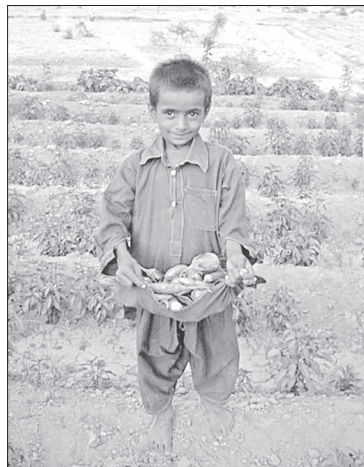


# Fighting the Pyramid of Power

**PAKISTAN** Country Paper  
Land Watch Asia





## Acknowledgments

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The study is written as part of the Land Watch Asia campaign to ensure that access to land, agrarian reform and sustainable development for the rural poor are addressed in development. The LWA campaign is facilitated by the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) and it involves civil society organizations in Bangladesh, Cambodia, India, Indonesia, Nepal, Pakistan, the Philippines and Sri Lanka.

The scoping study includes four main areas: (i) legal framework, (ii) status of land access, (iii) assessment of key actors, and (iv) opportunities in advancing access to land by landless farmers.

Seema Gaikwad, Abdul Waheed Jamali, and ANGOC reviewed the country study. Dianna Mendoza abridged the paper, Antonio Quizon edited this version for publication.

## Abbreviations and Acronyms

<b>AAP</b>	ActionAid Pakistan
<b>ADB</b>	Asian Development Bank
<b>AHRC</b>	Asian Human Rights Commission
<b>AMP</b>	Anjuman Mozareen Punjab
<b>ANGOC</b>	Asian NGO Coalition for Agrarian Reform and Rural Development
<b>CAF</b>	Corporate Agriculture Farming
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CFO</b>	Corporate Farming Ordinance
<b>CSO</b>	civil society organization
<b>FATA</b>	Federally Administered Tribal Area
<b>ha</b>	hectare
<b>HBS</b>	<i>Hari</i> Bhandar Sangat
<b>HDI</b>	Human Development Index
<b>HIES</b>	Household Integrated Economic Survey
<b>HRCIP</b>	Human Rights Commission of Pakistan
<b>ILC</b>	International Land Coalition
<b>KP</b>	Khyber Pakhtunkhwa (province)
<b>LWA</b>	Land Watch Asia
<b>MLR</b>	Martial Law Regulation
<b>MQM</b>	Muttahida Qoumi Movement
<b>NAP</b>	National Action Programme
<b>NCS</b>	National Conservation Strategy
<b>NGO</b>	non-government organization
<b>PATA</b>	Provincially Administered Tribal Areas
<b>PML-N</b>	Pakistan Muslim League-Nawaz
<b>PPAF</b>	Pakistan Poverty Alleviation Fund
<b>PPP</b>	Pakistan Peoples Party
<b>Rs</b>	Pakistan rupee
<b>RSP</b>	Rural Support Programme
<b>SAAG</b>	Sustainable Agriculture Action Group
<b>SAP-PK</b>	South Asia Partnership-Pakistan
<b>SCOPE</b>	Society for Conservation and Protection of Environment
<b>SDPI</b>	Sustainable Development Policy Institute
<b>UNCCD</b>	United Nations Convention to Combat Desertification
<b>WTO</b>	World Trade Organization

## Glossary

<b><i>Barani</i></b>	Rainfed land, not irrigated by canal network
<b><i>Begari</i></b>	Forced labor, or labor without payment
<b><i>Batai</i></b>	Distribution of crop, used as a payment to the peasant or tenant by the landlord, usually on 50:50 ratio
<b><i>Hari</i></b>	Sharecropper
<b><i>Haq-e-Shifa</i></b>	priority rights of tenants to buy the land under their cultivation
<b><i>Kammi</i></b>	Working class involved in professions traditionally considered low-grade by society, such as sanitary work, hair cutting, shoe repair, laundry workers, etc.
<b><i>Khatedar</i></b>	Landholder
<b><i>Muqarraridar</i></b>	Tenant
<b><i>Nazim</i></b>	Elected representatives who used to head local government at village, <i>tehsil</i> and district level under the local government ordinance
<b><i>Purdah</i></b>	The practice of segregating men and women; and the practice of women covering their bodies to hide their form
<b><i>Sardari system</i></b>	<i>Sardar</i> is the head of a large tribe; in some areas of Pakistan, <i>sardar</i> are well respected and settle disputes within their tribe instead of resorting to courts of law
<b><i>Shariat</i></b>	Islamic law
<b><i>Tanazul</i></b>	Relinquishment of land ownership rights by women in favor of their male relatives
<b><i>Wadera</i></b>	Influential person, usually a powerful landlord
<b><i>Zamindar</i></b>	Landlord
<b><i>Zaat</i></b>	Caste



## Quick Facts

While roughly 30% of the population is classified as “income-poor” based on official statistics, nearly half suffer from deprivation of basic opportunities—nutrition, health services, safe drinking water and education. Majority of those in poverty are in rural areas.

A 2004 ADB report linked rural poverty more to *social* than to economic factors, noting that the distribution of cultivated land remains highly skewed in Pakistan.

About half of the country’s workforce is engaged in agriculture.

Pakistan has among the largest irrigation systems in the world but still remains a net importer of food.

According to a 2004 World Bank report, empirical evidence indicates that productivity of land on large farms is *less* than that of small farms.

However, yields remain low because many landowners are absentee, and without ownership the farmers have little access to agricultural, credit, inputs, technology and marketing know-how.

