

KHYBER AGENCY: AN APPRAISAL

Naheed Hussain*

Abstract

Khyber Agency is one of the seven Federally Administered Tribal Areas, which is administered by the federation of Pakistan since 1947. The rugged mountains and lush green vales of this territory is a home to two big Pakhtun Tribes the “Afridis” and the “Shinwaris”. Khyber witnessed the arrival of the Aryans, Iranians, Greeks, Kushans, White Huns, to the plains of subcontinent and to the terrains of Afghanistan. It was this path which gave passage to the caravans of the Ghaznavide, Ghoraide and later on the Mughals. Khyber Agency is named after the famous Khyber Pass, the most important link between South Asia and Afghanistan. Khyber Agency is the oldest tribal agency, created in 1879 with PLN Cavagnari as the first Political Officer in a de Jure sense, but factually in 1901, with the establishment of the North West Frontier Province, the post of Political Officer changed into Political Agent with Major G. Kepper as the first Political Agent.

Like rest of the FATA regulations Khyber Agency is governed under Frontier Crimes Regulations (FCR), which were introduced by British Viceroy Lord Curzon in 1901. Political Agent plays vital role in the Agency. All the administrative activities remain under the executive control of the President of Pakistan and the Governor of Khyber Pakhtunkhwa, the representative of the President for these areas.

Key Words

Khyber Agency/Pass, Invasions, Administrative/Educational setup, Militancy, New Political/Constitutional Reforms.

* Lecturer in Pakistan Studies, Government Frontier College for Women, Peshawar and M.Phil Scholar

Introduction

Khyber Agency is one of the seven agencies, on the Pak-Afghan border and is part of Federally Administered Tribal Areas (FATA). The rugged mountains and lush green valleys of this territory is the home of Afridis, Shinwaris, Mullaguris, Orakzais and Shilmanis, the former two being the major stakeholders of the area. Afridi, the major tribe of the Agency, is further divided into eight clans; these are Kuki Khel, Malik Din Khels, Kambar Khel, Kamrai or Kamar Khel, Zakha Khels, Sipah, Aka Khels and Adam Khel. The first six are collectively known as the Khyber Afridis.¹ Khyber Agency witnessed the arrival of the Aryans, Iranians, Greeks, Kushans, and White Huns to the plains of Sub-continent and the terrains of Afghanistan. It was this pass which gave passage to the caravans of the Ghaznavide, Ghorides and later on the Mughals.

Khyber Agency is named after the famous Khyber Pass, the most important link between South Asia and Central Asia via Afghanistan. According to one version the word Khyber is derived from a Hebrew word, which means place or castle. Before the birth of Islam Jews had stronghold over the Khyber fort and its surroundings, situated some 150 km in the North-Western part of present day Saudi Arabia. However, the Khyber Pass has no connection with the Khyber Fort of Medina. Khyber is a small village in Landi Kotal situated on Peshawar—Torkham highway which earned this name for it. Historians and locals contend that Khyber Pass is the main reason behind the name of Khyber Agency.² The geo-strategic position of this Pass has given worldwide recognition to its inhabitants and Agency and got the attention of historians as well. This pass has witnessed the invasion of many formidable armies. Aryans were the first who made their way from Central Asia through Khyber Pass into the Indo-Pak Sub-continent around 2500-1500-BC.³ Next came the Persians, followed by Alexander the great in 327 BC. The Kushans came in the first century AD and made Peshawar their capital followed by the Sassanids in the 3rd century AD. The Muslims from Ghazna crossed this pass in 997 AD under the leadership of Subuktageen and was followed by his son Mahmud,⁴ the Ghorides, the Tatars and the Mughals. Nadir Shah Afshar of Persia captured Peshawar after crossing Khyber Pass and proceeded to Delhi in 1739. Ahmad Shah Abdali, the founder of modern Afghanistan, also made his way through Khyber Pass for his Indian invasion.⁵

