)	20(5.3%)	380
Local Maliks' support the warlords	265(69.7%)	88(23.2%)	27(7.1%)	380
Maliks are financially benefitted by the political administration	324(85.3%)	41(10.8%)	15(3.9%)	380
Local elders' role is dormant in bringing normalcy to the area	301(79.2%)	54(14.21%)	25(6.6%)	380
Local leaders prefer to be silent over malpractices of the political administration	297(78.2%)	45(11.8%)	38(10.0%)	380

Source: Field Survey, 2012. Note :(values in parenthesis indicate percentage)

4.27 Political Vested interests;

Table No-4.27 hints at the vested interest groups involved in influencing the political system. Majority (74.7%) observed that political agents get unlimited and unaudited funds. It is perhaps reason behind perpetuation of FCR which is most lucrative and unquestionable. This is further strengthened because the national level leaders also support the existing laws but in tacit mode. Maliks are also opposing the replacement of these laws and prevalence of these laws address the interests of these leaders like tax evasion, existence of Hawala system and other illegal and immoral practices like kidnapping for ransom etc. Moreover, geographic location coupled with hostile and inaccessible hilly terrain are proven basis for arising jihadi environment with an attractive market hard black economy under no influence of any centralized law. These findings are synonymous with the findings of (Rashid, 2000).

Table 4.27 Political Vested Interests

Statements	Agree	Disagree	Not sure	Total
National level political leaders and legislators are not interested in establishing writ of the law in FATA	257(67.6)	96(25.3)	27(7.1)	380
The existing Political administrative setup tries to maintains its status quo	252(66.3)	87(22.9)	41(10.8)	380
Unlimited and unchecked funds at the desecration of Political Agent are a support to sustainability of FCR	281(73.9)	58(15.26)	38(10)	380
Maliks' personal interests do not let the state law operate in FATA.	241(63.4)	109(28.7)	30(7.9)	380
Tax evaders/ illegal practioners/Hawala system are hurdles to abolishing FCR	221(58.2)	104(27.4)	55(14.50)	380
Government intends to bring about reforms in FATA	261(68.7)	75(19.7)	44(11.6)	380
State intention about reforms would bring changes in FATA.	220(57.8)	97(25.5)	31(8.15)	380

Source: Field Survey, 2012. Note: (values in parenthesis indicate percentage)

4.28 Governance in Vogue in The Study Area

Table No-4.28 describes double standard on the part of the government as disclosed by 65.3 percent respondents. Second largest majority i.e 62.40% termed FATA as difficult to be governed in view of legal and constitutional vacuum. Third largest number i.e 59.5% respondents believed that army's presence improved law and order in FATA and (55%) respondents observed tribal belt peaceful but before 9/11 incident.

As for as governance is concerned, a reasonable number i.e 48% of the respondents viewed that the State writ existed in the area, but on performance of the government 55% respondents showed dissatisfaction and 48.7% claimed that government writ was poor and decaying day by day. Old and traditional tribal system prevalent in FATA has been failed to provide security to locals and ensuring provision of constitutional rights. This vacuum is filled in by alien Taliban and Al-Qaida by gaining most of the grounds and spreading their influence beyond borders in South Asia in particular and World in general. It is the demand of the situation that the government ought to bring reforms in governance for capturing the menace of radicalization and bringing these areas into the mainstream (Haider, 2009).

Moreover, the double standard of government is the main cause to deteriorate the situation. Government precarious role of double standards as pointed out by Rashid (2000) and Dogar (2009) who concluded that the root causes of deteriorating situation in FATA was the absence of legal, constitutional and administrative processes. Foothold of foreign terrorists like (Uzbaks) were ensured and facilitated in FATA in the aftermath of absence of any law (Moore, 2010).

Table 4.28 Governance in Vogue in Study Area

Statement	Agree	Disagree	Not sure	Total
Writ of the state exists in FATA	167(43.9)	185(48.7)	28(7.4)	380
Writ of the state here is excellent	152(40.0)	209(55.0)	19(5.0)	380
Writ of the state is poor but gradually improving	155(40.8)	185(48.7)	40(10.5)	380
Writ of the state is Poor and worsening	184(48.4)	169(44.5)	27(7.1)	380
FATA was peaceful before 9/11 incident	209(55)	120(31.6)	51(13.4)	380
Tribal customs are conducive to extremism/insurgency	202(53.2)	137(36.1)	41(10.8)	380
FATA is difficult to be governed in view of legal and constitutional vacuum	237(62.40)	108(28.4)	35(9.2)	380
Army's presence improved law and order in FATA	226(59.5)	122(32.1)	32(8.4)	380
Double standard of behavior exists in deals on the part of the Government	248(65.3)	90(23.7)	42(11.1)	380

Source: Field Survey, 2012. Note:(values in parenthesis indicate percentage)

4.29 Impact of Deteriorated Law and Order Situation on Local Community

Table No-4.29 fingers at the deteriorating law and order situation which greatly affected the local people. Threat to female teachers and girl's schools was witnessed by 90% and 87.1% respondents respectively. The decline in investment, demand of manpower by insurgents, the destruction of hospitals, no access of NGOs to FATA, critical girls enrolment in school and increased child labor displayed the dismal pictures, with standing from respondents (81%) and (84.7%) respectively. The third main affecting issue was child trafficking, child abuse abduction; migration of business community to other parts of the country was 70.8%, 75%, 75.8% and 78.68% respectively. These findings are synonymous to (Duschinshki, 2009) that

destruction of schools and non- investment from foreigners are the resultant factors of deteriorating law and order situation in FATA.

Table 4.29 Impact of Deteriorated Law and Order Situation on Local Community

Statement	Agree	Disagree	Not sure	Total
Investment declined in the area	309(81.3%)	53(13.9%)	18(4.7%)	380
Business community migrated to other parts of the country	299(78.68%)	71(18.7%)	10(2.6%)	380
Demand of man power for recruitment for insurgent groups occurred	317(83.4%)	45(11.8%)	18(4.70%)	380
Demand of financial support as a replacement of manpower to war appeared	306(80.5%)	47(12.4%)	27(7.1%)	380
Hospitals are ruined in view of insecurity here	314(82.6%)	53(13.9%)	13(3.4%)	380
NGOs' access to FATA is impossible	315(82.8%)	51(13.4%)	15(3.9%)	380
Girls' enrollment in schools suffered	302(79.5%)	59(15.5%)	19(5.0%)	380
Female education suffered	336(88.4%)	33(8.7%)	11(2.89%)	380
Female teachers were threatened	344(90.52%)	26(6.8%)	10(2.6%)	380
Government Girls Schools were damaged/destroyed	331(87.1%)	37(9.7%)	12(3.2%)	380
Religious institution (Madaris) increased	299(78.7%)	61(16.1%)	20(5.3%)	380
Child marriage especially of young girls became popular	290(76.3%)	59(15.5%)	31(8.2%)	380
Abduction cases increased	295(77.6%)	62(16.3%)	23(6.1%)	380
Child trafficking leveled up	269(70.8%)	88(23.2%)	23(6.1%)	380
Child abuse cases increased	288(75.8%)	70(18.4%)	22(5.8%)	380
Child labor jumped up	322(84.7%)	48(12.6%)	10(2.6%)	380

Source: Field Survey, 2012. Note:(values in parenthesis indicate percentage)

4.30 Problems in Establishing the Writ of the State

Table-4.31 illustrates the main problems in establishing the writ of the State and 85.0% respondents mentioned foreign interference as major problem therein. The second main problem was the failure of the government to establish the law and order which was mentioned by 83.4% respondents. Clubbed with political instability in Afghanistan, relationship with neighboring states and existence of invisible factors in the area are probable factors counted for 81.6% and 81.3% respectively.

Government inability to take legal actions against criminals; and taking political asylum was the third main causes in establishing the writ of the State as reported by 81.3% respondents; poor infrastructure is hurdle in establishing writ of the state in FATA as reported by 80.0% respondents; long border line with Afghanistan is a problem ensuring the state writ on reported by 79.5% respondents, geo political situation of the area are responsible of the present situation as reported by 64.7% respondents, religious /sectarian clashes are hurdles as reported by 78.4% respondents.

Lack of trust among allies in war against insurgency was a cause in spreading insurgency as mentioned by 78.7% respondents. These findings are in line with the findings of (Graham, 2012). Moreover, existence of FCR and not state law was also reported by 77.4%. Lack of international and community support for the establishment of law as mentioned by 75.0% and 71.8% respondents respectively.

Table 4.30 Problems in Establishing the Writ of the State

Statements	Agree	Disagree	Not sure	Total
Geo strategic status of the FATA	246 (64.7)	69 (18.2)	65 (17.1)	380
Existence of FCR and not state law	294 (77.4)	57 (15)	29 (7.6)	380
Government is incapable to establish law and order in FATA	317 (83.4)	39 (10.3)	24 (6.3)	380
Absence of community support in law establishment	285 (75.0)	62 (16.3)	33 (8.7)	380
Lack of international support in law establishment	273 (71.8)	81 (21.3)	26 (6.8)	380
Political Instability in Afghanistan hampers law and order	310 (81.6)	32 (8.4)	38 (10.0)	380
Religious/Sectarian clashes are hurdles in establishing writ.	298 (78.4)	55 (14.5)	27 (7.1)	380
Long border line with Afghanistan is a problem in ensuring the state writ.	302 (79.5)	46 (12.1)	32 (8.4)	380
Poor infrastructure is a hurdle	304 (80.0)	47 (12.4)	29 (7.6)	380
Foreign interference is a major hurdle	323 (85.0)	32 (8.4)	25 (6.6)	380
Relationship with neighboring countries are volatile	310 (81.6)	38 (10.0)	32 (8.4)	380
Invisible actors are a threat to poor writ of the state	309 (81.3)	35 (9.2)	36 (9.47)	380
Lack of trust among allies in war against insurgency is a cause to looming insurgency	299 (78.7)	53 (13.9)	28 (7.4)	380
No legal action against criminal people taking asylum in FATA is a cause of poor writ.	309 (81.3)	37 (9.7)	34 (8.9)	380

Source: Field Survey, 2012. Note:(values in parenthesis indicate percentage)

4.31 Suggestions Viewed By Respondents for Solution of FATA Issue

In order to solve the law and order situation in FATA, some of the suggestions are presented in table-4.30. Majority i.e. (93.7%) of the respondents viewed that employment opportunities to the unemployed people could play an important role in establishing the writ of the State. The second majority (91.3%) reported that establishment of micro level industries could improve the situation in the area. Thirdly, making good relation with bordering countries, announcing conditional amnesty for insurgents, using full force against outlaws with the support of masses, ban on the insurgent groups, establishing the educational institutions, initiating

political process in FATA, party based elections and protection to NGOS would be the ingredients towards lingering normalcy in the area.

