

SOCIO-POLITICAL AND ECONOMIC IMPLICATIONS OF THE 25TH CONSTITUTIONAL AMENDMENT OF PAKISTAN

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Abstract

The merger of Federally Administered Tribal Areas (FATA) into Khyber Pakhtunkhwa is a significant step of the government of Pakistan to address the law-and-order situation and bring this region into the mainstream. Bringing FATA into the mainstream has a profound impact on political, economic and social aspects of the region. In this research study, the researcher described the process of merger of FATA into KP. At the same time, this study highlighted the political, economic and social implications of this merger for the region. The research approach for the paper is qualitative and methodology includes secondary data analysis on the issue and documentation of the main focus on the topic. The theory of integration has been selected for the concerned study. This research paper is concluded that this integration will bring peace and prosperity, and development in the region. The recent integration will not only bring administrative and infrastructural development in the region, but will also create better opportunities for new jobs, businesses, greater development, better communication and positive social change.

Keywords: FATA; Mainstreaming; Implications; Constitution; Amendment, Socio-political.

Introduction

After the partition of the Subcontinent in 1947, FATA annexed to Pakistan on the condition that its ancient traditions are preserved and the centuries-old *Jirga* system be legally used.¹ The Pakistan-administered tribal belt was consisting on seven agencies and six Frontier Regions (FR). These tribal Agencies include Khyber Agency, Mohmand Agency, Bajaur Agency, Kurram Agency, Orakzai Agency, North Waziristan and South Waziristan and the Frontier Regions included FR Peshawar, FR Kohat, FR Bannu, FR Lakki Marwat, FR Tank and FR D.I Khan. Constitutionally these tribal areas known as "Federal Administered Tribal Areas (FATA) were directly control by the federal government of Pakistan. Article 246 and 247 of the 1973 Constitution of Pakistan was related to FATA affairs. President of Pakistan were direct control on these areas and Governor of KP had controlled the region as a President Representative. Each agency was headed by Political Agent (PA) and he had used political, executive and judicial powers delegated by Governor of KP. The Pakistani Parliament, Supreme Court and Peshawar High Court had no jurisdiction over these areas.² The successive governments of Pakistan introduced different reforms in former FATA, but such initiatives were not change the fate of the region. However, such type of efforts by several governments cannot be ignored, as these initiatives have proved to be an important platform and foundation for recent integration.

Finally, May 24, 2018 was the historic day for Pakistan when National Assembly approved a historical 25th Amendment in the 1973 Constitution with massive majority. The star of FATA fate shines forever after integration into KP province of Pakistan. A total of 229 votes were cast in which 228 in favor of the merger and only one against it. The bill was also passed by KP Assembly with huge majority; total of 87 votes only 7 was against this bill. 25th Constitutional amendment bill accepted by all mainstream political parties of Pakistan i.e. Pakistan People's Party (PPP), Pakistan Muslim League PML(N), Muttahid Qaumi Movement-Pakistan (MQM-P), Pakistan

¹References

Muhammad Riaz Shad and Sarfraz Ahmed, "Mainstreaming the Federally Administered Tribal Areas of Pakistan: Historical dynamics, prospective advantages and challenges," *IPRI Journal* 18, no. 2 (2018): 111-136.

² Imtiaz Ali, "Mainstreaming Pakistan's federally administered tribal areas," *Special Report United States Institute of Peace*, url: www.usip.org/sites/default/files/2018-03/sr-421-mainstreaming/pakistan-federally-administered-tribal-areas.pdf (2018): 2-3.

Tehreek Insaaf (PTI), Jamat-i-Islami (JI) except Pakhtunkhwa Milli Awami Party (PMAP) and Jamiat Ulema-I-Islam (JUI-F).³

Article 1, 246 and 247 of the Constitution were amended. The jurisdiction of Higher judiciary has been extended to FATA and Pakistani Parliament now the authority to enact laws for former FATA. The President of Pakistan and Governor of KP no longer has any authority to rule over these areas. The seat of Political Agent transformed into Deputy Commissioner and Assistant Political Agent into Assistant Commissioner. The British-imposed old colonial black laws of Frontier Crimes Regulations (FCR) abolished and people of the region got a rid of it forever. FATA current seats in National Assembly and Senate will remain till 2023, but then these seats will be counted in the KP. FATA will get 3% share in the NFC award.⁴ In addition, Rs.100 billion will be given every year for ten years; this fund will be spent on development projects in FATA.⁵

The recent integration will bring about political, economic and technological changes in the region, as well as new rays of hope for the people of the region. If the state of Pakistan and current government are really serious about the development of these areas, they should immediately focus on two tasks, giving first priority to the development of infrastructure and secondly to the rehabilitation of the homeless and distressed segment of the society. The integration of FATA into KP is an important development of the government of Pakistan. This integration will bring about positive changes along with the development of infrastructure in the region. The recent merger will bring hopes of peace, prosperity and development to the region. In this paper, the researcher highlights the implications of FATA's integration into KP, including political, economic and social impacts.

