

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
الْحَمْدُ لِلَّهِ الَّذِي
خَلَقَ السَّمَوَاتِ وَالْأَرْضَ
وَالَّذِي جَعَلَ الْمَوْتَ
وَالْحَيَاةَ وَالَّذِي
يُعِيدُ النَّاسَ
وَالَّذِي يُعَلِّمُ
بِالْقُرْآنِ وَالَّذِي
يُعَلِّمُ بِالْقُرْآنِ
وَالَّذِي يُعَلِّمُ
بِالْقُرْآنِ

**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

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ
لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتَقْوَىٰ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ ﴿١٣﴾

49:13

Ethnic recognition in the Quran

- Intratribal hierarchy of the Arab tribes
 - Shaab
 - Qabeelah
 - Amarah
 - Batan
 - Faseelah
 - Asherah
- Ethnicity versus Ethnocentrism

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 ammended by FC (Amendment) regulation 2011 dated 27.08.2011
- Purpose as stated in the preamble
 - To provide for the maintenance of
 - Peace
 - Law an order
 - Good governance in FATA

Essentials of Good Governance

- Essentials of good governance as identified by IMF
 - Equity
 - Predictability
 - Impartiality
 - Transparency

Socratic image of a judge

“ 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



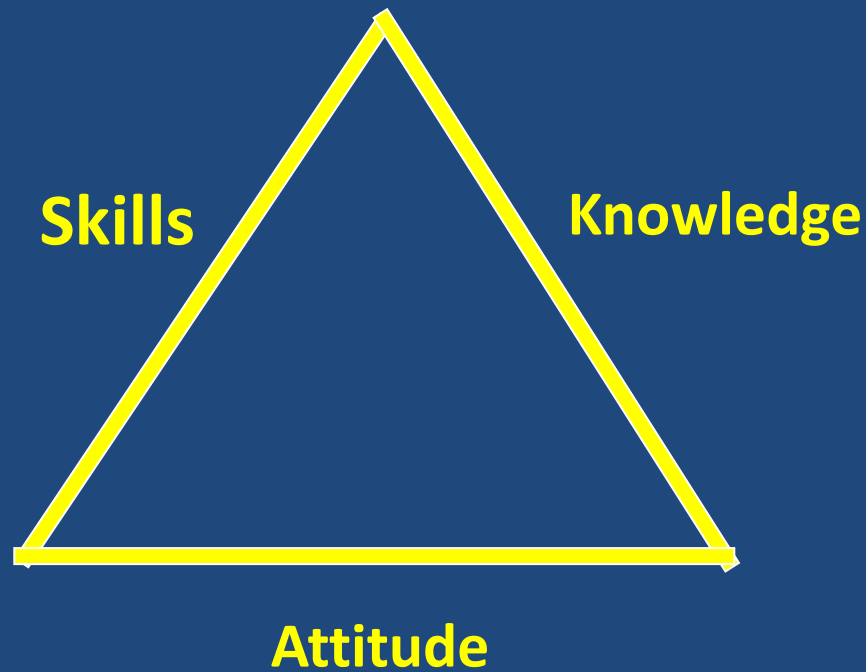
Legal framework

- 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



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

