

Pakistan

Summary and background

The land monitoring framework project aims at developing a system which could be used for monitoring trends in issues related to land ownership and access to land by farmers, particularly landless farmers. This framework with verifiable indicators will be helpful for civil society involved in land governance, to study the significant trends and patterns shaping the future of justified and pro-poor land governance. In the context of Pakistan this project will support civil society to build a strong case for equitable and justified access to secure land tenure and entitlement. This report is a contribution from the Society for Conservation and Protection of Environment (SCOPE), Pakistan, a member of the International Land Coalition (ILC) to the CSO land reform monitoring initiative of Land Watch Asia.

The CSO-led monitoring initiative would help in determining the current status of land reform process and be instrumental in capacity development of civil society in campaigning for comprehensive land reform process in Pakistan.

For this project we have set following monitoring indicators:

An abridged version of the paper, "CSO Land Monitoring in Pakistan", prepared by the Society for Conservation and Protection of the Environment (SCOPE)

List of Acronyms used

AREF	Agricultural Research Endowment Fund
ADB	Asian Development Bank
CFO	Corporate Farming Ordinance
CSO	civil society organization
EPZs	Export Processing Zones
FATA	Federally Administered Tribal Area
FSC	Federal Shariat Court
GOP	Government of Pakistan
ha	hectare
LMF	Land Monitoring Framework
NGO	non-governmental organization
PLD	Pakistan Law Department
PPP	Pakistan People's Party
PIU	Produce Index Unit
SCOPE	Society for Conservation and Protection of Environment
TNCs	Transnational corporations
USAID	United States Agency for International Development
USDA	United States Department of Agriculture
WTO	World Trade Organization

- Land concentration
- Legal framework pertaining to access to land
- Types of tenure and relations between landlord and tenants
- Land reform process, gaps and future of land reforms
- Peasants uprising

- Corporate agriculture farming and global policy imperatives affecting empowerment of peasants
- Key hurdles in land reforms
- Land reforms legislations and policies;
- Land-related conflicts

Concentration of farmlands at the time of independence

When it became independent in 1947, Pakistan had a number of small-scale farms and very few large agro-estates. Distribution of land ownership was distorted. Less than 1% of the farms consisted of more than 25% of the total agricultural land. Many owners of large holdings were absentee landlords, who exploited poor and uneducated tenants or sharecroppers. On the other hand, about 65% of the farmers held some 15% of the farmland in holdings of about two hectares or less. Tenants, including sharecroppers, cultivated about 50% of the farmland, while landless rural masses worked as agricultural laborers. Most of these tenants had little legal protection, tenure security and rights while the landowning elite had wealth, status, and political power (Country Studies/Area Handbook Series, edited by Blood, 1995).

Now, between 20% and 40% of rural households are reported to be landless or near-landless. They either lease or sharecrop land when they can or work as laborers on and off farms; many are raising stall-fed livestock (USAID, 2010a). In the post-green revolution

scenario it was mainly the landlord who benefitted from improved seeds, fertilizers and financial services in the agriculture sector. Even bank loans were obtained in the name of sharecroppers, but the economic benefit could not trickle down to them (USAID, 2010b).

Table 1 shows the percent distribution of households according to landholdings, while Table 2 indicates the percent distribution of the population according to landholdings, disaggregated by province.

Table 1. Percentage Distribution of Households by Landholdings

Rural	43.13%
• Landless	10.36
• Under 5 acres	18.23
• 5 to under 12.5 acres	9.66
• 12.5 to under 35 acres	3.87
• 35 to under 55 acres	0.64
• 55 acres and above	0.37
Non-agriculture	56.87%
Total	100.00%

Source: HIES 2001-02.

Land tenure types

Land in Pakistan is classified as state land, privately owned land, land with communal rights under customary law. Land, for which there is no rightful owner exists, comes under the jurisdiction and ownership of either the provincial government or the federal government.

