

Leveling the Playing Field

A Survey of Pakistan's Land Reforms



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Preface

BY ALI CHEEMA

Conventional wisdom in Pakistan has declared redistributive land reforms to be dead and buried. Agrarian reforms involving redistribution of land are argued to have become irrelevant because demographic pressure has caused excessive fragmentation of land, thus lowering the share of agriculture in national output. Pakistan's federal judiciary has also contributed to this demise. In its August 10, 1989 majority judgment, the Supreme Court *Shariat* Appellate Bench declared that the prescription of a maximum ceiling for a landowner's holding was un-Islamic. It is, therefore, unsurprising that for many decades land reforms have not appeared as a commitment in the electoral manifestos of the mainstream political parties.

In the debates on land in Pakistan, the emphasis has shifted from redistribution to market efficiency. The recent policy consensus has been on the modernization of land record administration and the need to define laws that can catalyze corporate farming. According to this view, reforms involving land should concentrate on lowering the transaction costs associated with the exchange of land. This policy framework's objective is to enable local and global capital to take "land to scale," which is seen as an important precondition for higher productivity.

The present volume is novel in that it reveals the poverty of these views. The chapters (long essay by Haris Gazdar and journalistic narratives by Nazish Brohi) show that the demise of state-led land reforms has been overshadowed by intense

conflicts over land that continue to engulf Pakistani society and polity. These range from conflicts at the most micro-level, encompassing families and localities, to the macro-level involving the state and global capital. The evidence presented in this volume shows that, if anything, the land issue in Pakistan is alive and far from settled! It also shows that intense conflict over land has implications for the nature of economic development and the process of state-building in Pakistan. It argues that the framework of law and administration that has evolved is not exogenously given, as argued by the proponents of market efficiency; it is, instead, endogenous to the manner in which specific conflicts are settled.

What is the nature of the land issue in Pakistan? A salient feature of Gazdar's essay is that it broadens the lens through which the land issue is analyzed. He correctly points out that the conventional debate on land reform was exclusively focused on land as an agrarian asset, with reforms being regarded as a means to effect distributive and technological change in agriculture. He shows that this view is misplaced because land is, indeed has been, an asset that has value in diverse economic activities and its return is not solely based on its value in crop farming. He convincingly argues that the value of land should not be assessed in economic terms alone; being a key determinant of social and political power, it also has social and political value.

The book also testifies to the growing salience of land issues in urban areas as well as in the process of urbanization as land values rise and the demand to alter land-use increases. Likewise, land issues are not any less important with respect to pastoralism, which is slowly giving way to settled agriculture because of the development of irrigation technology, or because the intensification of demographic pressure in local areas increases the need for land to be refashioned for residential purposes. Framing the debate around the reform and regulation of land requires scholars to broaden their perspective about the land question; Gazdar's essay offers a historically grounded framework that can be drawn upon in this regard.

Another contribution of the book is that it shows that the settlement of claims around land has been central to the process of state-building in the areas that came to constitute the Pakistani State. His analysis of the four rounds of dispossession, reform and resistance over land document the manner in which the colonial and the post-colonial states have explicitly used, and continue to use, the rents associated with land to create political and social settlements that underpin the process of state building. He

argues that these settlements were an outcome of politically negotiated institutional and distributional change between the state and different groups in society, which in turn, partitioned the elite and the dispossessed and the marginalized. Gazdar points out that violent “upheavals and localized conflict were not aberrations but rather part and parcel of these processes of political articulation and marginalization.” The resulting framework of the law and administration were an outcome of these settlements.

Gazdar’s historical political economy approach documents the considerable temporal and spatial diversity in the nature of the conflict over land and the diverse types of political settlements that came about as a result. Conflicts over usufruct rights to uncultivated land were of immense value to local residents in the areas where pastoralism dominated economic activity, whereas conflict over ownership of land dominated the agrarian heartland. He argues that spatial variation in the nature of these settlements is an outcome of variation in physical and political geography. The historical approach reveals that the state has been a central player in the politics of land settlements and that understanding its objectives, at different points in time, is as important as understanding the nature of power wielded by societal groups involved in the conflict over land. This book argues that there is path dependence associated with historical variations, which continue to impact current outcomes.

Gazdar’s essay and Brohi’s reportage show that land settlements are underpinned by distributional conflicts that are far from settled and remain important to Pakistan’s polity and society. Brohi’s investigative pieces document ongoing land conflicts, such as women’s struggle to establish their legal rights over land, or the resistance by Baloch citizens to what they consider to be illegitimate expropriation of their land rights by the federal state.

Furthermore, the examples of land conflicts documented in the book, historical as well as contemporary, demonstrate that legality by itself neither ensures the legitimacy of right to land, nor does it ensure the absence of conflict and extra-legal appropriation. Furthermore, the moral legitimacy of legal claims around land is undermined by historical narratives of extra-legal appropriation among those who continue to resist and contest existing land settlements at the micro- and macro-levels.

The big message of the book is that second-generation land reforms remain an unfinished agenda and that they need to be much broader than the agrarian reform agenda. Furthermore, the agenda for second-generation land reforms is, ultimately, not going to be about the legal enforcement of existing rights and economic efficiency, because it is primarily about social and political justice. It is going to be informed by claims of distributive justice and historic rights of gender, class, caste, kinship, religion and ethnicity etc. This suggests that a framework of political justice is required to amicably settle land conflicts and shape the agenda for sustainable reform.

The Fourth Round, and Why They Fight On: the History of Land and Reform in Pakistan

BY HARIS GAZDAR

Introduction

Agriculture accounts for around a fifth of the national output in Pakistan, and the crop farming sector within agriculture is responsible for less than a tenth of the gross domestic product.¹ Yet over two-fifths of the workforce is employed in agriculture, and landlessness remains a key but not the predominant correlate of rural poverty.² Access to formal sector employment now has as strong an impact on rural incomes as access to land, but the social and political power associated with land ownership can be critical in gaining access to rationed public resources including government jobs.³ Nevertheless, agricultural land ownership is highly unequal both in terms of the prevalence of landlessness, and in the concentration of land in relatively large sized ownership holdings. Around half of all rural households do not own any land, and the top 5 per cent own over a third of all cultivated area.

Inequality in land ownership has been blamed alternately for poverty, social and technological backwardness, and political disempowerment.⁴ It is widely held that redistributive land reforms – that is, state’s takeover of land from large landowners and its allotment to the landless or land-poor – were slow to take off in Pakistan and did not achieve a great deal due to the political power wielded by the landowning classes.⁵ The first significant attempt at redistributive land reforms was undertaken by the military regime of Ayub Khan in 1959. This was followed by land reforms in 1972 and 1977 respectively by the populist government of Zulfikar Ali Bhutto’s Pakistan Peoples Party (PPP). The 1977 legislation was still-born, as General Zia-ul-Haq’s military coup against Bhutto in the same year suspended its operation. Subsequently, litigants argued that redistributive land reforms were contrary to Islamic precepts and Pakistani courts ruled that this was, indeed, the case. Currently much of the land reform legislation remains in abeyance.

The conventional debate about land reform has been linked very closely with analyses of agrarian structures. The main – perhaps the exclusive – focus was on land as an agricultural asset. Land reforms were regarded as the means for effecting distributive and technological change within an agricultural economy. Land reform, in fact, was often thought to be synonymous with agrarian reform, with primary interest being directed to crop farming.⁶ Perhaps the declining salience of land reforms from the policy and political agendas is to do with economic diversification. If crop farming is but a small part of the national economy, employment in crop farming (for landowners and the landless alike), represents just one out of many sources of livelihood. It is not surprising that the scramble for public sector jobs competes with mobilization for land reform as a consumer of political energies.

This essay is about land and reform in Pakistan. The relative decline in the importance of the crop economy does not reduce the economic value of land. In fact, the process of economic diversification can lead to an escalation of land values as land is brought into more intensive use for physical infrastructure, industrial, commercial and residential

¹ Ministry of Finance (2006).

² Federal Bureau of Statistics (2006), World Bank (2001).

³ Budhani et al. (2006)

⁴ Cotula et. al. (2006)

⁵ Gardezi (1970)

⁶ Redistributive land reform legislation measure land area in terms of “production index units” or PIUs.

purposes. This process appears to be in evidence in Pakistan. The returns on land ownership, moreover, are not simply of a straightforward economic nature. Control over land and its use is leveraged into advantage in broader spheres in the economy and politics. Despite the declining salience of crop farming and agrarian reform from the policy and political agendas, the ownership and possession of land remains an arena of intense contest.

This essay takes a broader and longer view of land and reform in Pakistan than the one offered by an agrarian perspective. Broadening the view means paying attention not only to crop-farming but to issues in the ownership, access and use of land for a range of economic purposes. Even within a traditional agrarian economy usufruct rights to uncultivated land were of immense economic value to local residents. In pastoral economies such as the ones that prevailed over much of Balochistan uncultivated land use as rangeland was the main economic resource. An exclusively agrarian focus also ignores the importance of homestead land to economic and social autonomy and broader entitlements.

There are good reasons also for taking a longer view. The agrarian reform agenda was operational for just over three decades from the mid 1940s till the late 1970s. This essay argues that most of the current issues in the political economy of land and reform in Pakistan can be traced back to the 1840s through four distinct historical rounds of dispossession, reform and resistance. These rounds are broadly chronological but not exactly sequential, and agrarian reform represents only one of the four rounds. A historical understanding reveals both continuity and important points of disjuncture.

The story begins in the mid-19th century with colonial land settlements in that corner of the British Indian empire which is now Pakistan (Section 1). Independence from colonial rule and the break up of the British Indian empire corresponded with the second round. Migration and displacement associated with the partition of British India created human tragedies and economic opportunities – notably in control over land (Section 2). The third round refers to state-initiated attempts at administrative land reform spanning roughly three decades from 1949. These reforms, unlike the first round of changes in land systems, paid little explicit attention to the details of underlying social structures, or how these might change (Section 3).

The fourth round (Section 4) on which the bell is yet to ring is all about markets and private property rights. Its institutional context is marked by missionary zeal around the idea of creating land markets. The immediate economic context is the peculiar form

of global capitalism that Pakistan is deemed to embrace – one lubricated by large and volatile flows of investible resources looking for quick returns. Predictably this round too is no walkover. Some of the salient conflicts in today’s Pakistan can be interpreted quite reasonably as the clash of rivals in the fourth round. Many of those empowered or dispossessed in earlier rounds of reform are joined by new beneficiaries as well as victims. Political contests over land remain, and their outcomes remain far from certain.

This essay does not claim to provide policy recommendations – but only an interpretation of the history of land and reform, including the role of specific laws, policies and debates in altering the politics of control over land. It tries to document and analyze the diversity of land arrangements across the history and territory of Pakistan, while attempting to draw comparisons between regions and over time. Regions are agglomerated as “estates” and historical periods as “rounds”. A historical political economy approach is used here to comment on the political and institutional contexts of actors that contributed to the evolution of “structure” as we now know it.

The reader will detect common threads in the argument across “rounds” and “estates”. Dispossession and resistance are two such threads that relate to contemporary concerns about social marginalization and conflict management. These and other threads are not intended to move the narrative towards either determinism or prescription. There is nevertheless a normative expectation about the future, without attaching any weights or probabilities to its realization. It is that there will be a “round” in the story of land and reform in Pakistan when the politics of equal citizenship will play a role in shaping laws, policies and interventions. If and when this happens we will be able to speak about the first major institutional reform in land use after the middle of the 19th century. This essay will show that the contours of such a reform are discernible.

1. One State, Three Estates

The British colonial land settlement can be taken as a point of departure for the study of land and reform in Pakistan. At the time of independence the land currently constituting Pakistan was divided into several administrative jurisdictions consisting of three provinces (western portion of Punjab, Sindh and the North-West Frontier Province), several “native” states (including Khairpur, Bahawalpur, Dir, and Swat), a number of self-governing tribal areas, the territory of British Balochistan, and the Khanate of Kalat.⁷ The three provinces – Punjab, Sindh and NWFP – and the territory of British Balochistan were relatively well-integrated into the colonial system of governance, and they formed the core of the post-colonial state in Pakistan.⁸ Other territories (native states, self-governing tribal areas, and the Khanate of Kalat) were ultimately assimilated into the existing provinces, or were brought under the direct administrative control of the federal government.

The three provinces and British Balochistan, as they existed on the eve of independence provide us with useful vantage points into the institutional trajectory of land and reform. Present-day Pakistan consists of four provinces and several Federally Administered Tribal Areas (FATA). Land administration and land reform are provincial subjects. In reality, the institutional genealogy of the four provinces and FATA can be traced back to broadly three types of arrangements. Despite great geographical and social difference, there was in fact institutional continuity between Punjab, NWFP and British Balochistan. The NWFP was in fact part of the Punjab province until 1901 when it was given the status of a separate province with its headquarters in Peshawar.⁹ British Balochistan too was brought under colonial rule through Punjab and civil and military officials from that province played a critical role in its establishment and integration into the British Indian empire.¹⁰ Sindh, however, had been part of the Bombay Presidency until 1936 when it was awarded the status of a full province.

As new territories were brought under colonial control they were subjected to military and then civil administration. The district-wise “land settlement” or the recording of land revenue liabilities was a prime concern of the incoming colonial administration not only for raising revenue, but for establishing its political base. In the process these settlements began to define systems of land ownership and use, and recognized and assigned property rights to diverse stakeholders. The colonial land settlement often involved a long process of documentation, survey and negotiation, and was underpinned by the administrative and coercive power of the British colonial state in India. In the areas where the settlement

was carried out it was the most significant reform in institutional and distributional arrangements, representing the formalization of property rights in land within a modern administrative framework. The settlement, therefore, can be seen as the point of departure for any historical analysis of land and reform.

The territory making up Pakistan experienced broadly three distinct colonial approaches to land administration: tribal, *mahalwari* and *ryotwari*.¹¹ Pakistan's land mass consists of two main geographical divisions: the Indus basin plains and the trans-Indus uplands. The Indus basin represents an integrated hydraulic region including the plains of NWFP, Punjab, Sindh and parts of Balochistan. These plains include the bulk of the country's population and agricultural output. The rugged uplands to the west of the Indus include most of Balochistan, FATA and parts of the NWFP. These are expansive but sparsely populated regions which were remote corners of the British Indian empire.

The First Estate - Collective Tribal Ownership and Self-Governance

There were large areas – comprising a majority of the land mass but not the population – where the colonial land settlement did not take place. Virtually all of present-day Balochistan (except parts of Quetta) and other tribal territories adjacent to the NWFP and Punjab were never officially settled for land revenue. In some of these areas, such as the Khanate of Kalat and its vassal states of Kharan, Mekran and Lasbela, or the native states of Khairpur, Bahawalpur, Dir and Swat, native administrations had their own systems of

⁷ The Federally Administered Northern Areas and Azad Jammu and Kashmir belonged to the former native state of Jammu and Kashmir. These two regions are administered under different arrangements within Pakistan, but are not formally incorporated into the state. From the point of view of law and statistics FANA and AJK are treated as distinct entities from the rest of Pakistan. These regions taken together constitute around 3 per cent of the population of Pakistan, and this study will make no further reference to them.

⁸ Pakistan in 1947 also included East Bengal which later became East Pakistan, before emerging, after a bitter struggle, as the sovereign state of Bangladesh in 1971. This essay deals only with that part of the state that remains Pakistan today.

⁹ There are provincially administered tribal areas (PATA) within the boundaries of the NWFP, which share institutional features with FATA.

¹⁰ The province, comprising the northern segments of present-day Balochistan was established as a result of inroads made by Robert Sandeman, a military-administrative officer based in Dera Ghazi Khan in the Punjab province.

¹¹ Martin (1956)

revenue and land records.¹² In Kalat, for example, the Khanate was structured in the form of a tribal federation, and tribes were recognized as exercising collective ownership over land, and collective liabilities of revenue and tribute.

Tribes self-governed their internal arrangements for apportioning crop and livestock shares between various claimants. There was a strong sense of collective ownership over large tracts of uncultivated land by descendents of common ancestors who were organized into a tribe or sub-tribe. Cultivated land was recognized as having individual owners, but these too traced their lineage origins to common ancestors who had brought the land into private use through investment. The collective identity of the tribe or clan remained intact even through the division of land into individually self-cultivated parcels. There were elaborated arrangements too for the collection and distribution of rents for use of the tribe's collective resources. Outside pastoralists were allowed passage or access to rangeland in return for tributes paid to tribal leaders. In some forest regions there were well-established systems for the sharing of timber royalties among tribe members.

The British colonial approach to regions defined here as the “first estate” was tempered by political expediency. These were areas where colonial expansion faced significant armed resistance. The interests of the colonial state too were limited to strategic objectives such as securing lines of military logistics to imperial borders, ensuring reliable lines of communication, and keeping out other foreign powers. It is no coincidence that British governance structures in these regions were designed by military officers. The key idea – which in the case of Balochistan and Kalat was summarized as “the Forward Policy” – was to bring territories within the sovereign ambit of the colonial state through the coercion and cooptation of tribes as collective entities.¹³ In other words, the existing pattern of colonial administration as it had evolved in the provinces was modified to allow for a hands-off state and tribal self-governance.

In British Balochistan and parts of tribal southern Punjab this meant the designation of the territory into different types of jurisdictions. The country was divided into “A” and “B” areas respectively. The former – which were relatively few – were to be governed, ultimately, to the standards of “settled” districts. The latter were largely self-governing even though they were formally part of British territory. Here the key governance concept was collective responsibility of tribes for maintaining law and order, and internal self-governance. The land systems in the “B” areas were not subjected to formal settlements

and the colonial state accepted, by default, traditional claims of collective ownership and control. The subsequent incorporation of the native states of Kalat in Balochistan, and Dir and Swat into NWFP followed the British policy of incomplete institutional integration.

In the event, the designated “A” areas were also integrated only partially into the formal system of governance. Quetta, for example, was the head-quarters of British Balochistan and an important “A” area, and a land settlement was carried out in the district. This was never completed, however, and government acquisition of land for essential infrastructure (such as the airport) was challenged by local tribes who did not accept the findings of the land settlement. In some cases the tribes were able to extract an implicit recognition of their claim by successfully demanding compensation.¹⁴

The Second Estate – *Mahalwari* in Punjab and “Settled” NWFP

While the “first estate” is mostly in the highlands west of the Indus, the Indus basin was further divided into two distinct types of colonial land settlements. The northern part of the Indus (Punjab and NWFP) were conquered by the British in the late 1840s by armies of the Bengal Presidency marching westwards across the northern Indian plains. Punjab was ruled by the descendants of Maharaja Ranjit Singh. Sindh was captured from the Talpur dynasty in 1843 by a naval expeditionary force sent out from Bombay in order to secure logistic routes to Afghanistan.¹⁵

British colonial presence in India was nearly a century old by the time that the Indus basin was brought under its direct administrative control. There was an established tradition and method for conducting land settlements. There were extensive debates within the colonial administration about the approach to land settlement in the newly acquired territories. These debates were informed by investigative surveys conducted by colonial

¹² The same was the case in the native states of Khairpur and Bahawalpur – adjacent to the provinces of Sindh and Punjab respectively. Variations between these two states and their corresponding provinces are instructive. Unlike Dir, Swat and other entities to the west of the Indus, these two Indus basin regions were integrated quickly and fully into the provincial system in the mid-1950s. For the purposes of this essay, therefore, Khairpur and Bahawalpur will not receive special attention, and the first estate will refer to all of Balochistan, FATA and PATA areas.

¹³ Esposito (1974).

¹⁴ Gazdar (2007a).

¹⁵ Wong (1973).

officers who worked with land administration officials of the deposed regimes to prepare a record of existing land systems and stakeholders. The debates were also influenced by the experience of previous land settlements in other parts of colonial India.

