

Where there is land, there is hope

Hooria Hayat Khan

Women's inheritance and land rights in Pakistan

Khawar Mumtaz and Meher M. Noshirwani



Special Bulletin 2013

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Shirkat Gah

Women's Resource Centre

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Where There is Land, There is Hope:

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Acronyms

AMP	Anjuman Mazareen Punjab
BISP	Benazir Income Support Program
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CNIC	Computerized National Identity Cards
FGD	Focus Group Discussion
MFLO	Muslim Family Laws Ordinance
MPA	Member of Provincial Assembly
NCSW	National Commission on the Status of Women
NRSP	National Rural Support Program
PAAF	Poverty Alleviation Action Fund
PPA	Participatory Poverty Assessment
PPP	Pakistan People's Party
RSP	Rural Support Program
SRSO	Sindh Rural Support Program
UC	Union Council

Glossary

Benami: Literally means nameless; refers to the practice of men transferring property in the name of a wife or daughter (or even son) to avoid taxes

Deh: A cluster of 15 to 20 Villages consisting of 1500 to 2000 acres of land

District: Districts are sub-divisions of a Province

Dupatta: A stole worn by women

Goradeh: Vacant space

Haq bakhshwana: Giving up rights

Hari: Peasant/landless sharecropper

Kamdar: Agent

Kammi: Lower caste

Khuli Katcheri: Public assembly

Mukhtiarkar: Tehsildars (known as *Mukhtiarkars* in Sindh) are revenue administrative officers responsible for obtaining revenue from a Tehsil, or Taluka (as called in Sindh), which is then used by the district government

Nazim: An elected official of the local government in Pakistan

Nikah Nama: Marriage Contract Deed

Patwari: The Patwari (known as *Tapedaar* in Sindh) is a land record officer at the Tehsil level. As the lowest state functionary in the Revenue Collection system, his job encompasses visiting agricultural lands and maintaining a record of ownership and tilling

Purdah: Seclusion

Rawaji malika: When a groom transfers to the woman some property that he either has or is due to inherit as part of the marriage contract

Shamlat Deh: Village common land

Taluka: Districts are further subdivided into Tehsils (known as Talukas in Sindh). The Tehsil office exercises fiscal and administrative power over the area that comes within its jurisdiction and is the agency for land records and administrative matters

Tapa: A cluster of 5 to 7 *Dehs* is called a Tapa

Tapedaar: See Patwari

Wadera/Zamindar/Sardar: Landlord

Watta satta: Exchange marriages

Preface

Owning land or other immovable assets in Pakistan (as elsewhere) is considered a strong source of security as well as status. Notwithstanding the fact that: land ownership in Pakistan is weighted in favour of the rich; socio-economic structures perpetuate inequitable land distribution; and that women own negligible proportion of land, Shirkat Gah has felt the importance of examining land ownership and its impact from the women's perspective. The opportunity to do so came when Shirkat Gah was approached to scope out the issue as part of a multi-country research series. The initial scoping exercise was done in 2006-07 and was updated subsequently for the *Special Bulletin*. The study contextualizes the research undertaken by Shirkat Gah to assess the land distribution scheme in Sindh (2010) – first of its kind in the country – whereby a large number of landless peasant women have been allotted land in their names.

Women's inheritance right has received greater attention both in terms of its denial to women and its quantum; however, it is essentially an issue that is faced by women of propertied classes. Often manipulated out of their inheritance, or compelled to forfeit their share for a brother or son, and usually unable to pursue their cases in court, women have also questioned the share of inheritance apportioned to them. With fragmentation of family structures under economic pressures and migration (among others) women often find themselves burdened with the sole responsibility of looking after households and families. Voices raised against denial of inheritance have received some response in the form of improved procedures in Punjab to ensure that women are not cheated out of their share of inheritance, and legislation at the federal level criminalizing the denial of inheritance.

The land allotment scheme to marginalized landless peasants including women seeking to "empower women by giving them an asset they could control" is path breaking in Pakistan's context where earlier attempts at land reforms had failed. The scheme provides the opportunity to confirm that ownership of assets is indeed an empowering phenomenon. The field research, which forms the second essay in this volume, explores the scheme in detail from its design to process and to women's views and experiences of owning land. The study, in select union councils in three districts does not claim to be definitive; it provides a window to possibilities of such an initiative that has in it seeds of transforming social relations, particularly within the household. The field research further reveals that having land ownership does not necessarily translate into immediate empowerment; but is a very significant first step. Varying levels of self-realization and sense of empowerment has reportedly been achieved by women. A range of barriers are also highlighted, largely rooted in embedded patriarchal social and power relations as well as in the lack of self-worth within women themselves. Lack of education, absence of channels of information and uneven procedures came up as deterrents in accessing the scheme.

Regardless of these issues, the positive impact of receiving land is felt by the majority of women covered in the study. That it has had spin offs like getting CNICs (that open many other opportunities for women), throwing up local women's leadership, greater regard within the household, among others, affirms the force of land ownership. It is hoped that the volume provides both, information and food for thought and encourages others to build upon these with further research and evidence as well as use the information for greater support and mobilisation of women to take forward their agenda through the exercise of their own agency.

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Women's Land Rights and Inheritance Rights in Pakistan¹

Khawar Mumtaz and Meher M. Noshirwani

Where there is land, there is hope: Women's inheritance and land rights in Pakistan

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1. Introduction

In Pakistan, livelihoods of rural men and women revolve around arable land. Land as an asset is a basic physical resource which provides food, space for livestock and home. It is also a source of security and power. In fact, land ownership is an important determinant of social status in rural and urban areas across the country. The landmark *Participatory Poverty Assessment* (PPA) study² identified lack of ownership of land as a key factor of poverty. This is as true of the farmers and *haris* (landless sharecroppers) of Sindh, as it is of the landless tenant farmers of Punjab, Khyber Pakhtunkhwa and Balochistan. Besides being a source of food, income or employment, land provides cash in times of need; poor rural families owning small measures of land (up to one or two acres) were often found in the PPA sites to have mortgaged their land (Between Hope & Despair: National Report, 2003).

Notwithstanding the perception of food and livelihood security being closely linked with land ownership, or at least self-owned homestead land, the reality is that less than half of rural households in Pakistan own any agricultural land and 64 percent of the land is owned by 5 percent of households (Government of Pakistan, 2010). In rural Sindh, landlessness is most acute with two-thirds of rural households not owning any land and just 0.4 percent of households accounting for nearly 24 percent of the total area. Within rural Pakistan the percentage of landless falls between 20 to 40 percent (USAID Land Tenure and Property Rights Portal, 2010), illustrating how land ownership is concentrated in the hands of a few.

Any examination of women's land and property rights therefore, has to be within the context of the above-described skewed pattern of land ownership in the country. This does not mean that women's inheritance is not an issue, especially from the point of view of those women who are not in the category of 'absolute poor'. Shirkat Gah Women's Resource Centre, which works for women's rights with a special focus on rural women, undertook a mapping exercise (2005-06) in three provinces (Punjab, Sindh and Khyber Pakhtunkhwa) to prioritize women's issues in its areas of operation, and found inheritance to be an issue that bothered women a great deal. Women felt manipulated out of their inheritance, were unhappy to forfeit their share in favour of a brother or son, and expressed their inability to pursue their inheritance in court. For the poorest women, on the other hand, important questions concern access to other livelihood resources that they have to rely on given their gender-prescribed roles of fetching water, gathering fuel wood and fodder, looking after livestock and producing natural resource-based craft goods (e.g. mats, baskets, brooms, etc.).

The other defining context is women's social position in society. Pakistan is a class- and caste-based society, with caste and kinship relations of prime importance in rural areas. Other than the poor landless and sharecroppers, there are some occupational groups, such as potters and cobblers, who are at the lower end of the social ladder. Other marginal groups are the gypsies, who move around working on construction sites and begging, and brick kiln and mine workers. Obviously, these groups seldom own land and women within them are even less likely to do so, and so far there is no evidence of collective action from these groups. In fact, most of these groups are in bondage for loans taken from their employers and women are particularly victimised.

Women's secondary position in Pakistan is reflected in the poor female literacy rate (45 percent

in 2008-09) compared to that of males (69 percent); low labour force participation (10.75 percent); a high maternal mortality ratio (275 per 100,000) besides perhaps the highest morbidity rate in Asia. Women's life expectancy is barely equal to that of men and the country is one of the few in the world to have a negative sex ratio (100 women to 107 men). Not surprisingly, women have little access or control over productive resources, even in situations where they may have the legal right to own and inherit property (Mumtaz, 2006). Nothing brought out more poignantly the sorry state of women's right to assets than the earthquake of 8 October 2005 which displaced 2.8 million and damaged 60 percent homes, and more recently the devastating floods in 2010-11 that killed more than 2,000 persons and displaced and destroyed the livelihoods of around 20 million more. Around 85 percent of persons displaced by the floods were women and children. Since household title invariably rests with males, women survivors or those with minor children found themselves left high and dry when relief and reconstruction compensations were made, with their claims often superseded in favour of male relatives (deceased brothers, nephews).

The view of women as dependants and their general invisibility is rooted in customary practices, and often reinforced by laws (like the Hudood Ordinances)³ and the lack of attention and sensitivity of policy-makers. For instance, there are gaps in official data reflecting gender blindness at the official level. There is no gender-disaggregated data regarding women's occupational categories, their participation rate and nature of work in the informal sector where the vast majority of women are concentrated, their land ownership, intra-household division of work and decision-making, and their role in natural resource management. This lack of recognition results in policies that fail to address women's needs, as in the informal sector where the minimum wage rate or other protective measures are not enforced, a fact equally true for men except that there are more women in this sector than men, and women have fewer other opportunities.

This paper attempts to understand the gender, social and power relations that govern women's land and property rights, their access to and control over land and related resources. It seeks to identify critical issues in women's land/resource tenure, the impediments to women's ownership of and access to land and related resources, the interplay between the legal and customary positions on land rights and/or inheritance, and whether any proactive action has been taken to advance on women's land ownership rights.

The paper is based on extensive literature research and review, which was followed up by interviews with key individuals in organizations that are involved in research or are working on rural women's rights and livelihoods matters. It is important to point out at the outset that women's land rights have not been a major issue taken up by women activists and researchers in Pakistan. However, studies on women's status, violence against women, women's political participation, feminised poverty or rural women invariably acknowledge the lack of women's access to and control over assets/resources. Women's right of inheritance has perhaps received more attention but that too usually from the legal perspective as a right governed by customary practice.

2. Pluralistic Norms Governing Land Rights

The law

Women in Pakistan have their property rights set out not only within a legal framework but also within the regime of religious law. Religion continues to be an important factor to take into account when trying to locate women's access and right to land.

The Constitution of Pakistan is a useful starting point when analysing property rights guaranteed to women in post-colonial Pakistan. The Constitution is a guiding document that reveals the kind of society that is envisaged, but within Pakistan this vision clashes with existing customary practices and traditions that marginalize women with regard to ownership and control of property. Article 23 of the Constitution of Pakistan states that, "every citizen shall have the right to acquire, hold, and dispose of property in any part of Pakistan"⁴. It further calls for bringing all laws into conformity with the Holy Quran and *Sunnah*, and to strike down any custom having the force of law as far as it is inconsistent with fundamental rights. Though there is no direct provision in the Constitution on women's right to inheritance, it does provide guarantees and principles of policy to ensure justice without discrimination (National Commission on the Status of Women, 2005: 45-46). While the right to acquire land is that of every man and woman under the Constitution, the capacity to do so is limited to those with monetary resources. Women from within the social strata that have such resources acquire and own property with varying degrees of control. A study on livelihoods in seven selected sites in rural Pakistan found that in the village in Chakwal district (a rain-fed area of north Punjab which is also the recruiting ground for the military), 4 percent of women owned land and that the ownership of land correlated positively with the voting patterns and mobility of women (Mohmand & Gazdar, 2007: 39). The study also found that women's education was a correlate for both mobility and exercise of vote.

Professional women in urban areas are known to acquire land mainly for building homes or for commercial purposes. However, even well-off women largely come into land and property through inheritance. On the basis of observation, as empirical work is absent, it can be said that at least some women from among the leading landed families have inherited agricultural and urban land and property, such as former Prime Minister Benazir Bhutto, and former parliamentarian and Minister Syeda Abida Hussain. They also seem to have control over their properties.

For the poor, there have been occasional government land transfer/distribution schemes for homestead land and housing in both rural and urban areas. These are almost always in the name of the male household head. With reference to such transfers women activists have raised the demand of registering land jointly in the names of husband and wife, and that of women in the case of female-headed households.

Social constructions of gender are an obstacle when dealing with the issue of women's rights vis á vis land. These constructions define a very restricted role for women, curtailing their mobility, discouraging autonomous decision-making and stigmatising them for claiming any public space. As a result, control and ownership of property is considered a decidedly male right. With regard to inheritance rights, entitlement to family property is seen within the context

of kinship which is firmly embedded within most of South Asia and incorporates a family and household structure that invariably sees a woman as a subordinate, thereby limiting any opportunity to act as an independent individual capable of taking decisions or asserting her rights.

From a legal standpoint, inheritance in Pakistan is governed by Islamic *Shariah* as codified in the Muslim Family Laws Ordinance 1961 (MFLO), the overriding law in this matter, and the West Pakistan Muslim Personal Law (Shariat) Application Act (V of 1962) that consolidated and amended the various Muslim laws (Arif & Ali, 1998: 163-180). Prior to the Shariat Acts introduced in the sub-continent in the early 20th century, custom defined inheritance and courts referred to personal laws only in the absence of a local custom (Arif & Ali, 1998: 168). The MFLO 1961 provides for a complex table of shares in inheritance of a deceased person's movable and immovable property according to the nature of relationship within the family and number of surviving family members. The law provides for the distribution of shares according to the personal law of each religious group in the country (Christians, Parsi, etc.). The Quranic principle underlying the Islamic law of inheritance is that "blood relationship is cause of title to succession" (Arif & Ali, 1998: 168). The proportion of shares varies not only according to the relationship to the deceased but also by sect, i.e. *Sunni* and *Shia*.

Under the *Sunni* law, there are 12 shares in a deceased person's property: four for males and eight for females. The *Shia* law recognizes nine shares and does not include grandfathers, grandmothers and son's daughters. Female shares are similar under both the laws:

- The wife (or wives) gets one-quarter of the share if there is no child or child of a son, otherwise an eighth
- The mother gets one-third if there is no child or child of a son, otherwise one-sixth
- The daughter gets half the share of the son
- In the absence of a son, the daughter gets half the share of the inheritance and if there is more than one daughter, they collectively get two-thirds of the share.

The law elaborates on shares of grandmothers, son's daughters, uterine sisters, full sisters and others, as well as the circumstances under which they can receive inheritance. The MFLO provides for the children of a pre-deceased son or daughter to inherit from the grandfather's property the share their parents would have received had they been alive. This provision remains hotly contested as interpretations of the Quran under traditional *Hanafi (Sunni)* law do not recognize this provision. Wills under the law are not legally binding. However, gifts of movable or immovable property can be made during a person's lifetime. Under Islamic law, inheritance should take place immediately after the death of a person; however, the property has to be free from all encumbrances like debts, dower payable to the widow, etc. In practice, however, the division can stretch on for years, even generations, if the property in question is under litigation or dispute. Notwithstanding the legal right to own or inherit property, women do not automatically receive their share of inheritance. Given that land size is a strong determinant of social status and power, there is the desire to keep property within the family (discussed in detail in later section) and as the National Commission on the Status of Women (NCSW) rightly states, rights of women are denied on multiple pretexts (National Commission on the Status of Women, 2005).

There are cases, decided under the purview of the MFLO, that uphold and protect women's inheritance rights. For example, in the case of *Abdul Gafoor v Anwar*⁵ the Court held that the female child of the pre-deceased father is entitled to inherit the entire estate that the father

would have inherited if alive and not the share to which she would have been entitled under Islamic law. Moreover, in the case of *Muhammed Aslam v Mahmooda Begum*⁶, the Trial Court decreed the suit to the extent of the plaintiff's share in the inheritance. In this case, the plaintiff, the daughter of the pre-deceased son, filed a suit claiming therein that she, being the only daughter of the pre-deceased son, was entitled to the share in the property of her grandmother.

Conversely, other judgments indicate the continued deprivation of women's inheritance rights even after the promulgation of the MFLO 1961. The case of *Qutbuddin v Zubaida Khatoon*⁷ is a clear illustration. The plaintiffs in the case were the widow and children of the deceased, who had pre-deceased his father. Succession was determined on the death of the father of the pre-deceased son and under Section 4 of the MFLO, the children of the said pre-deceased son were held to be entitled to the share their father would have received in his father's estate. It was held that the share of the pre-deceased son in the estate of his father would devolve only to his children and not the widow.

Even though there is clear legislation protecting women's inheritance rights, custom and tradition often act to contravene these protections. With a view to enhance a woman's right to her inheritance, Parliament in 2011 passed an anti-women practices law, the Criminal Law (Third Amendment) Act 2011, which has added a new Chapter to the Pakistan Penal Code listing three new offences against women. Section 498A makes it unlawful to deprive a woman of her rightful inheritance through deceitful or illegal means at the time of opening of succession; such an action being punishable by imprisonment or a fine or both. Section 498C prohibits marriage with the Holy Quran and whoever arranges or facilitates such a marriage would be punished with imprisonment and a fine. Moreover, by way of explanation, the Act goes on to state that an oath taken by a woman on the Holy Quran to remain unmarried for the rest of her life or to not claim her share of the inheritance would be deemed to be marriage with the Holy Quran. These amendments seek to protect a woman's right to inheritance, how effectively this law is implemented remains to be seen. It is important to note, however, that this Act was introduced by a female member of Parliament and illustrates that women in Parliament are using their influence to table laws on issues that affect them and require change.