Literature Review

Asghar Rehman⁶ discusses in his article the governing system of the former FATA prior to and after the integration. The territory was governed by the FCR both before and after Pakistan's independence. Each agency had a Political Agent (PA) as its head. The local forces of *Khasadar*, *Levis*, Scout Militias, Frontier Constabulary, and Frontier Corps are responsible for border management duties and law enforcement. After the merger, the FATA's governing system has been completely changed and regulated by government officials. Regarding the recent integration Ismail

³ "National Assembly passes bill seeking merger of FATA with KP", *The News*, May 24, 2018. Available at <https://www.thenews.com.pk/latest/320856-na-passes-bill-seeking-merger-of-fata-with-khyber-paktunkhwa>

⁴ Riazul Haq, "NA passes 'historic' Fata, K-P merger bill", *Express Tribune*, May 24, 2018. Available at <https://tribune.com.pk/story/1717822/1-imran-khan-likely-attend-na-session-k-pfata-merger/>

⁵ National Assembly passes bill seeking merger of FATA with KP, paras 10-15.

⁶ Asghar Rehman, Policing in Newly Merged FATA/KP/Pakistan.

Khan (2016)⁷ discusses the living standard of the residents of the area, who have been living in poverty for many years and have only experienced conflict and turmoil. He claimed that as the world is currently quickly approaching its boundaries of progress, the people of FATA now also deserve peace, development, and the fundamental rights of citizens.

In their study, Imran Khan Nasar (2016)⁸ discussed the difficulties and potential of changes. The legislature should establish a "Committee for FATA Reforms" to handle issues of this nature since the reforms provide a better opportunity to abolish this framework. In essence, this is a challenging job rather than an absurd task. Lal Zaman, Qaisar Khan, and Arab Naz (2018)⁹ viewed the *Jirga* in Pakistan as a substitute for the formal legal system. It functions as a means of resolving disputes among Pashtun tribes. The *Jirga* system was used by the Pashtun tribes to settle their conflicts. However, with the FATA merger, it became less significant, and as the other side's population lacked knowledge of the legal system, they continued to lean more towards the *Jirga* system.

Muhammad Zaheer Khan (2018)¹⁰ argues that the outdated FCR system may be revived and developed through the "Public Policy Mechanism." Accepting societal demands is public policy's primary goal. He claims that while formulating new policies, it is important to consult both official (the legislature, executive branch, and judiciary) and unofficial stakeholders (the media, civil society, ethnic groups, and the general public). In their study, S.A. Ali Shah, Saima Perveen, and Jehanzeb Khalil (2019)¹¹ describe FATA's integration into KP. They claim the 25th Amendment nullifies Articles 246 and 247 of the Constitution. As a result, these places now enjoy the rule of law. The Constitution's basic rights have taken the place of the FCR's fundamental rights in cases of violations. However, despite all of these promises, new issues with governance are also expected to arise. Law enforcement, jurisdiction, and land income issues are some of these difficulties. They also make the point that weak nations with serious problems with legitimacy, capability, and governance frequently encounter ongoing difficulties in controlling their borders. They claim that legitimacy, competence, and authority are interrelated, and maintaining a balance among them is crucial for the welfare of the country.

⁷ Ismail Khan, "Reforms proposed for Fata's merger into KP", *Dawn News*, June 13, 2016. Available at <https://www.dawn.com/news/1264492>

⁸ Imran Khan Nasar, "THE PROSPECTS AND CHALLENGES OF REFORMS IN FATA: A CASE STUDY OF NORTH WAZIRISTAN."

⁹ Lal Zaman, Qaisar Khan, and Arab Naz, "Critical discourse analysis: Jirga and its Survival in Pakistan," *Pakistan Journal of Criminology* 10, no. 3 (2018): 29-40.

¹⁰ Muhammad Zaheer Khan, "Mainstreaming FATA: A Public Policy Imperative," *Journal of History Culture and Art Research* 7, no. 5 (2018): 291-302.

¹¹ Saba Noor, Arshi Saleem Hashmi, and Syeda Tehreem Bukhari, "FATA MERGER WITH KHYBER PAKHTUNKHWA: PROSPECTS AND OPPORTUNITIES," *ISSRA Papers* 10, no. 2 (2018).

A. Chaudhry and M. A. Khan Wazir stated that the available evidence shows that no one theory is significant to the process of fostering harmony in the current context in Pakistan's FATA regions. Given the aforementioned arguments, it is agreed that various agreements can promote harmony and development in FATA. As it leads to the growth of counter-militancy and harmony operating in FATA, the strategy of the condition of partner persons through a common civilian army demands development rather than simple decision-making. It is also undeniable that Grand *Jirga*'s have an effect on political culture and support state-level planning strategies while also making progress in people's financial situations. Political activities won't be significantly impacted if there is no financial development in FATA.