In Punjab (and settled NWFP), the colonial administrators decided to implement the *mahalwari* system of land revenue.¹⁶ This system was based on recognizing the village as the basic unit of land administration. The *mahalwari* system was in place in the western parts of what is now Uttar Pradesh, and Punjab was seen as an administrative extension of north-central India. The introduction of *mahalwari* in the later additions to the Bengal Presidency came after an acknowledgment on the part of the colonial government that the earliest land revenue systems (the *zamindar*-based Permanent Settlement of Bengal) had failed to create incentives for agricultural improvement.¹⁷

Colonial officials surveying Punjab argued that the village already existed as a coherent and robust unit of land and social administration. What remained to be done was to document local variations and assign revenue liabilities and political responsibility to specific individuals, families, castes and classes. It was acknowledged from the outset that in some parts of Punjab – notably the southwestern region which now constitutes the southern part of Pakistani Punjab – the concept of the village was less well-established than the central and northern regions. Here the predominant social unit was the well around which populations were settled.

The village-based system of land settlement had three important features. First, the village was the basic unit of land revenue liability, and hence the basic unit of land holding. Villages could, of course, be shared between several landholders, in which case they shared the responsibility for land revenue, and were recorded as joint holders of the village. The land of a village would include cropped area, residential land as well as uncultivated land in private or collective use. Second, the village register was the record not only of land but of the entire village populace, including landholders, but also tenants, labourers, and people belonging to non-farm professions and trades. Third, the village was treated as the basic unit of administration – not only for the purposes of land revenue, but for all civil purposes.

Land settlement officers were always at pains to point out that their primary task was to identify, record and formalize existing arrangements of land holding and revenue liability. Local variations in the general village model were scrupulously noted and

incorporated into district-wise settlements.¹⁸ At least three different types of *mahalwari* arrangements were used. A *zamindari* village was one where the entire village land was the revenue responsibility of just one landholding family. In villages where families had divided their holdings a *pattidari* arrangement was in operation. There were yet other villages where it was argued that the entire “body of the village” was the joint holder of the village regardless of whether or not they claimed common ancestry. Such villages were known as *bhaichara* villages.

In fact, all three types of settlements were variants of landlord villages. The “village body” was meant to include only those families that claimed to be the possessors of land. The colonial officials used terms such as “land owners” but it is clear from the records that the institutions of private property did not actually exist. It was the self-acknowledged task of the settlement officials to identify the true possessors of the land and to record them as its “owners” through their individual or joint ownership of the *mahal* or the village. The mention of collective ownership in the settlement records actually referred to joint possession among a sub-set of all residents who claimed to be the landlords. It was taken as given that there will be other residents belonging to subaltern castes and classes whose position would be subservient to that of the recognized village land holders. In determining rival and contested claims of village land holding, the revenue officials paid explicit attention to political power, lineage, right of possession through conquest, and caste hierarchy.¹⁹

Although the stated purpose of the settlement was to assign revenue tax liability, its effect was to confer private property rights in land to various classes of landholders. Before the colonial land settlements, there was no clear notion of the alienability of land. This can be seen from the fact that while discussing the provenance of any particular claim of land holding the key tests were actual possession (existing hierarchy of rights within a village) and the right of possession through conquest (genealogical tracing of invaders), but not any record of sale or purchase. It is not altogether surprising that the alienability of land – or accepting ownership rights of land holders – quickly led to actual alienation

¹⁶ Baden-Powell (1892).

¹⁷ Martin (1956).

¹⁸ Nazir (1981)

¹⁹ Baden-Powell (1892).

of land.²⁰ Within a few decades of the land settlements the colonial government in Punjab faced protests on the part of the “farming community” against the debt-induced alienation of land to urban money-lenders. Its response was to enact the Punjab Alienation Act of 1900, which classified rural society into “cultivator” and “non-cultivator” castes and tribes, and restricted the transfer of land ownership from the former to the latter.²¹

Individual private property rights, therefore, were introduced in the favour of the landholders, and then modified to protect this same class. The land settlement in Punjab elevated the landholders but marginalized all other rural classes. Agricultural tenants, labourers, and non-cultivating service castes of various types that had traditionally enjoyed claims to the produce of land alongside the landholders were now dispossessed. In the late 19th century the “non-agricultural” castes made up around half of the total population of Punjab. The majority among these “non-agriculturalists” comprised the so-called “vagrant and menial castes” that actually performed much of the hard labour within and outside the agrarian economy.²²

Even among the half of the population that made up “agricultural” castes, only a minority were landholders – others were tenants of various types. Thus, the landholders’ advantage over other classes which was previously tempered by a system of customary obligations was both magnified and qualitatively intensified when land was legally accepted as their property.

The Punjab settlement was overtly guided by political considerations. The colonial government consciously sought to create a class of loyal landowners consisting of the middle- and large- income peasantry. By freezing the hierarchy actually observed at a given moment in time into a perpetual contract through the creation of private property rights, the colonial settlement put in place considerable hurdles before the subaltern castes and classes. Whereas before the land system would have been subject to negotiation and change in response to changing local economic and political conditions, now the administrative machinery of the modern colonial state was geared towards preserving the particular balance of political power that happened to have prevailed in the mid-19th century Punjab.

The treatment of “uncultivated land” had similar implications. Uncultivated land adjacent to the surveyed village was assigned to the estate – and rights over this land were understood to be in proportion with the ownership rights over the village itself.

The *shaamilat*, as the uncultivated area of the village was known, was not the communal property of all villagers, but the joint property of the “village body” – that is, the landholders who were recognized in the settlement as revenue-payers and, by extension, as owners. Large parts of the country, particularly the *rakh* or the higher land away from the riverine tracts was classified as “uncultivated waste” and designated as government property.²³

The fact is that this land in the *doabs* (territory between two rivers) was inhabited by semi-pastoral communities. The canal development in the *doabs* of western Punjab that was initiated in the 1880s, and became one of the most extensive programmes for land colonization of its type, was premised on government ownership of the *rakh*. While the land settlement process might not have anticipated the economic value of the *rakh*, it did lay down the basis for the dispossession of its inhabitants who were termed as *jaanglee* (jungle-dwellers). Once developed, the land was made available to the same classes and castes that had been the primary beneficiaries of the colonial settlement in the first instance.

Canal colonization led to the introduction of a new form of land administration in Punjab. Most of the land brought under irrigation through canal works was the property of the provincial revenue department, and a special “colonization” department was set up within land revenue administration to manage this newly developed land. Villages remained units of land administration in the pattern of *mahalwari*, but land was parceled into plots for allotment to individuals.

The notion of the “village body” was retained but its functions were diluted, since individuals held legal title to their own plots. Some of the corporate features of the old villages remained. Residential plots were allotted to cultivators in designated canal colony villages in proportion to their ownership of agricultural land. Non-cultivator castes were excluded from farm land ownership, and also, effectively, from ownership of residential plots. They had to reside either with their employers, or in a specially designated quarter of the village where their stay remained contingent on them being recognized as “village servants” or at least dependents of identified groups of landowners. The position of the

²⁰ Ali (1989).

²¹ See Ali (1989) on the protests and the promulgation of the Punjab Alienation of Land Act of 1900.

²² The first population census in 1881 reported in Ibbetson (1883) pp 28-29.

²³ Baden-Powell (1892), Vol 2, p 546

*lambardar*²⁴ was also present in the canal colony villages where he remained a gatekeeper of access to state resources. In fact, great efforts were undertaken that the entire village social organization was transplanted intact from districts of emigration to the canal colonies.

Canal colonization was a massive engineering enterprise which was technologically progressive but socially conservative.²⁵ Cheema and Siddiqi (2007) have examined in detail the evolution of “proprietary” and “canal colony” villages in the central Punjab district of Sargodha.²⁶ They found that the “canal colony” model had led to far greater political and economic dynamism, particularly among the cultivator castes, than the “proprietary” villages. While these results are intuitive, the counter-factual questions remain: was the social transformation potential of irrigation development in Punjab deliberately stunted through the retention of existing hierarchies – albeit in a somewhat diluted form?

The Third Estate – *Ryotwari* in Sindh

While the *mahalwari* or village-based settlement was one response to the perceived failures of the *zamindar*-based Permanent Settlement of Bengal, colonial administrators of the Madras Presidency in southern India provided another solution in the form of the *ryotwari* or cultivator-based settlement.²⁷ The word *ryot* or *raiyat* literally means cultivator or peasant. The state would survey the land (and not villages or other forms of social organization) and assign revenue liability to the actual cultivators without going through any intermediary. One of the major criticisms of the Bengal Permanent Settlement, after all, was that it had created a class of absentee landlords who maximized their rental incomes at the expense of the *ryot* and state alike.

The *ryotwari* system appealed to the early 19th century sensibilities of British colonial officers for its simplicity and efficiency. Unlike the *zamindar*-based Permanent Settlement, this system did not recognize or create a class of intermediaries. Revenue liability was

²⁴ The *lambardar* was an honorary government official in charge of revenue collection and control of village affairs

²⁵ Ali (1989).

²⁶ Cheema and Siddiqi (2007).

²⁷ Baden-Powell (1892), Vol 3.

²⁸ The word *haari* literally means ploughman.

affixed to specific plots of land, and this created perfect incentives for cultivators to maximize their output. Unlike *mahalwari* this system also did not require the existence of village communities or the state's detailed involvement in documenting the structure of rights and claims within villages. Initially the leases were for specific periods of up to five years. Subsequent leases were for longer periods. This system promised to be the closest to a market in land. The *ryotwari* system was implemented all over the Madras Presidency and was also adopted in the Bombay Presidency. Parts of the Bengal Presidency too were brought under *ryotwari*.

For all its promise, however, the devil was in the detail. When colonial revenue officials began to survey Sindh, which was governed from the Bombay Presidency, they were confronted with a double dilemma. The traditional system of cultivation and revenue-apportioning observed in the province was based on at least two key stakeholders: *zamindars* (landholders) and *haaris* (cultivators). This suggested that in the normal *ryotwari* scheme the *haari* ought to have been recognized as the *ryot* and had the revenue settled with him. In effect, this would have assigned land ownership rights to the *haari*. But it was the *zamindar* who was traditionally responsible for collecting the state's share (*batai*) in the crop. The Sindh *zamindars* were also entitled a small share (usually 1/16th of the crop) as their own share known as the *laapo*. The right to *laapo* was traced back to the *zamindar's* investment in making the land cultivable (through irrigation works) and for overlordship and protection of the *haari*. The overlordship claim was often a tribal one when the *zamindar* was the head of the tribe or clan to which the *haaris* belonged.

The simple *ryotwari* scheme had hit a problem. Given the nature of shifting cultivation around river inundations, and local canals and earthworks excavated off the riverbed, there arose considerable confusion about the status of the *zamindar* and the *haari*. The Sindh *zamindar* was obviously not the absentee rent collector of the Bengal type. His active involvement in cultivation remained considerable. Yet, it was the *haari* who was the tiller of the soil.²⁸ It was also clear that the primary division of the harvest (*batai*) was between the *haari* and the state, with the *zamindar* acting as an active participant and intermediary for which he received his *laapo*. No help was to be had from the *mahalwari* system either to resolve this confusion. The nature of the agrarian geography in Sindh precluded the existence of villages of long standing. The settlement could not easily identify the real *ryot*, nor could it find a durable village which would collectively assume revenue responsibility and around which the hierarchy of rights of the *zamindar* and *haari* might be documented.

The problem, of course, was not with the organization of Sindh agriculture. It was what it was, and had served the economic needs of the agrarian classes and the state to a lesser or greater extent. The problem was with the Indo-centric approach of the British colonial settlement which demanded the agrarian structure of a far-off corner of the imperial domain to obediently submit itself to prior administrative categories. Since this was not going to happen, and a decision needed to be taken, the colonial officials developed the thesis that the *haari* was “but a serf of the soil”.²⁹ The Sindh *zamindar* was recognized as the landholder and cultivator – that is, as the *ryot* with whom the *ryotwari* settlement could be made. Private property in land had been introduced and its principal beneficiary was the *zamindar*. At a stroke, the Sindhi *haari* was actually turned into a serf of the *zamindar*.

The treatment of uncultivated area was somewhat different from Punjab. The principle that the government was the residual owner of uncultivated land – or land for which revenue was not settled with a *ryot* – was carried over from *mahalwari*. However, *ryotwari* was different in that there was no provision for uncultivated land to be owned collectively as *shaamilat* by a village community, as the land administration system did not make reference to social organization. Initially the government encouraged individuals to take up leases for uncultivated area at reduced rates – to promote an expansion in cultivated area. These attempts were mostly unsuccessful.

Like in Punjab, uncultivated land was not only in use, it was also regarded as the common property of particular tribes. These claims were set aside for the most part, particularly in areas where the tribal social organization was weak. In Sindh too, as in Punjab, later investment in irrigation would benefit the classes that had already been empowered by the colonial settlement at the expense of other users of the land. The government also came to own large tracts of land which could be awarded to political beneficiaries such as military and civil administrative personnel, and migrants from outside the province.

²⁹ Cheesman (1997).

2. Evacuation, Ejection and the Market

Evacuation

The partition of British India created human tragedies but also economic dislocation. The history of land in Pakistan is incomplete without an acknowledgment of the scale of dispossession associated with the partition of British India and the displacement of the population.³⁰ “Partition studies” have helped to piece together fragments of the history of those momentous years and the experiences of individuals and communities. What remains to be properly acknowledged and understood, however, is the long term impact of dispossession and re-settlement on Pakistan’s land economy.

Partition related displacement directly contributed to the alienation of hitherto unprecedented areas of land from its original owners, for re-allotment to incoming displaced people from the other side of the border. Both in absolute and relative terms, the impact was much greater in Pakistan than India. In Punjab there was a virtual policy of “communal cleansing” with the state on both sides of the partition boundary actively encouraging and facilitating the “transfer” of population. Within a few years of the partition, western Punjab in Pakistan was virtually empty of Hindus and Sikhs, while negligible numbers of Muslims were “left behind” in eastern Punjab in India.

It was estimated that displaced Hindus and Sikhs left between 6 and 8 million acres of agricultural land in areas that became Pakistan, while Muslims from eastern Punjab claimed to have abandoned a total of some 4.5 million acres.³¹ While there is less evidence

³⁰ It is estimated that a total of 13 million people were displaced between what is currently Pakistan and India – 5 million are estimated to have fled Pakistan for India, and 7.9 million from India to Pakistan (Schechtman, 1951, p 406, based on interviews with respective ministries for refugees in the two states). Pakistan’s population census of 1951 gives a lower figure (6.5 million) of refugees in Pakistan. This, nevertheless, constituted a fifth of the total population of the country in 1951 (Government of Pakistan, 1951, p31).

³¹ Schechtman (1951) p 406, cites Indian government sources which claim that Hindus and Sikhs abandoned 8 million acres in Punjab alone. Pakistani sources admitted that some 6 million acres were left behind by non-Muslim evacuees in Punjab (Maniruzzaman, 1966, p 92). Ayesha Jalal (1990) p 87, cites secondary sources as estimating that Sindhi Hindus abandoned 1.35 million acres.

of state-sponsored communal cleansing in Sindh, large numbers of Hindus fled to India anyway due to the insecurity induced by the partition. It is estimated that in this migration, some 1.3 million acres were abandoned by displaced persons or “evacuees”. In fact, unlike Punjab, where much of the communal cleansing and dispossession took place within a few months of the partition, in Sindh the process continued for decades, with further displacement and dispossession occurring during the Pakistan-India wars of 1965 and 1971.

Taking lower estimates, partition-related displacement effected the change in ownership of some 7 million acres. This is equivalent to 18 per cent of total cropped area at the time, and nearly twice as high as all land subsequently acquired by the state under ceiling laws.³¹ The figure is higher than the total acreage of state-owned land allotted in Pakistan since 1947.³²

Partition related dispossession and subsequent resettlement was arguably a more important influence on the politics of land in Pakistan than the land reforms that followed it. It is helpful to understand the historical antecedents of the land economy in Punjab and Sindh before the partition. Without such historical understanding it becomes easy to treat the partition-related dispossession as an idiosyncratic, if tragic, interregnum in an otherwise smooth narrative of economic development and modernization. Not paying due attention to partition-related dispossession also leads to misunderstanding the antecedents of subsequent land reforms, the development of land markets, and the continuing conflict and contests over land.

The development of canal colonies from the 1880s onwards had changed both the geography and demography of western Punjab. All of the colonization was in western Punjab, while most of the “high density” districts that had been identified by the state for land allotment were in central and eastern Punjab. A large part of the partition-related dispossession was from the canal colonies where migrants from eastern districts had been settled. After 1947 a communalized colonization process was speeded up and completed. Sikh and Hindu settlers were “evacuated”, many of them to their “original” home districts

³² Liefertinck et al (1968), p 16, estimated total cropped area in 1965 as 40 million acres. Currently it is estimated at around 48 million acres (Agricultural Census Organization, 2003).

in eastern Punjab. Muslim displaced persons from eastern Punjab were quickly settled in their places.

There was considerable displacement too in the non-canal colony areas, particularly in the north and north-central parts of the province. In these areas, as in the canal colonies, land ownership was already socially segmented. It is worth recalling that land ownership was restricted to officially recognized “cultivator” castes – Jat, Rajput, Gujjar, Arain as well as castes such as the Syeds who were acknowledged as landowners. In western Punjab this implied the virtual exclusion of Hindus from agricultural land ownership. The establishment of private property in land after the colonial settlement prompted the so-called traditional cultivators to agitate for protective legislation. Such protection came in the form of the Punjab Alienation of Land Act of 1900, which recognized some castes as traditional cultivators and prohibited the alienation of land to non-cultivating castes. The social target of the mobilization had been the mostly-Hindu mercantile castes that had begun to acquire ownership of land through debt and mortgage. In some ways the partition-related dispossession continued the social consolidation of land ownership – now not only in terms of caste but also in terms of religious communities.

In Sindh, land administration did not pay explicit attention to caste. The *ryotwari* settlement did not encourage a social perspective in the administration of land in any case. Here the agrarian classes were dominated by the Muslims at the outset. Apart from the eastern desert regions of the province where Hindus constituted a majority, the Sindhi Hindus mostly consisted of urban, mercantile and professional castes. Sindh had been ruled by Muslim dynasties for centuries before the British colonial invasion. At the time of the colonial land settlement it was recorded that virtually all of the *zamindars* (in whose favour the settlement was made) were Muslims. With the institution of private property rights in land, the picture began to change somewhat. As in Punjab, a process of “alienation” started as landowners began to mortgage their property to non-agrarian creditors. By the 1940s, Sindhi Muslim *zamindars* were already in battle-cry against the mortgaging and “alienation” of land to Hindu Vanyas. Unlike Punjab, however, legislative protection was not forthcoming or likely.

The alienation of Sindhi Muslim land through debt and mortgage did figure as an important issue in the political mobilization in favour of Pakistan. Sindhi Muslim leaders had scored a victory in 1935 when their lobbying with the British government had resulted in the separation of Sindh from the Bombay Presidency. For many Sindhi

Muslim landowners partition-induced displacement of Sindhi Hindus was seen as a form of redress against the prior alienation of land to them. It was estimated that in the initial period after the partition, some 1.3 million acres were abandoned by Hindu landowners. There were charges that out of this area, between 300,000 to 800,000 acres were occupied by local landlords.³⁴

The period immediately following the 1947 dispossession was one of considerable confusion as well as contest over land. Government policy towards displacement and dispossession was communal and politicized. The governments of Pakistan and India concluded agreements relating to “evacuee” property.³⁵ These agreements were based on an implicit principle of communal reciprocity. The state became the legal custodian of lands left behind by displaced persons. These lands were allotted to evacuees coming from the other side, against claims of properties they had left behind. The claims would be investigated and verified, respectively by the two governments through departments specially set up for the purpose of dealing with “evacuee property”.