Table 4.31 Suggestions by Respondents for the Solution of FATA Problems

Statement	Agree	Disagree	Not sure	Total
Announcing a Package for the development of FATA	360(94.7)	11(2.8)	9(2.4)	380
Initiating talks with insurgents by the Government	317(83.4)	55(14.5)	8(2.1)	380
Making friendly relationships with bordering countries	327(86.1)	44(11.6)	9(2.4)	380
Announcing conditional amnesty for insurgents	328(86.3)	29(7.6)	23(6.1)	380
Providing employment opportunities to the FATA youngsters	356(93.7)	16(4.2)	8(2.1)	380
Using full force against outlaws with the support of the masses	327(86.1)	31(8.2)	22(5.8)	380
Imposing ban on all insurgent groups	325(85.5)	35(9.2)	20(5.3)	380
Making FATA part of Khyber Pakhtunkhwa	315(82.9)	61(16.1)	4(1.1)	380
Giving FATA the status of a separate province	304(80.0)	62(16.3)	14(3.7)	380
Facilitating SAFRAN properly to meet all needs/requirements of tribal people.	313(82.4)	48(12.6)	19(5.0)	380
Establishing a series of educational institutions in FATA	329(86.6)	34(8.9)	17(4.5)	380
Initiating Political process in FATA on the pattern of other parts of the country	325(85.5)	36(9.5)	19(5.0)	380
Introducing party based politics in FATA	322(84.7)	46(12.1)	12(3.2)	380
Providing skill development opportunities to local youth	341(89.7)	34(8.9)	5(1.3)	380
Providing protection to NGOs ,GOs and other developmental agencies by the state to ensure their access to FATA	325(85.5)	37(9.7)	18(4.7)	380
Establishing micro level industries in FATA	347(91.3)	20(5.3)	13(3.4)	380

Source: Field Survey, 2012 Note:(value in parenthesis indicates percentage)

BIVARIATES ANALYSIS

4.32 Frontier Crime Regulations and its Association with Challenges to the Writ of the State in FATA.

FCR is a legal documented format for FATA belt in administrative terms. To know about FCR and its important rules and regulations with governmental writ in the area and challenges in its implementation, the following statements were asked in relevance regarding its vitality and governance as being sufficient enough for provisions of rights and privileges to significant effects or not. While observing certain flaws and then subsequent readdressed through constitutional power of the president of Pakistan, invoked by the incumbent Presidents 2001. It was passed as political parties act for extending political parties orders (2002) in FATA. This was aimed at streamlining this neglected area in the shape of bringing administrative, political and judicial reforms (Ziad, 2009). This constitutional empowerment has also been underlined by (Gunaratana and Neilson, 2008). Whereas, Governor of KPK, as representative of the President of Pakistan have authority to monitor administrative functions in FATA. The significance of the issue, mentioned above was summarized into few attributes like FCR is the only law through which people are governed was found significant ($p=0.050$) with writ of the State. It obviously indicates that the local people perceived FCR as State law which was framed and regulated by the rulers i.e British Empire in 1901, for bringing administrative containment to this wild belt bordering Afghanistan with the then united India (Bangash, 1996, Amnesty international, 2008, Rakistis, 2008, Alaiwah, 2008 and Rana, 2009).

Upon asking about FCR law is sufficiently contributing towards protection of legal rights of the masses was found highly significant ($p=0.00$) relationship with the writ of the state. It is probably due to the enactment and implementation of the law which has controlled the people in study under absolute terms. However, a significant relationship with respect to amendments to FCR laws was highly significant ($p=0.00$) with the writ of the state. It could be detected from the above findings that the existing laws, though contributing towards bringing normalcy and shown from its effectiveness; however, amendments from time to time and according to the demand of the situation were imminent (Bibi, 2005, Rana, 2009). Furthermore, while asking about Maliks role in favoring the FCR it was found that Maliks role was highly significant in association ($p=0.000$) with the writ of the State. Malik's favored FCR

due to their obvious role of dominance over the locals for resolving their issues and getting direct benefits from the administration and management as well, as outlined by Bangash (1996) that local Maliks and political leaders are opposing abolishing FCR for their personal gains like not paying tax and having a strong check over local people. This was further augmented while asking that forces are the main hurdle in bringing changes in FCR ($p=0.00$) with the writ of the State. The main causes of not abolishing FCR with the writ of the State was highly significant association ($p=0.00$) and came up with certain obvious reasons like complete freedom to the local chieftain of enjoying non-payment of taxes and patronizing smuggling. These findings could rightly be linked with the conclusion that non-payment of taxes and smuggling is the main reason for opting the enactment of FCR (Bangash, 1996). While on further probing, it was found that crime is escalating in the tribal area due to FCR significant relationship ($p=0.00$) as the writ of the State is weakened. Some probable assumptions like instead of wrong doer the whole tribe is punished was found highly significant ($p=0.00$) with the writ of the State. This is indeed inhuman and injudicious. It could be due to the dire consequences, the FCR, embodies, and need immediate legislative attention by replacing the existing law through widely acceptable rules. This would in turn contribute towards the culmination of smuggling; ensure timely payment of taxes and minimizing the formidable crime rate along with all manifest modes like kidnapping for ransom, car theft, providing protection to offenders etc (Shinwari, 2005; Amnesty International, 2008 PLD 1954: 228 Rana, 2009). Moreover, FCR flourishes the crime rate in the area, Instead of wrong doer, the whole tribe is punished under FCR. FCR is inhuman and injudicious was also significant ($P=0.00$) relationship with State writ in FATA belt. FCR supports crimes in the area and the whole tribes become the victim of these crimes. Therefore Fata crime regulation is totally against human rights. The decisions of Jirgas “are obnoxious to all recognized modern principles governing the dispensation of justice”. PLD 1954: 228. One of the worst aberrations of the FCR is the collective punishment clause no. 21 which is imposed on anyone in the tribal area for a crime committed by his or her relative, spouse, or even a person from the same tribe and area (Amnesty International, 2008). Again, among the most damaging provisions in the FCR is the “seizure/confiscation of property and arrest and detention of an individual without due process; barring a person in the tribal areas from entering the settled states that district”. (Rana, 2009) all the members of a village are considered responsible for a murder if a dead body is

found in their village. Under section 22 and 23, fines are imposed on the entire community for the crimes of a single person. In section 56, if fines are not paid by the relatives, then the property of an offender is sold to realize the amount due. (Shinwari, 2005).

Table-4.31 Frontier Crimes Regulations and its Association with Challenges to the Writ of the State in FATA

Statement		Within dependent variable (Government writ in FATA)			Total	Chi square (P Value)
FCR is the only law through which tribal people can be governed	Agree	65(17.1)	117(30.8)	11(2.9)	193	12.19(0.05)
	Disagree	78(20.5)	90(23.7)	9(2.4)	177	
	Not sure	0	9(2.4)	0	10.0	
FCR as law is sufficiently protects the legal rights of the local people	Agree	77(20.3)	92(24.2)	4(1.1)	173	38.19(0.00)
	Disagree	59(15.5)	116(30.5)	13(3.4)	188	
	Not sure	7(1.8)	8(2.1)	3(0.8)	19.0	
FCR as law needs amendments over passage of time	Agree	123(32.4)	186(48.9)	9(2.4)	318	3.50(0.00)
	Disagree	13(3.4)	21(5.5)	11(2.9)	45	
	Not sure	7(1.8)	9(2.4)	0	17	
Local Malik favor FCR Political administration favors FCR	Agree	99(26.1)	140(36.8)	11(2.9)	250	37.78(0.00)
	Disagree	40(10.5)	70(18.4)	9(2.4)	119	
	Not sure	4(1.1)	6(1.6)	0	11	
Political forces are hurdles in bringing about changes in FCR	Agree	127(33.4)	157(41.3)	7(1.8)	291	28.58(0.00)
	Disagree	12(3.2)	48(12.4)	10(2.6)	70	
	Not sure	4(1.1)	11(2.9)	3(0.8)	19	
In case FCR is abolished, would state law snatch the existing freedom like nonpayment of taxes, smuggling etc	Agree	112(29.5)	117(30.8)	7(1.8)	236	41.80(0.00)
	Disagree	31(8.2)	77(20.3)	13(3.4)	121	
	Not sure	0	22(5.8)	0	23	
FCR flourishes the crime rate in area	Agree	131(34.5)	137(36.1)	11(2.9)	279	46.11(0.00)
	Disagree	12(3.2)	59(15.5)	9(2.4)	80	
	Not sure	0	20(5.3)	0	21	
Instead of wrong doer, whole tribe is punished under FCR	Agree	123(32.4)	164(43.2)	13(3.4)	300	17.77(0.00)
	Disagree	20(5.3)	43(11.3)	4(1.1)	67	
	Not sure	0	9(2.4)	3(0.8)	13	
FCR is inhuman and injudicious	Agree	134(35.5)	181(47.6)	9(2.4)	324	40.84(0.00)
	Disagree	9(2.4)	25(6.6)	10(2.6)	44	
	Not sure	0	216(56.8)	20(5.3)	12	

Source: Field Survey, 2012

4.33 Socio-Economic Deprivations of the Tribal's with Challenges to the Writ of the State in FATA.

Some questions with respect to socio-economic deprivations of the people of FATA were dugout. While relating it to the writ of the state the main assumptions, portrayed in this scenario upon focusing by comparing different development dimensions of FATA are developed alike other parts of the country was found non-significant with the writ of the State. It could be attributed as depicted from the results that FATA is less developed like other parts of the country. The literacy ratio, infrastructure development activities, and other communication facilities are far backward as compared to other parts of the country. These findings are in consonance with the findings of (Hussain,2008; and ghani,2009) that FATA is still neglected in most of the development in almost all dimensions. The root cause of this non-development is still 1901 British act which is still enacted. These are further strengthened while ascertaining the relationship between educational facilities available to the locals with the writ of the State which was found in significant association. People in this belt are suffering from agonies of life as indicated in a report, showing that almost 60% people are living below poverty line, with a formidable literacy ratio that stands at 17 % (Rabbani, 2009). This is the most obvious reasons for the non availability of jobs for the locals in the study area. Human rights profile was probed and was found non-significant with the writ of the State as legal rights were barely available to the people due to the non-significant relationship, found between provision of legal rights and writ of the State along with a non-significant relationship between provision of rights and obligations by the political administration to locals with the writ of the State. FATA, being physically isolated has also been witnessing a political segregation also. Lack of constitutional rights has led to the development of a lacuna which resulted in the fallout of denial of legal, political and administrative rights to the people. Aziz (2008) has also come up with such findings that lack of democracy coupled with political management and powerlessness of locals has made this area suitable as a safe haven for criminals and offenders. This scenario is primarily responsible for converting the area into a militarized zone (Hashmi, 2012).

Table-4.32 Socio-Economic Deprivations and Challenges to the Government's Writ in FATA

Statements		agree	disagree	Not sure	Total	
Fata is developed like other parts of the country	Agree	11(36.7)	19(63.3)	0	30	2.716(0.60)
	Disagree	132(37.8)	197(56.4)	20(5.7)	349	
	Not sure	0	1(100)	0	1	
Job opportunities are available to FATA people as in other parts of the country	Agree	5(35.7)	9(64.3)	0	14	1.67(0.79)
	Disagree	138(37.8)	207(56.7)	20(5.5)	365	
	Not sure	0	1(100)	0	1	
Educational facilities in FATA are like other parts of the country	Agree	53(36.8)	84(58.3)	7(4.9)	144	0.95(0.91)
	Disagree	90(38.3)	132(56.2)	13(5.5)	235	
	Not sure	0	1(100)	0	1	
Health facilities are the same as in other areas of the country	Agree	15(42.9)	15(42.9)	5(14.3)	35	11.90(0.01)
	Disagree	128(37.8)	196(37.8)	15(4.4)	339	
	Not sure	0	6(100)	0	6	
Political activities are similar in nature to rest of Pakistan	Agree	1(7.7)	11(84.6)	1(7.7)	13	5.86(0.20)
	Disagree	139(38.8)	200(55.9)	19(5.30)	358	
	Not sure	3(33.3)	6(66.7)	0	9	
Human rights are honored in FATA	Agree	0	4(100)	0	4	8.509(0.07)
	Disagree	143(38.8)	206(55.8)	20(5.4)	369	
	Not sure	0	7(100)	0	7	
Legal rights are available to FATA people	Agree	2(11.8)	14(82.4)	1(5.9)	17	7.79(0.09)
	Disagree	138(39.4)	193(55.1)	19(5.4)	350	
	Not sure	3(23.1)	10(76.9)	0	13	
Right of appeal against political administration's decision exists	Agree	25(50)	25(50)	0	80	11.16(0.25)
	Disagree	115(36.9)	117(55.7)	20(6.4)	252	
	Not sure	3(16.7)	15(83.3)	0	48	