Other official measures

Pakistan ratified the Convention on the Elimination of all forms of Discrimination against Women (CEDAW)⁸ in 1996 and has committed itself to removing discrimination against women through legislative and administrative measures. While the Convention does not explicitly address women's right to inheritance, it implicitly does so through Article 15 which secures their legal status and grants them property rights. Article 16 provides that State Parties must take all appropriate measures to eliminate and ensure the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property. Article 14 protects the rights of rural women to equal treatment in land and agrarian reform as well as in land resettlement schemes. Furthermore, the CEDAW Committee's General Recommendation No. 21 noted the discrimination against women under the inheritance laws and practices of many countries and stated that "men and women in the same degree of relationship to a deceased are entitled to equal shares in the estate and equal rank in the order of succession"⁹. This provision is in conflict with the provision of inheritance law in Pakistan, as discussed above. The right of women to own and control land has become a basic right that needs to be guaranteed. The Universal Declaration of Human Rights, which Pakistan has

adopted, states in Article 17¹⁰ that everyone has the right to own property, individually or jointly, and that no one shall be arbitrarily deprived of their property. Moreover, the International Covenant on the Elimination of all forms of Racial Discrimination, which Pakistan ratified in 1966, guarantees in Article 5¹¹ the right to own property, individually or jointly, and the right to inherit.

The National Policy for Development and Empowerment of Women, promulgated in 2002 by the Government of Pakistan, was aimed at empowering women irrespective of caste, creed and religion. A primary objective was to remove inequalities, protect women's human rights and eliminate negative customary practices. That custom is a major barrier for women's exercise of rights is now acknowledged at all levels of policy in Pakistan and now recognized through the Criminal Law (Third Amendment) Act 2011; however, steps to address the barrier, despite the new law, have thus far remained elusive.

The permanent NCSW, a statutory body established in 2000 with its scope, mandate and autonomy enhanced by the NCSW Act 2012, is an apex women's rights watchdog, charged with promoting and protecting women's rights, monitor government policies, laws and mechanisms, and government's compliance with its international commitments. It also advocates for reforms and proposes legislation, engaging and interacting with members of parliament and other civil society and professional bodies, towards women's equality in Pakistan. The creation of the NCSW as an administrative and financially autonomous body was a result of almost two decades of campaigning by women's rights activists. While it does not have all the powers that activists were demanding (e.g. to adjudicate, to report directly to the parliament, greater autonomy, etc.) it nevertheless has undertaken research to generate evidence for meaningful policies and laws. On the issue of inheritance, the NCSW undertook a review of existing laws and prevalent practices of denying women their inheritance. Advocacy on inheritance focused on policy and legal reforms to secure women's existing rights and simultaneously for equal inheritance rights.

Apart from property ownership, whether inherited or acquired, credit has been one of the measures actively promoted by the Government in recent years primarily for addressing poverty, but also for income-generating and asset creating opportunities for women. Recognising that women do not possess land or others form of collateral, several group guarantee schemes have been introduced. In 2005, micro-credit to women formed 36 percent of PAAF's disbursement, and 22.5 percent of the borrowers of the Khushali Bank were women. Evidence so far is that micro-credit does not always reach the poorest and often credit accessed by women is meant for family enterprises and is not necessarily in their control¹². The role of micro-credit in asset creation for women needs to be further investigated, as does its impact on women's decision-making (for a detailed discussion see Mumtaz, 2006). As yet, no formal data or studies exist to provide evidence of micro credit influencing poverty or creating assets for women.

Customary rights

Rubya Mehdi's *Gender and Property Law in Pakistan, Resources and Discourses* is perhaps the only study that comprehensively and systematically examines the situation on the ground regarding women and property laws in Pakistan. Through seven case studies conducted in all four provinces of Pakistan, Mehdi finds that there is a history of usufructuary rights exercised by women in the country's rural areas, a finding that was corroborated by the Pakistan PPA in its study of the causes of poverty in Pakistan. Defined as "the right to the use, and to take the fruits of land for life only" (Mehdi, 2002: 25), usufructuary rights exist in different forms starting from communal land, to a woman's right to the house and land of her parents. The dependence

in rural areas on common property resources for food and housing is high, especially for the poor. Women, as members of the village community, have thus had grazing and gathering rights on these lands.

The study reveals the differences and similarities across the country in relation to women's access to and control over land. Usufructuary rights established through practice over time are not regulated by the law anywhere but recognized in all four provinces, especially the right of residence with regard to the father's or husband's land for single, widowed, or divorced women, and protection during their lifetime. If the father is dead this responsibility implicitly devolves upon brothers. In Khyber Pakhtunkhwa, a woman's usufructuary right is recognized not only in the natal family but also in her husband's house, and in Punjab elderly women are ensured protection and security in their son's home. Mehdi concludes that these rights are extremely important for women but represent only the right to maintenance and fall short of ownership.

As stated above, these rights are accepted and applicable unless superseded by a new law. However, the institutions managing common properties (where common interest determines the usage) have weakened over the years, to the extent that they neither effectively manage nor have control over them. Often they collude with local powerful elements and permit the appropriation of such property. A combination of poor governance, widespread corruption, ineffective implementation of law, as well as degradation of natural resources through indiscriminate usage, has certainly restricted the space for women.

From the perspective of livelihoods, the right to land and access to it for cultivation, pasture and other usable natural resources is critical for the poor and landless. In one instance, reported in Mehdi's study about Khyber Pakhtunkhwa, women were found to have customary rights to collect firewood from the mountain. In Punjab, access to women is available in *shamlat deh*, i.e. the village common land. This includes pasture, uncultivated lands, the inhabited village site, and the *goradeh* (vacant space) reserved for expansion of the village. The PPA Punjab study revealed access to commons where women were able to graze their animals, and collect fuel and other natural resources (reeds, herbs, etc.) across the provinces. Access to water sources is also a customary right available to women for domestic use, drinking and livestock, though they sometimes have to walk great distances to get potable water from springs or agricultural tube wells.

However, this space is getting restricted due to misappropriation of common property resources by local powerful people, its takeover by the Government, changing agricultural practices, over-exploitation of natural resources, natural disasters like floods, droughts and earthquakes. The allotment in South Punjab of the state forest to an India-Pakistan conflict displaced community (mid-1960s) that did not belong to the area led to the cutting down and selling of the entire lot of trees with damaging consequences for the environment and livelihoods of the poor, particularly for women for whom the forest was an accessible free source of much needed fuel and medicinal herbs (Between Hope & Despair: Punjab Report, 2003b). Similarly, the restriction of entry to state forests like Khanewal left poor village women in the vicinity deprived of fuel wood, which in the face of the high price of kerosene oil was their major energy source for cooking. They reported resorting to poaching wood after dark and when caught had to suffer punishments from forest guards (Kabeer, Mumtaz, & Sayeed, 2006).

In Balochistan, the PPA found that the kind of free access that local people had to mountains and natural resources some 10-20 years ago is no longer available. Their livelihoods depended on these resources, particularly the wild bushes they cut and sold. And while local people still lay social claim to these resources, they were finding access increasingly difficult as mountains

had been allotted to rich people who now denied the use of natural resources to the poor except for grazing livestock. Similarly, the changing patterns of cropping from traditional maize to commercial vegetables and the general denudation of forests and undercover in Khyber Pakhtunkhwa has resulted in a substantial decrease in livestock holding. As women usually manage and look after livestock and have some control over its produce they find themselves left without an asset.

Many other instances abound like the establishment of the Fisheries Department with the authority to exercise control over the river's resources that customarily were available to local people. Fishing licenses were introduced that were invariably given to powerful outside contractors leading to the marginalization of the fishing communities along the rivers and curtailment of their rights¹³. In the case of Maliwal, a village in central Punjab, while fishing was not a principle activity of women they were closely involved in associated tasks and felt unprepared for the shift to alternative agricultural work.

Within the rural areas of Pakistan, as earlier mentioned, a woman's access to and control over land is restricted to the extent of usufructuary rights; these do not qualify as ownership but merely confer a limited right of access and use that can be overturned as it lacks a formal basis within the legal system. Land is considered a valuable asset and a source of income and survival within Pakistan's agrarian economy. Its ownership is monopolized by local 'feudals' and influentials leading to a substantial section of the rural population being deprived of ownership. Within this section, women are further marginalized as the current system discourages and makes it difficult for women to own land.

It is an undisputed fact that agrarian reform is the most difficult to introduce and implement. This is especially true for Pakistan as the feudal system in place results in land guaranteeing both economic and political control. Although large landowners rely on tenants and agricultural labourers, this dependence does not result in any kind of bargaining power for the tenants, as they are indebted to the landowner, unaware of their rights and unable to press collectively for their demands. Moreover, since most large landowners dominate the political scene and are part of ruling governments, it is easy for them to thwart any efforts towards land reform that would directly diminish their power base. A majority of the population of Pakistan live in rural areas and makes their living out of working the land but the bulk of this population is comprised of the landless who work the land with limited resources, with the threat of being thrown out hanging over their head.

Attempts have been made to introduce land reforms by governments in the past, but they have been inadequately implemented. Land reforms cannot be viewed in isolation. Any attempt at land reform will have political, social, legal and economic implications for all affected parties. Broadly speaking, the objective behind undertaking land reform is to provide security to the people working on the land and ensuring a fair share in the produce of the land. Since Independence, demands have been made to introduce and implement land reforms in a bid to break the power of the bigger landlords, but competing interests have always had to be taken into account when looking at the issue.

The first attempt at land reform was made in 1959 after the Martial Law led government of Ayub Khan came into power. A seven-member Commission was appointed to review the land ownership and tenancy situation and make recommendations. As a result, all *jagirs* (land holdings) were abolished and individual land holdings restricted to 500 acres of irrigated and 1000 acres of un-irrigated land. But loopholes existed that allowed the landlords to circumvent the restrictions placed on land holdings. They were able to transfer land that was in excess of

the restriction to family members and thus succeeded in concealing their entire holding. As a result, this first attempt at reform was unable to break the power of the landlords and only succeeded in dispersing it within that class.

The second attempt at land reforms was made in 1972 under the leadership of the late Zulfikar Ali Bhutto when the Pakistan People's Party was in power. Similar to the earlier attempt, a ceiling limit was prescribed but this time it was more restrictive: land holding was restricted to 150 acres of irrigated and 300 acres of un-irrigated land. Certain exemptions allowed for the total landholding to go up. "The resumed land was distributed among the landless farmers free of cost. Under tenurial reforms, eviction of tenant farmers was not permitted. In addition, landlords were required to pay all taxes, water charges, cost of seeds, and one-half of the cost of fertilizer and other inputs" (PDI Documentation Wing, 2009). Moreover, in 1977, Bhutto further reduced the size of a permitted landholding to 100 acres of irrigated and 200 acres of un-irrigated land¹⁴. But the implementation of these reforms was stopped short by the imposition of Martial Law in the country and the steps taken had the effect of reversing whatever gains had been achieved by the forcible eviction of tenants from their land. Subsequent governments have also not re-initiated the process of land reforms.

In light of this scenario, the Government in the province of Sindh launched a land redistribution scheme, the stated objective of which, within its first phase, was to be the distribution of 225,000 hectares of cultivable state land amongst poor and landless peasants (many of them women). The objective of this scheme has been stated as the "grant of state land to Landless *Haris* in all the districts where state land is available with the primary objective of reaching out to the most marginalized segment of population in Sindh"¹⁵. The Government has undertaken to allot unencumbered state land to landless farmers, preferably women. The scheme envisages that this distribution would help gain valuable ground towards the empowerment of women by giving them preference, and help overcome their marginalization in terms of land rights and ownership by increasing their assets, resulting in further economic empowerment. Indeed, the President of Pakistan has announced that in the second phase of this project, some 21,000 hectares of land would be reserved for distribution amongst women only.

According to reports that were released in 2009, "17,400 hectares of land, in 17 of the 23 Sindh districts, have been distributed to some 4,200 beneficiaries. More importantly, 70 percent of these were severely impoverished women. Each received between 1.6 and 10 hectares of land, depending on availability"¹⁶. By 2012, the number of beneficiaries has risen, with 50,000 acres set for distribution among landless women in different districts of Sindh. Not surprisingly, this project has met with resistance from men who see it as weakening their power and control over two of their most valuable assets: land and women.

During the first phase of implementation, guidelines were issued by the Sindh Government to ensure that the process of land distribution is transparent and participatory. These included the identifying available state land for distribution, announcing of available land and inviting applications from the landless, organizing *khuli katcheries*¹⁷ to identify genuine beneficiaries and grant them land, and finally issuing land grant certificates to successful land grantees.

A study of this programme undertaken by the Participatory Development Initiatives (PDI) (PDI Documentation Wing, 2009) identified a number of problems that have prevented its successful implementation. These include a lack of civil society participation in the process of state land identification, and discrepancies between the initial announcement about the availability of state land and the later record of it. Allegations have been levelled at Revenue Department officials for deliberately not identifying certain parts of land in their districts as available. According to

the PDI report, a lot of the land that was identified and distributed was uncultivable and affected by salinity and water logging. There have also been instances where allotted land has turned out to be under the sea or part of a graveyard¹⁸. Moreover, some of the land allocated is disputed property and under litigation with a large number of appeals being moved against land grantees, especially women. Lists of intended grantees have been tampered with by influential parties to include their relatives. Inadequate publicity of this programme resulted in many people unaware of its existence and subsequently excluded from its ambit. District level data also indicates that the number of men beneficiaries surpasses the number of women beneficiaries. A subsequent study (included in this Special Bulletin) gives updated and insightful information of the scheme and a more balanced assessment of it.

However, the land distribution scheme has not been completely ineffective. It is the first time that state land has been distributed in Pakistan with priority given to landless women and farmers as a way towards economic empowerment. It has also challenged the image of a farmer as being that of a male peasant only. Agriculture itself is considered gendered, as women are not accepted as farmers. Their contribution to land and agriculture is valued but the lack of recognition means that the right over the land, which is a necessary corollary of responsibility, is still denied to them. Control over land brings with it power and respect and yet a woman's relationship with land is mediated through the men.

Through the implementation of this scheme, women have emerged as individuals capable of owning and controlling land; there are success stories of women cultivating the land allocated to them and using the proceeds to support their family and improve their lives. In some instances at least, the programme has proved to be an agent of change for landless women especially where they have been able to exercise control over the land allotted to them. The result in such instances has been both economic and social improvement.

"I told my husband if he ever hits me (again), I'll pack up and go to my parents who live just round the corner, and he will lose the land I got," says Jannat Gul of Tando Bagho village District Badin. Her husband has not hit her for the past six months, ever since Gul became the owner of some 4 acres of land.

(Source: Zofeen Ebrahim, *Slowly, women gain ground through land ownership*, 13 July 2010)

3. Barriers to Women's Access to and Control over Land

Law versus customary practices

Shirkat Gah's field based study, *Chart of Customary Practices in Pakistan in Comparison with Statutory Laws*, clearly shows that although the Constitution of Pakistan gives women the legal rights to own property, in reality customary practices dictate what women are allowed to own and their right to inheritance is easily evaded (Shirkat Gah/WLUML, 1995). It found that according to customary practice, women do not inherit property and widows lose their right to inheritance if they remarry outside the family of the deceased husband, even though the law prescribes a prompt division of the deceased's assets and the widow's right to her share.

In Sindh, property is rarely in a woman's name. Only if there is no male member in a family, or if the son is very young, may a woman manage land through a *kamdar* or agent. Here a woman's dowry is considered compensation for her inheritance; except in Thar, the remote desert region of Sindh, where some women inherit property. The above study found it equally rare for women in Balochistan to own or control property except for older women who sometimes have a say in the use or sale of property; and women do not inherit if there is a male offspring. But where there are no males, some tribes like the *Hazaras*, provide for women's inheritance though the control remains in the hands of uncles. In isolated instances where women are given land, the property is always outside tribal lands.

In Khyber Pakhtunkhwa, the presence of a male offspring prevents females from inheriting land; nor is there a tradition of inheriting immovable property from the father except in some areas (Dera Ismail Khan, Mardan and Swabi) where, in rare cases, daughters are given a share in moveable and immovable property. However, women can own land as *rawaji malika* when, as part of the marriage contract, a groom transfers to the woman some property that he either has or is due to inherit. In these cases, men manage and make decisions about the land but cannot sell it. Often this is a transaction on paper only. A judgment of the Peshawar High Court, where evasion of the *rawaji malika* was challenged by a divorced woman, ruled that either the property pledged be given to the woman or an equivalent amount assessed at current market rates be paid to her¹⁹.

In Punjab, inheritance plays out in a variety of ways. Women in general may inherit property but are not permitted a say regarding its usage or income. In case of an only female offspring, immovable property is very rarely transferred to women except in a handful of very rich families. On the other hand, in the same category of people, dowry is expected to compensate for landed property which is not given to women. In other cases daughters may receive a share in property after the mother's share has been deducted. It was also found that female control of property is restricted to widows and economic control possible only under specific circumstances (e.g. minor children, disabled household head). Exceptionally, the practice of transferring property by the rich (men) in the names of a wife or daughter (or even son) to avoid taxes is quite established. In such cases (known as *benami*, literally 'nameless') the papers are kept by the person who is making the transfer and he retains full control over the property. A woman's chance of owning and controlling property in the *benami* situation is tenuous until the man dies and she actually inherits the property. *Benami* transfers are often used to deprive certain

members of the family from inheritance. While subject to challenge in court, *mala fide* intentions are difficult to prove²⁰.

Another widespread practice is of forfeiture of the inheritance share by women in favour of their brothers or sons, often through force. Social and family pressures are so strong that the fear of putting kinship relations at stake prevents women from claiming inheritance. In the absence of protective measures, women generally rely on the parental home and brothers in times of need (bad marriage, illness, economic pressure) and therefore forgo their share in property as insurance for the future. Shirkat Gah in its fieldwork found that a broken relationship with brothers (the bond between brothers and sisters is romanticized and exalted) is seen as affecting their children's marriages (as marriages within the kin relationships are preferred) and could also lead to ostracism by the extended family. Divorced women are known to give up their dower in order to enhance the share of their sons' inheritance²¹. Within Southern Punjab, it has been seen that women are promised their share of inheritance at the time of their marriage and the same is even mentioned in the *nikah nama* except supporting documents are not attached to the marriage contract, the absence of which makes it virtually impossible for women to claim their right in court.

