



Residential Security as Social Protection – Pakistan Review Paper

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List of Acronyms

ACHR	Asian Collation for Human Rights
CDGK	City District Government Karachi
CPT	Central Planning Team
DPR	Determinants of Poverty Reduction
EDO	Executive District Officer
ERRA	Earthquake Rehabilitation and Reconstruction Authority
HBFC	House Building Finance Corporation
HRCP	Human Rights Commission of Pakistan
IRP	Improvement and Regularization Programme
KAIRP	Katchi Abadi Improvement and Regularization Program
KDA	Karachi Development Authority
KMC	Karachi Municipal Corporation
KMP	Karachi Metropolitan Programme
KPT	Karachi Port Trust
LDA	Lyari Development Authority
MDA	Malir Development Authority
NED-UET	Nadirshaw Edulji Dinshaw University of Engineering and Technology
NGO	Non-Governmental Organization
NIC	National Identity Card
NOC	No Objection Certificate
NREGA	National Rural Employment Guarantee Act
NWFP	North-West Frontier Province
OPP-RTI	Orangi Pilot Project- Regional Training Institute
PLSM	Pakistan Living Standard Measurement
PPP	Pakistan Peoples Party
RSP	Rural Support Program
SDPI	Sustainable Development Policy Institute
SGAS	Sindh Goth Abad Scheme
SITE	Sindh Industrial Trading Estate
SKAA	Sindh Katchi Abadi Authority
SKAA	Sindh Katchi Abadi Act
SRDP	Sindh Rural Development Programme
SAFWCO	Sindh Agricultural and Forestry Workers Coordinating Organization
UDHR	Universal Declaration of Human Rights
UNDP	United Nations Development Programme
URC	Urban Resources Centre

Glossary

Term	Translation
abadi	settlement/population
araeen	caste: traditional cultivating caste in Punjab
bhadda	dune, open uncultivable land
bhatta	extortion payment
bheel	caste: Hindu, “low caste” in Sindh
biraderi	kinship
chuhra	pejorative term for “low caste” Christian, sanitary worker
dalal	middleman
deh	smallest administrative division of land (in Sindh) for land revenue purposes
dogar	caste: traditional cultivating caste in Punjab
duzkani	caste: Baloch caste in Sindh
faqir	caste: traditional caretakers of village shrine or graveyards
fard	land title document
Goth Abad	village development
jhopri/ jhopras	shack/shacks
kammi	generic term, pejorative, for service castes in Punjab
katcha	non-durable, usually mud construction, or unpaved road
katcha	Temporary
Katchi Abadi	irregular settlement
khatooni	on records of right
khuh	water well
lal lakeer	red line, to separate agriculture land from residential land in Punjab
lohar	caste: traditional blacksmiths
lumbardar	honorary government-appointed person for revenue collection and control of village affairs
madrassa	religious school
malakana haqooq	ownership rights
malba	debris, built structure
mauza	any village in Punjab
milkiyat	owned property
mochi	shoemaker or cobbler, a caste with hereditary occupation related with animal hides or shoe making
mukhtiarkar	town level land revenue government official in Sindh
mussali	pejorative term for Muslim Sheikhs, thought to be Muslim converts who belong to menial castes
naukar	attached farm or domestic worker
pad	residential land
paolis	caste: hereditary occupation of cloth-weaving
para	small cluster of habitants in Sindh villages

Term	Translation
patti	part, portion, lineage segment in Punjab
patto	land under claim
patwari	low tier (lower than tehsildar) revenue government employee in Punjab
pucca	permanent/concrete
qabooli	privately owned land in Sindh
qabza	possession
sanad	ownership certificate
shamat	hellish situation
talauka	a unit of land for revenue collection in Sindh
tapedar	low tier (lower than mukhtiarkar) revenue government employee in Sindh
tarkhan	caste: traditional carpenter
thallaywala	seller of cement blocks, found in squatter settlements
wadero	title referring to landlord/head of village
zamindar	landlord

Introduction

This project expects to contribute to the debate on social protection in two directions: (a) to broaden the scope of conventional thinking on social protection to include entitlements to assets, and (b) to highlight the linkages and possible synergies between laws and government schemes, and social mobilization of the excluded and marginalized. Its specific focus is on residential land security in Pakistan as a form of transformative social protection. In the context of stalled agrarian land reforms the presence of diverse schemes for the allotment and regularization of residential plots for rural and urban landless is a significant entry point. It is known that such schemes have benefited large numbers of people, including many of the socially marginalized. Secure and untied tenure over residential land might improve the bargaining power of the most vulnerable and protect them from coercive and dependent relations such as bonded labour.

The aim of this review paper is to prepare the ground for substantive qualitative field investigations. Key research questions include the following: what is the nature of the relationship between residential land security schemes and the mobilization of socially excluded and marginalized groups? Have some historically marginalized groups been enfranchised as a result of mobilization for residential land security? Are some groups systematically left behind? What have been the modes of mobilization and collective action? How does this mobilization interact with existing local class struggles, and with electoral politics? What are the prospects for future schemes and mobilization in the face of high land values and a globalized land development economy?

This paper consists of two substantive parts. Part I provides a discussion of the key concepts, statistics and methodology. The conceptual review aims to place the debate on transformative social protection into the context of effective and equal citizenship. Marginalization and empowerment too are then viewed as deficits from and striving towards effectively equal citizenship rights. The review also probes the concept of residential security from the vantage point of four types of disciplinary approaches: those based on rights, administrative effectiveness, economics, and social arrangements. Statistical results based on existing secondary data are summarized and compared with data from micro-level sources in order to substantiate the point that residential security has not received the rigorous treatment that it deserves. Finally a section on methodology makes the case for adopting qualitative methods, and highlights the limitations and caveats of these methods. It identifies a number of issues that are critical to answering the research questions posed by this study, as well as the research tools that will be deployed in order to answer them.

Part II responds to gaps in prior institutional knowledge and context-setting not only with reference to the specific schemes under review, but with regard to issues relating to residential security in the country at large. Case studies of selected rural and urban communities – in the regions that the three selected schemes are located – are presented in order to provide background information on the institutional context. Secondary material and key informant insights are used to provide historical and contemporary descriptions of the three schemes. Selected community cases are provided to illustrate issues in the actual implementation of the schemes. For readers who wish to skip detailed community and scheme case studies there are sub-sections

headed “Issues in Residential Security” for each of the three regions/schemes covered. Finally, the section “Emerging Issues” attempts to summarize key insights that will provide direction for more substantive qualitative fieldwork.

Part I – Concepts, Statistics and Methodology

1 Conceptual Overview

1.1 Transformative Social Protection

The term “social protection” is used interchangeably with “social security” in popular discourse and more recently with the neo-liberal coinage of “social safety nets”. But as Van Ginneken (2003) shows, the conventional usage of social security – targeted transfers and contingency payments – does not address important structural features of developing countries, such as a low tax base and a higher proportion of potential beneficiaries. A broader concept of social protection will incorporate the total social income of an individual or household that includes the income earned, as formal and informal transfers received, and access to subsidies (Standing, 2001). Devereux and Sabates-Wheeler (2004) take the concept further to include not only transfers and income or consumption subsidies but also see social protection as a process to “enhance the social status and the rights of the marginalized; with the overall objective of reducing the economic and social vulnerability of the poor, vulnerable and marginalised groups (Aoo, Lamhauge, Napier-Moore, Ono and May, 2007).”

This approach to social protection brings it close to ideas relating to equal social citizenship – such as those enunciated by T. H Marshall in post-war Europe. Marshall (1950) argued that citizenship rights encompass civil rights (right to liberty and justice), political rights (democratic rights of participation), and social rights (economic and welfare rights). In his view, social citizenship rights which encompass economic and welfare rights enjoyed pre-eminence. Their attainment was seen as a precondition for equality of status between citizens, which in turn was essential for the realisation of individuals’ civil and political citizenship rights. In this way, strengthening social citizenship rights would enhance civil and political rights and hence reduce conditions of unequal citizenship.

This project starts from the premise that exclusion and marginalisation are conditions of unequal citizenship (Kabeer, 2002; Kabeer, 2005). Unequal citizenship can operate at several levels. There are, of course, many who are excluded and marginalized on account of their uncertain legal status. These are irregular migrants and those denied full rights of formal citizenship on other grounds. These “non-citizens” can be quite numerous – in Pakistan, for example, the estimated number of irregular migrants and non-citizens is thought to be upwards of 3 million people.¹ Then there are those who might enjoy full citizenship rights but these fall short of equal citizenship due to legal and constitutional inequities. In some cases the disadvantage can be quite substantial while in others it may be nominal. It might be argued that large numbers of people including women and religious minorities are “unequal legal citizens” in Pakistan.²

Finally there is the category of people who might enjoy equal formal citizenship rights in law yet face persistent and systemic disadvantage due to structural conditions in state and society.³ We define such groups as “effectively unequal citizens”. This

¹ See Gazdar (2003) on estimates of irregular migrants and non-citizens in Pakistan.

² Human rights groups are effective campaigners as they are able to point out the gap between universal benchmarks such as the United Nations Charter and CEDAW and national laws and conventions.

³ For example, Civil Law accords women property rights equal to those of men. However, this right is overridden by the law of inheritance which is governed by Muslim Personal Law. Under Muslim

category could be extended to include most of the constituents of “non-citizens” and “unequal legal citizens”. Effectively unequal citizens, however, are the hardest to classify into a unique group, precisely because the dimensions of chronic social disadvantage – gender, race, ethnicity, religion, caste, and class – are many. For members of society who hold uncertain legal status and those who are regarded unequal due to legal and constitutional inequalities, the appropriate response (i.e. regularization and equalization of citizenship rights) is administratively simple even if it is politically intractable. However, the third group (those who are socially disadvantaged) pose the greatest challenge to social policy. As a socially constructed condition, their distance from equal effective citizenship is complex to measure, and policy responses require a nuanced understanding of social processes of marginalisation. It is with respect to the third category – or “effectively unequal citizens” – that the transformative social protection agenda becomes the most relevant.

Marshall (1950) and King and Waldron (1988) supported the view that structural conditions that perpetuated the marginalization of effectively unequal citizens were outcomes of the failure of the state to deliver equal social citizenship rights and bring about equality of status and opportunity. For some theorists (Levitas, 1998; Silver 1994; Goodlad, 1999), social marginalisation is a function of the denial of citizenship rights as a result of material deprivation. They emphasize that those who do not have access to economic resources necessary to meet socially accepted living standards are, in effect, unable to participate in socio-political life.

Social protection must therefore enable the effective realization of citizenship rights, particularly in the economic sphere, not only through the passive offer of safety nets but through processes of active engagement. This can happen through two main routes. One is the provision of interventions that address the particular requirements of effectively unequal citizens. These interventions include affirmative action policies that increase participation of minority groups and hence assist them in overcoming systematic disadvantages. A second route is through the encouragement of agency and collective action among target individuals and groups.

To the extent that marginalization is understood as a process of segmentation, collective action is a counter process. It is presumed that once marginalized individuals and groups are engaged in collective action for a particular purpose they acquire the political resources for gaining access to a range of other citizenship-based entitlements (Sharma, 1992).⁴ However, seminal literature on collective action (Olson, 1971) provides an account of the barriers to group formation. In much of South Asia the problem is even more acute for those who are isolated from the mainstream on grounds of gender, caste, religion and ethnicity.

Personal Law, a women’s share to property is half that of a males share. In this way, the law of inheritance systematically discriminates against women inheriting property despite constitutionally acknowledging women as equal citizens (Mumtaz and Noshirwani, undated)

⁴ This view is further supported in gendered literature where authors highlight how women can benefit from collective action through negotiating their rights in the public domain and gaining greater representation in decision-making (Pandolfelli et al., 2007). This usually results in improving their livelihoods. By engendering political equity and catalyzing the discussion and creation of equitable processes, collective action becomes an empowerment tool (German et al., 2006).

The conventional understanding of social protection – with a strong focus on social security and safety nets – is centred on individual citizens or at most families. In a number of countries where affirmative action is an accepted institutional approach social groups are recognized as targets of policy, but in most cases the benefits are still aimed at individuals and families within the targeted groups. There are a number of diverse interventions, however, which are premised on group mobilization for collective benefits. The “community participation” approach to development as well as social protection interventions, for example, is claimed to be more effective than “top down” implementation (Uphoff and Cohen, 1980; Paul, 1989). “Social mobilization” is a related approach that is widely acclaimed by NGOs and rural support programmes (RSPs), particularly those involved in micro-finance.⁵

Although land reforms have faded away from development and social protection discourse in recent years across South Asia, it is useful to recall that the rationale for the early land reforms was very close to the agenda of transformative social protection. The land reform debates of the period immediately before and after decolonization in South Asia were dominated by the concern that existing agrarian structures were backward not only in economic terms, but also came in the way of equal effective citizenship through the perpetuation of class and caste hierarchies (see e.g. Parsons, 1954).⁶

But the history of land reform in South Asia is replete with examples where administrative transfers of land to the poor and the marginalized have been subverted at the implementation level. Collusion between a local elite and a socially-embedded administrative machinery is the most frequently cited cause of failure (Joshi, 1970). Land reform, therefore, is one area where prior mobilization of beneficiaries comes up as a key correlate of successful implementation (Radhakrishnan, 1980). Pakistan is thought to stand at the other end of the spectrum where the absence of prior social mobilization led to high levels of evasion and elite capture. It is widely believed that the absence of effective land reform implementation contributed to the persistence of elite capture of subsequent development and social protection interventions (Khan, 1981; Zaidi, 1999).

There is one relatively unnoticed aspect of land reform, however, where Pakistan’s record might be less discouraging. While much of the land reform debate focused on the agrarian economy, it is non-agrarian land in the form residential plots that appears to have been a more widespread intervention in terms of the number of beneficiaries. Several residential land schemes for the rural and urban poor in various regions of the country remain alive – even if some of them are dormant – at a time when conventional agrarian reforms are no longer on the policy agenda.⁷ Although the total number of beneficiaries of these schemes is not known with any accuracy (since information is fragmented at the local level), rough estimates provided further below suggest that the total number might reach two million families – many times the

⁵ For example, the NGO Unnayan mobilized squatter populations and initiated social movements in Calcutta as part of a campaign to lobby for the legal housing rights of the poor (Mageli 2004).

⁶ These early debates were not much concerned about gender inequalities in existing agrarian structures, even though patriarchy remains an essential feature of land ownership (Agarwal, 1995).

⁷ These include the Katchi Abadi Improvement Regularization Programme (KAIRP), operative since 1973; as well as the regularization schemes operative under the Sindh Katchi Abadi Authority since 1987 (see the [Urban Resource Centre](#) website for further details).

number of beneficiaries of conventional agrarian reforms. Moreover, the residential land schemes appear to have better targeting of poor and marginalized groups than other land transfers.

This study focuses on three specific schemes – the Punjab Marla Scheme, the Sindh Goth Abad Scheme, and Katchi Abadi regularization in Karachi. It will be argued here that all three schemes qualify, at least on the surface, as transformative social protection interventions. They represent asset transfers to some of the most poor and marginalized segments of the population who can be classified as “effectively unequal citizens”, and are aimed at protecting the beneficiaries from residential insecurity as well as other forms of insecurity and vulnerability that are associated with residential insecurity. The implementation of these three schemes also appears to require prior collective action – or at least some level of prior social mobilization – of the intended beneficiaries.

1.2 Issues in Residential land Security

Residential security or residential land security can be approached from several distinct perspectives. The right to adequate housing is enshrined as a fundamental right in the United Nations Charter and in the Constitution of Pakistan. How this right is to be interpreted and ensured is a matter for policy. Besides the intrinsic right to housing, however, there are at least three other types of linkages between residential security and social protection. First, most formal social protection entitlements require beneficiaries to have a fixed abode. Exceptions are made in cases of emergency – such as natural calamity or conflict when displacement is a key concern – but individuals and families settled at fixed locations are basic presumptions of the state machinery. Second, residential security can be viewed within the framework of secure property and tenancy rights. There is a large body of literature which claims that weak and insecure property and tenure rights are a major cause of poverty and inefficiency (Parsons, 1954; Quan, 1997). Third, social arrangements for access to adequate housing are known to be conditioned on hierarchies and inequalities of various types. The processes that influence access to adequate housing are the same ones that hinder citizens’ access to social, economic and political institutions in general (Marshall, 1950).⁸

Right to Adequate Housing

Housing is recognized as a fundamental right, and this is expressed in international law as the “right to adequate housing”.⁹ The Constitution of Pakistan also mentions the commitment of the state to provide housing to all citizens who are “unable to earn

⁸ Marshall’s citizenship theory emphasises social citizenship rights above all other citizenship rights. Marshall argues that social citizenship rights allow for equality of status between citizens, and that this is necessary to enable the realisation of individuals’ civil and political citizenship rights. Marshall advocated for a situation where the whole of society might be considered a single class, where those inequalities that impacted upon individuals’ ability to exercise their civil and political citizenship rights would not be tolerated (Marshall 1950).

⁹ The right to adequate housing is detailed under the Universal Declaration of Human Rights as well as other international human rights treaties and covenants listed in Appendix 1.

their livelihood on account of infirmity, sickness or unemployment” (Article 38 (d), 1973 Constitution of the Islamic Republic of Pakistan).¹⁰

Much of the policy debate on the right to adequate housing is, obviously enough, concerned with defining adequacy, and there is no universally accepted standard or definition (McMillen and Si-Wai, 1994; Trebilcock and Daniels, 2005). While physical conditions and the availability of safe, healthy and sanitary conditions are relevant policy concerns emanating from the right to adequate housing, security of possession and tenure are also key aspects of the definition. The linkage between these two aspects of the right to adequate housing is not hard to see. Insecure rights of possession or tenure are likely to foster poor physical conditions restricted access to essential utilities and public services.

Organizations working within a “right to adequate housing” framework have focused attention on arbitrary eviction – by government as well as non-governmental stakeholders.¹¹ The right to adequate housing framework has also been deployed in the aftermath of natural calamities and other disasters in which large numbers of people have been made homeless (Barber, 2008). It can be argued that countries with well-developed social security systems have incorporated some notion of a right to adequate housing in their social protection programmes. The provision of public housing and rent subsidization are standard elements of social security in many developed countries.¹²

In Pakistan too, some measure of a right to shelter is implicitly accepted in government responses to contingencies and population movements. Public and private land is quickly made available for displaced persons during such emergencies.¹³ It might be argued that the residential housing schemes being studied here are also based on an implicit recognition that citizens do have a right to housing that needs to be serviced even under non-emergency conditions.