Ejection and Resettlement

Case studies of the politics of “evacuee property” management in two districts – one in the canal colony district of Faisalabad in Punjab, and the other also in an irrigated area in the Sanghar district of Sindh – are illustrative. These two cases are based on several rounds of fieldwork conducted in the respective areas between 2001 and 2006.³⁶

Sikh Fauji Chak

Akalipur is a classic canal colony village in the wheat-cotton belt of Faisalabad. It was settled in the early part of the previous century by Sikh families from Hoshiarpur District in eastern Punjab, who were awarded the land in recognition of their military services. The village was known as a *Sikh Fauji Chak* (Sikh military village). The Sikh landowners had brought with them some village servants from their home districts. These included a Muslim blacksmith. Other farm servants – no better than serfs – included several families of “low caste” menial workers. One of these had converted into a *Mazhabi Sikh*, while the others known as *masihis* had converted to Christianity.³⁷ At the time of the partition there

were riots in the area, and the Christians were told to wear crosses so that Muslim and Sikh mobs would not bother them.

The Sikh families, along with their Mazhabi Sikh servant left for Hoshiarpur. The Mazhabi Sikh servant was somewhat privileged among the farm servants due to his religious proximity to the masters, and had acquired his own homestead. When leaving for Hoshiarpur he gifted the property to the Masihi Christians. The Muslim blacksmith of the Sikh landlords chose to remain in the village. For some months the only people left in the village were the Christian farm servants and the Muslim blacksmith, until the arrival of some Dogar families in the area. The Dogars were from the same village in Hoshiarpur as the Sikhs, and were led to the village by the Muslim blacksmith from their home district, who now became their servant.

Subsequently, more families of displaced people began to arrive from eastern Punjab. One group consisted of Jat families that had claims of substantial land holdings in India. One of them, in fact, had been a *nambardar* in his village.³⁸ He made a successful bid for the local *nambardari*, and the Jats replaced the Dogars as the new dominant groups. The Jats brought their own Muslim farm servants and other service castes – including barbers, carpenters and blacksmiths – from their home village in India.

³³ Figures for ceiling surplus land acquired by government under land reforms legislation, and other state-owned land allotted up to 2001 were supplied by the Federal Land Commission.

³⁴ The lower estimate is from Maniruzzaman (1966) p 92, while the higher one was cited in Jalal (1990) p 87.

³⁵ Schechtman (1951).

³⁶ The first round of fieldwork was conducted for a background paper for the World Bank Pakistan Poverty Assessment (World Bank, 2001 and Gazdar, 2002). Subsequent fieldwork in these areas was conducted for a study on the drivers of rural poverty reduction for the Asian Development Bank (Gazdar, 2006), and another study on social marginalization and schooling (Budhani et al forthcoming).

³⁷ Mazhabi Sikh literally means “religious Sikh” – it was a common euphemism for “low-caste” converts who were accepted into the Sikh community as fellow-religionists but not as social equals. There was analogous treatment by Muslim upper castes in Punjab of “low-caste” converts who were called Muslim Shaikh – to emphasize that the link with them was only religious and not social.

³⁸ The *nambardar* is a landowner in a village who is appointed by the revenue department as its honorary representative. It is the *nambardar's* responsibility to collect land revenue on the behalf of all village “owners”. *Nambardaris* are usually passed in inheritance. During the partition, the government of Pakistan recognized claims of *nambardari* left behind in India and awarded these in the villages of settlement.

Deh Jhoke

Deh Jhoke comprises over a dozen villages and hamlets in the command area of the Sukkur barrage in Sanghar district. The land here was irrigated and opened up for settlement in the 1930s. A number of castes and clans have resided in the area for several generations. They include Talpurs, Wassans, Bheels, and a number of other groups. Of the local residents, only the Talpurs and Wassans own significant areas of land – large tracts belong to non-resident landowners. Most of the poorer clans work as share-tenants or *haaris* for the local as well as the absentee landlords. Some of these, including the Scheduled Caste Hindu Bheels, have been settled on this land since the 1980s.

At the time of the partition, most of the area in the *deh* was the property of a Vanya Hindu family. The Wassans and Talpurs also owned some land, but the Hindu Vanya dominated all others in terms of land ownership, and maintained a large farmhouse. In 1947, following widespread violence the Hindu Vanya owners abandoned their rural property and remained in the local town. After some time they left the country altogether. In the immediate aftermath of the partition, the former *haaris* of the Hindu Vanya landlords assumed control of their holdings and began to cultivate these as their own property. They claim to have been encouraged by the government to do so. One elderly Bheel respondent said that “Jinnah promised us this land when Pakistan was made”.

This situation persisted for some seven or eight years until a new group of outsiders arrived. These were displaced people from Indian Punjab who had been allotted “evacuee property” in Jhoke. The Bheels and other former *haaris* were told that they could continue to farm the land as tenants of the incoming claimants, but they were no longer the owners. Most of them chose to become tenants once again. The new Punjabi owners had the backing of the revenue department and of state personnel.

In the 1970s and 1980s there was ferment in the area – firstly due to the formation of an elected government that altered tenancy laws in favour of the tenants, and then due to a political movement against the military regime that replaced the elected government. The anti-military movement led to the targeting of Punjabi landlords, who were considered to be complicit with the military regime due to their ethnic links with state personnel. During this period the Punjabi landowners were put under pressure and were unable to manage their estates effectively. Some of them decided to sell off their lands, and it is then that a number of the poor landless, including some Bheel families managed to acquire

small plots. It is thought that in the politically disturbed environment the price was negotiated to the advantage of the buyers.

Discussion

The story of the Sikh Fauji Chak village at Akalipur illustrates that even through a period of intense turmoil, there was historical continuity in the process of evacuation and resettlement. The cultivating caste Sikhs who had first arrived in Akalipur as a result of the canal colony settlements were privileged over other castes such as the service and servant castes in their access to land. Caste and class hierarchies were carefully preserved in this Punjab village when the landowners were forced to flee. The “low caste” Muslim blacksmith and Christian farm servants made no attempt to claim any land. They found themselves in subservient positions once again, now to Muslim landowners, some of whom actually originated in the very village from where the Fauji Sikhs had come.

In Jhoke too the process of dealing with partition-induced displacement was hierarchical and political. Between evacuation and resettlement there was an interim process of ejection – when local stakeholders who may even have contributed to the evacuation of the original owners were themselves removed in order to make room for claimants from India. Historical accounts suggest that what happened in Jhoke was not an isolated case. Refugee organizations agitated continuously throughout the 1950s for their “right” to land compensation. Moreover, the contest between the locals and the migrants was not restricted to Sindh. There were reports from Punjab too of tenant farmers of former “evacuees” resisting the allotment of their plots to the refugees.³⁹ The refugees won, but perhaps only temporarily, in 1958 when a military government came down firmly on their side and enforced the law in their favour.⁴⁰

Partition-induced dispossession preserved social inequities in land while adding further layers of marginalization: religious community, and migrant status. Upper caste Sikhs and Hindus who had previously shared the privileges of status alongside their Muslim counterparts were now among the dispossessed. The potential contest between migrants

³⁹ “Ejected Tenants March on Lahore” (1956).

⁴⁰ Maniruzzaman (1966).

and indigenous communities that was summarily dealt with in the western Punjab *doabs* through the marginalization of the *jaanglees* came to a head in Sindh.

An unintended consequence of partition-induced dispossession was the openings it created in the land market across the country. Primary fieldwork in a number of rural sites in Pakistan has revealed that refugee claimants sold their lands to local landowners and landless alike, particularly in those areas where they were not a numerically dominant group. This was the case, as seen above, in Deh Jhoke in Sindh, where the refugees' economic position became insecure due to political changes.

In many rural areas of Punjab too – other than canal colony villages, where entire communities of refugees lived together and formed political majorities – refugees gradually sold out to local residents. These land sales often created openings for local marginalized groups to gain their first footholds on the property ladder. Unlike their dealings with dominant local castes which often involved uncertainty regarding contract enforcement, the marginalized groups were able to conduct more secure transactions with the refugee “outsiders” who despite their “higher” social status were not well-connected enough with the local administration to bend the market in their favour. In socially-segmented and politically-mediated markets, evacuee land in the hands of refugees became a resource pool into which the poor could also dip their toes sometimes.

3. Agrarian Reform, Social Deform

Independence from colonial rule offered, in principle, a historic window of opportunity for a reform of economic and social institutions that were fashioned by the colonizers. In fact the large-scale dispossession and evacuation of non-Muslims in western Punjab and Sindh, and of Muslims in various parts of India, was one political response to the property rights arrangements sired by the colonial regime. Despite the violence, much of it cynical, the moment of formal decolonization was not entirely bereft of its own idealism. The period from around 1945 through the 1950s saw lively debates among political and policy circles on land reforms, culminating in the West Pakistan Land Reforms Regulation in February 1959.⁴¹

It is now customary to refer to the Muslim League as a party of feudal barons and landlords. Outside of Bengal, this characterization is probably correct. In Punjab the ranks of the Muslim League swelled when the Muslim members of the Unionist Party (a pro-British cross-communal gathering of the landed gentry) crossed over to its side. The Sindh Muslim League too was dominated by local notables – though a number of key figures were actually urban professionals and businessmen with few rural economic interests. It is possible, of course, that the early debates about land reform were merely lip-service – any reform that promised to reduce the power of the existing landed elite was always going to be a non-starter.⁴² The debates and outcomes provide useful insights, nevertheless, on the politics of land and reform in the post-colonial period.

The period leading up to independence heard a great deal of discussion on the need for land reform across India, both within government and outside. The formation of elected provincial governments in 1937 which included representatives of the Congress and the Muslim League allowed the discussions that had raged in political circles to enter the policy domain. In the regions comprising Pakistan, a Tenancy Legislation Committee was formed in 1943 to make recommendations for improving the conditions of *haaris* (landless tenants).⁴³ The work of this committee was interrupted by the Second World War, and a

⁴¹ The law was enacted as Martial Law Regulation 64 and is known by its abbreviation MLR-64.

⁴² Examples of this widely-held view include Khan (1981) and Zaidi (1999).

⁴³ Naqvi et al (1987).

Government Hari Enquiry Committee was formed on the even of independence in March 1947. Its recommendations were published in 1949, and the early 1950s saw a number of provincial tenancy regulation laws.

In 1949 the Agrarian Committee of the ruling Muslim League gave its detailed report on the conditions of agriculture and proposed a range of agrarian reforms. Provincial tenancy regulation laws took up some of the recommendations of the Muslim League committee. The theme of land reforms continued to be debated at various fora, including the First Five Year Plan (1955-1960), but it was nearly ten years later that the Land Reform Commission for West Pakistan took up the task in earnest. The commission was constituted by the incoming military junta immediately after the overthrow of civilian government in October 1958, adding weight to reformist claims of the military junta. The commission took account of earlier work, particularly that of the First Five Year Plan, and reported its findings in January 1959. These became the basis for the Land Reforms Regulation enacted the following month.

The issues of land and reform were keenly contested in these various policy documents. One indication of the contest can be seen from the fact that the two landmark documents – the Sindh Government Hari Enquiry Committee report, and the Land Reform Commission – were both accompanied by alternative reports on the part of dissenting members of the drafting committees.

Strengthening Private Property

The early land reforms had three main components: tenancy regulation, abolition of “superior” claims, and the redistribution of land held above a prescribed “ceiling”. All of the various committee reports cited above – save the M. Masud’s dissenting minute on the Hari Enquiry Committee – favoured the regulation of tenant-farming arrangements in general and the protection of the tenant in particular.⁴⁴ Recommended measures included tenancy security, protection from eviction, and higher crop shares for tenant farmers. There were also suggestions for converting tenant shares into cash rents. These measures, which were adopted to some degree in the tenancy regulation laws, were in line with earlier legislation dating back to the Punjab Tenancy Regulation law of 1887.

The abolition of “superior” claims – *jagirs* for the most part – were also in line with historic trends in British India towards the streamlining of land ownership laws. British

colonial land settlements of the 19th century had attempted to “simplify” land holding by identifying particular classes as “owners”. Various aspects of the previous multi-layered claims on land – none of which were necessarily proprietary claims to the soil – survived colonial conquest and land settlement. The most important one was *jagirdari* or revenue-free status. These were lands that were exempt (by pre-colonial rulers) from the payment of revenue to the state. The British has continued the policy of awarding *jagirs* to powerful loyalists. “Superior” claims were seen as vestigial aberrations in a system arranged around straightforward private property rights and their abolition was a popular demand among nationalist politicians of all hues.

The most conspicuous feature of the early land reforms was the institution of land “ceilings” and the redistribution of surplus land. The fixing of the land ceiling was thought to be a key indicator of how ambitious or cautious the land reforms were going to be.⁴⁵ Much of subsequent debate too was about the affixation of relatively high land ceilings in the 1959 reforms, and the many loopholes that allowed landowners to evade the effect of these reforms.⁴⁶ In most areas the land ceiling allowed the retention of some 500 acres per person. It is estimated that some 2.5 million acres were taken over by the government, out of which 2.3 million acres were distributed among some 180,000 families. This amounted to around 5 per cent of the total farm area of the country. It was estimated that the “radical” view expressed by the dissenting officials of the time – that is, a lower land ceiling – would have yielded over three times as much land.⁴⁷

The late 1960s saw ferment across Pakistan, as the regime constructed by General (later Field Marshall) Ayub Khan and his allies began to lose its political props. Perceptions of rising inequality alongside rapid economic growth were key factors in the declining legitimacy of the autocracy. Although the agrarian class politics were not at the forefront of an urban opposition movement, populist slogans of the time included many references to

⁴⁴ Masud opposed greater tenancy security as a half-way measure – he argued for the outright transfer of ownership rights to tenants (Naqvi et al 1987).

⁴⁵ The ceiling was referenced to land productivity – with a higher acreage allowed for non-irrigated and low quality land (Naqvi et al 1987).

⁴⁶ There was special provision for orchards, tubewell development and other purposes. Zaidi (1999) shows that the effective area that a landowner could actually retain was in the thousands of acres.

⁴⁷ Naqvi et al (1987).

land reforms.⁴⁸ Zulfikar Ali Bhutto's Pakistan People's Party (PPP) emerged victorious in western Pakistan in the elections held in 1970 and one of its promises was to renew land reforms. In 1972, fresh land reform laws were enacted – this was under Martial Law regulations, as the country did not return to constitutional government until 1973. Most of the 1972 reforms were an extension of the 1959 reforms – the major change was the lowering of the land ceiling.

The 1972 reforms lowered the effective ceiling to 150 acres in most places. They also closed some but not all of the loopholes that were present in the 1959 law. The area of land acquired by the state under these new land reforms was only around 1.3 million acres.⁴⁹ It has been argued that since Bhutto was a substantial landowner himself, he was not averse to protecting the interests of the landed gentry. Alternatively, it has been argued that he was dissatisfied with the progress of the 1972 reforms, and hence launched further measures in 1977, which were in effect aborted by his overthrow in a military coup soon after.⁵⁰ Subsequently, the principle of surplus land acquisition was questioned in the Federal Shariat Court on the grounds that it was contrary to Islamic injunctions. The challenge was upheld by the Supreme Court, effectively closing the chapter on further land reforms of this type.

Agrarian Versus Land Reform

The conventional assessment of Pakistan's post-colonial attempts at land reform – that the interests of the influential landowning classes prevailed over any radical ideas – is plausible but incomplete. A longer historical perspective combined with a broader institutional approach will show that attention to the details of what was said and done

⁴⁸ There was a debate between Hamza Alavi and Shahid Javed Burki (summarized in Zaidi, 1999) about the class basis, and derivatively, the possible role of the 1959 land reforms, in the political ferment of the 1960s. Both sides in the debate acknowledged, however, that the movement was mostly an urban one, and did not represent agrarian class conflict in any significant way.

⁴⁹ Naqvi et al (1987).

⁵⁰ Syed Qamaruzzaman Shah, the president of the Sindh Chamber of Agriculture, and a cabinet minister under Bhutto to the author in an interview (October 2003) that in 1977 Bhutto felt strong enough politically to take on and defeat the landowners' lobby in his own camp.

by whom, when, and on what grounds, can still be a source of insight into issues of contemporary relevance. It is important to examine not only what was said at the time, but also what remained unsaid and invisible.

There needs to be a critique of the very notion that discussion and policy on agrarian structure for around three decades from the mid-1940s onwards could be called “land reform”. In fact, the real reform in the institutional arrangements governing the use of land had already taken place at the time of the colonial settlement. The post-colonial discussion was merely about strengthening these very arrangements along the course already set by successive amendments and interventions since the late 19th century. There was virtually no discussion of the fundamental architecture of land administration let alone the societal engineering that the colonial land policies had set in motion. The “radicals” and the “conservatives” alike operated within a relatively narrow band of options within “agrarian reform” – this was no agenda of land or social reform.

What type of “agrarian reform” was it? A reading of the debates and policies suggests a remarkable agreement on all sides – at least in nominal terms – on the vision of an idyllic society of self-cultivating peasants. There was, in fact, nothing new in this romantic utopia. Colonial administrators over two centuries had waxed lyrical about the virtues – economic, political and moral – of the self-cultivating peasant society. In fact, much of what existed in Pakistan at the time of independence had been justified at some time or another with reference to the idyllic peasant community. The Punjab village which became the repository of land rights and social hierarchy, and the *zamindar-haari* system of Sindh, as well as all other variants had emerged from a discursive fascination with the self-cultivating peasant.

Perhaps the self-cultivating peasant model was flexible enough to accommodate all of these highly disparate outcomes precisely because it was fantastic. The reality was much more nuanced, and harsher to boot. The Punjab village had more non-cultivators – *kammis* and virtual slaves also known euphemistically as “agricultural labourers” – than actual landowners. The tenant farmer – in whom the colonial administrators and the post-colonial debaters saw visions of the future self-cultivating peasant – was only one segment of the dispossessed. In terms of class and caste, he was often closer to the small landowner than he was to the labouring classes.

Dispossessed Stay Out

Interestingly, the landlord-dominated Agrarian Committee of the Muslim League was more aware of the actual conditions of the Punjab village than the bureaucrats who drafted the First Five Year Plan and the 1959 land reforms law.⁵¹ The Muslim League politicians observed of the *kammi* and the labourer: “he is the menial of the landlord and he has to often struggle against the oppression of the peasantry. Even the protection of elementary human and moral rights is frequently denied to him”.⁵² The committee recommended that this class of the rural society must be provided statutory protection and security of homestead rights. By contrast, the 1959 Land Reforms Commission which was staffed entirely by career bureaucrats acknowledged:

“We have not dealt with agricultural labour and the steps that should be taken for the amelioration of its condition. We do realise that this class of workers is almost entirely at the mercy of its employer [...] This, however, is a problem which, to our mind, is more akin to the conditions of labour generally. Sooner or later it will be necessary to provide the agricultural labour some measure of security and protection, but the problems involved in devising such measures are so intricate that it would need far more time than we had at our disposal.”⁵³

The view that the “agricultural labourer” was just another wage worker was disingenuous or highly uninformed. It took a further decade and a half, and the revival of elected government, before even the basic recommendations of the Muslim League committee with respect to the non-cultivator *kammi* and labourer classes were addressed. The “Punjab Housing Facilities for Non-Proprietors in Rural Areas Act” of 1975, which is not generally included in the discussion of land reforms, was probably the most important land allotment programme in terms of the number of beneficiaries.⁵⁴ The scheme was specifically targeted at the non-cultivator and non-proprietor classes that the 1959 Land Reforms Commission had shrugged off.

