

STATE OF RESIDENTIAL AND LAND RIGHTS IN SINDH: CASE STUDY OF CHAMBER-TANDO ALLAHYAR, SINDH

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ABSTRACT

Acclaimed in the national and international laws, residential rights in Pakistan have got less space in academic research, intellectual discourse and media debate. In recent past, this issue of residential rights in rural areas is being linked with rights of those who have not their homes without legal documents. In Sindh province majority of the population lives in not-well-settled villages scattered over lands of government or landlords. Though living in these villages for decades, in some cases centuries, majority of these people do not have mutation documents or legal entitlements of homes they live in. Absence of legal documents is one of the hindrances to avail many public facilities like government loans, etc. Besides, the landlords in the area also exploit the vulnerability of the villagers living in villages without legal documents, especially during national elections they are compelled to vote against their will. In this piece of research we see that villages, which were registered with government, are more developed than those which are not. In this article one sub-district of district Tando Allayar is surveyed as a case study.

INTRODUCTION

According to Pakistan Economic Survey 2010-11, 66% of the population in Pakistan dwells in rural areas and 34% of the population is living in the urban areas. Majority of Pakistan's rural populace is associated with the agriculture as source of their livelihood. Whereas in Sindh, the second most thickly inhabited province, bulk of its populace lives in the countryside with agriculture as their chief source of living. To an estimate of 1998 Census total population of Sindh was 30.43 million, out of which 15.56 million people lived in rural areas whereas 14.83 million in the urban areas – majorly living in Karachi due to its cosmopolitan character of port city (Pakistan Statistical Year Book, 2010).

Since majority of the people are concentrated in the rural areas of the province and associated with agriculture, they seldom own (with legal ownership/official authorization) the houses they live in. The landless agricultural workforce is sharecroppers living either in their age-old villages or on the lands owned by landlords. Lack of ownership of the homes they live in makes them more vulnerable to the exploitation by the owners who happen to be influential feudal lords. The dependence for the shelter/housing on landed aristocracy perpetuates the vulnerability of the poor from the extremes of forced eviction to the bonded labour. The housing insecurity, therefore, continues to be used as an instrument of social marginalization which systematically excludes the poor from apparently open processes such as labour markets, public services and political representation (Gazder, Kaker and Mallah, 2009).

The district Tando Allahyar has some huge land holdings owned by the landed-cum-political aristocracy who have been at the forefront in the marginalization of the poor and downtrodden. Due to the prevailing system of landholdings, the landless peasants in particular who are mostly sharecropper, do not own either their own land or even the shelter they live in. In addition to the lack of ownership of the land they till, agricultural workers are deprived of access to the land ownership for housing and shelter (Piler, 2010). Land management, tenure system policies as well as legislation that help achieve adequate shelter and security to rural population, are either non-existing or obsolete. The peasants, tenants, wage workers and small farmers live in a village's surroundings or close to the agricultural lands. Though the villagers are settled on these lands for last many years, in some cases for generations, but they have no *Sanad* (official certificate) or lease documents to prove the *Malaki* (ownership) of houses of hutments (Piler, 2010). The obsolete land record management systems and the vulnerability of peasants (low literacy, low status) deprive them of access to registration and documentation process. Even in case of government lands, where people have settlements for years, the local landlords with the help of Revenue Department forcefully evict them and acquire that land. The practice of expelling poor peasants and tenants out of the villages has added insult to the

injury of the tenants. The cases of forced eviction have been taking place in the district Tando Allayar time and again. Ironically, many such kind of cases are not reported in media because of the fear of those landlords and self-esteem of the victims and nor the affected people possess means to initiate legal course to prove that the particular house in that particular village is owned by them and thus stand against the odds of landlords.

Regularization policy of villages are specifically of houses and issuance of the *Sanads* (certificates) declaring the residents as legal owners of those homes under the government of Sindh has been a pipedream for these people on account of their low literacy, low status and lack of awareness.

This study aims at studying the state of village regularization in *tehsil* Chamber of district Tando Allahyar. This *tehsil* is purposely selected for study because on the one hand it confronts a large number of issues related to the ownerlessness and on the other being sensitive in this connection come up with meaningful contribution in reaching out to the actual situation besides helping in measuring the vulnerability vis-à-vis unregistered homes.