Administrative Focus on a Fixed Abode

The administration of most citizenship-based entitlements to social protection is linked to a fixed abode.¹⁴ Proof of citizenship itself is premised on a verifiable connection with a locale. This is the case not only in Pakistan but virtually

¹⁰ Article 24 further provides protection of property rights, but notes that the state may acquire land (whilst compensating the owner) for the purposes of providing housing to citizens (1973 Constitution of the Islamic Republic of Pakistan).

¹¹ Various national, regional and international organizations are working within these frameworks (in Pakistan and around the world). Some examples include: the Urban Resource Centre in Karachi, Asian Coalition for Housing Rights (ACHR), Human Rights Watch, Amnesty International and Oxfam

¹² For example, in the US housing programmes for the poor have been enacted through the Housing Act of 1937 and Housing Act of 1959. These are implemented through the Federal Department for Housing and Development and the Farmers Home Administration, Department of Agriculture

¹³ A case in point is the resettlement and rehabilitation scheme for the affectees of the 2005 earthquake in Pakistan (ERRA, 2005). Such appropriation of land is codified in the Land Acquisition Act of 1894 permits the state to acquire land in any locality for public or private purposes.

¹⁴ In Pakistan, access to government jobs (e.g. civil service, armed forces) and admission in public universities is linked to the domicile through the quota system (under the Citizenship Act of 1952). The domicile is proved with a permanent registration certificate (PRC) which is issued by the district revenue officer on behalf of certification by the Union Councillor. This certificate is only issued if the candidate has had a fixed abode for at least three years.

everywhere in the world. The modern state counts its citizens in relation to their specific location – the population census in Pakistan is premised on a preliminary housing census that first physically marks all dwelling units in the country, and then places people within them. Citizenship documents such as the national identity card require verification of a permanent address by a government functionary. An individual's political participation is based on electoral rolls that are prepared through an exhaustive enumeration of residential addresses. Participation in the formal economy – ownership private property, bank accounts, and employment – are premised on linking an individual with a fixed location.

There is, obviously, nothing “natural” about these administrative arrangements. There are many communities in Pakistan where effective entitlements are negotiated through group membership which in turn is based on kinship rather than physical location. The centrality of a fixed abode in the complete description of personhood in the context of modern citizenship can be seen as a historical and institutional “bias” in favour of settled communities and societies (De Jongh, 2002). There are still many groups in Pakistan – a disproportionate number among the socially marginalized – who are nomadic, semi-nomadic or transhumant.¹⁵ This is hardly surprising for an ecology where multiple livelihood strategies besides intensive crop farming sustained large populations over long periods of time.

Not having a fixed abode, therefore, is itself an aspect of marginalization (Williams, 2005), and having a place of residence constitutes an important part of personhood in the welfare state (Feldman, 2006; Giri, 2002). Thus, the appropriate policy response might be to de-emphasize the importance of a fixed abode in the make-up of citizenship-based personhood. Besides logistic difficulties this approach will encounter a more fundamental problem: will individual identification through a kinship group instead of physical location lead to the endorsement and perpetuation of traditional social hierarchies? Another approach is to acknowledge the specific needs of non-settled population but to focus on the provision of a fixed abode as a basic citizenship entitlement. Public housing, rent subsidies and housing benefits are common features of social protection across the world, and homelessness is widely acknowledged as a priority concern because it restricts access to most other citizenship-based entitlements.

Secure Property and Tenancy Rights

It was noted above that the right to adequate housing is interpreted to include not only housing conditions but also security of ownership or tenure against arbitrary dispossession. Similarly, in the discussion on the centrality of a fixed abode for broader citizenship-based entitlements, outright homelessness was only one extreme condition of exclusion that typically affects relatively few people. There can be many shades of security of possession even for those who can claim to have a fixed abode. Understanding the gradation in the effective rights of possession and use is therefore a key concern here.

¹⁵For example Gujjars in the north NWFP, seasonal harvest workers across Punjab and Sindh, pastoralists in Balochistan, (Gazdar 2007). In addition, marginalized communities as identified in Marginalisation and Education in Pakistan (Budhani et al, 2006)

Much of the conceptual work in this area was done by economists who were interested in the efficiency of markets under conditions of insecure property and tenure rights. The work of Hernando De Soto (2000) in the context of the informal sector has been influential in highlighting the role of insecure and unrecognized property rights in perpetuating poverty and inefficiency (Sheikh and Arif, 1989). The poor operating in the informal sector are unable to leverage their assets due to the absence of formal private property rights, and remain capital-constrained. While in principle this proposition applies to any assets held in the informal sector, it pertains mainly to immovable property in the form of home ownership. The main policy prescription is the extension of legal title in the informal sector.¹⁶

Other approaches that problematize insecure property rights and tenure also focus on the dampening effect on investment. In fact, arguments have been made for as well as against redistributive land reform on the grounds that uncertainty reduces investment incentives. It has been argued that government's arbitrary power to appropriate private property during through land reform creates investment disincentives and therefore lowers productivity – this is based on the logic that the incentive to undertake investments in capital and land improvements “is based in part on secured future access to the land” (Feder and Onchan, 1987). The opposite has been argued in the case of reforms that provided tenancy security – secure tenants had the incentive to invest in land improvement (Banerjee, Gertler and Ghatak, 2002). This is also true for investment on housing in urban slums (Field, 2005).

The concept of contractual security which is central to the diverse economic approaches is a potentially useful one for an understanding of residential land security. This consists of several elements including predictability, anonymity, neutral arbitration and third party enforcement. The economics literature needs to disentangle these elements of contractual security following the insight that ownership and tenancy are not binary categories – in other words, there can be many grades of ownership or tenancy. Taken together the four elements identified here provide a measure of overall contractual security. Does an ownership or tenancy contract – whether formal or informal – lead to an increase in the predictability of the behaviour of contracting parties? To what extent are the terms of a contract influenced by the identity of the parties? How neutral are arbitration arrangements between the parties? How distant are the enforcement mechanisms from the respective contracting parties?

One consequence of focusing on and disentangling these elements is that it becomes possible, in principle, to distinguish between the right to adequate housing on the one hand and contractual security on the other. The former is a direct claim with respect to the state for the provision of housing, while the latter is a claim for fair and equal terms of contracting between citizens, or between state and citizens.

Social Arrangements

The rights-based, administrative and economic approaches to residential land security discussed above all assume a relatively simple institutional setting defined by some combination of state and market. In many developing economies in Asia, however,

¹⁶ This policy response (regularization) appears intuitive enough, but was first made in the face of an earlier orthodoxy that demanded strict regulation of the informal sector because it was seen as illegal or illicit.

there are more specific social arrangements that determine an individual's position with respect to both state and market, and mediate access to housing and residential land. The issue of "effectively unequal citizens" who face discrimination on the basis of gender, class, caste, kinship group, and ethnicity, was noted in the discussion on transformative social protection above.

In total contrast with the simple state-market framework, the social context turns out to be a highly significant determinant of access. Gender is an obvious layer of differentiations between individual citizens. Property ownership and tenancy is rarely and only in exceptional terms in the name of women; this is particularly true of property that is held in large landholdings or in the case of highly productive agricultural land (SDPI, 2008).¹⁷

In many rural areas individual title is subsumed within ownership claims of wider kinship groups. There are highly diverse arrangements within and across villages for determining rights of use of land for residential purposes.¹⁸ In urban irregular settlements social groups play a less important role in determining access to land, but do seem to matter greatly in the level of contractual security enjoyed by an owner or tenant. These social arrangements, therefore, will be the major empirical focus of the present study.

1.3 Marginalization and Empowerment

This study adopts the concept of effective equal citizenship as a benchmark against which actual outcomes could be judged.¹⁹ As such, effective equal citizenship requires not only the fulfilment of civil and political rights of citizenship (negative freedoms) but also the social provision of resources that are necessary for attaining some minimal acceptable level of functioning (positive freedoms) (Sen, 1999). The lack of such provision may thus lead to what Amartya Sen would call "the failure to have certain minimum 'capabilities'"²⁰ (1985, p.670). Social safety nets or the state provision of basic health care and schooling can be interpreted as measures that a society must take in order to ensure that there is a floor below which no citizen will be allowed to fall, regardless of her private endowments. It can be conceded that the appropriate "minimal" level of minimum capabilities may "vary from society to society... or over time" (Sen, 1985), and also that it is conditional not only on the overall wealth of an economy, but also on the outcome of a negotiation between various stakeholders in society. What is inarguable, however, is the requirement to ensure that no citizen should fall below the agreed minimum level (Sen, 1985).

¹⁷ While most men pay lip service to the idea of women's Islamic and human right to own land, they do not act on this belief to transfer land to their sisters, daughters or wives (SDPI, 2008).

¹⁸ Further detail on social arrangements in rural and urban areas can be found in Section II of this paper.

¹⁹ Using T. H. Marshall's definition, citizenship comprises of – among others – social rights pertaining to welfare, which include "the whole range from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilised being according to the standards prevailing in the society" (Marshall in King & Waldron, 1988).

²⁰ Sen's concept of capability "refers to the freedom that a person has in terms of choice of functionings, where the latter refer to what a person can achieve (such as being able to take part in the life of the community)" (Atkinson 1991, p. 178).

Marginalization can be defined as non-participation or disadvantaged participation in the main social, economic and political institutions. Marginalization can be idiosyncratic or it can be systematic. If the latter then it should be possible to identify entire groups that face marginalization. It is clear in Pakistan, for example, that there are strong gender patterns in participation in schooling, property ownership, labour markets and voting. Another conspicuous illustration of systemic marginalization can be found in India, where caste remains an important axis along which economic and political privileges are reproduced in the post-Independence era (Jeffrey, 2001). The persistence of these patterns of disadvantage in the face of nominal equality in citizenship-based entitlements implies that either there is a strong imprint of historical disadvantage, or that social processes continue to reproduce social disadvantage. The same is true of observed systematic disadvantages with respect to kinship group, ethnicity and religion.

In the case of residential land security marginalization can be understood with respect to two sets of social provision – availability of public housing or land in recognition of the right to adequate housing, and contractual security over privately owned, possessed or tenanted property. Systematic disadvantage in access to public housing or state land is one aspect of persistent social marginalization. The other is systematic disadvantage in terms of contracting.

The state's historical role in the provision of land for housing has been biased in favour of propertied classes. In fact, it might be argued that groups that are currently propertied are precisely those who were beneficiaries of state provisioning at some earlier stage. This (as discussed in more detail in Section II) held true for urban as well as rural areas. The rationing of state resources to some groups and the exclusion of others suggests either strong collective action on the part of the former group, weak collective action on the part of the latter, or a combination of both. Similarly, if it is found that some groups have faced persistent disadvantages in contractual security compared with other groups, there is a *prima facie* case to answer with regard to collective action.

Collective action, therefore, constitutes a central theoretical theme of the proposed study. Successful implementation of the three residential land schemes under consideration requires some prior degree of collective action. This creates a natural empirical vantage point of select cases of collective action among socially marginalized groups. There are broader applications of the idea that provision and quality of social protection programmes might be correlated with collective action among socially marginalized groups. For instance, some attribute the expansion of the modern welfare state in industrialized countries to “the successful mobilization of working-class strength to articulate welfare demands” (King, 1987; p.847). Also, preliminary observations on the NREGA in India suggest that the scheme operates more effectively in communities where it is used as a way of mobilizing marginalized groups for their entitlements.

Various government laws and schemes have the potential for creating “entitlements” that might be pursued as “rights” by the potential beneficiaries. In rural areas the claims of the landless are often in conflict with prevailing private property rights. Existing local struggles over land and status can, therefore, acquire greater legitimacy through linkages with legal provisions. In urban areas the contest is generally

between residents of irregular settlements and municipal authorities or urban developers. These irregular settlements have developed over time as formal urban planning got overwhelmed by migration, and informal service providers stepped into the breach. Here the nature of the contest is different from rural areas – claims are staked against state institutions and not in terms of adversarial class contests.

2 Statistical Overview

2.1 Comparative Statistical Review

There are several sources of nationally representative data that could potentially throw some light on the issue of residential land security. The census of population enquires about the tenurial status of a household's dwelling. National household surveys that are used to compute poverty numbers include similar questions. Table 1 summarizes these data.

Table 1: Secondary data on residential tenure

	Pakistan	Rural	Urban	Punjab	Sindh	NWFP	Balochistan
Population Census 1998							
Owned	81	87	69	83	77	77	83
Rented	9	2	23	7	12	12	7
Rent free	10	11	8	10	11	11	10
PSLM 2004-05							
Owner occupied	88	92	79	89	87	83	91
Rented	7	2	16	6	9	7	2
Subsidized rent	1	0	2	1	1	1	1
Rent free	5	5	4	5	3	9	6

Sources: Population Census 1998, and PSLM 2004-2005

The population census admits only three categories of tenure: owners, rent-paying tenants and rent-free tenants. Over four-fifths of all households in the country reported that they were owner-occupiers of their dwellings. Rent-paying and rent-free tenants were roughly equally divided. There was a clear contrast between rural and urban areas – with far more rent-paying tenants in the latter. The picture was comparable across provinces. The PSLM has more categories. Owners were classified further into those who were in full occupancy of their dwellings and those who shared them with tenants. The latter category was negligible and owner-occupiers have been treated as a single group in Table 1. Tenants were divided between rent-paying, rent-free and subsidized rent payers. Owner occupation is even more prevalent in the PSLM compared with the population census, with nearly nine-tenths of the households reportedly in this category. The rural-urban difference is in line with the census.

These data suggest that a vast majority of households own their homes, and that the small minority that do not are rent-paying or rent-free tenants. There is, of course, a methodological bias against the homeless in these surveys, since population enumeration is subsequent to a housing census. Those who are homeless might be missed altogether. The high prevalence of owner-occupation, nevertheless, seems to indicate that residential security may not be a widespread problem in Pakistan. This might be partly a reflection of the way in which the question has been framed in the census and the PSLM. The only permissible categories are those of ownership or rental of homes. The census and the PSLM, like much of the policy discourse, assume that ownership is a binary category.

Table 2: Results from a village survey

Homestead	Owned	89
	Not owned	11
Homestead land	Formal private property	47
	Right of possession	29
	Someone else's private property	20
	Common property	3
	Other	1

Source: DPR Survey 2005

A smaller survey in seven villages across geographic regions asked two layered questions about home ownership and the precise status of ownership of land.²¹ The response to the question about ownership of the dwelling was remarkably close to the result in PSLM. Nearly nine-tenths of the households claimed to own their homes (Table 2). A second question which enquired about the precise ownership status of the land on which the dwelling was build elicit a much more varied set of responses. Less than half of all households claimed to have formal title to the land on which their dwellings stood. Nearly three-fifths of the households enjoyed informal rights of possession.

Table 3: Land and dwelling tenure – village-based survey

	Owned	Not owned	Total
Formal private property	47	1	47
Right of possession	29	0	29
Someone else's private property	10	10	20
Common property	3	0	3
Other	1	0	1
	89	11	100

Source: DPR Survey 2005

The village-based survey allowed for extra probing questions about the nature of property rights. It reveals that the ownership of dwelling is understood very differently from the ownership of the land on which the dwelling stands. Even among those who reported that their houses were on someone else's private property, half claimed ownership of the dwelling itself. This might appear odd at first instance until it is understood that there are quite distinctive terms in local languages for describing the precise status of land and property ownership.

The word *milkiyat* corresponds roughly with formal private title, even though in most cases owners do not possess legal documents of ownership. A lesser form of ownership is known as *qabza* or rights of possession, which can be transacted in some cases and not in others. Once again the main sanctions are not always formal legal ones, but those arising from local conventions. Conceding that the land is someone else's private property is clearly a far lesser form of possession. In this case too there might be local conventions governing entitlements, access and use – in other words, the formal owner of the land may or may not be able to assert his ownership claims in an unfettered manner. Common property and state land are reported as land

²¹ This survey was conducted in 2005 for a study on the drivers of poverty reduction in rural Pakistan, and has been abbreviated for convenience as the DPR Survey 2005. Details of the survey and the study can be found in Gazdar (2007), and Mohmand and Gazdar (2007).

ownership categories in some villages, and there is sometimes contention between rival claimants within a locality about the status of a plot of land – some might claim private property rights while others argue that the land belongs to the community or the state. Finally, across villages and urban areas the term *malba* (literally debris) is used to denote construction on a plot of land. A clear distinction is made in local convention between the ownership of the land and the ownership of the *malba* – the latter is almost invariably the private property of the occupant.

The brief statistical review presented here suggests that mainstream policy discourse and data collection offer a relatively simplistic view of ownership, tenure and security over residential land and housing. The institutions of property ownership, possession and tenure are far more complex and varied than suggested by a clean classification between ownership and tenancy. Formal title even where asserted is not legally documented for the most part and actual possession remains an important test of ownership. There are also rival interpretations of local conventions governing rights of possession, ownership and use. These issues will be taken up in more detail below with reference to three types of areas of the country – rural Punjab, rural Sindh, and urban Sindh – where the three residential land security schemes are located.

3. Methodology

3.1 Qualitative Approach

In the first few sections of our review paper, we have highlighted the conceptual framework for this project as well as emerging issues for further investigation. For this study (keeping in mind the nature of emerging research questions) we emphasize the appropriateness of qualitative research tools over quantitative methods. This is mainly because quantitative data requires prior agreement and clarity about the classification of data into variables. Our review has shown that in the case of residential land security, agreement and clarity simply do not exist at the moment. For example, the very concept “ownership” of residential land has many layers. Formal ownership of title is a rare occurrence, yet there are grades of residential land security experienced by individuals and families depending on a wide range of historical and social conditions. Received knowledge must be expanded quite substantially before clear and unambiguous categories suitable for quantitative survey methods will become available. This study can hope to contribute to gaining such clarity.

Our review has further shown that a second important reason for choosing a qualitative approach over a quantitative one is that many of the most interesting issues with respect to marginalization, residential land security, and empowerment are processional and relational rather than categorical. The process of marginalization itself can have many different specific facets- for example denying right of passage, stopping extension or upgrading of a structure, or demanding unpaid labour. All of these facets were found in our review. The overarching process however is that of marginalizing an individual or group from the mainstream. Similarly, empowerment or the countering of marginalization is a process that manifests itself in different forms- emergence of new leaders, political participation, economic autonomy, or even violent conflict. For such instances, qualitative approaches are particularly suited to observing, documenting and interpreting processes and relational change.

As a result, our research questions will be open ended so that we may be able to identify personal and collective **moments of change** for the community under study. These moments of change are in themselves expected to be complex and ambiguous. Again, a qualitative framework will enable bringing to light a broader spectrum of possibilities that we may evaluate as leading to the social transformations resulting from residential security.