# PAKISTAN

## Evolution of THE Policy AND Legal Framework ON Land

The Islamic Republic of Pakistan was founded in August 1947 as a result of the separation from British India. It has a land area of 770,100 sq km excluding the disputed territories of Azad Kashmir and the Northern Areas claimed by Pakistan and India. Pakistan’s territory is divided into four provinces (Baluchistan, Khyber Pakhtunkhwa [KP], Punjab and Sindh) and two tribal areas stretching along the eastern border of Afghanistan and are administratively divided into the Provincially Administered Tribal Areas (PATA) and the Federally Administered Tribal Area (FATA).<sup>1</sup>

Pakistan inherited an agrarian system from the British Raj, characterized by extremely skewed land ownership concentrated in the hands of feudal lords, a privileged class during the British Raj over India, who used to serve their cause by collecting land revenue and providing loyal services. The power of these large landowners has been a major barrier to social and economic progress of rural society. They collaborate with other power centers to accumulate more wealth and power.

### EVOLUTION of LAND POLICIES

#### Pre-Independence

The Punjab Tenancy Act, 1887 was the first piece of legislation enacted by the British Raj that provided security against occupancy tenants. Amendments in 1950 led to the abolition of payments of levies and prerequisites to landlord by the tenant; further amendments led to the Punjab Tenancy Act of 1952. The Act granted the sharecropper a fixed-term tenure ranging from one to three years. The landlord’s share in Punjab and Khyber Pakhtunkhwa was reduced to 40%, and to 50% in Sindh. Landlords could ask for extralegal levies and *begari* (forced, unpaid labor) from their tenants.

### At Independence (1947)

Distribution of land was badly skewed. Less than 1% of farms constituted more than 25% of the total agricultural land, while the Tenancy Act of Sindh was also enacted during this time. Sixty-five percent of farmers held only 15% of farmland in holdings of about two hectares or less. Many owners of large holdings were absentee, contributing little to production but extracting much from the sharecroppers. Approximately 50% of the farmland was cultivated by tenants, including sharecroppers, most of whom had little legal security and limited rights. An additional large number of landless rural inhabitants worked as agricultural laborers. Farm laborers and many tenants were extremely poor, illiterate and undernourished; this stands in sharp contrast to the wealth, status, and political power of the landlord elite class.

### Post-Independence

Unlike neighboring India, Pakistan did not undertake land reforms soon after independence and failed to facilitate the much-needed transition of productive relations from a feudal-agrarian to industrial state. Three isolated attempts of land reforms were made to reduce landholdings at intervals but these could not bring feudalism to an end.

### Martial Law Regulation 64

In January 1959, General Ayub Khan's government issued land reform regulations that aimed "to boost agricultural output, promote social justice, and ensure security of tenure". Land ceilings of 200 ha of irrigated land and 400 ha of non-irrigated land were placed on individual ownership. One million hectares were surrendered; 250,000 ha were sold to 50,000 tenants.



The reforms, however, failed to lessen the power or privileges of the landed elite. This regulation also abolished all *jagirs* (large lands given by British Government to loyal persons for revenue collection).

### Land Reforms Regulation 1972

In March 1972, the ZA Bhutto government announced further land reform measures. The land ownership ceiling was lowered to 5 ha of irrigated land and 12 ha of non-irrigated land; exceptions were limited to an additional 20% of the land for owners having tractors and tube wells. The owners' confiscated land received no compensation and beneficiaries were not charged for land distributed. By 1977, only 520,000 ha had been surrendered, and 285,000 ha redistributed to 71,000 farmers. Landlords were required to pay taxes, water charges, seed costs, and half of fertilizer and other inputs. Tenants were given rights of purchase, increased security of tenure, and lower rent rates.

### Land Reforms Act 1977

Ceilings on private ownership of farmland in 1977 were further reduced to 4 ha of irrigated land and 8 ha of non-irrigated land. Agricultural income became taxable except for small farmers owning 10 ha or less. The military regime of Gen. Ziaul Haq as well as the governments in the 1980s and 1990s did little to implement reforms because they were supported by the landed aristocracy.

Agrarian reforms in Pakistan have never transformed rural society's property structure and production relations. Land ceilings were fixed in terms of individual holdings but not family holdings, resulting in land transfers to family members and relatives. During periods of military rule, feudal lords supported the ruling junta to protect their interests.

### Existing Legal Framework, Customary Laws, Constitutional Provisions

Article 23 of the Constitution allows citizens equal rights to acquire, hold, own and dispose of property but provides the State with the right to intervene if the ownership or disposal of property clashes with public interest. The State is also responsible for providing protection to its citizens. Article 24 allows the State to intervene in



## Land and the Military

In Pakistan, political, economic and decision-making power is concentrated in a nexus of military, civil bureaucracy, feudal and politicians that comprise the ruling elite.

Since the 1950s, the military has acquired millions of acres of land for distribution to serving and retired armed forces personnel. This practice of granting agricultural land as reward seems to be a tradition inherited from the British period. The Punjab Alienation Act of 1900 ensured the use of canal colony land as a means to reward those serving British interests. It allocated 10% of colonized land to the armed forces. This provision was later incorporated into the Colonization of Land Act of 1912, and later updated after independence in 1965.

Moreover, during the British era, the military establishment itself acquired large land tracts in urban and rural areas—including for the establishment of military farms for the supply of vegetables, dairy products and fodder for horses. After independence in 1947, these lands were taken over by the Pakistan armed forces as rightful successor, which continues to this day.

According to one estimate, the armed forces control about 12 million acres, constituting about 12% of state land. Some 62% of this is in the Punjab, 27% in Sindh, and 11% in the other provinces. About 7 million acres of the total is agricultural land with an estimated worth of Rs700 billion. However, only 100,000 acres (40,469 ha) are directly controlled by the armed forces establishment and its subsidiary companies. Most of the land was given (at highly subsidized rates) to army personnel as awards. ■

**Source:** Ayesha Siddiq (2006). "Pakistan's Generals Emerge as the New Land Barons". *New Pakistan*, Issue No. 5. October 13, 2006.

property rights to protect the rights of the disadvantaged in areas of ownership and devolution i.e., women and children. However, there is instance of the State having done this. Article 38 says that the State shall "secure the well-being of people ... by preventing the concentration of wealth and means of production and distribution on the hands of a few to the general detriment of general interest and by ensuring equitable adjustment of rights between employers and employees, landlords and tenants."