Major tenure types are summarized by USAID (2010a) as follows:

Ownership

Ownership is the most common tenure type in

Table 2. Headcount by Landholding, Using Official Poverty Line Rs. 748.56 per Adult in 2001-02

Rural	Punjab (%)	Sindh (%)	KPK (%)	Baluchistan (%)	Total (%)
• Landless	45.12	58.67	65.95	69.63	54.89
• Under 5 acres	32.18	46.62	43.21	42.55	37.00
• 5 to under 12.5 acres	21.43	43.66	35.57	25.37	28.17
• 12.5 to under 35 acres	19.36	42.77	29.66	34.27	27.67
• 35 to under 55 acres	7.78	9.80	0.00	14.55	8.43
• 55 and above acres	5.42	0.00	0.00	0.00	3.72
Non-agriculture	47.54	46.82	50.87	45.39	47.76
Total	39.27	48.63	47.88	42.07	42.91

Household Integrated Economic Survey (HIES), 2001-02

Taken from : *Pakistan Development Review*, 43: 4 Part II (Winter 2004) pp. 855–874, Landlessness and Rural Poverty in Pakistan. Talat Anwar, Sarfarz K. Qureshi, and Hammad Ali*

Pakistan. Private individuals and entities can obtain freehold rights to land, and communal ownership rights are recognized under customary law.

Lease

Term leases are common for parcels of agricultural land over 30 ha. Leases are for fixed rates, generally run at least a year and may have multi-year terms. Leases may be written or oral agreements.

Sharecropping

Sharecropping arrangements are common for small- and medium-sized agricultural land (less than 30 ha). Roughly 67% of Pakistan's tenant-operated land was under sharecropping in 2000, and 48% of sharecropper households fell below the national poverty line. Sharecropping arrangements usually provide the landowner with half the production from the land; arrangements vary regarding provision of inputs. Most agreements are unwritten.

Land reform in Pakistan

When Pakistan gained independence from British India in 1947 it did not immediately introduce land reforms. As a result it failed to seize the opportunity to abolish feudalism and develop the agriculture sector to serve the economy and the poor masses, says Zulfikar Shah, a land reform advocate, in an article in the *Dawn* newspaper in 2008. Over the years, Pakistan introduced land reform programs three times but the attempts failed to deliver the desired results of strengthening the rural economy and empowering landless farmers, he opines.

The martial law regime of General Ayub Khan first introduced land reform in January 1959. The objective was to reduce the maximum limit of land ownership. Under the program, government put an ownership ceiling of about 200 ha for irrigated lands and 400 ha for rainfed land (Shah, 2008).

“Moreover a number of additional provisions in the 1959 land reform allowed landlords to retain land far in excess of the ceiling even on an individual basis. For example, an individual could keep land in excess of the ceiling so long as his holding was an equivalent of 36,000 Produce Index Units (PIUs). A PIU was estimated as a measure of the gross value of output per acre of land by type of soil and was therefore seen as a measure of land productivity. The lacuna in this provision was that the PIUs were based on pre-Partition revenue settlements” (Hussain, 1982).

Cash compensations were paid to the owners for land taken in these reforms. However the landed class defied these reforms using tactics such as transferring land titles to family members to avoid ownership limits, in turn, watering down the impact of the reforms. As a result, less than 1 million ha of land was recovered from landlords. The government sold more than 250,000 ha to about 50,000 tenants or sharecroppers. But in the end, the reforms failed to achieve government’s target of lessening the power of the landed elite (Shah, 2008).

The next wave of land reform came in March 1972 and enforced in 1973 during the term of Z. A. Bhutto, head of centre left-oriented political party the Pakistan People’s Party, Shah says. The land ownership ceiling was further lowered to nearly 5 ha of irrigated land and about 12 ha of non-irrigated land, he says, adding exceptions of additional 20% land were made to those who owned tractors and tube wells. He notes that the owners of the confiscated land were not offered any compensation nor beneficiaries charged for distributed land. Citing official statistics, he

points out that by 1977 only about 520,000 ha had been surrendered and nearly 285,000 ha redistributed among 71,000 farmers.