Therefore, interpretations and analytical judgments about changing relations between groups and factors present at moments of change leading to land security (and hence empowerment) are central to solving our emerging research questions. With such an open ended and interpretive scope, in depth field work that would involve **community histories** and **participant observation** would provide the sort of data and information that could lead to a rich analysis.

This decision is made despite being aware of an ongoing debate amongst social scientists on the validity, reliability and accuracy of research using qualitative and quantitative methods. For this study, we argue the superiority of qualitative methods for various reasons. The most significant of these relate to its ‘undeniability’ (Smith, 1978). First hand observations and experiences in the field often show researchers

dimensions that quantitative data enumerators might miss. Apart from this, data gathered through qualitative methods is fluid and offers access to chronological flows of data, which is especially useful since it provides a background to the outcomes. Moreover, the opportunity for observation (open to qualitative researchers) results in more open minded research (Miles, 1979) and allows researchers to gather comprehensive data that can be useful for richer analysis (Sieber, 1973).

In its own right, a qualitative study such as this would aim to be quite thorough, and its field work would be systematic and meticulous. Methodologists such as Bradley (1993) highlight ways to overcome the biggest challenges in qualitative research i.e. establishing trustworthiness. She takes Lincoln and Guba's (1985) four criteria of trustworthiness as being central: credibility, transferability, dependability, and conformability. We would attempt to follow these criteria by being careful of the two ends of information- the researcher and the respondent. To be trustworthy, the researcher would have to ensure prolonged observation at the field, search for negative cases (to present counter views), and triangulation. Moreover, the working hypotheses would have to be transferable in order to be significant. This is possible only if the data is comprehensive and if all possible dimensions of the emerging account are covered through interviewing a wide range of reliable respondents. Finally, we will aim to ensure dependability and conformability by internally auditing the data and analysis between all research staff involved in the data gathering and reporting in order to ensure that no information has been altered (in the process) or misinterpreted.

3.2 Research Design

In assessing dimensions of social protection and how they relate to land security, we aim to investigate the effect of Government Schemes (such as Marla Scheme, Goth Abad scheme and Sindh Katchi Abadi Scheme) on landless tenants in sites where these schemes were applicable. As previously mentioned, the Sindh Goth Abad Scheme applied to rural Sindh, the Katchi Abadi Scheme applied to urban Sindh, and Marla Scheme applied to rural Punjab. Therefore, our field work is spread over rural Sindh, urban Sindh, and rural Punjab. A total of two sites per scheme will be sampled: one where the schemes have successfully resulted in providing land security to the inhabitants and one where despite the scheme being in place, people remain landless and insecure. Sites have been selected on the basis of prior understanding²² of land ownership and conflict as well as availability of data records relevant to our current work.

The table below illustrates the fieldwork plan for this research. Research tools to be used and expected outcomes are highlighted for each scheme. Data would be collected in various ways. These include a community profile, interviews, informal interactions and groups discussions, and most importantly, diverse narratives. To trace a community's struggle in applying for residential land and defining moments of change, we would document the community's history through the inhabitants' lens. To serve our purpose in identifying linkages between marginalization and land security, a wide range on respondents (on the basis of ethnicity/caste, religion, profession and income) would be interviewed.

²² Through previous fieldwork for other projects

A significant research output would be information on the community's history. The rationale behind the community history is that it would present a logical flow of events leading from the time of the community's settlement, the struggle for ownership of residential land, and the consequences of the struggle. This history would project changes in residential security over time based on the community profile, interviews, informal group discussions, case studies, physical maps drawn, and gathering diverse narratives.

Research Tools	Expected Outputs
<ul style="list-style-type: none"> • Questionnaire • Community interviews • Key informant Interviews • Interactions • Secondary Data 	<ul style="list-style-type: none"> • Community profile • Community History • Scheme History • Moments of change • Investigation of residential land security and social protection

In order to ensure that the sample is representative and holistic, careful thought has been put into deciding who will be interviewed. For this reason, we will select interviewee's from within communities having a prior expectation of diversity in mind. Our aim would also be to explore various dimensions within communities- such as beneficiary communities versus non-beneficiary communities and beneficiaries versus non-beneficiaries within communities. There would be a strong focus on keeping in view external issues affecting community gains/losses such as gender differences, differences in economic class and land ownership status, caste/kinship groups (especially historically marginalized groups), ethnicity and migrant status, and religion (focusing on minorities). We would especially be looking out for specific cases of community mobilization and political intervention for further investigation or case study.

Furthermore, selected key informants having knowledge of the scheme's history, political economy perspectives and practical implementation experience (from outside the community) will be also be interviewed. They will be asked questions relating to the history of the scheme, political motivations in its genesis the current status of scheme, perceived successes, failures and drawbacks, problems of leakage (to non-target groups) and of take-up, and finally the prospects for scheme/similar schemes under present conditions. By this, we hope to gain a deeper understanding of the rationale and processes propelling the macro level policies that will go on to affect the community history, and hence enrich our analysis.

Secondary sources of data will also be studied in order to append the field based findings. Journal articles would remain the primary source for making theoretical linkages between ownership of residential land and vulnerability as well as forms of collective action and conditions under which it is possible. For making linkages of theoretical findings with the present government schemes under review, news articles, land ownership records, maps, legal texts, and evaluation reports will also be studied.

3.3 Data Analysis

As mentioned in the introduction of this section, our methodology is qualitative in nature. The research is designed such that the data will be gathered through a combination of interviews from community members and key informants, observations of field researchers, and information from land records, maps, legal texts and government evaluation reports.

The interviews are central to the study, since they will be representative of the village itself. All groups (marginalised, empowered, ethnically and religiously diverse) will be interviewed. The interviews therefore, will be a significant data source. The key to the research findings reliability would be successful data analysis and interpretation.

As Bradley (1993) points out, in qualitative research the boundaries between data collection and data analysis are fluid. While collecting data, observations and understanding shapes the field researchers view of reality. This is often reflected in field notes and influences field researchers' line of questioning. However, this field based analysis in no way compares to the intensive analysis that takes place once data collection activities subside.

Data analysis involves aggregating data as well as plucking abstractions from it. In qualitative studies, data is broken into smaller units which are collectively studied to show patterns and emerging themes. Various analytical styles can be adopted, which can be broadly aggregated under two main analytical approaches- structural and interpretational (Tesch, 1990). The structural analysis is adopted by researchers who believe that structures are inherent in the data and need to be uncovered. Within this strain of analysis, event structure analysis can be used to reach analysis on event causality (Stevenson, Zinzow and Sridharan, 2003). Interpretational analysis, on the other hand, is where the researcher superimposes a structure of his/her own making on the data in order to understand the data. Within interpretational analysis, the purposes of qualitative research are divided between descriptive analysis and theory building (Tesch, 1990).

For this study, we hope to identify formal themes from the data and check if they support our hypotheses, as well as identify event structures. Although there is no set procedure for studying qualitative data analysis as is for quantitative (Miles and Huberman, 1984), there are broad outlines that we can use as guidelines. Tesch (1990) emphasizes the importance of breaking down the data (gathered from interviews) into smaller pieces, groping these in categories and then developing relationships between categories in a way such that patterns in the data become clear. These relationships could be presented as theoretical statements. These could be compared with initial hypothesis constructed (as outlined in the earlier section) in order to reach conclusions. The range of interviews is important at this stage, as both positive and negative cases could be used to test the hypothesis.

To further support the conclusions as valid, triangulation of the data is essential. This can be done through gathering as diverse a range of narratives as possible on various dimensions of the success/ failure of collective action/community struggle for residential land security. For example, cases of leadership, chronological

documentation of key events, examples of cooperative behaviour, group formation and dispersion, and instances of key interactions with state agencies will be independently verified through different respondents to check for consistencies with narratives. In this way, the validity of the information gathered from interviews would be reinforced, and emerging anomalies would be highlighted for further notice.

3.4 Expected Outputs

Through data analysis, our expected outputs include community histories, timelines of significant events, details of action and agency, defining moments of change, as well as interpretations of linkages between residential land security and social protection.

Timelines will mainly be interpreted through changes in physical conditions and triangulation of narratives. They will highlight major milestones within the community and in the community's external environment. For example, migration and settlement will be traced, as well as land ownership structures before and after government launched land security schemes came in place. Other emerging social, economic and political milestones will also be noted for analysis.

Also, to investigate actions and agency within the context of the implementation of the government schemes as well as critical moments of change, we would like to track forms of collective action in place prior to the struggle. External events and processes driving locals in their struggle for land security will be identified and traced. Finally catalysts will be defined after identification of actors and agency in the face of external events and processes. The data available will hence be analyzed to reveal and identify underlying structures facilitating locals in achieving land security.

Finally, information gathered through interviews will be processed to interpret the linkages between residential security and other variables that include physical security, labor (and hence livelihood) vulnerability and dependence, access to public services and finally, citizenship and participation. This will be possible through triangulation of information and analysis of diverse narratives on key events and changes relating to physical security, labor arrangements (e.g. unpaid work, forced labor), local infrastructure, and political alignments.

3.5 Limitations

Despite careful planning to iron out possible issues in carrying out this study, several limitations- which are generally specific to qualitative studies- are expected in the course of carrying out this research.

It is argued that in qualitative studies, at all levels (of data gathering, data analysis, and report writing), the researcher has to be cautious of how the data is interpreted. Often, researcher's grounded views are reflected in how they perceive the situation narrated by interviewees. At the next stage of data analysis, there is a common possibility that opinions formed through prior experience (of the analyst) may seep through when searching for meaningful patterns within the event structure. In this way, there is a danger that the researcher may selectively use the data to draw conclusions that reflect his/her views. We hope to overcome this risk by ensuring that the data and well as analysis is shared between all researchers involved in the study.

Careful discussion of field experiences will help refresh any particular incidences that could run counter to previously set notions. Moreover, all data will be triangulated and in this way any significant findings not so apparent from one data set would be reflected in others.

Triangulation itself will have its limitations. It is quite possible that data collected using different methods and through diverse respondents might not be comparable. Moreover, with using multiple data, any overlapping information gives basis for affirmation of the findings. Dissimilarities between data provides no ground for refutation. This is mainly because different datasets will be furnishing different perspectives, and these will not necessarily overlap. To overcome this, we hope to crystallize findings from data and suggest links where they are obviously apparent. Our aim would be to be to carry out comprehensive interviews with an optimal mix of respondents without spreading too thin over numerous interviews.

Apart from methodological complexities, we also face difficulty with the ambition of work. In assessing three different government schemes and their impacts on vulnerability, our research design spreads over three very different sites. Our research (though complex) will hopefully result in strong messages to emerge from findings. There is a danger that emerging policy messages may be seen as too complex. To counter this, we will attempt to compile tailor-make bite-sized policy messages that would be suitable for different audiences

Part II - Community Case Studies, Scheme Description and Emerging Issues

1. Rural Punjab and the Marla Schemes

1.1 Context

Punjab is the most populous and the most developed province of Pakistan. It accounts for over half of the country's population, and its irrigated fertile plains form the backbone of the national agrarian economy. The progress of urbanization is rapid, and many of the rural areas of the province are endowed with good infrastructure. According to the 1998 Population Census, however, the rural areas made up 68.7 per cent of the total provincial population, and 38.2 per cent of the population of Pakistan.²³

The rural-urban division of Punjab has several dimensions. The socio-economic distinction between largely agrarian rural areas and mostly non-agrarian urban areas has become less sharp with the relative decline in agriculture's contribution to national income and employment. Even so, the most recent Labour Force Survey reported around 45 per cent of the workforce in Punjab, and 60 per cent of the workforce in areas identified as rural, were in agriculture.²⁴

There are also sociological and administrative factors that determine the rural-urban division. Rural areas are presumed to be dominated by "traditional" social structures based on kinship groups (also known as *biraderis*), caste, and village-based communities. In actual fact, both rural and urban areas have a mix of "traditional" and "modern" institutions – even if traditional informal institutions are stronger in rural areas. Migration in Punjab has historically straddled the traditional-modern dichotomy. There were two major waves of rural-rural migration in the province – the first around the development of canal irrigation land from the late 19th century onwards, and the second at the time of the partition of Punjab between India and Pakistan in 1947. Many of the existing social structures were preserved in these rural-rural migrations.

The administrative distinction between rural and urban areas was somewhat blurred through the 2001 devolution reforms which prescribed uniform systems of local representation across the country. The administration of land, however, remains embedded in a rural-urban division. Land in designated rural areas is identified through administrative or revenue villages (called *mauza*) with its system of title, registration, mutation and transfer. Officially recognized urban areas have different forms of title and registration. Land in many areas the have effectively become urbanized – due to the economic diversification, infrastructure development, clustering due to population growth, or proximity to expanding established urban centres – continues to be administered along *mauza*-based rural lines.

The agrarian economy of Punjab is known not only to be highly productive, but is also reputed to have embraced new technologies quickly (Khan, 1981). Many commentators have ascribed this to a relatively egalitarian agrarian structure. Tenancy has declined rapidly, and was relatively less important than in other regions such as rural Sindh to begin with. Punjab has been held up as a model of peasant-

²³ Population Census 1998.

²⁴ Labour Force Survey 2006-2007.

based agriculture, in comparison with other parts of the country where large land holdings have dominated (Gazdar, 2009). Canal colonies that opened up huge tracts of semi-arid land from the late 19th century onwards have been often held as examples of middle-farmer dominated market-oriented agriculture.

While it is true that land ownership is relatively more equal in Punjab than some other parts of the country, a number of important qualifications are necessary. Land concentration, measured in terms of the proportion of total cultivable area held by the top few percentiles of ownership holdings, is certainly much smaller in Punjab than in Sindh. The incidence of landlessness too is significantly lower. But even in Punjab, nearly half of all rural households did not own any agricultural land at all. The small-middle farmer or peasant-based agrarian structure that favours self-cultivation over tenant farming, is nevertheless premised on the exclusion of a very large segment of the rural population from land ownership. The vast majority of this population consists of castes and kinship groups that are traditionally regarded as artisans, menials, farm servants, and labourers – and have been identified pejoratively as *kammis*, *chuhras*, and *mussalis*.

The division of rural society in Punjab between cultivators and non-cultivators was inherited from traditional village structures, but formalized under the British colonial system from the mid-19th century onwards. Traditional Punjab villages were dominated by cultivating castes and tribes that could claim hereditary lineage to the original owners, conquerors or colonizers of land. When the British colonial government made land revenue settlements in the province it preserved village-based administration, and formally recognized the village or *mauza* as the basic unit of land revenue. Villages had collective responsibility for land revenue, and salaried as well as honorary offices were identified for revenue collection and land administration.

A traditional village was organized around cultivators, both owners and non-owners (tenants), who drew upon the labour of various service castes in return for agricultural produce. While some of the service castes were considered to be skilled artisans, most others were marginalized groups who performed menial labour, and were at the beck and call of the cultivators. Village cropped land was treated in revenue records as the joint property of those families or groups of families who successfully maintained their claims of ownership and possession. The ownership of non-agricultural land within the *mauza*, either forest or uncultivated waste land, or residential land, was linked to ownership of agricultural land. Non-owners who resided in the village were allowed to stay there at the pleasure of the proprietorial body.²⁵ In 1900 a provincial law formally disallowed agricultural land ownership on the part of those designated as “non-cultivators (Gazdar, 2009)”. Although this law is yet to be repealed, it has fallen into disuse through legal precedence.

Given its size and geographical diversity, there are significant inter-regional variations within Punjab. The north-west of the province consists of the Potohar plateau where crop farming relies mostly on rainfall. This is among the least productive agricultural regions, but has benefited greatly from access to formal sector employment in government jobs. The north-eastern corner has a high population

²⁵ The settlement area was known formally in the revenue records as *deh abadi* (or village settlement). Owners were referred to as *deh-malikan* (owners of village settlement) and those recognized formally as non-owning residents were called *sakin-deh*.

density and a fertile soil where wheat, rice and other high value crops are grown. The region has undergone economic diversification, but villages consist of peasant-dominated communities of old standing. Central Punjab consists quite largely of flood-plains and canal-irrigated areas. The riverine villages are dominated by large landlords, while modern canal-colony settlements are based on smaller holders. The regions in the south of the province are far poorer than the north and the centre. There is a mix of semi-arid, canal-irrigated and riverine tracts. Land ownership tends to be more concentrated than in the north and centre, and economic opportunities are limited to agriculture or casual labour.

Successive agrarian reforms in Punjab, particularly between 1947 and 1972, further consolidated private property rights in land without radically altering the village-based system of land administration (Gazdar, 2009). The main beneficiaries of these reforms were cultivator castes who happened not to own land – in other words tenant farmers. While some of the early debates mentioned the extremely vulnerable conditions of non-cultivator service and servant castes, no intervention was made for them until 1974 when it was announced that state land will be used to provide homestead plots measuring five marlas. This scheme which became known as the Marla Scheme, was reported to have benefited over 800,000 households – or some three times as many families as all beneficiaries of redistributive agrarian reforms put together.

The review of secondary data in Section I found that most households in rural Punjab reported owning their homes. A comparison with village-based survey data revealed, however, that a large proportion of them did not have formal private property rights. Many were in possession of the land on which their homes were built without owning it. Three village studies from different regions of Punjab are reported below to explore some of the nuances of homestead land ownership and possession, in order to better understand the context of the Marla Scheme and its continuing relevance.

1.2 Village Studies

*Maanke – Northeastern Wheat-Rice Region*²⁶

Maanke *mauza* is located on a main road close to a motorway. It is claimed that the village has been in existence for over three hundred years, and is home to a branch of the Bhatti clan. The Bhattis of Maanke claim descent from famous Rajput warriors of the 16th and 17th centuries. The village is divided into four geographically distinct clusters, each bearing the name of an ancestor. The four ancestors are thought to be have been brothers who settled in four different parts of their *mauza*. All of the agricultural land in the *mauza* is owned by Bhattis – though there are many Bhattis who do not own any agricultural land. There has been steady fragmentation of holdings and the largest landowner has a holding of around 20 acres.

The Bhattis, however, are not the only residents of the *mauza*. According to a village census conducted in 2001, 44 per cent of all residents were non-Bhattis. The non-Bhattis can be further classified into three groups. There are a few Syed and Qureshi

²⁶ This village was surveyed for a qualitative study of poverty in Pakistan in 2001 carried out for Gazdar, 2002

families whose members are mostly educated and hold low-scale government jobs besides offering services as Quran teachers and traditional healers. Some of these individuals are held in high regard by the other local residents for their spirituality. The second group consists of artisans and skilled service providers such as blacksmiths and barbers who are referred to as *kammis*. The rest of the non-cultivators in Maanke are Muslim Shaikhs, known pejoratively as *mussalis*, who work either as casual labourers, or as attached farm servants for Bhatti landowners.