RIGHT TO SHELTER IS UNIVERSALLY RECOGNIZED

World recognizes right of housing or shelter one of the basic human rights and the duty of state to provide its citizens without any difference and delay. The basic rights as enshrined in the United Declaration Human Rights (UDHR) are those rights which could be called as basic and minimum requirement of every citizen like food, education, water, sanitation, shelter, etc. Article 25(1) of the UDHR proclaims and renders it mandatory for the member countries:

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control”.

Pakistan though being signatory of UDHR, has been unable to extend the right of shelter/adequate housing to its citizens.

Besides, the right to shelter is internationally recognized in the following Conventions:

- The Convention on the Elimination of All Forms of Discrimination against Women, 1979. Article 14.
- International Convention on the Elimination of All Forms of Racial Discrimination, 1965. Article 5
- Convention relating to the Status of Refugees, 1950: Article 21
- Convention on the Rights of the Child 1989: Article 27
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990: Article 43
- International Covenant on Economic, Social and Cultural Rights, 1966. Article 11

RIGHT TO SHELTER IN THE CONSTITUTION OF PAKISTAN

The Constitution of Pakistan 1973 has also incorporated the subject dealing with extending the right of shelter and adequate housing to its citizens in line with the international commitments made mandatory to abide by on account of being member of comity of nations. Article 38(d) makes state responsible for providing basic necessities of life to the citizens such as food, clothing, housing, education and health irrespective of sex, caste, creed or race. However, the implementation of the laws concerning human rights in Pakistan is seldom materialized owing to the fact that politics and law-making is dominated by the landed gentry who have given the landless peasants and tenants a wide berth and tightened their grip over them.

SHELTER AND HOUSING OF LANDLESS FARMERS IN SINDH

Sindh Goth Abad Housing Scheme: The Sindh Goth Abad Housing Scheme (SGAHS) Act 1987 was introduced in February 1987 with an object to provide institutional arrangements for undertaking regularization of villages of rural areas of Sindh including Karachi. According to this Act, the Deputy Commissioner, being Collector of the district, is authorized to sanction the village and issue *Sanads* to the genuine persons residing in the village. Interestingly, now the administrative structure of the SGAHS has been altered with a new structure which is led by a Project Director of Katchi Abadi. The scheme thus allows villagers to apply for the regularization of their villages substantiating their claims.

Bonded Haris in Sindh: The bonded labour is one of the worst forms of exploitation. It implies employment of indigent workers at nominal wages, or without any fixed wages, and using their dependence on employers for sustenance to deny them and their families not only a fair wage but also freedom of movement and choice of other means of earning their living. It dehumanizes the worker, devalues the life of each member of his family, especially of the children, brings the employers under the mischief of laws, and undermines the economy (UNHCR, 2002). Bonded labour was first noticed in Pakistan in the brick kiln industry and the matter acquired prominence in public discourse in the 1960s. It was found that agricultural workers who had been pushed off the land and other workers squeezed out of the shrinking rural economy, and unable to find suitable employment, were recruited by brick-kiln owners at grossly low wages (Muhammad, Shah & *et.al.* 2010:20). Whole families of poor workers began working at brick-kilns and living around them. The wages being inadequate to meet their needs of living they were obliged to borrow from their employers as no other sources of credit were available.

Meanwhile, bonded labour system on a large-scale was discovered in agriculture and some of its worst forms were found in Sindh. It was noticed that lack of water forced poor cultivators and farm labour, both called *haris*, to move into canal-irrigated

areas in search of work. The landowners engaged them to work on their lands on extremely low wages and trapped whole families in the *peshgi* (advance) system. These bonded *haris* and members of their families were not allowed to move outside the limits prescribed by the landlords. The means adopted to restrict their movement included putting of men in chains or confining them and their families to enclosures which were locked and guarded by sentries. Such places began to be denounced as private jails. At some places a system of purchase and sale of bonded *haris* was also reported. A landlord short of hands would go to another landlord who had labour to spare and negotiate their acquisition by paying the amount of loan said to be outstanding against them. A *hari* would thus become bonded to a new landlord to the extent of liability assessed by his erstwhile master (SAP, n.d).