The literature described above is mostly concerned with issues and challenges in the implementation of FATA reforms. Further, the above study focuses on the transformation of the administrative setup in the merged areas of Khyber Pakhtunkhwa. The main focus of the current study is on the overall impacts of this integration, i.e., its socio-economic and political implications. The current study has tried to shed light on the steps taken for the integration of FATA and explore the possible impact of this integration on the region. This research paper discovers the implications of the merger on masses of region and will fulfill the gap which is not cover in the above mention's literatures.

Methodology

The research methodology applied in this research paper is of a qualitative and descriptive nature, in which primary and secondary sources are at the forefront. The data for the concerned study has been collected from different sources, including books, journals, articles, think tank reports, research articles, newspapers, and online sources, as well as primary data, official statements, and official documents. However, it needs to be acknowledged that this study does not include direct interviews with the tribal people on the topic of FATA's mainstreaming or its impacts on the region. Rather, the researcher has relied on government and non-government reports.

Theoretical Framework

The first theories regarding integration in a political sense trace back to the theories of the social contract. According to theory, it is individual-level integration, in which the subjects of the integration are the individuals who surrender their freedoms to a newly established political community. This type of integration could be found in the writings of three contractualist philosophers, such as Thomas Hobbes, John Locke, and Jean-Jacques Rousseau. These conceptions of the social contract contend that social connections already reflected the condition of state of nature prior to the concept of the social contract. This situation was far from the tail of any political authority; human nature is greedy and destructive, leading to a war of all against all. The Leviathan, which represents the state as a means of individual integration in a political sense, is the remedy for this unpleasant condition. John Locke views the state as a social contract and

individual political integration as a guarantee of individual life, liberty, and property, all moving in the same direction. According to Jean-Jacques Rousseau, the social contract is a consensus or social will that was created with the intention of creating and preserving a common welfare.¹²

The theory of integration has been selected for the concerned study. In a political context, the word "integration" can represent "uniting, unifying, or organizing in a group of two or more units" and centralization. The prerequisite factors and conditions leading to the integration are:

- Developing a decision-making center,
- Establishing a single legal framework,
- Developing shared institutions,
- Identity projection¹³

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

The presentation of a **coherent community identity rather than the pre-existing identities of political units** (This integration also brought about geographical changes; after the merger, FATA territory merged with KP. FATA was consisting 72,210 km² which merged into KP, now the total territory of KP become 101,741 km². The population of KP will increase from the population of FATA to about 40.5 million (18.9%). The residents of FATA will enjoy political, constitutional, economic, and administrative rights like the other citizens of the country. More than 29,000 *Khasadars* and Levies, whose jobs are controlled to protect the roads and the government installations. After integration, these forces were merged into the KP Police. With the emergence

¹² Nikola Lj. Ilievski, "The Concept of Political Integration: The Perspectives of Neo-functional Theory," *Journal of Liberty and International Affairs* 1, no. 1 (2015): 1-14.

¹³ Ibid.

of the 25th Constitutional Amendment, the power of the KP Governor shifted to the Chief Minister of KP. Politically, representation was also given to FATA in the KP Assembly. The judicial-administrative criminal system of FCR and the absolute kingship of Political Agent has no longer remain, and his authority has been transferred to the Deputy Commissioner) integration leads to the construction of a political community with political units in its content. The process of transferring the political units' autonomy to the upper political community is the major focus of this integrating activity. The residents of the area have delegated their self-rule to the upper state level to achieve integration and everlasting peace. According to the social contract theorists, integration is a means of reaching a larger good and permanent peace, just like they are integrated with a formal political system for attaining security of life, freedom, property, and collective prosperity.

Research Questions

The paper answers the following questions.

1. How the FATA has merged into Khyber Pakhtunkhwa in 25th amendment?
2. What will be the Socio-Political and Economic implications of the merger of FATA on the region?

FATA in Historical Perspective

The Great Game, a period of hostilities between the British Raj and the Soviet Union, centered on colonialism and territorial expansionism. This conflict significantly impacted global geopolitical politics, Central Asia, and South Asia. The British sought control over Afghanistan to protect their interests, believing Russian invasion in Afghanistan was a threat to their subcontinent rule. British India's defense policy was heightened during this period, with Russia gaining control in Central Asia. British persuaded tribal peoples to gain territorial control, but faced strong resistance from Pashtun tribes. The Panjdeh crises of 1885 led to Soviet occupation of Afghan territory, causing animosity between the two rivals. To avoid further threats, the British demarked the border between northwest India and Afghanistan, known as the "Durand Line Treaty 1893."