### Customary Rights of Farmers Recognized in These Laws

The Sindh and Punjab Tenancy Acts are the major land and tenancy related legislations recognizing customary rights such as tenant's right to land occupancy, landlord and tenant's rights for production, and succession to right of occupancy. A recent judgment of the Sindh High Court proposed 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 and owners, with the landlords (*zamindars* or *waderas*) accused of coercion in perpetuating their stranglehold over impoverished and illiterate *haris*. This led to the discovery of private jails and people who were kept in chains; the non-payment of loans that the *haris* or their ancestors had taken from the *zamindar*.

Under the Sindh Tenancy Act, the *hari* is not an ordinary workman but a partner or co-sharer in the produce with the *zamindar*. The *hari* should be referred to as agricultural laborer entitled to government safeguards as provided for industrial labor. Yet, sharp disparities in living standards exist between the *zamindar* and the *hari*. While both are equal stakeholders, one lives in luxury while the other is heavily indebted, impoverished and illiterate, owning nothing.

It was also proposed that disputes arising from the relationship of *haris* and *zamindars* and incidental matters are to be adjudicated, decided and determined by a judicial forum more appropriately by conferring powers of tenancy tribunal on the civil judge or judicial magistrate, instead of the *Mukhtiarkar* (land revenue officer). Appeals may be provided before the district Judge, and reviews with the High Court.

### LATEST DEVELOPMENT

The Punjab Assembly passed a bill on 24 December 2011 that gives proprietary rights to those tenants who had been in possession of the land and cultivating it without giving any rent

to the landlord for 20 years before the promulgation of the Punjab Tenancy Act, 1887. To be called the “Punjab Conferment of Proprietary Rights on Occupancy Tenants and *Muqarraridars* Act, 2011” after it gets assent of the Punjab governor, some 0.2 million tenants would benefit from the legislation, and 0.4 million acres of land would come under their legal occupation.

After the law comes into effect, an occupancy tenant or *muqarraridar* shall be deemed as owner of the land unless some owner proves it otherwise under clause 4 of the Act that the land was originally brought under the

cultivation of “predecessor-in-interest” (any predecessor) of the landlord. The concerned revenue officer shall enter into the revenue record the name of the occupant tenant or the *muqarraridar* as the owner of the land when the law takes effect.

According to clause 3 (3) of the bill, no person shall claim any compensation from an occupancy tenant, a *muqarraridar* or the Government for conferment of ownership of the land on the occupancy tenant or the *muqarridar*. The bill also contains a provision for remedy of a landlord. In clause 4 of the bill, it has been stated

## Duties under the Sindh Tenancy Act, 1950

### DUTIES OF THE TENANT

- provide the requisite animal labour, manual labour and the implements of husbandry;
- proper weeding of all the crops grown by him and for the cost of such weeding;
- construct and maintain irrigation bunds and water-courses within the land allotted to him and for the cost of such construction and maintenance;
- shall not cultivate the land of any other landlord, if he has been allotted a family holding;
- provide the seed required for sowing; but where a landlord supplies any seed to his tenant, he shall be entitled to recover from the tenant, the quantity of seed actually supplied;
- transport the landlord’s share of produce after “*Batai*” to the landlord’s local place of storage “at the expense of the landlord”;
- grow such crops in such a manner as may be specified by the landlord.

### DUTIES OF THE LANDLORD

- properly maintain main water-courses leading from the canal-modules to the land, and cover the cost of such maintenance; provided that the tenant shall be bound to give his labour for the silt-clearance of such water-courses during the irrigation season and in return therefore the landlord shall be bound to feed the tenant at his own cost;
- ensure the supply of the proper share of available irrigation water to the land allotted to his tenant;
- lend seed, for sowing to the tenant if the tenant so demands;
- any advance of food grains by the landlord to a tenant for domestic needs shall be repaid in cash at the market rate at the time it was lent or in kind of equivalent value;
- allot an area with prescribed conditions to the tenant for growing cattle-fodder and vegetable cultivation for the personal use of the tenant in areas where only cotton, sugar-cane, tobacco or such other crops are grown which do not provide fodder for the cattle.

### GENERAL PROVISIONS REGARDING DEBT

- The produce of a tenant, after deducting such portion needed for the support of the tenant and his family until the next harvest, may be appropriated towards the debt due from the tenant to his landlord. The wholesale control price fixed for the locality by the government, or else and if no such is fixed the wholesale price prevailing in the local market shall be used as the basis for evaluating the produce.
- The balance of debt, if any, shall be deemed to be flotation debt recoverable from the tenant’s share of other crops.
- In case a tenant is indebted to his landlord, it shall be his duty to deposit his share of crop in the landlord’s store. Such crop shall remain in the joint possession of the tenant and the landlord until it is divided or is taken by the buyer.
- On termination of the tenancy, a tenant if he is in debt to his landlord, shall be liable to pay off his debt before leaving. ■



that “A landlord may, within six months, from the date of coming into force of this Act, file an application before the Collector on the ground that the land was originally brought under cultivation by a predecessor-in-interest of the landlord... If the Collector is satisfied that the land was originally brought under cultivation by a predecessor-in-interest of the landlord, he shall pass order as he deems appropriate.”

The aggrieved has also been given the right to file an appeal against the final order of the collector before an officer authorized by the government, whose order shall be final and no civil court shall entertain any appeal against the decision. According to the Punjab Government, about 200,000 tenants in Punjab were cultivating the lands since generations, who would now be benefiting ownership rights as a result of this legislation; hence a longstanding issue of tenants has now been resolved by the Punjab government.

