

The Tribal Areas under the Administration of the West Pakistan Province

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Abstract

Tribal Areas of Khyber Pakhtunkhwa, Pakistan (FATA, PATA and Frontier Region) are now-a-days under focus in national and international geo-political strategies. To avoid any future disturbance in the region after Pakistan army's operation *Zarb-e-Azb*, suggestions are circulating of amalgamating this region with the province of Khyber Pakhtunkhwa or creating a new province comprising of the said areas. But very few of us know that in the past it remained part of a province which was the province of West Pakistan (1955-1970) comprised of all the territories of today's Pakistan. The Province of West Pakistan, for administrative purpose, was divided into Divisions. The former province of North-West Frontier was comprised of two Divisions: Peshawar and Dera Ismail Khan under the charge of Commissioners. At the dissolution of West Pakistan Province (March 1970) three provinces of the region were reinstated and Balochistan was created as a full-fledged province as well and only the Tribal Area of North West was returned to the Federal authority.

Keywords: One Unit; Frontier Region; Agency; Political Agent; Division.

Introduction and Background

A Tribal Area in Pakistan means a region inhabited by the tribesmen and excluded from the control of police, revenue, and justice departments of the general administration. Spread over an area of 27,220 sq. km with total population of approximately 3,176,331 persons according to the 1998 census, the Tribal Area is administered through the 1901 Frontier Crimes Regulations.

From time immemorial the Western Hindu Kush Mountain Range permitted invaders to pass through it to Indian Plains but never encouraged to settle, due to geographical hardships. The Mughals only maintained their hold to keep their routes open to Kabul and Qandhar. Sikhs had stopped their conquests at the foots of the Western hills. British Imperial designs compelled by Russo-phobia succeeded in drawing a Frontier with Afghanistan, Durand Line (1893) and developed an indirect system of administration through Agencies and Frontier Regions by Political Agents and Deputy Commissioners in charge respectively.

After the establishment of Pakistan, the Frontier States and Tribal Areas acceded to Pakistan by negotiation with Quaid-e-Azam and became part of the Federation of Pakistan and a Ministry of States and Frontier Region (SAFRON) was established to look after its affairs (Khan, 66).

Another important Political and Constitutional development in Pakistan was the formation of One Unit Scheme in the western half of Pakistan. The then Governor General, Malik Ghulam Mohammad, wanted to inaugurate it by an executive order in March 1955 but was compelled by the Federal Court to appoint a Constituent Assembly for that purpose; Frontier States and Tribal Areas were allocated eight seats (Gazette, 1955) in the Constituent Assembly. The Province of West Pakistan was established by integrating provinces and states through a Parliamentary Act called the Establishment of West Pakistan Act, 1955 (Aziz 30), and was inaugurated on October 14, 1955 (Dawn, 1955).

The Tribal Areas of Baluchistan, the Punjab, the North-West Frontier, and the states of Amb, Chitral, Dir, and Swat, which were referred to as 'Specified Territories,' were incorporated into the Province of West Pakistan in accordance with the section 2 (1) (b) 4 of the Establishment of West Pakistan Act 1955; no change in the internal administration of the 'Special Area' (Tribal Area) was authorized. Furthermore, the Act provided for the mechanism through which a Law or Act could be extended, or Regulation made for the 'Specified Territories,' and directives given by the Governor General to the Governor regarding Tribal Areas (Gazette, 1955). For the administrative purpose, the West Pakistan was divided into 10 Divisions, which were sub-divided into 50 districts under the executive authority of the Commissioners and Deputy Commissioners respectively. The former NWFP and Tribal Areas comprised the following Divisions:

1. Peshawar Division: The districts of Peshawar, Mardan, Hazara and Cambellpur; the States of Dir, Swat and Chitral; the Tribal Areas attached to the districts of Peshawar, Mardan and Hazara; and the Agencies of Malakand, Mohmand and Khyber.
2. Dera Ismail Khan Division: The districts of Dera Ismail Khan, Bannu and Mianwali; the Tribal Areas attached to the districts of Dera Ismail Khan, Bannu and Kohat; and the Agencies of Kurram, North Waziristan and South Waziristan (PLD., 1955).