LEASING LAND TO FOREIGN INVESTORS

Given the state of food insecurity in Pakistan, the policy of leasing out some 1.2 million acres of its fertile lands to foreign investors has raised a number of questions. In Pakistan the profiteering tendency of the global food producers and distributors even at the cost of people's survival is bound to create social and political issues. This is an important problem which the corporate-mind and entrepreneur people and policy makers have always chosen to ignore so far. The policy of Corporate Farming is involved in food production on a very large scale that would snatch a very basic source of earning – the fertile land, from thousands of poor peasants who are already living in situation of food insecurity. Corporate farming is not limited only to leasing farm but also encompasses the whole life cycle of a crop in that farm this includes from seed supply to the whole process of production to harvest and advertise. Addressing poverty and food insecurity is important to ensure all people can afford sufficient food.

Internal food supply situation in Pakistan is getting worse day by day due to increase in population as there is lessening of available resources like water and decrease in cultivable land around cities due to their expansion etc. According to the Final Report of the Task Force on Food Security (2009), Pakistan is facing high food insecurity and is in the list of 15 countries where

a severe food shortage has been forecasted in near future. The Food Security Risk Index of 148 countries list Pakistan at 11th position which are facing extreme to high risk of food shortages due to above mentioned reasons and other factors. Programmes aimed at poverty reduction failing to address the issue of skewed land distribution, will be inadequate. Rich land owners are few but effective as a pressure group. On the other hand, the peasants are not organized as an interest group. World Food Programme has also showed concern over food insecurity in Pakistan. In its Report on Pakistan (2011), it is alarmed that the rise in food insecurity has led to malnutrition and the situation in Pakistan has worsened to the extent that malnutrition is as high as 35 percent in some areas of Pakistan and it calls for emergency (WFP, 2011).

Hunger is a curse that keeps people apathetic to other luxuries of life. The people facing food insecurity generally lack interest in education and health care adversely impacting their economic situation and lead to yet more hunger. This is why food security must be handled at emergency level and government should abstain from all such decisions that could add the vulnerability of poor peasants and farmers. Given the situation it is high time for the government to reverse the decision of leasing the fertile land to Multi National Companies and distribute it among the landless peasants so as to save their lives. Giving land to poor peasants will likely help stop the menace of food insecurity in Pakistan.

CHAMBER

Chambar is one of the *Tehsil* of district Tando Allahyar. It is located at distance of 21 kilometers from Tando Allahyar and is surrounded by *Tehsil* Tando Allahyar, District Badin, District Hyderabad and District Mirpurkhas. Talluka Chamber consists of 5 Union Councils: Chambar – I, Chambar – II, Dad Jarwar, Began Jarwar and Sanjar Chang. According to 1998 Census, the population of *Tehsil* Chamber is 147,430. Due to normal climate and perennial water supply of canal water, almost every type of agricultural crop can be cultivated in this area – specially cotton, sunflower, soya bean, oil seeds, onions, chilies, tomato, cauliflower, cabbage, wheat, sugar cane and all types of fruits and

vegetables. Besides, mangos of Tando Allahyar are famous all over the country.

FINDINGS

According to our survey and the revenue record of the *tehsil* Chamber, out of total 195 village of this *tehsil* only 2% villages are registered. These villages were registered in 1990s. In the subsequent period, due to political instability the process of registration was rolled back. Profile of some registered villages in this *tehsil* is given bellow:

Living Conditions: The registered villages are provisioned with modern infrastructure for living and are relatively better than unregistered villages. Since, these are afforded with roads, sewerage system and better facility of education as compared to unregistered villages, the villagers feel more secure and can entertain their political rights freely. On the contrary, owners of the lands of unregistered villages exploit the vulnerability of villagers by taking undue labour called *beghar* in Sindhi language, from these hapless villagers.