## ACCESS to LAND and TENURIAL SECURITY

Based on the Household Integrated Economic Survey (HIES) 2001-2002, around 10.36% of the rural population is landless; 32.67 % owns land under 1 ha; 0.05% owns between 1 and 2 ha; 0.03% owns 2 to 3 ha; and only 0.03% owns 5 or more ha. The rest, or 57% of rural households do non-agricultural work to survive.

### Forms of Land Tenure in Pakistan

There is very little information on land tenure systems and land distribution in Pakistan. The Agricultural Census distinguishes three forms of tenure: (i) owners' farms, (ii) tenants' farms and (iii) owner-cum-tenants' farms. The census explains the current land tenure only to a limited extent, and does not discuss patterns of ownership and actual managing units.<sup>2</sup> An attempt is made here to classify rural households into seven land tenure categories.<sup>3</sup> The number of households per category is an old and rough estimate based on available census information and is only intended to give an order of magnitude.

#### LANDLORDS

Landlords own at least 150 acres (61 ha) of irrigated land or 300 acres (122 ha) of unirrigated land. In many

cases, the landlord leaves control of his land to a supervisor, preferring to live in the town or city. Land ownership is not only a means of earning a living but a symbol of economic status and political power. The landlord reciprocates the loyal tenant with customary responsibilities as help in need, old age and illness, and representation with outsiders. But the system is open to exploitation. Many tenants lie at the mercy of their landlords. Capital formation is completely left to the landlord who, from his income, has to maintain roads and canals (partly with the unpaid labor of his tenants). A landlord's lifestyle involves capital transfer from rural to urban in the form of urban houses, children's education, migration of family members, engagement in business activities, and luxurious spending instead of reinvesting in agricultural development.

#### SMALL LANDLORDS

They own 25 to 150 acres (10 to 61 ha) of irrigated land or the equivalent amount of *barani* (rainfed) land. The main difference between landlords and small landlords—apart from the acreage owned and income earned—is that the latter consists of owners who often take more interest in their land, resulting in a higher amount of capital formation and reinvestment in agriculture. The improved economic condition of these better educated small landowners also give them political power and influence.

#### FAMILY OWNER-CULTIVATORS

They own 7.5 to 25 acres (3 to 10 ha) of irrigated land or a corresponding area of unirrigated land. They personally cultivate their land with one or two pairs of bullocks, and in the upper size range, may hire a farmhand. Farming is a family enterprise and agricultural activities are not only a means of earning a living but also a way of life. Some have increased their farm area by renting land in addition to that owned. They form the upper class of the village society, especially if no landlord resides there. They enjoy relative economic security, reasonable income and the prestige resulting from being a landowner. Usually, they belong to a respected *zaat* (caste) who controls village politics, occupies posts at union council level and cooperatives, and are often excellent farmers.



### MARGINAL OWNER-CULTIVATORS

This group owns less than 7.5 acres (below 3 ha) of irrigated land or the equivalent, some of them renting areas to enlarge their holdings. They subsist on an average farm size of only 2.2 acres (0.89 ha) and work as agricultural laborers. This group has the highest cropping intensity and enjoys prestige not reflected in their economic welfare. Indebtedness often worsens their situation.

### TENANTS OF BETTER STANDING

This category is rather heterogeneous and consists of tenants with larger farms (over 1.5 acres or 0.61 ha of irrigated land) that give them status and security. Some are tenants of government land; others are independent tenants of larger tracts belonging to landlords. Their cultivation is superior and landlords often rent large areas to them because they improve the quality of the land by their good cultivation practices.

### TENANTS-AT-WILL

They comprise all other tenants. Their most frequent system of tenancy is the *batai* (sharing), in which the gross produce is shared by landlord and tenant, usually

at a 50:50 ratio, but with varying degrees of participation of landlords in the production costs.

### LANDLESS RURAL LABORERS

They live mainly from the land with no direct tenure. Their relation to land is indirect: they provide their labor to landowners and cultivators against a share of the produce. Their actual number is large, but some succeed in owning or renting a little land and are incorporated in the category of “marginal owner-cultivators” or “tenants-at-will”. They are of three distinct groups:

- **The *kammis* or *sepis*** provide technical and social services and work as blacksmiths, carpenters, potters, weavers, or barbers. Their work is regulated by the customary *sep* system that requires them to work in their special craft against an annual lump sum pay by the farmers. They also provide labor free of charge, except meals, to landowners for such activities as construction of houses. Often unemployed, they have to be ready for work whenever summoned and are not allowed to offer their labor to other parties.
- **Permanent laborers** have a full-time contract with a specific cultivator, usually on an annual or seasonal

**Table 1. Estimates of Land Tenure Categories in Pakistan**

Category	Characteristics*	Estimated number in 1962	Percentage of agricultural households
Small landlords	25–150 acres of irrigated land owned	200,000–250,000	4%
Family owner cultivators	7.5–25 acres of irrigated land owned	500,000	9%
Marginal owner cultivators	less than 7.5 acres of irrigated land owned	1,600,000	30%
Tenants of better standing	more than 12.5 acres of irrigated land or with some land tilled	750,000	14%
Tenants-at-will	less than 12.5 acres of irrigated land tilled	1,800,000	33%
Landless laborers	no land owned or rented	550,000	10%

\* characteristics described here in terms of irrigated lands, although there are corresponding category sizes of non-irrigated land

basis and often against payment in kind. They run no risk of being unemployed during the time covered by their contract, and often have long-term relations with cultivators.

- **Casual laborers**—the largest group with the poorest rural families have no definite relation to an employer, but offer their labor in agriculture, road construction, transportation, petty trade, and other escape jobs. They earn their living during harvest time when they are in great demand due to the unusually high wages—three times the normal wage rate for the long working day for about three months per year (wandering to different areas) and another three months at normal wage. They are unemployed in the remaining six months.