In this divisional arrangement Kohat and Kurram Agency were part of the Dera Ismail Khan Division. However, they were incorporated into the Peshawar Division on November 25, 1960 through the President's proclamation mainly owing to the great hardships people faced in maintaining their links with the distant divisional headquarter of Dera Ismail Khan (PLD, 1960). In the establishment of West Pakistan Act, 1955 the arrangement of seats to the

Legislative Assembly of the Province and the number of member of each of the Council of elders (Jirga) of Tribal Area and Frontier states were mentioned as follows:

Tribal Areas of Former NWFP

- a) Khyber Agency – Three
- b) Kurram Agency – Two
- c) Malakand Protected Areas – One
- d) Other parts of Malakand Agency – Two
- e) South Waziristan Agency and Dera Ismail Khan Tribal Areas – Two
- f) North Waziristan Agency and Bannu Tribal Area – Two
- g) Mohmand Agency – Two
- h) Tribal Areas adjoining Hazara and Mardan districts – Six
- i) Tribal Areas adjoining Kohat Districts –Two

Frontier States

- i. Chitral –One
- ii. Dir –Two
- iii. Swat – Six (Islam, 1989).

In short, out of 310 seats of West Pakistan Assembly 30 seats were allotted to the members from the Tribal Areas of North-West Frontier Province. The same adjustments of seats, the term ‘Special Areas’ and the same status was maintained under section 104,126 (2)178 and 218 under the Constitution of 1956. Provision of seats was also made in the National Assembly for those areas. In West Pakistan Legislative Assembly, during budget session in March 1957, Khan Abdul Qayum Khan in his speech commented about the Tribal Areas that if any part of the Area expressed a desire to be merged in the province, that should be treated at par with the rest of the province and it should be accepted within the fold. No part of these areas should be coerced to come into the West Pakistan administration. He asked from the house, “How long are we going to keep those areas out of jurisdiction of high court? At least the towns in the Tribal Areas where you have a settled administration should come under the jurisdiction of the high court. At present the political agents felt that they were rulers, this setup must be changed”. He was well appreciated by the House (Debates, 1957).

Administration of Tribal Areas

A permanent department of Tribal Affairs was constituted for the Tribal Areas of former NWFP and Baluchistan in the West Pakistan Government Secretariat at Lahore after the establishment of West Pakistan Province. The department had

the authority of Tribal Administration and its Development. The headquarters of department was established in Peshawar. It also assumed the authority of the Civil Armed Forces, namely the Frontier Constabulary, Frontier Corps, Levis and Khassadars. The department was headed by a Secretary and under him were a Deputy and an Under Secretary respectively.

The Tribal Affairs department was empowered to initiate policies which would be implemented on the executive side by the concerned Divisional Commissioners with the help of Political Agents and other officials. Previously the executive powers and responsibilities in respect of the Tribal Affairs and the Frontier Corps exercised by the Agent to the Governor General or the Governor were assumed by the Commissioners of the Divisions. The department was also to deal with Afghan refugees and payment of maintenance allowance to them (Year Book, 1956).

The Tribal Affairs department, under new arrangement, was headed by a minister of the West Pakistan Government at Peshawar. This minister, however, resigned in February 1956 and the responsibility of the Department was entrusted to Chief Minister of West Pakistan. Sir Olaf Caroe, former Governor of NWFP province during his visit to Pakistan especially the Tribal Areas, in 1956, submitted observation pertaining to the administrative arrangements of the region under the Constitution of 1956 in writing form under the title, *The Constitution and the N.W. Frontier*. He pointed out that the region is important in the context of Foreign Affairs and defense of not only Pakistan but of Sub-Continent. So, instead of making a Minister in charge of the Department it must be handed over to a senior Civil Servant of the State (Caroe, 1956).

On October 17, 1958, President Iskander Mirza, while proclaiming Martial Law, ordered abolishing four ministries in Center including the States and Frontier Region and entrusted its responsibility to Home Department (Khyber Mail, 1958). Later in 1959, a separate division of States and Frontier Regions, Government of Pakistan, under the Ministry of Interior was established for running and supervision of the Area. Some administrative changes were introduced in 1959 in the Tribal Affairs. The secretariat department of Tribal Affairs of West Pakistan was abolished, and its business was allocated to the Home Department as a measure of economy recommended by the West Pakistan Re-organisation Committee. A post of Commissioner and Resident-in-Frontier Region was created to look after the matter. A very senior official was appointed to stay at Peshawar. He was to be responsible for the administration of Malakand, Khyber, Mohmand, Kurram and North and South Waziristan Agencies and also exercised jurisdiction over the Tribal Areas attached to the districts of Peshawar, Hazara, Kohat, Bannu and Dera Ismail Khan. He was also given extensive

powers and responsibility for close and personal supervision of all schemes aimed at the development of the Tribal people and their area. After some time, the post was abolished (Year Book, 1959).

