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# Substitution of Jirga with Criminal Justice System in Merged Districts

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#### Abstract

Federally Administered Tribal Areas (FATA) merger is one of the noteworthy steps of the government of Pakistan in order to cope with the law and order and to mainstream the region. After merger, all the structural factors in FATA region have been modified accordingly including the development of criminal justice system. This qualitative investigation is thus an effort to evaluate the role of criminal justice system in FATA region. Various respondents were investigated through focus group discussions, regional consultations and in depth interviews. The qualitative data was planned to incorporate the perceptions of different respondents. The critical analysis of these investigations depicts that most of the residents of the FATA appreciates this system and looking forward for positive changes in the region on account of this system. However, the inhabitants were of the view that government should involve local people in further strengthening of this system on account of the reason that without understanding the local dynamics, it will be difficult to achieve the desired outcomes. Based on these instant results and community perceptions, it is suggested that the involvement of local community (local lawyers etc.) must be accelerated in the successful adoption of the criminal justice system.

**Key Words:** FATA merger, Criminal justice system, Qualitative investigation, Local community involvement, Community perceptions

#### Introduction

In the last few decades, government made few efforts to familiarize the structural restructurings in FATA but unfortunately due to one or other reasons, no fruitful results could be achieved. Among these one of the main reasons was that the focus had always been on political actor's empowerment instead of improvement in political order, rule of law, economic and educational growth and infrastructural conditions of the area. These reforms include Zulfiqar Ali Bhutto's reforms of 1977<sup>2</sup>, President Laghari reforms<sup>3</sup>, Musharraf's local bodies system and National

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<sup>&</sup>lt;sup>2</sup> Zulfiqar Ali, "Fata Women Subjugated By Tribal System," Dawn News, March 13, 2016,

Reconstruction Bureau (NRB) committee of 2005<sup>4</sup>. In November 2015, another reforms committee was constituted. This committee concluded that FATA should be merged with KPK<sup>5</sup>. Finally, on 31st May, 2018, it became the 25th amendment to the constitution of Pakistan and merged with KPK.

From the first day of reforms, various heated debates on the future political status of FATA have been carried out. Similarly various relevant school of thoughts are of the view that merger will not be fruitful particularly with respect to criminal justice system. They are of the view that any revolutionary change will not benefit the system rather evolutionary changes will be better. Moreover they are of the opinion that the present criminal justice system in the settled areas has severely failed due to its various complications like cost and duration etc. in comparison to the Jirga system. As various substantial efforts has been made so as to investigate the impact and issues of merger but no study has been interrogated the role of criminal justice system as substitute of the previous Jirga system. The current study is thus an attempt to find out the impact of criminal justice system as a substitute of Jirga in merged districts.

#### **Problem Statement**

Merged Districts of Khyber Pakhtunkhwa (erstwhile FATA) were previously governed through FCR (Frontier Crimes Regulation 1901) and Jirga was the dominant feature of judicial, administrative and social system regarding dispute resolution before the enactment of criminal justice system in 2018. Jirga comprised of tribal Maliks and Elders who used centuries old traditions and customs for dispute resolution.

However, in the defunct FCR, there were certain clauses which were deemed to be against basic human rights such as concept of collective and territorial responsibility, unbridled powers of political Agent and no right of appeal against the orders of Political Administration. All these factors were considered as hurdle in the way of dispensation of justice in the area. Over a period of time, Federal Government introduced various reforms in erstwhile FATA to bring this area to the mainstream and at par with other parts of Pakistan which include Zulfiqar Ali Bhutto's reforms of 1977, President Laghari reforms, Musharraf's local bodies and National Reconstruction Bureau of 2005 3 reforms and finally on 31st May 2018, the area was merged in KPK through the 25th amendment to the constitution of Pakistan. Consequently, FCR was abolished and Criminal system prevalent in other areas of state was established to replace the traditional way of

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available at: https://www.dawn.com/news/1245361/fata-womensubjugated-by-tribal-system, (accessed on January 20, 2019).