So limited were the parameters of the land reform debate that even the dissenting voices – the so-called radicals – did not raise the issue of the labouring classes. The Pakistan land reforms did not question the social hierarchies that had been formalized under colonial rule. The legal and social division of rural society into “cultivators” and

“non-cultivators”, or between “agricultural tribes” and “non-agricultural tribes” was not even brought under discussion. In fact, the Punjab land reform regulations continued to insist that allotments could be made only to “tenants” who do not own their land, or those “cultivators” who own very little land. This seemingly innocuous injunction effectively ruled out all those who had been classified under the British as “non-cultivators” from government land allotment.⁵⁵

Ignored because Ignorant

In Sindh too, the idyllic self-cultivating tenant model clouded any serious consideration of the effects of the colonial land arrangements. It is worth recalling that the Sindh *zamindar* was first hailed and anointed as the *ryot*, before being chastised for exploiting the real cultivators. In the rush to find “landowners”, the specific agronomy of the province – where irrigation management was a more valuable asset than land – was disregarded to the cost of generations of tillers. The development of canal irrigation in the intervening period had further bolstered the *zamindar-haari* system. The post-independence land reform debate in Sindh had such little effect on the conditions on the ground perhaps because it continued to remain oblivious of the actual conditions of land and irrigation in the province.

An easily ignored feature of Sindh agriculture is that it is almost entirely dependent on surface irrigation. Ground water is brackish over much of the province and rainfall is low and unreliable. This fact was easily ignored because it varies significantly from conditions found elsewhere in India. The implications of this exclusive dependence on surface irrigation are worth considering. There are very high economies of scale in the development and maintenance of cultivable land. It is virtually impossible for a cultivator

⁵¹ The convener of the Muslim League committee was Mian Mumtaz Mohammad Daulatana, one of the largest landowners in Punjab (Naqvi et al 1987).

⁵² Naqvi et al (1987), p 107. It might be inferred that the denial of “moral rights” probably hints at the prevalence of sexual violence and exploitation of *kammi* and labourer women by landlord and peasant men alike.

⁵³ Naqvi et al (1987), pp 215-216.

⁵⁴ Sayeed (1980) reported that 800,000 families benefited from this scheme – or nearly three times the number of allottees of ceiling-surplus land.

⁵⁵ The caste-based Punjab Alienation of Land Act of 1900 is yet to be repealed.

to farm an individual plot of land in isolation from his surroundings. Crop farming is either an integrated activity or not an economic pursuit at all – the independent peasant cultivator is but a figment of the imagination. Traditionally, the *zamindar* was quite often the person who mobilized resources for the maintenance of local surface irrigation systems. After the construction of modern canals and the introduction of a formal system of irrigation management, the *zamindar*, or the large-scale landholder, became a key player in ensuring that his particular command area received its due (or undue) share of water.

Any reform of agricultural land ownership in Sindh, therefore, had to pay attention to the reform of irrigation management in the first instance. The debate in the Sindh Government Hari Enquiry Committee – as captured by the main and the dissenting reports – did not consider the importance of irrigation management to any great extent. The main report obviated the need for a reform of irrigation management by recommending the regulation and not the dismantling of the *zamindar-haari* system of ownership and tenure.

The dissenting note of M. Masud, which acquired iconic status in subsequent commentary on the land reforms debates, was far more radical. Masud, a career bureaucrat from outside Sindh, was in favour of a peasant-cultivator model and demanded the outright expropriation of the *zamindar*. His plea was emotional and laced with moral overtones and communal and ethnic prejudice, but short on details about Sindh's agronomy, or practical ideas about how the state might step in to take over many of the economic functions of the *zamindar*. He derided as self-serving the submissions of Dailmal Daulatram before an earlier inquiry committee that Sindh's agronomy was peculiar, that the *zamindar* was not merely an absentee rentier, and that dismantling the *zamindar-haari* system might disturb the rural economy.⁵⁶

Later attempts at allotting ceiling-surplus land and other state-owned land to landless *haaris* confirmed the critical role of irrigation management in ensuring the sustainability of any land transfers. Tenancy regulation, however, particularly political initiatives in favour of the *haaris* in the 1970s, did have a positive impact on the bargaining position of the latter for some time. For all his conservatism, Daulatram's assessment of the role of the *zamindar* was proven to be more prescient than Masud's. Serious attempts at land reform and the dismantling of the *zamindar-haari* system in Sindh required credible reforms of irrigation management. In the absence of these, the land reform debate was no more than a stage for high-sounding rhetoric and noble intentions.

Revisiting the Three Estates

Land reforms in Pakistan amounted to no more than relatively mild agrarian reforms pegged to an unrealizable vision of self-cultivating peasant communities. The institutions of property rights in land remained mostly unchanged. Many of the victims of the several rounds of dispossession – among them, the *jaanglees* of western Punjab *doabs*, the non-cultivating castes and tribes, and the Sindh *haaris* – remained unacknowledged and uncompensated. The village-based revenue system and its rigid formalisation of caste hierarchies were not brought under discussion, let alone challenged. For many of the dispossessed, the first winds of freedom came not through land reforms but the enfranchisement associated with mass politics in the 1970s. It was then, finally, that the *jaanglees*, the *kammis*, the *haaris* and many others found a voice and engaged in active bargaining and received political and legal support in local class struggles with their erstwhile patrons.

The political context was important even in the use that various communities made of existing laws and regulations, such as the abolition of “superior” claims, and the regulation of tenancy contracts. The tenant-farmer movement for land ownership which peaked in the 1970s in the Hashtnagar region of the NWFP is perhaps the most conspicuous and well-documented case. There were mobilizations too against some of the “superior” claimants – such as the *nawab* of Dir.⁵⁷ Across Sindh there were reports of *haaris* ceasing to pay extra demands of *zamindars* and revenue officials alike. One seemingly minor but politically significant change in tenancy regulation was the shifting of some of the input shares from the *haari* to the *zamindar*.⁵⁸

While the agrarian reforms agenda was mostly limited to the second and third estates – namely, the settled areas of Punjab and Sindh respectively – the wider contest around land remained mostly localised and undocumented. The homestead land schemes initiated in

⁵⁶ Naqvi et al (1987), p 9 and p 79. Moreover, Masud did not do any favours to his case by awkwardly stepping into the debate on evacuee property and demanding the mass settlement of refugees from India in rural Sindh on land expropriated from Sindhi *zamindars* (Naqvi et al, 1987, p 87).

⁵⁷ Gazdar (2006).

⁵⁸ At an ActionAid organized conference on land reforms in 2007, *haari* activists from Sindh recalled that changing input shares in the 1970s was the most significant and empowering moment in their movement – even though there had been a reversion to the old input shares since then (Gazdar (2007b)).

the 1970s encouraged many of the dispossessed to organize collective action around their legal entitlements. This process extended beyond rural areas to irregular urban settlements, which too were given legal protection at around the same time. Community-level studies indicate that local class conflicts are quite often about usufruct rights in common property resources. In Punjab villages where *shaamilat* were attached to the village estate, the unreformed concept of “village proprietors” has continued to cause friction and contest over rival claims of ownership rights to uncultivated land.⁵⁹

The issue of common property resources came into play not only in the settled areas, but also in the expansive first estate of Balochistan and the other “non-settled” tribal territories. Bhutto’s government abolished *sardari* (tribal chief’s) tithes on harvest in Balochistan amid populist slogans in the 1970s. This was widely interpreted as a self-serving move to harass the opposition which was led by tribal chiefs.⁶⁰ In fact the more fierce struggle in the province was about fundamental issues in the control and ownership of all land and natural resources, including the valuable reserves of natural gas. Tribal leaders derived their legitimacy by representing collective tribal interests of joint ownership over “uncultivated” land and its resources – traditionally water, forest produce and rangeland, but latterly also mineral extraction.

These latter struggles highlighted the pitiful limitations of the land reforms debates of the earlier period. The political tussle of that time could at best be characterised as an argument between two segments of the elite: reform-minded military-bureaucratic oligarchy and a politically-influential landed gentry. In fact, the differences between these groups were not very wide. Crucially, they both endorsed the basic architecture of colonial institutions of property rights in land. This was inevitable, of course, given that the propertied classes and the military-bureaucratic elite were both products of those very institutions.

At a cognitive level, the framework that was available to the bureaucrats – trained as they were in the mould of colonial revenue officers – was tied to revenue administration. The categories that made sense to them were those that already existed in the village revenue records or the *patwar* and *mukhtiarkar* manuals left behind by the British. The idyllic self-cultivating peasant model helped too in putting on the blinkers. What land meant to people – a place to live in security, raise animals, access forest resources, assert community identities, regulate rights of passage, create neutral spaces for cross-community

and cosmopolitan exchange, and extract mineral wealth – had many more dimensions than could be admitted in the land revenue record.

Blind faith in the institutions that already existed becomes apparent also in the optimism of the reformers about the capacity of the state machinery to achieve even the limited goals that were set. Subsequent failures were correctly put down to manipulation of the land records and the administrative machinery on the part of vested interests. If a land reform law could turn a person listed as a tenant-cultivator in the *khasra girdavri* (village revenue record) into an owner-cultivator, one solution was to change the *khasra girdavri* itself. It was a man-made document after all, and not a revealed text.⁶¹ The notion that the state machinery functioned in a politically-neutral manner to ensure the enforcement of property rights, just as they might have been written, was touchingly naïve if not worse. As later events were to show, some of the significant changes in favour of the dispossessed were possible only through a combination of law and political mobilization – and sometimes only through political mobilization.

Cognition may not have been the only factor in limiting the scope and political depth of the reform agenda. It was true, of course, that the landed gentry was in no hurry to give up its power. In the meanwhile, the military-bureaucratic elite too had become a major stakeholder in land. Land allotment policies explicitly favoured civil and military personnel, particularly the latter.⁶² This was in part a continuation of the Punjab canal colony expansion of the 19th century. The state elite also emerged as a key beneficiary in the allotment of land for non-agricultural purposes, something that was to become increasingly conspicuous over time.

While it was convenient to shift the blame for conservatism onto the propertied leadership of the Muslim League, the military-bureaucratic elite was itself a prime beneficiary of keeping things as they were. The early tension over the disposal of “evacuee”

⁵⁹ See, for example, case studies in Gazdar (2002), and Gazdar (2006).

⁶⁰ Herring (1979).

⁶¹ Aware of this, the framers of the 1972 reforms called for a suspension of all changes of record in the period five years prior to the law, pending review (Herring, 1979).

⁶² Waseem (2002)

property was interpreted as a rivalry between interests represented by the bureaucracy and the political class respectively.⁶³ The higher echelons of the bureaucracy were, after all, disproportionately populated by Muslim officers from India who had opted for Pakistan. Throughout the 1950s, landed politicians had been blamed for political instability, stalling land reforms, and denying rights to the migrants. It was no coincidence that the 1958 Martial Law claimed to deal with all three problems in one fell swoop. In fact, any differences between the “landed gentry” and the state elite were minor compared to the underlying contest between both these offspring of imperial power and a wide range of the dispossessed.

⁶³ Maniruzzman (1966).

4. Back to Land and Resistance

So, who owns the country anyway? The 19th century colonial officials asked this question for the lands that were brought under their control, and established a concept of ownership that was linked with tax liabilities. Technically, it was a revenue settlement and it identified owners, or more precisely, conferred ownership rights, as it went along. It is not surprising that electoral franchise was limited to the owners of the country.⁶⁴ Conversely, it is also unsurprising that the expansion of the right to vote, or the steady increments in the formal constituents of the polity, were associated with challenges to the existing hierarchy of ownership rights.

The agrarian reform agenda was a limited attempt at reforming the more archaic features of the old order and it fulfilled some of its objectives. To the small extent that agrarian class conflict was perceived as a threat, the agrarian reforms helped to preempt and face down that threat. Landless tenants belonging to cultivator castes were accommodated to a degree – economic status was brought in line with social position, particularly in regions where political mobilization was under way.⁶⁵ Some of the major changes, however, were occurring on the non-agrarian side. The struggle for the homestead and questions about the ownership of uncultivated land became active points of contestation.

Economic diversification – with a relative decline in the contribution of crop farming, but not livestock rearing – has not led to any decline in the political salience of land and land ownership. If anything, the effect has been in the opposite direction. The politics of land was managed effectively while it remained confined within an agrarian reform agenda. The question “who owns the country” could be answered then with reference to the revenue records, and controlled changes could be wrought into that record while keeping the order intact. The world outside the revenue records is more unruly. The dispossessed that were present in the District Gazetteers as *jaanglees*, menials, and vagrants, but absent from revenue records are now citizens with voices. So are the tribes of the first estate where the settlement was virtually non-existent. And when the “who owns the country” question

⁶⁴ In the 1946 elections for the Central Legislative Assembly, (which would inherit India from the British,) franchise was restricted to property owners who paid land revenue, urban property taxes or income tax (Parsons, 1946).

⁶⁵ For the 1946 franchise in Punjab, the definition of property owner included those tenants who had been recognized as enjoying occupancy rights under the 1887 Punjab Tenancy Act (Parsons, 1946).

is asked today – not by revenue officials but by investors, road-builders, oil companies, banks, megastores, golf-courses, speculators and global finance capital – the answer is a cacophony of competing voices.

The Contest is Land

While the residual agrarian class struggles have subsided, land and the resources that go with it have become the most important issues of political contention. Whether it is constitutional crises triggered by perpetually disturbed civil-military relations, federal-provincial conflicts such as the insurgency in Balochistan, urban violence in Karachi, or even the Taliban threat in the northwest of the country – questions concerning the ownership, use and rights to land are never far below the surface. The deferral of deep-seated institutional reforms in land administration, or even laying out and agreeing broad principles for apportioning stakes in land is proving costlier still, as the “market” becomes globalized through the major entry of finance capital and foreign investment.

*Civil-Military Relations*⁶⁶

The latest chapter in the troubled history of civil-military relations in Pakistan – with long periods of direct military rule interspersed with civilian government to relieve simmering resentment – has brought into focus the economic aspects of the military’s political hegemony. There is a growing understanding that the military has built up institutional stakes in the economy that go well beyond the defence budget. The most conspicuous aspect of “encroachment” into the civil economy is the privileged access to agricultural, commercial and residential land enjoyed by military organizations and personnel.

According to the defence analyst Ayesha Siddiqa (2007), the military controls around a tenth of all government land in Pakistan. Military officers are awarded agricultural lands as a normal part of career incentives, and the total land allotted to this group since 1947 amounts to around 2.3 million acres – equivalent to the total area of land allotted to

⁶⁶ The following section draws heavily upon the insights provided by Siddiqa (2007).

beneficiaries of land reforms. In line with historical precedence, a major portion of land brought into cultivation due to the development of irrigation infrastructure was specifically ear-marked for military officers. Siddiqa (2007) claims that the military and its personnel have emerged as the largest “land barons” in the country.

There are three main ways in which the military and its personnel have gained access to valuable land for non-security purposes. The first is the continuity of the canal colony policies of awarding large areas of irrigated state land to military officers. The main land awards up to the 1970s were in Sindh, where large-scale irrigation projects opened up new tracts of irrigated area. At least a tenth of the new land was earmarked for allotment to military officers. Later, as local opposition to these allotments grew in Sindh, and as the supply of “barrage” land was exhausted, the focus shifted to southern Punjab where the expansion of the canal network brought further area under cultivation. It has been reported that much of the political impetus behind further irrigation development – in the face of opposition from downstream water-users and environmentalists alike – is coming from the military as the availability of land in existing canal districts runs out. It needs to be added that military officers are privileged but not alone in benefiting from the allotment of state land; civil officers too have been recipients of generous awards.

The second important source of land acquisition by the military is also a continuation of colonial policy. There are military cantonments around the country – ostensibly for the purposes of national defence – which have become important sources of economic opportunity for the military and its personnel. Cantonments usually take up large areas where apart from military bases, a wide range of “normal” civil activities take place. These include extensive social infrastructure for military personnel and their families, agricultural land, as well as commercial development. Formally, land for cantonments is acquired by the defence ministry for the specific purposes of national security from the relevant land authority. Most of the cantonments are on lands leased by the defence ministry from provincial governments. In the case of new cantonments, land has also been acquired from private owners through legal instruments such as the Land Acquisition Act of 1894, available to provincial and federal governments.

Security-related reasons have been used to establish local monopolies over other civil economy activities. The case of the Okara military farms in Punjab and the fisherfolks’ struggle for the cancellation of fishing leases in coastal Sindh are disparate yet comparable.

In Okara, the military leased large tracts of land in the early part of the previous century from the Punjab provincial government in order to establish dairy farms. These farms were meant to supply milk and dairy products to the army – hence their purpose could be justified as being of direct relevance to defence activities. The tenants of these farms are civilian farmers who have customarily paid a harvest share to their army landlords. In 2002, an attempt was made by the army farm managers to change the terms of the contract from share-tenancy to fixed leases of specific time periods. This was interpreted by the tenants as a way of reducing their tenurial security, and they resisted.⁶⁷ The military managers used coercive means to force the tenants to agree new contractual terms, but the resistance continued until the issue became a major source of embarrassment for the military authorities.⁶⁸ The suspicions of the tenants remain unanswered.

Coastal lakes and marshes in southern Sindh sustain large communities of fisherfolk. The region was “militarized” due to its proximity to the Indian border, and the Coast Guards – a military force – established a monopoly over fishing rights in the area of its domain. Coast Guards would award fishing licenses to particular contractors who would then allow fishing to take place in return for a fee. There were complaints of extortionate practices, and claims on the part of the traditional fishing communities that they enjoyed historically exclusive rights of fishing in these lakes and swamps. The two cases are similar in the sense that the military organizations used security-related rationale to create stake for themselves in otherwise non-security related activities. In the former case, the original rationale was connected to military supplies, and in the latter it was to do with the proximity of the border. The case for military involvement was unconvincing in either case.

The third, and possibly the most conspicuous entry of the military into the land economy is the mushrooming of “defence housing authorities” (DHAs) across prime urban areas of the country. The DHA purports to be a welfare organization for military officers who are allotted residential and commercial plots in new urban developments at highly subsidized rates. The officers generally sell the allotted plots at huge profits. Lands for DHAs have been acquired through a variety of means – many of them involving the use of the “public interest” clause of the Land Acquisition Act. In some cases, land was initially acquired for defense purposes by cantonments, and then subsequently turned over to a DHA.⁶⁹ In other cases the civilian machinery for land acquisition was deployed. In virtually all cases, however, there was a significant change of status in the use to which land was put over the course of being acquired.

The DHA innovation started in Karachi with the establishment of a Defence Housing Officer's Society in the 1950s. This was a relatively inconspicuous development at the time, as many other interest groups within or close to the state went about acquiring land for residential and commercial purposes.⁷⁰ In the 1980s, however, during the period of a military government, the Defence Housing Society was considerably expanded. This was also a time when the real estate market experienced a boom, as foreign exchange flows into Pakistan expanded as a result of the war in Afghanistan and Pakistan's role as a conduit of assistance.⁷¹ In the latest round of military government, the Defence Housing Society was converted into Defence Housing Authorities, operating under the direct control of the local military commander, and similar DHAs were created in all the major urban centres of the country.

The DHAs have further partnered with foreign investors and property developers in new schemes and developments for purely commercial purposes. These developments are a far cry from the original "employee welfare" function associated with subsidized land allotments to serving and retired officers. Under periods of direct military rule, the DHAs enjoy a large measure of autonomy and immunity from existing environmental and compensatory laws. One particularly contentious scheme is the handover of two islands off Karachi to a Dubai-based property developer for building luxury housing complexes. The DHA asserts ownership, even though local fishing communities claim to be the historical inhabitants and owners of these barren islands. The fisherfolk were forcibly evicted to enable the Dubai-based developer to start its operations.⁷²

The military's involvement in the land economy has a number of salient features and has led to several types of contest over land. The continuation of the "historical" policy of agricultural land allotment came to be resisted in Sindh – far more so than it had been in Punjab in the decades before – as awareness had increased about the value of land that

⁶⁷ Shehzad (2003)

⁶⁸ Rizvi (2006); Adams (2004)

⁶⁹ Siddiq, 2007

⁷⁰ The same period saw the establishment of housing schemes for civilian officers in Karachi, which was the capital of Pakistan in the first decade after independence. One rationale for such allotments was that many of the state officials had migrated from India and there was a dearth of accommodation in the new capital.