The English⁶ annexed Peshawar in 1849 and advanced towards the west. The British established outposts in the border areas. The Khyber Agency witnessed fierce fighting during the Second Anglo-Afghan War (1878-80). After the war, the British occupied the whole pass and established a piquet system over this pass to safeguard passage through it. During the tribal uprising in 1897-98, the Afridis generally rose against the British and seized the Pass. The British Indian government sent expedition to Tirah to control the situation. The skirmishes continued for two years and ultimately an agreement was signed between the British and Afridis, and it was decided to keep the Khyber Pass open for trade.⁷ Khyber Rifles, a brigade of informal army was formed to keep the Khyber Pass secure. This semi-formal force was formed called *Khasadars*, and recruited from the local tribes. They were asked to carry their own rifles called *Jezail*.⁸ The Khyber Pass did not witness peace for too long. According to the British, they faced tough resistance in this area up to the last day of their rule in Indo-Pak Sub-continent.⁹

On 14th April, 1948, Quaid-i-Azam visited Khyber for the first time. As a Governor General of Pakistan, Mr. Jinnah ordered withdrawal of all forces from the tribal areas according to a previous promise he made to show respect for tribal spirit of freedom as they called themselves '*Azad Qabail*' meant for-'free tribes'.

Khyber Agency is the oldest tribal agency, formed in 1879 and Pierre Louis Napoleon Cavagnari was appointed as its first Political Officer¹⁰ in a de Jure sense. In 1901, with the establishment of the North West Frontier Province the post of Political Officer was changed into Political Agent and Major G. Kepper was appointed as the first Political Agent.¹¹

FATA is governed under Frontier Crimes Regulations (FCR), implemented by the British Viceroy Lord Curzon in 1901. Under the Articles 246-247 of the 1973 Constitution of the Islamic Republic of Pakistan, the tribal areas have been divided into seven Tribal Agencies i.e. Bajaur, Orakzai, Mohmand, Khyber, Kurram, North Waziristan and South Waziristan; and six Frontier Regions (FR) consisting of FR Peshawar, FR Kohat, FR Tank, FR Banuu, FR Dera Ismail Khan and FR Lakki. These semi-tribal areas are located between the agencies and Khyber Pakhtunkhwa.¹² The tribal areas have representation in the parliament; these parliamentarians can participate in

legislation for the rest of Pakistan but not for their own tribal areas. It remains under the executive control of the President of Pakistan and the Governor of Khyber Pakhtunkhwa, the representative of the President for these areas.¹³

The Role of Khyber Agency in the Anglo- Afghan Wars

The cordial relation of Amir Dost Muhammad Khan with Russia was considered by the British a threat to their Indian possession. The Russians had promised the Amir that they would help him in recovering Peshawar from the British. In response to this alliance, the British adopted a new policy and signed tri-partite treaty with Ranjit Singh and the deposed Afghan Amir Shah Shuja who had sought political asylum in India at that time. Under this treaty a new Afghan policy was announced by Viceroy Lord Auckland in 1838. Heavy contingents of British forces marched towards Quetta and on route to Qandahar and after few months captured Ghazni and Kabul. Dost Muhammad Khan was unable to face the British Army fled to Bokhara and took asylum therein. Shah Shuja was enthroned as ruler of Afghanistan and the British got settled in Afghanistan as an occupying force.¹⁴ This time when these troops were crossing the Khyber Pass, the Afridis did not come out in open opposition and nearly one hundred people resisted the passage of the troops.¹⁵

Shah Shuja ruled for a year when the people of Afghanistan revolted against him, and killed all British troops stationed at Kabul except one person who came to Jalalabad to narrate the story. From 1841 to 1842 the situation was uncertain; however Dost Muhammad Khan resumed power in January 1843. Amir Dost Muhammad Khan managed to rule till his death in 1870 and was succeeded by his son Amir Sher Ali Khan. The British Indian Government was concerned with Russian advancement in Central Asia. In June 1865, Tashkent was annexed by Russia. Two years later, Samarkand met the same fate, and in 1869, the Amir of Bukhara was forced to enter into a treaty and thus extended the Russian influence to the northern boundary of Afghanistan. Khiva fell into the hands of Russians in 1873 and it alarmed Amir Sher Ali Khan to seek help from the British. Afghan envoy was dispatched to Simla but the cool response of the British government disappointed the Amir who started direct negotiations with Russia. In the meantime, Conservative Party came to power in Britain. Lord Salisbury, Secretary of State for India, urged Governor-General of India, Lord