British imperialists enacted the FCR in 1901 to control tribes, deeming them a vicious and rowdy class. These forceful laws were enforced through special representatives, who showed loyalty to the British Raj due to their significant privileges. Over time, these laws evolved, affecting tribal areas and their relationship with the British Raj.¹⁴ The exploitative laws of the FCR separated tribal people from colonial inhabitants, protecting their strategic interests and granting

¹⁴ Riaz, Mainstreaming the Federally Administered Tribal Areas of Pakistan: Historical dynamics, prospective advantages and challenges, pp. 112-116.

quick control. In 1901, British India founded NWFP to continue its defense policy, with the Governor General and Chief Commissioner as border managers.¹⁵

In 1907, the British Raj and Soviet Union held a convention to give Afghanistan buffer state status and influence. Britain imposed a non-interference policy, establishing a buffer zone in India. After the third and last Anglo-Afghan war, the British and Soviet powers reached the Afghan or Rawalpindi Anglo-Afghan agreement, recognizing Afghanistan's sovereignty along the Durand Line.¹⁶ During the partition of the Subcontinent, North West Frontier Regions joined Pakistan, maintaining their old customs and traditions. Pakistan gained special legal status and maintained the old colonial system. However, after Quid-e-Azam's death, the tribal belt lags behind in economic and social development, becoming a center of militancy, terrorism, illegal trade, and organized crime.¹⁷

The tribal region in Pakistan comprises seven agencies and six Frontier Regions. These areas cover 27,220km/s territory and have a population of 5.02 million according to the 6th population census 2017. The federal government, known as FATA, controls these areas through the President and Governor. The region's disputes are managed by Sarkari and Awami *Jirga's* through the FCR, which is exploitative and tyrannical.¹⁸ Before 2018, FATA had semi-autonomous status in Pakistan, but failed to achieve economic and social development or province status. Governments implemented political, administrative, and legal reforms, but these initiatives did not change FATA's fate but provided a basis for the recent KP-FATA merger. Since independence, Pakistan has implemented various measures, including the Pakistan Control of Entry Act, Adult Franchise Act, Local Governance Ordinance, and the 25th Constitutional Amendment.¹⁹

¹⁵ Altaf Ullah "Federally Administered Tribal Area (FATA) of Pakistan: Study of a Special Model of Governance", *Pakistan Journal of History and Culture* 34, no. 2 (2013): 65-94.

¹⁶ Riaz, Mainstreaming the Federally Administered Tribal Areas of Pakistan: Historical dynamics, prospective advantages and challenges, pp. 116-117.

¹⁷ Raza Rahman Khan Qazi, Naila Aman Qazi, and Sadaf Bashir. "Crisis and Conflict: Reforming Through Transforming Political-Administrative Structure of Fata", *FWU Journal of Social Sciences* 12, no. 2 (2018): 147.

¹⁸ Saba Noor, Arshi Saleem Hashmi, and Syeda Tehreem Bukhari. "FATA MERGER WITH KHYBER PAKHTUNKHWA: PROSPECTS AND OPPORTUNITIES," *ISSRA Papers* 10, no. 2 (2018): 17-37.

¹⁹ Altaf Ullah, and Syed Umar Hayat. "The merger of FATA with Khyber Pakhtunkhwa: An historical analysis," *Journal of Political Studies* 25, no. 2 (2018): 39-53.

FATA Merger with Khyber Pakhtunkhwa and 25th Constitutional Amendment

On January 24, 2017, the federal government of Pakistan concluded to amalgamate FATA with KP. After approval from the federal cabinet the bill submitted to parliament for approval. Under the plan, by amending the FCR, FATA will come under the control of the provincial government. From the Federal Divisible Pool annual grant of Rs100 billion for FATA's development was also part of the plan. The proposed merger was finalized in January 2017 at a meeting chaired by President Mamnoon Hussain. The bill after discussing with all the stakeholders approved by Prime Minister.²⁰ The proposed merger was approved by federal cabinet before March 2017.²¹ May 24, 2018, was a historic day for Pakistan, when the National Assembly of Pakistan passed a historic 25th Constitutional Amendment bill for the merger of FATA in KP. The total casted vote for the amendment was 229 in which one was against it (229-1).

The bill was supported by Pakistan Muslim League (N), Pakistan People's Party (PPP), Pakistan Tehreek-e-Insaf (PTI), Jamaat-e-Islami (JI) and Qaumi Watan Party (QWP) and opposed by Jamiat Ulema-e Islam (JUI-F) and (Pakhtunkhwa Mili Awami Party (PMAP) on various political grounds. The amendment bill highly opposed by JUI-F and PMAP and walkout from the assembly. 25th constitutional amendment of Pakistan was passed by the Senate of Pakistan on May 25, 2018. The number of casted votes for KP-FATA Merger was seventy-one in which 5 votes against it (71-5). The amendment bill was also approved by the KP Assembly in which 80 votes casted in favor of the amendment while 7 were against it.²²

Implications of KP-FATA Merger

The integration of FATA into KP is a significant step by Pakistan's government, marking a new era for the region. This merger has brought political, economic, social, and cultural changes, as well as diamond holding opportunities for residents. The government's decision will lead to infrastructure development and increased potential for growth. FATA residents will enjoy political, constitutional, and economic rights, and their cases will be registered without restriction.