⁷¹ Siddiq (2007).

⁷² Pakistan Fisherfolk Forum (2008)

had been developed through canal construction. The notion that this was state land, and that it was the state's prerogative as to how this land should be allotted became politically indefensible. The opposition to military land allotments was premised on the grounds that local tillers of the soil – the *haaris* – had the first right to any new land being developed. These claims of preemption were backed up by references to the notional – though not legal – collective ownership of the land on the part of the Sindhis. The opposition to military land acquisition, therefore, was generically similar to the political opposition to the allotment of state-controlled land to civil officers, or indeed to other “outsiders” such as refugees from India. It is natural, moreover, for military (and other “outsider” state beneficiaries) to dispose off their allotments to local stakeholders.

The issue of “group” rights of “indigenous” communities also became conspicuous in Baloch opposition to the acquisition of land for cantonments. A unique feature of the military's land economy is the creation of an enclave where property rights arrangements can function in isolation from the economy and society outside. In some parts of the country, the military enclaves acquire the characteristic of ethnically distinct islands surrounded by “indigenous” communities – virtually like colonial outposts. The enclaves not only operate in institutional isolation from their surroundings – they also draw upon local natural and public resources in order to make themselves viable. The DHAs have extended the enclave idea further by converting themselves into safe havens for domestic and foreign investment – havens that keep the institutional, environmental and usufruct concerns of other claimants at bay through sheer force.

*Balochistan and the First Estate*⁷³

The civil conflict in Balochistan – Pakistan's largest province in terms of land mass – was sparked off by a number of acts of violence committed in the name of Baloch nationalism. Some shadowy organizations claiming to represent the interests of the Baloch people – the largest ethnic group in Balochistan – claimed responsibility for terrorist attacks on foreign engineers, security forces, and various installations such as gas pipelines and railway lines. While the precise identity of various militant groups remains fiercely debated, the issues raised by them were widely echoed across the political spectrum in the Baloch population. Traditional leaders of the Baloch community – mostly tribal chiefs of central Balochistan – were quick to articulate the “Baloch cause”. Although couched in terms of national aspirations for self-governance, the main demands of Baloch nationalism are around the ownership and use of land and natural resources.⁷⁴

The conflict in Balochistan has cost hundreds of lives, including those of some important political leaders of the Baloch. Vast areas of the province have been under military control and security operations have included the frequent use of air power against insurgents as well as civilians. Internal displacement reached tragic proportions with reports that some 80,000 people had moved from their homes in conditions of destitution and despair to other parts of the province or to other provinces. Hundreds of people have “disappeared” and are thought to be detained by state secret services.

Balochistan – particularly its Baloch dominated centre and south - is large in land mass and rich in natural resources but with a sparse population. Most of the province is arid or semi-arid with erratic and seasonal crop production. The traditional economy has centred around raising livestock, trade, and marine fishing along the long coastline. Part of Balochistan (mostly the ethnic Pashtun north) was governed directly by the British Indian empire, while the rest consisted of various local states and fiefdoms, the largest one being the Khanate of Kalat. In terms of local governance, however, both British Balochistan and the local states enjoyed a high degree of autonomy. Land settlements were incomplete and erratic and their results were widely disputed. The idea that “non-settled” land belonged residually to the state, however, persisted at the formal level.⁷⁵

Into the heady mix of strong tribal and ethnic social organization and solidarity and incomplete institutional integration into the state, throw in rich natural resources. Large and varied reserves of mineral resources were discovered in Balochistan, particularly its centre and south (mostly Baloch dominated regions). Coal mines had been discovered a long time ago during the British era. The legal position on the ownership of mineral resources was similar to the rest of British India – all rights to royalty vested with the state. In practice, however, tribes claimed ownership of the land its resources. A way around was found by mineral departments of provincial governments in awarding coal-mining contracts to local parties only. In common parlance, the fee that local tribes and tribal chiefs charged from actual mine operators has come to be known as “royalty”. There was an implicit acknowledgment of the rights of local communities over resources even if the law favoured the state.⁷⁶

⁷³ This sub-section draws upon Gazdar (2007a) and the references cited there.

⁷⁴ Gall (2006).

⁷⁵ Gazdar (2007a).

⁷⁶ Gazdar (2007a).

The issue of “royalty” became more acute with the discovery of natural gas reserves. A little-noticed change in law had transferred the ownership of natural gas and oil from the provincial to central government. The constitution upheld this position. Balochistan was sitting on vast reserves of natural gas, and was not legally entitled to any proceeds from its exploitation. Moreover, local communities where the natural gas was found had no legal claims to this resource. Although the natural gas companies paid “royalties” in the form of subsidies, and service contracts to local tribal chiefs, the scale of economic advantage had tipped decisively in the favour of outsiders. Local “royalties” amounted to a small proportion of the surpluses earned from Balochistan’s natural gas. While the provincial government was impoverished and dependent on loans and handouts from the federal government even for its normal functions, Balochistan supplied over half of all natural gas consumed in the rest of Pakistan over the decades.

While the province remained relatively under-developed and starved of infrastructure, the last decade saw the launching of a number of high profile projects aimed at improving transport and communication network. The most conspicuous was the development of a deep-water port at the fishing town of Gwadar near the Iranian border and close to the mouth of the Gulf.⁷⁷ On closer examination, it turns out that most of the infrastructure development in Balochistan was related to the Gwadar port.⁷⁸ There was a concerted campaign to promote Gwadar as a destination for real estate investment.⁷⁹

The land in and around Gwadar became a source of contention quickly. The revenue records were incomplete and contested, but were used by the government to acquire several thousand acres for various agencies. Other land around the town changed hands several times and estate agents across the country began to market plots in housing and industrial estates on the promise of high returns. A speculative bubble emerged between 2001 and 2006 to be deflated once a greater sense of realism was restored – aided in part by an escalation in the insurgency in Balochistan. The master-plan requires the eviction and resettlement of the entire population of the old town.⁸⁰

There was intense political mobilisation in Balochistan around Gwadar on two separate counts. First, it was widely believed that land was being taken over by the state and by private investors at the expense of the local communities. Various news reports also reflected the general view that the major share of earnings from the Gwadar Port would not be repatriated to the provincial or local government, nor would they have a stake in running the Port Authority.⁸¹ While the government was keen to promote

visions of Gwadar turning into a Dubai, the Baloch population feared a repeat of the Karachi experience. The latter was, in the eyes of the local communities, a simple case of dispossession and marginalization. Second, the land records that existed worked in the favour of the traditional ruling castes and families of the region. The working castes and classes, such as the Medh fisherfolk and the Darzadas were unable to assert legal title to their historical rights of usufruct.

Gwadar became a potent symbol of ethnic and class-based dispossession in the face of strategic imperatives, migration, and finance investment. It united Baloch political opposition to the development agenda pursued by the Pakistani state which had undermined and bypassed provincial government and other local institutions.

*Pashtun Tribal Areas*⁸²

Collective ownership rights play a key role in maintaining tribal solidarity in the first estate. In the Pashtun regions – northern Balochistan, the Federally Administered Tribal Areas (FATA) and the North-West Frontier Province (NWFP, also known as Pakhtunkhwa), the Pakistani state faces one of its most serious challenges. The prospects of a Taliban-Al Qaeda takeover of these regions is a widely perceived security threat to Pakistan, Afghanistan and the wider international community. The institutional context of the challenge has received less attention than its ideological and security dimensions.

The challenge and the counter-strategies posed by the Taliban Al-Qaeda (TAQ) rely on prevailing tribal structures and solidarities to pursue their political aims. The fact that the Pashtun tribal regions of the first estate had not been “settled” allowed room for movements of Islamic clerics to encroach upon traditional tribal domains of authority –

⁷⁷ “Great Land Robbery” (2008).

⁷⁸ See Budhani and Mallah (2007).

⁷⁹ Foreign investment poured in from UAE, China, South Korea and Singapore. The investment was channeled towards developing the port, setting up industries, as well as investment in real estate. “Gwadar Project in Second Phase” (2005)

⁸⁰ Fazl-e-Haider (2005)

⁸¹ “Tax free Zones in Gwadar” (2005); Fazl-e-Haider (2007).

⁸² This sub-section draws upon author’s ongoing joint work with Asad Sayeed and Khalid Aziz. For an analysis of FATA violence see Aziz (2007).

such as arbitration and dispute resolution. In regions such as Swat where the old order was based on clan hierarchy rather than tribal solidarity, there was a great deal of contest in land claims within communities. Here too the clerics positioned themselves as arbitrators.⁸³

Islamic clerics, however, remain at a disadvantage vis-a-vis the traditional tribal leadership when it comes to the demarcation and safeguarding of a tribe's collective interests – especially its territorial claims and assertions. The fact that the tribes rather than the state are seen as legitimate repositories of collective rights over common property resources reinforces the weakness of state institutions. The relative decline in the value of rents from common property resources – due to diversification and militarisation of the economy – has probably contributed to a decline in the authority of traditional leaders who were challenged initially by the Islamic clerics and then by TAQ.

Any strategy to stem the tide of Taliban-Al Qaida led militancy cannot ignore the issue of land rights. In areas like Swat serious consideration will have to be given to thoroughgoing land reforms that remove contention and conflict within communities. In other places, like many of the FATA agencies, the TAQ threat will have to be met in the first instance by restoring the position of traditional tribal leaders. These leaders have a natural advantage over the clerics in promoting the group interests of tribes in the management of common property resources in the face of rival claims of neighbouring tribes. Any reforms that revalue and formally recognize the local management of common property resources, therefore, will elevate the authority of tribal leaders over religious clerics or TAQ militants.

Political Conflict in Karachi

The largest urban metropolis of Pakistan has been wracked by political conflict since the mid-1980s. Although the intensity of the conflict and violence has abated since the late 1990s, the city remains politically divided between parties and groups that claim to represent various ethnic, sectarian and class interests. The emergence of ethnic politics in the city marked a shift from the past, and the political evolution of the city since then has been interpreted as one of the management and moderation of ethnic divisions.

⁸³ Bengali (2009).

The Urdu-speaking “Mohajirs” – or descendants of Muslim migrants and refugees from India – form the largest single ethnic group, comprising just under half of the total population. The remainder of the population is made up of the major Pakistani ethnic groups (Punjabis, Seraikis, Pashtuns, Sindhis, and Baloch) and other groups such as Gujaratis, Kachhis, and Bengalis who are exclusive to Karachi. The emergence of the MQM or the Mohajir Quami Movement (‘Mohajir national movement’) which later changed its name to the Muttahida Quami Movement (‘united national movement’) was a major a turning point. The party soon acquired a reputation for militancy and violence, and faced several rounds of state persecution. There were militant and armed factions also among other ethnic groups that pursued violent politics to varying degrees.

Since the late 1990s the MQM as well as other groups have reverted to electoral politics to pursue their aims. While maintaining armed wings, these parties have participated in local, provincial and national elections – on nominally non-ethnic programmes. They have tried to reach out across ethnic boundaries to attract members and supporters in “other” communities. The MQM has controlled the city government since 2005, and was an important member of the ruling coalition in Sindh and in the national government between 2002 and 2007. In the national and provincial elections in 2008, the MQM secured three-fifths of the popular vote, but 85 per cent of the seats from Karachi. Its major contender was the Pakistan Peoples Party (PPP), and surprisingly, the Pashtun-based Awami National Party (ANP) which managed to win two seats in the Sindh provincial assembly.

The relative peace in Karachi, interspersed with violent clashes between political rivals and other groups, conceals an emerging geographical and class cleavage in the city. While the MQM retains its electoral dominance, it is clear that the political geography of Karachi has become divided between the centre and the periphery, with some exceptions in both zones that tend to prove the rule. The geographical centre of the city consists of mostly formal settlements and housing and commercial areas with secure property rights of long-standing. These areas form the core of support for the MQM – quite largely because they are home to its original ethnic base (Urdu-speaking migrants from India).

The periphery consists of expanses of *katchi abadis* (irregular settlements) and *goths* (historical villages), which too have acquired the characteristics of urban irregular settlements. The periphery is ethnically more diverse than the centre, and dominated numerically by working classes compared with middle class preponderance in the centre.

The main exception in the centre-periphery classification is the “old” areas of the city to its south. These are settled and regular, but with some characteristics of the periphery – there is greater ethnic and class heterogeneity.

The centre-periphery divide has been manifest in electoral politics. While the centre remains a stronghold of the MQM, the periphery has seen a consolidation around the main rival party, the PPP. In the recent elections the PPP and ANP arrived at an understanding to jointly face the MQM. The geographical divide has also been evident in incidents of political violence over the last few years, leading up to the recent elections. Clashes between rival groups across the city claimed the lives of over fifty persons in May 2007, when the government and opposition parties collided over welcoming the deposed Chief Justice Iftikhar Mohammad Chaudhry to the city. Human rights organizations that documented the violence found a clear geographical pattern – with the central parts of the city under firm MQM control, and the periphery in the hands of its opponents.⁸⁴

Rival claims to land have played a key role in the evolution of the centre-periphery divide. The peripheral areas have diverse levels of tenurial security – they are mostly made up of irregular settlements at different stages of development and regularization. Pashtun and working class Punjabis and Seraikis are present in large numbers in the irregular settlements. There are also numerous Sindhi and Baloch historical villages whose inhabitants claim to be the “original” owners of much of the land in the periphery. Although the “original” inhabitants of the historical villages are few in number, these villages grew in population as newcomers from Sindhi and Baloch communities came to settle here.

The MQM’s period in government happened to coincide with two fortuitous developments: the extraordinary rise in real estate values due to inbound investment, and the availability of resources for public investment in infrastructure such as roads and expressways. Both these developments were triggered by the large inflows of foreign exchange into Pakistan after 9/11 – as foreign aid flows increased, and Pakistan was considered a safer home with “Muslim” capital held abroad coming under closer surveillance. The land hunger, combined with MQM’s reputation for strong-arm tactics alarmed the communities living on the periphery, particularly the Pashtuns, Baloch and

⁸⁴ Human Rights Commission of Pakistan (2007).

Sindhis, that they faced eviction at the hands of property developers. These fears were stoked by several high profile urban development projects (notably the Lyari Expressway) where large-scale forced evictions did take place with the support of the MQM.

The Lyari Expressway (LEW) project – which is an elevated highway running over the old Lyari riverbed – connects the Karachi port with inter-city roads. The problem was that the riverbank was home to hundreds of thousands of families. While some claimed historic rights of ownership, most were migrants or descendents of migrants who had settled illegally on encroached public land. These settlements had acquired a degree of permanence, in line with numerous other *katchi abadis* in Karachi. The process of eviction went through several stops and starts – with the authorities finally agreeing to allot land to the affectees as compensation. The new housing schemes set up ostensibly to house the affectees of LEW were used as an opening on the part of the city authorities to bring further land into residential use and to target that to middle class investors. The effect was to further alienate residents of *katchi abadis* and *goths* in the periphery, as they would be evicted to make room for new housing schemes.

The periphery's fear of dispossession extended beyond the city limits to neighbouring coastal districts of Thatta and Lasbela (in Balochistan). The perceived nexus between foreign investors (mostly from West Asia, and often including Pakistanis resident in those countries), local political bosses and the military was seen to be operating everywhere. Property development schemes requiring the relocation of several coastal villages in Karachi and its surroundings were widely advertised – this was the first time that the potential affectees ever got to hear of the schemes. In Lasbela the Pakistan Air Force was involved in a bid to acquire a large chunk of the coastline – including a national park – for a firing range.

There were protests led by opposition political activists across the periphery – particularly among ethnic Sindhi, Baloch and Pashtun communities. For the “indigenous” ethnic Sindhis and Baloch, the fear of dispossession tapped into a longer collective memory of having been marginalized through the development of Karachi in the first instance. For ethnic Pashtuns, these protests were a statement that they too now enjoyed some collective rights in Karachi that needed to be acknowledged. These mobilizations and similar ones in working class irregular settlements within the city allowed the opposition parties to regain the initiative across Karachi, and to mount a sustained challenge to the MQM. It is interesting to note that the MQM itself traces its lineage to the efforts of poorer segments

of the Mohajir community to secure tenurial security in *katchi abadis* in what was then the city's periphery.

Politics of Rent

Market Illusion

Land is arguably the most important economic resource after labour, and a natural target for reform in the interests of economic performance. A contemporary expression of this idea is the promotion of well-functioning land markets. It is argued that a land market with secure, anonymous and low-cost transactions is the key to economic efficiency and poverty reduction. Land, after all, is an economic entity like all others, and it ought to be transacted like other goods and services in a clear and flexible manner. The market idea resolves, at a stroke, the problem of agrarian structure, homesteads, uncultivated land, collective ownership of common property, access to mineral resources, and expected value of future investments. If property rights in land could be clearly specified, and costs of transactions lowered, land could be put to its most optimal use, constrained only by public interest reflected in government policy. Only if.

As this essay has tried to show, the history of institutional reforms in land is only partially an account of defining, specifying and securing property rights. It is quite largely a story of altering entitlements, empowering some individuals and groups, marginalizing others, and only sometimes changing the distribution in favour of the historically marginalized. It is also quite substantially a story of mobilization and resistance, through which claims have been held, rights and privileges won, and property rights asserted, defended, and acquired in order to effect nominal market transactions. The arrangements for holding land are deeply embedded in the social, political and institutional fabric of the country. The idea that all this can change simply through the computerisation of land records, and the elimination of red-tape from the land bureaucracy is as fanciful as the peasant-cultivator vision that drove the agrarian reforms agenda of the 1950s.

Take away the “unsettled” expanses of the first estate, or the “uncultivated” areas of Sindh and Punjab, ignore the explicitly discriminatory laws and land allotment rules relating to “cultivator castes”, set aside the problem of contract enforcement in situations where social power dominates formal state power, and try to forget the history of dispossession and resistance through which rights to land have been negotiated and re-

negotiated - you still have to deal with instruments such as *benami* that are routinely used to deny substantive property rights to women.⁸⁵ It is remarkable that Pakistani courts allow the diminution of legal title in the face of patriarchal stubbornness. If there is an abiding lesson from Pakistan's experience, it is that land reform makes sense as an integral part of a broader agenda of social reform, rather than its substitute or appendage.

The enclave economies of the cantonments or the DHAs – as well as other similar enclaves – create market-like conditions in small institutional islands which are surrounded by a sea of competing claims. In fact, the institutional islands themselves represent group claims that are enforced through arbitrary and dubious measures. On its own, the entry of global finance capital reinforces rather than subverts these essential features of land arrangements.

Rents are Political

The contest over land is not only pervasive, it is also entirely political. Whether it is long-standing struggles against dispossession, disputed claims of ownership, assertion of group identities, or disagreements about changes in land use, the issue at stake is rent. Who are the rightful beneficiaries of canal development? The “indigenous” *jaanglees*, or migrant settlers and military officers? Should the conversion of land use from farmland to golf courses benefit the agrarian owners or some combine of foreign financiers and military officials? Who should be the main claimant of “royalties” or surpluses of oil or natural gas, once the costs of prospecting and production have been taken into account? The federal government, the provincial government, tribes, local individuals, urban consumers, or shareholders in oil and gas companies? Who are the “real” owners of Karachi and its surroundings? Which level of government? Existing residents, original “indigenous” communities, migrants and potential migrants, or property developers?