Even those who under specific customs can inherit parents' property feel compelled to surrender their share under social pressure. According to Rubya Mehdi's study, in most cases women's names are registered in the property transfer papers on inheritance, but in practice they do not get the land. In rural Punjab, it is not uncommon for brothers to enter into an understanding with the patwari (land revenue official) to not include the sisters' names under the pretext that they have surrendered their share. Otherwise, as soon as a woman's name has been entered in the transfer papers, a gift is made in favour of the brothers. The courts have now made it mandatory for women to appear in person to submit an affidavit (signed legal document) declaring that they have not been forced to forfeit their share. In 2012, the Government of Punjab launched the Punjab Women Empowerment Package aimed at the protection of women and redressing their social and legal grievances in critical areas such as a woman's right to inheritance and violence against women. The package proposes amendments to the existing law on inheritance, including the mandatory distribution of rural property amongst all legal heirs at the initiative of the revenue officer without an application being necessarily moved by any of the parties. This step is considered essential to safeguard the property rights of female heirs.

Among extreme practices is the practice of *haq bakhshwana* (giving up rights, literally) whereby girls are either never married, or married to the Quran in order to prevent property going out of the family. Similarly, cousin marriages and *watta satta* (exchange) marriages are designed to retain property.

There are also situations on the other hand when the property is not very large, and a woman feels that dividing it further would be of no use to anybody and therefore decides not to exercise her inheritance right. Or in instances of disputes, especially when parties go into litigation, inheritance settlements can stretch over years.

Information from members of Shirkat Gah's field team reaffirms the above²². Where women do own land it is not always looked after by them. Usually someone else in the family takes care of it. If it is a substantial piece of property she employs people for dealing with details like accessing water. In addition, the team reported that most women actually want to receive their share and feel bad about not claiming it. Mostly, however, women do not consider dowries as being equal to inheritance. In their view if they were to receive gold instead of bedding, furniture, clothes or crockery as dowry, it would give them greater negotiating and decision-making powers. Women

also highlighted the hypocrisy of their male relations who restrict women's mobility and enforce segregation but at the time of inheritance don't mind taking them to the land revenue office, in front of strange males, to sign papers to forfeit their inheritance right or gift their share.

During the research for this study, not many successful cases of agency were found, i.e. instances where women have been able to negotiate for land rights effectively, except where women have gone to court and succeeded in getting inheritance. The latter course is often pursued by a woman's male relative and only occasionally on her own. Legal procedures are complex, and the duration of a case may go beyond the litigant's lifetime. The law lays no restrictions on women for claiming rights as defined by Islamic law (the MFLO). In fact, the courts have been very sympathetic to women's claims even if they have come years after the death of the person they were to inherit from. In addition, the costs of such suits (court fees, lawyers, copies of papers etc.) are prohibitive. Added to these is the cost of travel to capital cities where superior courts sit; both the expenses and the actual travel is a constraint for women. Above all, women are not aware of how the law operates, what their share in inheritance is, and where and how revenue records are kept. It is not uncommon to have female names removed at the instigation of male inheritors. There are procedures for getting this reversed but are cumbersome and compounded by corruption.

Other impediments

Women's lack of information about legal, economic or political rights, violence that is imbedded in customary practices, the absence of available and accessible protection and justice along with restrictions on mobility collectively deny them opportunities of owning and accessing assets and resources. A very important barrier for women is their lack of knowledge about their rights under the law. They do not understand the nature of land registration systems, papers, transaction procedures nor processes involved in taking possession of land or retaining their share. Equally, they are not aware of the judicial recourse that is available to them. The courts have set important precedents to ensure that women are not denied their due rights. A 40-year review of superior court cases related to women's inheritance reflected that courts have mostly been sympathetic but the cases were few and far between (Arif & Ali, 1998).

Living in a highly segregated social system, women are not equipped to deal with tenants, the sale of produce, or physically accessing the land if it is at a distance. For single women the situation is compounded by the lack of clarity on whether they are being compensated for their rights of maintenance, or receiving inheritance. The fact that different institutional arms of the government lack coordination works to the disadvantage of women. For instance, the Union Council where the records of the *nikah* (marriage) registrar are kept has no linkage with the revenue department where land ownership records are kept. It is therefore easy for a man to hide the provisions of transfer of property to a woman at the time of marriage and evade giving her the promised share. Brothers are known to have produced succession documents in the revenue department without the names of sisters and cheat them out of their inheritance because of the lack of information sharing between departments.

Women's mobility is yet another barrier that mediates their access to or control over land and resources. Maliha Khan Tirmazi, in her study investigating women's mobility in an irrigated area of South Punjab, points to the practical problems of getting permission to leave the house and the restrictions of *purdah* (seclusion) to physically get to the land. However, the same women can leave their homes to fetch water without any restrictions, a fact that highlights the contradiction

in the rules governing women's movement in the family unit and underscores how a woman's role as a service provider is perceived as acceptable while a role with potential autonomy is not (Khan-Tirmizi, 1999). Similarly, whereas women are the principle managers and users of potable water at the domestic level and affected by its accessibility, they are not allowed to participate in the local Water Users Associations. These social and practical barriers, according to Tirmazi, make it almost impossible for women to own and control land and by extension have decision-making powers.

Violence and fear of violence are equally potent realities that constrain women. Castigated for violating cultural norms, e.g. of mobility or speaking to men outside the family, can result in physical abuse and even loss of life for a woman. Property disputes are often at the root of violence against women and a number of crimes against women in the name of so-called honour are to appropriate property or deny share in inheritance (Ali, 2001).

Socially excluded groups like the landless and service providers at the village level are further isolated from public assets and decision-making arenas. Lubna Chaudhry's in-depth enquiry into six sites of rural Punjab and Sindh focuses on power relations that "marginalize, silence, and oppress the poor, thereby perpetuating poverty" and brings out the "specificities of women's experiences" (Chaudhry, 2004: 2). In the study, Chaudhry captures the complexity of people's lives including gender relations in the household, their class and social position, as these link with the operation of state and market institutions locally as well as nationally. For instance, women from better-off households are able to exercise control over their lands but do not participate in elections as it is not honourable to do so, while poor women, those without family and social backing are unable to keep what is legally theirs from male relatives. But a '*kammi*' (lower) caste woman is put up to contest local elections and is returned because the powerful in the village so decided. Similarly, the 'powerlessness' of women is further accentuated as they are either excluded by not possessing National Identity Cards or being forced to turn the cards over to the landlord²³.

Finally, it is indeed the nature of power structures that determines the extent of women's exclusion, or for that matter inclusion, as the above study demonstrates. In the rural areas of Pakistan, land is owned and controlled by wealthy feudal families. Landowners, *zamindars*, *sardars*, or *waderas*, have tremendous power over the rural poor and what is accessible to them, especially water. The relationship is exploitative, aggressive and oppressive. Men and women in areas such as Mirpurkhas, who work on the land as *haris* or bonded labour, have no rights at all despite legislation that bans bondage. Access to water was often in the control of the landlords and was seen as an instrument of power over the rural poor. The relationship between the landless who work as tied labourers and the sharecroppers (who share the inputs to the landlord's land and get a share in the harvest) with the landlord while a longstanding one, is also an unequal one leading to generations of dependence and bondage. Women in these situations end up working as domestic help in the landlord's homes and are subject to sexual abuse and violence.

4. Conclusion

The current situation regarding women's land rights and ownership in Pakistan is dominated by a host of factors that come together and point towards one conclusion that: customary practices and traditions, women's perceived place in society, their lack of autonomy and mobility along with unequal power relations all combine to inhibit a woman's control and ownership of land. Within the context of this multi-layered social structure, women in Pakistan are struggling to find a space for themselves. The complex situation related to women's land rights and access to resources demands effective strategies that can lead to the elimination of social barriers, enhance capabilities and increase opportunities.

In order to overthrow the patriarchal structure that denies women their rights, a multi-pronged strategy is needed including research and generation of information for effective advocacy. Moreover, public discourse must be initiated with policy-makers and elected representatives to create social legitimacy for women's land rights, inheritance and control over resources. There is a need to strengthen organizations working on land rights and support their initiatives. It is also essential to work towards building women's agency through mobilization, building of organizations and their capacity to create platforms for greater awareness about women's rights. Equally important is to lobby for jointly held marital property.

One advocacy initiative²⁴ in Pakistan linked livelihood and food security to women's land ownership and called for the grant of one acre of land to every rural woman (and at least 500 square yards for every urban family) as a means to initiate and encourage new agricultural practices for solving the growing food crisis. It is contended that agricultural land within Pakistan needs to be redistributed in order to attain two objectives: 1) break the cycle of producing only for industries and export, and 2) to break the power of the absentee landlord over lands that are being tilled by rural farmers who cannot assert any rights over it.

The underlying logic of the campaign demand is that one-third of the acre would be used to produce food for the family, another third for growing cash crops as a reliable source of income and a third to be kept fallow for the soil to replenish itself. This acre, it was proposed, ought to be given in the name of the woman on a usufruct basis; the land would remain in State's ownership but the person tilling it would have rights over it during her lifetime, during which it is not transferable and cannot be sold. Such an arrangement would ensure women's control over the land and prevent it from being grabbed by the State or men in the family.

Interestingly, Sindh government's land allocation scheme to landless peasants including women, inadvertently or consciously, has some of the elements of the above-mentioned campaign. Other initiatives have also been taken like the Punjab Government's measures to introduce simpler and faster mechanism for the issue of succession certificates, computerization of revenue records and land transfers and the the Criminal Law (Third Amendment) Act 2011 that criminalises denial of inheritance to women on any pretext. With greater awareness of the law, it is hoped that women's land and property rights will become a reality.

End Notes

1. This paper is an updated version of the Scoping Study, *Women's Access and Rights to Land and Property in Pakistan* by Khawar Mumtaz and Meher Noshirwani commissioned by International Development Research Centre (IDRC) in 2006. The paper has been updated by Hooria Khan. The paper was also submitted as a working paper for the women's inheritance and property rights theme under the Women Reclaiming and Redefining Culture (WRRC) programme.
2. The study captured the perceptions of men, women and children in the poorest sites of 54 districts across the four provinces (Punjab, Sindh, Khyber Pakhtunkhwa, and Balochistan) of the country and Federally Administered Northern Areas. Shirkat Gah was responsible for carrying out the study and its documentation in Punjab and the documentation in Sindh.
3. Hudood Ordinances 1979, wherein no distinction is made between consensual sex and rape, and the evidence of women and non-Muslims is not admissible for maximum conviction. This was amended through the Protection of Women (Criminal Laws Amendment) Act 2006 whereby the distinction was made between the two and rape was placed under the Criminal Procedure Code.
4. Constitution of the Islamic Republic of Pakistan, 1973.
5. 1985 CLC Peshawar High Court.
6. 2006 YLR 2735 Lahore High Court.
7. 2009 CLC 1273 Lahore High Court.
8. <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>
9. <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom21>
10. <http://www.un.org/en/documents/udhr/index.shtml#a17>
11. <http://www2.ohchr.org/english/law/cerd.htm#art5>
12. However, the impact study of Kashf's programme revealed that even though loans are given for family enterprises the fact that these come via women enhances their position in the household.
13. Shirkat Gah's findings in Maliwal village where it works in partnership with local women's organizations.
14. <http://www.ppp.org.pk/history.html>
15. As stated in "Ushering Structural Transformation in Sindh; Government of Sindh's Program for Grant of State Land to Poor Landless *Haris*" available on the Sindh Government website - www.sindh.gov.pk.
16. Zofeen Ebrahim, Inter Press Service News Agency, 13 July 2010, *Slowly, women gain ground through land ownership*. Available @ <http://www.ipsnews.net/2010/07/rights-pakistan-slowly-women-gain-ground-through-land-ownership/>
17. Public assemblies.
18. <http://www.unpo.org/article/10466>
19. *Saadia Begum - Petitioner v Jangreez and 3 others* – Respondents. Decided on 2 April 2004. PLD. 2004. p. 213
20. *Mst. Halima - Petitioner v Muhammad Kassam and others* – Respondents. Decided on 3 March 1999. MLD. p. 2934
21. Shirkat Gah Field Team.
22. Interviews with Programme Coordinator, Shahnaz Iqbal and Programme Officers, Mehreen, Nighat, Sumara, Hameeda. Lahore and Karachi. May 2005.
23. Getting National Identity Cards that are needed for voting in elections, accessing credit, opening bank accounts emerged as a major issue among poor women in the *Citizenship and Social Protection: Towards a 'Transformative' Agenda for Pakistan* study referred to earlier.
24. Shirkat Gah's 'An acre for every woman' campaign.

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**‘Where there is land,
there is hope’¹**

Hooria Hayat Khan

1. Women, Land & Rights: Assessing the Impact of the Sindh Land Distribution Program

"The agriculture sector continues to be an essential component of Pakistan's economy. It currently contributes 21 percent to GDP... generates productive employment opportunities for 45 percent of the country's labour force and 60 percent of the rural population depends upon this sector for its livelihood" (Government of Pakistan, 2012).

Land is a precious resource everywhere. In Pakistan, land ownership not only guarantees a sustainable livelihood, thereby acting as an important buffer against poverty, it is also a crucial indicator of power and social standing, shaping relationships within both the family and the community. People with large landholdings are also better placed to avail opportunities and access other resources in order to further themselves and their families as compared to individuals with smaller or no landholding. However, the control and ownership of land is concentrated in the hands of a few. It is estimated that 60% of Pakistan's rural households are landless (Kugelman & Hathaway, 2010), while a small minority holds the lion's share of the land. This distorted ownership pattern is a major factor contributing to rural poverty and skewed social and political power.

Illustrating the exclusion of a vast majority of the rural population from land ownership, this statistic is incomplete: it does not take into account the position of women, who are often rendered invisible across groups. The marginalization of women in terms of access to land is a constant that holds true across social classes. Put simply, women from "landless" classes own no land and women from "landed" classes also own no land.

Even though the need for redistributive land reform was articulated post-independence, it was slow in gaining momentum and did not achieve much. Both attempts at land reform² were unable to modify the power dynamics that exist within rural society and relationships and ignored women as possible beneficiaries. Any benefit derived by women was inadvertent (in order to side step the imposition of a ceiling limit on landholdings), and was mediated by family men. Yet again, women did not figure in a debate that is just as central to their survival and this has had an immediate and persuasive impact on their lives.

Departing from previous practices, in 2008, the Sindh Government announced a land distribution scheme allotting cultivable state land to landless peasants with a special focus on women. Subsequently, the President announced that the second phase of distribution would be reserved for women exclusively because they are "traditionally left out of land reform schemes and have less opportunity to own land"³ and specified that no land would be distributed in areas where there are no woman applicants⁴.

In 2012, Shirkat Gah-Women's Resource Centre undertook a study to assess the land distribution scheme for its impact on the lives of women. This study was conducted keeping in view the scheme's primary objective: women's economic empowerment. The research had a twofold aim; (1) to examine the working and the procedural aspects of the scheme, such as the application process, in order to gauge the level of women's engagement, and (2) to study the impact land ownership has had on the economic empowerment of women and how this has played out with regard to other aspects of their lives. This report assesses whether this step towards economic empowerment has had a domino effect on the different facets of a woman's life. (For details of the methodology, see Annex 1)

It starts by reviewing the scheme's framework: its intentions, and provisions for reaching women, processing applications and allotting land. Based on in-depth interviews with Revenue officers

and others involved in its implementation, it reviews actual working on the ground.

The second part of this report reviews the experiences of women: those who received allotted land and some who didn't; women's views about the scheme and its impact on their self-perceptions, family and community relationships.

The final part of the report analyses the scheme's impact from the perspective of rights, gender and prevalent norms, drawing out key lessons. It concludes with a list of recommendations for improving the existing scheme in Sindh and its replication in other provinces.

2. The Sindh Land Distribution Scheme

This first land distribution scheme identifying landless women as primary beneficiaries envisages that land distribution would significantly bolster the empowerment of women and help to overcome their marginalization in terms of land ownership. This scheme has been implemented in 17 districts within Sindh and more than 6,000 people have been allotted land thus far⁵.

Framework of the Scheme

The primary objective of this scheme is "reaching out to the most marginalized segment of [the] population in Sindh"⁶. This scheme was envisaged as one of the "central poverty reduction initiatives of the new Government"⁷ and was drafted based on the lessons learned from the shortcomings of earlier programs.

The framework of the scheme makes it clear that there has been a shift from redistributing privately owned land (as before) to the focus being on granting state-owned land. Critical of past efforts, it asserts that the scheme was developed keeping in mind the flaws of two earlier policies dealing with land grants that "neither attempted to target the landless in a transparent manner"⁸ nor made any effort to facilitate underprivileged beneficiaries through some form of institutional support post allocation that would help the *hari*⁹. The framework asserts that the distinct features of the current scheme, if correctly implemented would begin the process of bringing about "structural changes in the socio economic polity of rural Sindh"¹⁰.

The document detailing the framework goes on to explain some of the key features of the land distribution scheme:

a) *Institutional Focus*

A strong institutional framework has been developed to oversee both implementation and monitoring by establishing a unit in the Land Utilization Department under the oversight of a Steering Committee headed by the Additional Chief Secretary Development and consisting of all relevant policy and line departments which include Finance, Agriculture, Irrigation and the Land Utilization Department.

District committees were formed under the District Coordinating Officers to supervise the preparatory work at the grassroots level. In a departure from past attempts, even though the District Officer Revenue would play a central role in this scheme, he would be monitored by both the district hierarchy and non-governmental community organizations.

b) Clear Priority to Women Members of Landless Haris

The scheme clearly intends for unencumbered state land to be allotted to landless *haris* with women being given clear priority in the allocation of agricultural land as a means of engineering “social change through [the] empowerment of rural women”¹¹.

c) Targeting Genuine and Poor Landless Haris

Although the Land Revenue Act of 1912 lays down the prescribed procedure for the grant of land to eligible *haris*, it still does not guarantee that land is allocated to the deserving. To overcome this challenge, the Sindh Government approved the involvement of Rural Support Programs (RSPs)¹² in the implementation of the scheme. The RSPs have been given the twofold task of identifying poor, landless *haris* and devising and extending support packages. The Government also approved the use of information collected during the poverty profiling¹³ conducted by the RSPs. This information was to be used to verify the credentials of the *hari* once applications were received.

d) Support Package:

In order to help beneficiaries move towards sustainability, the scheme stipulates the provision of a support package to successful grantees. This support package is dependent on the type of land that has been allocated but generally includes seeds, fertiliser, pesticide etc. The scheme also approves the facilitation of *haris* with agriculture implements on subsidized rates.

e) Implementation of Support Package through Rural Support Programs in Sindh

Under the scheme, the RSPs would develop and deliver support packages. This public-private partnership was aimed towards lending more credibility to the scheme and reducing the influence wielded by local landlords. This partnership was also seen as reflecting the Government’s resolve to undertake this scheme with utmost transparency.