#### ACCESS TO LAND, POVERTY, PEACE AND DEVELOPMENT

About 75% of households own no land at all. On the other hand, only 0.05% own more than 2 ha in Punjab and Sindh provinces. Land ownership inequality is highest in Punjab, followed by KP, Sindh and Baluchistan. The unequal land distribution has caused widespread tenancy arrangements like sharecropping, resulting in high prevalence of poverty particularly in Sindh.<sup>4</sup> Studies suggest a high prevalence of rural poverty ranging from 39% to 48% in all provinces. A broad-based land reform program on land redistribution and fair and enforceable tenancy contracts, along with rural public works programs and access to credit—is critical for reducing rural poverty.<sup>5</sup>

#### Present Situation

The application of the Tenancy Acts remains negligible in the neoliberal era. In some parts of the country, *begari* continues. Poor peasants do not receive their legal share of the produce. Sharecroppers are forced by landlords to work as seasonal agriculture laborers on a daily wage basis for some crops, further nullifying their rights. In parts of Sindh, sharecroppers work as agriculture laborers on sunflower farms; but in the next season for another crop, such as rice, they enjoy their

## Corporate Agriculture Farming (CAF)

The Corporate Farming Ordinance (CFO) was passed in 2001 under the military regime of General Pervez Musharraf. Under this ordinance, corporations can now lease land in Pakistan for a period of 99 years, broken into two periods of 50 and 49 years. The government has allowed transnational corporations (TNCs) to take lease of unlimited land with a minimum size of 1,500 acres. In addition, TNCs have been promised 100% equity, numerous tax incentives, as well as full repatriation of profits. The government has also identified state lands which it would lease under the CFO.

Pakistan has taken definitive measures to meet the requirements of the neoliberal policies under the WTO and other bilateral agreements. The seed sector has already been privatized, and extensive measures are in place to promote agriculture export processing zones in various parts of the country including Sindh and Punjab. During previous couple of years the Asian Development Bank launched a \$24 million Agribusiness Support Fund (ASF). According to the ADB director: “Improved agribusiness is essential to maintain and expand export markets for agricultural products.”<sup>6</sup> None of these trade liberalization initiatives 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 imperialist countries.

The government has utilized its land to set up agriculture export processing zones. There are linkages between the feudal elites and TNCs such as Monsanto. There are reports of feudal lords interested in joint ventures with agri-based TNCs for the development of mass production zones for seed cultivation. A number of TNCs, such as Pioneer, has factories in the very heart of central Punjab, which has some of the most fertile productive land in the country. The increased trend of landlords evicting tenants-at-will, or of changing the terms of working relations (sharecroppers/daily wage earners) will only be intensified as the demand for land by corporate interests comes into play.

Civil society organizations working for the rights of farmers consider the CAF policy as working against peasants who have been waiting for judicious land and agrarian reform in the country. The peasants, while rejecting CAF, are demanding land redistribution along a comprehensive package of agrarian reforms. Sections of civil society consider CAF as a serious mistake for national sovereignty, comparing it with the earlier colonial era when the East India Company conquered the Indian subcontinent through trade.

### CONCERNS

The implementation of the CAF certainly raises a number of questions. First, if the government has surplus land available (including those amassed from surrendered land under previous land reforms) why has this not been distributed among the landless peasants? Second, if the government has taken up the agenda of market-led strategies for utilization of agricultural land, then does it mean that land reforms in the interest of the peasantry have been permanently shelved by the state?

Under any scheme of serious reforms, the land ceiling should be fixed at 50 acres (20 ha) for irrigated and 100 acres (40 ha) for non-irrigated land. The necessary legislation should be done in favor of land reforms and *Haq-e-Shifa*. All laws and regulations regarding land developed under the colonial era need to be abandoned and a judicial commission on land utilisation should be formed to check the rapid commercialization of land. Under the principle of *Haq-e-Shifa*, agricultural land of about 8 acres (3.2 ha) should be allotted to the landless agriculture workers and peasant families. The agricultural land occupied by or allotted to the military and government departments should be revoked and distributed among the landless peasants.<sup>7</sup>

Roots of Equity, an NGO based in Pakistan, comments on the situation in an article *Fate of Agrarian Reform in Neoliberal Era in Pakistan*:

In the current era where neoliberalism is the key “development” policy, liberalization and privatization have taken on God-like status. The idea of privatization is being expanded to the agriculture sector; or to be more correct, agriculture is the key sector which is receiving the most extensive neoliberal policy directions. Apart from numerous other privatization and liberalization strategies in the agriculture sector, market-led land reforms are also playing a critical role in allowing the agri-business corporate sectors to dominate the rural agricultural economy of the Third World countries. ■

due share. They are not aware of their tenancy rights; nor have they ever signed a legal document with their landlord who can terminate their services at will, giving the term “tenant-at-will” its real connotation.

## Women’s Access To Land

Women’s ownership and control of land is positively linked to sustainable development, poverty reduction, food security and environmental protection; it is integral to the independence and security of women that they cannot derive elsewhere. Despite this recognition, women’s land rights have been absent in land policy discourse. Land rights are deemed related to a homogenous category of landless poor peasants, ignoring power relations and hierarchies. Women’s empowerment is limited to welfare, improved access to education, health, non-farm assets, and economic status measured only in terms of employment. The ownership and control of land has always been mediated through male relatives, making women entirely dependent on men.

### LEGAL CONTEXT

- While civil laws in Pakistan do not discriminate against women, succession and inheritance are dealt with in pursuance of the West Pakistan Muslim Personal Law that accords women half the share of a male sharer.
- None of three state-led land reforms under different governments recognized women as separate stakeholders in property rights, but an unintended outcome of the 1959 land reforms gave women land when landowners

transferred land to women within their families to escape redistribution of land to the landless.