Northbrook to press Amir Sher Ali Khan to accept British agents in Herat to monitor developments in Central Asia. Lord Northbrook did not agree and resigned. Lord Lytton, an enthusiastic supporter of Salisbury's policy, was appointed the new Governor-General in India. Lord Lytton asked Amir Sher Ali Khan that a special envoy was going to be sent to his court to discuss matters of mutual interest. Amir Sher Ali Khan had already confirmed with Russia that, if the British agents were to be admitted to the court, Russia would demand the same privilege. Lord Lytton warned Amir Sher Ali Khan that a refusal to receive British envoy would be regarded as unfriendly act which might lead to some thing unhappy,¹⁶ and they would reconsider the previous treaties obligations except the terms of the Treaty of Peshawar 1855.¹⁷ The British felt its Indian Dominion in danger, only from the North-West direction. It was their only defense line - India surrounded by Sea and being 'Prince of Sea'; it did not feel threat from any other quarter. Earlier, it was satisfied due to enmity between Ottomans and Russians but the Ottoman Empire was weakened by then. The British wanted to ally Amir Sher Ali Khan against Russia or occupy as much land from Afghanistan as it needed to counter Russia or in simple words, to reach the scientific boundary of South Asia i.e. Hindukush.¹⁸ Lord Lytton wanted to install political observers in Kabul and Herat. Amir Sher Ali Khan showed his unwillingness in this regard and it eventually resulted in the Second Anglo-Afghan War (1878-80) and the death of the Amir. The British troops marched through Khyber Pass and occupied few places. Malik Wali Muhammad Khan Zaka Khel helped the Afghans and rescued them by taking them to the south of Ali Masjid the Bazaar Valley and by Sasobi Pass to Jalalabad. The Zakha Khels attacked the British troops near Ali Masjid:¹⁹ however, it did not create much hurdle for the British. After Amir Sher Ali Khan's death, his son Yaqub Khan was installed on the throne of Kabul. The new Amir signed Treaty of *Gandamak* in 1879 and was compelled to accept the terms of the British government: (a) that the foreign relations of Afghanistan would be in British control: (b) the British missions would be installed in Kabul and other cities: and (c) Khyber, Kurram, Pishin and Sibi were to be administered by the British.²⁰ In return the British agreed to pay Rs.120000/- annually to the Amir. However, the Afghans were unwilling to accept foreign authority over them and the mission members were killed in Kabul. Once again Afghanistan was attacked and British forces

were defeated in Maiwand. The British now came to the conclusion that physical occupation of Afghanistan was not possible and therefore, Amir Abdul Rahman, a nephew of Amir Sher Ali Khan, who was in exile in Turkistan was brought back and installed to the throne of Kabul. He could not establish diplomatic relations with Russia under the 'Treaty of Gandamak'.²¹

In 1880, the British announced its determination to withdraw the regular forces stationed in Khyber Pass. To keep the pass open under interdependent and exclusive charge of the clans, satisfactory arrangements were made and after long negotiations between Afridis and the British officials an agreement was signed on 17th February, 1881 which is commonly known as 'Khyber Treaty'.²²

The Afridis of Khyber came under the British control according to Durand Line Agreement (1893) between Amir Abdul Rahman and British Indian government.²³

The third Anglo-Afghan war broke out in 1919 when Amanullah, son of Amir Habibullah Khan tried to break the British control over Afghanistan. Once again the British admitted tough resistance from Khyber Afridis.²⁴

Land and People

Khyber Agency is located in the North West of Pakistan within the Federally Administrated Tribal Areas at 33°-45° and 34°-20° degree North latitudes and 70°-27° and 71°-32° East longitudes. It is bordered by the River Kabul and White Mountain range - Suffaidkoh, in the North, Peshawar District in the East and Kurram Agency in the West. In the North-West lies Afghanistan, Orakzai Agency in the South and Mohmand Agency in the North-East. The total area of the Agency is 2,576 Sq kilometers. Bara River, Choor River and Khyber Nalla flow through the agency into Peshawar valley. The Agency's Headquarter is in Peshawar. The Agency has been divided into 3 subdivisions i.e. Jamrud, Bara and Landi Kotal.²⁵

The Khyber Pass, Bab-i-Khyber, the Ali Masjid Stupa, Shapola Stupa, Jamrud Fort, Bazaar Valley, Bara Valley, Rajgal Valley, Maidan Valley and Tirah Valley have the prospects of interest for the tourists in the Khyber Pakhtunkhwa. The communications under agency were fine and comfortable. All these areas are linked through roads among which the Khyber Pass links the Agency to Afghanistan. The railway line to the Afghan border posts of Torkhum is

undoubtedly a wonder of engineering.²⁶ The 9/11 incident and subsequent tide of militancy has badly destroyed the infrastructures of the Agency.