All of these options are equally good or bad from an efficiency point of view, because they relate to rents on an existing resource. Even the law, as it is has been interpreted in Pakistan, does not provide a reliable or consistent answer. The Land Acquisition Act of 1894 states quite clearly, for example, that when determining the appropriate compensation

⁸⁵ SDPI (2008)

for any land forcibly acquired by the state for public purposes, no consideration will be given to any expected change in the market value of the property due to change of use.⁸⁶ Subsequent legal argument widened the scope so much so that it is now required that the compensation should take into account any enhancement of value due to a proposed change of use.⁸⁷ In fact, it can be surmised that land acquired for *bona fide* public purposes – such as road construction – tends to be overcompensated while that acquired for private purposes through dubious applications of the law tends to be under-compensated.⁸⁸

Emerging Principles for Reform

Where exactly the distribution falls, therefore, depends on the balance of political power, though it can be guided by normative principles and prudential experiences from history. There are two clear candidates for the appropriation of rents from land development, change of use, and the exploitation of mineral and common property resources. The first is public good, exercised through federal, provincial and local levels of government. The second and overlapping candidate consists of marginalized and historically dispossessed groups and individuals. The latter principle of putting last first may also guide the definition of public good. These two principles taken together are self-avowedly normative ones, and need not be defended any further. A third principle emerges from the experience of reform and dispossession. It is about the political sustainability of any arrangement or award that does not properly acknowledge collective stakes of groups and communities over land and resources – even where this land might be privately owned in nominal terms.

⁸⁶ Section 23, Land Acquisition Act 1894, cited in Farani (2005).

⁸⁷ Farani (2005), p 203.

⁸⁸ There are well-known cases of landowner using political influence to divert the routes of major road projects so that their lands are acquired under over-generous compensation packages. By contrast, there are cases such as that of a car manufacturer for whom the government forcibly acquired land using the land acquisition law at minimal rates of compensation, only for the land to be turned over into a luxury golf course, thus multiplying its value several-fold (Sherani, 2006).

Conclusion

This essay has argued that the conventional “agrarian reform” framework provides too restrictive a view of land and reform in Pakistan. It opens only a small window, and that too in part of the country, for understanding issues in the access, use and ownership of land. Even if this perspective was useful once, it has lost its relevance due to a process of economic change. This does not mean that the reform of land ownership and use, or institutional change in land administration is no longer needed. On the contrary, land reform is an urgent requirement for conflict management, state-building, and transforming state and society in Pakistan.

The longer view advocated in this essay, and attention to geography – physical and political – have been useful in setting any current or future debate on land in a context. The institutional history of the state’s engagement with land reveals not only the specificity, but also the contingency of land systems in different regions of Pakistan. The boundaries of the three estates are only partly marked by physical geography. Political, military, cognitive and even incidental factors influenced the evolution of land ownership and control across the country. The Punjab-Sindh border that marked the boundary between *mahalwari* and *ryotwari* land systems straddled identical physical geographies and social organization. The happenstance of Punjab and Sindh belonging, respectively, to the Bengal and Bombay Presidencies was the critical factor that led to a village-based land system in one region and a landlord-based one in another. The settlements were also influenced by an understanding of existing agrarian structures and agronomic conditions, which in turn were highly contingent on the cognitive predispositions of early colonial officers.

The mechanics of state-building initiated by British colonial rule led to the recognition and empowerment of some groups at the expense of others. These processes of politically negotiated institutional and distributional change continued throughout colonial rule and after it. Violent upheavals and localized conflicts were not aberrations but rather part and parcel of these processes of political articulation and marginalization. There were marginalized groups in the form of *jaanglees*, *kammis*, dispossessed castes, *haaris*, tribes, “indigenous” people, or religious minorities at every juncture – often losing resources and at times regaining some lost ground. The land-owning classes and the state elite which appeared at the time to be at loggerheads with one another were actually offspring of the

same basic political economy arrangement – one in which the real “outsiders” were neither small peasants or tenant-farmers.

The conventional agrarian reform agenda addressed some of these issues, and that too for a relatively brief period of time. The work of real institutional reform of land remains ahead of us. The reliable guides for finding the rightful stakeholders will not be found either in the agrarian economy or in the market, but in the framework of equal citizenship. Just as the old agrarian reform debate was overly influenced by the idyllic picture of a self-cultivating peasant economy, there is a tendency today to regard markets as somehow separate from their social and historical contexts. Market principles too, without additional normative considerations, will lead to a further entrenchment of the enfranchised, without any guarantee that the marginalized will be pacified. In other words, any approach to the land question that pretends to be apolitical is unlikely to lead to stability and predictability in economic transactions. The contest over land is intense, and it will further intensify in different forms including urban violence, political-party political and ethnic conflict, conflict between civil society and the military, inter-provincial tension, and even armed insurgency.

The land reform agenda, ultimately, is not so much about agricultural productivity or economic efficiency, as it is about social change. From the social policy viewpoint it is obvious what the direction of change ought to be. The barriers to effective equal citizenship in Pakistan correspond very closely with the hierarchy of existing claims and rights to land. Gender, class, caste, kinship, religion, migration status, and ethnicity, are all factors that influence control over the uses of land and income flows from land in Pakistan.

Glossary

<i>batai</i>	crop product sharing between landowner and peasant
<i>benami</i>	alienation of land to anonymous persons
<i>bhaichara village</i>	village where all claimants of landholdings were perceived to be the joint holders of the village
<i>deh</i>	smallest administrative division of land (in Sindh) for land revenue purposes
<i>doabs</i>	territory between two rivers
<i>goth</i>	village in Sindh
<i>haari</i>	sharecropper in Sindh
<i>jaanglee</i>	jungle dwellers
<i>jagirdari</i>	possession of 'jagir'
<i>jagirs</i>	land awarded by colonial officers on which revenue was not due
<i>kammis</i>	pejorative term used for menial workers
<i>katchi abadi</i>	irregular settlement
<i>khasra girdavri</i>	village revenue record
<i>laapo</i>	share of crop belonging to 'zamindar', equivalent to 1/16th of total crop produce
<i>lambardar</i>	honorary government-appointed person for revenue collection and control of village affairs
<i>mahal</i>	smallest administrative division of land (in Punjab and NWFP) for land revenue purposes; village
<i>mahalwari</i>	land revenue system in Punjab and NWFP, based on recognizing the village as the basic unit of land administration
<i>masihi</i>	generic term used for Christians
<i>Mazhabi Sikh</i>	"low-caste" Sikh convert
<i>mukhtiarkar</i>	town level land revenue government official in Sindh
<i>nambardar</i>	landowner in villages in Punjab, appointed by the revenue department as its honorary representative; responsible for collecting land revenue.
<i>nambardari</i>	having the status of a 'nambardar'
<i>nawab</i>	chief of 'jagir' or state
<i>pattidari</i>	land on claim
<i>patwar</i>	low tier (lower than 'tehsildar') revenue government employee in Punjab
<i>rakh</i>	high land away from the riverine tracts
<i>ryot/ raiyat</i>	cultivator
<i>ryotwari</i>	cultivator-based land settlement
<i>sardar</i>	chief of tribe
<i>sardari</i>	pertaining to chief of tribe
<i>shaamilat</i>	land not individually owned, communal land or common property
<i>tehsildar</i>	town level land revenue government official in Punjab
<i>zamindar</i>	landlord
<i>zamindari</i>	land held by a 'zamindar'

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Caught Between a Rock and a Hard Place

BY NAZISH BROHI

In the development narrative, land in Baluchistan is a mass of partially tapped resources and foreign investment and profits to be appropriated, like a massive special economic zone. For the people of Gwadar, however, land is survival, identity and security.

In the narrative of development, Balochistan is introduced as the largest, least populated and poorest province of Pakistan. Yet, it is also equally described as resource-rich. With 44 per cent of the nation's total land mass and 70 per cent of its coastline but with a population density of just 18 persons per kilometre (six per cent of the country's total population), Balochistan nevertheless remains a region where 88 per cent of the people endure a high degree of deprivation. Indeed, it is a story of gross neglect.

Against this political milieu, Balochistan is projected as backward, mangled by the tentacles of its own leaders, the tribal chiefs or Sardars. That they benefit from its marginality by controlling its economy and perpetuate its deficiencies by ensuring periodic political upheavals and the rejection of possibilities of progress. Also unchanged is the colonial imagery of raiding, plundering tribesmen wearing fierce beards and towering

turbans as they fight with legendary prowess. So theirs remains a story of irrationality and exploitation.

For strategic studies, Balochistan continues to be one of the playing fields of the 'Great Game', a geographical passage for global capitalist interests, a gateway for the immense oil and gas resources of Uzbekistan, Azarbaijan, Kazakhstan and Turkmenistan. Even as neighboring Afghanistan and Iran pursue their own strategic policies, the much-touted 'influence' of India is cited as a key determinant in Balochistan's future. The monetary and geographic stakes in China's need for a warm water port lace Gwadar's story of intrigue and espionage, and the US is seen in the role of the grand surveyor. Under this rubric are buried stories of struggles for survival.

A history of wrongs

Gwadar was given by the Khan of Kalat, a princely state, to the Sultanate of Oman, and was purchased back from Oman in 1958, after which it became part of Pakistan. But land settlement was not carried out till 1992, when the settlement office was first established. The collector for the Gwadar land was assigned the task of identifying state land and private property, determining the size of the holdings and registering ownership. Locals say this was the beginning of the saga of corruption and exploitation that now shadows Gwadar land. But back then, it was a relatively low-key affair of systematic land capture by the elite. It was only ten years later that Gwadar's land issues erupted into a metaphor for future progress, captivating the imagination of its people and tempting bank accounts throughout the country.

Meanwhile, the construction of one of the world's largest deep sea ports at Gwadar and the resultant development of infrastructure in what was formerly one of the remotest regions in Pakistan's least developed province has changed the dynamics of the land and its perceived value. The Gwadar Deep Sea Water Port was proposed for its commercial and strategic significance in the development of the province, country and region. It was proposed to ultimately serve land-locked Afghanistan and Central Asian states, handle freight for the Gulf region, and connect the fast-growing Chinese economy with Western Asia.

The Gwadar Deep Sea Water Port project cost Rs 16.4 billion to build – most of the investment came from China. President General Pervez Musharraf performed the

ground-breaking ceremony in March 2002 and the inauguration of the port was held in 2007. When it commenced operations, the Government of Pakistan handed over port operations to PSA Singapore for 25 years, and gave it the status of a tax free zone for the following 40 years.

Since then, the coastal town with a population of 75,000 has become a point of contention between the federal government, the provincial administration and Baloch nationalists. Around 2002, low intensity conflicts broke out in the province, with nationalist groups protesting development programs that were undertaken without provincial consultation, in the context of a systemic deficit of trust in the region's relationship with its federal centre, and against the backdrop of previous grievances of asymmetric power relations that remained unaddressed.

Though the announcement of the Gwadar Deep Sea Port was welcomed by the province initially, it eventually became hotly contested and is now widely rejected by the people of the province. Baloch nationalists resent the port because, firstly, the province was not consulted at any level in any phase of its development. Secondly, ports are a federal subject, so provincial governance structures are bypassed as revenues accrue to the Centre. Thirdly, that port operations have been awarded to a foreign company for a period of 40 years implies that even the federal government might be alienated from the direct economic benefits of the port. It is also feared that the local population of the district will be outnumbered, reducing them to a minority – majoritarianism in the country has traditionally come at the expense of the people of Balochistan.

There is a massive deficit of trust between the federal locus and Balochistan, and the Baloch draw from a reservoir of exploitative acts against them to contextualize their opposition to development initiatives. Not being involved by federal authorities in relevant decision-making is an old grievance – from the forceful annexation of the Khanate of Kalat into Pakistan, in 1948, to not being informed about the selection of Chagai hills of Balochistan for the nuclear tests Pakistan conducted in May 1998.

Revenues accrued from development initiatives are an equally emotive issue. In the Saindak mines of Balochistan, mining contracts for the province's copper and gold deposits were awarded to Chinese and Chilean companies without consulting the provincial government. When work started in 2003, it was estimated that the mines would bring in USD 45 million a year through exports, of which Balochistan would get 2 per cent royalty whereas Islamabad and Beijing share 48 per cent and 50 per cent of the profits

respectively. The province, which has been supplying natural gas to the rest of Pakistan for power generation, industry, fertilizer-production and domestic consumption since it was discovered in 1953, was not given any royalties until 1980, and was not even supplied that natural gas till 1986. Balochistan contributes Rs 85 billion per year in gas revenues but receives only Rs 7 billion from the federal government. To date, it has only 3.4 per cent of gas consumers, with supply in only four of its 26 districts.

Traditionally, the propertied class in Pakistan is considered powerful and influential, part of the triumvirate of ‘the establishment’ of army, bureaucracy and a feudal land-owning class. But, in the case of Balochistan, ethnic politics overrides class divisions. There is immense resentment against the province of Punjab for its perceived domination of state institutions and decision-making bodies, including the army, and this hostility cuts across all economic groups. Locals in Gwadar say that the real estate land mafia here is operated by non-locals, particularly those from Punjab.

Madiha Baloch, co-ordinator of the Baloch Promotion Action Committee of Gwadar, points out that the majority of land in one union council, Surbandar, was owned by a former chief minister and heads of two political parties based in Punjab, who forcefully relocated people well away from their spheres of control. The deputy mayor of the same union council asserts that while huge landowners could invoke economies of scale, they obstructed the reach of facilities such as electricity and tube wells to others.

In a typical story of corruption in land acquisition, the *Herald* magazine investigated the case of Nadeem Ahmed – an employee of the national carrier, PIA, and resident of the posh Defence locality in Karachi. Land records of Gwadar show that Ahmed owns hundreds of acres in Gwadar, where he is registered as an occupant owner – a farmer who crops on and resides on his land. Locals told *Herald* that he moved into the area after PIA started flight operations from the Gwadar airport, started a real estate company and had land transferred to his name. Gwadar’s specific regulations, based on the nomadic traditions of its people, say that anyone who occupies a cultivable piece of land for 12 years may be declared its legitimate owner.

The local residents also narrate how they were manipulated during the land allocation process: National Identity Cards (NIC) were collected from them, saying they were entitled to plots. The allotment orders gave away 10 to 12 plots per ‘applicant’ and, while the NIC holder was given one of the plots, the rest were sold or transferred to others.

In the early 1990s, when the idea of the port was first floated, the erstwhile district commissioner of Gwadar district, Jaan Muhammad Dashti, announced the Singhar Housing Scheme, and allotted 4,000 residential plots to politicians, army officials, businessmen, and defence and federal agencies, whereas the bulk of the allotments were meant for locals as per the original plan. The development of this project was outsourced to a Karachi-based firm, CG, which is also responsible for its documentation and verification. The records, therefore, are kept in Karachi and not accessible to people living Gwadar. Abdul Ghaffar Hoth, the additional mayor of the district, says that the schemes were meant for residents of Gwadar, yet no one has ever consulted the district government about allotments. Most of the beneficiaries of the elite scheme were Punjabis, Baloch nationalists assert. In December 2003, the provincial government cancelled the scheme but, after intensive backdoor negotiations, it was restored and the cancellation orders withdrawn.

Currently, there are over 100 such schemes underway in Gwadar, and most of them are owned by investors outside the province. This also has a precedent: in the 1960s the area of land irrigated by the Pat Feeder Canal was distributed to military personnel and civilian bureaucrats primarily belonging to Punjab, making that province a leitmotif for Balochi exploitation. The federal authorities initially envisaged over two million people inducted from outside the province, but current estimates have more than doubled this number. Given the total population of Balochistan is around six million, people of the province feel they will end up as minorities in their own land.

Locals are mentioned twice in the vision and Master Plan of the Gwadar Development Authority, and once referred to indirectly. The first is a single line mention, which states that those affected by land allotment will be offered alternate plots or paid compensation. Second, under investment opportunities, it is pointed out that most of the locals work in the police force and as guards in the UAE, and could be hired as private guards on their retirement. The indirect reference is that the GDA would ensure a strategy for the 'decongestion of the old town', without referring to what that would entail. According to the Master Plan, land use allocations are as follows: 19,500 acres for residential purposes, 10,000 acres for industrial and warehousing, including an international airport, railway linkages, a desalination plant and various urban facilities, and 410 acres for commercial and recreational use, all of which can be extended. The Master Plan also claims that since not a single piece of land will continue to be owned by the government, the GDA would be a regulatory body that will solicit private investment 'everywhere'.

In other parts of Balochistan, such as Dera Bugti, landowners have started refusing to sell their land to the government. Following this land-owners in Gwadar have formed an association – the Anjuman-i-Zameendaran, now with chapters in other parts of the province such as Zahidan, Jewni and Pasni. With landholdings large enough to merit the ‘feudal’ title elsewhere in Pakistan, in Gwadar, people remain helpless at the hands of the land mafia and of the *patwari* (local land record keeper).

My land, my home, my honour

For Shaam Baloch, this comes down to a battle for land that has been his family’s for generations. Baloch’s tract of ancestral land is so small that he cannot even cultivate it at subsistence level – though not barren, his land is not irrigated and therefore dependent on rainfall in a region that has been in at the mercy of fierce, intermittent droughts for the past decade.

Baloch has sent his son across the sea to Muscat, where he is a construction worker; what he earns there keeps the family going. But Baloch says that while his land may not provide him with a livelihood, it gives him respect and identity. He can access credit informally only because of his plot, his opinion is solicited in the community because he owns land, and he is given respect by others because he belongs to a landed family. If he sells his land, he believes he will be ‘bastardized’ because it would be tantamount to disowning his ancestors and their efforts. Baloch’s wife refuses to think of relocating, because her eldest and dearest son lies buried nearby – he died of hepatitis a few years back, and she wants to be close to his grave and spirit.

Meanwhile, property speculators have informed Baloch that his small piece of land falls within the parameters of the port area, so he should sell his land to them now, before it is forcibly taken from him. Baloch does not want to sell. Since he had not formally demarcated his land till then, he asked the *patwari* to draw a boundary, only to learn that, according to the records, he did not own the land at all. The *patwari’s* records said his father had sold the land to an outside investor.

Baloch insists that the municipal authorities have been bribed to make this change, but since records are not computerised and formal deeds are kept only at the discretion of the *patwari*, there is no way to prove this. Baloch has decided to stay on till he is forcibly evicted. “They can throw my body off the land,” he says. His case is one of thousands

based on which the Supreme Court of Pakistan is looking into a petition against the illegal allotment of around 2,500 acres of land to ministers, politicians and bureaucrats.

Nur Muhammad, who is a local school teacher, also has land that he inherited over generations, but the lack of rainfall does not allow him to earn profit from it. He points out the rapidly accelerating value of land for commercial purposes, but not agriculture. So, while farmers suffer, landowners benefit, a speculative market has emerged and every small plot of land now has numerous claimants – most of them false.

Abdul Sattar Hamal, a landowner in Gwadar district says the formation of associations is too late to exert pressure, since the *patwaris*, *tehsildars* and officials of revenue boards have already manipulated records and made fortunes. The only redress now available is through the courts, and property cases drag on for years.

Old rules, new applications

The information system in the public sector is manual, with elaborate filing systems and opacity, a remnant of the British colonial governance paradigm of managing populations, and not designed for people's access and empowerment. The *patwari* (village accountant) is the state functionary, the most junior official of the Board of Revenue, who exercises absolute and arbitrary control as the sole custodian of land records. The *patwari* also has the authority to make changes regarding ownership, land use and taxation in the original records, and these collective discretions boost rent-seeking behavior in the cadre. By law, the records must travel with the *patwaris*, making records inaccessible to others in the meantime. Shaam Baloch, for one, spent over two months and significant amounts of money searching for and traveling to various offices where the relevant *patwari* was last seen, in the hope of catching up with him. Even after these ordeals, land records do not provide conclusive proof of ownership, nor do they contain spatial data to accurately demarcate the land. The system is further obfuscated by multiple gateways, for instance, the system of land records differs under the Registration Act and the Land Revenue Act.