<sup>&</sup>lt;sup>3</sup> Suleman and Bukhari, "Governance Reforms in FATA,".

<sup>&</sup>lt;sup>4</sup> Ali, "Fata Reforms"

<sup>&</sup>lt;sup>5</sup> Sartaj Aziz, "History of FATA reforms,"

dispute resolution through Jirga. Keeping in view the importance of Jirga as the major justice system and criminal justice system as the most important substitute the present study was carried out to answer the following research questions.

## **Research Questions**

- 1. Find out the views of various schools of thoughts regarding the Jirga substitution with criminal justice system.
- 2. Find out the impact of Jirga substitution with criminal justice system in context of peculiar and traditions of tribal society.
- 3. Find out the factors for further strengthening of this system on account of local dynamics.

# **Significance and Scope of The Study**

The scope of the present research includes the critical analysis of the various schools of thoughts regarding the Jirga substitution with criminal justice system and the impact of this substitution on traditions of tribal society. This study also highlighted various factors for further strengthening of this system on account of local dynamics.

## Methodology

Descriptive and analytical research method was utilized in this study. The aim and objectives of this research was to find out the FATA constitutional status, current law and order situation and in depth analysis of merger decision and substitution of Jirga with criminal justice system. This research article is based on qualitative data. In order to obtain this qualitative data focus group discussions, regional consultations and in depth interviews were used. Background and related history information used in this article was collected from books review, papers, articles, periodicals etc. which are detailed in the bibliography section.

# **Organization of the Study**

The first section elaborates the genesis of Jirga system, history of Jirga and various kinds of the Jirga system in Pakistan and other countries. The second section explains different functions of the Jirga system. Third section elaborates the criminal justice system of the country, their deficiencies and comparison of criminal justice system with Jirga. The fourth section consists of the conclusions and recommendations of the present investigation.

# Genesis of the Jirga System

History reflects that individual persons, societal sets and cultures always have

disputes and they compete with one another for different merchandises and assets like money, land, radical influence and philosophy<sup>6</sup>. In many regions traditional justice system or local conflict resolution institution are approached so as to resolve these disputes and conflicts. These conflicts are resolved at its earliest so as to ensure peace and stability in the region. As these institutes satisfy the local cultural and religious sentiments, these are suitable in circumstances where they are operated. It is evident from the literature review that conflict resolutions are profoundly embedded into the philosophy and antiquity of each civilization on account of the reason that they are in many important ways unique for the inhabitants.

Accordingly Jirga is a common Pashto word used for the gathering of few or more people<sup>7</sup>. However, in its operational way, Jirga refers to gathering of elders for decision making and dispute settlement that incorporates the prevalent local customary law. The Jirga system ensures the maximum participation of people in administering justice and makes sure that justice is manifestly done.

## **Evaluation/History of Jirga System**

The word Jirga is a Pashto word which refers to gathering of few or more people. The word Jirga means a "loop" or "round". In Persian language it is used for a group or crowd of people. Some of the scholars are of the view that this word has initiated from the Turkish language having the same meaning as in Pashto9.

Jirga is a position where individuals can express their sentiments and feelings without any fear and threat. It is also stated that Jirga is the combination of two words "Jar" and "gah". In Pashto, "Jar" means open tone and "gah" means place or position.

The Jirga history is traced back to the Aryan tribes who migrated from central Asia to Afghanistan and then to India<sup>10</sup>. They used the Jirga to resolve the conflicts and disputes among themselves. Sometimes their king too joined the Jirga sessions and chaired. It was like a rural council<sup>11</sup> which decides as per the prevailing customs. In 1451-1489 Sultan Bahlol Lodhi formed the Jirga of elders for resolving the issues of the people. He also used to sit in Jirga. Another ruler of

<sup>7</sup> Hussain, Faqir (Registrar, Supreme court of Pakistan) The judicial system of Pakistan, Revised (15th February 2011).