Most of the area of the Agency is mountainous with scarcity of water. Only Bara River irrigates some part of the Bara while in other parts of Khyber Agency, there is shortage of drinking water, and women can be seen carrying drinking water pitcher over their heads moving over the Peshawar - Torkhum Highway. There is no industry and other means of economic activities in the area, there was hope of economic prosperity for the locals when Government of Pakistan established Small Industrial Estate on the edge of Khyber Agency but due to various reasons it didn't deliver.²⁷

Administration

The Political Agent (PA) is the head of the agency; an Assistant Political Agent (APA) for each Tehsil works as his subordinate. PA adjudicates cases in the capacity of magistrate and also serves as head of all government departments functioning in the Agency.

Three Sub-divisions, Landi Kotal, Jamrud and Bara are administered by three Assistant Political Agents and they are assisted by seven *Tehsildars* along with a good number of other administrative officers. Besides Head Quarter of the Agency in Peshawar the political Agent has his Camp Office/Residence at Landi Kotal. The Assistant Political Agents have their Headquarters at Landi Kotal, Jamrud and Bara respectively.²⁸

The Administration is run through *Maliks*, *Masharan* (elders), *Lungi* holders and *Khasadars*. The *Maliki* system was introduced by the British Indian Government during the colonial rule to encourage pro-government tribal elders having a strong hold and influence over these tribes and sub tribes. The British had realized that they could tactfully control the tribes, and therefore the *Maliki* system was introduced. It not only conveyed a message to the tribes that anybody who would remain loyal to the British Indian Government will enjoy a special status along with permanent benefits, recognition by the government and influence within in their tribes. The *Khasadaar* force was raised in 1920 by the British with the idea of having tribal individuals as the go-betweens for the administration in the tribes. They are responsible for protecting the Government institutions, the arrest of tribal miscreants, carrying out the executive and judicial

directions of the political agent and other officers, assisting in seizing the smuggled goods, patrolling the major routes, to prevent undesirable and contraband material from entering into and leaving the Agency. The *Lungi* system of the *Sufaid-Resh* (Grey Haired elders) is also a sort of formal recognition although of a slightly lower level than the *Maliki* system. A *lungi* signifies the holding of a position of favour with the Government and of influence in the tribe with corresponding advantage to the Government and the individual.²⁹ Apart from the Political Agent, the *Maliks*, the *Khassadars*, the religious dignitaries (Mullah, Sayyids, Mian) hold considerable influence in the tribal administration due to their common traditions and heritage. The Tribal Administration and judicial system is based on the concept of territorial, tribal (collective) and protective responsibility. Adjudication takes place through the *Jirga* system which the tribesmen comprehend and accept.³⁰

All the cases are decided according to *Sharia* (Islamic Law) and *Riwaj* (the Customary Law). *Riwaj* is the code of tribal customs and tradition and almost all the cases are decided under the same even in the FCR, the council of elders (*Jirga*) base their verdict on *Riwaj*.

Education

The history of the Khyber Agency shows that the people of this area never got peace so to improve their socio-economic aspect of life. They remained under the sword of intruders and invaders and ignored to educate the future generation. However, those who traveled outside their native land and had liking for education mostly got religious (Islamic) education in the Madaris of Northern India. The British also adopted the policy of keeping the Pakhtun ignorant and backward in the field of education. Following this policy from 1849 up to 1947 only 6 Primary schools were opened in this area.³¹