The land tenure system in Gwadar is divided into three bulk categories: tribal/community land, individual land and government land. Because there were no land records for the area predating 1992, the ownership register states that land measurement can be changed upon verification. Land revenue employees therefore have the power to make this change arbitrarily. Also, barren land was declared as State land. Again, revenue clerks have

the authority to decide whether land is barren or not, and can transfer ownership to State. This is allegedly wielded as a constant threat to create ‘compliant’ ownership.

Not only do the bureaucracy and politicians indulge in this predatorial accumulation, the judicial system also creates pre-conditions for it. Maqbool Ahmed, a local journalist and analyst in Gwadar, has pointed out that the Qazi courts that were established and functioning in Gwadar from 1971 till 2004 contributed to this. The Qazis who adjudicated had little or no legal training, since the prerequisite to Qazi-ship was a religious and education-based Dars-e-Nizamani degree, yet they had the mandate of a civil court. According to this investigator’s findings, Qazis often awarded 25 per cent of disputed land to the defendant, 15 per cent to the counsel of the defendant and kept 10 per cent for themselves. Local lawyers complain that Qazis only pass verbal orders, leaving its writing, notification and implementation to revenue officials. In 2008, the Balochistan High Court remanded 40 such cases to the sessions court for retrial – illustrating the depth of the problem in the magisterial arrangements.

Can lobsters live in sand dunes?

Akber Mallah does not own any land, and possesses only a boat. For generations, his family secured its livelihood from fishing off the Gwadar coast. No one has offered him any compensation, although he has been summarily told to relocate inland. “Will they also send lobsters to live in sand dunes? What will we do there?” he asks.

The landless, whose life is structured around access to the sea, do not feature in any resettlement calculation. Transactions are made with individual landowners and not with the community as a collective. The Baloch Promotion Action Committee of Gwadar cites many other cases of forced evacuation without substantive compensation. “People are told their land is now within the parameters of the airport or of the cantonment area and that they have to leave or else cases will be registered against them for obstructing public interest,” says Madiha Baloch.

The Parliamentary Committee constituted in 2004 to investigate Baloch grievances was informed by the then Chief Minister Jam Muhummad Yousuf, on record, that the Gwadar development project would displace an estimated 10,000 people, and that the provincial government did not have the funds to provide for their resettlement, nor was federal government inclined to giving any. This, in fact, is a pivotal concern: that the

Gwadar Port will remain under the ambit of the federal government, by-passing the provincial government in both revenue generation and administration, though the task of 'cleaning up' has been delegated to the provincial government.

Every action has a reaction

Gwadar has not remained a site of passive protest. There have been bomb blasts targeting Chinese engineers. Rocket attacks, abductions and killings in Gwadar led Karachi-based national magazine *Newsline* to call it the 'Port of Terror'. A shadow resistance group, the Baloch Liberation Army, has accepted responsibility for some of the attacks, citing the Baloch cause as justification. This violence is contextualised by wider military operations being conducted elsewhere in the province, as there have been consistent spates of attacks on police, gas pipelines, installations and check posts – all symbols of federal power in the province. Sardar Akhtar Mengal, former chief minister of Balochistan and head of his faction of the Balochistan National Party, who has recently been released after imprisonment under the Musharraf regime, although expressing regret over the loss of human lives, has stated that terrorist attacks were a natural consequence of unjust government policies, as every action causes a reaction. These attacks against what the federal authorities posited as 'tangibles of development' have been invoked by the government to portray Baloch nationalists and groups like the BLA as anti-development and anti-progress, and as stakeholders who want the province to remain backward, indebted and primitive.

Gwadar, however, is not an area from which Baloch nationalists draw any particular strength. Raffi Bhatti, a former Deputy Inspector General (DIG) of Balochistan points out that not a single seat of national or provincial assembly has been secured from there, even when the Baloch nationalist parties had the chief ministership in 1997. Echoing public positions of General Pervez Musharraf, he says that Baloch militant nationalism revolves around the trio of Marri, Bugti and Mengal tribes and their chieftains, who have remained politically marginal in electoral politics. There may also be some elements of truth to this, because even after the abolition of the British instituted *sardari* system in 1976, the same leadership patterns and local dependency persisted. But where Akbar Mallah and Shaam Baloch are not attuned to issues of provincial autonomy, nor do they even distinguish between federal government initiatives and those of the Balochistan provincial assemblies, they feel such treatment would not have been meted out had they belonged to another ethnicity.

Displacement provides a lens to question development and the process by which people, collectives, governments and international agencies control and alter social relations. Throughout the world, development and displacement have accompanied each other, leading the paradigm of development to be questioned and, in many places, discredited, even as alternative visions of sustainable and social development have challenged the supremacy of the economic growth model. The human development index and other statistics show the critical need to bring in progress and prosperity to Balochistan, but the prescriptions are not unequivocal. Many Baloch argue that their opposition is not to the deep sea port, which they welcome – what they oppose is the absence of their participation in its design and decision-making, and that the gains the port brings cannot be experienced by locals. This is why the issue of resettlement and compensation is so charged: because Balochis would be giving up land and making sacrifices for something that will not give them any returns and, in fact, would lead to what they call their ‘Red Indianization’.

In global politics, the land of Balochistan is of strategic importance for neighboring Kandahar in Afghanistan and adjacent South Waziristan in the tribal belt. It is also the gateway to Central Asia and China’s first warm water port in its ‘string-of-pearls’, echoing the previous centuries’ competition between Tsarist Russia, Victorian England and the Ottoman Empire for trade routes in the region. Balochistan was part of the frontier of tribes constructed by British colonials to create a landscape of resistance to their rivals. Nafisa Shah, a Member of Parliament, suggests that Baloch nationalism is itself a by-product of imperial and neo-imperial capitalist struggles.

In the development narrative, the land of the province is a mass of partially tapped resources and foreign investment and profits to be appropriated, like a massive special economic zone. For the people of Gwadar, land is survival, identity and security.

The federal government of Pakistan must carefully mediate all three. At the moment, it attempts to do so by allowing US presence at the Pasni and Jacobabad airbases and War on Terror rhetoric, by giving China the Gwadar port and Saindak mines, by negotiating with Iran and India for a Central Asian gas pipeline, by offering local Balochis compensatory plots and low skill jobs in exchange for cantonments, regiments, profit and ‘stability’, and by initiating army operations and state persecution against those who resist. There is evidence everywhere in Balochistan that this formula is not sustainable.

A Field of One's Own

BY NAZISH BROHI

There is no quantitative data, yet popularly quoted estimates say that less than two per cent of women in Pakistan own land, and fewer still have administrative control over it. A study by the Sustainable Development Policy Institute (SDPI) found that although there was a general acceptance of women's rights to own and inherit land because Islam recognised it as such or it was understood as a right (*haq*), but various mechanisms to dispossess women of land continue to exist.

One of the most curious requests I have encountered is that from Seema Tunio of the Ghambat Council in Khairpur district of the province of Sindh in Pakistan. She asked me to send her by mail envelopes with blank pieces of paper in them. She said she would be happy to receive written letters from me, but if I was otherwise occupied, blank papers would suffice.

This is the request Seema makes to every person she meets from outside Khairpur and, as a result, receives blank papers from Karachi, Islamabad, Lahore, Faislabad and even Germany, Ireland and Thailand.

The contents of the envelopes were irrelevant, but the fact is she is the only person in the village who receives mail that is not a money order. Moreover, she receives letters from

‘important corners of the world’, which communicates to the entire village her importance and connections and, therefore, provides her with protection. The letters are Seema’s only buffer between life and death.

The village heads, who are also her uncles, want her dead, but don’t want to risk the wrath of the world.

But why? Because Seema Tunio staked her claim to her dead father’s land.

I shall overcome

In places, Seema’s story becomes painfully ordinary. She was two years old when her father died. Her mother remarried soon after. Her father’s six acres of land was usurped by his brothers. Seema’s uncles also managed to get her declared dead legally so that all benefits and funds accruing to her father would transfer to them.

Seema grew up in acute poverty but began showing signs of resistance and challenge. When intimidation and threats didn’t work, there was an attempt to force her to marry her eldest uncle’s son. When that didn’t work either, her maternal family became embroiled in protracted legal battles as a plethora of false cases were filed against them.

But Seema fought hard to ensure her life did not become a cliché. On turning sixteen, she spent two years proving that she was alive. The payment of her father’s pension to his brothers was stopped as soon as she declared herself not dead but, to be entitled to receive the amount, she had to get a court certification guaranteeing she was alive. Since her birth was not registered and there was no hospital record as she was born at home, the court required three people to testify that Seema was her father’s child. But, apart from her step-father, she couldn’t find anyone in the village who would do so, as this was bound to anger her uncles, including her mother’s brother.

The *wadero* (head of village based on either landholding size or clan leadership) told the village that the problem did not lie with Seema being declared to be alive, but that her uncles were her father’s surviving heirs, and that she was their responsibility.

Once Seema managed to trace the *dai* (midwife), who had been present at the time of her birth but had relocated since, her existence was given the court’s seal of approval.

Her step-father's support and love for her allowed Seema to be educated like her step-siblings, despite her family's extreme poverty. But the financial hardship prevented her from taking the exams that certify higher secondary schooling.

Seema's eagerness to study further, combined with her anger at having to endure an ordeal for a pittance of a pension, helped her decide to claim her share of the inheritance her father had left behind. This was when she was abducted in a saga reminiscent of the 80s Bollywood-noire: drugs mixed in milk, a pre-paid *qazi* (priest), early recovery from the concoction, an overheard conversation, and a maid with a conscience who helped her escape. Except, the only hero in this story is the heroine.

Seema managed to get a hearing before Khairpur's mayor Nafisa Shah, and was granted audience to see, and subsequently receive protection from, the then advisor to the chief minister of Sindh, Aftab Mirani. Three chief ministers have changed since but Seema's destiny continues to swing pendulum-like. Since then, she has been granted ownership of land but her access to it remains obstructed – as an example, she was told water would be released into her field only between 3 o'clock and five o'clock in the morning, and only if she is present in person. She regularly faces threats and harassment is routine. Most women in similar situations do not get even this far.

Less than two per cent

There is no quantitative data, yet popularly quoted estimates say that less than two per cent of women in Pakistan own land, and fewer still have administrative control over it. A study of women and land in Pakistan conducted by the Sustainable Development Policy Institute (SDPI) found in its research on men's perceptions that there was a general acceptance of women's rights to own and inherit land (89 per cent) because Islam recognized it as such or it was understood as a right, that is, '*haq*'. But various mechanisms to dispossess women of land continue to exist.

In Sindh, the old tradition of compelling women of wealthy landed families to dedicate themselves to the service of God, thereby forsaking marriage and children, ensured that no wealth left the family. Now, it has given way to the revival of another ancient tradition – the honor killing, which many analysts believe preempts marriages of choice and could involve inheritance claims.

In Punjab, marriages occur mostly within families, often with first cousins, which again ensure lands stay within the family fold.

More systemic arrangements are identified by the SDPI study, which highlights that women who own land are disallowed to acquire the required knowledge of agriculture under the label of purdah and respectability. Those who do have knowledge of tilling, harvesting, seed preservation and other such agriculture-related skills are, to begin with, poor: the possibility of owning land is therefore non-existent for them.

“Women are systematically prevented from acquiring the necessary knowledge to manage and control land if there is a possibility of owning land; on the other hand, women who do have the necessary knowledge have no hope of ever owning land,” says Saba Gul Khattak, who led this study.

Haajan Tajji

Haajan Tajji from the Khairpur tehsil in Sindh Province summoned the courage to claim her father’s land only when her sons grew to be adults capable of offering her protection. She lost her husband to a fight over the placement of a government sanctioned tube-well: he was out-manuevered and killed. Her eldest son saw a television broadcast of the then-President General Pervaiz Musharraf at a tea stall he sometimes went to, and the speech was on ensuring rights of women. This gave her family the assurance that the government would be receptive to helping her.

But Taaji could not even get her case registered. The police said that because she was a woman, she had to go to the women’s cell of the police. The special women’s cell of Khairpur district, about two hours by bus from Taaji’s village, was headed by an assistant superintendent and had a constable and five policewomen on its staff. The women’s cell told her that even if Tajji was a woman, her case was not a ‘woman’s case’ but a ‘hard’ case, which the main police force would deal with. Taaji was sent back and forth between the two offices for months.

This is not to say that Tajji is a proponent of modernist notions of women’s empowerment. The 70-year-old believes that the natural order requires men to provide for women, and only when men renege on this do problems start. She thinks of herself as cursed to be ‘half woman’ because, after four children, she had two consecutive miscarriages and

could not conceive subsequently. She narrates that one of her community's beliefs is that each menstrual flow is the murder of an unborn child; that women should stay pregnant in order to save these lives. Taaji is attempting to claim her father's land only because her husband has died and her sons are unemployed.

A fragmented issue

Many agriculturists have reservations about the feasibility of apportioning land to women, given the current state of land fragmentation and in the context of increasing mechanization, rising prices of inputs and declining availability of water, which is making farming increasingly unviable at the scale of subsistence, more so as rural poverty and out-migration is accelerating.

Though agriculture is no longer Pakistan's best performing sector and the nation's people are diversifying to other sources of wealth such as factories and the stock market, the association of land with respect and power remains indelible, despite its declining economic premium. Land continues to define social status and political power, both within and outside the household.

Bina Agarwal, in her seminal work (*A Field of One's Own: Gender and Land Rights in South Asia* (Cambridge University Press, 1994)) on land rights for women in South Asia, posits that supporting women's legitimate share in landed property can prove to be the single most critical entry point for women's empowerment in South Asia. Yet, as SDPI's research has found, people generally distanced themselves from the issue: the landless peasants said since they had no land, it was not their issue; they could not see the women's role in asset ownership. The subsistence farmers said they had land that could barely feed them, and that women were needed for critical tasks and responsibilities at home and with the livestock; so, land ownership by women was not 'their' issue. The medium-scale farmers said women were overburdened with housework, their landholdings were too fragmented, and this [land ownership by women] was an option only for large landowners who had enough tracts of land and for whom class privilege allowed purdah to be an option and not a necessity.

The overwhelming perception was that the rich are entitled to the choice of whether to function as per custom or not, whereas the other classes are pressurized more heavily by the weight of tradition and social approval, as wealth reduces dependence on the larger community.

As per law

Many women in Pakistan have ownership of other assets such as factories, cars, bank accounts, and even property. But this is largely an urban phenomenon and is correlated to the education levels among women. The barriers are most insurmountable specifically with agricultural land.

In 1937, when British administrators declared that Shariah (Muslim Personal Law Shariat Application Act XXVI 1937) be given primacy over customary law, and also pertain to matters of inheritance, they categorically exempted agricultural land from governance by the Shariat.

The earliest post-Independence record of women's protest and agitation was on women's rights to inherit, and the strategy the activists chose was to advocate for Islamic Law to be declared the unconditionally supreme authority. The first legislature of the nation had two women representatives, Jahan Ara Shahnawaz and Shaista Ikramullah, who tried to present a bill, but it was taken off the agenda. It was not until women protested and hundreds of them demonstrated outside the Assembly building that the West Punjab Muslim Personal Law (Shariat) Application Act (IX of 1948) was eventually passed.

Indeed, this debate has been played out globally within women's politics, both activist and academic, and is still seen currently between 'mainstream' feminism and Islamic feminism. The strategy to press for women's rights within the Islamic framework has also been hotly contested within the Pakistan's women's movement.

There are exceptions

There are, however, many instances of women owning agricultural land in Pakistan, such as in southern Punjab, where landholdings are fairly large. Though socio-economic class, familial outlook and education levels are markers, most cases can be traced back to the two spates of land reforms carried out by the State. To prevent land from exceeding the ceiling fixed when surplus land was to be redistributed to landless tillers, and taking advantage of the caveat that introduced limitations on the size of holding while owning land personally and not as a family, ownership of parts of land was transferred in the names of women in the families.

Post-Independence, Pakistan's first set of land reforms were carried out in 1958 by the martial law regime of General Ayub Khan. The Land Reform Commission instituted for recommendations suggested redistribution "by causing minimum necessary disturbance of the social edifice." Accordingly, ceilings were fixed on the maximum land holding for each person, based on Productive Index Units, corresponding to 500 acres of irrigated land or 1,000 acres of non-irrigated land, with exemptions for a) private stud and livestock farms, b) religious and charitable institutions, and c) fruit orchards, and allowances for transferring area to family members.

In his *Dissenting View*, Ghulam Ishaq Khan, a member of the Land Reform Commission 1958, suggested lowering the ceiling to 300 irrigated acres or 900 non-irrigated acres as the maximum holding for a family, and wrote that the proposed features would ensure "society remains indefinitely stratified", which is what happened. Under this regulation, about 2.5 million acres were resumed, which means the land was reverted to government control for ownership to be passed on to another (4.5 per cent of total farm area in the country) and 2.3 million acres redistributed among 183,371 tenants: all men.

Mahmood Hassan Khan, a renowned national economist calculated that the ceiling of individual landholding at 500 acres, along with exemptions, would allow a landlord to retain in his family 3,000 acres of irrigated land, at a conservative estimate, premised on a landlord having one wife and two daughters.

Family rules

With this law, the family suddenly assumed importance as a caveat through which to keep landholdings secure, and women warranted mention. The law stated that an owner could transfer up to 18,000 PIUs to 'heirs' and a further 6,000 PIUs to his 'dependent female relations', with the understanding that the heirs would be male and the dependents, female, and the justification that women's needs were half of those of men since the women have other men to rely on.

At this time, women already had the legal sanction to inherit agricultural land. The Commission acknowledged that women belonging to landed families could be and would be given agricultural land, accepted and validated by the Land Reform Commission. Yet, poor women as recipients of redistributed land still did not feature in either the discourse or the legislation.

The next set of land reforms were undertaken by Zulfikar Ali Bhutto who, armed with populist slogan of '*roti, kapra aur makaan*' (food, clothing and shelter), pushed 'Islamic Socialism' and carried out a program of nationalization, undertaking land reforms again and condemning the reforms undertaken by the prior regime at the same time. Bhutto's law prescribed a landholding ceiling of 150 acres of irrigated land and 300 acres of non-irrigated land or an area equal to 15,000 PIUs. This was considerably lower than that allowed in earlier reforms, though it was still applicable to individuals, not families.

This law resumed excess land without compensation, unlike Ayub Khan's measures, and distributed resumed land without charge to tenants and small owners, and redefined contractual conditions between landlords and tenants. Civil servants were required to surrender all land in excess of 100 acres, though military officials were not subject to this limit. The law also revoked all earlier exemptions, making no allowances for stud and livestock farms, orchards and *shikargahs* (game reserves) with the exception of universities.

The bitter half

Mahmood Hassan Khan calculated the ineffectiveness of the 1972 reforms by pointing out that, in 1971, there were almost 18,000 people in the Indus Basin (11,000 in Punjab and 7,000 in Sindh) who had holdings of over 150 acres. Post-reforms, those who were 'affected', that is, those whose land was resumed numbered 1,064 in Punjab and 690 in Sindh: this added up to 10 per cent of the total owners with land above prescribed limit.

There are no records that any of the land resumed was redistributed to women. In fact, Bhutto's speech announcing the reforms said they were aimed for, "Our rural masses who from today will be able to lift their heads from the dust and regain their pride and manhood and honor", excluding women not just from the list of beneficiaries, but from the 'rural masses' whose 'manhood' and honor needed restitution.

The second generation of Bhutto's reforms were introduced in 1977, but since his government was dismissed in a military ouster by General Zia-ul-Haq within five months of the promulgation, they were never implemented, even by the since-then thrice voted-in PPP-led (Pakistan People's Party, which Bhutto founded) governments.