Source: Field Survey, 2012

4.34 Insurgency and its Association with the writ of the state

The Russian war and the subsequent defeats of the Russian drastically weakened the writ of the State in the bordering area known as FATA. The most influencing factors so far counted as significant are political vacuum, the weakened judicial system and ineffective administration contributed as catalysts to this effect. Warlords sprout around, established their own mechanism of judicial disposition of justice under the garb of religious tenets which proved workable due to the lack of

any countering judicial, administrative and political substitute. After probing effects of insurgency as challenge to the writ of the State was found highly significant association ($p=0.00$) between Post 1979 and 9/11 incidents as promoting/fuelling factor to the writ of the State. These results clearly emanate the fallout of consequential effects of these two wars on the study area. These inferences are vividly in support to the Towshead (2009) that FCR though a tool designed for the containments of locals in administrative and legal terms without going into details of discovering its ramifications. These ramifications include judicial and administrative vacuum with social marginalization of the locals devoid of health and employment opportunities. All these worked toward a booming economy based on illegal activities like drug and human trafficking with the rise of militancy taking a trade shape (Haider and Arthur 2008; Aziz, 2009). The Russian forces withdrawal from Afghanistan and subsequent fall of Taliban government by USA created the spirit of holy war (Jehad) motivated by religious clergy was found highly significant ($p=0.00$). These two forces were declared invaders and crusade (jehad) declared against them was found highly significant relationship ($p=0.00$) with the writ of the State. It could probably be the non existence of administrative and political system in bordering area (FATA) which proved harbinger for escalating anti invader sentiments becoming upsurge for the holy warrior (Muslims) across the globe come and participate. (Ali,2002; Datta and Sharma,2002;Achar,2004; Juergesmeyer, 2008; Hussain, 2010). Pakistan is passing through a critical stage of its history in the shape of insurgency being faced. Which has negatively affected the development process breaking down of security chain (Ziad, 2009). Furthermore, existing socio-economic conditions created insurgents was found highly significant association ($p=0.00$) with the writ of the state. It means that deteriorated socio-economic conditions are always playing dreadfully when not in properly shaped. As this is because economic structure are usually resultant factor of powerlessness of the state. This situation not only detrimental to the integrated social structure but also hampers the development initiative (Rotberg, 2004; Niaz,2011). Moreover, significant relationship ($p=0.00$) was found between abundance of war arms fuelling insurgency and writ of the state. These results are attributable to the non existence of administrative set up in tribal area. This situation is comprehensively is analyzed while terming informal system as operative mechanics responsible for running the state of art. This situation is usually coupled with nonpayment of taxation and ineffectiveness of law with no existence of court (Mehdi, 2012; Haider, 2009;

graham, 2012; Rashid,2000 and Tahir et,al,2005). Moreover, emergence of religious extremism in view of external attacks was found highly significant relationship ($p=0.00$) to the writ of the State. This in close relationship to the findings of Amrit (2011;Ahmed,2010;Volpi,2011;Niaz,2011) that religious extremism could arise in aftermath of American invasion of Afghanistan notwithstanding vested Interest group helping in sprouting insurgency was found highly significant ($p=0.00$) with writ of the state. An informal system run through political agent has always provided enough room for the vested interest to influence the decision taken on part of these political agents into their favors such as nonpayment of taxes etc.Behar, 2002; Tahir et.al, 2005) these findings are further strengthened when highly significant relationships ($p=0.00$) were found between wrong policies of government of Pakistan with the writ of the state. Along with poor nature of governance was found highly significant ($p=0.00$) when relationship discovered with the writ of the state. These findings explicitly dictate in directional terms a decline of the control of government and its subsequent return like war as a trade and poor governance helping insurgents to sprout. These findings could easily be looked into the conclusion of Townshead (2009); Haider, 2009; Aziz, 2009) that social marginalization and political administrative vacuum are the two major grounds for insurgency in FATA. When asked about incapability of local judicial system was found highly significant relationship ($p=0.00$) with writ of the State as catalyst indicators towards up breeding of insurgency. Furthermore, unemployment amongst the youth for making them enjoining insurgent groups was found significant association ($p=0.00$) with writ of the state. As poor and marginalized people are more prone to insurgency with writ of the State was found significant ($p=0.00$) relationship.

Looking into some further dimensions responsible for the insurgency it was found i.e trained remnants of Russian war multiplied the insurgency as significant ($p=0.00$) relationship was found with writ of the state. Moreover, highly significant relationship ($p=0.00$) was also found with strong conviction of win over superpower encouraged insurgency with writ of the state. These findings of such nature were found in support to the Moor, (2010) Rakisits (2008) declaring holy war and creation of religious extremism as the rising of such factors is threat to government writ. The most tragic and saddening of all incidents was the killing of Ms Benazir Bhutto who was an educated, liberal and moderate leader. After being threatened by

fundamentalist elements she was eventually killed by them leaving political vacuum and instability of Pakistan, which has lost a very popular national leader. ‘The tendency of intolerance has invaded all level of state institutions, and is not simply restricted only to the non-state actors. At the beginning of the twenty-first century, this trend in Pakistan has become more prominent and is reflected at all levels of societal contacts’ (Niaz, 2011).

In addition, a strong and significant relationship ($p=0.00$) was found between warlords set their own judicial system with writ of state. Warlords were also found running a parallel administrative set up in FATA was highly significant relationship ($p=0.00$) between it and writ of the state. However, a non significant relationship was ascertained between warlords decision is binding from all respects in relationship to their implementation with writ of the state. It could be concluded that although warlords are dictating their administration, however, binding nature to this effects is ineffective provided a strong centralized backing with all political administrative and constitutional manifestation are provided by the federal government.

Table-4.33 Association between Insurgency and Challenges in the state Writ in FATA

		agree	disagree	Not sure	Total	Chi-Square
Post 1979 and 9/11 incidents promoted insurgency in area	Agree	132(41.0)	175(54.3)	15(4.7)	322	25.458(.000)
	Disagree	11(36.7)	19(63.3)	0	30	
	Not sure	0	23(82.1)	5(17.9)	28	
Fighting against these invaders was declared a holy war	Agree	86(38.7)	128(57.7)	8(3.6)	222	33.497(.000)
	Disagree	56(43.1)	69(53.1)	5(3.8)	130	
	Not sure	1(3.6)	20(71.4)	7(25.1)	28	
Socio- economic conditions created insurgents in area	Agree	130(46.6)	138(49.5)	11(3.9)	279	60.726(.000)
	Disagree	13(19.1)	54(79.4)	1(1.5)	68	
	Not sure	0	25(75.8)	8(24.2)	33	
Abundance of war arms fuelled insurgency	Agree	121(50.0)	113(46.7)	8(3.3)	242	55.415(.000)
	Disagree	22(19.1)	86(74.5)	7(6.1)	115	
	Not sure	0	18(78.3)	5(21.7)	23	
Religious extremism emerged in view of external attacks	Agree	87(22.8)	116(30.5)	6(2.4)	209	35.684(.000)
	Disagree	35(38.9)	46(51.1)	6(2.4)	81	
	Not sure	35(38.9)	46(51.1)	9(10.0)	90	
Vested interest groups are helping in sprouting insurgency	Agree	126(46.3)	136(50.0)	10(3.7)	275	39.613(.000)
	Disagree	17(22.1)	55(71.4)	5(6.5)	77	
	Not sure	0	26(83.9)	5(16.1)	31	
Wrong policies of government. of Pakistan are helpful in insurgency	Agree	120(46.9)	126(49.2)	10(3.9)	256	40.652(.000)
	Disagree	20(24.1)	60(72.3)	3(3.6)	83	
	Not sure	3(7.3)	31(75.6)	7(17.1)	41	
Insurgency emerged as trade in local area	Agree	127(44.1)	158(54.9)	3(1.0)	288	92.149(.000)
	Disagree	16(29.1)	35(63.6)	4(7.3)	55	

	Not sure	0	24(64.9)	13(35.1)	37	
Poor governance pushed local people for insurgency	Agree	134(42.4)	171(54.1)	11(3.5)	316	27.919(.000)
	Disagree	8(18.6)	30(69.8)	5(11.6)	43	
	Not sure	1(4.8)	16(76.2)	4(19.0)	21	
Incapable locally based judicial system is responsible for insurgency in local area	Agree	125(41.8)	162(54.2)	12(4.0)	299	17.695(.001)
	Disagree	16(28.6)	36(64.3)	4(7.1)	56	
	Not sure	2(8.0)	19(76.0)	4(16.0)	25	
Unemployment pushed youth's to join insurgent groups	Agree	119(39.9)	129(33.9)	12(4.0)	260	14.925(.005)
	Disagree	22(39.3)	30(53.6)	12(4.0)	64	
	Not sure	22(39.3)	30(53.6)	4(7.1)	56	
Poor and marginalized people are more prone to insurgency	Agree	119(39.9)	170(57.0)	9(3.0)	298	18.975(.001)
	Disagree	19(33.3)	32(56.1)	6(10.0)	57	
	Not sure	5(20)	15(60.0)	5(20)	25	
Trained remnants of Russian war multiplied insurgency	Agree	101(40.9)	138(55.9)	8(3.2)	247	23.351(.000)
	Disagree	37(37.0)	58(58.0)	5(5.0)	100	
	Not sure	5(15.2)	21(63.6)	7(21.2)	33	
Strong conviction of win over superpower encouraged insurgency	Agree	118(43.3)	161(56.3)	7(2.4)	280	21.898(.000)
	Disagree	19(27.9)	40(58.8)	9(2.4)	68	
	Not sure	6(23.1)	16(61.5)	12(3.15)	32	
Warlords(insurgent leaders) set their own judicial system	Agree	126(44.4)	149(52.5)	9(3.2)	284	31.626(.000)
	Disagree	11(14.9)	56(75.7)	7(9.5)	74	
	Not sure	6(27.3)	12(54.5)	4(18.2)	22	
Warlords are running their administration in FATA	Agree	97(34.6)	174(62.10)	9(3.20)	280	28.091(.000)
	Disagree	43(53.8)	30(37.5)	7(8.8)	80	
	Not sure	3(15.0)	13(65.0)	4(20.0)	20	
Warlords' decision is binding from all respect in terms of implementation	Agree	123(39.3)	178(56.9)	12(3.8)	313	12.967
	Disagree	14(29.2)	30(62.5)	4(8.3)	48	
	Not sure	6(31.6)	9(47.40)	4(21.1)	19	

Source: Field Survey, 2012

4.35 Relationships between Traditional Leadership and Challenges in the Establishment of the Writ of the State

Leadership is always playing a pivotal role in molding, directing and redirecting of the behavior of the masses in any particular phenomena. Traditional leadership is a kind of leadership though informal in nature but important in its application due to its strong roots in the masses. This sort of leadership is often on the grassroots level and usually representing a tribe or locality. In pukhtoon culture this sort of leadership is conspicuous with titles like Khan, Malik, Arbab, and even religious leader like Mullah (clergy man). The study area is no exception to application of this kind of leadership, rather Malik are with the driving seat along with other mentioned in little representation. The obvious results with response to Maliks position was very much obvious when a highly significant ($P= 0.00$)

relationship was found between Maliks are recognized as traditional leader with writ of the state. Moreover highly significant ($P=0.00$) relationship between local people were unhappy with malik role with their personal interest and writ of the state. It is quite obvious from these relationship that Malik although occupy a central position of leadership but their role is always been question on the basis of benefits achieved from administration satisfying their own interest. This sort of findings are also reportedly The Daily News (2004) that the tribal leaders are always getting benefits and in return using their personal influence on the masses for subjugation to the government. This has made Malik role ineffective when a strongly significant relationship ($P=0.00$) between the ineffectiveness of the Malik, role under the influence of insurgents with the writ of the state. Moreover a highly strong relationship ($P=0.00$) between tax collection is carried out by tribal people and writ of the state. These results clearly emanate that a strong central administrative authority is lacking in tribal area. This gap has been bridge up by the local Malik but under the influence of insurgents where tax is collected by the tribal people by the absence of government writ. Maliks are financially getting benefit due to their traditional role thus playing double standard by taking help from the insurgents and other perks and prestige from the government. Perhaps the stability of the social structure prevalent in the FATA has been stabilized by this sort of economic inequality (Rasheed, 2005; and Wylcox; 1963). In addition local support was also found significant ($P=0.00$) with the writ of the state. Furthermore Maliks are found financial benefits from the P.A as discovered by the relationship of these attribute with writ of the state significant ($P=0.00$). These findings are in line with conclusion of Rasheed,2005; Wylcox,1963 that war lords support Maliks and alike by the malik was reciprocal in nature with the sole purpose of getting financial benefits from warlords and political favors from political Administration. Moreover highly significant relationship ($P=0.00$) was also found between local elders role in dominant in bringing normalcy in area and writ of the state along with strong significant ($P=0.00$) local leader prefer silence over malpractices of political administration with writ of the state. This could be deducted from these findings that local elders have been sideline and the leadership i.e Maliks have adopted silence on the malpractice of political Administration in the light of under table deal obvious reasons to be associated as sort of commensalism where both parties are benefitted from their association with no one on the loser end.