After independence from the British India, several education developmental programs were started, with the aim of opening new schools, colleges and upgrading of low level educational institutions and granting scholarships to the tribal students.³² However, the status of education improved and developed after 1960 as there was lack of any proper and comprehensive development plan for FATA. In 1954, there were only 2 high schools (boys/girls), 2 middle schools and 15 primary schools,³³ which in 1970 were raised to 4 high schools, 2 middle schools and 22 primary schools respectively

along with an elementary college. In 1973, the Government College Landi Kotal was established followed by the establishment of the Government Commercial institute. In 1980, there were 142 primary schools, 12 middle schools, 2 high schools and a college opened while in 1990, there were 186 primary, 22 middle and 18 high schools and a college. In 2000, there were 312 Primary, 31 Middle and 22 High Schools, 5 Colleges, 37 Maktab/Masjid school, 8 Muhallah Schools and 7 Dar-ul-Uloom. This show that the development is much more encouraging during the era 1990-2000, the area has made great and rapid increase in number of the educational institutions.³⁴

The 9/11 incident in New York, however, affected the entire world politics and Khyber Agency has no exception. The Khyber agency was caught up with religious disputes on petty issues and the first victim of religious disputes were educational institutions. According to the FATA Secretariat Education Directorate Peshawar, 89 boys and girls school are fully destroyed or partially damaged by the counter attacks of militants military and bomb blasts since 2004.³⁵

The condition of female education in the agency needs attention because there are only two high schools for girls in the whole agency. Majority of the primary schools are located in the Maliks' houses and only their children are studying therein. In all, 97 private schools are contributing to promote education in the area.³⁶

According to the Census Report 1998, literacy ratio was 22.96%³⁷ in Khyber Agency. The male literacy ratio was 39.9 % and female ratio was 2.5 %, which shows that the area is still lagging behind the required ratio in Pakistan.

Current Situation in the Agency

Khyber Agency is just across the Durand line from the *Tora Bora*, the famous Osama bin Laden hide out. *Tirah* valley is small area of the Agency but very important geographically, as it has been used by *Al-Qaeda* militants who escaped into Pakistan in the wake of US and NATO attacks on Afghanistan in 2001. The valley has long been a safe heaven for criminals and Islamist militants. Modern militancy in Khyber Agency is sectarian violence, *Sunni* groups aiming to establish a Taliban-style government. Apart from these militant the drug mafias also play a vital role in all conflicts in the area. Activities of *Lashkar-e-*

Islam, *Ansar-ul Islam*, and *Tehrik-i-Taliban Pakistan* (TTP) in the area are wreaking havoc with the lives of Khyber's residents.³⁸

History of the Religious differences and Militancy

Militancy became known in Khyber Agency when local tribesman Haji Namdar founded an organization *Amrbil Maroof-wa- Nahi Anil Munkar* (Promotion of Virtue and Prevention of Vice-AMNAM) in the Tirah Valley. The group was stenciled from the Afghan *Taliban*, and unsubstantiated rumors ascribe this to Ustad Yasir, a prominent *Taliban* commander who reportedly impelled Haji Namdar to establish AMNAM. On the instigation of Yasir, Namdar established an FM radio channel and employed a radical tribal preacher, Mufti Munir Shakir, to spread and broadcast Islamist sermons. Namdar could not compete with Shakir's firebrand oratory and many AMNAM cadres defected to Shakir who would later create it in 2004. The other significant group in the area was *Ansar-ul-Islam* (AI), led by an Afghan, Pir Saifur Rahman, who had settled in the area. Even though both AMNAM and AI were militant, AI was initially less inclined toward violence because of its leader's *Barelvi* inclination which were more moderate than the brand of Deobandi Islam preached by Shakir in AMNAM. Both AI and AMNAM, however, began a causal loop of 'outbidding' each other by flexing their militant muscle through FM radio channel in their broadcasts. Through these networks they would deride each other and issue sectarian *fatawa* ordering the other group to leave Khyber. In early 2006, the *Jirga* of senior *Afridi* tribesmen decided to expel both Pir Saifur Rahman and Shakir from Khyber because none of them was a native of the Agency. Mehbub-ul-Haq, a follower of the Rahman became the head of *Ansur-ul-Islam* while the vacuum left by Shakir was filled by Mangal Bagh. Since then the Khyber Agency witnessed number of Pakistani Army Operation against these militants groups which resulted in forcing 750 thousands locals to flee from Bara and Tirah Valley. Most of them live in the camps established by the Pakistani Government and UN agencies for refugees at *Jalozai* for the internally displaced peoples.³⁹