- Islamic law that accords women some rights albeit unequal was not enforced; land ownership and transfer continued to be governed by customary laws excluding women altogether.
- Women wanting to claim their rights could not receive land because they were not enrolled in revenue records as tenants; no legal mechanisms acknowledge their economic contribution in the domestic and public spheres, nor the agricultural labor they provide.

## PERCEPTIONS

This study also probed the perceptions of women and men on the issue of women's rights to own and control land:

- Men accept women's rights to own and control land on the basis of religious rights or fundamental human rights. Most men also express faith in women's ability to manage and control land either on their own or through male help. However, verbal acceptance did not translate into corresponding actions, with none of the men taking any steps to ensure property share for women in their families.
- Men argue against women's ability to manage land because of *pardah*, immobility, lack of exposure; the threat of rupturing the social structure and gender roles; women being compensated for lack of land rights through dower<sup>8</sup> compensation, occasional gifts from their natal family, and security from male relatives. Some men see the deprivation of women's land rights as part of the overall plight of landless peasants facing asymmetrical power relations.
- Women are fully cognizant of the importance of these rights and feel that dower or other gifts that they receive do not compensate for the lack of these rights. However, women rarely seek help from state institutions. They find the legal system complex and beyond their reach, and do not have faith in the state institutions' ability or willingness to dispense justice. They are entirely dependent on the security they receive from male relatives and cannot risk jeopardizing the only support system available to them.



- Compared with other state institutions, there is a relative degree of willingness among women to approach *Nazims* (elected representatives) and councilors for the resolution of their issues as a last resort because these people are drawn from the local communities.

## Policy Analysis

The 1997 Report of the Commission of Inquiry and a study by the National Commission on the Status of Women noted the deep-rooted patriarchal system and biased interpretation of directives as the main barrier to women's empowerment. However, this remained at the rhetorical level, with no concrete measures taken. The National Plan of Action for the Advancement of Women under the Beijing Platform, 1998 tackled land rights, but these were omitted in the National Policy for the Development and Empowerment of Women, 2002 that urged the need to ensure access of poor rural women to land, agricultural and livestock services, and micro-credit.

Pakistan is a signatory to the Convention to Eliminate All Forms of Discrimination against Women (CEDAW), which sets up an agenda for national action to uphold women's rights, but the Constitution states that national laws supersede international covenants. Thus, national laws stating women's unequal rights to land are never rectified. Pakistan is also committed to the efforts of achieving the Millennium Development Goals; Goal 3 is to promote gender equality and women's empowerment. In reviewing challenges and constraints towards achieving this goal, the Government of Pakistan Report 2005

recognizes the link between access and ownership/ inheritance of land and female empowerment, but the government has not addressed this issue.

### Policy Recommendations

- **Land Reforms**

There is a need to ensure redistributive laws and policies are pro-poor and gender sensitive; and once in place, that they are effectively followed up and monitored to prevent the exploitation of loopholes in the said laws and policies.

- **Islam and Women's Land Rights**

Since *Shariat* is the most widely accepted means of granting women the rights to own land through inheritance, religion is one option to demand women's rights to land, such as in the case of Turkey and Somalia where male and female children inherit equally from the father's estate. An alternate option could be to bring inheritance and other family laws under a secular Civil Code to enable the State to enact gender neutral laws.

- **The Right to Forgo Rights**

The Pakistani courts accept the concept of *Tanazul* whereby a woman has the right to relinquish her share of inheritance, but the courts do not question the surrender of inheritance or dower by a woman on the suspicion of family pressure, which falls short of coercion and compromises independent decision-making. Policy should dictate that cases of *Tanazul* be examined rigorously to ensure the decision is not made out of duress.

- **Land to the Landless**

A joint titling system should be introduced to give land to landless women and enhance their status and position in their families and society.

- **Women with Land**

Few women do hold titles to land but they generally do not exercise control over the land. The government should provide training and awareness opportunities and infrastructure support to enable women to control and manage land on their own.

- **Agricultural Labor**

Agricultural work should be brought into the fold of the formal economy and regulated so that workers are protected. Women's contribution would thus be recognized and valued, and the multiple issues of agricultural labor could be addressed more effectively.

- **Targeting Women by Agricultural Services as Farmers**

Women should be provided extension services such as credits, fertilizers, and seeds. One factor is the mechanization of agriculture and the redundancy of manual labor. There is a need to train women and equip them with the latest technologies to ensure their continued contribution in agriculture.

- **Food Security and Women's Traditional Agricultural Knowledge**

Rural to urban migration may imply a complete loss of entire knowledge systems. Since women form a major part of the traditional agricultural system, it is important to ensure and preserve their knowledge about agricultural systems and that this knowledge is transferred to others.

- **Devolution and Local Bodies**

Elected local government officials such as the *Nazims* are the only members of the state machinery women feel they can reach out to as a last resort. Local councilors could handle land disputes or ensure equitable distribution of inheritance and minimize fraudulent methods of land capture.

- **Social Protection Systems and Strengthening State Service Delivery Institutions**

The government should institute social protection for women and reform existing legal institutions for better accessibility, affordability, and improved provision of justice. In the event of a divorce, women





should be provided maintenance for a minimum of five years and equal division of immovable property acquired during the validity of the marriage.

- **Birth and Marriage Registration and Land Revenue Records**

There is an urgent need to revise and maintain birth and marriage registration records to ensure registry protection, and a national comprehensive land record system to register women and maintain a gender disaggregated data because policies are targeted at tenants listed in the revenue record, clearly discriminating against unregistered landless peasants and women.