The Tribal people wholeheartedly supported the state of Pakistan at its creation and in like manner they supported and welcomed the military regime and its policies. They appreciated the steps taken by the Martial Law authorities and its services to the Community. In return, it was promised by the military establishment that the administrative reforms initiated in West Pakistan would not least affect the internal arrangements of the Tribal Areas. The old customs and agreements governing the relationship between the Government and the Tribal Maliks would continue (*Khyber Mail*, 1960).

At the time of promulgation of Martial Law, the status quo was maintained in the Tribal Areas and it was instructed by the authorities that unless the Commissioner or Resident in the Frontier Regions requests the enforcement of the Martial Law in full or in part, the restraint would be maintained. But later Martial Law Regulation No. 27, which made smuggling an offence, was endorsed by Law Ministry in Special Areas in September 1960. The Frontier Corps and Frontier Constabulary were made responsible for checking smuggling in the same manner as the border police did in other parts of the country. The secretary of States and Frontier Regions was instructed to formulate policy for applying anti-smuggling laws to the region (NDC, 1960).

In the Constitution of 1962, under Article 223, the status of Tribal Region was maintained; only the term "The Special Areas" used for the Tribal Areas of North West Frontier, Punjab and Baluchistan along with Frontier states Amb, Dir, Chitral and Swat was changed into Tribal Areas (PLD, 1962).

The Malakand Agency had three Frontier States of Chitral, Dir and Swat. Of them the ruler of Dir was involved in machination with Afghanistan against Government of Pakistan. Afghan intrigues in Pakistani territory were resented by the Tribal people. In a Tribal Jirga of Afridi and Shinwari tribes of Khyber Pass they warned the rulers of Kabul of dire consequences if they didn't put an end to their activities. The ruler of Dir was deposed and for improvement of administration on October 28, 1961, the President of Pakistan enforced Dir (extension of law) Regulation 1961 (NDC, 1961). Later on, for further progress on 10 June 1967, Dir Administration Regulation 1967 was issued (*Khyber Mail*, 1967).

The Basic Democracies Order 1959 was applied to the Tribal Areas under the West Pakistan Special Areas, Basic Democracies Rules, 1961 and was enforced on 29 November 1961. In the Tribal Area of Frontier and Baluchistan there were

three tiers of administration: Agency Councils, Divisional Councils and Provincial Advisory Committee. The authorities assured Tribal people that the representation of various tribes in Agency Council under Basic Democracies would be on the basis of population of each Agency. They were also assured that Tribesmen would have sufficient and large representation in the Provincial Advisory Council. Elections to various tiers of Basic Democracies were held in 1961 and various local Councils were inducted into the offices (Talbot, 2005).

The Divisional Councils meetings of both divisions of Peshawar and Dera Ismail Khan, under the authority of Commissioners, were attended by the members of Agencies of Tribal region, Political Agents, Deputy Commissioners and heads of departments. All developmental projects and other major issues were discussed (*Shahbaz*, 1963). During the period of One Unit many Laws and Acts in the form of Regulations were extended to the Tribal Region. As gesture of support and to provide relief in time of need, the West Pakistan Government decided the extensions of West Pakistan Calamities (Prevention and Relief Act 1958) to the Tribal Areas of Quetta, Dera Ismail Khan and Peshawar Division. The Act, earlier applicable to the whole of West Pakistan, provided for maintenance and restoration of order, check and control of the calamities in the affected areas. As under the Article 223, 1962 Constitution, Provincial law could be extended to the Tribal Area by the Governor of West Pakistan only with the prior approval of the President. The Provincial Government had accordingly proposed a Regulation for extending the provision of the Act to the Tribal Area of Pakistan on March 8, 1963 (NDC 1963).

The disciplinary Regulation like West Pakistan Anti-Corruption Establishment Ordinance 1961, which provided for the establishment of a Special Agency for investigation of certain offences relating to corruption by public servants and for holding preliminary enquires against such government servants in West Pakistan was extended to the Tribal Areas on October 31, 1963. In March 1966, Anti-Corruption Laws of West Pakistan were extended to Tribal Areas by a Regulation (NDC, 1966). For the protection of projects in the Areas such as Warsak, Kurram Gari, and Gul Kach Dams, the official Secret Act of 1923 was extended to the respective Area under the title 'The Tribal Areas' (official secret) Regulation 1963 on December 30, 1963 (NDC, 1962).

Development

After integration of West Pakistan, it was decided to place more emphasis on development of the Tribal Areas. Under the instruction of Government of Pakistan, the Planning Board made provision of a big amount of budget for the future development of the most underdeveloped areas of West Pakistan in the draft of First Five Year Plan. The Planning Board made a provision of Rs.