The Bhutto government introduced the third round of reforms with the Land Reform Act of 1977 which further reduced ceilings on private ownership of farmland to about 4 ha of irrigated land and about 8 ha of non-irrigated. The reform also called for taxes on agricultural income. Small farmers owning 10 ha or fewer were exempted (Shah, 2008).

But the military regime of Zia ul-Haq, who took over from Bhutto, did not implement these reforms. Governments in the 1980s and early 1990s avoided any significant attempt at strict implementation of the land reform measures, because they got much of their support from the landed aristocracy (Shah, 2008).

The overall impact of land reform attempts in Pakistan

Agrarian reforms in Pakistan have never been able to transform the rural society into a progressive agrarian economy, Shah (2008) says. The reforms attempted to limit the land ownership to certain ceiling on individual basis, but not on family basis, therefore the huge family holdings remained unaffected as landowners transferred or gifted surplus lands to their family members, he notes. He says that during the military’s rule, feudal landlords supported the junta to protect their interests and the military government obliged to safeguard their interests.

Even after three waves of land reform programs, 3,529 *zamindars* (landlords) still controlled

513,114 holdings of more than 100 acres in irrigated areas and 332,273 holdings exceeding 100 acres in un-irrigated areas. On the other hand, 794,774 *khatedars* (tenants) have 5,464,771 landholdings of less than 12 acres in irrigated areas. In un-irrigated areas, 144,098 are reported to have 1,628,826 holdings of less than 24 acres (Shah, 2008).

Land reforms play an important role in reducing rural poverty and empowering poor and landless farmers, Shah asserts. "In Pakistan, the power of landed aristocracy has acted as a barrier to social and economic progress of the rural society." He stresses that genuine and effective land reform can bring real positive change in the rural economy and bring small and landless farmers into mainstream development process. Without land titles they cannot enjoy benefits of capital intensive farming technology and financial and credit instruments to boost agriculture, he adds.

Shah thus proposes for the land ceiling to be fixed at 50 acres for irrigated land and 100 acres for non-irrigated. About 8 acres of agriculture land should be allotted to the landless agriculture workers and peasants' families, he also urges. He insists that the agriculture land occupied by or allotted to military forms and government departments be revoked and distributed among the landless peasants.

While land reform legislation is needed, all laws and regulations regarding land developed under the colonial era should be abolished, Shah underscores. He also calls for the setup of a judicial commission on land utilization to curb the rising commercialization of land.

The legal framework governing land rights

Since 97% of the population in Pakistan is Muslim, most of its civil law has been adapted to reflect the Islamic character of the country. The 1973 Constitution provides that every citizen shall have the right to acquire, hold, and dispose of property.

USAID (2010a) says the statutory law related to land rights is old, fragmented, and incomplete. More than two dozen laws govern a variety of land matters at national and provincial levels, it notes. There are provincial revenue legislations which provide for landholding categories, record-keeping, land transactions, surveys, among others, the agency explains. Meanwhile, the property rights of the tribal population of the Federally Administered Tribal Areas are under a separate legal framework, the majority of which consists of customary law, USAID adds.

Pakistan has a strong customary law governing land rights. Provinces and tribes have different customary laws enforced by tribunals known as *jirgas*. Customary law governing land issues ranges from marital property rights to principles governing boundaries. Particularly in the tribal (semi-autonomous) areas, people regulate their own affairs in accordance with customary law, and the government functions through local tribal intermediaries or political agents. Tribes recognize individual land ownership, by a joint or extended family, and collective land ownership by a tribe (USAID, 2010a).

The law of inheritance in Pakistan is governed by the Muslim personal law, which assigns women a differential status. The general

principle of the Muslim personal law with regard to allocation of shares in both *Hanafi* and *Shia* law is that the women sharers receive half the share of a male share.