Steering Committee Meetings (for details see Annex 3-6) were also held to work out practical requirements and it was decided that for the success of this scheme it was critical to ensure certain aspects, which included the following:

- Ensuring that overall data regarding state land is accurate; the land is free from all encumbrances meaning there is no illegal possession; it is not under litigation, and nor is it an expired lease¹⁴.
- The land should be cultivable and accessible; water should be available; the land should not have any water logging or salinity¹⁵.
- The Revenue Department’s staff to be responsible for ensuring that the land is granted to genuine landless *haris* with preference accorded to women¹⁶.
- Extensive arrangements must be undertaken for publicity through FM radio, announcements through drum beats and in mosques, through cable TV, banners, loud speakers on mobile vans etc¹⁷.

- Relevant copies of ads in the Sindhi newspaper should be pasted at a conspicuous place outside Revenue offices for general information¹⁸.

f) Legal Framework

The distribution of land under this scheme is governed by the Colonization and Disposal of Government Lands (Sind) Act 1912, the Sindh Colonization and Disposal of Government Lands Rules 2005, along with the Statement of Conditions for grant of arable state land to *haris* (peasants), small Khatedars and mohagdars in Kotri, Guddu and Sukkur Barrage command areas 1972, which is the principle document guiding the distribution of land.

Under this Statement of Conditions a *hari* has been defined as a person who does not hold land or holds less than twenty-five acres of land and has been residing for ten years in the *deh*¹⁹, *tapa*²⁰, *taluka*²¹ or district in which the land applied for is situated and has been cultivating the land of Zamindars, [the] Government or that of his own holding personally or through any member of his family²².

It also specifies the order of priorities to be taken into account when allocating land to *haris* and states that priority will be given to the *hari* holding a lease in respect of the land for which he has applied provided that he has brought the land or some part of it under cultivation for at least 2 years preceding the allotment. After that, priority is determined by proximity: first priority goes to the *hari* who resides in the village near the land, then the *deh*, followed by the adjoining *deh*, the *tapa*, adjoining *tapa*, *taluka* and finally district²³.

Where the *hari* in question is not holding the land on lease and falls within the purview of the clauses that deal with the administrative unit the *hari* resides in, the Statement of Conditions specifies the order of priorities according to the size of landholding from being landless to holding not more than twenty-five acres²⁴. This order of priority can be departed from in the case of a *hari* who has been ousted from his lease due to reservations, if any, made by the Government as regards the land on lease²⁵.

The Statement of Conditions states that a *hari* shall be eligible for the allotment of land up to 25 acres inclusive of his holding or any other holding alienated by him by sale or gift during five years of the date of allotment²⁶ and that a schedule of land available for allotment shall be prepared in lots with each lot containing land not exceeding 25 acres which shall not be broken while granting land²⁷.

The Statement of Conditions also provides that in the event of the death of a grantee (if he is not a *hari*), his heirs shall not sell, lease, mortgage, transfer, assign or otherwise alienate the land until the price of the land is fully paid²⁸. Moreover, the grant shall be non-transferable for a period of fifteen years, meaning that the grant shall not be transferred or changed by any sale, gift, mortgage, and lease or otherwise²⁹.

Procedural Aspects of the Scheme

The Government announcement of the scheme was followed by a letter instructing all districts to identify state land in each *deh*, with the condition that the land had to be free of all encumbrances. These instructions were followed by a field survey to identify state land, assess its cultivability and see whether there was access to water.

Upon completion of this survey, a *deh*-wise schedule of land available for allotment is prepared and sent to the Board of Revenue for permission both with regard to its implementation and the date agreed upon for distribution of land. A copy of the schedule is also sent to the Irrigation Department for information on the availability of water which would be relied on when distributing land.

Once permission is granted and the schedule finalized, the *Mukhtiarkar*³⁰ is responsible for getting it published. The schedule contains information regarding the *deh* where distribution will take place, the lots to be distributed and information about the *khuli katcheri*³¹ and its venue. The schedule is advertised by the Revenue Department through ads in the local newspapers, announcements over FM radio, in local mosques, on the beat of the drum and through loud speakers on vans. Notices are also put up outside UC offices and other Revenue offices frequently visited by the area's residents and also spread by word of mouth.

The application forms are available from the office of the *Mukhtiarkar* and the *Patwaris*³². Applicants under this scheme are required to attach their Computerized National Identity Cards (CNICs) to their application form that can be submitted at any of the Revenue offices. The application can also be submitted on a plain piece of paper. There is no age limit on applying except that the applicant has to be an adult in possession of a National Identity Card. Not having an ID card disqualifies a person, as there would be no concrete way of proving that the applicant in fact belongs to the *deh* where the land is being distributed. There is no time limit on when the application can be submitted and applications can also be handed in at the time of the announcement of the allocation in the *khuli katcheri*. Received applications are entered in a register and a duplicate copy returned to the applicant with an acknowledgment of receipt indicating the serial number as entered in the register. It is possible for there to be multiple applications originating from the same family or household.

The decision to allot is taken in a widely publicized *khuli katcheri*, held in the *deh* where available state land is being distributed. The *katcheri* is run by the District Officer with assistance from other Government officials who are also present. The women applicants are called to attend with their ID cards and other relevant documentation. The *katcheri* is an important stage in the scheme as it is the forum where all applicants assemble, applications are verified, testimonies in favour of the applications are recorded and objections, if any, are raised with regard to an allotment. Local people present at the *katcheri* provide the officers with information regarding the pre-requisites to be fulfilled by the applicant, thereby helping to vet the applications. Applicants have to prove that they are residents of the *deh* where distribution is taking place and that they qualify as landless.

Once all the necessary information is verified and the statements recorded, a list is made in the *katcheri* containing the names of the *haris* having successfully established their claim, and the allotment is made. The applicant is given an official document that signifies the approval of their application. The allotment list is computerized and compiled once the *katcheri* comes to a close. The successful applicant then has to pay the initial deposit within one month of the announcement or the allotment is cancelled. The beneficiary is given a receipt in lieu of this payment and instalments have to be paid annually for a period of 15 years. These instalments are nominal, but are in place to ensure that the allottee is in possession of the land given and has a continued interest in it.

After allotment is ensured the applicant is issued a form, the record of which is also maintained in the Revenue office. The main purpose of this form, containing information regarding the *katcheri* and when it took place, is to document the annual payment of instalments in the columns

provided. Once a grantee has paid the full price of the land (over a period of 15 years) and fulfilled the terms and conditions of his/her grant, a deed of conveyance is executed which will confer full property rights. This Transfer Order is the basis for entry in the Revenue records with title being conferred on the person concerned.

Once entered in the concerned person's name the allotment becomes private land and the State will have no stake in it. But till that transfer the *hari* cannot use the land or any part of it for a purpose that is unconnected with agriculture, but he/she may erect a farm building or construct a well or make improvements for better cultivation or for further developing the land³³.

The scheme prohibits the allottee from transferring/selling this land for 15 years, after which the applicant is to be given the Conveyance Deed (free of cost) confirming ownership which is also reflected in the Revenue Records. If an applicant dies, the land passes on to the beneficiary's legal heirs and the same holds true in case the woman beneficiary dies before the expiry of the 15-year period. In such a situation the heirs of the beneficiary will submit an application to the Board of Revenue for transfer of the land in their name.

After land is allocated, a list of beneficiaries is given to the RSP Consortium who verify the identity of the beneficiaries, check whether the beneficiary in question has possession and also assess the cultivability of the land before distributing the support package. The support package is a one-time facilitation worth approximately 58,000/- Rupees for a maximum of 4 acres that includes seeds, fertilisers, pesticides etc. (subject to availability) which is distributed by the RSPs in two instalments. It is pertinent to mention here that the support package has been designed to facilitate the development of 4 acres of land regardless of how much land has been allocated to the beneficiary.

3. Challenges Identified by Revenue Officers

During the in-depth interviews conducted with the Revenue Departments in the respective districts, the officers felt that this program was a beneficial initiative explaining that when the scheme stipulates that land will be distributed to poor women it is not referring to the poorest of the poor as a condition. The condition is that the person in question has to be landless.

However, they also said that no scheme can be 100% fool proof; there will always be gaps and challenges to be dealt with. Some of the gaps in implementation and issues identified are given below.

- **The control that men exert over land:** Women are involved in agricultural work, which is why this scheme identified them as beneficiaries but the land is ultimately managed by family men who look after its cultivation and control the income the land generates. In most cases, the men used this scheme to apply for land they were already in possession of through their female family members. This state of affairs was attributed to Sindh being a male dominated society where "even if a woman opens a bank account, the cheque book is controlled by her husband"³⁴. Moreover, women's low literacy rate was also seen as responsible for male dominance, and it was felt that the education system needs to be better and women encouraged to come forward and be more involved.
- **Presence in the *katcheri*:** There were cases where applications were refused on account of the woman applicant not being present at the *katcheri*. Despite advertising the date of the *katcheris*, there were women residing within the *deh* where the land

was being distributed who did not show up and consequently missed their opportunity to be considered. A related problem was applicants from other *deh's* appearing in *katcheris* being held elsewhere. One of the officers interviewed felt that a properly run *katcheri* would make the allotment process 99% transparent and landlords would not be able to take the ID cards of the women in order to get land allocated to themselves.

- **Ineffective surveys and the role of the *Tapedaar*³⁵:** The survey of state land was to ensure that the land identified was free of all encumbrances. At this stage mal-practice within the scheme can be carried out. When the schedule of available land is being prepared a lot of stakeholders are involved and even though the process may seem transparent, the Revenue officers interviewed felt that their role is a little vague at this point. It is possible that there is land lying empty but the *Tapedaar* does not include it in the schedule being prepared. There is a chance that 1-2% of the land was never shown in the schedule as available.
- **Access to water:** Despite efforts to ensure that land identified for distribution is cultivable and has access to water, there have been instances where the land distributed is uneven, has sand dunes and does not have access to water.
- **Threshold of landholding:** Under the land distribution scheme, the land allocated could not have been less than 25 acres and the Revenue officers said they ran into a number of problems because of this instruction as it is not possible for one person to be in possession of all 25 acres. Chances are that people would be in possession of and cultivating different portions within that one block and if that entire lot is allocated to one person it would give rise to litigation. Furthermore, if a person is in possession of land and has worked on it and developed it by investing both time and effort in order to make it cultivable, there is a right that is established in his favour - at least to the extent of returning the money and effort invested in developing that land. If the land he has been cultivating for years is given to someone else, he has the right to go to Court and contest that grant providing he can furnish evidence proving his possession. This could then lead to litigation and defeat the pre-requisite of the land being free of all encumbrances. Moreover, if the disputed land is allotted to a woman they would only be able to pursue the matter to a certain point.

There were also some *dehs* where lots of 25 acres were not available. Consequently, some officers in charge disposed of land according to the way it was held rather than distributing lots of 25 acres. In Thatta, there were cases where multiple grants were made within one identified lot. The Government, however, took serious notice and sent directions to officers making such grants.

- **Administrative challenges:** The law and order situation resulted in gaps as regards the verification of the land as there were areas where it was not possible to physically verify the land in question. Revenue officers said that even though they tried their best to verify all land mentioned in the schedule before the *katcheri* was held, some areas were not accessible.
- **Lack of follow up:** One Revenue officer stressed that the lack of follow up after allotment could result in the land being unofficially transferred or sold to someone else but the allotment in question would be cancelled only if the Revenue office finds out about it.

4. Revenue Officers' Own Assessment

As far as the scheme itself is concerned, the Revenue officers felt that the process was fairly transparent, the scheme widely advertised, land granted to those who fulfilled the stipulated criteria and that distribution by and large was based on the merit of the application. The involvement of the District Coordination Officer and the District Officer ensured that no one was overstepping their authority.

The officers did not feel there was a lot of political pressure on them as this scheme was undertaken by the incumbent PPP Government. Moreover, there wasn't a lot of pressure to give to particular people either. The Revenue officer in Nawab Shah said that even if an MPA was in possession of a piece of land, a deserving candidate would still be given preference as regards the land's allotment. He said that in such a situation the MPA's prior possession would not give him priority.

The officers felt that the order of priorities set out in the Statement of Conditions was followed and that women were facilitated through this entire process. People who could not read or write were facilitated by the Revenue office in filling out the application form. Officers observed that even though cultural reservations meant that the women were almost always accompanied by their men, there has been a noticeable change in their status with the allotment of land. They also felt the media was playing a part in raising awareness by showing dramas highlighting women breaking out of traditional roles.

The officers explained that the reason for making the ID card and other such documents a requirement was to ensure that the applicant was indeed a landless woman *hari*. Women without ID cards were, however, allowed to bring any other identification including their husband's ID card or their *nikah nama*³⁶, so as to not be excluded from this scheme. Any official or legal document verifying their identity was acceptable. Local residents and/or MPAs were also asked to give their testimonies and if there were no objections, the land would be given to the woman. But when asked if any allotments were made in favour of women belonging to a minority group the Revenue officers in all three districts answered in the negative.

According to the officers, within the *katcheri* there was no difference between a landlord and a landless person; everyone could attend. Some officers said that they tried to ensure that media persons were present in the *katcheri*, along with area notables and civil society representatives to ensure transparency. The Imam of the mosque was also called on a priority basis because his word carries authority. The documents from the *katcheri* contain statements recorded during the duration of the *katcheri*. The officers said they also tried making videos of the proceeding for the record.

There were no women from the Revenue Department in the *khuli katcheri* but there were instances where a few women from the *Hari* Committee were present. The *khuli katcheri*s were held in the *Mukhtiarkar's* office and some in the UC offices but the venue was always a Government building or department. No *katcheri* was held at a private place or residence. Tents, chairs and water etc. were arranged for the people and although women were accompanied by male relatives, some of the officers felt men's presence did not restrict their engagement, as women spoke up in favour of their applications.

The computerization of the allotment list is a safeguard that has minimized the chances of it being altered. Moreover, the fact that the record is maintained in several places makes it easy to cross check and verify information and catch any discrepancies.

As far as the role of the *Tapedaar* is concerned, the officers observed that *Tapedaars* are not as corrupt as they are made out to be. A small percentage of *Tapedaars* may take bribes, but the majority only take money for the duties that they are performing. They stressed that, as a nation, we feel that our work will not get done if we don't bribe the officials involved and this perception colours our assessment of the work they do.

Regarding the condition of instalments, the Revenue officers clarified that if an allottee does not pay the instalments, it indicates that either the land is not in that person's possession or it is not being used for her/his benefit. If it becomes obvious that the land is not in the allottee's possession or is not being made use of, the Collector is empowered to cancel that allotment. An allotment can be cancelled at any time.

The support package is an extra facility given under this particular scheme developed in order to ensure the involvement of people other than the relevant Government departments and to ensure the objective of this scheme, i.e. to secure and empower women by giving them an asset they could control, could be achieved. The support package was distributed directly by the NRSP that carried out its own verifications. The Revenue Department was not involved. Where land needed development and the cost exceeded the money given under the support package, the NRSP decided not to give the allottee the support package at all. But people were allowed to keep the land they had been given even though they did not qualify for the support package.

5. Women's Engagement with the Land Distribution Scheme

Finding out about the Scheme: consequences of direct and indirect information

Women were asked how they found out about the scheme and whether they were aware of the eligibility criterion that was being employed in order to distribute land.

A majority of the women cited the men of the house or an influential person in the village as being the primary source of information who in turn learnt about this scheme through the radio and newspapers, in interactions with Revenue officers or simply by virtue of regularly visiting the city and talking to different people.

There were isolated cases where women heard of the scheme directly through a radio announcement but despite having heard about the scheme first-hand, they relied on the men for further information which they brought back from the city. Being a direct recipient of information did not galvanize the women into action; it wasn't until the men got involved that the women took the steps necessary for engaging with the process.

The wide variety of methods used to advertise the scheme failed to directly reach women; the majority of whom received the information second hand. Even ads in the local newspapers, the women said, were of no use since they are not literate. The primary source of information, it turns out, was word of mouth.

According to the women, in some areas the Revenue Department did not proactively disseminate information nor did their representatives visit the area. This increased dependence on the men for, sometimes incomplete, information. Some women ended up not applying for land since they believed they were not eligible. In Sukkur, some respondents said they had no idea the Government had introduced a land distribution scheme and they were therefore completely

surprised when they were taken to the *katcheri* and given land. Some women beneficiaries in Sukkur were coerced into selling the land allocated (something the law governing the allocation does not allow) at less than the market price. This was a result of information being deliberately withheld and manipulated owing to the women's inability to independently verify it. There were cases in which women found out about the *khuli katcheri* at the last minute. Out of the 10 UC research sites, only in three UCs did women have an idea about the objective of the scheme; women from 2 UCs vaguely knew what the eligibility criterion was.

The source of the information seems to have had an effect on the way in which the women perceived themselves vis á vis the scheme itself. In one UC, the beneficiaries found out about the scheme through the men who had been told by the *Tapedaars* that they could secure ownership of the land they were in possession of by having the women apply for it under the scheme. The fact that information about the scheme was given by the *Tapedaar* as a means of circumventing the problem of men being unable to transfer the land in their own names had a direct bearing on the women's perception of their place in the scheme. Women in this UC saw themselves as the medium through which the ownership of land already in their family's (read men) possession could be secured rather than seeing themselves as the primary beneficiaries as per the objectives of the land distribution scheme. The men were considered the primary actors since the *Tapedaar* only informed the men about the scheme who in turn involved women only so far as their presence or signature was necessary.

This also reinforced the prevalent mind-set of the men being decision-makers and of the women lacking in understanding. Even though women work on the lands and contribute they are relegated to the background and not seen as competent enough to be given information.

In contrast, in another UC, women found out about this scheme through the intervention of a female politician. She told them that the scheme had been introduced for women's benefit; she encouraged them to apply and facilitated them as much as she could. She was their only source of information. As a result, the women were very clear regarding the scheme's objective and where they fit in. They knew that the land in question belonged to the State which was distributing it to benefit landless women *haris*. The women may not have had a lot of detail but they certainly knew they were the intended beneficiaries.