## Contribution of Different Sectors IN Addressing Land Issues

### GOVERNMENT

Apart from the Pakistan Peoples Party (PPP), no serious efforts were undertaken to address land reform. When Musharraf toppled the government of Mian Nawaz Sharif (Pakistan Muslim League–Nawaz or PML–N), he stated his concern about feudalism. In 2000, he announced plans to carry out massive land reform, followed by a report entitled *Decentralization and the Devolution of Power* that called for rapid land redistribution to empower landless peasants. However, no serious action was taken, as to do so would involve a major confrontation with some of Pakistan’s most astute politicians.<sup>9</sup>

The events of 11 September 2001 further reduced President Musharraf’s chances of tackling feudalism, knowing he could not jeopardize the support of feudal lords while facing Islamic extremists considered as the enemy. In December 2007, following the death of Benazir Bhutto and with the PPP once again in power, the focus became the “fight against terrorism”—an insurgency by Taliban fighters waging war against American and North Atlantic Treaty Organization (NATO) forces in Afghanistan that ultimately shifted to Pakistan.

Agrarian reform has become a distant possibility. Regardless of whoever is in power, decisions are influenced by powerful elements in the civilian bureaucracy, secret service agencies, and other countries. Policy and action plans remain un-implemented, such as land reform proposals in the National Conservation Strategy (NCS) and the National Commission on Agricultural Report (1988). The Federal Land Commission, a statutory body of the Federal Government, was created under the Land Reforms Regulation, 1972 to implement land reform.

### POLITICAL PARTIES

The PPP, currently in power, has a socialist and pro-poor outlook, with eight election manifestos from 1970 to 2008. Some manifestos were clear about ending feudalism through the Bhutto government, and a few addressed agricultural modernization. The 1970 manifesto laid down the Programmatic Principles; Article 6 states the party’s stand on eliminating feudalism and protecting the interests of the peasantry.

The PML–N under Sharrif’s leadership commits in its latest manifesto to reclaim and irrigate additional land for allotment to landless *haris* and tenants. It will also undertake a land consolidation programme to create viable units for modern agriculture.

Likewise, the Muttahida Qaumi Movement (MQM), a Sindh-based party, has been moving the Land Reform Bill proposing lower limits on land holdings. It proposes a land ceiling of 36 acres (15 ha) on irrigated land and 54 acres (22 ha) on rainfed areas.

### DONOR AGENCIES and INTERNATIONAL INSTITUTIONS

The World Bank has welcomed Pakistan’s anti-poverty strategies, but its 2004 report said: “A more detailed rural development strategy is still needed.” It noted that “distribution of land is highly skewed ... [and is] a major cause of income inequality in rural Pakistan.”

A 2004 ADB report linked poverty “more to social than to economic factors”, saying that cultivated land is highly unequally distributed in Pakistan. “Access to



land... is crucial to reduce poverty in rural areas ...because feudalism has monopolized the rural economy and dominates the political and social life of the rural people. Land reform is a very critical question for any successful poverty reduction strategy.”<sup>10</sup>

## CIVIL SOCIETY

Civil society in Pakistan has played an important role in keeping the momentum of tenancy reforms despite the unfavorable policy environment.

- **Bhandar Hari Sangat (BHS)**, is a grassroots organization in Sindh, that developed the “declaration on agrarian reforms”<sup>11</sup> through a consultative process<sup>12</sup> to assure land distribution among peasants and agriculture workers, reorganize agricultural production practices assuring inexpensive and adequate food for people, enhance land fertility and reduce superfluous expenses on agricultural inputs and environmental pollution by promoting native and traditional knowledge, experiences and information among farmers.
- **South Asia Partnership (SAP), Pakistan (SAP-PK)**, is a volunteer network of participatory development-support organizations operating under the same name and for the same purposes in Canada and four South Asian countries—Bangladesh, Nepal, Pakistan and Sri Lanka.
- **Human Rights Commission of Pakistan (HRCP)** is a broad-spectrum, countrywide human rights body at the forefront against bonded labor. In Sindh, HRCP

has been instrumental in exposing a number of cases in which landlords have peasants in forced captivity for not paying back loans.

- **Sustainable Development Policy Institute (SDPI)**, also called Pakistan’s Agenda 21, has outlined the need for an independent non-profit organization to serve as a source of expertise for policy analysis and development, policy intervention, and policy and program advisory services.
- **ActionAid Pakistan (AAP)** supports many grassroots organizations working for peasants and small farmers all over Pakistan doing work on women’s empowerment, hunger eradication, HIV prevention, and good governance.
- **Pakistan Institute of Labor Education and Research (PILER)** works mainly on bonded labor issues.
- **Sustainable Agriculture Action Group (SAAG)** is a network of civil society organizations and farmer groups promoting sustainable agriculture practices.
- **Roots for Equity** is engaged in research over food security, tenure security, globalization and farmers’ rights.
- **Society for Conservation and Protection of Environment (SCOPE)**, a member of the International Land Coalition (ILC), is primarily engaged in sustainable land management issues in purview of the UN Convention to Combat Desertification (UNCCD). It works with farmers on desertification issues.

## THE IMPACT of SOCIAL MOVEMENTS and CSOs in ADVANCING the POOR’S RIGHTS to LAND

Leftist political parties, socialist elements and civil society were behind the first land reforms; their of a peoples’ revolt pushed the military government of General Ayub Khan, to introduce land reforms in 1959. The recent tenants’ campaign at Okara Military Farms, under the umbrella of *Anjuman Mozaraeen Punjab* (AMP), attracted global attention and was supported by many civil society groups, national and international media,



when tenants raised the famous slogan “*Maliki ya Maot* (ownership or death)”. However, landed politicians and feudal lords have been able to delay reforms.

### CSO-ESTABLISHED LINKAGES

In the peasants’ struggle to secure ownership rights of Okara Military Farms, the *Anjuman Mozaraeen Punjab* (AMP) has successfully transformed into a tenants’ movement supported by many CSOs, left and socialist political groups and by some international organizations that support the AMP in pressuring government to take action.

### ISSUES and GAPS in the ENGAGEMENT of CSOs WORKING on LAND ISSUES

CSOs still lack a collective voice; this could be due to an existing socio-political culture dominated by

hopelessness due to long spells of military dictatorships and weak democracy regimes—marred by corruption, human rights violations, socialist and communist ideologies, religious fundamentalism, and the rural-urban divide. CSOs have yet to learn to work through alliances. They also lack access to information, research capacity and the financial resources needed to address land issues.