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<sup>&</sup>lt;sup>6</sup> Ibid

<sup>&</sup>lt;sup>8</sup> Ghyathul-Lughat. Kanpur Press: New Delhi.

<sup>&</sup>lt;sup>9</sup> Sherzaman, T. (2007). Jirga system in Tribal Life. Published by University of Peshawar Area Study Centre (Russia, China, and Central Asia).

<sup>&</sup>lt;sup>10</sup> Wardak, A. (2004). Jirga: A Traditional Mechanism of Conflict Resolution in Afghanistan. University of Glamorgan, UK.

<sup>&</sup>lt;sup>11</sup> Badakhshani, M. B. (2004). Feroz-ul-lughat, Dictionary of Persian and Urdu Jamia, Lahore: Feroz sons Publication.

India, Sikander, distributed most of his state areas to Afghan supporters. He supported Afghan tribal independence and organized local Jirga. After that, Sher Shah Suri also practiced the same Jirga of elders in India. In 1747, Abdali's organized a "loya Jirga" in Qandahar for the selection of a leader. After nine days of discussion in Jirga they decided to select Ahmad Shah Abdali for the position<sup>12</sup>. Literature depicted that Afghan leaders and elders sit together in an organized manner discussed important national issues and make joint decisions 10. In 1916 in the regime of Amir Habibullah Khan, Loya Jirga was held who gave a declaration of Jihad against British in defense of Turkish Caliphate, allied to Germany. Amanullah Khan was challenged by such Jirga in 1924 for his Nizam-Nama<sup>13</sup>.

## Various Kinds of Jirga System

### Local Jirga

Local Jirga is a gathering of the elders comprising households of a village or community<sup>14</sup>. It resolves different criminal and civil disputes in such a way that all parties receive compensation accordingly. After the dispute the chiefs contact both the members who fix a *Teezha* to stop more worsening of the situation for a specified time.

The Jirga then collect the evidences, analyze these evidences and talk to both the parties and take waaks 13 from both the parties. The chiefs can arrange as much meetings with both the groups as they believe compulsory before reaching a clear verdict. These local Jirga decisions are seldom confronted on account of its more credibility and legitimacy in societies.

# Qoumi Jirga

Qoumi Jirga refers to the grand gathering of elders of tribal belt, politicians, spiritual intellectuals and other related individuals who gather intermittently so as to discuss rising and imperative state matters and to have communal verdicts <sup>15</sup>. This type of Jirga mostly focuses on issues of vital national interest such as declaration of war, adoption of peace treaties and decisions of vital regional and national issues.

<sup>&</sup>lt;sup>12</sup> Faiz-zad, M. (1989). Jirga Haie Bozorge Milie Afghanistan. Lahore: Farhandi. Gheyathoddin, Maulana, Ed., (1871).

<sup>&</sup>lt;sup>13</sup> UNDP Pakistan, http://undp.org.pk/gender-justice-through-musalihat-anjuman-gitmap.html (accessed 2 January 2013).

<sup>&</sup>lt;sup>14</sup> Wardak, A. (2002) 'Jirga: Power and Traditional Conflict Resolution in Afghanistan' in Law After Ground Zero, Edited by John Strawson, London: Cavendish.

<sup>&</sup>lt;sup>15</sup> James W Spain, People of the Khyber: The Pathans of Pakistan (New York: Praeger, 1962).

## **FCR Jirga**

FCR Jirga states to the one supported by administration, particularly by the political management directed by political agent or his subordinate. This Jirga deals all illegal and political matters in the administrative area of a specific agency or regions. The rules are ordered by the political agent who acts like area judge. After consent of both disputed parties, he institute the Jirga and examine all the evidences within the framework of the issue, listen point of views of both the parties, collect evidences and then publicizes its decision. This decision is forwarded to political agent for endorsement. If any party is not satisfied from the verdict, he has right of appeal to the commissioner tribunal and thus revised chronicles are started in the home and tribal affairs secretary's court. Later on political administration implements these decisions through Khasadar or levis force.