These women were not reliant on the men for anything and took it upon themselves to understand and engage with the scheme directly. Direct engagement, resulted in one of the women assuming the role of a leader and taking responsibility for mobilizing women and making sure of their involvement. This level of independence and engagement has not been seen in any other UC. The women from the former UC viewed the scheme as a means of securing ownership of land for the family, rather than as a means of personal empowerment as was the case in the latter UC.

The Application Process: agents or puppets?

The majority of women interviewed said that either family men or someone in the village filled up the forms and submitted them on their behalf. The women themselves had virtually no interaction with the application procedure and said that the men took it upon themselves to get the forms, get them filled and submitted to the relevant authorities because they have more exposure and keep visiting the city. The women said they did not know much about the application procedure or the formalities to be completed. Information about the documentary evidence needed varied from UC to UC, with some women saying they had no idea as to what

all needed to be attached; others knew that their ID cards and receipts of payments made in connection with the land needed to be submitted.

The women said once the application forms were filled out they put their thumb impression on it after which the forms were submitted. In one instance, the applicant's husband was uneducated and another male relative was given the task of submitting the form, the receipt of which wasn't even given to her.

The women knew that forms were being filled out and submitted in 'the office' but did not know which office it was. They did not know if any expenses were incurred in the application process. Women said even if there were expenses, they wouldn't know anything about it because everything was handled by the men who did not volunteer a lot of information, nor did the women ask.

The women kept citing their lack of education as the primary reason for their lack of involvement with the application procedure. They also said that they don't possess the common sense and the ability to understand things that comes from being educated and have therefore left everything up to the men in their families.

A few women had accompanied their men to the Revenue office in order to submit their applications, but cited the cost of travel as a major obstacle. Not knowing which office to approach or whether the Revenue office was open on a given day forced some of these women to travel to several places in order to get their paperwork completed. One beneficiary recounted that although she went to submit her application herself, she could not go unaccompanied simply because she did not know where the Revenue office was. Consequently, her husband and brother-in-law accompanied her, further adding to the travel expenses she was expected to bear. The women in a Focus Group Discussion (FGD) in Thatta said it is not their custom for the men to share information with the women, indicating how hard the simplest steps can be if there is no access to the relevant information.

During an in-depth interview, one woman said that due to local customs that prevent women from going out, her family men submitted her application on her behalf. She did, however, express a desire to go to the Revenue office herself, should such a scheme be reintroduced. This shows an increased recognition of the importance of direct interaction with the State and of challenging the norm of 'not being allowed to go out'.

There have also been instances where this lack of engagement with the procedure has been exploited by male members of the family or by landlords in order to either charge the women exorbitant amounts of money to submit their applications or to buy their land. In UC Patni (Sukkur), these gaps were exploited to the fullest by a local landlord who, in collusion with the local MPA, found out about the scheme and not only applied on behalf of the women, but ensured they had no access to information about the scheme or, indeed, that applications bearing their name had been submitted. The entire process was hijacked by these two individuals who controlled it and made sure the women had no information about rules or procedures. As a result, the land allocated to the women not only came as a complete surprise but they were pressured into selling this land to the landlord for a price far cheaper than the value of the land, and despite the scheme's prohibition on any transactions. Had the women had the information at their disposal they might have been able to resist the pressure to sell using their knowledge of the rules and procedures as leverage.

A UC in Nawab Shah again stands out as an example of how great a difference direct access to information can make. In this UC, one woman assumed a proactive role and took it upon herself

to get application forms filled out and submitted for all the women applicants. She did this at the Revenue office in Nawab Shah where she engaged the help of the Revenue officials in getting the forms filled out. She took the women applicants with her to the office, got their signatures on the application forms and submitted them on behalf of all the applicants in the village. All this was done without the involvement of any male member of her family or the village. Even though she did not get land herself, she managed to ensure other women did.

The Khuli Katcheri

As mentioned earlier, the *khuli katcheri* is a crucial step in this scheme where the decision to allot land is taken. The interviews with women from all three districts show different levels of engagement with this stage of the process and will therefore be discussed separately.

Thatta:

In Thatta, the majority of the women found out about the *katcheri* through their family men who in turn either found out through people in the city or through the Revenue officers. Some women cited different sources of information, including radio announcements, being informed by a local activist who was relaying information received by the Revenue office, and a local Nazim³⁷. Almost all of the women interviewed knew that land was going to be distributed at the *katcheri* as informed by the men in their family. Some women also knew their presence was mandatory and that land would only be given to them. This, again, had been explained to them by the men. Only one woman had no idea and found out about the allocation when she arrived at the *katcheri*.

All the women interviewed went to the *katcheri* accompanied by family men; a majority added



A Focus Group Discussion being conducted in Thatta.



A Focus Group Discussion being conducted in Thatta.

that it was the men who arranged for a vehicle, the cost of which the women divided, in order to get to the *katcheri*. Some of the women said they did not know anything but that once the formalities pertaining to the scheme were completed; their men took them to the *katcheri*.

Women knew the *katcheri* was being run by the Revenue officers; the number of officers present varied from *katcheri* to *katcheri* but there were no female officers present. Although the women were aware that the officers were from the Revenue Department they did not know their identity, saying this is something the men would know. According to women, the *katcheri*s were well attended; people arrived by vehicles hired for the occasion, but some got there with a lot of difficulty having walked. Some *katcheri*s were segregated; others not. Women gave varying responses as regards the arrangements made. Some women said they weren't even provided water and a lot of women fainted due to the heat and unsuitable arrangements. Some women could not identify where the *katcheri* was held, even though they had attended it. This they said was a question for the local Nazim who had arranged for the women to attend. Women added that they don't ask questions for fear of being beaten by the men of their families.

As far as interaction with the Revenue officers during the *katcheri* is concerned, although women said that the officers were polite and respectful, virtually all the women said their men spoke on their behalf and they did not speak for themselves, citing their illiteracy as the primary reason behind this. One woman interviewed said she had simply been brought along for the sole purpose of signing the papers: she wasn't asked anything and she didn't say anything. All the work pertaining to the scheme was handled by the men and all she knew was that the land was now in her name. Another woman commented that while she attended the *katcheri* at great personal expense, she did not speak to the officers as they were men, nor did she approach them even after learning her application had been unsuccessful. The officers were polite but she only answered the questions they asked. This gives the impression that the women were not taking the initiative to speak with the officers but would answer questions asked and so weren't completely silent through the *katcheri*.

The women from UC Mehar said that after their ID cards were taken from them, the officers told the women that all the additional details would be given to the men. One woman said despite the allotment being in her name, everyone congratulated her brother-in-law for having gotten the land and it was her husband who signed when her allotment was announced. A third added that the officers never addressed her and settled everything with her father who told her she had been given 2 acres of land. This could also be illustrative of the attitude of the Revenue officers who feel that it is the men who they should deal with. This attitude could stem from any number of reasons: because they think that women will not understand what's going on or that customarily men are addressed on important matters. It's also possible that they are being culturally sensitive and deliberately not addressing the women for fear of offending the men of their families.

The women in UC Tando Hafiz Shah said there is a very strict prohibition on women interacting with men. Still, when they were called they would go stand before the officers with their husbands standing behind them. According to them, Brohi men are extremely short-tempered and don't let their women go out but yet they took a back seat and allowed for this exchange to take place between the women and the male officers. This points to a relaxation of cultural norms in order to be able to access a benefit that is only available through the involvement of women.

Some women in Thatta reported irregularities in the working of the *katcheri*. In one FGD, women said that non-residents belonging to different castes had also given their applications under this scheme. Their names were announced and some of them got the land. Some women said they started protesting when land from their *deh* started being allocated to non-resident women.

An unsuccessful applicant said that her name was not announced because a fight broke out in the *katcheri* and it was closed prematurely. She felt she would have gotten land had it not been for the fight and added that she couldn't make it to the *katcheri* in another city being held the following day as she has many children and can't afford the expense of taking them everywhere. She said that although her name was called out during this second *katcheri*, because she wasn't present her husband, who was, was not given anything. The officers said that it was necessary for the woman to be present and even though her husband explained their circumstances the Revenue officers sent him back. This again is indicative of external factors that affect a woman's ability to be able to engage with the scheme or utilize the space provided by it to try and get something for herself. When devising such schemes, it is important to try and accommodate ground realities in the working of the scheme itself.

One of the men present during the interview said that the *katcheri* is the kind of place where even if one wanted to say something it's not possible. He was of the opinion that the open *katcheri* should be held away from the influence of 'waderas' and 'zamindars'³⁸ because there have been instances where they have torn up people's receipts and told them they won't be getting any land.

While women often said they don't know anything and were not very confident of themselves, they were at least coming out of their house as the design of the scheme made it mandatory for women to be present at the time of the *katcheri* where a) the submitted applications are vetted and b) people are expected to speak not only in favour of their own application but testify in favour of other applicants belonging to the same *deh*. This ensured that women attended. During the FGD in Mehar, the women were of the view that the *katcheri* was a good thing because previously the women would stay at home; now they have stepped out a little, they have gone to the *katcheri* and this exposure has widened their horizons. They feel that now they are capable of speaking in front of others. Through this scheme it's possible that we are now looking at a

reorganization of priorities where custom no longer occupies centre stage.

Women said there were too many people at the *katcheri* making a lot of noise, fighting with each other and the officers couldn't really control the situation. One woman said that she wanted to say something but there were so many people and so much noise that she didn't get a chance to say anything, adding that the officers were talking to their men. The women started fighting amongst themselves and people were trying to get ahead of one another, not realizing that the participants were being called by name. She appreciated the attitude of the Revenue officers who weren't saying anything to the women present at the *katcheri* except trying to quieten them down. She said that at the *katcheri* women did not feel like there was any injustice; in fact they felt the officers were distributing land according to what they thought was right.

Some of the women who did not get land complained of being asked to leave the *katcheri* on account of making a fuss over the allotments. Some women also related that they were told they would be given land but ended up getting nothing. One unsuccessful applicant said she spoke up during the *katcheri* and even placed her *dupatta*³⁹ at the feet of the official, and requested that land be given to her as it was her right on account of being poor. This shows that when desperate enough women will speak out and will not think about being reprimanded for having done so because when getting an asset as important as land is at stake, the men will not hold them back. She said that the Revenue officers did not harass them because they are women but also felt they were not being taken seriously on account of being women. She felt that the Revenue officers think they are poor and incapable of doing much.

Nawab Shah:

In Nawab Shah there were two extremes: In one UC both successful and unsuccessful applicants had sufficient knowledge of the *khuli katcheri*. The women said that they found out about the *katcheri* through personal contacts rather than a Government announcement/advertisement. The *khuli katcheri* took place in Nawab Shah District which the women said was far from where they were and they had to organize a vehicle for themselves.



In-depth interviews with local women in Nawab Shah.

Interestingly enough, the women went to the *katcheri* unaccompanied. According to the women, around 700 people were present during the *katcheri* which included men, women and the officials from the Revenue Department.

The women interviewed said they spoke up in favour of their applications themselves and gave evidence in favour of other women's applications. Having sufficient understanding of the scheme enabled them to recognize it as conferring an entitlement which in turn gave them the confidence to vociferously argue for their rights in an open forum. They said they demanded enough land from the Revenue officials to ensure their survival. Sharing their experience with the research team, women related that by speaking into the microphone and having it recorded they took charge in the *katcheri*.

A successful applicant informed the research team that although her allotment was announced in the *katcheri*, there was a discrepancy between what was announced and what she ended up receiving (16 acres was announced, but she received 3). The women reported a fight during the *katcheri* when one of the applicant's allotments was contested; the escalation of the dispute resulted in the *katcheri* being brought to a close thereby causing women to lose their chance at an allotment.

The women also seemed to have sufficient information about the procedure being followed and perceived the *khuli katcheri* as a forum where poor people are given equal space and the opportunity to demand and argue in favour of their rights. The women felt that the *katcheri* was well organized and that they were treated with respect. But once the fight broke out, the Revenue officials were no longer pre-disposed to listen to them and wrapped it up thereby affecting the women whose turn was still to come.

In contrast, the women in the other UC went to the *khuli katcheri* accompanied by their men in an official car that had been arranged for them. The land allotted to the women was land which



A woman beneficiary on her land in Nawab Shah.



Fields after the floods in Nawab Shah.



Fields in Nawab Shah.



The hands of a woman hari in Nawab Shah speak of her toil.

was already in possession of their family. The women's names were announced in the *katcheri* and the rest was handled by the men. One successful applicant stated that evidence did not have to be recorded in favour of her allotment as the *Tapedaar* had spoken in favour of her application. This is because he knew that this land was in her family's possession from before and they had been paying the lease on it.

Sukkur:

In Sukkur, there were varying degrees of engagement in the three UCs. In UC Daadloi the men were given land during the first phase of distribution and were subsequently told to transfer the land to the women in their families⁴⁰, meaning that the women did not have any engagement with the Revenue officials. Of the three women interviewed, only one attended the *katcheri* where she did not speak to anyone and only gave her thumb impression.



A village in UC Patni, Sukkur.

In UC Patni, as mentioned earlier, the local landlord and MPA assumed control and exploited their position to take advantage of the women's lack of information. The women were not aware of the scheme or the *khuli katcheri*. They found out about it on the day it was held while working in the fields because the local landlord hired a car to take them to the *katcheri* and asked them to leave whatever they were doing and accompany him.

The *katcheri* was already underway when the women arrived and they did not know why the land was given to them. All the formalities were handled by the landlord with the women thinking that their names were being written for no reason and that all of this was a joke. As the *katcheri* progressed the women realized that land was being distributed and they were the intended beneficiaries.

The women said that the *katcheri* was held at the *Mukhtiarkar's* office and there were so many people there that it was difficult to recognize anyone. The 3-4 officers present couldn't deal with the crowd that had gathered. No women officers were present. One unsuccessful applicant said that the landlord is the village 'elder' and she asked him a few times to explain what was going

on but all he said was that her work would get done. When it didn't, she didn't ask any more questions and backed down. According to her these are things the men understand better and her husband is not in a position to understand anything.

The women in UC Tarai learnt of the *katcheri* from a number of sources; these included radio announcements, notices sent by the office and read by the men, and ads in newspapers. Other women said they either found out through their husbands or because people

were talking about this scheme and the upcoming *katcheri*. Some of the women said they had known of the *katcheri* two days before it was scheduled. Women in this UC thus accessed information through a variety of sources unlike in other UCs where their main source of information was men.

The women said that the *katcheri* was generally well managed, with segregated tents. Officers came to the *katcheri* and they stood before them and answered the questions they were asked. Women were only asked for their IDs and thumb impressions. Here too, there were no woman officers. Some of the applicants went to the *katcheri* by motor vehicles, others arranged their own transportation but they were generally accompanied by family men.

In some instances women have overcome challenges – from sick children in hospitals to social taboos – in order to make sure they got to the *katcheri*. Men did not object to women's presence in a public space (which is ideally considered exclusively belonging to men) though women recognize this as a one-off exception. The scheme did not give the men a choice in the matter of women coming out of the house. This can be considered a positive impact of this scheme. The research team repeatedly observed that where there is benefit, social norms are conveniently side-lined and other than a few isolated incidents where women were not allowed to go the *katcheri* the women attended this public assembly and to some extent interacted with the Revenue officials.

Post Allotment Procedure

Documents: issues of mobility and resources

The majority of the women said they received the allotment order within a month of the *katcheri* but the time frame ranged from days and weeks, to a year in some cases.

All the successful applicants said the men in the family had pursued the Revenue officers for the documentation, and all procedural matters were handled entirely by them. The women had no information about this stage of the scheme and were entirely reliant on their menfolk. Of the beneficiaries interviewed, two women had accompanied their men to the Revenue office. Although this did not translate into less dependency or a better understanding of the system, it



An in-depth interview being carried out in Sukkur.

is illustrative of an acknowledgment that the land allocated is an asset in their name and that is reason enough to be present.

Asked about whether any expenses were incurred in obtaining these documents, women in Nawab Shah said that they got them without any problems and without having to pay anything. This was not the case however, in the other 2 districts where the research was carried out.

In both Thatta and Sukkur, women identified travel costs as a major expenditure and felt they ended up spending more money because their husbands are uneducated and went from one office to another in order to get the work done. During an FGD in Thatta, participants said that even though money was scarce, the women were expected to arrange for it. They were told they would have to make straw mats day and night in order to provide for the fare. The women said that making these mats exhausted them but it had to be done.

Another beneficiary stated that while she would have liked to accompany her husband to the Revenue office she could not because they have seven children and cannot afford everyone's travel expenses. Spending money on bus fares meant not having two meals in the day but spending on food meant not being able to go get the work done. On the days her husband had to go to the office, she said they would live like beggars.

Other than travel expenses, most women had spent money getting the papers made, with some women quoting sums as high as 30-50,000/- Rupees. The women did not know who that money was given to or for what purpose exactly, saying this is something their husbands would know better as they are the ones that interact with the officers. They have never asked their husbands, nor has this information been shared with them, however, as with the travel expenses, the women were expected to arrange for this money too.

One widow said she spent 50-60,000/- Rupees in getting the papers made. Not having a husband she gave this money to a male relative who, she believes, must have given it to the Revenue officials. As a widow forced to depend on a male relative who, unlike a husband, does not have a stake in her ownership of land, may well mean she ended up spending more money. This coupled with her lack of knowledge and face-to-face engagement with the officials rendered her more susceptible to being cheated.

An observation of the research team was that women had no independent knowledge of the cost, if any, of getting the allotment order and were entirely dependent on the men to not only pursue the acquisition of the papers but also inform them if any cost was being incurred. This dependency left them vulnerable with no means of verifying any of the information and having to work extra in order to arrange for the money.

Another example from one of the Thatta UCs concerns a male relative of the allottees, who told the women that the cost of getting the papers would be a 100,000 Rupees each. Not wanting to lose their land, the women sold their jewellery and their cattle in order to raise this amount. The women said they took a loan at high interest from a local Hindu businessman thinking that when the allotment is finalized the land would produce enough of a yield to start paying the debt off. The women gave their relative the money and believe that it was paid to the Revenue office. Their lack of access to and interaction with the Revenue office means they will never know they were deceived.

Women interviewed in Sukkur clearly stated that they had to bribe the *Tapedaars* in order to get their work done and this put a financial strain on already scarce resources. One woman added that the *Mukhtiarkar* demanded 15,000/- Rupees in order to get the papers made and because she does not have the money available, her papers have still not been given to her.