²⁰ Noor Aftab, "Govt decides to merge Fata with KP", *The News*, January 25, 2017, Available at <https://www.thenews.com.pk/print/181582-Govt-decides-to-merge-Fata-with-KP>

²¹ "Cabinet approves Fata merger with KP", (2017 March 2). *The News*, March 2, 2017. Available at <https://www.thenews.com.pk/latest/189745-Cabinet-approves-recommendations-on-Fata-reforms>

²² Irfan Ghauri and Danish Hussain "Senate passes FATA-KP merger bill with 71-5 vote", *The Express Tribune*, May 25, 2018. Available at <https://tribune.com.pk/story/1718734/1-ppp-pti-set-throw-weight-behind-k-p-fata-merger-bill-senate>

The state must focus on infrastructure development and the restoration of distressed or displaced sections of society.

Political and Constitutional Implications

The former FATA region in Pakistan faced social security issues due to ongoing conflicts and conflicts, leading to frustration and radical ideologies. A recent decision was made to create a better and more viable system, eradicating black and draconian laws from FCR. The Interim Regulation Act was implemented in May 2018, and will remain in force until the end of FCR. However, the Peshawar High Court criticized the Act, arguing it was not acceptable as FATA had been merged into KP and the jurisdiction of Peshawar High Court extended to these areas. The Supreme Court ruled in favor of the Peshawar High Court, stating that the implementation of two laws in these areas was unacceptable under the 25th Constitutional Amendment. The government took six months to establish a judicial system in these areas.²³

The governance system in the former FATA was managed by a Political Agent, who held absolute kingship over each agency. The authority was transferred to a Deputy Commissioner (DC), and each agency was given district status. The integration granted FATA people direct access to government authority without restriction or approval from the PA or Malik's. Over 29,000 local police forces were merged into the KP police, and over 450 million rupees were allocated for building police stations. The FATA territory merged with KP, resulting in a combined population of 5 million (2.3%) and 35.53 million (18.9%).²⁴ The President of Pakistan signed the historic bill of KP-FATA merger in May 2018, and the Interim Regulation Act was implemented. However, the Peshawar High Court criticized the Act, arguing that it was not acceptable after the abolition of FCR, as the jurisdiction of Peshawar High Court had been extended to these areas. The Supreme Court ruled in favor of the Peshawar High Court, stating that the implementation of two laws in these areas was unacceptable. The government took six months to establish a judicial system in these areas.²⁵

The FATA tribal region was previously under federal government control, with the President acting as the executive authority and the Governor of KP exercising representative powers. However, with the 25th Constitutional Amendment, the power of KP Governor shifted to the Chief Minister of KP. FATA had 12 seats in the National Assembly and 8 seats in the Senate

²³ Noor, FATA MERGER WITH KHYBER PAKHTUNKHWA: PROSPECTS AND OPPORTUNITIES, pp. 17-37.

²⁴ Javed Khan, "Khasadar, Levies forces set to merge with KP Police", *Pakistan Asia News*, February 3, 2020. Available at https://pakistan.asia-news.com/en_GB/articles/cnmi_pf/features/2020/02/03/feature-02

²⁵ Amir Wasim, "National Assembly green-lights Fata-KP merger by passing 'historic' bill", *Dawn News*, May 24, 2018. Available at <https://www.dawn.com/news/1409710>

before the merger. The seats of NA and Senate were reduced, and the current status of FATA is 12 seats in the National Assembly and 8 seats in the Senate.²⁶ The FATA residents also had the opportunity to have political representation in the Khyber Pakhtunkhwa Assembly, with 21 seats given to them. The people and MNA of FATA demanded seats allocation based on population and census. The 26th Constitutional Amendment was passed in May 2019, giving FATA 12 seats in the National Assembly and 24 seats in the KP Assembly. The elections for 16 seats were held in July 2019, marking an important achievement in FATA's history and ending frustration. The FATA territory merged with KP, resulting in a combined population of 5 million (2.3%) and 35.53 million (18.9%) in KP. The President of Pakistan signed the historic bill of KP-FATA merger in May 2018, which was passed by an overwhelming majority in the National Assembly and Senate of Pakistan. The Interim Regulation Act was implemented, remaining in force until the end of the FCR. However, the Peshawar High Court criticized the Act, arguing that it was less than the concept of a new law. The Supreme Court ruled in favor of the Peshawar High Court, stating that the implementation of two laws in these areas was unacceptable under the 25th Constitutional Amendment.