## Loya jirga in Afghanistan

In Afghanistan we have the same Jirga system like in Tribal areas, even on government level jirga has played a historic role in the affairs of the state too. In the history of Afghanistan we have seen that the Kings often used to have a grand Jirga regarding an important issue. A Loya Jirga was used to be convened in Afghanistan whenever an important issue used to be discussed like choosing a new king, adoption of constitution or any other important event as we saw during Taliban era regarding the issue of Usama bin ul aden and U.S.A demand for handing Usama over to them. The loya Jirga decided that Usama may not be handed over to America so the government of Taliban refused America and as a result Taliban had to lose their power in Afghanistan.

# Jirga in other parts of Pakistan

In the other parts of Pakistan we have a system which resembles jirga system that is known as Panchayat in sindh and Punjab. There too the elders gathers around and they decides a dispute by talking to the stakeholders but in panchayats most of the cases are related to honour killing or honour related issues. The decisions taken in panchayats are severly criticized by the civil society as they think that panchayats decisions are based on cruelty and have no justice.

# **Functions of Jirga**

# **Judicial & Executive Role and Dispute Resolution**

The Jirga is the system which exercises judicial and executive powers and settles all the disputes related to land distribution, property, blood feuds, blood money and other important tribal issues based on tribal conventions, customs, traditions and justice principles. These judicial and executive functions are exercised

according to the traditions and customs practiced in the tribal areas of Pakistan <sup>16</sup>.

Jirga is used as a way or procedure for problem solving, conflicts, issues and disputes of the people, the dispute may also be related to Business as well. It also resolves the land, civil and criminal disputes of the people. Thus it can be stated that Jirga performs a vital role in democracy on account of the reason that each individual has the right to sit in the Jirga proceedings. Both the disputed parties are inquired in front of public. It is a safe and secure way to make people aware of the rules of locality.

Jirga members sit in a circle which depicts the Pakhtun culture and equality among all the people, which shows that there is pure democracy in those proceedings. The basic criteria to attend Jirga are the knowledge of Pakhtunwali, wisdom, conflict management and skills for resolving the issues.

To maintain peace, Jirga works as per the customs of the tribals<sup>17</sup>. A Jirga has both a horizontal and a vertical role. Horizontally, its key role is dispute resolution whereby it sits in judgment over crimes and violation as a jury. Vertically, Jirgas are engaged in setting up upward and downward linkages to and from the government, interface with other tribes, diplomatic, legislative, peace building, developmental and arbitration roles." Jirga represents the Pakhtun culture worldwide.

It has a distinctive character in addressing people's issues and conflicts. The purpose of Jirga is to resolve disputes, conflicts, and issues of the individuals and society at large as well. It addresses the key concurs of the tribal people and reflects and results in the shape of decision which is binding on the parties concerned. Therefore, 'it has both a tactical and a strategic role. Due to its inherent simplicity, it ensures quick, cheap, and certain justice compared with the country's judicial system, which is complex, time consuming, costly, and elusive by comparison.

The Jirga is flexible and operates in close inter-personal contact with parties' <sup>18</sup>. Jirga promotes consensus and protects the rights of the individuals. A unanimous decision is given by Jirga members at the end. Through Jirga, the day-to-day pendency of the ordinary courts can also be controlled. In Jirga proceedings, the determination of the liability is an essential element. The elders of the locality follow the past practices and implement in their decisions. On tracing back, the history, Jirga has attracted the attention of people all around the world because of its speedy and easier method. Jirga works in the absence of

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<sup>&</sup>lt;sup>16</sup> Yousafzai, H. & Gohar A. (2012). Towards Understanding Pakhtun Jirga, Lahore, Pakistan: Sang-e-Meel Publication.