Other beneficiaries had no concrete information about whether bribes had been given, but felt that money had to have been spent in supplicating the officers because work pertaining to land hardly ever gets done without it. This shows an obvious lack of trust in Government departments and officials; women being of the view that officers were never going to give them land without any trouble. Although they have no means of verifying whether money in fact changed hands, their perception is that it must have.

Support Package

Of all the women interviewed, more than half received the support package under this scheme. Women cited different sources through which they learnt about the support package; the *katcheri*, the Revenue officers, representatives of the NRSP, local activists and through the men in their families who in turn got the information from the Revenue officers or by virtue of regularly visiting the city. Only one successful applicant said she was hearing about the support package from the research team for the first time.

The majority of the women said that the support package including the money was handed over to them with isolated incidents where the men collected the package from the Revenue office for the women. Cheques issued were handed over to the women who went to the city to have them cashed, but the language used by the women suggests they were accompanied. One beneficiary said that she was reluctant to go to the city because her daughter was sick, but being the only person who could get the cheque cashed, her husband insisted that he would stay with their daughter and that she go to the city. Some women said that while they received the money they were not given the seeds, fertiliser or the pesticide, making cultivation costly and difficult.

Most of the women spent the package money on developing the land, although some used it to pay off loans or spent it on the house, saved it for their children or spent it on themselves. In some instances the money was handed over to a male member in order for it to be invested on the land with the justification that they are the ones that control the land. This illustrates the gap between ownership and control of an asset. The women are owners in name but are not actively involved in decisions pertaining to the land. This is not to say that the money has been given to the husband/brother each time; there are also cases where men didn't take the money from women saying it is their right.

By and large, the distribution of the package conformed to the pre-requisite of handing it over to the women who said they did not have to pay anything in order to receive it (although they incurred travel expenses in going to the city). Going to the bank in the city, a first for many of these women, to get the cheque cashed is important on a number of levels. To begin with, because only the women could get the cheque cashed, the men were more than willing for them to step out of the house and go to the city. Cultural barriers were conveniently forgotten and restrictions on mobility relaxed in the face of a benefit that only the women could access. Secondly, this resulted in some much needed exposure for the women who say they are better for it.

Training

Out of 32 successful applicants interviewed, nine women were given agricultural training; eight did not receive any training and 15 did not mention training in their interviews.

Women trained under the scheme said that officers met with the women, asked them questions

and gave them information. As part of this training the women were given vegetables and berries to grow. They were also told what water courses should be like, how to clean and irrigate the land, and how to sow seeds. Some women said that female officers were also present during these sessions.

In UC Patni, Sukkur, the land allocated was forcibly bought by the local MPA who ensured that the women beneficiaries do not receive any information pertaining to the scheme and manipulated the situation to ensure that the training does not take place. Moreover, some beneficiaries in Sukkur had not received the support package and since they don't mention training in their interviews, it seems unlikely that any training took place.

Restrictions on Sale/Transfer

Less than half of the successful applicants interviewed knew about the restriction on selling or transferring the land allocated. The women who knew about this restriction mostly found out about it at the *khuli katcheri* or from an official source while a few heard about this condition through male relatives or from the village.

6. Women's Assessment of the Impact of the Scheme on their Lives

The majority of women beneficiaries interviewed reported an increase in the level of respect accorded to them both within the family and the community, seeing this as a direct consequence of the land transfer. One woman said that her husband had started giving her respect because the State had given her respect as a citizen⁴¹. What is interesting is that barring this woman, no one else mentioned the role of the State or that, as equal citizens, women are equally entitled to be considered under Government introduced schemes. Almost all the women interviewed felt they were entitled to the land but linked it primarily to being in possession of and cultivating the land from before. This reflects the relationship between the State and these women, in which the State is conspicuous by its absence and far removed from their lives. This absence of the State in turn necessitates their dependence on the men who mediate the relationship between the two. The result is that women are the object and not the subjects of the rights conferred by the State.

Women beneficiaries said that they are now recognized and referred to as land owners; a title that brings with it an elevated status in the community and denotes increased respect. This is important since, traditionally, women in Pakistan are not recognized as farmers. Consequently, it is possible that through these allotments, this notion is being challenged in the minds of the women who are becoming comfortable with the possibility of being land owners. The women said that previously they had no status in society and while it has now increased, women are still suppressed. Beneficiaries felt that if more women get land, more of them would be perceived as landlords and their situation would change dramatically because they would be able to collectively challenge this male dominated sphere. A small percentage of women either reported no change in their status or felt the shift from being a tenant to a landlord was superficial with no tangible benefit. Alternatively, some women said they were respected before this scheme and it hasn't increased as a result of the land allocation.

The women displayed an instinctive understanding of how owning an asset is an essential

pre-requisite to move out of poverty. In their interviews, they noted that the transfer of land has greatly reduced their worries. They spoke of greater security, both in terms of a place to live and a more secure means of livelihood since they no longer have to give the landlord a share of the produce and are also protected against whimsical evictions. One woman stated that land ownership is beneficial even if it does not produce anything and only helps in sustaining cattle. Another said that she no longer worries about her husband being unemployed because of the financial security that comes with owning land.

Land has also given women security on a more personal level through an understanding of the subtle shift in the balance of power that has come about in their personal relationships. Not only do the women feel a sense of achievement in having contributed to the stability of the family, they now have the certainty of knowing that the men cannot threaten to or actually evict them as there is now an asset attached to their name. Women acknowledged that while they are still considered subservient, they are aware that legal ownership can be used as a tool to negotiate greater leverage within the house and that it is possible to now keep the husband under control. Beneficiaries said their husbands know that if they leave the land would go with them; one saying she is able to exert more pressure on her family now that she is a land owner. Even those women who primarily see themselves as mediums to guarantee the ownership of land for their families recognize the significance of legally owning an asset.

None of the women said that they were under any pressure to transfer their land to the men in their families. Some women spoke of there being resistance to their ownership within the community and in the extended family but they were not being coerced to relinquish it.

But despite the recognition that they are in a stronger position, the women remain cautious about the extent to which they would be willing to use this new situation as a bargaining chip. According to one woman, “at the end of the day men believe themselves to be superior and no self-respecting woman would threaten her husband with a selfish request like complete control over the land”⁴². She added that she knew she could take control of the land whenever she wanted, but it would be an option she would resort to only in extreme circumstances.

The contradiction is immediately apparent. On the one hand, there is recognition of the fact that land ownership gives women greater bargaining power, yet at the same time there is hesitancy in wanting to use this power to its fullest extent. There are two possible explanations for this. The first is based on the idea that ‘self-respecting’ women would not demand something ‘as selfish as complete control’. This stems from an internalization of patriarchal structures whereby women feel that ownership should not make them forget their place, as it were, in the family and prompt them to make unreasonable demands that would challenge the authority of the head of the household. This ties in with some of the views women expressed saying women are inferior, they should know their place and there is only so much they can speak out about. This could also explain the persisting submissiveness because the women understand they live in a patriarchal society and the options that owning land opens up to them aren’t easy. The second inter-linked reason is that women realize their own limitations in terms of what it is they can do and don’t want to risk the consequences of actually using this leverage.

An additional obstacle is the lack of understanding and interaction with the State’s institutions which means that it is not possible to know the extent to which a woman would be capable of assuming complete control of the land. Moreover, women do not feel confident about accessing the courts or other mechanisms for establishing sole possession. They,

therefore, see this allocation as a very important first step but not one that is fully empowering.

The increase in respect accorded to women has also had an impact on other aspects of their lives. Beneficiaries reported an increase in their participation in decision-making in the home, saying that their husbands asked for their opinion, shared information with them and respected the decisions they took. These ranged from family planning and important decisions such as daughters' marriages, an area hitherto completely under the control of the men in the family. Women reported that they were not being consulted in exceptional cases, but were being actively involved in the decision making process as a whole.

Women attributed their increased mobility to being a land owner, and reported fewer restrictions in terms of where they could go unaccompanied. For example, many women said that they could now go to the local market and/or the doctor unaccompanied. The women's conversations indicated the better understanding they now share with their husbands on account of being a land owner. Now seen as a legitimate stakeholder, men feel women should be in the loop vis á vis information pertaining to the land, its development and its upkeep. Women also reported more instances of family men sharing information on what goes on in the city.

The women were cognizant of the fact that getting out of the house more and getting more exposure brings with it increased respect within the home. There was a real difference in their level of self-confidence after coming out into the public sphere. One woman added that her husband made fun of her when she was going for the allotment saying she doesn't know how to even talk to people let alone get land allocated in her name, but since the transfer his attitude towards her has changed. Although uneducated, women beneficiaries have started to understand the system and have far more information as compared to before the scheme and this has led to better linkages. In Thatta, a successful applicant said "women have a lot of courage and stamina and can achieve a lot, but their men don't let them go anywhere"⁴³. Women, she said were not street smart but their engagement with the process has resulted in them gaining exposure.

This is not to say that all the women beneficiaries reported a positive change stemming from the allocation of land. Some said that the land had made absolutely no difference in their life, and they saw no change in the power dynamics within the house where men continue to take decisions and they have no say. The land allocated to one beneficiary had been given on lease against her wishes. Consequently, she did not think she had been empowered as a result of this land transfer because decisions were still being taken by family men and she was being given no space. Some women interviewed said it was not their custom to have a female 'elder' in the family and there was no practice of women stepping out in order to get things done – something that falls exclusively within a man's domain and accords him his elevated status. Some women said that the only change experienced was in their perception of self as now being landlords rather than tenants, but felt that this change was superficial.

Encouraging as the positive developments are, they have not resulted in the women assuming actual control of the land. Men continue to take decisions pertaining to the land's development, upkeep and investment. The women indicated that they have virtually no say in land-related expenses and despite isolated cases of women being proactively involved alongside their men (no woman was solely in-charge), the control of the land still vests with the man. He decides what is to be grown and controls the sale of the produce; thereby controlling the income the land generates. As a result, having an asset in their name, it is felt, has still has not translated into tangible power for women.

One woman interviewed expressed the view that while women work in the field, ultimately it is men who look after the land, deal with its expenses and cultivate it. Therefore, the same value

and importance is not accorded to the work done by her and her husband. In a sense, she was recognizing a stronger claim of the men on the land when compared to hers.

It is pertinent to mention that some of the women interviewed were between the ages of 65 and 70 and it is possible that they refrained from getting involved in the finances for fear of not making the right decisions. In these cases, the reason for women not having the finances directly under their control could be due to their old age rather than being intentionally side-lined.

Violence

Women were not very forthcoming on the issue of gender-based violence. Some women said that the violence had lessened; the elevated status of being a landowner almost automatically reduced incidences of domestic violence. Some women said that Benazir did something beneficial for the women by giving them land and as a result, the violence has decreased and men are now more affectionate towards them. It should be mentioned that a substantial number of beneficiaries were either really old or widows which could be a contributing factor to there being no direct source of violence in their lives but this is an issue that will require a more in-depth study.

Inheritance

Even though the land would go to the heirs in the event of a beneficiary's death, the research team wanted to know if given a choice who the women would want to leave the land to. A majority of women showed a clear preference for leaving their land to a male member of the family (husband, brother, son). Very few women expressed the desire to give their daughters a share.

The areas in which research was conducted have a strong custom of land only being inherited by men. One applicant explained that the custom acted as a safety net for the women and that if a woman gives up her share of inheritance, in return, family men would continue to support her after she marries. This provides women with the option of coming back home should the marriage break down. She believed that this arrangement saves women the trouble of working on the land themselves which is a male dominated field.

It is ironic that these women were talking about there being no custom supporting a woman's right to own land whilst talking about the impact of their own allotments. This seems to suggest that these women who were granted land see themselves as an anomaly, with the primary function of securing ownership rights for their men which is what makes it acceptable for the land to be in their name. At the same time, women do acknowledge the attendant benefits that flow from owning a tangible asset.

7. Gaps and Challenges Identified by the Women

Inadequacy of the Support Package

As has been mentioned, the support package is a one-time facilitation extended for the development of 4 acres of land regardless of how much land has been allotted to the beneficiary. The women viewed the support package as being useful, but falling short of their needs. Some reported that they only received one of the two instalments of the support package, and haven't been given anything else. Those who received both instalments said it was a little ambitious to

expect that the money, seeds and fertiliser provided would cover the cost of both developing and cultivating the land.

They felt that at a minimum the package should have provided enough money to enable them to pay for essential services, such as, the per hour cost of hiring tractors to level the land. They also suggested that the government consider increasing the instalments given and sustain the provision of the package so that there is additional help available.

Condition of the Land

The women who got land already in possession of their families faced no problems with the condition and cultivability of the land. Women who received land for the first time reported problems that were similar to some extent across the three districts.

Generally speaking, women considered the land received cultivable, but its condition was such that its development was proving to be a very resource intensive exercise. A majority of the women receiving land for the first time said that the land given was not levelled, had wild plants growing on it that, and contained potholes. Some women reported problems of salinity and water logging affecting some parts of the land. A small percentage reported problems with accessing water or where there is access cited other reasons that impact its availability, for example, the lack of electricity because of which tube wells don't work, or having to constantly dig water courses.

Almost all the women interviewed said that developing the land is an expensive proposition and the cost of clearing and levelling the land far exceeded the money received under the support package. Some women said they continued to develop the land even though it was at great personal expense. The majority, however, said they simply do not have the resources to carry on the work as a consequence of which some parts of their land are lying empty. One beneficiary added that although she has done all she could, she couldn't achieve the results as a tractor which she afford. Hence she has stopped working on the land and did not take a loan simply because she does not have the ability to pay it back and doesn't want to be caught in a cycle of debt. All the women interviewed felt that the Government, realizing that improving the condition of land is expensive had not done enough and should be more forthcoming in its support and assistance.

The women who were cultivating their land said they were finding it difficult to meet the expenses associated with it even with the support package. They said that land requires investment which is proving to be beyond their available resources: if they pay for one essential i.e. seeds, they cannot pay for another, negatively impacting the quality of the produce. They said "if we don't have flour for one day our family can eat less, but if the land is denied what it needs, it won't produce"⁴⁴. This forces them into a cycle of debt: money borrowed to cultivate the land is returned when the crop is ready but borrowed again to prepare the land for the next crop.

Some women said that the land had started generating an income but that the bulk of the income was either spent on paying back loans taken for cultivation or reinvested in the land. Others said their crops failed and their land hadn't given them any returns thus far. One of the beneficiaries reported being happy she has been given land but that it hasn't improved her quality of life on account of the land not being sufficiently developed to be productive enough. She said that without an adequate support package to cover the cost of cultivating the land, the land could not be prepared properly and the crop wasn't that good.

Floods

The impact of the floods posed another challenge. Floods not only destroyed the crops, they affected the land itself. While the water has now receded, all the effort to level it has gone to waste and women are back to square one. One of the women in the FGD in Thatta said that whatever money they received was spent on levelling the land. They even sold their nose pins and spent that money on the land too, but the flood destroyed everything⁴⁵. The floods also affected the water channels and cut off access to water, effectively meaning the women cannot cultivate anything till those channels are repaired.

Lands affected by the floods have been lying empty since then simply because women do not have the resources to both level the land and repair the water channels. Women expressed dissatisfaction that the Government has done nothing to mitigate the effects of the floods or help them get back on their feet. They felt as if all the Government has done is transfer the land in their name and left them to resolve the problems related to its development and cultivation.

Revenue Officials

The women spoke of the role of the *Tapedaars* in the implementation of this scheme as being problematic. Landlords could influence *Tapedaars* to give evidence in their favour at the *katcheri* with negative consequences because their evidence carries a lot of weight. If the village elders want land, they can find *Tapedaars* sympathetic towards them, heavily influencing the decision taken in the *katcheri*. Women mentioned cases in which the *Tapedaar* went back on his testimony in favour of an influential individual instead of the original applicant, resulting in a fight breaking out between the two parties.

In Sukkur, a beneficiary said that the *Tapedaar* took a bribe for the land being allocated to them; two women said the *Tapedaar* ran away with the money they had given him for the documents pertaining to the land. During the FGD the women said that all the money is taken by the *Tapedaar* and the *Mukhtiarkar* and only then do they help; they would never move forward till "their bellies have been filled"⁴⁶.

One of the beneficiaries said that even though she had heard that lease payments for beneficiaries under this scheme have been waived, the *Tapedaars* only allow her family to work on the land after being paid the lease which they continue to pay out of fear of embarrassment. She said they eat once a day and go hungry but make sure they pay the lease.

"No one cares for the poor", one woman said, "When the time for elections approaches and people are looking for votes, they will find them from all nooks and corners but once they get elected they don't care if the people that voted for them die of hunger or the heat"⁴⁷.

One of the women felt that the Revenue officers were unapproachable, saying "whoever is elevated to a position of authority considers himself superior to everyone else and is not helpful or concerned about the problems people approach him with"⁴⁸. Another felt that all officials are corrupt and trouble the poor saying "the depth of the pocket dictates what these officials will do"⁴⁹ and that they will have to get whatever is demanded of them. One woman said that the officer in their area had been replaced but that they have not approached him as they think he would not be helpful. Even though this is not something she knows for sure, this seems to be a very strong perception about Revenue officers which dictates the women's engagement with them.

During an FGD, a local activist said that he could tell from experience that some of the women who had applied did not get land due to the pressure exerted by local influential. According to him, these people were afraid of the women being empowered because then there would be no one left to till their land. His wife got land and he claims it is as if they have escaped slavery.

8. Women's Thoughts on the Scheme

Women were happy to be given land and felt this scheme proved to be beneficial as it was instrumental in giving women ownership along with security. They also felt they are in a better position to do business because they have an asset in their name. Land is a source of support that has boosted women's self-confidence and was perceived as a tangible asset that could prove to be instrumental in helping them move out of poverty. The women said that "traditionally men have always been in control of land and have exploited this resource but now that it is being given to them they will look after it as women are more nurturing"⁵⁰.

Asked who they thought had given them this land, a substantial number of women responded that Benazir was responsible for the land allocations in their name. This they said was because Benazir, a woman herself, had a better understanding of the problems women faced and introduced this scheme for their benefit. The women in a UC in Sukkur said they had no idea why they were being given land, and felt that if at all land is to be distributed, it should be given to the men. One woman in fact said she had no idea whether the land had been given to her by the government or by the men in her family because they are happy with her.