Provincial Tenancy Acts

Pakistan is a federation of four provincial units - the Punjab, Sindh, Khyber Pukhtunkhwah and Balochistan - and four federally administered territories. The laws dealing with relations between landlord and tenants come under provincial tenancy acts. The Punjab Tenancy Act 1887 was the first piece of legislation enacted by the British Empire, providing security to tenants called occupancy tenants, says civil society group Roots for Equity in a paper titled Agrarian Reform Research in Pakistan. In 1950, the tenancy act was amended to abolish payments of levies and pre-requisites to the landlord by the tenant. The Tenancy Act of Sindh was also enacted the same year. In 1952, the Punjab Tenancy Act was again amended to provide fixed-term tenure of one to three years to sharecroppers, Roots for Equity notes.

These tenancy acts though were not implemented in their true spirit. In some parts of the country, *begari* or forced labor continues to be practiced, Roots for Equity asserts. Poor peasants or *hari* don't receive their legal share of the produce. In many instances, sharecroppers are forced by the landlords to work as seasonal agriculture laborers on a daily wages basis for some crops, further denying the rights of the peasants. The group points out: "In general, sharecroppers have no awareness of their tenancy rights. No written legal document is ever signed between the landlord and the *hari*. In actual practice, the landlord can terminate the services of the sharecroppers at will, giving the term 'tenant-at-will' its very

real connotation. In short, the tenancy acts have never had any real political clout due to the continuing intense control of the feudal landlords in the politics of Pakistan."

Recently the Sindh High Court issued a ruling proposing certain amendments in the Sindh Tenancy Act, to reform the age-old relationship between the *haris* (sharecroppers) and the landlords. The case reflected the traditional conflict between tillers of the soil and owners of the land, the landlords (*zamindars* or *waderas*), who are generally accused of using coercive means for perpetuating these stranglehold over the impoverished and illiterate *haris*. The judgment assumed great importance in view of the discovery of private jails and recovery of some of the people who were kept in chains. It emerged from the proceedings that the problem in most cases stemmed from the non-payment of loans these *haris* or their ancestors had taken from the *zamindar* (landowner).

Rights to land and gender differences

Under statutory, religious, and customary law, Pakistani women have a legal right to own land. Citing other publications, USAID (2010a) says more professional women are increasingly buying house plots in urban areas in their own names, a practice rarely seen in rural areas in most regions, despite provisions in customary and Islamic laws that provide such rights. Still, men, who are presumed to control land and other family assets, continue to dominate in social, economic and political spheres in the tribal areas, the agency also notes.

Neither customary nor Islamic law in Pakistan recognizes community property rights, but various provisions are made for the support of women, including agreements regarding

payments and repayments of dowry, dower, *mehar*, and maintenance. In some regions, dower paid by the groom's family is substantial and often takes the form of land or a house that the husband's family is expected to build and put in the bride's name. However, the bride will seldom exercise any control over the property in her name (USAID, 2010a).

The same is true in the case of widows, mothers and daughters, USAID further notes. In general, there is little acceptance under customary and religious law for women's ability to control and manage land. Under customary law the senior male of the family holds the family land in his name, it states.

Land disputes and conflicts

Land disputes in rural and urban Pakistan are prevalent. Dispute about land ownership and tenure are particularly difficult to resolve due to poor record maintenance and political influence of landowners. Landholders have criticized the revenue court system, which is designed to provide a specialized, local, rapid resolution of disputes, for being time-consuming, complex, and open to corruption. As such, cases may take years to resolve (USAID, 2010a).

Land disputes are the most common form of dispute filed with the formal court system, perhaps in part because filing a case may stay a pending revenue court proceeding. In Pakistan's country profile, USAID says that low pay, poor training and a large volume of cases hobble the judiciary. Between 50% and 75% of cases brought before lower-level civil courts

and the high courts are land-related disputes. The agency estimates that over a million land cases are pending in courts nationwide.