Table-4.34 Traditional leaders' Role and Challenges to Government Writ in FATA

Statements		Agree	Disagree	Not sure	Total	Chi- square
Maliks are recognized as traditional leaders at local level	Agree	131(39.1)	189(56.4)	15(4.5)	335	21.422(.000)
	Disagree	12(27.3)	28(63.6)	4(9.1)	44	
	Not sure	0	0	1(0.26)	1	
Local people are unhappy with Maliks' role for their personal interests	Agree	130(45.6)	130(34.2)	7(2.5)	267	49.113(.000)
	Disagree	6(8.0)	57(76.0)	12(16.0)	75	
	Not sure	7(35.0)	12(60)	19(5.0)	38	
Maliks' role remained ineffective in view of strong influence of insurgents in area	Agree	121(40.7)	169(56.9)	7(2.4)	297	29.838(.000)
	Disagree	18(35.3)	25(49.0)	8(15.7)	51	
	Not sure	4(12.5)	23(71.9)	5(15.6)	32	
Tax Collection is carried out by tribal people	Agree	116(47.7)	123(50.6)	4(1.6)	243	40.981(.000)
	Disagree	22(18.8)	82(70.1)	13(11.1)	177	
	Not sure	5(25.0)	12(60.0)	3(15.0)	20	
Local Maliks' support the warlords	Agree	126(47.5)	132(49.8)	7(2.6)	265	45.908(.000)
	Disagree	17(19.3)	61(69.3)	10(11.40)	88	
	Not sure	0	24(88.90)	3(11.1)	27	
Maliks are financially benefitted by the political administration	Agree	128(39.8)	184(56.8)	12(3.7)	324	14.725(.005)
	Disagree	11(26.8)	23(56.1)	7(17.1)	41	
	Not sure	4(24.7)	10(66.7)	1(6.7)	15	
Local elders' role is dormant in bringing normalcy to the area	Agree	138(44.8)	161(52.3)	9(2.9)	308	57.777(.000)
	Disagree	5(10.5)	32(68.1)	10(213)	47	
	Not sure	0.00	24(96.0)	1(4.0)	25	
Local leaders prefer to be silent over malpractices of the political administration	Agree	128(43.1)	163(54.9)	6(2.0)	297	49.882(.000)
	Disagree	15(33.3)	22(48.9)	8(17.8)	45	
	Not sure	0,00	32(84.2)	6(15.8)	38	

Source: Field Survey, 2012

4.36 Relationships Between the Groups with political vested interest and the writ of the state in FATA

Political dynamics of the country usually breed the umbrella of democratic process. This process ensures upholding of smooth and healthy value system responsible for enactment of structure through functional approach. However, it has been noticed i.e although democratic process tried it level best for the purification of the system leadership based elevation. Sometime it also witnesses the flourishing of some group either based on ethnicity or geography that little endeavor to participate rather, tried to achieve some benefits while participating as a conditional approach.

Some attributes confirmed true the role of political vested interest designed to measure their effects with writ of the state. Likewise, national level political leader and legislators not interested in establishing law in FATA was found highly significant relationship ($p=0.00$) with writ of the state. Perhaps it is due to the isolated and marginalized geo-political standing of the area which attract little importance at national level among the politicians. FCR as a law is not being allowed to modify as per situational demand. It is due to the political pressure from the local malik's as they draw financial and political benefits from the government and masses as well. Political process along with political parties are not allowed to participate which has treated a political gap between the local politics and the at the national level affairs.(Bangash,1996). However, relationship between existing political administrative set up tries to maintain its status quo was found significant association ($p=0.00$) with writ of the state.

Unlimited and unchecked funds at the discretion of political administration are support to sustainability of FCR was found highly significant relationship ($p=0.00$) with writ of the state. It is one of the most determining factors resisting any sort of change in FCR laws. Because changes in FCR laws could either deprive the political administration of enjoying their power of desecration or curtailing it. These finding support the earlier conclusion of Jaspal (2012) that military approaches in FATA must be accompanied by non military tactics such as political dialogue, initiatives for social development and empowerment of the people as is in other parts of the country. Moreover, highly significant ($p=0.00$) relationship was detected between malik's personal interest who does not let the state operate in the FATA with writ of the state. It is again concluded here that malik's are paying the role of vested interest whereby not allowing any change in the system which could handle their benefits in return. The most of the contributing factor of sustainability of such scenario could be the prevalent poverty profile and low literacy rate. Claims have been made by the government through national and international media for the uplift of the area under study. It include promotion of education and addressing the prevalent poverty, however, nothing has been done to this effect on the ground (Khan, 2008).likewise highly significant relationship ($p=0.00$) between tax evaders/illegal practioners, Hawala system (informal money transaction) are hurdles to abolishing FCR with the writ of the state. This result clearly displays the meaning that three category people

are working as catalyst for hindering any movement either to abolish or bring amendments to the existing FCR. Lack of writ of the law as the resultant factor of political vacuum has given the chance to non state actor to breed around. This process has been witnessed since long and has ensured the unabated benefits drawn across the whole FATA by these vested interests. This is due to non existence of parliamentary law, criminal courts and repeated violation of constitutional rights (Ziad Haider,2008; and Arthur). Whether, government thinks of bringing reforms to bring changes in FATA were confirmed from the respondents. It was found that highly significant ($p=0.00$) relationship between government intends to bring about reforms in the FATA with writ of the state. Moreover, state intention about reforms to bring changes in FATA was also found highly significant association ($p=0.00$) with writ of the state. FATA completely underdeveloped which has led to the concomited occurrences of violence and militancy (Ashley,2009) change is eminent in both administration and constitutional term pressure from both national and international media the continuous deprivation of locals from social , political rights and economic rights since independence of Pakistan have resulted in grooming insurgency. Moreover, the failure of political representative to provide relief to the people in FATA have made the mind both the stakeholders for bringing about reforms with respect to FATA (Khan, 2008; Hashmi, 2012;and Afridi,2012).

Table-4.35 Political Vested Interest and Challenges to State's Writ in FATA

Statements		Agree	Disagree	Not sure	Total	Chi- square
National level political leaders and legislators are not interested in establishing writ of the law in FATA	Agree	115(44.7)	127(49.4)	15(5.8)	257	21.53(0.00)
	Disagree	25(26)	67(69.8)	4(4.2)	96	
	Not sure	3(11.1)	23(85.2)	1(3.7)	27	
The existing Political administrative setup tries to maintains its status quo	Agree	91(36.1)	148(58.7)	13(5.2)	252	8.07(0.89)
	Disagree	42(48.3)	40(46.0)	5(5.7)	87	
	Not sure	10(24.4)	29(70.7)	2(4.9)	41	
Unlimited and unchecked funds at the desecration of Political Agent are a support to sustainability of FCR	Agree	123(42.7)	153(53.1)	12(4.2)	288	19.51(0.001)
	Disagree	17(31.5)	33(61.6)	4(7.4)	54	
	Not sure	3(7.9)	31(81.6)	4(10.5)	38	
Maliks' personal interests do not let the state law operate in FATA.	Agree	99(41.1)	135(56.0)	7(2.9)	241	17.29(0.002)
	Disagree	40(36.7)	61(56.0)	8(7.3)	109	
	Not sure	4(13.3)	21(70.0)	5(16.7)	30	
Tax evaders/ illegal practioners / Hawala system are hurdles to abolishing FCR	Agree	121(54.8)	96(43.4)	4(1.8)	221	77.25(0.00)
	Disagree	17(16.3)	80(76.9)	7(6.7)	104	
	Not sure	5(9.1)	41(74.5)	9(16.4)	55	
Government intends to bring about reforms in FATA	Agree	12(46.0)	136(52.1)	15(3.9)	163	47.94(0.00)
	Disagree	22(29.3)	46(61.3)	41(10.7)	109	
	Not sure	60(15.7)	40(10.5)	8(2.1)	108	
State intention about reforms would bring changes in FATA.	Agree	85(38.8)	129(58.9)	5(5.3)	219	53.71(0.00)
	Disagree	55(56.7)	35(36.1)	7(7.2)	97	
	Not sure	3(4.7)	53(82.8)	8(12.5)	64	

Source: Field Survey, 2012

4.37 Relationship Between Governance in Vogue with Writ of the state in FATA

The development paradigm include not only to focus on resource development in terms of structural reform but also hard for sustainability to the development phenomena. The notion of sustainability could be met once and impartial and healthy governance through masses representative ensured. To dig out the people perception revolving around this vital aspect of reality highly significant relationship ($p=0.00$) was found between writ of the state in FATA. However, writ of the state was on path of deterioration in light of the present day insurgency. A highly significant relationship ($p=0.00$) was also found between writ of the state and poor and

worsening with writ of the state. This result point towards existence of rules and regulation but on path of worsening due to inhibition foreign militants as leftover of Russian war in Afghanistan and American invasion of Afghanistan in light of 9/11 incident. FATA is governed through British colonial system of FCR. This system was effective at time of its introduction. However, the rapid changes in geo-political scenario have proved FCR incapable of coping the emerging situation. One of the biggest problem is associated to this scenario is the attraction of national and international militants for taking refuge in these area as safe haven to them (Tajik,2011). It was found that FATA was peaceful before 9/11($p=0.00$) with the writ of the state. This is very much supporting the findings of (Khalid and Sultan) that before the 9/11 incident study area was highly stable and peaceful despite of the fact that war against Russia was waged and launched from these areas. Moreover, it has also given refuge to five million Afghans in ten years long war with little evidence of insurgency witness. Likewise, tribal custom are conducive to extremism was found highly significant ($p=0.00$) with writ of the state. The local customs enshrine with a strong notion of Pakhtoonwali and malmastia (hospitality) is always been misunderstood across different stakeholders (non locals of the areas). Malmastia was considered one of the supporting factor for breeding insurgency. Under this notion most of the Islamic militants came to the area took refuge and even entered into relationship (Rakisitis, 2008; Ali, 1997;and Dogar,2009). In addition, FATA is difficult in view of legal and constitutional vacuum was found highly significant ($p=0.00$) with writ of the state. Likewise Afridi (2012 and Hashmi, 2012) have indicated towards the pressure of political and administrative vacuum along with socio-economic deprivation and failure of elected political representation a provision of relief to FATA people. Army presence for improving law and order was found highly significant ($p=0.00$) with writ of the state. These results are contrary to the findings of Afridi (2012) that military operation and lack of scientific use of modern technology for the exploitation of hidden resources beneath the earth got prolonged. The government need to bring stability through development and peace and through economic strategy. As pointed out by Achakzai (2012) security forces should return their barracks from tribal belt, foreign militant should be allowed to return to their countries general ammenesty and compensation to affected tribesmen for rehabilitation in their areas. A highly significant and strong relationship ($p=0.00$) was found between double standard of behavior exists in deals on the part of the

government and writ of the state. Various agreements were executed between malik's and government speak of reciprocal effects Malik's are drawing hefty benefits from the administration and in return extending their role to maintain by suppressing their own masses. They receive subsidies and allowances while focusing little on masses development instead of their own self (Olf Caroe, 1958).