Many of the Muslim Shaikhs, but only a few of the poor landless Bhattis who work as farm servants are actually bonded labourers. These bonded labourers known as *seeris* must remain at the beck and call of their employers. They often have to stay away from their families in or around the houses of their Bhatti employers, tending after livestock, guarding the crops at night, water fields whenever irrigation water becomes available, and taking part in all aspects of farm work. Although they are skilled agricultural workers the Muslim Shaikhs are universally held to be “non-cultivators”.

The *mauza* land is divided into two types of categories – agricultural and non-agricultural. A record of agricultural land is held by land revenue officials (notably the *patwari*), whose local honorary agent is known as the *lambardar*. There are four Bhatti *lambardars* – one each for the four clusters within the *mauza*. The land of the *mauza* is formally divided into the four lineages and these divisions are known as *pattis*. Each *patti* is actually a joint Bhatti proprietary body. Non-agricultural land of the *mauza* is divided among the four Bhatti proprietary bodies in accordance with their respective shares of the agricultural land. Cadastral surveys mark out agricultural land in revenue maps with a red line (*lal lakeer* in the local language). Any land marked as being non-agricultural is deemed to be the jointly-held property of a *patti*, or in some cases the collective property of the entire village body of Bhattis consisting of all the *pattis*. Bhattis who claim common lineage have rights to this jointly-held land even if they no longer own any agricultural land. There are strict formal and informal rules about selling land to outsiders – with the effect that virtually all of the land transactions are among Bhattis.

The position and status of the non-Bhatti residents, therefore, is highly dependent on the Bhattis. In each of the four settlements there are homestead plots set aside for various service castes. The service caste families can remain in the village and construct houses on village land, but can also be evicted if there is consensus among the Bhattis on this question. In actual practice such consensus is hard to achieve because the Bhattis themselves are factionally divided. But the formal and informal arrangements for the right to residence within the village are clearly hierarchical. The Bhattis actively assert this hierarchy even if it is mostly limited to name-calling and verbal taunts. Some Bhattis as well as non-Bhattis reside on land within the *lal lakeer* – that is, formally recognized as agricultural land. The non-Bhattis living on agricultural land are all either rent-paying or non-rent paying tenants of the Bhattis.

Nearly all issues in the public life of the *mauza* – such as voting blocs in elections, setting up of public services - are dominated by factional rivalries among the Bhattis. The Bhattis literally and figuratively “own” the village, despite being a narrow majority. Apart from other forms of vulnerability, the *kammis* who are not employed as farm servants are often called upon to perform unpaid labour for Bhatti landowners.

*Chak 001– Central Canal Colony Region*²⁷

This is a typical canal colony village of central Punjab, with highly productive farming but small to medium-sized holdings. Most of the land is being turned over to highly value citrus orchards. The entire population of the *mauza* is concentrated in one cluster which is well-provided within infrastructure and basic services. The village is connected to its district town by a good road, there is electricity, there are two government schools and several private ones, and many of the local residents work in nearby industrial towns. The village itself, like most other canal colony villages, is laid out in grid form with wide streets, drains and land set aside for public buildings.

Around half of the population in the village belongs to the Araeen caste – which is a cultivator caste known for horticulture. The Araeen are all migrants from a village called Saveriyan in Indian Punjab – Chak 001 is also sometimes referred to as Saveriyan. Nearly all Araeen families own some land, but the largest land holding is 25 acres. Most families own less than ten acres. Virtually none of the non-Araeen residents own any land at all. The non-Araeen consist of Baloch, various *kammi* families, and a large number of Muslim Shaikh or *mussalis* who are among the poorest. A few of the Baloch – who claim to be original indigenous people dating back before canal colony development – have acquired small land holdings. None of the *kammis* or Muslim Shaikhs owns any agricultural land.

The Araeen landowners were originally allotted homestead plots in the village, and their houses are mostly in the central part of the settlement. Smaller plots at one edge of the settlement were reserved for *kammis* and others, and some of the lanes at a far end of the village are occupied by various *kammi* households. Many of the Muslim Shaikhs who traditionally worked as attached farm labourers of Araeen landowners lived on small plots provided by their landlords adjacent to the latter's own residences.

As the village population grew, a petition was filed on the behalf of the village body – represented by the Araeen *lambardar* as well as a number of other landowners – to the colonization department for converting government land set aside for future development into residential areas. Some plots in this additional area were allotted to the better off *kammis*, while the rest were divided up among the main Araeen landowners.

Many of the Muslim Shaikh men were still employed as farm servants of the Araeen. Known as *naukar* (literally servant), their conditions of work and pay were quite similar to those of the *seeri* bonded labourers of Maanke described above. There were several instances where Araeen employers had asserted their control over the residential homesteads of Muslim Shaikhs *naukars* in order to ensure compliance. In one case a young *naukar* had absconded without repaying his employer's advance. The employer promptly evicted the family from their home in the village, and held the womenfolk hostage in his own house until the absconding worker returned. In

²⁷ The information for this village case study as well as the following village case study of Mauza Mukhtar is based on a survey conducted in this village in 2005 for study of rural poverty – see Gazdar, 2007; Mohmand and Gazdar, 2007

another case a Muslim Shaikh widow was told that she could stay in her home on a plot originally granted by an Araeen landowner if she sent her son to work for the landlord as a *naukar* for an advance of only 8,000 rupees (£ 80). The widow also expressed concern that her grown-up daughters felt insecure about going out of home alone – and hence had stopped working – because of fears of sexual exploitation at the hands of the young sons of her Araeen creditor-landlord.

A local Araeen landowner who worked in the land revenue department as a *patwari* had “alerted” other landowners about the Marla Scheme. They preemptively had the village land records altered to show that no government land was available in the *mauza* for allotment under the Marla Scheme. The *patwari* and his fellow landowners, therefore, were able to block the scheme and also take possession of the available government land for themselves.

*Mauza Mukhtar – Southern Irrigated Wheat-Cotton Region*²⁸

Mauza Mukhtar *mauza* consists of a main settlement and several other clusters of homes located around old wells called *khuh*. The road link with local towns was relatively recent. There was a non-functional government school in the village. Most of the population worked either in agriculture, or as low-paid migrant workers within and outside Punjab. The village was not atypical of southern Punjab in general, in terms of relatively poor infrastructure, lack of access to formal sector jobs, and high levels of poverty. The crop economy is productive – with cotton as the main cash crop – but much of the labour in cotton picking was extremely low-paid and supplied by women.

The main settlement was dominated by a number of Syed families – who also played an influential role in mobilizing voters and lobbying for public services. Some Syeds were substantial landowners while others had lost much of their land in family disputes. There was considerable mobility in Mauza Mukhtar among sections of the traditionally marginalized groups such as the *kammis*. One *mochi* (shoemaker) family that lived within the main settlement – which was regarded as the joint property of the Syed landowners – had progressed through education. Three sons of the *mochi* had managed to get educated, and acquired public sector jobs. This family had bought a small plot of agricultural land outside the village and shifted part of their residence there, while maintaining a presence within the main settlement.

Some other *kammis* – mostly *paolis* (traditional weavers) and *tarkhans* (traditional carpenters) had moved out to the *khuh*s outside the main settlement. They no longer worked for the Syed landowners, and were able to move to the *khuh* because the original owners had moved out. The *paolis* had started working as seasonal labourers in citrus orchards in central Punjab, and one of them had become a petty labour contractor. The traditional carpenters had taken up jobs in urban areas like Multan and Lahore while keeping their families in Mauza Mukhtar. The upwardly mobile *kammi* families all linked their mobility with physical autonomy from the Syed-owned main settlement. They had bought small plots of lands from out-migrating Punjabi settlers.²⁹ They still faced frequent reminders of their weak and vulnerable

²⁸ see footnote 27

²⁹ Refugees from Indian Punjab were allotted agricultural and residential land across Pakistan after 1947 in lieu of their losses in India. It became commonplace, however, for refugees with rural holdings

political status – there had been a case where a young woman from a *tarkhan* family had eloped with or been abducted by son of a local landlord. This was seen as a major blow to their social standing, and the family was unable to mobilize the support of other residents or the authorities resolve the case.

One of the poorest segments of the village was a cluster of homes belonging to the Kutanay caste located on the outskirts of the main settlement. The Kutanay worked as casual labourers for local farmers, as well as seasonal workers on citrus orchards in north-central Punjab, and their physical and social position was the most vulnerable. Traditionally a riverine community that made a living from weaving baskets from grass reeds, the Kutanay of Mauza Mukhtar had arrived here a generation ago and been provided a small plot of land on which to make their homes by a local Syed landowner. Their migration had been prompted by extremely harsh conditions – effectively forced labour – with their original employers. The Syed landowner who had allowed them to settle in Mauza Mukhtar had died and his son was unhappy with their presence. He had created various difficulties for them such as restricting their access through his fields, making them feel highly vulnerable in the village.

1.3 Issues in Residential Land Security

Importance of Revenue Village

The revenue village or *mauza* remains a key repository of entitlements to residential land as well as a record of social hierarchy.

Hierarchies within Village

Traditional hierarchies which were formalized into law and regulation continue to operate within villages. The divisions between cultivators and non-cultivators, and village owners and non-owners define clear hierarchies of power and patronage. There is residual rigidity in access to resources along lines caste and kinship group. Residential land is perhaps the most significant resource whose allocation depends on a person or family's caste status. The decline in the relative importance of agriculture as a source of income and employment, the salience of non-agricultural uses of land has increased rather than decreased.

Irrelevance of Agrarian Reforms

Agrarian reforms failed to clearly identify the distinction between cultivator and non-cultivator castes as being of any significance. It therefore reproduced existing inequalities along the lines of class, caste, race and religion. Those deemed to be non-cultivators – even if they excelled in farming activities – were ruled out as beneficiaries of agrarian reforms. Given the direct link between agricultural land ownership and the ownership or tenurial security over village land, any reform agenda that did not address the needs of non-cultivator non-owners was bound to reproduce prevailing hierarchies.

to sell to local residents. The locals in this area referred to the refugees as “Punjabis” as distinct from the ethnic Seraiki identity of southern Punjab in Pakistan.

Labour Arrangements

Coercive and constrained labour market arrangements are closely linked with a person's position in the village-based hierarchy, which also determines access to residential land. Labour market openings in the formal sector or in the urban casual labour market weaken the linkage with traditional hierarchy, but institutions like joint ownership of the village provides a rationale for the persistence of hierarchy. Demands for unpaid service emanate from the control that particular groups can exercise over entitlements to residential land within a settlement.

Public Goods and Voice

There are formal and informal arrangements that influence access to public goods and services, and voice in public choice. The prevailing system for land administration in rural Punjab facilitates and rewards collective action on the part of the propertied cultivator castes at the expense of all others.

Struggle for Autonomy and Equality

Homestead land is a source of not only empowerment, but also social transformation. Land in Punjab is not only an economic asset, but is also a social and political asset. Systematic discrimination of non proprietor castes was originally perpetuated through the legal system, and their landless status further deprived them from rising above servitude. Not having homestead land, their living conditions were dependant on their relationship with the landlord for whom they were working. Moreover, landowning castes had access to political appointments in the government on the basis of their influence over the rest of their villager members. It is in this vein that we aim to look at the Marla Scheme as having provided residential land security to the most vulnerable, and having provided social protection to the marginalized.

Access to residential land is a critical feature in the struggle of the historically marginalized groups for autonomy and equality. In some cases this involves physical separation from the dominant groups. There is a range of everyday contests related to residential security other than land title – such as right of public passage, privacy, access to public goods and works – that mark the struggle for autonomy and equality.

Importance of State-Owned Land

State-owned land could play a crucial role in tipping the balance in favour of the marginalized. So far land allotment policies besides the Marla Scheme have favoured and thus entrenched those with prior privileges at the expense of the marginalized in rural Punjab.

1.4 Marla Residential Scheme

The first Marla Scheme was introduced by the Punjab provincial government in 1975. This government had been formed by a populist elected government that had campaigned on slogans of land reform and socialism. An agrarian reform law which was a relatively modest departure from existing legislation had been introduced in 1972. The Marla Scheme, known formally as the Punjab Housing Facilities for Non-

Proprietors in Rural Areas Act, 1975 broke away from the existing institutional trajectory of agrarian reforms by specifically targeting non-cultivator non-proprietors for the first time.³⁰

The Act defined non-proprietors as “a person who or any other member of his family does not own any agricultural land or other immovable property anywhere in the country and includes a person who is declared as such by Government or an officer authorized in this behalf by the government”. Member or family included “parents, grand parents, children, grand-children, husband and wife”, and immoveable property was defined as “immoveable property shall not include the structure raised by a non-proprietor on land not owned by him”.

Through the implementation of the 1975 Act, (with the support of the Punjab Acquisition of Land (Housing) Act, 1973 and Land Acquisition Act, 1894) the government provided legal housing rights to non-proprietors living in rural areas. This effectively meant that non-proprietors were allotted plots measuring 5 Marla free of cost.³¹ Non-proprietors who had already built a house on or before 20th December 1973 in the village were granted title to their plots free of charge after completing the due process of acquisition of that land.³² New allotments were mostly on state land but in case of non-availability of the state land, private holdings could be acquired with compensation through the Land Acquisition Act, 1894.

All non-proprietors residing within a village were eligible, and there were to be identified by “People’s Village Committees” specifically set up for the purpose. The committees comprised of five local residents who were appointed by the Revenue Collector. The Punjab government awarded *sanads* (ownership certificates) to people as a proof document for allotment. Although the scheme is targeted to “non-proprietors” it was understood that its specific target was “non-cultivator” castes including *kammis*, Muslim Shaikhs and other marginalized groups. This was a major departure from earlier land reforms laws that had mostly bypassed this entire class.

There are no reliable records available for total number of plots and beneficiaries since 1975. One estimate made in the 1980s holds that over 800,000 families had benefited from the scheme in its first ten years. Queries with the Punjab provincial government for this study revealed that authentic records are held only at the land revenue departments in each of the 35 districts of the province. Some sketchy information available at the provincial government suggests that in the recent period around 180,000 plots were thought to be available, of which some 80,000 had been allotted.³³

The grant of the *sanad* (ownership certificate) is seen as the key instrument for the award of legal status to existing residents or the allotment of new plots. The *sanad*

³⁰ The Punjab Gazette: The Punjab Housing Facilities for Non-Proprietors in Rural Areas Act, 1975. 1975. (Dept. Provincial Assembly of the Punjab)

³¹ A “marla” is a unit of land that equals 30.25 square yards. Five marlas are equivalent to 151.25 square yards. The scheme became popularly known as the 5 Marla Scheme, and in many places the settlements that emerged through the scheme became known as Bhutto Colonies – named after the populist prime minister who was seen as the moving spirit behind the scheme.

³² The term ‘village’ refers to the *mauza* or revenue village.

³³ These figures are based on fragmentary data provided to the authors by officials in the land revenue department of the Punjab provincial government.

allows holders to transact the plot officially through registration in the land revenue department after a specified minimum period ranging between 10 and 20 years – depending on the particular scheme. After mutation the *sanad* holder are also legally allowed to mortgage the property.

In 1977 the populist government that had introduced the Marla Scheme was overthrown in a military coup. The new government changed the official name of the “Punjab Housing Facilities for Non-Proprietors in Rural Areas” to “Jinnah Abadis for Non-proprietors in Rural Area”. The Act of 1975 was also repealed and replaced with Jinnah Abadis for Non-proprietors in Rural Area Act, 1986. A number of changes were introduced in the scheme. The maximum size of a plot was increased from five to seven marla. Plots measuring 7 marla could be allotted free of cost in non-congested areas, while 3-Marla plots were to be allotted free of cost in various “prohibited” zones. The name of the scrutiny committee i.e. “People’s Village Committee” was changed to “Allotment Committee”. The organization of the allotment committee also changed - the chairman was now to be appointed by the Chief Minister and was usually a member of provincial assembly or a public representative (notable) of the area. The chairman was responsible for selecting members of the allotment committee. Predominantly, the members of the allotment committee were selected from the union council body and the *lambardar* (local landlord appointed as honorary revenue official) could become members.

1.5 Scheme Case Studies³⁴

Bhutto Colony 5 Marla Scheme, Near Mauza Sultanpur, District Kasur

Under the 5 Marla scheme 250 plots were made available for distribution near the village Sultanpur in District Kasur in the mid-1970s. The land was acquired from a large local Araeen landlord called Bari through Land Acquisition Act 1894. Bari’s land had been mortgaged and the government was able to acquire it effortlessly. A *lambardar* who was also a *patwari* was made responsible for survey of the land its division and allotment.

Elected local representatives and activists of the ruling party encouraged locals to apply for plots. On a charge on Rs.100, the *patwari* allotted 250 plots to applicants, and these were occupied within 2 to 3 days. People belonging to “low caste” groups (working for landlords in adjacent villages) were given the opportunity to own 5 Marla plots of land. “We are liberated people and living a free and better life. Before, our lives were hellish. Bhutto made us homeowners. Now our daughters are attending school.”³⁵ Apart from some cases all plots were allotted to families who were working as *naukars* (bonded attached labourers) who were heavily indebted to their employer/landlords.

In the first five years after the allotment of plots the beneficiaries of the scheme were often threatened with eviction by Bari’s agents. In one instance he is reputed to have mobilized the local government machinery and arrived on site with bulldozers. Residents filed a petition in 1976 in Lahore Court and were granted permission to

³⁴ Case studies presented here are based on preliminary fieldwork carried out for this study.

³⁵ Based on an Interview with a village member, Faqir by caste

remain. Following the court order they felt more secure and started building durable structures for their homes.

Although plots had been allotted for residential use, there was no provision for supporting infrastructure. For example, there no plots had been set aside for a mosque, graveyard or school. Electricity was provided in the late 1980s, and water supply remained a problem to date as no water pipes had been installed. The habitants of this Bhutto Colony continued to petition the authorities for land for a graveyard and school, as well as proper water supply scheme. A group of local party activists had tried unsuccessfully to have the *sanad* mutated to unfettered private property rights. In the meanwhile many of the original allottees had sold possession through informal transactions and moved on. All of the new residents were also people from marginalized groups.