Land disputes arose because of inaccurate or fraudulent land records, erroneous boundary descriptions that create overlapping claims, and multiple registrations to the same land by different parties, USAID details in the paper. It states that credible evidence of land rights is often nearly impossible to obtain. As such, land cases can take between four and 10 years to resolve, with the party in possession of the land delaying adjudication in order to prolong the period of beneficial use, it further notes.

In Pakistan's Tribal Area, where inhabitants do not have access to the High Court and Supreme Court except for constitutional claims and challenges, land disputes are handled by the traditional *jirga*, a tribal assembly of elders and learned men. In Punjab and Sindh Provinces, local leaders and elected *panchayat* (local governance body) members often hear and resolve land disputes. In most areas, women are not permitted to participate in the *jirga* and resolutions reached often perpetuate existing biases against women's land ownership and control (USAID, 2010a).

Saving land records by computerization of record and data

Now serious steps are being taken to computerize land records in Pakistan. On 30 June 2012, the Supreme Court ordered all provinces to computerize their land records. The Government of Punjab has already taken action towards this direction and has set up computer land record units in 12 districts. These units are established in other districts as well.

Box 1: Land distribution among landless women

In 2008, the present ruling government of the Pakistan People's Party in the Sindh Province announced it would distribute about 212,864 acres of land to the poor peasants in the province. Top priority was given to the female farm workers in all the districts of Sindh. The program has been implemented in 17 districts since September 2008, and is also underway in other districts of the province. However, there are some reservations by civil society organizations about the transparency of the program. Civil society groups have considered the distribution of land among women as a bold and positive step, as it would have a greater impact on the empowerment of women and reduce discrimination against them. The CSOs feel that lack of participation of the civil society in the process of land identification, slow process of land distribution among the landless *haris*, land guarantees without allotment orders, delayed process of the issuance of ownership documents etc, are some major causes that need to be tackled in order to make the land distribution program more successful. The Sindh Government vows to distribute more land to the landless with some financial support package.

Absence of land and property rights as potential sources of conflict and insurgent support

Landlessness has always been a prime cause of social and political revolts in South Asia, and particularly in Pakistan, USAID (2010b) says in a separate briefing paper on land tenure and property rights in the country. "The nexus of concentrated power and land ownership, unequal land distribution, and the state's limited ability to protect rights of the landless has been a source of popular discontent and support for insurgent movements in countries throughout the world."

The Pakistani military is the largest landowner in Pakistan. They own large tracts of land for cantonments and military farms and retired and in service military personnel get agricultural land as official benefit. In Punjab, tenant farmers working on the Okara Military Farms have been subjected to harassment, intimidation, and abuse by the military to accept contract farming terms, which allowed farmers to work as laborers. On the other hand,

the farmers claim that they have been working on the land for the last 100 years and the land belongs to them (USAID, 2010b).

Due to the struggle of *Anjuman Mozareen Punjab*, tenant farmer associations, to organize and protect their rights for the land in the face of new contract arrangements proposed by the military administration, an uprising of peasants started in Punjab which is still continued (see Box 2).

Key land issues and government interventions

While the World Bank and other donor institutions have identified the role that unequal land distribution plays in perpetuating rural poverty, there is no current call for comprehensive large-scale land reforms in the country (USAID, 2010a). It is a fact that most members of Parliament come from large landowning families and are part of this status quo. Feudal landlords dominate in politics due to their wealth and influence and are able to get tickets in elections from major political

parties. And when a junta toppled the elected government, these feudal landlords gave their weight to the military regime in order to safeguard their interests.

Similarly the religious cadre also becomes part of this status quo nexus, according to Pakistan's history. The political governments, on the other hand, are weak and vulnerable to challenge the status quo. They close their eyes and turn away from the question of redistributing lands among rural poor. During the current political discourse and upcoming election debates, none of the major political party, with the exception of Muttahida Quami Movement, which has submitted a land reform bill in the national assembly, has announced outright pro-poor land reforms.