Table-4.36 Governance in Vogue with Challenges to State Writ in FATA

Statements		Agree	Disagree	Not sure	Total	
Writ of the state exists in FATA	Agree	64(38.4)	97(58.1)	6(3.6)	167	14.67(0.000)
	Disagree	75(40.5)	101(54.9)	9(4.9)	185	
	Not sure	4(14.3)	19(67.9)	5(17.9)	28	
Writ of the state is poor but gradually improving	Agree	60(38.7)	92(59.4)	3(1.9)	155	26.21(0.000)
	Disagree	80(43.0)	94(50.8)	11(5.9)	185	
	Not sure	3(7.5)	31(77.6)	6(15.0)	40	
Writ of the state is Poor and worsening	Agree	78(42.4)	103(56.0)	3(1.6)	184	33.35(0.000)
	Disagree	65(38.5)	93(55.0)	11(6.5)	169	
	Not sure	0	21(77.8)	6(22.2)	27	
FATA was peaceful before 9/11 incident	Agree	82(39)	122(58.0)	5(2.4)	209	35.53(0.000)
	Disagree	58(48.3)	52(43.1)	10(8.3)	120	
	Not sure	8 (2.1)	23(6.5)	20(5.2)	51	
Tribal customs are conducive to extremism/insurgency	Agree	85(42.1)	113(55.9)	4(7.0)	202	35.32(0.000)
	Disagree	58(42.9)	68(49.6)	4(8.0)	130	
	Not sure	0	26(76.3)	22(5.7)	48	
FATA is difficult to be governed in view of legal and constitutional vacuum	Agree	115((48.5)	119(50.0)	3(10.3)	237	60.73(0.000)
	Disagree	28(25.7)	72(66.1)	9(8.3)	109	
	Not sure	0	26(76.3)	8(23.5)	34	
Army's presence improved law and order in FATA	Agree	129(57.1)	92(40.7)	5(2.7)	226	98.15(0.000)
	Disagree	14(11.5)	94(77)	14(11.5)	122	
	Not sure	0	30(96.9)	2(0.5)	32	
Double standard of behavior exists in deals on the part of the Government	Agree	122(49.0)	120(48.2)	7(2.8)	249	58.02(0.000)
	Disagree	21(23.3)	64(71.1)	5(5.6)	90	
	Not sure	0	33(80.5)	8(19.5)	41	

Source: Field Survey, 2012

4.38 Relationship of Deteriorated Law and Order with Writ of the State in FATA

Impacts, signifies dichotomous meaning reflecting both negative and positive aspects. Any situational phenomena could be judged through the goggles of

assessment by verifying various causes or otherwise. Law and order situation is a long period phenomenon and usually measured on a time span of five years or more. The study at hand, attempts to discover some of the magnifiable affects deteriorated law and order upon the study area. A highly significant relationships ($P=0.00$) was discovered between investment declined in the area while measuring it with the writ of the state. Moreover, business community migrated to other part of the community was found highly with the writ of the state. It could be inferred on the basis of their finding that investment is directly related to peaceful and congenial environment. If any threat full situation arises in an area pertaining to law and order. The investment from the investors not only gets declined but mostly the investors flee the area just to save their own self and property. It is a common saying by investor investment is his community, little bothering about the identity. These finding are very much similar to finding of Shepiro and Pair, 2009 that although there does not exist any sound relationship between poverty and militancy, however subjective support for the militant is threatening economic wellbeing and community economic performance. Moreover investment law fails to provide protection when non state actors get vibrant, taking little respect international and local law leads to fleeing of local from their nature area (kitree, 2008) similarly strong and highly significant relationship was found between the demand of man power for recruitment of insurgents along with financial support as a replacement of man power to a war affair were found significant with writ of the state. It is apparent from that militant used to provide financial support as substitute for logistic and physical services of locals in the area. This is always fruitful when insurgents find a bulk of population unemployed and ready to render services for negligible returns. These results are similar to Hashmi findings upon the FATA. There most of the inhabitants of the area were deprived of social, political and economic rights. This negligence by the government is paving the ground for breeding extremism and terrorism. If insurgency continued unabated it may also lead to development of some horrible situation. A highly significant ($p=0.00$) relationship was detected between hospitals are ruined in view of security and writ of the state. Moreover NGO access to the study area was also restricted as was found highly significant ($p=0.00$) with writ of the state. Female students enrollment curtailed as highly significant ($p=0.00$) found between girl enrollment suffered with writ of the state. It has been concluded from these findings that a welfare approach for reforming the society war badly but once insurgency creeps in

main target included are hospitals, NGO services and girl enrollment at school has happened. Prosperity and development of a nation depend upon provision of services, health, education, etc. to the young generation. FATA has been witnessing in bulk of local migration from the area with the formidable decline in economic activities along with the severe jolts to educational institutions both in physical and monetary terms. (WAZIR, 2010). However, contrary to the above findings, Fair (2008) did not find any relationship with the religious teachings and surge and insurgency. Rather, insurgents had mostly modern schooling backgrounds. In addition, a highly significant ($P=0.00$) was detected between female teachers who were threatened and writ of the state. It is quite obvious from this assumption once writ of the state gets weakened, it could lead to some unpredictable and threatening environments for groups together. It was found that female teachers were worst hit by the ordinary phenomena. These are similar in nature with findings of Hashmi (2012) that educational infrastructure and manpower concerned were badly damaged in FATA as of taking them promoters of western culture and English education. A strong significant relationship ($p=0.00$) was found between religious institutions and writ of the state. It simply suggests the increase in militancy was due to enhanced number of religious schooling. However, contrary to the fact, there was a negative relationship between madrasas and increase in insurgency, Fair (2008).

In addition, early marriages of the young girls' popularity was also found highly significant with the writ of the state. In true sense, it is difficult like this development could be linked with writ of the state rather cultural enshrinement prevails which patternized practices of early marriages. Increase in abduction cases was found highly significant ($P=0.00$) with writ of the state. Moreover, increase in child trafficking was also determined as highly significant ($P=0.00$) with the writ of the state. Writ of the state was found further significantly related ($p=0.00$) with increase in child abuse. These results clearly dictate a new trend of abduction as a tool being used for ransom in return, responsible for providing monetary support to the militant activities. Furthermore, child trafficking is very attractive as it provides free of cost human beings as crucifiers in the shape of suicide bombers. This is not the end rather study witnesses child abuse cases rise such as sexual and physical abuse and other punitive, i.e. social and political and economic rights denied usually leads to unemployment and illiteracy of the youth. Moreover, lack of political representation and frequent displacements of

local divide the people of losing their religious cultural and traditional values (Hashmi, 2012: Afridi, 2012 and Achakzai, 2012). However, non significant relationships were deducted between the child labor jumped up with writ of the state.

Table-4.37 Impact of Deteriorated Law and Order Situation on State's Writ in FATA

Statements		Agree	Disagree	Not sure	Total	Chi- squire
Investment declined in the area	Agree	126(40.8)	172(55.7)	11(3.6)	309	28.51 (0.00)
	Disagree	17(32.1)	32(60.4)	4(7.5)	53	
	Not sure	0	13(72.2)	5(27.8)	18	
Business community migrated to other parts of the country	Agree	124(41.5)	163(54.5)	12(4.0)	299	11.36 (0.00)
	Disagree	17(23.9)	47(63.2)	7(9.9)	71	
	Not sure	2(20.0)	7(70.0)	1(10.0)	10	
Demand of man power for recruitment for insurgent groups occurred	Agree	130(41.0)	178(56.2)	9(2.8)	317	35.86 (0.00)
	Disagree	13(28.9)	26(57.8)	6(13.3)	45	
	Not sure	0(0.00)	13(72.2)	5(27.8)	18	
Demand of financial support as a replacement of manpower to war appeared	Agree	139(45.4)	160(53.3)	7(2.3)	306	62.92 (0.00)
	Disagree	4(8.5)	33(70.2)	10(21.3)	47	
	Not sure	0(0.00)	24(88.9)	3(11.1)	27	
Hospitals are ruined in view of insecurity here	Agree	130(41.4)	176(56.1)	8(2.5)	314	33.32 (0.00)
	Disagree	11(20.8)	33(62.3)	9(17.0)	53	
	Not sure	2(15.4)	8(61.5)	3(23.1)	13	
NGOs' access to FATA is impossible	Agree	140(44.4)	167(53.00)	8(2.5)	315	54.46 (0.00)
	Disagree	3(5.9)	39(76.5)	9(17.6)	51	
	Not sure	0(0.00)	11(78.6)	3(21.4)	14	
Girls' enrollment in schools suffered	Agree	137(45.5)	157(52.0)	8(2.6)	305	62.46 (0.00)
	Disagree	6(10.2)	47(79.7)	6(10.2)	59	
	Not sure	0(0.00)	13(68.4)	3(0.7)	16	
Female education suffered	Agree	139(41.1)	188(55.6)	11(3.3)	338	37.92(0.00)
	Disagree	4(12.1)	21(63.6)	8(24.2)	33	
	Not sure	0(o.0)	8(88.9)	1(11.1)	9	
Female teachers were threatened	Agree	137(39.8)	196(57.0)	11(3.2)	344	43.46 (0.00)
	Disagree	6(23.1)	12(46.2)	8(30.8)	26	

	Not sure	0(0.00)	9(90.0)	1(10.0)	10	
Government Girls Schools were damaged/destroyed	Agree	137(41.4)	183(55.3)	11(3.3)	331	30.73 (0.00)
	Disagree	6(16.2)	24(64.9)	7(18.9)	37	
	Not sure	0	10 (83.3)	2(16.7)	12	
Religious institution (Madaris) increased	Agree	137(45.8)	154(51.5)	8(2.7)	299	52.79 (0.00)
	Disagree	6(9.8)	45(73.8)	10(16.4)	61	
	Not sure	0	18(90.0)	2(10.0)	20	
Child marriage especially of young girls became popular	Agree	130(44.7)	156(52.6)	8(2.7)	294	53.28 (0.00)
	Disagree	13(22.0)	42(71.2)	4(6.8)	59	
	Not sure	0	22(73.3)	5(1.3)	27	
Abduction (kidnaping) cases increased	Agree	129(43.7)	158(53.6)	8(2.7)	295	38.92 (0.00)
	Disagree	14(22.6)	38(61.3)	10(16.1)	62	
	Not sure	0	21(93.2)	2(8.7)	23	
Child trafficking leveled up	Agree	120(44.6)	141(52.4)	8(3.00)	269	32.33 (0.00)
	Disagree	21(23.9)	60(68.2)	7(/08.0)	88	
	Not sure	2(8.7)	16(69.6)	5(21.7)	23	
Child abuse cases increased	Agree	116(40.3)	164(56.9)	8(2.8)	288	21.31 (0.00)
	Disagree	25(35.7)	36(51.4)	9(12.9)	70	
	Not sure	2(9.1)	17(77.3)	3(13.6)	22	
Child labor jumped up	Agree	129(40.1)	178(55.3)	15(4.7)	322	8.11 (0.87)
	Disagree	12(25.0)	31(64.6)	5(10.4)	48	
	Not sure	2(20.0)	8(80.0)	0.00	10	

Source: Field Survey, 2012

4.39 Perceived Suggestions for improving the State Writ in FATA

As proceeding the final independent variable is suggestions in light of the study with dependent variable. The suggestions like Announcing a Package for the development of FATA, Initiating talks with insurgents by the Government, Making friendly relationships with bordering countries, Announcing conditional amnesty for insurgents and Providing employment opportunities to the FATA youngsters were found highly significant ($P = 0.000$) with dependent variable (writ of the state exist in FATA). It put light on if special packages, talks with insurgents, friendly

relationship with neighbors, conditional amnesty announcements for insurgents and employment opportunities are offered the problem will overcome to a great extent. As Pakistani military success gains momentum in the FATA, the government must take advantage of the negatively altered social structure and favorable geopolitical context in pursuing not only military success, but also complete integration of the FATA.

In this endeavor, Pakistan must reverse a long history of autonomy with the realization that no government has had the opportunity and the need to integrate the FATA until now. Pakistan's recent military operations demonstrate an acknowledgement that they are fighting a counterinsurgency in the frontier. Pakistan has realized that it needs to control the population in order to eliminate the insurgency instead of selectively targeting and negotiating with the insurgents in order to influence the people. With the significant ($P = 0.000$) step of admitting they have a problem accomplished, Pakistan must first secure and control the FATA, then reform the status and governance of the frontier, and finally set the conditions for long term social and economic reform utilizing the significant funds promised in the Enhanced Partnership with Pakistan Act. Integration of the FATA (Rizwan Hussain, 2005)

The following suggestions as power is applied like Using full force against outlaws with the support of the masses, Imposing ban on all insurgent groups, Making FATA part of Khyber Pakhtunkhwa and Giving FATA the status of a separate province the results were also showed highly significant ($P = 0.000$) with dependent variable. By applying power insurgency can be removed from the area but this is the dangerous and secondary solution of the problem. The importance of the discussion of the Faqir is the similarity to what we see today with the Afghan Taliban, Al Qaeda leadership, and the TTP in their ability to maintain safe haven in the FATA and surrounding area at least until very recently. The people may or may not be in agreement with the militants, but the populations (Haroon, 2005).