Article 246 and 247 of the Constitution related to FATA affairs. Article 247 (3), (4), (5) and (7) define relations between FATA and Federal Govt. FATA was under the direct jurisdiction of the President of Pakistan, Supreme Court and Peshawar High Court has no authority to legislate or enact any law.²⁶ Article 8 to 28 of the Constitution concerns with the fundamental rights of the citizens. But unfortunately, the residents of FATA were deprived from these rights and the judiciary was no authority to protect their rights from violation.²⁷ The recent amalgamation is an important step towards the fundamental rights of the citizens under article 184 (3) and article 199 of the Constitution. Protection of rights of the FATA's peoples will now be guaranteed by higher judiciaries, which are defined in article 8 to 28 of the Constitution.²⁸ To make this move more successful, the government should ensure the establishments of courts in FATA as soon as possible.

The Peshawar High Court began regular judicial activities in deprived districts in February 2019, posting 28 judicial officers, including 7 district and sessions judges, 14 additional judges, and 7 senior judges. Chief Justice Waqar Ahmad Seth called for the government to establish a justice system in these areas. In 2018, the President of Pakistan signed the KP-FATA merger bill, which passed by majority in the National Assembly and Senate of Pakistan. The Interim Regulation Act was implemented, but the Supreme Court ruled in favor of the Peshawar High

²⁶ Shakeel Kakakhel, "Integration of FATA into NWFP", *Literacy (both sexes%)* 43, no. 35.41 (2010): 17-42.

²⁷ Rafi-ud-din Mehsud, "Constitutional status of FATA", *Daily Times*, October 12, 2017. Available at <https://dailytimes.com.pk/124500/constitutional-status-of-fata/>

²⁸ Shah, Too little, too late: The mainstreaming of Pakistan's tribal regions, pp. 10-11.

Court, stating that the implementation of two laws in these areas is unacceptable under the 25th Constitutional Amendment. The government took six months to establish a judicial system in these areas.²⁹

Economic Implications

The former FATA region, rich in natural resources such as gold, gypsum, chromite, coal, precious metals, minerals, copper, granite, and marble, faces challenges in proper utilization due to lack of communication infrastructure and poor technology. This lack of economic activity and employment opportunities hinders the region's development. Small dams and fruit production are essential for water supply, while livestock is a major source of income. However, tribal's lack the latest technology and rely on non-technical methods, hindering their economic development. Integration of natural resources can positively impact the region's economy. The region is one of Pakistan's poorest, with 75% of residents living below poverty and facing economic challenges due to the war on terror and forced exile. The Pashtun population in both KP and FATA is closely connected, making them part of KP for daily affairs and businesses.³⁰ This integration based on geographical connectivity will open up new opportunities for local businesses.

After 25th Constitutional Amendment FATA and Provincially Administered Tribal Areas (PATA) getting tax immunity for next ten years. This move of Economic Coordinating Committee (ECC) attracting industrialists and traders around the country to invest in FATA. This move is highly appreciated by the locals specially by the young section of the society because this will be helpful in introducing job opportunities.³¹ After merging in KP, FATA will get three percent share under National Finance Commission (NFC). The NFC will provide 3% of the resources available in the Federal Divisible Pool on an annual basis for ten-year development projects. The ten-year development plan includes education, health, infrastructure, irrigation projects, mineral developments program, establishment of industrial zone and vocational training projects. Along with NFC share 100 billion extras will be given to FATA per year. This share will be given for next ten years which makes a total budget of Rs1000bn.³²

²⁹ Waseem Ahmad Shah, "Regular courts start functioning in tribal districts", *Dawn News*, March 12, 2019. Available at <https://www.dawn.com/news/1469086>

³⁰ Noor, FATA MERGER WITH KHYBER PAKHTUNKHWA: PROSPECTS AND OPPORTUNITIES, pp. 17-37.

³¹ Ibid.

³² National Assembly passes bill seeking merger of FATA with KP, paras 15-30.

The Khyber Pakhtunkhwa government allocated Rs62 billion for integrated districts in the 2019-20 budget, focusing on development projects in FATA.³³ The funds included Rs10bn for energy and power, Rs10bn for rescue 1122 service, industrial development, and sports facilities. The PDWP approved a Ten Years Development Program (TYDP) for merged districts, worth Rs.945 million, covering education, health, agriculture, and housing.³⁴ The Khyber Pakhtunkhwa government allocated Rs923 billion for KP in the 2020-21 budgets, with Rs739.1bn reserved for settled districts and Rs183.1bn for merged districts. The ADP 2020-21 allocated Rs317.8bn for settled districts and Rs95.9bn for former districts. Rehabilitation efforts are needed to address the poorest region of Pakistan, which has been plagued by terrorism.³⁵