Bhutto Colony, Chak 002, District Okara

Chak 002 is a peri-urban settlement of 10,000 households located south of Lower Bari Doab Canal.³⁶ Of the total land in the area, 1,042 acres is cultivated and 263 acres are uncultivated. The village history narrates that settlers arrived in 1928 at the behest of the British: landowning Araeen migrated from east Punjab along with their dependent *kammis*. The migrants were allotted agricultural and homestead land. A total of 125 acres of the *mauza* land had been set aside for residential use and for other non-cropping purposes including livestock maintenance, schools and health facilities. The locality was well-provided in terms of physical and social infrastructure – there were government schools, a health centre, electricity and a sewerage system.

Agricultural land in the area was owned almost exclusively by Araeen families – the original canal colony settlers. Most of these families had members in government jobs, and some hold positions of importance. All elected representatives of the Union Council were from Araeen families. The only other landowning group was a number of Jat families who owned around 3 per cent of the total agricultural land in the *mauza*. Other residents belonged to various non-cultivator marginalized castes including *kammis*, Muslim Shaikhs and “low-caste” Christians. The latter were reported to be the most marginalized – the *kammis* who had arrived with Araeen settlers had been awarded some land for homesteads earlier.

With the introduction of the 5 Marla Scheme in the mid-1970s part of the government-owned land in the *mauza* that had been set aside for keeping livestock was taken over. It amounted to a total of around 18 acres. Over 300 plots were demarcated and allotted – mostly to the Muslim Shaikhs and Christians. Those allotted plots through the 5 Marla scheme previously worked as tenant farmers or labourers, and lived on land belonging to the proprietors. Initially the allottees constructed temporary huts on empty plots, which they gradually upgraded more durable brick and mortar structures. Many of those awarded *sanads* sold their plots to other poor families within their kinfolk. The *qabza* (possession) was sold through informal transactions on stamp paper.

Jinnah Colony, 3 Marla Scheme, Sharifabad, District Lahore

³⁶ This figure is taken from the Union Council office’s 1985 population survey.

The scheme, in a peri-urban area close to the provincial capital, had been approved after 1986, and was associated politically with the then Chief Minister Nawaz Sharif. Unlike previous colonies which had become known as “Bhutto Colonies”, this scheme and many others approved during the later period were named “Jinnah Colonies” in an attempt to build an alternative political constituency.

A total of 425 plots measuring 3 marlas each were demarcated and allotted. There was electricity and a water supply scheme, but no gas supply. There were no government schools, though two private schools up to the primary level were functioning. The local union council did not have any councilor from the Jinnah Colony. The residents of the colony included people from various castes and communities including Rana, Araeen, Rajput and Dogar (traditional cultivating castes), and Lohar (blacksmiths) and various *kammi* castes.

Local activists of Nawaz Sharif’s party took the lead during the allotment process. Local councillors were asked to identify beneficiaries and to verify claims. Widows and the poor were prioritized but Christians were excluded. Land was procured from a department of the provincial government that happened to own land in the area. At the time of allotment there was a great deal of uncertainty about the security of tenure and a lot of people sold their plots for small amounts money. “I purchased this plot from allottee -Mohammad Gul Kumhiar in 1996 and paid amount of 28,000 rupees. That transaction was made on stamp paper and he provided me ‘Nawaz Sharif’s Card’ as a document of the plot”.³⁷ In all around a fifth of the original allottees had sold their plots or houses to newcomers.

³⁷ Information is based on an Interview with a local resident

2. Rural Sindh and the Goth Abad Scheme

2.1 Context

Rural Sindh is one of the poorest regions of Pakistan. It is a largely agrarian economy which is highly dependent on canal-based irrigation. The region is known for great inequality in the ownership of agricultural land – both in terms of the incidence of landlessness, and in the concentration of land in large size classes. Successive attempts at redistributive land reforms have not significantly changed this picture, and landowners with large estates continue to dominate economic and political life over much of the region. The traditional system of farming has been organized around share-cropping though there has been a steady decline in the area of land available for tenant farmers. The agrarian economy of Sindh is associated with landed power and coercive labour arrangements such as bonded labour. Labour migration, seasonal and permanent, is a critical feature in the history of agricultural development in the area.

The Sindh Goth Abad Scheme (literally, Sindh village development scheme) was introduced in 1985 as an intervention for improving the physical conditions of villages and enhancing tenurial security of existing residents. According to official data over 11,000 villages have been regularized through this scheme, and individual leases have been allotted to over 700,000 beneficiary households. The scheme became dormant in 1996. Recently, there has been policy discussion for its revival in some form.³⁸

The scheme is based on two key assumptions. These assumptions are implied rather than clearly stated – unfortunately, there is no record of the background discussion on policy debate leading up to the scheme. The first assumption is that entire villages and their individual residents had insecure property rights in the land on which they were located. Second, the regularization of tenurial rights of existing residents needed to precede or accompany the physical development of the village. The broader socio-economic context implicit in approach of the scheme is that of an economy dominated by landlords where share-landless cropping tenants did not enjoy secure rights over their homesteads.

Secondary data on home ownership reported in Section 1 suggests a different picture. Over 86 per cent of the households in rural Sindh reported owning their homes.³⁹ The 1981 population census which predated the scheme showed similar proportions.⁴⁰ This does not necessarily mean that the assumptions behind the scheme were incorrect, or even that the problem identified by the scheme has been resolved. As village based data also reported in Section 1 show, home ownership and ownership of homestead land are distinct categories and there is far more variation in the latter compared to the former. Since most large-scale quantitative surveys do not probe variation in the ownership of homestead land, it is useful to begin with a qualitative

³⁸ One of the authors took part in meetings with the Sindh provincial government in 2008 to discuss the possibility for reviving the Goth Abad Scheme.

³⁹ Population Census 1998.

⁴⁰ Although separate figures were not available for rural and urban areas in the reports of the 1980 Housing Census (which preceded the 1981 Population Census), for the province taken as a whole, 77 per cent of the household reported owning their homes. In 1998, of after the Goth Abad Scheme and the SKAA (discussed further below) had been in operation, the corresponding figure was identical.

case study in order to understand the context of residential security. One case study does not, obviously, provide a representative account of residential security in rural Sindh, but it does offer illustrative insights into issues for further in-depth research.

2.2 Village Study

Deh Harnai, District Sanghar

Deh Harnai is a cluster of villages and hamlets in the Shahdadpur Taluka of District Sanghar. The term ‘*deh*’ denotes the smallest territorial unit for which the official Population Census reports any data. The land revenue system which served as the administrative backbone of rural Sindh is organized around the *deh* – hence the adoption of this unit by other data systems such as the population census. Harnai is rural and mostly agrarian, with high value wheat and cotton cultivation on canal-irrigated land. The *deh* population was 2,391 according to the 1998 Population Census. A village census conducted in 2005 revealed a population of 2,999.

There are 11 distinct villages and hamlets, and several smaller clusters of homes or even individual homesteads scattered over the entire area of the *deh*. The largest of these, Harnai Jitori, has a population of 1,080, and has some basic infrastructure including a government school, a bus service, electricity, and several small shops. Harnai Jitori is divided into six distinct clusters of houses laid out in compounds that are exclusive to particular kinship groups. These clusters are known as *para*. The most numerous kinship group are the Lund who have 53 households out of a total of 145. They are followed by the Duzkanis, who with 27 households play a leading role in village affairs. There are a few large houses surrounded by high walls that belong to absentee landlord families.

There are two versions of the ownership status of the land on which Harnai Jitori is settled. According to some informants, the settlement is located on state-owned *bhadda* land. The term *bhadda* is used for land that is uncultivable and is utilized for non-agricultural purposes. Another version holds that Harnai homesteads are on privately owned land that was once the property of Hindu landlords who left the village in 1947. The Duzkanis claim to be the oldest inhabitants of the village and its “original” owners. It is the Duzkanis who gained prominence in local politics after the departure of the Hindu landlords. Other groups that claim a long presence in the area are the Lund and the Bheels.

The Bheels of Harnai Jitori are relatively well-integrated and positioned in village society. Although they are considered to be of low status, their houses are large and well-built, their children are mostly in school, and they have long-standing sharecropping tenancies with absentee landlords. Some Bheel men are in non-agricultural jobs, though none are employed in the formal sector.

The position of the Harnai Jitori Bheels stands in sharp contrast to the Bheels of village Goth Wasan. This village of 19 households is located one 1.5 km away from the main Harnai Jitori, and 3 km from the road. All of the Bheels in Goth Wasan are sharecropping tenants of the Wasan family which owns over 100 acres in the area surrounding the settlement. There are just two kinship groups and three *para* in Goth Wasan. Two of the *para* belong to two branches of the Wasan family, while the third

is inhabited by the Bheels. The Bheels here live in extremely poor conditions – their homes consist of makeshift structures, very few children are in school, and nearly all adults are sharecroppers of just one landlord family.

In this village too there are rival versions about the ownership of land. The Wasans claim the village settlement land as their own private property, and argue that the Bheels are allowed to stay in the village as long as they continue to work for them. The Bheels, on the other hand, claim that the village is on government land, i.e. *bhadda*, and that they and the Wasans both are occupants of government land. The Bheels insist that they can work for other employers, and one of them says that he has recently started a new tenancy contract with a non-Wasan landowner from a neighbouring village.

There are also reports, however, of Bheel dependence on the Wasans. Adult men and women report that they frequently have to perform unpaid labour for the Wasan landlords, including bringing fodder for their livestock, cleaning their homes, and carrying out various odd jobs. All this is in addition to the regular sharecropping contract in which the Bheels have taken advances from the Wasans – making them more vulnerable to extraneous demands. Verbal abuse is quite common and physical violence such as slapping or even a beating with a stick is not an infrequent sanction against suspected shirking. A landlord who happened to be the head of a local micro-finance community organization revealed that he himself “managed” the accounts of his Bheel community organization members, and kept their National Identity Cards in his own possession in order to facilitate dealings with the lending NGO.

There are several small hamlets in Deh Harnai where groups of close relatives live in single-*para* villages away from the main village or the villages of their landlords. Some of these smaller villages are thought to be on government-owned *bhadda* land, others are on private land owned by the landlords, and a few are on the private property of the residents themselves. There is often confusion about the status of *bhadda* land. Landlords with agricultural area in close vicinity claim ownership of the *bhadda*. Local residents argue that the *bhadda* is government-owned, and hence their rights of possession are as good as anybody’s. The law itself is a source of some confusion because it allows privileged but non-exclusive access to the *bhadda* to surrounding landowners. Hardly anyone possesses formal legal title.

The only exceptions in this regard are villages that are actually settled on privately-owned farm land. One such village belongs to a Bheel family that was able to gain upward mobility through a combination of good fortune, savings, and political change. An absentee landowner who happened to be an ethnic Punjabi decided to sell up in the area due to troubled law and order conditions in which Punjabi settlers had become targets of kidnappings. He made the land available to his own tenants in the first instances – in the correct expectation that more powerful neighbouring landlords may not honour the transaction. The Bheel tenants were able to acquire a small plot of land – most of which was taken up by their residence – because they were able to secure a good price for the livestock holdings that had become substantial.

There were two conspicuous instances of entire villages coming under pressure – in one case to the point of eviction – due to economic conflict and crime. The entire hamlet of the Machhi kinship group consisting of over 30 households was evicted

overnight in 1996 by their landlords. The Machhis were originally tenants of an absentee landlord but claimed that they were the rightful owners of the land they cultivated. In fact, there were many other groups of cultivators with similar claims. The Machhis, however, were successful in pursuing their claim because of the relative political weakness of their absentee landlords, and their own connections with the party in power. The absentee landlord sold his title to locally powerful landlord, who had connections with the local police. The Machhis were forcibly evicted a day after the party they supported was dismissed from government. Various local residents confirmed this story, but none were able to provide any further information about the Machhis. The land on which their village once stood had been ploughed over and brought under crop.

Another case was that of the hamlet of Dabboh that became subjected to constant police surveillance and extortion, and social sanction on the part of neighbouring landlords, after one of its residents Badshah emerged as a notorious bandit. Badshah led a violent gang that was involved in several robberies and kidnappings. His village became locally powerful as neighbouring landlords began to pay tribute and protection money to Badshah. When the bandit was killed in a police encounter, however, the fortunes turned and the entire hamlet of Dabboh was ostracized and subjected to collective punishment. Nearly all adult men from the village were implicated in false cases and many of residents abandoned the village for safe havens elsewhere.

The distribution of the population of Deh Harnai into many large and small clusters is typical of rural Sindh. Groups of relatives tend to prefer to live together, either in self-contained hamlets or in their own clusters (*para*) within larger villages. Privacy and autonomy are commonly cited reasons for this form of communal living. The physical layout of village and hamlets corresponds with patterns of social proximity. Villages reflect the internal strength of kinship groups, and the relatively weak bonds across kinship groups. Privacy is often described in patriarchal terms as the seclusion of women members of the extended family from non-kinship group males. Some of the informants who stated a preference for their own separate hamlets away from a landlord-dominated existing village said that they were better able to preserve their “honour” in their own homesteads – even if these were actually set up on land belonging to their landlords.

The history of land development and settlement has been an important factor in shaping villages. Much of the farmed area in rural Sindh was irrigated and became available for settlement over the last 100 years. Before then Sindh’s agrarian economy was limited to riverine tracts dependant on flood-inundations. The hydraulic economy did not allow the development of villages of long-standing, as settlements followed the changing flow of the river. With the rapid development of canal-irrigated agriculture, new areas became cultivable, and sharecropping opportunities induced large migration flows from other rural areas. Most of the existing villages in Deh Harnai and other parts of rural Sindh started life as makeshift homes of sharecropping tenant families in the last century.

Security of tenure over homestead land is a key factor in the diverse local negotiations observed in Deh Harnai between tenants and landlords, socially marginalized groups and their more dominant neighbours, and citizens and government. Conversely, all of

these other negotiations are seen to influence the effective security of tenure. Observed variation in the possession of formal legal title is only one factor in determining residential security. The political position of residents – depending on the strength of collective action, quality and stridency of leadership, wider vertical and horizontal connections and alliances – are all important factors. Group identity defined with respect to kinship is a significant determinant of both the pattern of settlement and notions of dignity and propriety that are current.

2.3 Issues in Residential Security

Revenue Unit versus Village

As a rule, the administrative revenue unit or *deh* does not correspond with existing rural settlements in Sindh. A *deh* is merely a land revenue unit which is used for land administration purposes. Actual villages, hamlets and settlements are smaller clusters, and there can be several such clusters of various sizes within a *deh*. These actual clusters are important social units.

Kinship Group Solidarity

Kinship group solidarity is a key binding factor in the way in which rural communities are physically organized. Larger villages are divided into separate kinship group-based clusters called *para*, and smaller hamlets are generally inhabited by members of one kinship group. Kinship group solidarity is a feature of collective action not only among the landed and the powerful, but also among the poor and the marginalized.

Migration and Fluidity

Villages and settlements of long-standing are relatively few and far between. Small new settlements have a high rate of turnover, with new settlements emerging away from existing ones, and older settlements sometimes fading away due to incremental migration or sudden eviction.

Public versus Private Land

Residential land can be publicly or privately owned, and often there is lack of clarity or agreement about the precise form of ownership or tenure. The same is not the case for cultivated land for which ownership and possession are clearly identified and defended – even if they are contested. It is likely that much of the land on which settlements are built is actually public land on the margins of cultivated area. There are strong claims of ownership, nevertheless, on the part of agricultural landowners that their homestead land is actually privately owned. For non-landowners – sharecroppers and labourers – the distinction between public and private ownership of homestead land can be critical in asserting autonomy from landlords and employers.

Labour Arrangements

Residential land tenure is a frequent factor in labour relations between landlords and tenants or employers and workers. Groups such as the non-Muslim people belonging

to historically marginalized castes are often vulnerable to coercive and extraneous labour demands due to their dependence on their landlords/employers for residential land. The threat of eviction, which is sometimes carried out, is an effective bargaining lever in the hands of the landowners.

Public Goods and Voice

The idea of village ownership is important in how secure people feel about demanding and using public services. Entire groups think of themselves as either owners or non-owners – regardless of formal title. Those in dependent conditions often have to agree to the choices of their patrons in matters of political voice.

Autonomy and Village Identity

Village identity is a source of empowerment for the marginalized not only vis-a-vis dominant or landed castes and families but also in more general terms in accessing public goods and services and citizenship-based entitlements. Autonomous village identity is often associated with acts of leadership on the part of groups. This is the case for landowning as well as landless households, tenant farmers and labourers, and under conditions of contract as well as conflict. Active conflict on land based on rival claims of possession has affected entire villages and hamlets in both positive and negative ways.

2.4 Goth Abad Residential Scheme

The Sindh Goth Abad Scheme (SGAS) was set up in 1985 in keeping with Prime Minister Muhammad Khan Junejo's Five Point Agenda announced in August of the same year. Parliament passed the Goth Abad Housing Scheme Act in 1987, which allowed village inhabitants to apply for the regularization of their villages. Initially, the SGAS acquired private land for village regularization by compensating owners – as permitted under the Land Acquisition Act of 1894. Until 1993, the SGAS office was authorized to purchase private and government land for regularizing villages and compensation for *khatooni* land (i.e. land recorded on record of rights) was fixed by the revenue department in accordance with revised land market rates. However, this practice was then banned because of open misuse of the Act, such as the doling out of money to private land owners. In 1993 also, the SGAS became an autonomous directorate linked to the Board of Revenue (through the Government of Sindh). The SGAS is still operative today, with some changes made over time.

Process of Village Regularization

According to the SGAS Act, regularization of villages requires residents of a village to make an application for regularization to the Deputy Collector (or Additional Deputy Commissioner) now known as Executive District Officer (EDO) – Revenue. The EDO - Revenue forwards the application to the Mukhtiarkar Headquarter State⁴¹, who in turn forwards it to the *tapedar*. *Tapedars* are *deh*-wise verification officers of the revenue department, in charge of collecting all required documents from

⁴¹ Prior to the devolution plan implemented in 2002, there was one *mukhtiarkar* in each district for SGAS. The Mukhtiarkar Headquarter State (official title for the *mukhtiarkar*) is given different portfolios such as SGAS, *katcha* land (river banks), and barrage land.

applicants, surveying the land and houses in the village, etc. The SGAS defines a village as a settlement comprising of at least ten houses located within a reasonable distance from each other, and at least five kilometers away from the city centre.