<sup>&</sup>lt;sup>17</sup> Iqbal, K. (2004). Personal Interview by Shaukatullah. Jahan, S. K. (2013). Personal Interview by Shaukatullah.

<sup>&</sup>lt;sup>18</sup> Atayee, M. I. (1979). A Dictionary of the Terminology of the Pashtun Tribal Customary Law and Usages, Kabul: The Academy of Sciences of Afghanistan.

governmental authority and consent of parties is the foremost essential ingredient while selecting parties. Historically, the supreme head or official of the government appoints Jirga members for resolving disputes of the people. Their opinions and recommendations are taken into consideration for settling issues of the people. Majority of the issues are openly discussed, listened, and consulted by the Jirga members as they are experts of the locality.

The officers of District Administration are also invited sometime to come and sit in the jirga and observe it proceedings. The Jirga members deeply study and analyze the issue under consideration. To understand the issue, they may take help from any other person who is an expert. Jirga includes a committee and council or even a Lashkar to enforce the decision which is binding on the parties. Implementation is easy on account of the reason that verdict of Jirga is given by the fellows which are the honorable members of the society.

# **Criminal Justice System of Pakistan**

Criminal justice system is a set of agencies and processes established by the government to control crimes and impose penalties on those who violate the laws. The system is based on fairness, equality, justice and fair play for all-a system that deals with the crimes and criminals with the view to maintain peace and order in society. This justice system has few components which work in harmony and in support to each other so as to provide justice not only to the victims but to the accused as well<sup>19</sup>. The criminal justice system has three main components.

- 1. Police for law enforcement.
- 2. Courts for adjudication/trials
- 3. Prisons for correction, probation/parole.

This system of the country has been inherited from the British and aims to reduce crimes bring more offenders to justice and raise public confidence.

#### **Deficiencies and Weaknesses**

The criminal justice system of the country is known to be faulty, exploitative and inequitable and these are few of the reasons behind the highest crime rates<sup>20</sup>.

The criminal justice system in provoked today with the serious crises of abnormal delay. This delay in litigation of criminal cases is of chronic nature and proverbial. The main and most important demerits and deficiencies of the criminal justice system of the country are accurate reporting of crime to the police, malpractices during litigation, delayed submissions of challan to courts by public prosecutors, lopsided and long duration of trials where the accused is considered

<sup>&</sup>lt;sup>19</sup> Munir, A, Mughal, "Law of investigation into cognizable case".2009.

<sup>&</sup>lt;sup>20</sup> Jamshed, Hamza Hameed & Kamil. A study of Criminal Law & Prosecution System in Pakistan. Manzil Pakistan, 2013.

to be the favorite child of the court, overcrowding of jails due to large number of under trial prisoners, underdeveloped system of probation and parole and capacity issues

All these deficiencies, particularly capacity issues are not restricted to any one component of the justice system but all the components (police, judiciary and prisons) equally fall short. Keeping in view these deficiencies, it is considered that the whole criminal justice system is under-performing. In past few attempts on the amendment of the legal framework has been made so as to make this system efficient, however it was made largely in bits and pieces. Moreover it was done halfheartedly, thus yielding no positive results<sup>21</sup>.

## Comparison of Criminal System with Jirga in Merged Areas

Reconstruction ascendancy in regions developing from warfare is significant in post-conflict peace building. If there is no law and excellent ascendancy, it becomes hard for individuals, social groups and cultures to develop a changeover from warfare disorder to harmony and communal impartiality. On one hand traditional ways (Jirga) of conflict and dispute resolution is considered as the most important mechanism for communities while on other hand they are critiqued that they are pre-modern and lack obedience to global human right values. In such a circumstances one should understand these tough restrictions and absence of capability of proper justice system and must recognize needs to discover the customs to connect the old-fashioned conflict resolving method (Jirga) with proper system (criminal justice system) so as to address land and civil disputes. Thus, we should emphasize the need of combine evolution of the formal and informal lawful system i.e. bridging modernity and traditions.