Impediments to access, control and ownership of land Political, economic and decision-making power is concentrated in a nexus of military, civil bureaucracy, feudal and corrupt politicians who belong to ruling elite. The majority of elected houses are feudal—and never allowed land reforms to be implemented successfully or democracy to take root. The military is the biggest land-grabbing entity.

## CASE STUDY

### The Case of Okara Military Farms

**A**cross 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 the military farms of Okara district, Punjab, tension arose in 2000 when the military unilaterally decided to change the terms of contract of tenants from the traditional *50:50 sharecropping system*, to *cash rent under a yearly lease system*. Peasants were asked to become contractors instead of tenants, meaning that peasants would lose their legal protection and rights against eviction under the Punjab Tenancy Act 1887, and that farm authorities could cancel their contracts on six months’ notice, and then take over the land for themselves. Tensions arose; peasants staged an uprising and later raised their demands for full ownership of the land.

The Okara military farms were established in the early 1900s during British rule. These farms were established to provide dairy and other products for the military. After partition, the Pakistan military as successor took over these farms. In Okara district alone, over 17,000 acres (6,880 ha) are under military farms. Four generations of peasants have worked on these farms over the past hundred years without ownership rights.

Shortly after assuming power in 1999, the Musharraf regime sought to take control over 68,000 acres (27,519 ha) of land under military farms in Punjab. In Okara, violence flared up in 2001 when military authorities tried to test the grounds. They sent district police to collect wood from the local villages. The village women were the first to fight back and attacked the

police with sticks. Other peasants followed. The violence forced the police to fire into the air, wounding a child in the process. The police had to flee the scene.

Since then, the peasants have refused to pay the military farms administration; instead, they have channeled their tenancy payments to the Punjab revenue department. In November 2001, a peasants’ convention was held at Okara military farms attended by over 10,000 people; among them were over a thousand women peasants. This was organized by the *Anjuman Mozaraeen Punjab* (AMP, or Tenants’ Organization, Punjab) of Okara. Slogans at the convention were *maliki ya mout* (ownership or death); “Those who cultivate the land have the right of ownership”; and “We will win”. ■



## Opportunities AND Challenges

### 1. Necessary Conditions and Strategic Interventions are Needed to Advance Land Rights

The country's power structure has not changed, with the feudal class enjoying wealth and power and land reform still out of political discourse. Terrorism, high inflation, food crises and electricity shortages still persist. But Pakistan is finally coming back on the track of democracy after nine years under a military regime. The PPP is the only party that has introduced land reforms twice in the history of Pakistan. Although it is not showing much enthusiasm for agrarian reforms in this term, it could engage other political parties and the ruling party in the Parliament through agriculture committees to revitalize the process.

CSOs have to sustain the campaign with the grassroots groups. The tenants' cry "ownership or death" over the Okara military farms will provide a huge motivation to such campaign. Besides democratic revival, the country is also experiencing unprecedented media awareness and activism on national development issues.

Perhaps the most positive development in 2009 was an emphatic win of the legal community, civil society and political parties when they restored Chief Justice Iftikhar Chaudhry after a historic two-year campaign. This win is significant as civil society emerged victorious against the military dictatorship for the first time.

### 2. Civil Society Must Pursue Strategic Linkages to Effectively Influence Policy Development and Implementation on Land Issues

Civil society must build on a common platform and strengthen strategic alliances with stakeholders such as tenants; landless agricultural laborers; the academe, media; political parties; and international partners such as the International Land Coalition (ILC) and Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC).

Dialogue is the next preferred step. District, provincial and national level conferences; rallies; seminars; demonstrations; field days; and walks are some effective tools to mobilize public opinion in favor of agrarian reform. Food security can be a central binding theme to forge a rural-urban alliance to develop political will.

The Okara Military farms' tenants' movement has sacrificed much in terms of human life, and it will be a pity if their sacrifices are not turned into a national victory for all tenants and landless agricultural workers.

### 3. Specific "Spaces" for Civil Society to Pursue Land and Livelihood Rights

The victorious reinstatement of the Chief Justice has opened possibilities for broader civil rights movements. Food security and poverty alleviation have become central development concerns that are convincing policy experts and opinion makers to pay greater attention to social capital and agriculture infrastructure in rural areas. The call for land reform needs to transform into a solid commitment on the part of political parties. The CSOs are dedicated and spirited, but they need to be organized into a strong, common platform to address this issue.

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## Endnotes

- 1 World Bank 2009; Ali and Rehman; GOP 2006a
- 2 Haider and Kohnen, Land Tenure and Rural Development in Pakistan, 2002.
- 3 Not included here are tribal tenure systems, including the sardari system.
- 4 Anwar, Talat 2002.
- 5 Landlessness and Rural Poverty in Pakistan, Anwer, Qureshi and Ali.
- 6 Daily Dawn, July 14, 2006 "\$24 million agribusiness support fund launched"
- 7 The concept of *Haq-e-Shifa* gives priority rights to tenants to buy the land under their cultivation.



<sup>8</sup> Dower means “the part of or interest in the real estate of a deceased husband given by law to his widow during her life.”

([www.merriam-webster.com/dictionary/dower](http://www.merriam-webster.com/dictionary/dower))

<sup>9</sup> Sharif Shuja, 2005.

<sup>10</sup> Mehnaz Ajmal of Pakistan’s independent Sustainable Development Policy Institute (SDPI).

<sup>11</sup> Statement of ActionAid Pakistan and BHS, Pakistan: Peoples Declaration on Agrarian Reforms.

<sup>12</sup> Human Development Centre (HDC), a reputable think tank published a speech of Dr. Mehboob UI Haq which provides a comprehensive commentary on the issue.

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