There seems a deliberate exclusion of poor women as recipients of land, and class

politics plays a role in addition to gender because women from landholding families are explicitly acknowledged. 'Heirs of land owners' are explained as 'owner's wife or wives, sons, daughters, father, mother and sons and daughters of deceased son or daughter', whereas a landless cultivator is described as 'A person who cultivates land *himself* or through *his son* or *grandson* or *son-in-law* or *nephew*'. The terms and conditions for the grant of available land under all land reforms had a common phrasing: "The government is prepared to grant land free of charge, but no person shall be entitled as by right to receive a grant under this statement and the government retains absolute discretion in selection of grantees."

The laws acknowledged the *de jure* tenants whereas women's work makes them *de facto* tenants. There is a plethora of literature on the nature and extent of women's agricultural labor, yet the payment, registration and negotiation are till date mostly mediated by men.

Even the process of requesting land has been arduous and lopsided against women's interests. Tenants interested in availing land grants had to fill out a form and include on it all details of the land being cultivated by the tenant, the land owned, if any, details of land which is desired for a grant (including its indexed productivity), and for the form to be sent through registered post or personally delivered to the Deputy Land Commissioner. This process assumes a level of literacy and familiarity with bureaucratic processes, and presupposes mobility and access to information – all of which weighs heavily against economically disadvantaged peasant women.

A report by Pattan, a national NGO working for agrarian reforms and devolution, relays recommendations of rural men and women from Multan, Muzaffargarh and Sargodha to make devolution effective. In order for it to work as envisioned, rural peasants recommended that big landlords and women belonging to their families should not be allowed to contest elections. Women in focus group discussions expressed reservations on elections of councilors, "A poor woman will not be able to seek assistance from a rich elected woman and election of women of zamindar families will lead to a host of problems for poor women."

In Pakistan, there is a clear nexus between landlessness and the lack of political representation, and coupled with this is a strong association between landlessness and poverty. Among the 70 per cent of the population that does not own any land, the poverty

rate is 35 per cent, while it is only 13 per cent among the 6 per cent who own at least four hectares of land. Conversely, among those categorized as poor, 75 per cent owned no land.

An Asian Development Bank publication on Rural Poverty in Asia authored by M G Quibria and T N Srinivasan (1993) concludes that, “In summary, it would appear that among those who cultivate land, poverty arises more from an unequal distribution of operational holdings rather than from lack of access to new technology, irrigation, fertilizers, etc. on the part of small farmers and tenants.”

A pragmatic approach

Raheeman Bibi from Bhawalpur in southern Punjab takes a very pragmatic approach to the whole issue. She does not want to jeopardize her life over land claims since her father, and after his death, her brothers, provided/continue provide her with whatever she needs. She points out that only when men do not take care of women are women left with no choice but to make claims. She gets pocket money from her brothers even after her marriage, in addition to the dowry she was given, and her brothers own and control family land. This way, both she and her brothers are happy.

Such patriarchal bargains are also respected by the local community – where the community feels the woman has been wronged, they stand up in support of her claim to land out of a sense of justice, but if the claim is predicated on her ‘kicking the family in the face’, despite their affection for her, the community rises against such a woman. Such a social contract is evident across most of Pakistan.

This may also explain why women have not come together as an interest group or movement to claim their land rights, as evidenced in other countries. Kamran Asif and Shaheen Sardar Ali’s research on court cases illustrates: “From 1947 to date, we find that where a woman has approached the courts for the protection of her right to inherit, she has met with a very positive response. But ... in comparison to other areas of family law, the quantum of cases raising issues of inheritance and succession rights for women are extremely low. For instance, in superior courts, we found over 8,000 cases for guardianship and custody issues, over 10,000 cases concerning dissolution of marriage, dower etc. On the other hand, one does not see more than 100 reported cases covering succession and inheritance rights.” (“The Law of Inheritance and Reported Case Law Relating to Women”,

in *Shaping Women's Lives: Laws, practices and strategies in Pakistan*, (eds) Shaheed, Warraich, Balchin and Gazdar, Shirkat Gah, 1998.)

An intersectional analysis of land ownership and access that examines both gender and class shows the attempt to procure land is a very high risk venture for poor women, with dubitable outcomes, whereas the process of attempting to claim land would itself alienate and rupture the only support system they could otherwise count on: male relations. So they choose a more reliable safety network instead of taking a chance on autonomy through battling a severely biased system with uncertain outcomes at the end. In this regard, when poor, rural women do not claim land, whether from the State or the family, and if they do not stake space within land rights movements, this could itself be seen as an act of agency.

Yet, with rapid State withdrawal supplanted with money and markets as themes of development, within a context in which the State was already not responsive to women's needs and entitlements, these social safety nets assume critical importance.

In face of high resistance to women's land ownership in the private sector, and continual State apathy, the government in Pakistan has once more raised the banner of land redistribution. In the heady days of electoral victory, in honor of Benazir Bhutto, the incumbent government said land would be given specifically to women. The government of Sindh has started its land mapping exercise since no land records are digitized. No other information or follow-up news seems to be available. Twelve months and counting...

Fishing in Troubled Waters

BY NAZISH BROHI

After remaining beyond the pale of the development discourse for twenty years, land as a solution to poverty is making a comeback, this time ensconced in a World Bank-driven rubric of land markets. Its positive prescription includes digitizing land records and streamlining the *patwari* (local record keeper) institutions, which would simplify things for many of the poor facing protracted legal battles in property disputes. On the other hand, the fishing communities are a graphic illustration of the consequences of paring land down to its financial worth, overlooking livelihood systems and cultures built around them.

“**W**e are surrounded by the sea. It is ours, but we cannot use it.” Not only are Fazal Din’s words reminiscent of Coleridge’s famous Rhyme, the fisherman from Pakistan even looks like an ancient mariner – weathered skin, deep squint, flowing white hair, and gnarled hands that punctuate his sentences with staccato movements. Fazal speaks in rumbles and whispers, almost like the sea itself. He has been a fisherman all his life, like his ancestors before him. While his youthful fantasies revolved around finding a mermaid, it is Dubai’s high-rise skyline that his son wants to see – and Fazal Din does not have the arguments to deter him.

Over the years, fishing communities in Pakistan have seen their livelihoods shrink drastically. Among the reasons are foreign trawlers that trap all fish, including small ones, which impedes replenishment of catch; the regular arrests of fishermen who drift into Indian territorial waters by the Indian Navy; infrastructural development that destroys ecologies and habitats; and now developers and army men who are prohibiting the fishermen's very access to the sea.

While they draw sustenance from the sea, it is issues related to the land that are driving fishing communities to desperation. Land politics in Pakistan is sordid. It features real estate mafias, illegal land grabbing and slum development, mega-corporations and kickbacks, extortion and official connivance at the highest levels -- politicians, bureaucrats and, at the top of this food chain, the armed forces of Pakistan. Fishing communities believe the sea is a collective resource. Their lives revolve around communal access to it. Access to the sea, however, comes from land. The privatization of property is, therefore, endangering their very survival.

The battle for land

The most recent stand-offs in the city of Karachi are illustrative of this. In April 2008, the Karachi Ports Trust forbade fishing at China Creek in the KPT jurisdiction of Kemari Town, and ordered the removal of its jetty. After instantaneous protests, the recently-elected chief minister of Sindh province, Syed Qaim Ali Shah, issued counter-orders prohibiting the removal of the jetty; fishing was permitted to continue.

Then, in June, officers of the Defence Housing Authority in Karachi refused to allow fishermen access to the Gizri Creek flowing into the Defence Housing Authority (DHA) area, claiming territorial rights, despite the fact that fishing in the Gizri has been going on for decades. Following this, the fishermen insist that many were kept illegally in detention centers, and that their boats were confiscated.

Over the years, as the DHA has expanded, its local communities have been pushed outwards in stages. The DHA was initially a housing society for defence personnel, which fell under the ambit of Sindh's provincial government. In the 1980s, General Zia issued an ordinance that converted it into a housing authority not governed by civil law. Since then, the DHA has used landfills to reclaim vast areas from the sea, all of which has been diverted for commercial enterprise, posing problems for fishermen.

The perpendicular strip of beach here has been reserved for waterfront development, which will include office blocks, commercial complexes, multi-storey car parks, restaurants, amusement parks, hotels, condominiums, a water sports stadium and a marina. A group of citizens has opposed this with the ‘Sahil Bachao’ campaign that says this beach is among Karachi’s only multi-class recreational areas. The campaigners are also protesting that the legal requirement of an Environment Impact Assessment has not been carried out and that the nature of the proposed development would privatize the area, making access prohibitively expensive. The fishermen agree.

In another proposal, the government looks set to develop one more coastal stretch into Sugarland City, a modern city of international standards spread over 60,000 acres, for a reported investment of 68 billion dollars by a UAE based construction firm. Apart from ecological damage, this development will have a drastic effect on the fishing settlements of Ibrahim Hyderi, Rehri, Malir, Kimari, Gizri, Sangu, Lyari, Maripur and Abdur Rehman. Representatives from these settlements have condemned the proposal, stating it would render them destitute. These fishing settlements lie along the stretch proposed for development, and its traditional access to the sea. It is feared that the development will ‘gentrify’, and ‘purge’ the area.

The earlier regime, which exited in 2008, signed over two islands off Karachi’s coastline, adding up to a total of 12,000 acres of land to Emaar, UAE-based developers, who are expected to invest USD 40 billion for its development. Again, the required Environmental Impact Assessment has not been conducted for this project, nor has the matter been debated in either the federal or the provincial assembly. This too has been decried and rejected by local fishing communities though others point out that the islands were uninhabited and barren, calling the condemnation of its sale by the fisherfolk a knee-jerk reaction based on speculative fears rather than evidence of real problems.

“We don’t have the breathing space to propose our own demands,” notes the Pakistan Fisherfolk Forum (PFF) representative Saeed Baloch. “All we do is hectically lobby against and protest against their [the authorities] plans. Don’t construct this, don’t obliterate that, don’t pass this, don’t bypass that: our survival is at stake at so many fronts. What can we be but reactionary?”

Fishing communities vividly reflect the fissures that occur when land acquires unprecedented commercial value. At one level, they are easier to dispossess as neither

livelihood nor identity, or, for that matter, wealth and atavistic claims, tie them to land. On another, access to the sea is contingent on access to land.

Ecological excess

Over the past decade, natural and contrived ecological changes have altered the lifestyles of fishing communities in Pakistan. Karachi's largest stretch of mangroves was uprooted to make way for a bypass, and land adjacent to it was steam-rolled for a housing colony of the Karachi Port Trust. In addition to environmental protection against tsunamis and air pollution, the mangroves were the breeding ground for the shrimps that are fished here.

In another example of ecological excess, the Badin district, which lies in the coastal area of lower Sindh, has been inundated by water as sea-levels have risen over the years – this was caused by the declining flow of water from the river Indus, which originally kept sea water at bay. In addition to lands being laid bare because of drastic increase in the levels of salinity, this has also led to the creation of natural coastal creeks. The landlords of the inundated agricultural lands are now sea lords, having taken possession of these creeks by virtue of their prior status. Fishing is thus subject to their permission and contingent on the 'agreement' to sell catch to their designated *beoparis* (traders) at pre-determined, artificially lowered rates.

This results in fishing communities resorting to practices such as using fine mesh nets in a bid to increase the catch and enable fishing to remain commercially viable – but fine nets end up snaring not just fish but their eggs and young, a blow to sustainable fishing as stocks are not replenished. Shahrukh Rafi Khan, in his examination of the fisheries sector, calls this the 'poverty-environment nexus' where poor and vulnerable communities are compelled to destroy the resource base they depend on for their survival. He suggests that when poor fishing communities degrade resources, "It is an induced response, rather than a deliberate or wanton act. It is induced by commercial pressures that in turn are supported by policies, which, through intent and default, support commercial interests at the expense of environmental and livelihood concerns."

Environmental degradation has been acknowledged by the Asian Development Bank. A USD 36 million loan to develop a coastal zone management and monitoring plan has been sanctioned. It is expected to help households cope. The Sindh provincial

government has also launched 15 development schemes for local fishermen valued at over Rs 1 billion.

Salwa Bibi is an old woman, who has spent her life cleaning fish and knotting fishing nets. But because there is hardly any fish to clean and nets are purchased in stores these days, her daughters are looking for other work. Salwa Bibi says she used to hear from her mother that women would sail on the boats and catch fish in the old days, but not in her lifetime – she lives ten meters from the sea in Badin, but does not know how to swim. She remembers a time of relative prosperity while her husband was alive. “Twenty years ago, we were not worried about food. We were comfortable, and I even had some gold jewelry. I told my husband to buy a proper house instead of this *juggi*, but he had some strange ideas (*“uss ka dimaagh kharaab tha”*). He used to say he didn’t believe in private property, that his soul was with the sea and that if we bought land, the land would buy and hold his soul. Then he met some stupid men who told him God knows what and he came back after days, put a red flag on our *juggi* and said ‘The Change’ is coming. Here’s the change: he is dead, the fish are gone and we are poor.”

The ‘development’ of water

Water itself is increasingly being vested with the attributes of land. Like agricultural land, it is now valued beyond its conventional yield. Instead, it is seen as the site for extensive development and investment. Karachi’s beachfront development project, where the sea’s worth is primarily visual, is one example of this. Water has thus become an arena in which foreign investors contest for favors from private sea lords, ‘inhabitants’ and state institutions like the armed forces, a trend that is otherwise referred to as ‘resource capture’.

Badin district has also experienced resource capture by para-military institutions for over 30 years, revoked only in 2005 by orders of President General Pervez Musharraf. Initially, the Indus Rangers unit of the Pakistani Army deployed on the Sindh-Kutch Pakistan-India border requested the Sindh government give it rights to four reservoirs near the international border for the limited purpose of fishing to feed its personnel. During General Zia’s rule, this was declared a ‘sensitive area’ and the Rangers were given responsibility of coast patrol as well as expanded rights to resources, including fishing rights to 20 reservoirs and the control of fish market chains.

In 2004, a fisherman's house search conducted by the Rangers when two women were at home sparked the simmering resentment that led to a protest movement with strike calls, demonstrations, street violence and arrests, and then heated debates in the Senate, followed by the President General's order for the withdrawal of the Rangers from all the waterways and creeks in Badin.

The fishing communities have not been victims alone; they have also banded together to protest and lobby effectively. The Rangers' withdrawal is not the only example of this. In 1998, a US-based company, Forbes, signed an agreement with the Board of Investment of Government of Pakistan to invest over USD 400 million in the fisheries sector – this too was hailed by the government of the time but rejected and condemned by the fishing communities. The Balochistan assembly considered, and was convinced by, the arguments presented by the fishermen, and refused to house the project in the province. Forbes also failed to prepare a feasibility report within the designated time, blaming environmentalists, bureaucracy and 'the poor who want to stay poor'. As such, the project did not take off.

But the issuance of fishing licenses to foreign trawlers has compounded the problems of local fishing communities as the trawlers' netting capacity is much higher. All fish, big and small, are trapped by their nets, and whatever is not required, once dead, is tossed back into the sea.

Pakistan's deep sea fishing policy was formulated in 1982, following the UN Convention on the Laws of the Seas. Only Pakistani flagged vessels were allowed in the exclusive economic zones, but since many of these were fronts for foreign investors, a buffer zone was created in 1995. However, Pakistan's 2001 deep sea policy, inked by the then military-led government, abolished the buffer zone, allowing commercial fishing ventures within the previous limit of 12 miles. Now the government says that it has stopped issuing licenses to foreign trawlers, but fishermen say fish stock is so badly depleted, it is not viable for them to continue anyway. Moazzam Khan, deputy director of the Marine Fisheries Department (MFD) in Karachi, admits that Pakistan's fish stocks are fast depleting, but insists that the government has not issued licenses to foreign trawlers since 2005.

Fear and prejudice

This perpetual, forced ‘living on the edge’ has led to xenophobic tendencies in fishing communities, which tend to mistrust and respond with knee-jerk rejections of all external factors. Even as most externally packaged development proposals are deemed unacceptable, some fishermen are themselves not seen as ‘indigenous’. Migrants to the sector from other parts of Pakistan – the Punjabis from Punjab and Pathans from the North West Frontier Province – are resented as interlocutors, and the 1947 ‘Muhajirs’ from India are seen as outsiders trying to benefit from local trade, and resented. Many people of Bangladeshi origin who came to Pakistan or decided to stay here after the division of the country in 1971 are from traditional fishing communities. Even as they continue to ply their trade, they are blamed for degrading the environment with unsound practices; many ‘local’ fishermen suggest their forced return.

In Hyderabad, as the river Indus’s water levels have receded in recent decades, costs of cultivation have risen to make agriculture unviable in certain districts, where irrigation has become too expensive. Landowners have preferred to lease the land out to entrepreneurs who have set up brick kilns (*bhattis*), another labour intensive, low-skill option that is in demand. While this has lowered construction costs, as bricks were formerly brought in from the neighboring Punjab, it has also led to labour in-migration from Punjab. Women who used to work in the fields are not only redundant, they are now wary of ‘outsiders’ and have asserted their ‘respectability’ by taking to the veil en masse. As their economic contribution fell, the age at which girls were married has declined in some cases, a conclusion that is presently based on anecdotal evidence.

No initiatives to breach ethnic lines in the interests of the whole group are evident, except between the Sindhis and the Baloch, between whom the boundaries tend to blur.

The local fishermen’s fears and rejection of all ‘outsiders’ is woven from a narrative of the fear of extinction – of fish, of livelihoods, and of people. There are precedents. In Sindh, the Noonis (‘salt people’) are now hard to find. Traditionally, people from this community harvested salt from the sea. But as the land around the beach was sold to private owners, their ‘fields’ were shifted further away from the sea, salt factories set

up, value added to salt by iodising it, and the entire, prevalent livelihood system was dislodged. The original salt workers were primarily women – but none of them were hired by the salt extraction and refinery factories. Many of them are now employed as domestic servants in posh localities of Karachi.

The changing course of discourse

After remaining beyond the pale of the development discourse for 20 years, land as a solution is making a comeback, this time ensconced in a World Bank-driven rubric of land markets. Its positive prescription includes digitizing land records and streamlining the *patwari* (local record keeper) institutions, which would simplify things for many of the poor facing protracted legal battles in property disputes. On the other hand, the fishing communities are a graphic illustration of the consequences of paring land down to its financial worth, overlooking livelihood systems and cultures built around them.

Structural adjustments arising out of the transition from a development state to an increasingly neo-liberal one has in practice provided policy mechanisms – privatization, financialization, state withdrawal, liberalized trade – that have allowed the private sector to engage in predatory forms of accumulation. At the same time, the ‘adjustment’ formula has allowed traditional power structures such as *zamindari* to remain intact as well as for more effective mediators of capital to be institutionalized. Historically, land has taken on more than its physical attributes: since Independence was both a spatial demarcation as well as a political severance, it became a metaphor for citizenship and belonging, sustenance, nationalism, ethnicity, identity, religion and spiritualism. Land became an allegory for independence itself, and of both, status and status quo. Negotiating for land is therefore also a bid for mediating citizenship, and current formulae do not factor this in.

Captain Saleem is a colorful character. In the port city of Karachi, he is almost an institution, legendary for serving the best spiced, steamed crab claws and prawn masala, cooked live on his boat as he takes diners for a trip around the harbor. He is equally well known for regaling people with stories of lost, sunken treasures, subterranean cities, and the perils of pollution. But the mention of property, development and fishing rights changes all that. He clambers across his boat to sit next to me, lights

up his joint, and exhales with a litany of stylized abuses against ‘the authorities’, all creative, explicit and unprintable. He also extends me an invitation to come back in a few years, by which time, he says, he would have dug a swimming pool to rotate his boat in and would serve me seafood imported from China and Japan, with an additional charge for consuming the air on his premises. “Why not? They buy and sell the land, the sea, islands, mountains and plots on the moon, so why not sell air?” he asks. I don’t have the heart to mention the oxygen bars I have read about.

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