Facilitating SAFRAN properly to meet all needs/requirements of tribal people, establishing a series of educational institutions in FATA, Initiating Political process in FATA on the pattern of other parts of the country and Introducing party based politics in FATA were also resulted highly significant with dependent variable (writ of the state exist in FATA). It means if the inferiority of FATA is removed insurgency in FATA will overcome to great extent. in bringing the social values and expectations of

the FATA closer to that of the other provinces is significant development in infrastructure, schools, and local businesses. Infrastructure is the first hurdle as roads; electricity and potable water enable follow-on efforts to grow. The new districts in the tribal areas must see immediate

The last suggestion as providing protection to NGOs, GOs and other developmental agencies by the state to ensure their access to FATA and establishing micro level industries in FATA were also found highly significant ($P = 0.000$) with dependent variables (writ of the state exist in FATA). The education system in FATA must be improved. Small businesses should be encouraged with investment in local merchandise such as textiles. The Enhanced Partnership with Pakistan Act initially called for reconstruction opportunity zones that gave duty free access to U.S. markets. Although taken out of the final bill, there is still an opportunity to obtain tariff benefits if progress is made in securing the region (Pakistan country Militancy, 2009) larger effort to reform the entire Pakistani education system. Stable conditions will go a long way to setting the conditions for girls to attend and “ghost schools” to be opened or held accountable, nevertheless teachers should receive incentives to instruct in what must be “regarded as a hardship post (Pakistan country Militancy 2009).

Table4.38 Perceived Suggestions for improvement in State Writ in FATA

Statements		Agree	Disagree	Not sure	Total	Chi- square
Announcing a Package for the development of FATA	Agree	132(43.1)	158(51.6)	16(5.2)	306	23.50(0.00)
	Disagree	8(12.3)	54(83.1)	3(4.6)	65	
	Not sure	3(33.3)	5(55.6)	1(11.1)	9	
Initiating talks with insurgents by the Government	Agree	139(43.8)	165(52.1)	13(4.1)	317	33.27(0.00)
	Disagree	4(7.3)	45(81.8)	6(10.9)	55	
	Not sure	0	7(87.5)	1(0.2)	8	
Making friendly relationships with bordering countries	Agree	143(43.7)	171(52.3)	13(4.0)	327	43.99(.000)
	Disagree	0	37(84.1)	7(15.9)	44	
	Not sure	0	9(100.0)	0	9	
Announcing conditional amnesty for insurgents	Agree	143(43.6)	175(53.4)	10(3.0)	328	51.19(0.00)
	Disagree	0.0(0.0)	32(8.4)	20(30.0)	52	
	Not sure	0.0	0.0(0.0)	0.0(0.0)	0	
Providing employment opportunities to the FATA youngsters	Agree	139(39.0)	201(56.0)	16(4.5)	356	11.92(0.000)
	Disagree	4(25.)o	9(56.0)	3(18.8)	16	
	Not sure	0.0	7(87.5)	1(12.5)	8	
Using full force against outlaws with the support of the masses	Agree	139(42.5)	175(53.5)	13(4.0)	327	30.43(0.00)
	Disagree	1(3.2)	27(87.1)	3(9.7)	31	
	Not sure	3(13.6)	15(68.2)	4(18.2)	22	

Imposing ban on all insurgent groups	Agree	143(44.0)	168(51.7)	14(4.3)	325	45.00(0.00)
	Disagree	0.0	33(94.3)	2(5.7)	35	
	Not sure	0.0	16(80.0)	4(20.0)	20	
Making FATA part of Khyber Pakhtunkhwa	Agree	143(54.4)	161(51.1)	11(3.5)	315	117.720(0.00)
	Disagree	0.0	56(91.8)	5(8.2)	61	
	Not sure	0.0	0.0	4(1.0)	4	
Giving FATA the status of a separate province	Agree	140(46.1)	155(51.0)	9(3.0)	304	141.217(0.00)
	Disagree	3(4.8)	57(91.9)	2(3.2)	62	
	Not sure	0.0	5(35.7)	9(64.3)	14	
Facilitating SAFRAN properly to meet all needs/requirements of tribal people.	Agree	142(45.4)	160(51.1)	11(3.5)	313	67.58(0.00)
	Disagree	1(2.1)	44(91.7)	3(6.2)	48	
	Not sure	0.00	13(68.4)	6(31.6)	19	
Establishing a series of educational institutions in FATA	Agree	143(43.5)	174(52.9)	12(3.6)	329	47.04(0.00)
	Disagree	0.0	27(79.4)	7(20.6)	34	
	Not sure	0.0	16(94.1)	1(5.9)	17	
Initiating Political process in FATA on the pattern of other parts of the country	Agree	140(43.1)	172(52.9)	13(4.0)	325	70.307(0.00)
	Disagree	0.0	36(100)	0.0	36	
	Not sure	3(5.8)	9(47.4)	7(36.8)	19	
Introducing party based politics in FATA	Agree	142(44.1)	167(51.9)	13(4.0)	322	53.649(0.00)
	Disagree	1(2.2)	42(91.3)	3(6.5)	46	
	Not sure	0.0	8(66.7)	4(33.3)	12	
Providing skill development opportunities to local youth Providing skill development opportunities to local youth,	Agree	143(41.9)	185(54.3)	13(3.8)	341	34.42(0.00)
	Disagree	0.0	28(82.4)	6(17.6)	34	
	Not sure	0.0	4(80.0)	1(20.0)	5	
Providing protection to NGOs, GOs and other developmental agencies by the state to ensure their access to FATA	Agree	139(42.8)	173(53.2)	13(4.0)	325	36.34(0.00)
	Disagree	1(2.7)	33(89.2)	3(8.1)	37	
	Not sure	3(16.7)	11(61.1)	4(22.2)	18	
Establishing micro level industries in FATA	Agree	143(41.2)	191(55.0)	13(3.7)	347	81.44(0.00)
	Disagree	0.0	11(2.8)	9(2.3)	20	
	Not sure	0.0	6(46.2)	7(53.8)	13	

Source: Field Survey, 2012

V. SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Summary

As for personal information of the respondents is concerned, 37.89 % were in the age group of 16-25 years; 27.6 % were post graduates; 29.2% were illiterate; 35% were working as government servants in different departments. These were the major figures of the respective categories mentioned in the preceeding lines. Moreover, 66.1 % respondent's pattern was joint Family system; 57.6 % respondents had cemented houses and 72.6 % respondents had their own houses. Furthermore, 45.47% respondents had monthly income in the range of Rs 1000-20000; 62.2% of respondents had land in size with 1 to 20 kanals. The reasons of migration to other areas included leaving the area due to war (47.9%), 42.9% left the area due to manpower demand made by insurgents; 37.9 % were living in camps; 53.9 percent of respondent were using spring water for drinking; 84.7 percent used wood as fuel. Different types of services and Facilities were available in the sampled area. Moreover, 61.6 % respondents were of the view that Health facilities were available; 70.50 % respondents replied that there was no school and college in their areas; 55.3 % of respondents areas had Madrass education; 66.30% respondents endorsed that roads facility were there in the area; 58.7 % respondents were using telephone in the areas; 68.2 % respondents enjoyed cell phone. 62.1% respondents had the electricity facility; 57.4% respondents were paying their electricity bill while the rest i.e. 42.6% respondents did not pay their electricity bills; 57.6% respondents used custom paid vehicles; 50.8% didn't pay custom duty, 50 considered to be free from this obligation. 48.2 % respondents believed that law of the area was not properly enforced. 51.1 % got arm licenses while, 48.9 % did not get it. The reason of not having licenses was that 49.5 % respondents did not feel its need because of no strict law prevalent in the study area. However, 46.8% considered the area exempted from this legal obligation. Regarding the level of authority in the sampled area 62.9 % from Bara Tehsial 58.9 % from Jamrud Tehsel and 54.2 % from Tehsel Landikotal reported poor governance.

Major Problems of the area included unemployment (85.8%) with 83.2 % female's education (83.2%); lack of medical staff (78.2 %) and presence of insurgents (76.8 %); fighting between clan (74.5%); displacement from areas (73.9%). Where

88.4% respondents had the view that the war in Afghanistan. Foreign interference and religious conflict in divergent groups disturbed the law and order situation in FATA.

In case of poor law and order, 87.4 % respondents believed that insurgency, Poor Trained Khasadar were the main reasons of unsatisfactory law and order situation in the area. Majority of the respondents (85.5%) considered FCR as inhuman and injudicious; 97.1% mentioned that human rights were not honored in the FATA; 74.7% respondents blamed the Political Agents for getting unlimited and unaudited funds and they preferred that FCR should be maintained in the area; 65.3% referred to double standard of behavior on the part of the government; and 84.7 % respondents thought insurgency a reaction of the Afghan war of 1979 and 9/11 incidents.

In case of leadership majority 88.2% respondents consider Maliks as their traditional leaders in the area; 74.7% regretted political agents' unlimited and unaudited funds and they preferred that FCR should be maintained in the area; double standard of behavior exists in deals on the parts of the government was beloved by 65.3 % respondents; threat to female teachers 90% respondents reported and destruction of female school on 87.1% respondents respectively; decline in investment, demand of manpower for insurgents, the destruction of hospitals NGOs access to FATA, the main problem in establishing the writ of the state is the interference of foreigners in the area reported by 85.5% respondents. Majority 93.7% are of the view that employment opportunities to the un employed people can play an important role in establishing the writ.

FCR is legal documented format for FATA. To know about the FCR and its important rules and regulations with governmental writ in the area and challenges in its implementation the following statements were crossed as FCR is the only law through which tribal people can be governed, FCR as law is sufficiently protects the legal rights of the local people and FCR as law needs amendments over passage of time have a significant relation with governmental writ in the area. Post 1979 and 9/11 incidents promoted insurgency in the area, declaring holy war and creation of insurgency due to socio economic condition in the FATA region with government writ in the area (FATA) resulted significant, insurgency increasing if government writ decreasing in the area. Abundance of arms in the area, religious extremism and vested interested groups were found significant with government writ in the area as

the rising of such factors is threat to government writ. Further the statement like, Local Malik's favor FCR, Political administration favor FCR, Political forces are hurdles in bringing about changes in FCR, In case FCR is abolished, would state law snatch the existing freedom like nonpayment of taxes, smuggling relation with governmental writ was significant, it reveals that the local Maliks, political leaders, are opposing the FCR because of tax pay and some checks on these people. Moreover, FCR flourishes the crime rate in the area, Instead of wrong doer, whole tribe is punished under FCR, FCR is inhuman and injudicious was also resulted significant with governmental writ in FATA belt. FCR support crimes in the area and whole tribe become the victims of these crimes. Post 1979 and 9/11 incidents promoted insurgency in the area, declaring holy war and creation of insurgency due to socio economic condition in the FATA region with government writ in the area (FATA) resulted significant. Insurgency are increasing if government writ decreasing in the area. Abundance of arms in the area, religious extremism and vested interested groups were found significant with government writ in the area as the rising of such factors is threat to government writ. Further wrong policies, local traditions and poor governance were also found significant as its presence is a challenge to government writ. Incapable local judicial system, unemployment of youth and marginalized people in the area were also significant with government writ implementation in the area. Moreover, the Russian war and the defeat of Russia is significantly related with government writ in the area as strengthened the insurgent is a threat to government writ in the area. The war lords own judicial system, own administrative system and their own decision also show a significant relation with government writ in the area. This led to the emergence of the political vacuum lacking all legal practitioner function around. Traditional leaderships is a very old, most well-known and popular in the FATA belt. In this category Khan, Malak and Nawab are prestigious names. In FATA belt, Maliks are recognized as traditional leaders at local level, Maliks' role remained ineffective in view of strong influence of insurgents in area, Maliks are financially benefitted by the political administration crossing with dependent variable (governmental role in FATA belt) the result was significant. In local people the Malik traditional roll and prestige is continuous, these maliks indirectly taking benefits from the insurgents in the area and on the other hand they are also getting prestige from the government. On the other hand the Malik role for the other people like, Local people are unhappy with Maliks' role for their personal interests, Local