USAID (2010a) says there is evidence of some land redistribution efforts at the provincial level in Punjab and Sindh. A project initiated in the Sindh Province in 2008 targeted to distribute 91,000 ha of cultivable land to landless and poor peasants, with a focus on including women beneficiaries. As of late 2009, the province had distributed 17,400 ha of land among 4,200 beneficiaries, with each beneficiary receiving between 1.6 and 10 ha. About 70% of the beneficiaries are women. USAID says though the project had faced some difficulties due to challenges from local elites and difficulty by some women of obtaining documents of their rights and defending their rights against male relatives.

The \$51-million Punjab Land Records Management and Information Systems Project is another project launched to advance land reform in Pakistan. Backed by the World Bank, the project aimed to improve the land

records service delivery of the province. The project also aimed to contribute to long-lasting tenure security and more efficient operation of land markets by upgrading the land records management system. The project includes revising current business processes and associated legislation and regulations, establishing Service Centers where land records will be maintained and available to the public in digital form, and establishing linkages between the land records system and the system for registration of deeds (USAID, 2010a).

Corporate Farming

Roots for Equity says while no clear market-based land reform schemes have been introduced as yet in the country, it is clear such schemes are on the government's agenda. It recalls that in 2001, the military regime of General Pervez Musharraf passed the Corporate Farming Ordinance (CFO), which allowed listed corporations to lease land for a period of 99 years. The government also allowed transnational companies (TNCs) to take lease of unlimited land with a minimum ceiling of 1,500 acres, which is against the 1977 Land Reform Act, the group opines. The TNCs have also been promised 100% equity, numerous tax incentives as well as full repatriation of profits, according to the group.

The peasants are going to be the most affected by the government's corporate farming policy as their hopes of getting state lands will be further diminished. This corporate farming policy will rather suit large landholders, as they tend to lease their lands to the corporate sector on long-term lease basis on lucrative terms, this way they will not only get rid of

Box 2: The case of Okara Military Farms peasants movement

Across the country, there are many examples of the military wielding absolute authority to suppress landless peasants in areas where they directly control the land. In Okara, a conflict ensued between local tenants and the army that had unilaterally decided to change the terms of their contract from sharecropping to rent-in-cash. While sharecropping pertains to an arrangement whereby the tenants share both the input and the output with the owner or whoever controls the land, the rent-in-cash arrangement dictates that land is cultivated in exchange for money, or rent.

Okara has been witness to an agitation by the local peasants for more than 15 months against the junta's attempts to deprive them of their hard-won rights. Recently, tensions have exploded in the Okara district. A peasants' uprising was staged and tenants raised their demands for ownership rights of the land. These peasants have worked this land for the last eight to nine decades.

These military farms were established in the early 1900s during British rule. Farmers, who had cultivated these lands for generations, and had full tenancy rights over these lands since 1874, are being forcibly deprived of their rights. Many workers were asked to cultivate the land on a tenancy basis. The farms were to provide dairy and other products for military purposes. At present, four generations of peasants have worked on these farms, but still they do not have the right of ownership. In Okara district alone, over 17,000 acres of land belong to these farms.

The previous military regime, after assuming power in 1999 and in order to increase the income of the state, went on an all-out strike against the working class. Peasants who had worked for over 88 years on these lands were asked to become contractors instead of tenants, meaning that they could cancel the contract any time and then take the land over themselves. The tenant organization rejected this move and then decided that they will not pay anything to the military farms administration.

The motivation behind this new change was in grabbing this costly land from the poor farmers. They decided that they would pay the tenancy cost to the Punjab revenue department. Agitation and violence flared up in March 2008 when military authorities tried to test the ground. They sent the police to a village to collect wood; the villagers refused to give in and asked the police party to go away. Then the police of the whole district came to collect the wood from the villagers. The women of the village came to the forefront and attacked the police with sticks. This motivated the rest of the peasants, who all began to fight back; such was the intensity of the violence that the police had to resort to firing in the air. One of these police bullets wounded a child. The police had no alternative in the end but to run away from the scene.