Most beneficiaries felt that the land was distributed fairly and that the women got what was due to them under this scheme. Women in possession of the land from before said they had a right over that land and it was only fair that they were the ones who got it. People who have worked on and developed their land for years would not have given up their right easily and women believed that the officers were distributing the land according to what they thought was fair.

One woman reported that getting land under this scheme has proved to be counterproductive because it has given rise to expenses related to the development and cultivation of the land that she is unable to meet. The land and its upkeep she said has become a liability, more so because the Government is not extending any help.

Some women interviewed in Thatta wanted to inform the Government that if a woman has an asset in her name it is beneficial as she is then given respect and that respect only increases. The women said they now have a sustainable and secure means of providing for themselves and their families and this contribution has resulted in an increased status within the family.

9. Unsuccessful Applicants

The study also elicited the views of unsuccessful applicants on whether this scheme has had a positive impact on the lives of the beneficiaries who have had land allocated to them.

These women too, believed that there was a perceptible change in the lives of women allottees who now enjoyed increased respect and happiness. No one had given women land in their own name before but now that they have this elevated status of being a land owner their opinions hold value. Their standard of living has improved, they are content and there is no reason why their men wouldn't listen to them. Getting land is a source of hope and livelihood for these women.

An unfortunate fallout of not getting land reported by one woman was that not only did the unsuccessful applicants not get land; they had to suffer beatings at the hands of their husbands and resist attempts at being thrown out of the house by spouses demanding to know why they were unable to do so. Husbands were accusing the unsuccessful applicants of not saying the right things at the *katcheri* and coming away empty-handed.

Unsuccessful applicants said had they been granted land they wouldn't have had to work hard on other people's land for a quarter of the produce; they would have been able to work for themselves, keeping the entire income/produce for themselves. They would be free of loans, would be happy and the quality of their lives would have improved. The women said that land confers respect with a lot of women saying it wouldn't have mattered if the land was not producing, it would have been a tangible asset in their name. Many women equated land ownership with the ability to move out of poverty. Ownership of land eliminates the fear of being evicted without any prior notice and ensures greater stability. The women said with land in their name they would have been better able to look after their families and their children. One of the biggest advantages of owning land would have been not worrying about food anymore. These women said they would have even taken loans to develop land if they had been given any under this scheme.

10. Conclusion

The unequally distributed power of gender relations results in women being socially oppressed and economically exploited. This domination is seen across various aspects of a woman's life ranging from control over her body to employing a different yardstick when measuring the value of her work. This inequality also manifests itself in terms of asset ownership in which women are conspicuous by their absence. Finally, women are allowed to, or rather there is a need to let them, work on the land but without asserting any rights over it. Within the context of Pakistan where agricultural land plays such a pivotal role there is no concept of a woman's right to own and control agrarian land. The cost of this inequality is more poverty and deprivation for women.

Gender disparity in access to and control over resources ensures a woman's considerably lower status in the community. Whereas women spend a considerable amount of their time in agricultural and land based activities, their contribution remains unacknowledged in statistics that depict women as economically less active. Nor does this investment of their time translate into their inclusion in decisions pertaining to agricultural development. Nothing throws this in sharper relief than the fact that attempts at land reform have not taken women into consideration. Moreover, post Bhutto, the subject of reform has been relegated to the background because it has always encountered resistance from the land owning class and also because in 1989, the Supreme Court Shariat Appellate Bench declared that the imposition of a maximum ceiling is un-Islamic, pushing the issue off the table⁵¹.

Years of submission and an almost unquestioning acceptance of social norms have rendered women mute whilst men appropriate resources and the resulting power. It is not that women lack an understanding of the issue but more that they feel unable to overcome obstacles of imposed inequality for fear of repercussions should socially defined boundaries be breached. The concept of a rural woman owning land is almost non-existent; women's inheritance rights routinely denied. It therefore stands to reason that any attempt to rectify this situation would also need to address gender inequality for there to be sustained impact.

Discourses on women's empowerment in Pakistan need to take into account that land ownership is a primary determinant of power and working towards ensuring women's access to this asset

could be a key strategy in enabling women to move out of poverty. Heavily invested in agricultural work, women are not recognized as farmers. Practically this means that decisions pertaining to the land and its development/cultivation, access to markets and information regarding technological advancements in this field solely address men who act as a medium through which women gain access. Moreover, given the increasing cost of farming in Pakistan, there is a sense of unease with regard to allowing women to control and cultivate agricultural land; a mind-set that is desperately in need of change.

None of the manifestos of the mainstream political parties address land reforms and no political will has been seen thus far to revive the issue. The distinct lack of State attention is felt more acutely when looking at the conflicts that exist as regards the ownership and control of land. One such example is the continuing Anjuman Mazareen Punjab (AMP) movement⁵² and their demand for the ownership of land that they have tilled for generations. This movement testifies to the fact that the issue of land and its control is one that is still alive and is far from having been settled by the State.

The Rights Perspective

Any discussion on the equality and empowerment of women must also be placed within the rights framework, inevitably leading into a discussion on the role that the legal system plays. The legal system is a framework that anchors the rights of citizens; it legitimizes their claim to be given their due rights and is also a mechanism that can be employed to ensure the effective implementation of those rights. The demand for rights has to be recognized as a legitimate claim by both the citizen and the State in order for any significant progress towards change.

The Constitution of Pakistan guarantees a woman's right to own and control property⁵³. Similarly, the law guarantees a woman's right to inherit (although the proportions are not equal). We cannot claim a legal vacuum when dealing with the issue of a woman's right to land but by and large these rights are not exercised. There are various factors that can be looked at in an attempt to try and explain this divide, but most importantly there is a need to take into account the realities of a woman's life to see whether the affirmation of her rights by the law is something that touches her life directly.

When speaking of a woman's right to land, there is a need to differentiate between her claims that are considered legitimate within the legal framework and a negation of that right which finds legitimacy within cultural parameters, managing to trump a woman's legally guaranteed right. The family structure in South Asia closely ties a woman's identity with that of the family. If a woman cannot establish an existence independent of that family, it eliminates the need for her to own something for herself, or to assert a claim. Hers is a subordinate position within the family where even if circumstances propel her to take charge she largely will still not be recognized as the head of the household. She is seen as a second class citizen (exceptions notwithstanding) within the family network who because she is not given the same rights as men does not need to own/manage property either.

Land is a valuable asset which is not just a resource but also symbolizes the family's position and power within the community. Its fragmentation would be fatal to that status and influence which is why giving a woman her share is construed unfavourably. Inheritance is one of the main methods through which women acquire land, but this right does not operate independently and is bound very closely to ties of kinship. A woman's claim to her share is seen as a rejection of all the family has done for her whereas not asking for her share would increase the chances of continued support of a woman's male kin even after she is married – considered an important safety net. Asking for one's right is equated with deliberately engineering the breakdown of

familial relationships and is met with resistance in the form of ostracization and even violence. Although this is a bargain that is normally accepted, familial support will never be able to compensate for the right which is forsaken.

There is no doubt that were women given access to and control over land, one would see an immediate shift in power structures within the family and community. If they are accepted as legitimate recipients of this right, there would be an obvious impact on their social and economic status. This is the framework within which the debate on women and the right to own land should be located. It is within this framework that legal strategies and positive interventions by the government will be able to play a role in removing inequalities and become drivers of change. Creating a non-discriminatory structure however is only the starting point and will not suffice. It will need the State to commit itself to ensuring effective implementation in order to move beyond empowerment in principle to actual empowerment.

The Scheme's Impact: a view from the outside

The Sindh land distribution scheme is an example of the Government taking an initiative to reduce the inequality in gender relations by addressing women's lack of an asset so as to economically empower them and help reduce poverty. It is important to appreciate that one stems from the other and in understanding this link, this scheme is looking to better the existing situation by allowing women the opportunity to own land and invest in what is theirs, the benefit of which they themselves would reap.

In terms of land rights, this scheme has tried to bring about a change by making women the focal point of this empowerment initiative. It has also managed to touch upon and influence the informal codes that govern the daily lives of women and dictate what is allowed. It would be an exaggeration to say that this scheme has challenged the existing social order. Nevertheless, it has managed to carve out a space where women can now see themselves as land owners and have a chance at becoming something more than passive participants. With the allocation of land, the definition of who is a landlord is being reinterpreted and to become a land owner, regardless of whatever constraints might still govern their lives, does in some ways challenge what women think is and isn't possible.

Under this scheme, the recognition of women as land owners has also meant that where training, support and information has been provided by the Government, its primary beneficiaries have been women. Individual interviews indicate that women have tried asserting control over the money that was given to them as part of the support package and have used this income to improve the household situation. Moreover, the land has brought with it the ability to obtain a loan in order to develop it further. Again, this demonstrates that having an asset in one's name opens up access to other resources. This transfer of land has also had a domino effect within other spheres of the women's lives. For example, women evidently enjoy increased respect both within the family and the community, increased mobility and participation in decision-making. These are important changes in their lives.

This is not to say, however, that the scheme is a resounding success; there are instances where the women did not consider that the transfer of land has had any positive impact on their lives and has not brought the attendant benefits other women have seen. Even though women have become land owners, it has not resulted in them assuming a more proactive role.

There is a need to inculcate within these beneficiaries a sense of entitlement with regard to the land allocated. For that sense of entitlement to manifest itself, women will have to challenge and

negotiate existing power structures both by relying on and effectively using guarantees provided by the legal system, and using strategies that would help refute existing custom. The allocation of land is an important first step, but has to lead to more control which would bring about greater respect and autonomy within the family structure.

Most of the women interviewed showed a lack of self-confidence and kept citing their lack of education as the reason they might not be able to understand or answer the questions the team was asking even before the interviews started. Almost all the women interviewed said that being uneducated, they don't know much about the scheme and how it works; they have no information regarding income and expenses and so leave it to their husbands to manage; thereby ensuring greater dependency. This lack of confidence may explain their hesitancy in approaching the Government machinery in respect of this scheme.

Another observation of the research team was that while women say that they work on the land, they don't actually see that work as translating into acquiring a stake in that land. They still refer to their husbands as the sole caretaker. This attitude was also reflected in the interview of an un-married beneficiary who said that even if she were to marry, she would leave the land with her brother as opposed to asserting ownership rights over it. She believed that regardless of it being in her name, her brother was the rightful owner of the land.

Consequently, even after the land allocation, almost no woman has taken charge of the land and most are content to let the family men continue managing it as before, reflecting a lack of capacity as well as confidence in their abilities. The first step in terms of allocation has been taken, but in most cases, has not translated into women taking the next step in terms of determining how that asset is to be used. This supports the view that a woman's relationship with land has almost always been indirect with men playing the role of the intermediary. A woman can work on the land, be completely involved as regards its cultivation but when it comes to selling the produce, reinvesting in the land or interacting with the Revenue office it is the men who assume charge. This lack of direct hands-on management results in an inability to look after the land independent of the men. This lack of independence is reinforced by the men, further cementing the notion that women cannot be farmers.

Allowed to work on the land, women are not allowed to go to the city and/or interact with buyers or control the money from the sale of produce. It is a convenient pattern wherein mobility is 'allowed' to the extent of increasing the productivity of the land but cultural factors immediately come into play curtailing a woman's mobility when talking about managing all aspects of the land. This reinforces the notion that women lack the ability to manage land or negotiate with buyers or the Revenue Office. Moreover, 'respectability' dictates that a woman not become mobile enough to acquire this ability either.

Some women who, while acknowledging that ownership had resulted in a change in the power dynamics at home, were quick to point out that it was unlikely they would use this opportunity to undermine the authority of the family men. This is symptomatic of how deeply ingrained patriarchal structures and notions of respectability are. Women who do not demand land or rock the boat at home are 'respectable' and held up as the standard that all women with integrity should conform to. Self-sacrifice is promoted as a trait all self-respecting women should aspire to achieve. 'Good women' do not dishonour their family by asking for their rights vis á vis land or else they will not be cared for by their family.

This begs the question of why women regurgitate the same arguments that negate a woman's right to own and control land? In essence, this results from an acceptance of the cultural and social factors that deny women their right to land with justifications ranging from not wanting to

lose the natal family as a source of support, to saying that sons are earning members and so have a stronger claim, to believing women do not know enough to be able to manage and earn from the land given to them.

Women beneficiaries seem to be trying to reconcile two opposing sides. On the one hand they want the respect etc. that comes from owning land, but at the same time don't want to come across as having let this go to their heads and turning them into women who would disregard husband, honour, family and social customs. This makes them hesitant in taking the next step required to cement their ownership which is assumption of control over the asset granted to them.

Partly, women look to family men for protection in exchange for not claiming their rights, as State institutions are weak or inaccessible, and women do not have any recourse if ostracized by their families. They would rather not take a risk with the State providing them with protection. This vacuum is exploited by male members positing themselves as a more real and immediate source of protection and support. Moreover, the law reinforces this role by recognizing the men as the guardians of women.

The fact that these women recognize the advantages that flow from the ownership of land is encouraging and it is hoped that the impact of these benefits will lay the foundation for women claiming greater control over the land and asserting their authority.

11. Recommendations

The recommendations that are given below are an amalgamation of the key points discussed by the Revenue officers and the women beneficiaries.

- *Dissemination of Information*

As a scheme intended to benefit women in particular, the Revenue office should have taken into account the various factors at play that curtail a woman's mobility and her exposure to the outside world, severely restricting the information they have access to. Despite this scheme being widely advertised using a variety of methods; no single means was successful in reaching out to the women directly. One notable exception was the woman politician in Nawab Shah who directly informed women about the scheme and which had a different impact as regards their engagement with the procedure. The majority of the women applicants received second hand information about this scheme. They had no means of verifying the accuracy of what they were being told which significantly increases chances of exploitation and fraud as seen in Sukkur.

Even though the law is clear, the implementation of the scheme could have been improved by ensuring that women are aware of and have access to all relevant information. There should have been a better strategy put in place for advertising this scheme and the radio is one medium that should have been utilized more due to its near universal accessibility.

- *Application Process*

Women should have been facilitated more to ensure that they did not face any problems when applying for land under this scheme. This facilitation would have also significantly reduced their dependence on men.

In order to assist women with the application process, the Government should consider setting up collection points that can be easily accessed by one or a cluster of villages. This would ensure that women have an easy accessible window for obtaining information, assistance with the application process and for submitting their forms. The application forms could then be collected and taken to the Revenue Office. Shorter distances would spare women the travel expenses they have had to incur in either going to the Revenue office themselves or sending the men of their family.

- *The Khuli Katcheri*

The fact that there were no female officers in the *katcheris* adversely impacted the extent to which the women engaged with the officials at these forums. The presence of women officers would have greatly facilitated women in terms of the procedure being followed. They would also have been more confident about speaking up and making sure their voice was heard.

The Government should look into making the *katcheris* more accessible to the women so they do not incur a lot of expense. Officers should make more of an effort to explain the procedure being followed directly to the women in order to facilitate their direct engagement with the scheme rather than simply talking to and settling matters with the men.

Steps should be taken to minimize the influence of local landlords on the proceedings.

The Revenue officers need to be sensitized to the needs of the women applicants and they should not be made to feel like they are not being taken seriously.

- *Allotment Papers*

Women need to be more involved in the procedure of allotment seeing as they are heavily invested in agricultural work. Sometimes women don't even know that land has been allocated to them and therefore it is important for women to get out of the house and become more involved as they have a stake in this scheme. Women have been going out for their *Watan* Cards and the Benazir Income Support Program (BISP). In the same way it is important for them to get out of their homes for this.

It is important to take into account that even though procedurally everything may be free, women still have had to pay for the travel expenses of their men in order to process the required papers and this has been burdensome.

The Revenue office should proactively disseminate information regarding the conditions attached to the transfer of land and encourage women to report irregularities.

The influence exerted by mid-level Revenue officers has to be countered.

- *Support Package and Training*

The relevant authorities should make sure that the women receive both instalments of the support package.

The support package should not be a one-time facilitation that the Government discontinues after two instalments but should be continued in some form in order to provide women with the

assistance they require to develop their land. The Government should aim to provide better quality seeds and fertiliser along with money that would be sufficient for expenses related to the development of the land that has been allotted and not just for four acres.

The Government should carry out an assessment to determine what the women need and conduct training sessions accordingly. They Government should continue to train women and should try and reach as many women farmers as possible.

- *The Land Allotted*

The officers should ensure that priority is given to applicants who have been working on the land as they then have a right over it.

The quality of the land should be checked to ensure that what is given to them under the support package is not wasted but yields a good result. This is necessary in order for people to support their families.

The Government should work towards solving problems related to access to water.

End Notes

1. In-depth interview with Gul Bano, Chato Chand, Thatta.
2. The first attempt at land reform was undertaken by the military government of Ayub Khan in 1959, with the second and third in 1972 and 1977, respectively, by the Bhutto government. The 1977 legislation never came into effect due to the military take-over by General Zia who suspended the operation of the law.
3. Zofeen Ebrahim, Inter Press Service News Agency, 13 July 2010, RIGHTS-PAKISTAN: *Slowly, women gain ground through land ownership*. Available @ <http://www.ipsnews.net/2010/07/rights-pakistan-slowly-women-gain-ground-through-land-ownership>
4. Interview with Mr. Faisal Uqaili, Director (Admin, Finance and Management, Directorate of Urban Policy and Strategic Planning Sindh.
5. Interview with Mr. Faisal Uqaili, Director (Admin, Finance and Management, Directorate of Urban Policy and Strategic Planning Sindh.
6. "Ushering Structural Transformation in Sindh; Government of Sindh's Program for Grant of State Land to Poor Landless Haris". Available @ <http://www.sindh.gov.pk/dpt/planning-&-development/LandlessHarisData/Revised-Ushering%20Social%20transformation.pdf> (See Annex 2)
7. Ibid
8. Ibid
9. Peasant.
10. Ibid
11. Ibid
12. Three major RSPs in Sindh namely Sindh Rural Support Organization (SRSO), National Rural Support Program (NRSP) and Thardeep.
13. The RSPs have been carrying out poverty profiling in all the Union Councils through a Poverty Card which helps classify the various levels of poverty.
14. Minutes of First Meeting of the Steering Committee held on 1 August 2008 regarding Grant of State Land to Landless Haris in Sindh.
15. Ibid
16. Ibid
17. Minutes of the Fourth Meeting of the Steering Committee Held on 22 August 2008 regarding Grant of State Land to Landless Haris in Sindh.
18. Ibid
19. A cluster of 15 to 20 Villages consisting of 1500 to 2000 acres of land.
20. A cluster of 5 to 7 dehs is called a tapa.
21. A further sub-division of districts.
22. Section 2 clause (h) as amended by the notification issued by the Government of Sindh in November 2008.
23. Section 5(1) (a) to (h) of the Statement of Conditions 1972.
24. Section 5(1) of the Statement of Conditions 1972 states this order of priority to be:
 - 1) A landless hari or hari holding less than five acres
 - 2) A hari holding 5 acres of land or more but less than ten acres
 - 3) A hari holding 10 acres of land or more but not more than sixteen acres; and
 - 4) A hari holding sixteen acres but not more than twenty five acres
25. Section 5 (3) of the Statement of Conditions 1972.
26. Section 6 of the Statement of Conditions 1972.
27. Section 7 (1) of the Statement of Conditions 1972.
28. Section 21(1) of the Statement of Conditions 1972.