The application for the regularization of a village requires the submission and authentication of the following documents:

1. Surveys noting the physical area of the village, the status of land and occupants, as well as details about the number of houses and population of the village
2. Survey map of the village
3. In case of *qabooli* (i.e. private land), written consent of the owner
4. In case of the government land, a No Objection Certificate (NOC) from the relevant department
5. Photocopies of National Identity Card (NIC) of residents
6. Report of the *tapedar*
7. List of residents provided by the *tapedar*
8. Voter list

The *tapedar* is responsible for collecting and certifying the above documents and for carrying out a physical verification, noting any objections that village inhabitants may have. The *tapedar* is also responsible for generating a detailed physical map of the village demarcating houses and plots. Moreover, he is required to settle *aasaish* land, grazing land and other common land among the villagers before finally submitting the completed application and all required documents back to the SGAS *mukhtiarkar*.

Scope and Success of the Regularization Scheme

The process of regularization described above reveals that it requires applicants to take the initiative to fill and submit an application. Currently, the registration of a village, the issuance of a *sanad* (or ownership certificate), and the final map of a village are dealt with separately by different offices of the revenue department.⁴² SGAS compiled a list of villages from 1987 to 1993 through rough surveys carried out with the help of *tapedars*. A total of 11,872 villages were regularized and 722,129 *sanads* handed over to households. Despite the absence of reliable data on the total number of villages and households living in insecure conditions there is thought to be significant scope for further registration and regularization.⁴³

In 2002, the Sindh Rural Development Program (SRDP) together with the Asian Development Bank initiated a scheme called ‘Shelter for Shelterless’ that aimed to mobilize communities to apply for regularization of their villages.⁴⁴ The program was operative in four districts of the Sindh province: Badin, Thatta, Mirpurkhas and Sanghar. In the first phase, SRDP regularized 100 villages, out of which 60 were in Badin. In the second phase, the program surveyed and regularized villages, and

⁴² In revenue terms, this is referred to as ‘Form 2’. Understandings of the legal status of the *sanad* have also changed over time - prior to 1996, *sanad* holders were eligible for home loans from the House Building Finance Corporation (HBFC), but this is no longer the case.

⁴³ See Appendix 2 for district-wise information on village regularization

⁴⁴ The SRDP had a budget, vehicles, and well trained people to reach and motivate poor communities for registration and regularization of their village lands

provided *sanads* to the new owners. The requirements for regularization of a village were the same as stipulated by the SGAS, but the stipulation for the minimum number of households located in a potential village was raised from ten to fifty. The SRDP later retired the program without giving notice to *mukhtiarkar* and other relevant offices.

The extent to which the SGAS was successful in conferring complete ownership rights to residents is debatable. Until 1996, residents of regularized villages were permitted by the state to carry out transactions such as buying, selling and mortgaging on the basis of a *sanad*. (This included obtaining loans from the House Building Finance Corporation (HBFC) by putting up the *sanad* as collateral.) However, in 1996, the state deemed as illegal the purchase and sale of plots located in regularized villages. The HBFC too was prohibited from issuing loans on the basis of a *sanad*. The legal status of the *sanad* has not been framed in detail previously, but was forwarded to the provincial law department of the Government of Sindh for approval in 2007.

2.5 Scheme Case Studies

Village Shah Mir Rid, District Sanghar

A century and a half ago, ten to fifteen families of the Rid caste and one family of the Kumbhar caste migrated from the Sibi district in Balochistan to *deh* Ranjhar, in which they populated a village named as Shah Mir Rid. At the time of their migration, most of the land of Deh Ranjhar was not fit for crop production because of lack of water, and was covered with shrubs and dunes. The land was previously unoccupied, and hence was claimed by the migrants as their own property. The migrants constructed *katcha* houses over this land and covered their houses with a hedge. Following the development of the canal system, the inhabitants of Shah Mir Rid worked on the land to make it cultivable.

Members of all castes in the village were known as *faqirs*, or disciples of a powerful spiritual-political leader Pir Sahab Pagara. During the implementation of the Sindh Goth Abad Scheme, *sanads* were issued to each household in the village Shah Mir Rid. The *sanad*, however, was not issued to household of the Kumbhar. The general opinion is that the village was able to be regularized because the residents there were disciples of Pir Pagara.

Service delivery by the state was based on politics and patronage – this included a paved road and primary schools for girls and boys. There were a total of 30 households in the village, of which 15 households had their own agricultural lands. The landless people occupied various statuses: some were tenants of landlords in the same village, others were agricultural labourers, and still others were casual labourers who worked outside the village.

Some residents of the village were compelled to migrate from Shah Mir Rid because their families had grown in size, and there was no further space for construction of new rooms for their houses. The Kumbhar (traditional potter caste) family had to migrate from the village because they were not allowed to occupy any further space for home construction, or obtain any additional land for keeping their livestock. The

large landholders of the village did not allow people to encroach on their agriculture lands because of the high income they derived from it. Tenants (both permanent and temporary) were, however, allowed by landlords to stay on the agricultural lands. Most residents belonging to the Bheel and Oad groups (“low-caste” Hindus) were tenants or land labourers, hence landowners usually had to provide them with space to live.⁴⁵

Village Haji Soomro, District Badin

The village formally named Haji Soomro is located in *deh* Mukherki, District Badin. The village was divided in two clusters one of which is named after Nadeem Soomro. There are around 150 households currently residing in the village, divided into two main clusters and several smaller sub-compounds within these two clusters. The two clusters are named after Haji Soomro and Nadeem Soomro respectively. The Nadeem Soomro cluster had been regularized under Sindh Goth Abad Scheme.

At present, there are more than ten scattered villages in the *deh*. Pre-1947 maps of the *deh* show only three villages, of which two belonged to those of Sindhi Muslim owners and one to a Sindhi Hindu owner known as Vinayak Miani. After the independence and partition of India, residential lands vacated by Vinayak Miani and other Sindhi Hindu habitants became evacuee property or state land. Soon after, a group of Muslim Indian families of the Soomro caste migrated from Kachh in India and occupied that land for residential purposes. The Soomros were regarded as a poor and marginalized group at the time.

At the time of migration, Haji Soomro was regarded as a community leader of the migrant Soomros. Refugees from India were entitled to claim land in Pakistan in lieu of homes and land they had left behind in India. Although Haji had led his community to take possession of land vacated by out-migrating Hindu refugees, they did not possess formal title. There was a refugee from Indian Punjab who had good connections with the land claims department, and who was known to act as an “agent” for getting refugee claims processed. An ambitious young man Nadeem Soomro cultivated connections with the Punjabi land agent and encouraged fellow-villagers to apply for residential land under refugee claim scheme. The residential area was allotted in the joint names of Nadeem and Haji’s son Usman.

At the time when the Goth Abad Scheme was first introduced in the mid 1980s, a district level revenue officer was personally known to Nadeem Soomro, who had now acquired the title *wadero*, or elder, and presented himself as a rival leader of the Soomros in place of descendants of Haji. The revenue officer advised Nadeem Soomro to regularize the village under SGAS. The motivation behind this was to gain monetary compensation for land which had been acquired as refugee claim property, and was already in residential use. Nadeem initiated a move for village regularization, and personally offered four acres of land for village regularization, even though the refugee claim had been settled in joint name with Usman. Because Nadeem had obtained the power of attorney for all 4 acres of land no objection was filed against his action. The landless people of the village were pleased, in any case, to obtain *sanads* for their residential land.

⁴⁵ These castes are perceived as peripatetic seasonal labourers.

This matter came to a head some fifteen years later when an NGO that was sub-contracted to implement an Asian Development Bank-sponsored rural development programme (Sindh Rural Development Programme, or SRDP) arrived in the area. Although the village, or one part of it, had been leased by Sindh Goth Abad Scheme, SRDP announced that it will conduct its own survey and issue a fresh Goth Abad lease as a prelude to carrying out any development works. At this time Haji Soomro's family had been pre-warned and they demanded recognition of their share in the four acres that had been originally surrendered by Nadeem Soomro to the Sindh Goth Abad Scheme.

The rivalry between the two leading Soomro families did not affect actual possession of land. The four acres of land left behind by the Hindu out-migrant Vinayak Miani had been occupied by the Soomros, initially led by Haji, and then by his rival Nadeem. The legal status of this land went from Vinayak's property, to evacuee property, and then the joint property of Nadeem and Haji's son Usman. In the first attempt at regularization as a village the entire area was transferred on paper to the Goth Abad register, and a re-survey led to a challenge to that decision. In actual fact, though, the residents of the four acres – in the segments of the village dominated by Haji's family and Nadeem respectively – remained the same.

The various processes of land registration – refugee claim, Goth Abad registration, and then Goth Abad re-survey – were associated with the rising political connections and power of individual leaders within a previously marginalized group. There were clear gains for the leaders, and also some advantages to the community as a whole. But internal power relations had become hierarchical. It was reported that despite having supposedly acted in the name of all Soomro families – at the time of the refugee claim, and during Goth Abad regularization – the two leading families had actually begun to assert proprietorial privileges. Despite the grant of the Goth Abad *sanad*, local residents reported that they faced harassment on the part of the leading families if they tried to alter their house structures, extend buildings, or even build durable brick and mortar structures in place of make-shift mud and thatch ones.

*Village Din Muhammad and Village Meher Ali Abro, District Sanghar*⁴⁶

Din Muhammad village was settled by Mir Talpurs and Khaskhelis one hundred and twenty five years old. The Mir Talpurs are powerful landholders who claimed ownership of all the land in the village; while the Khaskhelis are a socially marginalized caste that was denied ownership of the land on which they resided. The Khaskhelis were mainly employed in agricultural work around the village.

The bone of contention between the two castes in the Din Muhammad village was the ownership of the land occupied by the Khaskhelis, which was *bhadda*, or land owned by the government. The Mir Talpurs claimed ownership of that land through *qabza* (possession). The Khaskhelis were not mobilized or politically organized to adequately articulate social and political demands or negotiate with the government or

⁴⁶Based on SAFWCOs presentation on 29th August, 2008 at the workshop “Residential Land as Social Protection: Local Mobilization in Pakistan” Karachi, Pakistan

the landlords. Accordingly, they did not push for initiatives for the regularization or development of their village. Political parties and the bureaucracy also lacked incentive and hence were not keen to help Khaskhelis through pursuing village development initiatives. However, the Sindh Agricultural and Forestry Workers Coordinating Organization (SAFWCO)⁴⁷ stepped in to mobilize the marginalised Khaskhelis.

SAFWCO played an important role in regularization of the villages- they mobilized the landless and marginalized communities to work towards regularization, negotiated with the landholders, and also lobbied with government officials and political personalities to support their activities towards regularization of the village. SAFWCO mobilized the Khaskhelis and prompted them to put pressure on the *zamindar* to bring Din Muhammad under the village regularization scheme. At the same time, SAFWCO itself engaged in negotiations with the Mir Talpurs. It put political and moral pressure on them to develop the village, by invoking the Mirs' relationship with the Pakistan Peoples Party (PPP) and with the spiritual leader Makhdoom Amin Fahim.⁴⁸ The activists leveraged the PPP's populist and pro-poor rhetoric to shame the Mirs into providing concessions to the Khaskhelis.

The second village that SAFWCO operated in was that of Meher Ali Abro. Before migrating to this village, the Abro community was scattered and spread over different villages. In the village, they were employed as *haris* of the local PPP Member of the Provincial Assembly (MPA). Just as they did in Din Muhammad, SAFWCO put political and moral pressure on the MPA to regularize and develop the village.

The struggle for land ownership in both villages followed a similar pattern: the marginalised landless were opposed grant of residential land ownership by the traditional landholders, during which time there was a struggle and the landless communities took a stand for their rights. During this time, SAFWCO negotiated between the government and the community on behalf of the communities. In both villages, SAFWCO employed a dual strategy: on the one hand, members of SAFWCO negotiated with the landholders of the Meher Ali Abro and Din Muhammad villages – it is worth noting that SAFWCO did not adopt a strategy of open confrontation. The negotiations lasted for about a year in both villages. On the other hand, SAFWCO worked to mobilize the residents of both villages and to organize them so that they could demand their right to residence and regularization from the *zamindars*. As a result, both the Villages- Din Muhammad and Meher Ali Abro village were regularized under the Goth Abad scheme.

⁴⁷ The Sindh Agricultural and Forestry Workers Coordinating Organization (SAFWCO) is a community based organization that utilizes the tool of social mobilization for alleviating poverty in rural Sindh.

⁴⁸ Makhdoom Amin Fahim is a member of the Pakistan Peoples Party as well as a Pir (spiritual leader) for people in Sindh (including those residing in Sanghar District). Traditionally, the title of 'Makhdoom' is one of reverence. It is genealogical and is granted to those who have a spiritual following. 'Makhdoom' literally means 'one to be served'.

3. Urban Sindh (Karachi) and the Katchi Abadi Scheme

3.1 Context

Karachi is the largest city of Pakistan, and with a population estimated to be more than 13 million, accounts for a quarter of all urban residents of Pakistan. It is estimated that around half of the city's population lives in localities that are, or started life as, irregular settlements or Katchi Abadis.⁴⁹ Karachi also happens to be a city of migrants from India, other areas of Pakistan, as well as neighbouring countries who arrived in search of livelihoods and refuge. Since its birth as the largest port in present day Pakistan, Karachi's population has steadily increased following an influx of migrant traders, industrialists, and labourers.

Successive waves of migration played their part in changing the ethnic, religious and lingual demographics of Karachi, as well as putting intense pressure on the city's infrastructure. Since the arrival of the first wave of migrants, the city has found it difficult to meet housing demand with supply. Any schemes of providing low cost housing resulted in failure due to housing price inflation as well as lack of supportive infrastructure. The situation was complicated by the contesting stakes of land ownership between 'indigenous populations', city, provincial and federal governments, armed forces, and industrial and trading agencies, as well as informal land mafia.

Between 1947 and 1951, migrant political leaders, capital owners and the Muslim "salarial" from north India were accommodated in houses vacated by the British and other evacuees, while migrants from Muslim-minority areas in India escaping communal riots and violence were settled in tent camps in Karachi (Mahmud, 1997). These tent camps continued to grow and slowly took the shape of Katchi Abadis.⁵⁰ Mostly located in the heart of the city, and close to transportation routes these low cost alternative-housing were a magnet to labourers migrating from other areas of Pakistan as well as impoverished refugees seeking settlement.

Despite the government's efforts at promptly making land available through converting urban land to residential land (at the rate of 6,780 acres per year between 1972 and 1991), it failed at effectively meeting the demand for housing. Of the land that the newly developed Karachi Development Authority set aside for housing

⁴⁹ Arif Hasan (1997) arrived at this ratio based on estimates of covered area and population density of Katchi Abadis and regular settlements respectively. Authors' classification of localities listed in Population Census 1998 through name association revealed that 32% of the population lived in regular settlements, 37% in current or former Katchi Abadis, 15% in neighbourhoods that included regular and irregular segments, while 16% in localities that could not be classified using name association alone. This means that of the localities that could be classified Katchi Abadis accounted for 43% of the population, regular settlements for 38%, while the remainder was in mixed neighbourhoods. These figures are in broad agreement with Hasan's estimate.

⁵⁰ The term Katchi Abadi is commonly used to refer to squatter settlements where unauthorized occupation and construction has taken place. The words *katcha* or *katchi* means fragile or breakable, whereas *abadi* can be said to refer to a people, population, or a community or settlement. The idea of a Katchi Abadi, therefore, is of a settlement of people living in inappropriately or incompletely constructed houses. Houses in Katchi Abadis are not just made of concrete, brick and mortar, but also materials such as wood, tin, mud plaster etc.

purposes, 52.5 per cent was used for different housing schemes⁵¹. Of this, the land allocated for low income settlements comprised a mere 9.15 per cent share (Raza, Jamil and Kazmi, undated). In contrast, the annual growth in required housing units was estimated to be around 80,000. Meanwhile, temporary settlers and squatters started claiming permanency of their settlements through applying for access to public utilities. Government policies to resettle squatters in housing schemes repeatedly failed, and as a result practical reasoning and political pressure resulted in the gradual acceptance of Katchi Abadis.

In 1972, the government initiated the Katchi Abadis (Squatter Settlements) Improvement Regularization Programme (KAIRP) to regularize Katchi Abadis and provide public amenities to those residing therein. KAIRP aimed to regularize 2,320 Katchi Abadis with a total population of 5.5 million in Pakistan and to provide residents with water, sanitation, electricity, road paving and other social facilities in lieu of payment of development charges (referred to as “lease charges”) (Hasan, 1997). In 1987 the Sindh Katchi Abadi Act (SKAA) was passed and Sindh Katchi Abadi Authority (SKAA) came into effect to manage land regularization (and upgrading) policy). To date, 120,815 individual (home ownership) leases were granted to residents of Katchi Abadis.⁵²

Katchi Abadis that have not been regularized through the SKAA are known as “irregular settlements” and these remain under constant threat of demolition.⁵³ Between 1980 and 2008 Residents of more than 105,000 houses were evicted.⁵⁴ Occupants of irregular settlements continuously remained under eviction threats. The land on which these *abadis* are settled have contested claims of ownership.⁵⁵ Each “owner” has a different objective for the land on which these Katchi Abadis stand.

Residents of Katchi Abadis are particularly vulnerable to threats not only from government or land owning authorities, but also the land mafia. Since low income internal and international migrants had minimal access to government authorities, and received no immediate housing solutions, they turned to *dalals* (those who had influence in political leadership and bureaucracy)⁵⁶. These *dalals* were as middlemen between squatters and the authorities. A *dalal* (or organized groups of *dalals*) identified unused public land with the help of agents in government departments and sold it to those in immediate want of affordable land on the condition of immediate residency. The *dalals* held significant power and provided security to buyers from eviction on the basis of patronage. In reality, the owners of property ‘bought’ through

⁵¹ For example, planned residential schemes, scheme to infill, schemes for low income settlements, unplanned residential schemes, land for densification of areas, and land for urban renewal.

⁵² The total number of individual leases granted by CDGK was 103,987 and by the SKAA 16,828.

Source: *Improvement of Katchi Abadis and other Low Income Housing*. (Karachi Mega City Sustainable Development Program). Asian Development Bank. [Draft]

⁵³ In 2006, 61 percent of the total population in Karachi (1,200,000 households) was reported to live in Katchi Abadis (Hasan, 2007).

⁵⁴ This figure is based on authors’ calculations from various sources from URC and HRCP news reports.

⁵⁵ The contenders include “indigenous” communities (such as the Panhwar Sindhis of Natha Khan), the provincial government, city authorities, cantonment and military authorities, para-statal organizations, as well as those operating ‘protection rackets’.

