الله
TRAINING COURSE FOR POLITICAL ADMINISTRATION (FATA)

The Human Face of Collective Responsibility
Khyberpukhtunkhwa Judicial Academy
Peshawar
Ethnic recognition in the Quran

- Surah Hujrat (سورة الحجرات) verse 13

49:13
Ethnic recognition in the Quran

• Intratribal hierarchy of the Arab tribes
  – Shaab
  – Qabeelah
  – Amarah
  – Batan
  – Faseelah
  – Asherah

• Ethnicity versus Ethnocenterism
Islamic origin of tribal administration

• Institution of Niqabah
• Appointment of 12 Nuqaba (Naqeeb- Tribal elder- counselor before Hijrah to Madinah)
• Their mandate
  – To ensure the basic needs of their tribe
  – To be in active liaison with the state of Madinah
FCR 1901

- As amended by FC (Amendment) regulation 2011 dated 27.08.2011
- Purpose as stated in the preamble
  To provide for the maintenance of
  - Peace
  - Law and order
  - Good governance in FATA
Essentials of Good Governance

- Essentials of good governance as identified by IMF
  - Equity
  - Predictability
  - Impartiality
  - Transparency
“Four Things Belong to a Judge:
To Hear Courteously,
To Answer Wisely,
To Consider Soberly,
And to Decide Impartially”.

......Socrates
Weaknesses and strengths of tribal administration in FATA

• The participants should contribute their views with regard to recent changes in FCR, how do they see these changes?
• Improvements or irritants?
Advantages and disadvantages of collective responsibility

• Course participants should offer their candid views on the past, present and future of FATA administration
Provisions regarding collective responsibility

• Section 21, 22, 23 and section 40 as the insurance of peace in FATA.
Legal framework

- Article 246, 247 of the constitution
- FC (amendment) regulation 2011
- Riwaj –Urf
- Sharia – A tribal option in civil/criminal litigation by agreement of the parties
- All extended laws to FATA
Law enforcing agencies

- Social contract - Collective responsibility
- Khasadars
- Levies
- Chelwashtis – Task-based tribal contingents to enforce a decision (Task force)
- Jirgahs (juries )
- CAF (Civil Armed Forces)
Components of training

Skills

Knowledge

Attitude
Major problem of tribal administration

• The major problem of tribal administration is the problem of the third component- Attitude
• Human face is an expression of human attitude