Maliks' support the warlords, Local elders' role is dormant in bringing normalcy to the area, Local leaders prefer to be silent over malpractices of the political administration, such statements were also found significant with the dependable variable (Governmental writ in the area). It is clear that the local people relation with Malik is temporary because they support the insurgents, their role in bringing normalcy is not valuable and they indirectly oppose the governmental writ. Moreover the tax collection relation with governmental writ was also significant. National level political leaders and legislators are not interested in establishing writ of the law in FATA relation with dependent variable (governmental writ) is significant as no one is ready to accept Government law in FATA. Unlimited and unchecked funds at the desecration of Political Agent are a support to sustainability of FCR relation were found significant with governmental writ in the FATA belt so its sustainability existence is only the availability of huge and unchecked funds. the Maliks' personal interests do not let the state law operate in FATA, Government intends to bring about reforms in FATA, and State intention about reforms would bring changes in FATA were found highly significant with dependent variable (governmental writ in FATA belt) this indicate that the governmental want reforms in the FATA While, the illegal practioners are not in the favor of government. In case FCR is abolished, would state law snatch the existing freedom like nonpayment of taxes, smuggling relation with governmental writ was significant, Governance in vogue crossing with government writ existence in FATA and challenges to it resulted as Writ of the state exists in FATA, Writ of the state is poor but gradually improving and Writ of the state is Poor and worsening these statements are highly significant with dependent variable (writ of the state exist in FATA). Thus the government writ in FATA exists in very poor and worse form but with the intervention it is gradually improving. FATA was peaceful before 9/11 incident and FATA is difficult to be governed in view of legal and constitutional vacuum are highly significant with dependent variable (writ of the state exist in FATA). Tribal customs are conducive to extremism/insurgency and Army's presence improved law and order in FATA were also highly significant to dependent variable (writ of the state exist in FATA).

Double standard of behavior exists in deals on the part of the Government with dependent variable (writ of the state exist in FATA) was highly significant as double governance under FCR and Government writ is a problem and its existing is

also a problem for government institution. The statements as Investment declined in the area, Business community migrated to other parts of the country, Demand of man power for recruitment for insurgent groups occurred and Demand of financial support as a replacement of manpower to war appeared were found highly significant with dependent variable (writ of the state exist in FATA). It indicates that investment in the area is continuously declining due to business community migration to other part of the country and the remaining man power went directly towards insurgent groups for getting financial support. About health and NGOs access in the area both of the statements as Hospitals are ruined in view of insecurity and NGOs' access to FATA is impossible were found highly significant with dependent variable (writ of the state exist in FATA). Female education was completely banned in FATA during the present insurgency in FATA. In this regard the following statements like enrollment in schools suffered, Female education suffered and teachers were threatened, Government Girls Schools were damaged/destroyed and Religious institution (Madaris) increased shown a highly significant resulted with dependent variable (writ of the state exist in FATA). On the base of child rights in the FATA belt the statements like, Child marriage especially of young girls became popular, Abduction (kidnaping) cases increased, Child trafficking leveled up, Child abuse cases increased and Child labor jumped up were also appeared highly significant with dependent variable (writ of the state exist in FATA). It reveals that children rights being violated in FATA belt.

The final independent variable is suggestions in light of the study with dependent variable. The suggestions like Announcing a Package for the development of FATA, Initiating talks with insurgents by the Government, Making friendly relationships with bordering countries, Announcing conditional amnesty for insurgents and Providing employment opportunities to the FATA youngsters were found highly significant with dependent variable (writ of the state exist in FATA). It put light on if special packages, talks with insurgents, friendly relationship with neighbors, conditional amnesty announcements for insurgents and employment opportunities are offered the problem will overcome to a great extent.

The following suggestions as power is applied like using full force against outlaws with the support of the masses, Imposing ban on all insurgent groups, Making

FATA part of Khyber Pakhtunkhwa and Giving FATA the status of a separate province the results were also showed highly significance with dependent variable. By applying power insurgency can be removed from the area but this is the dangerous and secondary solution of the problem.

Facilitating SAFRAN properly to meet all needs/requirements of tribal people, establishing a series of educational institutions in FATA, Initiating Political process in FATA on the pattern of other parts of the country and introducing party based politics in FATA were also resulted highly significant with dependent variable (writ of the state exist in FATA). It means if the inferiority of FATA is removed insurgency in FATA will overcome to great extent. The last suggestions as providing protection to NGOs, GOs and other developmental agencies by the state to ensure their access to FATA and establishing micro level industries in FATA were also found highly significant with dependent variables (writ of the state exist in FATA).

5.2 Conclusion

The study conducted over the writ of the state in FATA is of great importance in view of its geo-political and cultural dimensions. The study carried out clearly indicates towards the inferences like FCR could be only law through which governance over this turbulent belt be ensured.

As a law, it contains all the legal rights and privileges that could protect the citizens' rights. However, amendments in this regard have ever been felt as a rising need over the passage of time.

Obviously changes were not allowed because these bourgeoisies were enjoying a freedom towards non-payment of taxes, free illegal movement of smuggling and the crimes flourished around were neglected due to inhuman and injudicious cover from this law, that's why the local Maliks thought to go with the existing law for the purpose of continuing their above mentioned vested interests.

Furthermore, the study depicts non availability of educational facilities like absence of jobs opportunities, political activities and violation of human rights and no legal right of appeal against any administrative decision in the target area.

The most deteriorating factor of law and order and emergence of insurgency was totally attributed to 9/11 incidents.

Invasion of Afghanistan by the US led forces paved way to the insurgents creeping in under the garb of holy war and thus religious extremism flourished.

Poor state policies on part of the government of Pakistan, unemployment of the youth with social and political marginalization of the area along with remnants of Russian war in Afghanistan were found some major pushing factors to the insurgency in the study area.

Maliks as traditional leaders, though enjoying a position of respect and power in the prevalent social hierarchy; however, their role pertaining to bringing peace and normality were found nominal. Instead personal gain and influence over the administrative decision making cropped up as major determinant towards flourishing insurgency.

Moreover, malpractices committed on part of administration and subsequent silence by the local Maliks did influence phenomena of insurgency in vertical as well horizontal direction.

This insurgency and its concomitant dissipation could further be linked to lack of interest at the national level leadership to bring about any administrative let up at federally administered tribal area.

Huge amount of unchecked funds along with prevalence of tax evasion and fear to change if brought in the FATA were found eminent discourse towards a continuity and prevalence of anti state phenomena.

It is irony of the people to mention satisfaction with the state law.

People disclosed and linked the deterioration of law and order to the customary traditional ways of living along with double standard on part of the state.

The study disclosed a very dismal economic position as investment in the area declined due to insurgency.

Moreover, business community migrated and communication infrastructure was found destroyed.

NGO,s access to welfare and physical rehabilitation declined to minimum level.

Female schooling were declared non religious, this faced with an axe from these insurgents in the shape of demolition of schooling structure for both male and female as well.

Moreover, phenomena of abduction and child abuse were discovered as the detrimental out comes.

5.3 Recommendations

1. FCR, which was imposed a century back aimed at curtailing the wild and aggressive nature of the locals. However, with the passage of time and non provision of basic facilities of life coupled with structural and functional developments necessitate the need for an opportunity of revisiting the above mentioned rules and regulations while framing it according to the present day socio-political scenario. This would ensure a concomitant provision of basic rights, which is a dire need and felt need for a citizen claiming a sense of belonging to a state.
2. The local bourgeoisie (Malikan), operating around with all might being enjoyed and exercised on their parts through a strong endorsement from the administration needs not to be overlooked. Their role must be defined under the provision of state law enshrined through constitutional cover. This would make them accountable and sense of accountability always brings honesty, dedication and loyalty.
3. Moreover, oppressed feeling surfaced during the study from the local masses regarding the role of these Malik would also brought under the umbrella of check and balance and thus a democratic norms would prevail in aftermath.
4. The available facilities with reference to low literacy rate could be addressed once a sense of normalcy prevails. All kinds of educational facilities, both formal and vocational need to be provided forthwith. This would serve a big turn towards eliminating sense of deprivation as alienation amongst the locals.

5. Rising insurgency was found as major fuelling factor challenging the Writ of the State and creating sense of insecurity, social, structural and functional instability. The study findings clearly depicted that unemployed youth came out as explicit source of generating and prolonging this very crisis. It is imperative on the basis of findings that employment opportunities need to be provided on urgent basis in all shapes and manifestations. This would serve towards bringing back the belligerent youth into common national strata and thus continuity and contribution to prosperity and growth of the study area would be ensured.
6. As an incident of 9/11 and subsequent US invasion of Afghanistan further dragged the area into becoming a hub for insurgents. Some were remnants of Russian war and some resurfaced in the shape of Taliban. All these events were probable outcome of an administrative, legal and political vacuum. This vacuum could be easily bridged up if political parties are allowed to carryout their activities in FATA. This sort of activities would augment the political process while bringing all the dissidents segments into mainstream political activities with freedom of expression of thought.
7. The malpractices in the shape of smuggling, kidnapping for ransom and weapon trade could successfully be curtailed once administrative stock of situation is taken. It is only possible when a manifest administrative with functioning capacity under subjugation at different level is established.

Longitudinal revisiting of prevalent law while keeping into consideration local customs, traditions with specific mention to jirga system may also be put on priority while resolving the issue at hand.

The structural growth always suffers when dysfunctional dynamic increases.

As obvious from sociological schools of structural functionalist development initiative pertaining to roads and mass communication, schooling and industries is no exception to bring this neglected area ad par to other parts of the country. As a passage to central Asia and connected to the subcontinent, the area under study has been remained imminent in geo-political consideration.

Structural and functional growth would directly lead to culmination of untoward events.

Therefore it is strongly recommended that a special two pronged package needs to be initiated by the government whereby; development initiatives taken around with zeal and commitment by involvement of all local segments and Talks needs to be initiated with the insurgents either by giving some provision or convincing them to be a part of that system. In case they don't agree then decisive measures are needed to eliminate them.

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CHALLENGES IN THE ESTABLISHMENT OF THE WRIT OF THE STATE IN FATA: A CASE STUDY OF KHYBER AGENCY

QUESTIONNAIRE

Note: This is purely an academic endeavour pursuing Ph.D programme in the discipline of Sociology. It shall be the researcher's ethical responsibility to keep all Information strict confidential.

Personal Profile

1. Name of the respondent
2. Age _____

Please put only code mark of your choice in each column:

Education	Occupation	Family Type	Family Size	Housing Pattern	House Status

Denotations:

- i. Education: *A. illiterate B. Under Matric C. Matriculate D. F.A/F.Sc*
 E. Graduate F. Post Graduate G. Any other
 - ii. Occupation: *A. Farmer B. Government Servant C. Businessman*
 D. Student E. Factory owner F. Any other
 - iii. Family Pattern: *A. Joint Family B. Extended family C. Nuclear Family*
 - iv. Housing Pattern: *A. Cemented B. Muddy C. Mixed of both*
 - v. House Status: *A. Own B. Rented C. On service (Hamsaya)*
3. Income in PKR _____
 4. Landholding Size in Kanal (if you have):

Note: Questions 5 & 6 are for IDP respondents only

5. You are living:
 (a) At Camp _____ (b) With relatives _____
 (c) With host community _____ (d) Any other _____

6. Why did you leave your area?

(a) Due to war (b) Demand of ransom

(c) demand of human person/man power (d) any other

Q.7 Services /Facilities Available in Your Area

Services	Exists	Does not exist	Distance from residence
Health (Hospital, BHU, Dispensary etc.)			
Schools/ Colleges			
Madrassa Education			
Infrastrucure			
Road			
Telephone			
Cell services			
T.V			
Cable			

Q.8. Nature of drinking water in your village

(a) Spring

(b) Ponds

(c) Stream

(d)Tube well

(e) Tape water

(f) Well

Q.9. Sources of fuel consumption

- (a) Wood
- (b) Kerosene oil
- (c) Lpg
- (d) Electric Heater
- (e) Any other

Q.10. Do you have electricity connection? Yes/No

Q.11. If yes, are you paying the electricity bill? Yes/No If no why you are not paying the bill?