⁵⁶ Parveen Rehman’s presentation on 29th August 2008, Workshop on Residential Land as Social Protection: Local Mobilization in Pakistan (Karachi, Pakistan).

dalals had no legal claim over ownership, and this made them more vulnerable to eviction and demolition (Ali, Khursheed, Zaidi and Sheikh, 1997).

Between 1992 and 2001 approximately 17,500 housing units were demolished to make land available for constructing new buildings for middle income communities (Hasan, 2005). In order to facilitate the construction of the Lyari Expressway (an infrastructure development project), residents of 36,000 houses were evicted and about 6,000 houses and commercial properties were demolished (Satterthwaite, 2005). Many squatter huts were set on fire in different areas of Karachi. Between 1994 and 2004, approximately 2,700 huts were gutted and in the process 380 people were injured, while 34 women and children were reported to have burnt alive. Land mafia, political groups, land owning agencies and law enforcement agencies were reported to be suspect in these various incidents.

3.2 Case Studies of Katchi Abadis⁵⁷

In order to illustrate the range of issues relating to residential security in the irregular settlements of Karachi case studies of five very different types of Katchi Abadis are provided below. These settlements were selected because of their contrasting socio-economic histories, ethnic representation, and diverse trajectories of attaining (and in some cases not attaining) residential security.

Natha Khan Goth

The oldest inhabitants of the Natha Khan Goth are a cluster of ethnic Sindhi families of the Panhwar caste.⁵⁸ The original Natha Khan Goth or village was named after their ancestor who held over a hundred acres of land in an area that is currently part of a military cantonment. Residents of Natha Khan Goth settled in the area following eviction from the city centre by the British colonial government. They were allotted around 17 acres of undeveloped land as compensation. At present, Sindhis are a minority in Natha Khan Goth and are outnumbered by Pashtuns. To date, approximately 28,562 people live in the locality (union council). The Goth was provided electricity in 1980 and Gas in 1990. Tap water is available to residents, and a proper sewerage system is in place.

After independence there was a steady wave of migration from the northern regions of Pakistan, and ethnic Pashtun migrants from various districts of the North-West Frontier Province began to arrive in Natha Khan. There was plenty of land then, and the Sindhi landowners began to charge rents from the Pashtun migrants for putting up make-shift huts on their land. A fight broke out over the payment of rents which developed into a feud between the Sindhis and the Pashtuns, lasting several years and causing six deaths. Sindhis claimed that the Pashtuns were emboldened by their rising numbers and the tacit support they received from fellow Pashtun state personnel. Pashtun hold that the land actually did not belong to the Sindhis in any case, and that they used to demand rent in the early years due to their sheer numerical and political strength. Residents agree, however, that before the 1960s the Pashtuns

⁵⁷ See Appendix 3 for details on fieldwork

⁵⁸ The Panhwars are thought to be among the oldest inhabitants inland of Karachi

were few in number and paid rent to Natha Khan, whereas from the 1960s they began to constitute an overwhelming majority and stopped paying rent.

There were other important stakeholders claiming land ownership too. They included state organizations including the military, the railways, and the civil aviation authority. Natha Khan's descendents claim that they were the original owners of the land at the present site of the village or at its original location closer to the city centre was not accepted by the state authorities. The relevant agency in this case was the cantonment board that claimed to have acquired the land from the provincial government for defence purposes. The cantonment board claimed that Natha Khan was not the owner but had been allowed use of the land for farming and raising dairy cattle⁵⁹.

Following the enactment of the Sindh Katchi Abadi Act in 1984, there was an opening for people living in irregular settlements to get their settlements officially notified and to obtain lease documents from the government. The authorities accepted the claims of the Pashtun neighbourhoods for regularization. The few Sindhi families did not apply for regularization because they argued that they already held the title not only to their own part of Natha Khan Goth but also to the land on which the Pashtun neighbourhoods had been settled.

Lines Area

Before Pakistan's independence the Lines Area housed British Indian soldiers and officers based in Karachi in barracks and houses during the Second World War. In 1947, these barracks and houses were allotted to displaced people who flooded into Karachi from Western and Northern provinces of India.⁶⁰ Settlements in the Lines Area (consisting of Jacob, Jutland, Tunisia and Abyssinia Lines) spread into what became encroachments on military land. Currently, the majority ethnic group in the lines area is Urdu speaking. They were provided with electricity, gas, water and sewerage facilities in 1975.

The lines area developed as a Katchi Abadi when unused military housing of the Lines Area were handed over to government officers who migrated from India as a temporary measure. The publicly-owned open space around the Lines Area became a vast refugee camp for less senior officers and personnel as well as refugees escaping brutalities. Over the years the refugees were still there, and had converted their tents into more durable dwellings, but with minimal public infrastructure.

Some ten years after independence and the arrival of the first refugees the central government⁶¹ began an eviction drive in the city centre. Around the Lines Area the main focus of the eviction drive was to clear the main thoroughfares and to create a large public park to house the state's founding father's mausoleum. Work on the mausoleum and the evictions started in earnest in 1958. As a result, many refugees were relocated to new localities several kilometres in the suburbs. The Lines Area as

⁵⁹ It is quite possible, of course, that Natha Khan's family were the original but unregistered owners of the land even before the cantonment board acquired it from the provincial government

⁶⁰ These mostly Urdu-speaking migrants and their descendants are also sometimes identified as Muhajir.

⁶¹ The central government was then in charge of Karachi by the virtue of it being the national capital.

it is known today consists of old military quarters, and the irregular settlements that survived the eviction drives of the 1950s and the 1960s. The irregular settlements are clearly the more vulnerable to the threat of eviction, but the old military quarters and irregular settlements too carried uncertain rights of tenure.

The election of a civilian government in the 1970s brought greater security to the Lines Area. The new populist government of Zulfikar Ali Bhutto's PPP announced that it was going to regularize irregular settlements. This won the party some support in the area, and residents of one of the irregular settlements within the Lines Area renamed their locality Shahnawaz Bhutto Colony after the father of the prime minister. There was also an understanding that those government employees who had been housed in the former military houses would retain their homes even if they left government service or retired. In the event there was no formalization of property rights, even though rights of possession became secure and were transacted. Government departments began to supply services such as electricity, water and sanitation even to the irregular settlements in the Lines Area.

Political and social leadership at that time was in the hands of elite notable figures from the Urdu-speaking community. One such prominent leader, who had managed to negotiate a number of concessions for Lines Area residents through his links with high-ranking officials, was assassinated in the early 1980s. Soon after, a new political party called the Muhajir Quami Movement (MQM) began to mobilize young Muhajirs also on ethnic grounds. The founding leader of the MQM Altaf Hussain was a former resident of the Lines Area, and he was able to gain influence there quickly. In the late 1980s MQM cadres were allegedly involved in conflicts with non-Muhajir residents of Lines Area and in one incident several houses belonging to ethnic Pashtuns were set alight. Many non-Muhajir residents left the area at that time – reportedly in tit-for-tat ethnic violence and displacement across the city.

Kausar Niazi Colony

Kausar Niazi Colony is located in the north-central part of the city in an area that was originally developed for formal housing schemes in the mid-1970s. The Katchi Abadi is ethnically dominated by Pashtun migrants, and is also home to ethnic Baloch and Bengali migrants. The colony was initially settled in an undeveloped area close to a seasonal river. The settlement grew when Ayaz Khan (an ethnic Pashtun migrant worker from NWFP) asked some families of Afghan nomads to set up camp in the area. Close to 80 Afghan families arrived with their tents and started living there. Soon after, other labourers were also approached set up their makeshift huts. By 1970 there were some 200 families living in the area. The government started supplying electricity in 1988 and gas in 1990. Water was tapped from illegal connections from the main line and a basic sewerage system exists.

When the first inhabitants settled in the colony, the area was undeveloped and under populated. As a popular resident, Ayaz entered politics in the 1970s and soon developed links with a number of PPP leaders including Kausar Niazi, who was a minister in the cabinet of Zulfikar Ali Bhutto. Kausar Niazi won an electorate base at the colony following promises to provide facilities to the locality. The colony was named after him in acknowledgement of his patronage. His promises further attracted settlers in search for 'protected' settlements.

More migrants from NWFP, Punjab and other parts of the country started to arrive and settle in Kausar Niazi Colony. Ayaz was regarded as the de facto owner of the land, and he marked out individual plots of various sizes and sold them to the migrants. His connections with Kausar Niazi meant that the police and the city authorities were inhibited from demolishing the houses or evicting the settlement. As the residents' population grew, the territory was divided into three blocks – F, G and H. There were 900 houses in Block-H, populated with Bengalis, Siraiki, Pashtuns, Punjabi, Brohi, Afghan and Burmese people. Block-G contained 250 households, mostly of the Oad community. Block-F contained 300 houses that provided residence to janitors, sanitary workers and domestic workers.

As formal sector housing developed in the area, several stakeholders emerged claiming ownership of the land. The Karachi Development Authority (KDA) argued that it owned the land. The makeshift houses were demolished by the KDA in 1975, and when this was reported to the PPP, the latter provided assurance that there would be no further demolition. Occupants then began to rebuild *katcha* and cemented houses. After some years however, the KDA once again demolished the constructed houses, which resulted in litigation between KDA and people who occupied the land. Police arrested 20 people accused of illegal possession in order to restrict legal action against the demolition of houses. Therefore, with the help of residents, a constitutional petition was filed in civil court and the court gave a judgment in favour of the residents.

In 1980, the KDA issued notices to residents that the land on which they had constructed houses was the property of two private development companies, who had been allotted the land to develop formal sector housing. They repeatedly warned inhabitants to evacuate the land, but people of that area resisted withdrawing from their investments. Residents effectively resisted attempts at demolition and eviction. There were clashes with the police in which several people were injured, but once again, residents sought legal action.

To end the dispute, a KDA officer who had political sympathies with the residents invited the leaders of the community for discussions with the governing body of KDA. Following political intervention, the KDA conceded to grant residents ownership rights on payment of a lease. The amount set as lease value was higher than the actual value of the land. While some residents were known to have bribed KDA officials into accepting their applications, others heavily protested. The dispute was finally resolved with the enactment of the Sindh Katchi Abadi Act (1984). Residents completed due process for regularization, and got their settlement formally registered and regularized.

Noor-us-Sabeeh Mohalla

Noor-us-Sabeeh Mohalla is a quarter of a large informal settlement called Machhar Colony (mosquito colony) in the south of the city, close to the harbour. Noor-us-Sabeeh Mohalla is settled on land reclaimed from swamps and mangroves that used to get inundated by tidal flows. Officially the area comes under the jurisdiction of the Karachi Port Trust (KPT) which is a government-run authority for managing the Karachi port. Noor-us-Sabeeh Mohalla gets its name from a local ethnic Bengali

community leader who first moved into his quarter of Machhar Colony. The mohalla has semi-legal metered electricity supply and no gas supply. Water is supplied (on regular payment) through water tankers and open soak pits function as sewerage facilities.

Machhar Colony started to be colonized in the 1980s as migrant workers arrived from various places – including ethnic Pashtuns from the NWFP and ethnic Bengalis from Bangladesh and from other parts of the city. The colony started developing on low-lying swamp land close to the old city quarters of Lyari, which is dominated by the ethnic Baloch and Kachhi communities. The Lyari Baloch dominated port labour and transport, and the Kachhis were traditionally a seafaring community. The new migrants too were engaged in these same sectors.

Noor-us-Sabeeh Mohalla was an extension of Machhar Colony into its farthest corner. Ethnic Pashtun land suppliers had first marked out plots of land with stone markings in the mid-1990s. They later carried out some reclamation work by bringing lorry-loads of earth fill to stem the tidal flow. The plots had already exchanged hands several times by the time the area was ready to be used. The sale was recorded on stamp paper as a civil contract between the Pashtun land supplier and the buyer- It was not possible to conduct a legal land transaction because the land suppliers himself did not possess title. Noor-us-Sabeeh arrived here along with a number of other ethnic Bengali families from a more settled part of Machhar Colony in 2001. They bought the plots and continued with the reclamation work. Within a few years much of the area had been bought and settled, with the buyers constructing concrete structures.

Officials of the Karachi Port Trust (KPT) frequented the area and demanded bribes from the local residents as fees from protection against demolition and eviction. They also enforced informal regulation regarding housing size and structures. If, for example, a person raised an extra storey, the KPT officials had to be paid an additional fee. Police officers also came to the area to demand bribes against the threat of eviction and arrest. Since most of the ethnic Bengalis were irregular migrants from Bangladesh, they felt vulnerable to eviction for the violation of immigration laws. Most of the houses in Noor-us-Sabeeh had electricity, and many of them had their own electric meters. In the records of the electricity company these meters were supposed to be located elsewhere, in a regularized part of the settlement. Electricity company officials took bribes from the local residents in order to fudge the record. There was no regular system of water supply in the quarter, though other parts of Machhar Colony did have piped water supply. Noor-us-Sabeeh residents maintained their own storage tanks and bought water from water-sellers.

In the initial period of the settlement the Pashtun land supplier had mediated relations with the police and KPT officials. As the settlement became more durable – through the arrival of more residents, the construction of concrete buildings, and the acquisition of electricity supply – the role of the Pashtun land supplier diminished. The residents dealt with the KPT and police officials themselves, or through Noor-us-Sabeeh. The Bengalis had brought along a model of community known as *shamas* which consisted of a group of families that regarded themselves as a common entity with one leader. Noor-us-Sabeeh headed the Shamas and was looked upon to arbitrate internal disputes. This model though different from the kinship and tribe-

based collective action common among other ethnic groups in Karachi served the same functions.

Ghazi Goth

Ghazi Goth is located in the north-east of Karachi. It is surrounded by land designated by the city authorities for educational and recreational purposes. In the mid-1990s the area now known as Ghazi Goth or Ghazi village had only a dozen or so households living in makeshift huts, and without any public utilities. Electricity is privately supplied to houses in the settlement and there is no gas supply. Water is provisioned through illegal connections taken from the main water line, and no sewerage facilities exist.

The history of the settlement dates to an initiative to populate the settlement around a *madrassa* (religious school). The initiative was led by Ghazi Abdullah, a cleric heading his own small *madrassa* built on state land in this area in the late 1990s. As an ethnic Punjabi who lived in rural Sindh before moving to Karachi, he is thought to have connections in the police and the administration. At the time there were also evictions from a number of makeshift settlements that were mostly made up of poor migrants from southern Punjab and NWFP. Ghazi is reported to have contacted the evicted families and asked them to settle in “his” settlement. Currently Ghazi Goth consists of over 300 households which included houses of Bheels, Southern Punjabis, Afghans, and Hijras. The common feature among all of them is that they are from socially marginalized groups and engaged in low status economic activities.

Residents consisted of some Afghan nomadic families and handful of Bagri households from rural Sindh. The Bagris are a marginalized caste in the Hindu hierarchy, and are regarded as untouchable by high caste Hindus and Muslims alike. The Afghans and the Bagris were both involved marginalized economic activities such as rag-picking, petty vending, begging and selling flowers at traffic junctions.

There are no public utilities, although some Muslim families are allowed to take electricity from the *madrassa* which does have a connection. There is a water mains that passes close by the settlement and residents have tapped into it. There are no drains and therefore no proper toilets. The residents have not paid anything to live here, and there has been no transaction of a possession. The only formal recognition of the existence of the settlement is that many residents have given Ghazi Goth as their residential address for their national identity cards, and this address has been accepted by the citizenship registration system.

The land on which Ghazi Goth is settled belongs to the city authorities. Although there is no immediate private claimant – perhaps because the land is rocky and hard to develop for commercial purposes – the authorities regularly raid and demolish the huts (all of which are still makeshift). Every year, authorities would show up at the Goth and attempt to evict residents who refused to vacate until there was a rehabilitation plan for them. In a single incident, police entered in the houses, tortured the residents and detained some men for a day. KDA set some houses on fire, which killed some livestock and damaged household items. On the intervention of Ghazi Abdullah and the Union Council Nazim, the police agreed to release the people that had been arrested and after a few days, people rebuilt their shacks in the same location

where they had stood before. Although such incidents were common, the residents always waited with their families for the KDA authorities to leave, without any shelter or protection, and then would start rebuilding new shacks.

Zia Colony

Zia colony is situated in Orangi Town in north Karachi. The colony was named by residents hoping for the then President's protection.⁶² The inhabitants of the colony are mostly Pashtuns, who migrated to Karachi from various regions of NWFP (including Malakand agency, Hazara region), some from Potohari region of Punjab, and a few from Sindh province. All residents migrated in search for employment. The colony is located in close proximity to the SITE (Sindh Industrial and Trading Enterprise) area, where national and private industries are in operation.

Most houses in the colony are unstructured and informally constructed. The colony is located on uneven, hilly area which was flattened by squatters, (initially all male) looking for cheap accommodation close to their places of work. The squatters collected stone blocks from surrounding hills to construct houses in the settlement. Often, squatters constructed walls for houses on plots, and declare their *qabza* (possession) of the land. Some migrants undertook *qabza* of multiple plots in this fashion, which they later sold to new squatters. For some, this *qabza* of a plot and its subsequent sale was the main source of income.

In 1985, close to 300 residents of this area successfully registered themselves as voters. They were content to have the right to vote and to be recognized as living in a legitimate settlement. Soon after, water was supplied to the area by the government. In 1990, new maps of the colony were drawn. Residential areas were clustered on the basis of ethnicity. Till 1985 about 60 per cent area of this locality was covered with houses structures.

With the increase in demand for housing (and hence building materials) in the area, the *thallaywala* became an important character. The *thallaywala* sold cement blocks on credit to residents in the area, and often also constructed houses for sale. They also allowed residents to buy plots on lease. The colony also attracted residents settled in neighbouring settlements as 'investors' seeking to make profits from sale of crudely constructed houses on plots of land. In the initial years (when the colony was not so densely populated) the price of a plot was approximately Rs. 300 to 500.

Once the colony mushroomed, a team of policemen started collecting *bhatta* (extortion) from the residents, who paid it as a rent to sanction their illegal settlement. At refusal of payment, the police would demolish resident's houses. Often, residents constructed entire houses during the cover of the night to avoid harassment by the police. They also looked at the *thallaywala* for support, who acted as the *dalal* (middleman) in this scenario. The police racket operated with the Karachi Metropolitan Councils support. The land on which Zia Colony was settled also remained under threat of SITE authorities. SITE authorities claimed that because it borders the SITE area, the colony came under its jurisdiction, and hence they had sole

⁶² Based on Nawab Ali's presentation on 29th August, 2008 at the workshop "Residential Land as Social Protection: Local Mobilization in Pakistan" Karachi, Pakistan

rights to demarcate and sell plots in the area. These authorities made several attempts to evict residents and demolish the Katchi Abadi, but failed every time. In one of these instances in 1990, approximately 10 people were injured and 2 out of 10 were killed by firing conducted by the police at the behest of the SITE authorities.