Political Reforms and New Era for FATA

On 13th August 2011, President Zardari signed a 'FATA Reform Package' extending the PPO (Political Parties Order 2002) to FATA, thus lifting restrictions on political party activity; curtailing the bureaucracy's arbitrary

powers over arrest and detention; establishing prisoners' right to bail; excluding women and minors from the territorial responsibility clause; establishing an appellate tribunal court; and envisaging audits of funds received and disbursed in FATA by the auditor general. For these changes to be implemented, the governor of Khyber Pakhtunkhwa must sign a notification on the president's directive. Instead of abolishing the FCR and extending the Criminal Procedure Code to FATA, President Zardari's reforms limited the PA's powers of arrest and detention including granting the right to bail and requiring an accused person to be produced before an APA (Assistant Political Agent) within 24 hours of the arrest; his or her case to be referred to a *Jirga* within ten days; and the *jirga* to submit its findings to the political administration within 90 days. The collective responsibility clause is now applicable only to an alleged offender's family rather than whole tribe, although, in the words of a FATA parliamentarian. The term 'family' is flexible. It can include in-laws ... in fact; a person's 'family' can even be even bigger than the tribe. The clause would also apply to women, children under sixteen and adults over 65. This is again a positive step – in 2004, for example, 70 children were reportedly imprisoned in NWFP under the clause, many for crimes committed by their fathers. However, the proposed amendments will have a limited impact. Women will remain the indirect victims of this collective responsibility clause, supporting their family when the adult males are imprisoned in a region where jobs for females are severely limited and movement for unaccompanied women is difficult in some areas. At present, defendants do not have the right to legal defence. The PA's judicial decisions, including arrests and punishments cannot be challenged in any court. Furthermore, since the PA exercises both appointing and appellate powers over *Jirgas*, FATA's judicial system is entirely subservient to him rather than a check on his authority.⁴⁰

The proposed amendments provide for FATA Tribunal, having the composition of a chairman, a retired government officer not less than BPS 21, two members—one who can be appointed a High Court Judge, and the other a retired government official not below than BPS-20 having knowledge and experience of the tribal areas.⁴¹ While providing an avenue of appeal is certainly necessary, this body, whose decisions cannot be appealed further, still fails to mainstream FATA's judicial system. The ANP's senior vice president emphasized that: "In Pakistan, a tribunal never provides justice to people".⁴²

There is indeed no alternative to extending a provincial high court's namely the Peshawar High Court and the Supreme Court's jurisdiction to FATA. "Extending the high court's jurisdiction alone will have a sobering effect on the Political Agent", said HRCP's (Human Rights Commission of Pakistan) Kamran Afridi. "You have to put the fear of the law into the heart of the local bureaucracy".⁴³ Since no fix date has been given for the actual implementation of these reforms most observers believe that until the security situation in FATA got stable it might not be possible to implement the reforms.⁴⁴ Mr. Babar said the new laws would not reduce the powers of the political agent or alter the laws but they would mean that political parties could campaign there and represent the region in the national parliament after the elections in 2013.⁴⁵

Conclusion

The area of Khyber Agency has a long history which witnessed many ups and downs in the past. It would not be incorrect to say that the history of sub continent is incomplete without the history of Khyber. It was a pass which gave passage to the caravans of the Ghaznavide, Ghoraide and later on to the Mughals.

Khyber is one of the oldest Agency, created by the British in 1879. After the creation of Pakistan it was brought with the same administrative setup under FCR which is still prevailing. Under this Law Political Agent is all in all. Even in the 21st Century, the people of the Khyber are still deprived of fundamental rights.

From socio-economic point of view this agency is very backward. The basic sectors like health, education, agriculture, industry and communication do not fulfill the needs of the people of this area. The condition of education became progressive after 1960 but later on due to 9/11 incident, the Khyber agency caught up with militancy, and the first victim of religious disputes were educational institutions. According to the FATA Secretariat and Education directorate Peshawar since 2004, 89 boys and girls school were damaged partially and fully by the Bomb attack.

The creation of *Amrbil Maroof-wa- Nahi Anil Munkar* and *Ansar-ul-Islam* brought the Agency into a new phases of militancy. Both the organizations were busy to rise up the sectarian violence in the Agency. Thus Agency witnessed number of Pakistani Army Operations against these militant groups which resulted in forcing 750 thousands locals to become IDP's (Internally Displaced

Persons). The Pakistani Government and UN agencies for refugees' rehabilitations and resettlement provide camps in Jalozai (District Nowshera) for these internally displaced peoples.