500,000/- for social and economic research project to be taken by the University of Peshawar in the North-West Region of Tribal Area. The ministry of Economic Affairs, Government of Pakistan requested the Board of Economic Enquiry, University of Peshawar to conduct economic survey of the Tribal Areas adjoining West Pakistan. The survey was later conducted by Mr. Nurul Islam in 1956 and was published in a book form. He made a thorough socio-economic study and recommended measures for the uplift of the region (Mian, 1956). As was claimed by the authorities that the main consideration for the integration of West Pakistan was to speed up the progress of the under developed areas. To justify the claim, the Government issued a press report on August 14, 1947 which stressed that there was a threefold increase in allocation in one year for these Areas. The details showed that in the Agencies and Frontier Regions many new and existing schemes were in progress (Year Book, 1957).

With a view to bring them at par with other areas of the province, the Central Cabinet decided on May 26, 1958 to setup an Administrative Council for Economic Development of Special Areas of former NWF Province and Baluchistan. The Council would meet at least once a month to consider plan for economic development and to review steps already taken. The Council was to deal mainly with development schemes connected with water, power, mineral resources, education, health, agriculture etc. The meeting of the Council was held on July 31, 1958 at Lahore and was chaired by the Chief Minister West Pakistan, Mir Muzaffar Ali Qazalbash. The meeting was attended by the Secretary, Tribal Affairs, West Pakistan and all the political Agents. The Chief Minister advised the Council to form Sub-Committees for the consideration of various schemes for approval to the Council which would hold its meeting every month at Peshawar and Quetta. A grant of Rs. 10,000,000 (10 Million) was placed at the disposal of the Council (NDC, 1958).

The Martial Law Government started with new zeal the development projects. The second and third Five Plan was extended to the region. Even on December 1, 1968, it was reported in the *Khyber Mail* that a 'Master Plan' envisaging an outlay of Rs. 2,600,000,000 (2.6 Billion) for development in the Tribal Regions during next 20 years was urged (*Khyber Mail*, 1968).

Dissolution of One Unit

Mohammad Ayub Khan resigned on 25 March 1969 and handed over power to General Mohammad Yaya Khan, Commander-in-Chief of army. Among major steps taken by Yaya Khan pertaining to the region was the 15 August 1969 Regulation called the Dir, Chitral and Swat (administration) Regulation 1969. Under this regulation the administration of the three states was transferred to West Pakistan. These States were constituted as districts under the Control of

Deputy Commissioners and other officers (PLD, 1970). Secondly, on March 30, 1970, the Province of West Pakistan (dissolution) order 1970 was issued. In the order in place of province of West Pakistan, four provinces were constituted along with the Centrally Administered Territories of Islamabad and the Tribal Areas.

The territories included in the North-West Frontier Province were:

- a) Peshawar Division including former Amb state and Tribal Areas adjoining Hazara district but excluding other Tribal Areas
- b) Dera Ismail Khan Division

Malakand Division including the former state of Dir, Swat, Chitral and the Malakand protected area, but excluding other Tribal Areas while the Tribal Areas of Baluchistan were made part of Baluchistan Province (Gazette, 1970). Later, in the Constitution of 1973 three types of Tribal Areas were constituted i.e. Federally Administered Tribal Areas (FATA), Provincially Administered Tribal Areas (PATA) and Frontier Region (FR) having different types of administration and representation in legislature (Rome, 2013).

Conclusion

This is short review of an important political epoch in the history of Pakistan. The Tribal population remained the loyal citizens of Pakistan; they welcomed every decision, every executive decree, and every political move of Pakistani ruling junta. They were loyal to Pakistan defense forces in heat of Bajaur crises of 1962, recruited themselves in the wars against India, supported the Kashmiri cause etc. Even during the One Unit period this area remained part of the province of West Pakistan and the administration of settled districts and Tribal Areas was under the same authorities. But in return they were treated as aliens by the authorities. They were not asked about their judgment and wishes; after the reinstallation of old Provincial set up that region was handed over back to the federal center. It was advisable when at the end of One Unit period the Tribal Areas of Punjab and Baluchistan were made part of their respective provinces; the Tribal Area of Khyber Pakhtunkhwa would be merged as well with respective province. This unnatural division resulted in international machination and in manifestation of Afghan Jihad. Still halfhearted attempts are under process of making Tribal Area as part of Khyber Pakhtunkhawa. If following the West Pakistan administrative arrangement, of attaching northern Tribal Areas with Peshawar and south with Dera Ismail Khan and gradually making them districts of the province it could be achieved.

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