The peasantry organizations in the area organized a peasant's convention on 16 November at the Okara military farms. More than 10,000 attended, among them were over 1,000 women peasants. The convention was organized by *Anjuman Muzaraeen Punjab* - AMP (Tenant's Organization) of district Okara. The main slogans raised at the convention were "*Maliki ya mout* (ownership or death)", "Those who cultivate the land, has the right of ownership", and "we will win". Most of the representatives of the peasant organization across the country were present. The peasant convention ended with a lot of enthusiasm and with determination to continue their struggle.

their tenants but will also get a legal safeguard against land redistribution in case of future land reforms.

Apart from CFO, Pakistan has taken other measures to meet the requirements of the neoliberal policies under the World Trade Organization (WTO) and other agreements, Roots for Equity says. The seed sector has already been privatized and measures are in place to promote agriculture export processing zones in various parts of the country, including the Sindh and Punjab provinces. Insurance companies are now marketing agriculture insurance schemes, which are not in the reach of small and marginal farmers and sharecroppers, because they don't possess land titles required to tap financial credit and insurance schemes, the group notes.

Peasants and small farmers are not likely to receive any direct benefits from ventures like the Agricultural Research Endowment Fund, being funded by the United States Department of Agriculture. The government has already offered state land to set up the agriculture export processing zones. There are linkages of the feudal elites with TNCs such as Monsanto. There are widespread rumors that the feudal landlords are interested in going into joint ventures with agri-based TNCs for the development of mass-production zones for seed cultivation. "None of these trade liberalization agendas augurs well for the poor peasantry in Pakistan, as these would in essence be profit-oriented ventures between the feudal elites of Pakistan and the corporate sectors in the US and other imperialist nation," Roots for Equity asserts.

It is quite evident that the current (or even future) government is not interested in land

reforms anymore. In 2003, the then prime minister, Mir Zafarullah Jamali categorically stated that the question of land reform does not arise. (*Sultan Ahmed*. No land reforms anymore! Daily Dawn, March 20, 2003). Similarly, a member of the ruling party said during an informal conversation, that they did not believe that land reform was a successful strategy in alleviating poverty. Roots for Equity opines the feudal elites are now openly opposing further land reforms in the country.

Further hurdle on the road to land reforms

In debates about land reform, a landmark verdict by the *Shariat* Bench of the Supreme Court of Pakistan is often cited to as the main obstacle in the implementation of land reforms in the country. The Qazalbash Waqf vs. Chief Land Commissioner (PLD 1990 SC 99) judgment is one of the most important and influential court judgments ever passed by the superior court of Pakistan, and is described by Paklawyer.com in detail. The case involved the expropriation of land of Qazalbash Waqf, a religious charitable trust with more than a thousand acres of irrigated land near Lahore. But the land was appropriated for land reform during the rule of Zulfikar Ali Bhutto in the late 1960s and early 1970s during the third wave of land reforms. Bhutto enacted the Martial Law Regulation, which provided for land to be taken from the rich and distributed among the poor. The Land Reform Act 1977 (Act II of 1977) further lowered the maximum limit of land ownership and provided cash compensation to those who surrendered land. The amount paid though was nowhere near the market price.

Many who had lost their lands, including the Qazalbash Waqf, had approached the courts to

seek relief. But for many years, there was no relief available, as the land reform legislation was protected by the Constitution under various articles that prohibited judicial review and counter-legislation in this area (Paklawyer.com).

When Bhutto was removed from office by General Zia's martial law government, the "Islamization" of the laws of Pakistan began. Zia set up *Shariat* benches in the High Court of each province which were tasked to examine and decide whether any law or provision of law was against the injunctions of the Islamic law. After some time, provincial *Shariat* benches of four provincial high courts were consolidated in the form of one Federal *Shariat* Court (FSC). Qazalbash Waqf approached the FSC in 1979. By 1989, the FSC declared land reforms un-Islamic and the land reform legislations passed during the time of Bhutto null and void (Paklawyer.com).