The promulgation of Adult Franchise in FATA was greatly appreciated by the people. On 14th August 2009, President Zardari announced another FATA reform package extending the PPO (Political Parties Order 2002) to FATA. Instead of abolishing the FCR and extending the Criminal Procedure Code to FATA, President Zardari's reforms limited the PA's (Political Agents) powers, which show that the Agency is still suffering under FCR and deprived of the basic rights under the Pakistan constitution.

Analysts agree that the geographical location of Khyber Agency was ideal for invaders in the past to defeat or lead them to success but now in 21st Century the geographical location of Khyber agency will bring economic prosperity to the war torn Afghanistan to the frustrated Central Asia and to the unstable Pakistan if the peace building process can be prioritized by the Pakistani Government with the support of International Community.

REFERENCES

-
- ¹ H. C Wylly, *Tribes of Central Asia from the Black Mountain to the Waziristan* (Karachi: Royal Book Company Publication, 2006), p.268.
- ² Refugee Review Tribunal Australia, "Research Response Number: PAK30614," RRT Research Response, <http://www.refworld.org/pdfid/4b6fe2d50.pdf> (Accessed 20th September 2006).
- ³ S. Iftikhar Hussain, *Some Major Pukhtoon Tribes Along with the Pak-Afghan Border* (Islamabad: Area Study Centre, University of Peshawar and Hanns Seidel Foundation, 2009), p.29.
- ⁴ Syed Abdul Qaddus, *Pakistan from Khyber to Karachi* (Lahore: Islamic Centre, 1987), p.149.
- ⁵ *Census Report of Khyber Agency* 1998, p.5.
- ⁶ Before Queen's proclamation 1858, East India Company ruled Indian possessions while after 1858 it was ruled by British Parliament.
- ⁷ *Census Report of Khyber Agency* 1998, p.5.
- ⁸ Muhammad Nawaz, *The Guardian of the Frontier, The Frontier Crops NWFP* (NWFP: The Frontier Crops, 1994), p.5.
- ⁹ *Census Report of Khyber Agency* 1998, p.5.
- ¹⁰ Sher Muhammad Mohmand, *FATA(Federally Administered Tribal Areas of Pakistan) A Socio-Cultural Geo-Political History* (Peshawar: n.p., 2003), p.13
- ¹¹ Hussain, p. 29.
- ¹² Government of Pakistan, Ministry of States and Frontier Regions, "Background of Federally Administered Tribal Areas," under "Information and Services," http://www.pakistan.gov.pk/divisions/ContentInfo.jsp?DivID=41&cPath=552_558&ContentID=4479 (accessed 11th April 2008).
- ¹³ Government of Pakistan, National Reconstruction Bureau, "The Constitution of the Islamic Republic of Pakistan," under "Article: 247 Administration of Tribal Areas," http://www.nrb.gov.pk/constitutional_and_legal/constitution/ (accessed 11th April 2008).
- ¹⁴ Fakhr-ul-Islam, "Political Development in NWFP Since 1947," (Ph.D. diss., Area Study Centre, University of Peshawar, 1996), p.10
- ¹⁵ Allah BukshYusufi, *Afridi Pathan* (Karachi: Ahmad Brother, Printers, 1985), pp.109-111-113.

¹⁶ Richards, *The Savage Frontier: A history of the Anglo-Afghan war* (London: Macmillan, 1990), pp. 80-82.

¹⁷ During the years after the First Anglo-Afghan War, the Russians, interested in the territories of Central Asia, advanced southward. The British, hoping to stop Russian advance, resumed relations with Dost Muhammad Khan in 1854. In 1855 the Treaty of Peshawar proclaimed respect for Afghanistan's and Britain's territorial integrity and declared each to be friends of each other's friends and enemies of each other enemies. Richard F. Nyrop and Donald M. Seekins, eds. *Afghanistan a Country Study* (Washington: Library of Congress, 1986), pp.30-31.

¹⁸ Abdul Wali Khan, *Bacha Khan aw Khudai Khidmatgari* Vol. I, (Peshawar: Chapzai, 1992), p. 320.