The critical analysis of the views of the respondents depicts that the ethnic societal code of Pashtunwali is still comparatively an unbroken code, but the Jirga process of dispute resolution has weakened on account of the reason that the disputants now pay huge amounts to the Jirga members for their role as mediator or arbiters. This weakness is lined to complete attrition of tribal elders influence in the community. In this regard one of the respondents very clearly stated.

"I would say that in the past the work of Jirga was transparent because all the tribal elders wanted to serve their tribes by resolving their conflicts and bringing peace among them but now, I can say that corruption is associated with Jirga and most of the tribal elders do Jirga for their own benefit by taking bribes or by taking "khaloot (customary fee for conducting Jirga)". These like things influence the process of decision making and most of the time unjust decisions are made in Jirga".

Although the tribal system has been weakened in the last 30 years of conflict,

<sup>&</sup>lt;sup>21</sup> Published in The Express Tribune, October 9th, 2016.

still it remains relatively stronger when compared to the government criminal justice system. It is clear that both needs the government support while the government criminal justice system needs the Jirga support. They are interdependent on one another.

The crucial difference between the Jirga system and criminal justice system is that the government claims that its justice system is provided to the disputant free of charge but the reality is somewhat quite different. The disputants have to pay heavy fee of their councils and has to wait for years to find justice. It was brought into the notice that even the apex courts have exonerated a person who was dead two years before. The person who had committed murder in 2004 was in jail since long and after having dismissed his appeals he went to the apex court but he died before listening his orders of exoneration <sup>22</sup>.

Similarly, a study conducted by Angbeen Atif Mirza a practicing lawyer based in Lahore has shown the reasons of adjournment of court proceedings in the following chart which shows that the system is too slow.

The adjournment of case means that the accused will have to live in jails for extra months only because of judge sahib on leave, absence of witness or council, or shortage of prison van which delays the process and becomes a source of burden on prison.

On the other hand tribal elders mostly request only the provision of meals, and they work day and night to resolve the dispute in a shortest possible time. There are hundreds of such disputes which have amicably been resolved by jirga in a short time and less expenses but as there is no trace record or data base which can be referred here.

The criminal justice system has the edge over jirga system in the present scenario that criminal justice system has a defined procedure and tools for its decision implementation and execution, while after merger and enforcement of laws in the trible areas jirga system lost its tools of implementations and execution because Lashkar system has now ceased to work, though in the recent days few months back December 2020 the decisions of jirga in Wana South waziristan tribal District were implemented by the lashkar as they demolished 4 houses of those persons who were found guilty by the jirga. It was also informed that 23 FIRs were being registered against the lashkr's ring leaders and jirga members.

The recent Criminal justice system of Pakistan seems to be for wealthy and powerful and they use it for their own purposes and benefits. The powerful and influential people tears away the webs of laws and the poor are entangled in it. We have the examples of rich and wealthy people who after committing heinous crimes do not see prison, and no justice given to the aggrieved. We have the example of RAYMOND DEVIS, RAO ANWAR, MAJEED ACHAKZAI, and

 $<sup>^{\</sup>rm 22}$  Angbeen Atif Mirza is a practicing lawyer based in Lahore.

even we see that our political leaders are acquitted in almost all cases except those which are used for political victimization.

While on the other hand in Jirga there prevails a true democratic norm and there is very little difference between the poor and wealthy or influential, in 1996 a jirga ordered that action be taken against robbers and Dacoits in South waziristan and the lashkar took action against the criminals though some of them were too strong and powerful. These events were observed by myself being eyewitness I was student at that time. The lashkar arrested 24 robbers and the charges were proved against them and they accepted their fault and were sent to jail through political administration.