Social Implications

The social structure of FATA has been significantly impacted by extremist groups, including militancy, extremism, and terrorism. These groups targeted educational institutions, promoting Islamic education instead of English, and causing misguidance of Muslim youth. They also implemented extreme measures, such as wearing western clothing, shaving men, listening to loud music, banning women's movement, and withdrawing government jobs. These prohibitions have made the lives of the people indecent and confined to their homes. However, successful military operations and integration into the KP have controlled the war on terror, removing chaos and instability in FATA. The integration is expected to significantly impact the social life of the region.³⁶

FCR was the mother of all problems and troubles in FATA. FCR enforce in NWFP and Balochistan in 1901, it's a Judicial-Administrative criminal system. This draconian law was introduced by the British to control the Pashtun resistance in these areas. Under this law the resident of FATA has no right to "wakeel, daleel and appeal" against the decision of Political Agent and *Jirga*. Through FCR, PA use executive, judicial and administrative power. The worst

³³ "Tribal districts fetch Rs162bn in next budget", *Dawn News*, June 16, 2019. Available at https://epaper.dawn.com/DetailImage.php?StoryImage=16_06_2019_181_007

³⁴ "PDWP approves 20 projects for Ex-FATA districts", *PCQ*, November 23, 2019. Available at <https://www.pcq.com.pk/pdwp-approves-20-projects-for-ex-fata-districts/>

³⁵ Muhammad Ashfaq, "Budget 2020-21: KP holds Development Spending Steady at Last Year Level", *Dawn News*, June 20, 2020. Available at <https://Www.Dawn.Com/News/1564663/Budget-2020-21-Kp-Holds-Development-Spending-Steady-At-Last-Year-Level>

³⁶ Noor, FATA MERGER WITH KHYBER PAKHTUNKHWA: PROSPECTS AND OPPORTUNITIES, pp. 17-37.

clause of FCR was the “collective responsibility”.³⁷ But under 25th constitutional amendment the people of FATA get freedom from this draconian law forever and they are the right to file appeals before the SC and the Peshawar HC. The residents of FATA have easy access to the higher judiciary. Protection of fundamental rights will be guaranteed and the people of FATA have got representation in the KP Assembly. The recent merger creates peaceful atmosphere in the region. This integration brought happiness and various opportunities for the peoples of FATA. FATA's education system, including government, non-formal, and madrassa systems, has poor quality and low literacy rates. Residents seek better education in other cities, and security concerns hinder proper functioning. With 35 colleges and one university, only 3% of students engage in higher education. The recent merger has sparked development and growth, with the federal government and Pakistan Army working to rebuild educational institutions.

The government of Pakistan prepares an inclusive project named ‘Standardization of Higher Secondary Schools’ in former FATA. Under this plan 21 higher secondary school in former FATA transform into ‘School of Excellence’ for provision of quality education to the tribal academics and students. Students will be provided with modern educational availability and will have access to up-to-date laboratories. The federal government has allocated Rs240 million for the reconstruction and rehabilitation of educational institutions destroyed by terrorism and the provision of free textbooks to poor tribal students.³⁸ The government of Khyber Pakhtunkhwa has released Rs4.44 billion for three major sectors in erstwhile FATA. This fund released by the department of relief, rehabilitation and reconstruction for rebuilding of schools, health centers, irrigation channels and drinking water facilities.³⁹

KP allocated Rs 10,692 million for nine projects in merged districts, focusing on scholarships, educational institutions, and infrastructure development. These include two colleges in Orakzai, two in South Waziristan, and a university in North Waziristan..⁴⁰ In 2020-21 provincial budget of KP Rs318 billion has been allocated for the province in which Rs83bn was earmarked for the merged districts, with Rs5.7bn for education.⁴¹ Educational reforms in disturbed areas require sound mechanisms, better provision of education and health facilities, and generalization

³⁷ Shah, Governance Challenges in Mainstreaming of Federally Administered Tribal Areas into Khyber Pakhtunkhwa, pp. 136-137.

³⁸ “21 Schools in Ex- FATA, Converted into ‘Schools of Excellence’”, *Academia*, May 8, 2019. Available at <https://academiamag.com/schools-of-excellence/>

³⁹ “Rs4.44bn released for reconstruction schemes in former Fata”, *Dawn News*, May 12, 2019. Available at <https://www.dawn.com/news/1481803>

⁴⁰ “KP govt unveils nine mega projects in merged areas”, *The Nation*, September 23, 2019. Available at <https://nation.com.pk/23-Sep-2019/kp-govt-unveils-nine-mega-projects-in-merged-areas>

⁴¹ Ashfaq, Budget 2020-21: KP holds Development Spending Steady at Last Year Level, para 3.

of education to increase social awareness and employment opportunities. Government should prioritize these areas for security restoration and maintenance.