Q.12 How many vehicles do you have?

- (a) Custom paid
- (b) Non custom paid

Q.13 If you have non custom paid vehicle why did you not pay custom duty?

- (a) It is exempted in your area (b) Writ of law is not around there (c) Any other
- (b) Have you got arms license. Yes No

Q.14 If no, why (a) writ of law is not in strict sense (b) exempted (c) Any other

Q.15 How do you perceive the following tehsil in terms of authority?

Tehsil	Ungoverned	Partially governed	Fully governed
Bara			
Jamrud			
Landikotal			

Q.16 What are the problems of your area?

Statement	Yes	No
Non availability of education for females		
Unemployment		
Availability of staff i.e. Doctor and Para Medical staff		
Displacement from the area		
Presence of insurgents		
Clan infighting		
Any other		

Q.17 Do you think law and order situation is satisfactory in your area. Yes/No

Q.18 If no, what are the reasons?

- (a) War in Afghanistan
- (b) Foreign Interference
- (c) Religious Conflict in Divergent Groups
- (d) Smuggling of Different Goods
- (e) FCR
- (f) Vacuum created by Absence of political parties
- (g) Poorly Trained Khasadar
- (h) Laws in Tribal areas are not at par with those of settled areas
- (i) Insurgency
- (j) Tribal people's unawareness regarding their basic rights
- (k) Faction and feuds.
- (i) Any other

Q.19. Frontier Crimes Regulation (FCR)

FCR is the only law through which tribal people can be governed	Agree	Disagree	Not sure
FCR as law is sufficiently protects the legal rights of the local people			
FCR as law needs amendments over passage of time			
Local Maliks favor FCR			
Political administration favors FCR			
Political forces are hurdles in bringing about changes in FCR			
In case FCR is abolished, would state law snatch the existing freedom like nonpayment of taxes, smuggling etc			
FCR flourishes the crime rate in area			
Instead of wrong doer, whole tribe is punished under FCR			
FCR is inhuman and injudicious			

Q.20. Socio-economic Deprivation

Statements	Agree	Disagree	Not sure
Fata is developed like other parts of the country			
Job opportunities are available to FATA people as in other parts of the country			
Educational facilities in FATA are like other parts of the country			
Health facilities are the same as in other areas of the country			
Political activities are similar in nature to rest of Pakistan			
Human rights are honoured in FATA			
Legal rights are available to FATA people			
Right of appeal against political administration's decision exists			

Q.21. Insurgency

Statement	Agree	Disagree	Not sure
Post 1979 and 9/11 incidents promoted insurgency in area			
Fighting against these invaders was declared a holy war			
Socio- economic conditions created insurgents in area			
Abundance of war arms fuelled insurgency			
Religious extremism emerged in view of external attacks			
Vested interest groups are helping in sprouting insurgency			
Wrong policies of government. of Pakistan are helpful in insurgency			
Insurgency emerged as trade in local area			
Poor governance pushed local people for insurgency			
Incapable locally based judicial system is responsible for insurgency in local area			
Unemployment pushed youth's to join insurgent groups			
Poor and marginalized people are more prone to insurgency			
Trained remnants of Russian war multiplied insurgency			
Strong conviction of win over superpower encouraged insurgency			
Warlords(insurgent leaders) set their own judicial system			
Warlords are running their administration in FATA			
Warlords' decision is binding from all respect in terms of implementation			

Q.22. Traditional Role of the Tribal Leaders

Statements	Agree	Disagree	Not sure
Maliks are recognized as traditional leaders at local level			
Local people are unhappy with Maliks' role for their personal interests			
Maliks' role remained ineffective in view of strong influence of insurgents in area			
Tax Collection is carried out by tribal people			
Local Maliks' support the warlords			
Maliks are financially benefitted by the political administration			
Local elders' role is dormant in bringing normalcy to the area			
Local leaders prefer to be silent over malpractices of the political administration			

Q.23. Political Vested Interests

Statements	Agree	Disagree	Not sure
National level political leaders and legislators are not interested in establishing writ of the law in FATA			
The existing Political administrative setup tries to maintains its status quo			
Unlimited and unchecked funds at the desecration of Political Agent are a support to sustainability of FCR			
Maliks' personal interests do not let the state law operate in FATA.			
Tax evaders/ illegal practioners / Hawala system are hurdles to abolishing FCR			
Government intends to bring about reforms in FATA			
State intention about reforms would bring changes in FATA.			

Q.24. Governance in Vogue

Statement	Agree	Disagree	Not sure
Writ of the state exists in FATA			
Writ of the state here is excellent			
Writ of the state is poor but gradually improving			
Writ of the state is Poor and worsening			
FATA was peaceful before 9/11 incident			
Tribal customs are conducive to extremism/insurgency			
FATA is difficult to be governed in view of legal and constitutional vacuum			
Army's presence improved law and order in FATA			
Double standard of behavior exists in deals on the part of the Government			

Q.25. Impact of Deteriorated Law and Order Situation on Local Community

Statement	Agree	Disagree	Not sure
Investment declined in the area			
Business community migrated to other parts of the country			
Demand of man power for recruitment for insurgent groups occurred			
Demand of financial support as a replacement of manpower to war appeared			
Hospitals are ruined in view of insecurity here			
NGOs' access to FATA is impossible			
Girls' enrollment in schools suffered			
Female education suffered			
Female teachers were threatened			
Government Girls Schools were damaged/destroyed			
Religious institution (Madaris) increased			
Child marriage especially of young girls became popular			
Abduction cases increased			
Child trafficking leveled up			
Child abuse cases increased			
Child labor jumped up			

Q.26. Problems in Establishing the Writ of the State

Statements	Agree	Disagree	Not sure
Geo strategic status of the FATA			
Existence of FCR and not state law			
Government is incapable to establish law and order in FATA			
Absence of community support in law establishment			
Lack of international support in law establishment			
Political Instability in Afghanistan hampers law and order			
Religious/Sectarian clashes are hurdles in establishing writ.			
Long border line with Afghanistan is a problem in ensuring the state writ.			
Poor infrastructure is a hurdle			
Foreign interference is a major hurdle			
Relationship with neighboring countries are volatile			
Invisible actors are a threat to poor writ of the state			
Lack of trust among allies in war against insurgency is a cause to looming insurgency			
No legal action against criminal people taking asylum in FATA is a cause of poor writ.			

Q.27. Suggestions

Statement	Agree	Disagree	Not sure
Announcing a Package for the development of FATA			
Initiating talks with insurgents by the Government			
Making friendly relationships with bordering countries			
Announcing conditional amnesty for insurgents			
Providing employment opportunities to the FATA youngsters			
Using full force against outlaws with the support of the masses			
Imposing ban on all insurgent groups			
Making FATA part of Khyber Pakhtunkhwa			
Giving FATA the status of a separate province			
Facilitating SAFRAN properly to meet all needs/requirements of tribal people.			
Establishing a series of educational institutions in FATA			
Initiating Political process in FATA on the pattern of other parts of the country			
Introducing party based politics in FATA			
Providing skill development opportunities to local youth			
Providing protection to NGOs, GOs and other developmental agencies by the state to ensure their access to FATA			
Establishing micro level industries in FATA			

Thanking you very much for giving your precious time

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ANNEXURE-I

Fidayeen (Suicide Squad) Attacks in Pakistan

2002 – 2011 Year	Incidents	Killed	Injured
2011*	10	131	273
2010	49	1167	2199
2009	76	949	2356
2008	59	893	1846
2007	54	765	1677
2006	07	161	352
2005	04	84	219
2004	07	89	321
2003	02	69	103
2002	01	15	34
Total	524	4323	9380

ANNEXURE-II

Damage to Infrastructure and Human Losses

Annexure 1.1:- Damages to the public assets.

Agencies	Education	Health	Roads	Irrigation	Agriculture	Livestock	Sericulture	Forest	Fisheries	Total
Bajaur Agency	186.35	72.428	347.723	8.09	503.52	396.96	0.36	170.455	-	1685.886
Mohmand Agency	75	10	357	-	55	9.13	1.6	181.772	5.3	694.802
Khyber Agency	15	15	123.6	-	30	1.5	2	37.5	4.7	229.3
FR	15.5	3.5	-	-	7	-	-	7	-	33
Kurram Agency	10	5	10		35	37.527	4.763	37.527	9.4	149.217
Orakzai Agency	-	3	10.5	1.9	40	66.5	-	10.515	4.1	136.515
FR Kohat	90.268	3.5	-	-	7	43	-	1.668	-	145.436
North Waziristan Agency	76	50	325	4.285	10	20.3		8	5.7	499.285
FR, Bannu	5	7	9	-	5	-	-	0.328	4.3	30.628
FR, Lakki	-	5	-	-	5	-	-	-	-	10
South Waziristan	75	118	380	-	25	17.256	-	2.552	-	617.808
FR, Tank	5	1	5	-	5	-	-	-	-	16
FR, D. I. K	-	1	-	-	-	10.3	-	-	-	11.3
Total	553.118	294.43	1567.8	14.28	727.52	602.473	8.723	457.32	33.5	4259.177

Source: Report cost of conflict in FATA, 2009.

Annexure 1.2:- Agency wise Breakup of Human Losses

Damage to the people has been divided into the following categories, which are as:

Dead: Rs 500,000 per person

Injured Serious: Rs 200,000 per person

Injured Minors: Rs 100,000 per person

Disabled after recovery: Rs 250,000 per person

Total Dead: Rs 500,000 x 3205 = 1603 million

Injured Serious: Rs 200,000 x 2160 = 432 million

Minors injured: Rs 100,000 x 1520 = 152 million

Disabled after recovery Rs 250,000 x 205 = 52 million

Total = 2239 million

Annexure 1.3:- Agency wise Breakup of Human Losses

Agency	Dead	Serious Injured	Minor Injured	Disabled
Bajaur Agency	600	600	50	25
Mohmand Agency	400	300	100	20
Khyber Agency	50	5	45	-
FR Peshawar	10	-	-	-
Kurram Agency	500	400	250	50
Orakzai Agency	150	30	45	-
FRKohat	450	25	30	5
North Waziristan Agency	500	400	350	60
FR, Bannu	20	-	-	-
FR, Lakki	5	-	-	-
South Waziristan Agency	500	400	650	45
FR, Tank	20	-	-	-
FR, D. I. K	-	-	-	-
Total	3205	2160	1520	205

Source: Report cost of conflict in FATA, 2009.

Annexure 1.4:- Economic Cost

Agencies	Infrastructure losses Cost Public + Private	human losses Cost Public + Private	Infra +Human Losses Cost	Cost @ 75% of Infra +Human Losses Cost
Bajaur Agency	1999.58	597.82	2597.40	1948.05
Mohmand Agency	1007.49	441.57	1449.06	1086.80
Khyber Agency	536.99	197.07	734.06	550.55
FR Peshawar	340.69	171.57	512.26	384.20
Kurram Agency	456.91	534.07	990.98	743.23
Orakzai Agency	444.21	252.07	696.28	522.21
FRKohat	453.13	400.82	853.95	640.46
North Waziristan Agency	806.98	546.57	1353.55	1015.16
FR, Bannu	338.32	176.57	514.89	386.17
FR, Lakki	317.69	169.07	486.76	365.07
South Waziristan Agency	925.50	572.82	1498.32	1123.74
FR, Tank	323.69	176.57	500.26	375.20
FR, D. I. Khan	318.99	166.57	485.56	364.17
Total :	8270	4405	12675	9505

Source: Report cost of conflict in FATA, 2009.

Annexure 1.5:- Total Cost of Conflict in FATA

Sector	Tentative cost in Millions	
	Pakistani Rupees	US \$
Infrastructure losses	8270	103
Human Losses	4405	105
Economic Costs	9509	119
Social costs	88725	1105
Environmental Costs	15000	188
Security and IDP's Costs	45766	572
Grand Total	171671	2146

Source: Report cost of conflict in FATA, 2009.