¹⁹ Robert Warburton, *18 Years in the Khyber 1979-1998* (Karachi: Oxford University Press, 1970), p.72.

²⁰ *Ibid.*, pp. 225-228.

²¹ Olaf Caroe, *The Pathans* (Karachi: Oxford University Press, 1980), pp. 380-82. The Treaty of Gandamak officially ended the first phase of the Second Anglo-Afghan War. Afghanistan ceded various areas to Britain. It was signed by Muhammad Yaqub Khan, Amir of Afghanistan and Sir Pierre Louis Napoleon Cavnari representing the British's Government of India on 26th May, 1879, at a British army camp near the village of Gandamak, about seventy miles east of Kabul. The treaty was ratified by Lord Edward Robert Bulwer Lytton, Viceroy of India, on 30 May, 1879. Most historical writing considers the Treaty of Gandamak as a prelude to the second phase of the Second Anglo-Afghan War, 1879-80.

²² Muhammad Shafi, Sabir, *Story of Khyber* (University Book Agency, Peshawar, 1964), pp.70-71, also see William Henry Paget, *Frontier and Overseas Expedition from India*, Vol.II. (UK: Govt. Monotype Press, 1908), pp.50-51.

²³ Fakhr-ul-Islam, p.15.

²⁴ Sabir, p. 68.

²⁵ Refugee Review Tribunal, Australia, RRT Research Response, Research Response Number: PAK30614, Country: Pakistan, Date: 11th October, 2006, Keywords: Pakistan – Tribal Jirgas – FATAs – Khyber Agency. 3. <http://www.unhcr.org/refworld/pdfid/4b6fe2d50.pdf> (Accessed 10th January 2014)

²⁶ Fayyaz Muhammad, "Land and People of the Khyber Agency," (M.A. Thesis, Pakistan Study Centre University of Peshawar, 1999-2001), pp.34-37.

²⁷ Ibid., pp.48-53.

²⁸ Refugee Review Tribunal Australia.

²⁹ Shaheen Begum, "The socio-economic Development of the Khyber Agency from 1947 to 1988," (M.A. Thesis, Pakistan Study Centre University of Peshawar, 1991), pp.37-40 also see Mohmand, pp. 44-45.

³⁰ Refugee Review Tribunal Australia.

³¹ Yusufi, pp. 44-46.

³² Ghulam Jilani Khan, *Development of Tribal Areas* (Peshawar: Board of Economic Enquiry Publication University of Peshawar, 1972), p.93.

³³ Nur-ul-Islam Main, *Publication, Issue 65 Tribal areas studies* (Peshawar: Board of Economic Enquiry Publication University of Peshawar, 1971), p. 43.

³⁴ Aslam Khan, "Educational Development in Khyber Agency," (MA Thesis, Pakistan Study Centre University of Peshawar, 2007-2009), pp.128-129.

³⁵ Telephonic Interview with Majeed Babar Khan working in The New York Time Comp Prague Czech Republic. 2nd April, 2013.

³⁶ Aslam, p.130.

³⁷ According to mis-calculation of School and Literacy department the total literacy ratio is 22.96% but the actual ratio is 42.41%.

³⁸ Raheel Khan," The Battle for Pakistan: Militancy and Conflict in Khyber", Counterterrorism Strategy Initiative Policy Paper, New America Foundation, April 2010.

³⁹ Telephonic Interview with Majeed Babar Khan working in The New York Time Comp Prague Czech Republic. 2nd April, 2013.

⁴⁰ Ibid.

⁴¹ G. M Chaudhary, The Frontier Crimes Regulation, 1901 (Regulation No. III of 1901), As amended on August 27, 2007, by Executive Order of President of Pakistan, Summary of the 2011 Amendment and complete regulation Text. Islamabad: Printed by the National Democratic Institute Supported by the British High Commission. 43.

⁴² Ibid.

⁴³ Personal interview with Kamran Afridi, PhD scholar, Department of Anthropology, Quaid-i-Azam University Islamabad on 13.06.2013 at Grand Hotel Peshawar.

⁴⁴ Personal interview with Altaf Qadir, Assistant Professor, Department of History, University of Peshawar at his office on 06.08.2013.

⁴⁵ Majeed.