Education: It is clear that education is the basic right of every inhabitant of the state, but in villages it has ignored by many reasons; especially feudal lords are not ready to support the educational activities in their areas. During our visits to the villages we were told that the landlords consider education as a big threat for the peace of village. Apparently, it was the village leaders use illiteracy among villagers as a tool to exploit them. Schools in some villages were seen dysfunctional and even we saw many villages without schools. When we asked the villagers about education many of them told that they did not want their children to waste years in schools because they could not afford the expenses of higher education so there is no need to educate them. In registered villages the people are more aware about the importance of the education than in unregistered villages. In registered villages we found primary as well as secondary schools and literacy rate higher than unregistered villages. Literacy rate in registered villages was found to be 70 percent while in unregistered villages it was 30 percent.

Health: The healthcare units are established by the provincial government and managed by the *tehsil* administration to provide for basic treatment to villagers. In *tehsil* Chamber, these health care units are located only in the registered villages while unregistered villages have been denied this basic health provision. On the other hand, quacks and amateur mid-wives dot these unregistered villages and have considerable leeway in the absence of professional medical service. A social activist and peasant leader Mrs. Shaheena Ramzan told that during planning and implementation of development projects unregistered villages are not considered, thus majority of the rural population of *tehsil* Chamber is denied the basic civic needs.

Water: The ground water in 50% areas of *tehsil* Chamber is not fit for drinking, that is why the government started a program of filter plants in some villages. But, this facility is being given to only unregistered villages. Interestingly, the ground water in some of the registered villages, where filter plants have been installed, is better than unregistered villages. The turbines and tube well are also a big source of water for the villagers. Hand pumps also used in this area for extraction of groundwater about 120 feet deep. But, given the financial position of the villagers, these are unaffordable. However, union councils have started free hand pump scheme, which are being distributed among the relatives and political supporters of the councilors and with the prior permission of the land lord of these unregistered villages.

Sewerage: Like any other rural area, villages in Sindh are badly organized and planned vis-à-vis sanitation and sewerage owing to whimsical sanction of the feudal lord of village. The same situation is being faced by the villagers of the *tehsil* Chamber. Here, sewerage system in registered villages is better than the unregistered villages because of programme of Sewage Disposal and Drainage System has been recently introduced in the registered villages by the *tehsil* municipality.

DISCUSSION

According to both the International Labour Organization and the constitution of Pakistan it is a basic right of people to have their homes and it is the responsibility of the state to provide them housing facility. Ironically, citizens living in substandard condition in the unregistered villages are denied basic residential rights because development funds cannot be allocated for the want of statistically parameters for these villages. The government has lately decided to kickstart registration process of the villages but the process is likely to stumble over political instability, ineffective policies, lack of interest by bureaucracy, mismanagement, misuse of administrative powers and funds, coupled with dearth of trained staff to handle the situation. In these conditions it is very difficult for the government officials to register all villages of the area. On the condition of anonymity a district official of revenue told that normally political leaders vacillate while it comes to registering the villages, thus the whole process is in doldrums.

CONCLUSION

In spite of national and international laws majority of villages in Sindh have not been registered. Thus the masses living in rural areas are on the mercy of those who presumably own the lands where the villagers reside. Public facilities are denied to these villages without legal documents and the development model applied in this case appears seemingly flawed, for the residents live under constant fear of displacement. Resultantly they have no choice but to live under conditions dictated by the landlords. It may be mentioned that the floods of 2010 and 2011 have risen important questions as hundreds of villages were washed away by flood waters and rehabilitation has been hindered, including other factors, due to the lack of legal documents of homes villagers lived in. Survey conducted in one sub-district, Chamber of district Tando Allahyar, is evident to the fact that those villages with registration in place are more secure and well equipped with public facilities than those who are not registered with the government. Current government in Sindh province has started registering the villages near and around Karachi and this initiative of registering the villages is supportive of the idea that until and unless the villages and homes of villagers are not registered it is difficult to

provide basic public facilities to the rural population. Besides, the villagers shall be able to gain a sense of security and independent thinking while taking the political decisions. Registering the villages would play vital role in political and social empowerment of rural population because the rural masses then would have better bargaining power in this feudal society. This will also bar the land encroachment by the landlords and construction firms in rural areas and around small towns and big cities in Sindh. Better facilities in and around villages would lessen the rate of relocation from villages to nearby cities. This will also help in reducing the population pressure in cities of Sindh.

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