The health sector in former FATA has long been lacking due to inadequate facilities, lack of skilled doctors, nursing staff, and equipment. The Khyber Pakhtunkhwa Health Department merged the former FATA Health Directorate with KP in August 2019, transferring direct control to the provincial health secretary. The federal government and Pakistan Army have funded over 20 projects in merged districts, with a Rs777.1 million fund allocated for public sector hospitals, medicines, doctor availability, equipment stock, and Sehat Insaf Cards.⁴² Lack of healthcare access impacts economic, social, and political development, leading to backwardness, malnutrition, and deprivation. FATA's neglect in health matters threatens the entire system. Governments must provide better facilities to prevent narrow-mindedness and hinder recovery.⁴³

Impacts on Tribal Culture

Pashtunwali is a strong Pashtun culture based on local customs and codes of conduct. It values courage, honor, love, loyalty, honesty, pride, hospitality, and dignity. The traditional assembly *Jirga* manages tribal issues and conflicts, reflecting the values of the *Pashtunwali*. The *Jirga* system promotes social harmony, peace, and security, but also exposes human rights abuse and violates women's and children's rights.

Like the other aspects, the recent integration has sounded the alarm for further maintenance of the system. The absence of an effective police force and national judicial system and the presence of a *Jirga* system had left the judicial system far behind in these areas. Tribal distrust of the federal government and the number of chaotic tribal affairs had increased. Timely installation of court procedures is required to address these shortcomings and deficiencies. On the one hand, hiring a lawyer and filing a FIR for the tribal can be a waste of time and costly, which will undermine their confidence. But most tribal, on the other hand, lack a council of elders and a clear mechanism for resolving their disputes. The government should maintain the continuity of the present (Local *Jirga* System and National Judicial System) until the national judicial system is installed. This will give them a way out of the *Jirga* system and easier access to the national court system. In this regard, gaining the trust of the local people is also a challenge for the government of Pakistan and the judiciary, as they have lost confidence in the current *Jirga* system.

⁴² Ashfaq Yusufzai, "Health directorate of tribal districts merged into DGHS", *Dawn News*, February 23, 2020. Available at <https://www.dawn.com/news/1536095>

⁴³ "KP finance minister unveils Rs923bn 'tax free' budget for FY21", *Pakistan Today*, June 19, 2020. Available at <https://profit.pakistantoday.com.pk/2020/06/19/kp-finance-minister-unveils-rs923bn-tax-free-budget-for-fy21/>

This will provide easier access to the national court system and help tribals gain trust in the current system. However, some tribal leaders are concerned that the judicial system's implementation may challenge the influence of tribal councils or *Jirgas*. Malik Pervez, a tribal leader for 25 years, explains that a murder case in Pakistani court hearings was resolved within months. The tribal council system is male-dominated, and tribal women have no right to voice their issues, such as divorce, private, and property, within the *Jirga*. The recent merger has opened up opportunities for tribal women to access justice through a regular legal system.⁴⁴

Conclusion

Federally Administered Tribal Areas (FATA) has seen substantial improvements as a result of their incorporation into Khyber-Pakhtunkhwa. The region's stability, prosperity, and progress depend on the Pakistani government's action. Like other citizens, FATA inhabitants will have the same political, constitutional, economic, and administrative rights. KP already serves as the primary facility manager for the area's educational, medical, and commercial buildings. More construction, new enterprises, and beneficial societal transformation will result from the social, ethnic, and cultural connections with KP. Rich natural resources in the tribal belt may be effectively used to turn the former FATA into a geo-economic zone and turn the conflict economy into a steady economic boom. The erstwhile FATA has been turned into a place of peace, harmony, and the eradication of terrorism and militancy because of its merger with KP. The security and stability of the whole area, including Pakistan, are ensured by this integration, which also lowers the possibility of border disputes with Afghanistan. The merger will provide opportunities for internal and international tourist, business communities, transforming the old FATA into a stunning paradise.

To solve issues like illiteracy, poverty and health, and unemployment in the tribal belt, Pakistan's government must act decisively. Tribal youths can have access to contemporary and religious education as well as career prospects by establishing educational institutions to provide them practical training. Additionally, this will make it easier for the government to visit these communities and improve the socioeconomic situation. Nevertheless, the execution of these reforms still represents a tremendous challenge. However, attending to local needs comes first. Corruption, illegal trade, and militancy previously plagued the tribal belt and had an impact on governance structures. Since only locals can play a significant role in the development of the region, civil society, especially the youth, must support the implementation of these changes.

⁴⁴ Shakeeb Asrar and Wajeeha Malik, "Pakistan's tribal areas: 'neither faith nor union found'", *Aljazeera*, 2019. Available at <https://interactive.aljazeera.com/aje/2019/pakistans-tribal-areas-fata/index.html>