In the 1990s, the residents of the area formed a committee for the welfare and development of Zia Colony. The core function of the committee was negotiations with police, KMC and SITE. The committee also struggled for regularization of the colony. Their case was strengthened because residents proved they had registered the colony as place of abode in the voter list, had paid water bills, and had successfully gotten a map of the colony drawn by government officials. These processes enhanced their chances in claiming legitimacy of their colony and changed their status from migrants to permanent residents. As a result, Zia Colony was recongnized as a regularized Katchi Abadi by the Sindh Katachi Abadi Authority (SKAA) in 1992.

3.3 Issues in Residential Land Security

Competing Claims of Land Ownership

There are competing ownership claims of land on which Katchi Abadis are settled. Contests of land ownership are between residents on the basis on history of settlement or ethnic majority, as well as between various local authorities and settlers. The situation is complicated further by competing claims of land ownership between the various land owning agencies in Karachi. These include the CDGK (previously KDA, LDA and MDA), board of revenue, Port authorities, federal government, local government and cantonment board. In any case, these contests exacerbate insecurity through threats of eviction, demolition, and sometimes internal violence.

Ethnic Diversity

As migrant settlements, most Katchi Abadis are multiethnic in their make up. Settlers choose which *abadi* to make their home in not only on the basis of its legal status and access to public amenities, but also on the basis of the ethnic make up of residents. New migrants especially find social security in knowing that their ethnic kin also reside in the same locale. Where inhabitants are an ethnic minority, they may face eviction threats and may have to pay extortionists for their protection.

Provision of Public Goods

As squatter settlements, residents of Katchi Abadis made makeshift arrangements in terms of accessing water and disposing sewage waste. With the provision of public goods such as electricity, gas, water and sewage facilities, residents felt more confident in the permanency of their settlements and hence made further investments on improving their houses. Most houses in Katchi Abadis are *pucca*.

Patronage

In most Katchi Abadis, residents' security is tied to patronage of either a local 'strong man', government official, or a representative of a political party. If any such patronage exists, the *abadi* becomes a popular destination for settlers and its

population grows. Moreover, such a patronage often results in speedy provision of public utilities and facilitation for regularization.

The Informal Sector

In the first instance, these Katchi Abadis developed as a reaction to failed government policies for refugee and migrant settlement and provision of low cost housing. Migrants seeking immediate low cost housing were willing to pay a premium for tenurial security and found land mafia willing suppliers and developers. The informal land and housing sector does not operate in isolation from formal state agencies and service providers. The entire process of informal housing development involves frequent transactions between private parties and state personnel. Despite paying a price premium, Katchi Abadi settlers are not formally recognized as rightful owners of the land they reside in.

3.4 Katchi Abadi Residential Scheme

The idea of improving and regularizing Katchi Abadis as a solution for the low income housing shortage first took shape in the UNDP Master Plan for 1974 to 1985 (the plan was developed between 1968-1974). As a result, the Karachi Metropolitan Programme (KMP) was set up by the Master Plan Department⁶³ and assigned responsibility for providing housing for low income groups. Under the aegis of a democratically elected government, the KMP announced three basic housing development strategies, one of which was the Improvement and Regularization Programme (IRP).

In 1978, the KMP further developed the Improvement and Regularization Programme (IRP), especially with respect to the regularization of existing Katchi Abadi's (or squatter settlements). The programme was called the Katchi Abadi Improvement and Regularization Programme (KAIRP). KAIRP aimed to regularize 2,320 Katchi Abadis with a total population of 5.5 million in Pakistan and to provide them with water, sanitation, electricity, road paving and other social facilities. In return, the beneficiaries were supposed to pay development charges referred to as "lease charges" (Hasan, 1997).

In January 1978, the President of Pakistan announced to regularize all squatter settlements that were in existence existed on or before January 1978⁶⁴, and the Karachi Municipal Corporation (KMC) was assigned to set up the Katchi Abadi directorate. The KAIRP was given legal structure in 1987, when the Sindh Katchi Abadi Act was passed by the Provincial Assembly of Sindh. Under this Act, all Katchi Abadi's of at least forty houses in existence on or before 23rd March 1985 were to be identified for regularization. To implement the Sindh Katchi Abadi Act of 1987, the Sindh Katchi Abadi Authority (SKAA) was established as a semi-autonomous advisory body to local authorities responsible for regularization and upgrading of squatter settlements. Initially, the mandate of the SKAA was to notify, regularize and upgrade all existing Katchi Abadis within five years (from 1987 till 1992).

⁶³ The government of Pakistan and KDA set up the Master Plan Department (MPD) with the help of the United Nations (particularly UNDP).

⁶⁴ This announcement was later covered by Martial Law Orders (MLOs) 110 and 183 of 1978

Process of Regularizing a Katchi Abadi

The process of regularization of a given Katchi Abadi was initiated by registration with the SKAA and submitting documents⁶⁵ required for the purposes of verification and registration. These documents had to verify that the katchi Abadi was the applicants place of residence (as of 1985 or prior to that). At the second stage, the SKAA would issue a notification that declared a particular settlement as a Katchi Abadi. The total area of the *abadi* and its demarcation, physical survey of area, revenue details of the land, details of land ownership, and the status of the land in government plans were taken into consideration before the SKAA declared a settlement as a Katchi Abadi.

The feasibility report for the issuance of notification of a Katchi Abadi included detailed such as a physical survey plan illustrating the exact area and boundaries of the Katchi Abadi; and a list of occupants, together with documentary proof that they had been occupants of the land before the designated date. If approved for regularization by the Director General of the authority, development and upgrading by the SKAA were to ensue. The development and improvement plan was prepared after surveying the particular needs of the settlement (for example, housing and other facilities).

As the next step occupants had to formally apply (using an application form) for regularization, after which the SKAA would notify them of the payment schedule. The payment schedule varied with the size as well as the category or 'zone' of the plot. Plots were categorized into five zones: residential, residential/commercial, commercial, amenities, and those for religious uses (Ali and Ali, 2005).

Coverage of (KAIRP & SKAA)

The role of the Katchi Abadi Improvement and Regularization Programme (KAIRP) was to provide legal occupancy rights to people living in squatter settlements, as well as to develop new housing units. In 1975, Karachi Development Authority was inclined to adopt a policy of transferring ownership rights to occupants of low income settlements, and the residents of Lyari were given land ownership rights in 1976. The Lyari Improvement Team was constituted in the early 1970s, which, in 1982 became the Central Planning Team (CPT).

KAIRP had developed a list of 198 settlements (that existed on or before 1st January 1978) that were to be regularized. Of these, the settlements in Baldia Township (24,500 plots), Gulbahar, Old Golimar, Bhutta Village and Orangi Town became regularized Katchi Abadis, and were leased to their occupants by 1982.

The SKAA data of 2005 identified 539 Katchi Abadis in Sindh, of which 483 were regularizable. 278 of these were located on CDGK (formerly KMC) land, and hence 274 of these settlements were regularized by CDGK. In addition, 70 other settlements were regularized by SKAA and 35 by the Board of Revenue. The total number of

⁶⁵ Such as National Identity Card (NIC), voter list, electric, gas or telephone bill, ration card, area school certificate, any license (for arms, driving etc), death certificate, birth certificate of the occupant born prior to the date fixed by the Act, or any other document(s) as required by the authority

individual leases granted by CDGK was 103,987 and by the SKAA 16,828.⁶⁶ In 2001, the SKAA was directed by the new military government to run “*Sasti Basti*” – a low income housing program for poor squatters in Karachi and shelter-less people in other districts of Sindh.

⁶⁶ *Improvement of Katchi Abadis and other Low Income Housing*. (Karachi Mega City Sustainable Development Program). Asian Development Bank. [Draft]

4. Emerging Issues

Some of the main issues emerging from preliminary community case studies, scheme description and selected cases of actual scheme implementation are provided here. These early insights will be used as entry points for more substantive qualitative fieldwork.

Land versus Housing

Residential security in Pakistan – in rural as well as urban areas – is primarily about security of tenure over land rather than the security or adequacy of housing. In rural as well as low-income urban areas securing a plot of land is the first and overriding priority for families and individuals. Once a plot of land is secured for house construction, infrastructure development and linkage with public services is a stage-wise process for which residents engage in individual and collective efforts that include political action.

Patriarchy

Patriarchal norms have been strong across the board in different regions and in various types of interventions. It is taken as a given that the standard effective title rests with the male head of a family, and only exceptionally with a female head. There have only been very rare attempts, and those too very recently, to proactively create and expand women's rights in landed property. Gender, therefore, is one form of social marginalization that cuts across all other issues in residential security – so much so that it is virtually invisible in the policy debate.

Individual Title – Exception Rather Than Rule

Individual title to residential land is exceptional rather than the rule. In rural Punjab, the revenue village remains a strong unit of collective ownership in which shares are well-defined but still contested. In rural Sindh, the physical structure of villages corresponds with family and kinship structures. Even in irregular and regularized settlements in urban areas, informal individual ownership is more common than clear title.

Many Shades of Security and Insecurity

There are numerous shades of security of tenure, possession and ownership, which do not always correspond with formal title. Apparently similar rights of possession can lead to very different levels of security depending on wider social and political balances. High levels of residential insecurity are often associated with vulnerability in economic, social and political spheres. Extreme cases of bonded labour, for example, often coincide with a high degree of residential insecurity and dependence. Violence, threat of violence, crime, police persecution, conflict, and political rivalry are all common sources of insecurity in addition to insecurity due to state action. There tends to be a correlation between insecurity due to social inequality and insecurity due to state action.

Active Markets Despite Unclear Title

In spite of the absence of clear title – particularly the absence of individual title – market transactions are actively pursued. The market for land, however, is heavily influenced by broader as well as specific social and political conditions. The most common forms of transaction are the buying and selling of possession through verbal as well as written contracts. The concept of buying and selling possession (*qabza*) is well-entrenched in all parts of the country. The absence or low level of security in title has a bearing on price but not on the willingness to transact. At one end of the spectrum, many landless tenants (*haris*) are allowed to settle free of charge on land supplied by their landlords. Other extreme cases involve vulnerability to forced labour practices.

Importance of Social Networks – Kinship Groups

Social networks, particularly those based on patriarchal kinship groups such as extended families, clans, tribes and castes, as well as ethnic and religious identities, play an important part in access to residential land. In rural Sindh, this is reflected in the spatial organization of villages and hamlets. In rural Punjab, such forms of affinity were historically part of the formal system of land administration and village governance. Even in urban areas that have experienced rapid migration, informal provisioning and protection of tenure and property rights are often organized around social networks. The concept of group or communal property rights remains active in many forms, and geographical locations are often spoken of as domains for particular groups.

Migration and Access to Land

Migration is a recurrent theme in the story of access to residential land across rural and urban areas. There are formal and informal arrangements for discriminating between “original inhabitants” and “newcomers”. The distinction, however, is not always based on the length of stay in a particular place. Factors such as connections with existing communities, numerical strength and internal cohesion among migrants, and access to higher levels of state and political networks all influence the extent to which a group or community feel that they belong to a location, or that location belongs to them.

Regularization of Settlements and Communities more Salient than Individual Title

Formal and informal recognition and assertion of collective rights over a settlement or geographical community is a more salient issue in residential security than individual title. Entire villages, hamlets and irregular urban settlements can be recognized and sanctioned, or evicted. Within these geographical communities, individual rights are contingent on membership of or affinity with informal social or political networks. Marginalization of groups or individuals with weak group affinity is seen to be clearly reflected in the vulnerable status of entire geographical settlements and of individuals within settlements. Intra-settlement issues in residential security appear to be less urgent in settlements where most residents are of similar status.

Relationship between Land Security and Public Infrastructure and Services

There is a two-way relationship between land security and access to public infrastructure and services. Increases in the level of residential security are associated with improved access to services. Lobbying for public infrastructure and services, moreover, is an important strategy for enhancing the security of a settlement, and derivatively, of residents within that settlement.

Importance of Political Mobilization and Networks

While social networks are important in facilitating collective action, political mobilization and networks appear to play a critical role in gaining access to residential land and ensuring security of tenure and property rights. Political mobilization can take the form of affiliation with political parties, emergence of local leaders, networking with high tier politicians, and connections with other state institutions and personnel. These acts of “political entrepreneurship” are seen as essential to changing the status quo with respect to access to land, or ensuring security of tenure. Even in government schemes targeted for the poor, the presence of local political entrepreneurs (including NGO activists in some cases) has played a role in ensuring correct targeting of beneficiaries. The pay-offs for political entrepreneurship have been substantial to political parties and local leaders alike.

Relationship between Land Security and Effective Citizenship

There is a two-way relationship between residential land security and effective citizenship. Effectively unequal citizens have faced systematic discrimination in access to residential land and security of tenure and property rights. Physical marginalization, moreover, is an important dimension of social and economic marginalization. People have been excluded because they are socially marginalized (that is, outside dominant existing social networks), and their residential vulnerability is a frequently used instrument for maintaining social and economic power over them. Local struggles for autonomy and equality are closely associated with demands for residential security – through the setting up of new settlements or in asserting stronger claims to existing homes.

Historical Role of the State in Mainstreaming and Marginalization

The state has been a key player historically and currently in the process of mainstreaming and marginalization through its control over land. Formal recognition of intra-village hierarchies vested in the administration of land revenues played a role in perpetuating sharp divisions between the status of different castes, and kinship and religious groups. Laws and regulations governing the allotment of state-owned land for agricultural purposes have been historically biased in the favour of “cultivators” even if they were absentee landlords. Even redistributive land reforms in effect maintained these divisions and hierarchies. In urban areas, secure formal title was available in relatively few localities which were often rationed in the favour of existing propertied classes, thus leaving other migrants and urban communities dependent on informal provisioning and social networks.

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Appendix 1

International Covenants & Treaties Pertaining to the Right to Adequate Housing

The right to adequate housing has been codified under the following international covenants and treaties:

<i>International Agreement</i>	<i>Whether Ratified by Pakistan</i>
Universal Declaration of Human Rights, Article 25	Yes
Convention on the Elimination of All Forms of Discrimination Against Women, Article 14	Yes (13 th July 1985)
Convention on the Elimination of All Forms of Racial Discrimination, Article 5	Yes (11 th April 1996)
Convention on the Rights of the Child, Article 27	Yes (12 th December 1990)
Convention Relating to the Status of Refugees, Article 21	No
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, Article 43	No
International Covenant on Economic, Social and Cultural Rights, Article 11	No

Appendix 2
District-Wise Data on Village Regularization in Sindh

Unpublished Data (SGAS)					
<i>No.</i>	<i>District</i>	<i>Total Villages (including under process)</i>	<i>Number of Regularized Villages</i>	<i>Number of sanads issued</i>	<i>To be Regularized</i>
1	Hyderabad	2863	816	43551	2047
2	Badin	2639	953	40878	1686
3	Thatta	2744	1005	64582	1739
4	Dadu	3643	701	64582	2942
5	Mirpurkhas	2636	631	59173	2005
6	Tharparkar	2005	735	32833	1270
7	Sanghar	3261	339	19441	2922
8	Sukhar/Ghotki	3436	1385	53706	2051
9	Khairpur	2615	1565	65126	1050
10	Nousheroferoz	1565	595	61853	970
11	Nawabshah	1765	425	26090	1340
12	Larkana	2903	625	38587	2278
13	Jacobabad	2406	1190	73121	1216
14	Shikarpur	1277	449	27185	828
15	Karachi	808	458	51421	350
	Total	36566	11872	722129	24694

Appendix 3
Details on Karachi Fieldwork Localities

Amenities and Infrastructure

	<i>Electricity</i>	<i>Gas</i>	<i>Water</i>	<i>Sewerage</i>
Natha Khan	1980	1990	Tap, boring	Underground local drains, discharge into open main drain
Lines Area	1975	Supplied in 1975, formalized in 1993	1975	Fully serviced
Kausar Niazi Colony	1988	1990	Illegal connections from main line	Underground local drains, discharge into open main drain
Noor-us-Sabeeh	Semi-legal metered supply	No	Water tankers	Open soak pits
Ghazi Goth	Private supply to some	No	Illegal excavation of main line, private supplier	No arrangement

Source: Authors' fieldwork

Data on Fieldwork Localities and Corresponding Census Localities, Towns and Districts

<i>Fieldwork Locality</i>	<i>Corresponding Census Locality</i>	<i>Census Locality Population</i>	<i>Census Locality Literacy Rate</i>	<i>Town Literacy Rate</i>	<i>District Predominant Ethnic Groups</i>	<i>Fieldwork locality Predominant Ethnic Groups</i>	<i>Fieldwork locality Date of First Settlement</i>
Natha Khan	Natha Khan	28,562	61.5	78.5	Urdu (61), Punjabi (15), Pashto (6), Sindhi (4)	Pashto, Sindhi	Pre-1930s
Lines Area	Lines Area	53,011	71.7	74.5	Urdu (61), Punjabi (15), Pashto (6), Sindhi (4)	Urdu	1940s
Kausar Niazi Colony	Kausar Niazi Colony	21,059	50.0	80.2	Urdu (74), Punjabi (9), Pashto (5)	Pashto	1970s
Noor-us-Sabeeh	Machhar Colony	40,637	28.5	45.3	Urdu (40), Pushto (25), Punjabi (13)	Bengali	1980s
Ghazi Goth	Gulistan-e-Jauhar	25,847	66.0	72.5	Urdu (61), Punjabi (15), Pashto (6), Sindhi (4)	Seraiki, Sindhi	1990s

Source: Population Census 1998 and authors' fieldwork

Poverty, Migration, Protection and Conflict

<i>Name of Settlement</i>	<i>Socio-Economic Class</i>	<i>Place of Origin</i>	<i>Contract Enforcement and Protection</i>	<i>Insecurity and Conflict</i>
Natha Khan Goth	Moderately poor	Indigenous, NWFP	Informal ethnic organization, political groups, traditional elder	Conflict over land, ethnic conflict
Lines Area	Moderately poor	India	MQM factions	Party factional conflict
Kausar Niazi Colony	Moderately poor	NWFP, others	UC Nazim, informal ethnic organization	Occasional ethnic violence
Noor-us-Sabeeh Mohalla	Poor	Bangladesh	Informal land supplier, KPT, MQM, Shamas	Threats of displacement, KPT/police extortion
Ghazi Goth	Very poor	Rural Sindh, southern Punjab	Cleric	Displacement by authorities

Source: Authors' fieldwork