Khaloot is another evil which has entered in jirga proceedings, in the past the jirga members were given an amount from both the parties after they have decided the dispute known as KHALOOT, but in the present day the members of jirga demand a huge amount as khaloot which becomes difficult for the poor party to afford. Similarly bribes and recieving gifts by the jirga members from the disputants have also found place in jirga system which has badly effected this system.

During the jirga process imbursement for extracted facilities, disputant mostly pay cash amount in advance, cattles or guns as guarantee for their acceptance to the verdict of Jirga. After signing this contract the Jirga is allowed to resolve the dispute. Both the parties are thus bound to the any verdict, alluring them to unethically affect the verdict. Moreover, the payment of machalga or baramta is also considered as a commitment which bounds every party to agree with the verdict so as to get his machlaga back. In most of the cases these like financially driven contracts are soon wrecked. By eliminating these drawbacks and addition of criminal justice system, the government reduces the corruption and ensures that disputant enters into the agreement which is not economically driven. Furthermore, the process of Jirga is disadvantageous for the low income people because they are not able to pay the huge expenditure of mediators and also unable to pay the traditional 'good faith' payment. Thus, free of cost justice system permits more admittance to justice for a community.

During the discussion with the respondents, it was pointed out that despite or maybe because of lack of machalga, the criminal justice system has been successful in reaching lasting agreements. Criminal justice system also attributes their success rate to the manner in which they inform the disputants of their decision.

#### Conclusion

The instant results concluded that most of the residents of the merged districts appreciate this system and looking forward for positive changes in the region on account of this system by having low cost justice at their doors steps. It was also

recorded that this system will open up the area to commerce, excellent communication, better growth and effective socioeconomic adjustment. However, the inhabitants were of the view that changes may be introduced in the rules, proceedings, and implementation of Jirga and its decisions to make it in line with the constitution and the formal justice system. Moreover, the government should involve local people in further strengthening of this system on account of the reason that without understanding the local dynamics, it will be difficult to achieve the desired outcomes.

#### Recommendations

- The government must bridge the gap between the jirga and criminal justice system by allowing the government to have oversight of case selection while remaining accountable to the community it serves. Thus, community members will have greater access to justice and strain on court system will also decrease.
- 2. The government should involve local people in strengthening of this system because without understanding the local dynamics, it will be difficult to achieve the desired outcomes.
- 3. All the courts and Administrative offices may be shifted to the concerned districts and each Tehsildar, Assistant Commissioner, Civil judge may be made to sit in his concerned tehsil or subdivision so that the issues of the people may be resolved at local level. At present it seems that the newly merged districts are being controlled and run by remote Control system. Half of the disputes will come to an end if the District administration sits in their own districts and utilize the Annual Development programme as per need assessment and do not use it for pecuniary benefits or as incentive to gain the support of powerful Maliks.
- 4. The government should provide all the necessities of life to the trible people so that they may have equal opportunities to come into mainstream line. The criminal justice system will succeed in the trible area and will replace Jirga system when the people of the area accepts that government is sincere towards them and wants to resolve their issues.
- 5. As it is an established fact that force is not the ultimate solution of every issue, as the government has decided and has enforced this new system in the merged district but it also need that the matter may be handled tactfully by giving opportunities of participation to the local people . if the government wants to have permanent and successful system their, then the people of the area must be taken in confidence and with their collaboration the new system will give positive results.
- 6. The whole erstwhile FATA has undergone a very hard and difficult time during the last two decades and they have faced huge financial and human

- losses, therefore the process of rehabilitation be accelerated so that the people of the area may not think that their sacrifices has gone waste and no reward has been given to them.
- 7. The people will welcome the new system when they realize that their rights are being given by the government and that the government wants their welfare. At present many people during the interview expressed that along this system the government should provide job opportunities to the local people by developing the Mineral Sector in the area. As it is a fact that a jobless young man can become a prey to those who are anti state, when the youth finds jobs then they will remain busy and there will be economic activities so crimes will be reduced and the system will flourish.