Recently, Workers Party Pakistan, with some politicians and trade unionists, have filed a petition in the Supreme Court of Pakistan to review the verdict.

Land disputes

In the Pakistani countryside, many land disputes are settled in the *panchayat* (traditional village council of elders) rather than in the formal courts. As the formal judicial system is known as being corrupt and for serving the interests of the wealthy and powerful only, rural people reportedly prefer to settle land disputes through informal compromises (Business Anti-Corruption Portal [2009] Pakistan Country Profile: Land Administration).

The *panchayat* is meant to be used as a secondary institution in order to circumvent the costs and long delays in the courts. Particularly in family and land disputes, the *panchayat* is being utilized as a primary institution. Normally, it is only if the *panchayat* cannot settle the dispute that the case will be taken to a formal court (Business Anti-Corruption Portal [2009] Pakistan Country Profile: Judicial System).

Conclusion

The CSO-led land reforms monitoring initiative could prove to be effective to monitor land-related issues in Pakistan. A model based on monitoring indicators and benchmarks should be developed with the participation of all stakeholders and implemented to strengthen land right movements. The land reform campaign in Pakistan should progress by strengthening peasant movements, empowering them with knowledge, advocacy and research skills. There should be a dialogue involving all stakeholders and political cadre to defend the land rights of the poor peasantry to save them from the onslaught of market-led land reforms, in which the poor peasants find themselves as the ultimate losers.

References

- Ahmed, S. (2003). No land reforms anymore! Daily Dawn. 20 March, 2003. Retrieved from: <http://archives.dawn.com/2003/03/20/op.htm>.
- Blood, Peter, ed. (1995). Agriculture. *Pakistan: A Country Study*. Washington, D.C.: Federal Research Division, Library of Congress. Available online at: <http://countrystudies.us/pakistan/49.htm>.

Business Anti-Corruption Portal. Pakistan Country Profile.

Hussain, A. (1982)., Pakistan: Land Reforms Reconsidered., Retrieved from: <http://www.akmalhussain.net/Publish%20Work/SouthAsia/PakistanLandReformsReconsidered.pdf>

Paklawyer.com. Comments on judgement of superior court. Comment: Qazalbash Waqf V. Chief Land Commissioner (PLD 1990 SC 99). Retrieved from: <http://paklawyerblog.blogspot.com/2012/06/comments-on-judgment-of-superior-court.html>

Pakistan Defence. (2010). Land reform bill landed in national assembly. Pakistan Defence forum. Retrieved from: <http://www.defence.pk/forums/national-political-issues/76310-land-reform-bill-landed-national-assembly.html>

Roots for Equity. (2005). Agrarian Reform Research in Pakistan. *APRN Coordinated Research Conference on Agrarian Reform. 17-18 October 2005. Talisay, Negros, Philippines.* Asia-Pacific Research Network. Retrieved from: <http://aprnet.org/downloads/books/agrarianreform/agref-roots.pdf>.

Shah, Z. (2008). Questions on Land Reforms in Pakistan. *Daily Dawn*. 2 February 2008. Retrieved from: <http://archives.dawn.com/weekly/encounter/20080202/encounter3.htm>

Sustainable Development Policy Institute. Summary. Land Rights for Muslim Women: Review of Law and Policy. Retrieved from: http://www.sdpi.org/research_programme/Files/wlr_summary-law_and_Policy_final%202.pdf

United States Agency for International Development. (2010a). USAID Country Profile: Pakistan. *Property Rights & Resource Governance*. September 2010. Land Tenure and Property Rights Portal. Retrieved from: http://www.usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Pakistan_Profile_0.pdf

United States Agency for International Development. (2010b). Failure to address LTPR grievances may foster support for the Taliban. USAID Issue Brief: Pakistan. Land tenure and property rights in Pakistan. Property rights and resource governance briefing paper 4. January 2010. Retrieved from: http://usaidlandtenure.net/sites/default/files/USAID_Land_Tenure_Pakistan_Issue_Brief_1.pdf