29. Section 21(2) of the Statement of Conditions 1972 as amended by notification issued by the Government of Sindh in November 2008.
30. Revenue Administrative Officers.
31. Public assembly.
32. Land Record Officer.
33. Section 16 (4) of the Statement of Conditions 1972.
34. In-depth interview with Mr. Sajjad Ahmed Abro, Mukhtiarkar Revenue, Nawab Shah.
35. Same as Patwari.
36. Marriage contract deed.
37. Elected official of the local government in Pakistan.
38. Landlords.
39. Long scarf traditionally worn by women.
40. During the first phase of distribution, men were allotted land and subsequently asked to transfer the land to the women in their families. To make this possible, the 15-year restriction on transfer/sale of the land as given in the Statement of Conditions was relaxed so as to enable the men to transfer the land to the women - Interview with Mr. Faisal Uqaili, Director (Admin, Finance and Management, Directorate of Urban Policy and Strategic Planning Sindh.
41. In-depth interview with Buddi Ghulam Mohammad, Chato Chand, Thatta.
42. In-depth interview with Rabia, Gora Marri, Nawab Shah.
43. In-depth interview with Amina, Begna, Thatta.
44. In-depth interview with Khairi Bachayo, Chato Chand, Thatta.
45. FGD, Begna, Thatta.
46. FGD, Tarai, Sukkur.
47. In-depth interview with Aminat, Chato Chand, Thatta.
48. In-depth interview with Moran, 35 Daad, Nawab Shah.
49. In-depth interview with Khairi Bachayo, Chato Chand, Thatta.
50. In-depth interview with Aasiyat, Mehar, Thatta.
51. The Supreme Court of Pakistan has been moved to set aside this decision.
52. This is a movement of landless peasants in Punjab that are demanding ownership rights over the lands they have cultivated for generations.
53. Article 23 of the Constitution says "Every citizen shall have the right to acquire, hold and dispose of property in any part of Pakistan..."

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Annexes

Research Methodology

Given time and resource constraints, 3 of the 17 Districts in which the land distribution scheme is operative were chosen as the sites for data collection: Nawab Shah (Shaheed Benazirabad), Thatta and Sukkur. A factor influencing site selection was the presence of Shirkat Gah's local partners in these districts; this eliminated the time for gaining entry and also provided an opportunity to concretely follow up research findings.

The qualitative case study methodology used to elicit empirical data was preceded by a literature review, including primary sources such as the framework of the scheme and other associated documents, as well as other sources. Empirical data was collected by a variety of research tools, including Focus Group Discussions, in-depth interviews with both successful and unsuccessful women applicants, and field observations. In-depth interviews were also conducted with the government departments responsible for overseeing the scheme's implementation at the District level as well as with civil society institutions responsible for providing post-allocation assistance.

Focus Group Discussions using a guideline to help steer discussions were conducted in all 3 Districts with all-female groups consisting of both successful and unsuccessful applicants. A separate guideline was prepared for the in-depth interviews with successful and unsuccessful women applicants, revenue officers and members of the National Rural Support Program.

Ushering Structural Transformation in Sindh; Government of Sindh's Program for Grant of State Land to Poor Landless *Haris*

The Government of Sindh has announced grant of state land to Landless *Haris* in all the districts where state land is available with the primary objective of reaching out to the most marginalized segment of population in Sindh. Grant of state land to the poor Landless *Haris* is one of the central poverty reduction initiatives of the new Government and this time as a departure from past efforts at land grants it has been drawn with utmost care and in view of the weaknesses of earlier programs.

There have been multiple efforts at land reforms in Pakistan beginning with the land ceilings on private land in 1959, which were followed by wider land redistribution reforms of Mr. Zulfikar Ali Bhutto. Since then there have been policy shifts and the efforts have mainly limited to grants of state land rather than the redistribution of private land. The policies of land grants followed by different governments have however, been more or less a routine affair and these have neither attempted to target the landless in transparent manner nor has there been any attempt at facilitating an institutional support to the poor beneficiaries in terms of connecting them to rural credits, markets etc for enabling them to move to sustainable livelihoods.

Interestingly even in India, which has the largest number of rural poor as well as landless households in the world, and where landlessness is the best indicator of rural poverty in the country, even here redistributive land reform has now lost its favor with the central policy makers. Since independence, India has taken substantial policy and legislative steps to address the problem of landlessness, and has produced an unrivaled volume of land legislation and land reforms in the process. Most of the reform efforts have primarily attempted to increase the poor's access to rural land and providing for secure land tenure. There are innumerable research reports on these land reforms and by now the state governments are moving away from the redistribution to other innovative measures which can strengthen the incomes of the on farm as well as off farm workers.

The Government of Sindh's new policy to grant state land to Landless *Haris* is still in formative stage however the broad features which have been laid out by now exhibit that it has certain distinct features which if implemented well can at least begin the process of some structural changes in the socio economic polity of rural Sindh. The broad policy framework has primarily been evolved on the basis of past lessons and major weaknesses of the past policies. What has basically surfaced is the fact that the past land grants were primarily implemented through the mechanism provided under the Land Revenue Act and the Statement of Conditions whereby the revenue staff announced the schedule of *Khuli Katcheries* and the land grants were made more or less either on the discretion of the revenue staff or on the basis of political patronage. There are very few evidences to show whether any attempt was made to make the process transparent especially in terms of targeting the *Haris*. As while the prescribed procedure does entail a wide publicity and assigns priority to the *Hari* residing in the same deh. However, these provisions can only be useful if implemented well. In reality, the implementation as well as oversight remained with only the revenue staff with little monitoring and accountability. And finally the beneficiaries once granted land, were left to their own there being no mechanism to ensure that they move towards sustainable living. The obvious consequences were that firstly the land grants did not necessarily go to the most genuine *Haris*; in many instances the *Haris* either sold off the land to pay off their debts to the landlords and there were cases where land was forcibly taken over by influentials there being little or no role of state in ensuring that land remained with the *Hari*.

It is in this perspective that the Government has drawn out the framework of a policy that builds upon past mistakes and oversights and which provides for state oversight for ensuring sustainability of reforms. Some major features of the framework are as under:

i. Institutional Focus

With a view to provide a very robust institutional mechanism for implementation and monitoring, the Government has set up a dedicated unit in the Land Utilization Department under the oversight of a Steering Committee headed by the Additional Chief Secretary Development and comprising of all relevant policy and line departments for ensuring institutional coordination. This includes Finance, Agriculture, Irrigation and the Land Utilization department which otherwise is the department which is carrying forward this reform through the district formations. The clear objectives are to handle this reform through an institutional mechanism for ensuring an efficient implementation of a program which is envisaged to continue for next few years.

Further District Committees have been formed under the District Coordinating Officers for supervising the preparatory work at grassroot level. While the District Officer Revenue is the main player, this time unlike in past, he has multiple levels of oversight. He is being monitored by the district hierarchy, the provincial Land Utilization Department and the Provincial Steering Committee. Further his office is now being watched through non governmental community organizations.

ii. Clear Priority to Women Members of Landless *Haris*

As per the policy, unencumbered state land will be allotted to the landless *haris* preferably to the women members of the *haris*. Thus, as a departure from previous policies special focus has been given to women who will be given a very clear priority in the allocation of agriculture land. This policy component is unprecedented and it can be expected to be a major ingredient for social change through empowerment of rural women.

iii. Targeting Genuine and Poor Landless *Haris*

Third major feature is the targeting component. In this context, while there is a legal prescribed procedure in the Land Revenue Act of 1912 through which the Revenue Department would hold *Khuli Katcheries* for inviting applications for grant of land to eligible *Haris*. However, it has been acknowledged that the Government would need to be very sure that Land is being allotted to the Landless *Haris* and from amongst many Landless it is going to the most poor. As this would be certainly a challenging exercise, Chief Minister Sindh has approved formal involvement of the Rural Support Programs (RSPs) in the implementation of this program for two tasks namely identification of the poor landless *Haris* and then devising and extending support package.

There are three major RSPs in Sindh namely SRSO, NRSP and Thardeep which are presently engaged with rural communities in various community organization and micro credit activities. These RSPs have the capacity and the credibility and can be expected to deliver as partners to Government in this program. RSPs are currently present in 462 Union Councils in Sindh and they are already working on an extensive exercise for poverty profiling in all the Union Councils through the Poverty Card. Through this Card they would be able to categorize various levels of poverty such as destitute; chronic poor, transitory poor etc. Government has accordingly approved to use this information to verify the credentials of the Harees once the Applications are received.

iv. Support Package

Fourth major policy component is that the beneficiaries of State Land would be fully supported through a support package for at least a period of two years till the time they attain sustainable

livelihoods. The support package would depend on the type of land however in general it encompasses availability of water, provision of essential inputs including seed, fertilizer and pesticide. The policy is to formulate cooperatives of *Haris* wherever possible and to extend this support package to them on the basis of economies of scale. Depending on such possibilities it has also been approved to facilitate them with agriculture implements through regular programs of government on very subsidized rates.

v. Implementation of Support Package through Rural Support Programs in Sindh

Another component of the policy is that particular support package will be developed by and delivered through the RSPs. The envisaged partnership with RSPs is likely to bring a great amount of credibility and transparency and all possibilities of mis-representation and influence by landlords and other influential can be taken care off. This reflects a resolve of the Government to implement this reform in a much more transparent way than has ever been attempted before.

An additional benefit of land reforms is that it will help to solve the problems caused by the fact that farmers often use relatively inefficient capital-intensive techniques due to distorted factor market prices and that small farmers do not have access to the liberal credit subsidies on imported machinery and capital equipment. Success through land reforms has been hailed in East Asia, where they helped create widespread support in rural areas for economic reform by presenting an opportunity for the benefits of future economic growth to be distributed among all sectors of society.

The key lesson to be learnt from the East Asian experience is how the successful implementation of land reforms had much to do with support the countries' governments gave to farmers. In order for reforms to be successful, governments must help small farmers by providing ready access to extension services and agricultural infrastructure, such as irrigation water and roads. In Pakistan and South Asia in general, small farmers receive little support in the form of credits, agricultural extension services, appropriate output prices, and easier marketing opportunities. It is clearly time that the government stepped in to institute significant land reforms and extend support to small farmers.

Hence the Government of Sindh's program to grant state land to landless *haris* holds tremendous promise of transforming the socio economic scene in rural Sindh with significant impact on not only economic well being of a population which is one of the poorest in Pakistan but by ushering tremendous opportunities for greater productivity with forward linkages to industry and services and resultant job creation. In the context of Sindh, such economic activity can itself usher an all around well being provided Government stays committed and is able to convert the envisaged policy framework into reality through sustained efforts.

Minutes of First Meeting of the Steering Committee held on August 1, 2008 regarding Grant of State Land to Landless Harees in Sindh

Held in the Committee Room of P&D Deptt under ACS (D)

List of Participants attached at Annex-1

2. Meeting commenced with Bismillah-e-Rehman-ur-Rahim. Welcoming the participants, Chairman Steering Committee gave an overview of the approved policy on the program for Grant of State Land to Landless harees. The meeting was participated by the members of the Steering Committee and the Revenue Staff of four Districts namely; Larkana; Thatta; Nawabshah and Khairpur. Elaborating some of the broad features of the approved policy the Chairman/ ACS (D) emphasized that it was one of the most important programs of the Government and unlike past programs this has been planned to be a major poverty reduction program of the poor. Accordingly it was critical to ensure following three aspects of the program:

- The District Committees under the DCOs concerned had been created with primary objective of ensuring that the overall data regarding the State Land was accurate
- This Committee assisted by the entire Revenue staff in a District is to ensure that the Land is fully ready for grants and that:
 - o It was free of all encumbrances which means that there is no illegal possession with any one else; its not under litigation nor is it a case of expired lease etc
 - o Its physical status is such that its culturalable; it has availability of water; it is accessible (through katch or pacca) road. There is no issue of water logging and salinity etc
- Secondly, the Revenue Staff under the District Committee would also be responsible for ensuring that most genuine landless harees are targeted. In this contest the Revenue procedure would be followed however in order to ascertain and reconfirm that poor Harees are targeted, it has been approved by the competent Authority that Rural Support Programs Consortium (RSPCons) would be formally involved in the process of targeting genuine Harees.
- As per approved policy clear preference is to be accorded to the Women members of the Landless Harees

3. The Secretary Land Utilization too elaborated major features of the program and emphasized that the Revenue Staff must provide accurate assessment of the overall statistics and status of the State Land. The entire policy framework hinges on the condition of the land as the Government stands committed to providing land which can be immediately brought under cultivation. He stressed that all Districts are required to associate the RSPs in the process of targeting the genuine Harees and that subsequently the support package will be evolved through assistance of the RSPs. He maintained that Government intended to target the poorest of the poor and the District Committees with assistance of RSPs must ensure that this program is able to target the poorest of the poor.

4. Detailed discussions were held with the District Officer (Revenue) staff of the four participating Districts and after detail discussions following decisions were taken in the meeting:

Major Decisions:

- i. The District Committees would immediately hold meetings and prepare a detailed Work Plan for facilitating implementation of this program
 - ii. The identified State Land (Deh-wise) would be divided into the Lots of 8 Acres ideally in the shape of compact/ contiguous parcels by District Revenue staff within a weeks time (by August 7, 2008).
 - iii. All Districts would prepare Deh-Wise maps of the State Land to be granted and for each Deh, detailed information would be prepared listing out following features:
 - a) Free from encumbrances, including litigation, claim or encroachment
 - b) Irrigation /water availability
 - c) Access to Road (katcha/pacca)
 - d) Availability of Drainage (water logging & Salinity)
 - e) Renewable of old leases (Cancelled Grant)
 - iv. In case of non availability of Maps; the DO Revenue will approach Director Surveys and Settlement, Government of Sindh for preparation of these Maps on most urgent basis. The Director Surveys and Settlement would extend full support for early actions under this program.
 - v. After Ascertainning condition/status of Land; the Land which is ready for grants would be shortlisted for grants in first phase. The DO Revenue would contact the Irrigation Deptt for providing Share List for the Land to be granted. Names of Land Owners to be provided subsequent to finalization of Land Grant
 - vi. District Officer (Revenue) will also get in touch with EDO Agriculture regarding various issues relating to preparation of land such as land leveling; clearing the bushes etc.
5. Decisions Regarding District Larkana and District Khairpur The Steering Committee examined the preparation status of District Larkana and District Khairpur and it was decided as under:
- i. Both the Districts' Committees would hold urgent meetings and prepare the Work Plan.
 - ii. The District Committees would re -ascertain the preparedness and issue Schedule by making announcement in Newspapers; through Radio and general publicity. All efforts will be made to give wide dissemination to this program through announcements from Mosques; announcements through mobile vehicles etc.
 - iii. Application from Landless Harees would be received from August 10 to September 10, 2008. No Application would be entertained after the expiry date.
 - iv. The Applications so received would be forwarded to RSP for providing inputs on the eligible Harees on the basis of Poverty Score Card.
 - v. Based on RSPs input, List of eligible beneficiaries would be placed before the Provincial Steering Committee for approval.
 - vi. The Entire Process is to completed by third week of September 2008 for initiating Grant of Sanads by last week of September 2008.
 - vii. RSPs, in the meanwhile, would examine details of land which would be provided by District Officer (Revenue) subsequent to this meeting and evolve a Support Package on the basis of a cooperative model.

viii. The Draft support package so prepared by the RSPCons would be placed before the Provincial Steering Committee for discussion and finalization.

6. Decisions Regarding District Thatta and Nawabshah

- i. The District Committee Thatta to hold meeting and take actions as at para 6 above. As soon as the District Committee ascertains its preparedness and confirms availability of ready land, the Steering Committee will approve issuance of Schedule for District Thatta
- ii. For District Nawabshah, it was informed that approximately 25,000 acres of land is available in only one Taluka namely Daur. A large part of it was sandy dunes and while there were some water courses however, the Irrigation Deptt would need to examine the status of availability of water. It was decided that DO Revenue will refer matter to Irrigation Xen and endorse copy to Secretary I&P who would have this subject examined

7. General Decisions

- i. The next meeting would be organized on Friday August 8, 2008 at 10 pm. Remaining Districts would also be invited to participate
- ii. Based on broad features reflected in the Minutes of this meeting, all the remaining District Committees to begin preparation
- iii. All District Committees must ensure full coordination with the RSPs for which they can contact Mr. Ghiyasuddin at Tel #
- iv. All District Committees must work on a Strict Timeline which ensures that land is available for disposal by next two to three months. Based on the preparedness of Districts, the Provincial Steering Committee would approve dates for announcement of Schedule and collection of Applications.
- v. The Land Utilization Department would issue a general advertisement of the program however Specific Schedules will be Announced separately by each District Committee/ DO Revenue
- vi. The Secretaries I&P Deptt and the Agriculture Department would issue instructions to their lower formations for close coordination and full assistance to District Committee in this program

Annex-1

List of participants

1. Mr. Abdus Subhan Memon , Secretary, Land Utilization, BoR
2. Ms. Naheed S. Durrani, AFS (B&E), Finance Department
3. Mr. Muhammad Ali Shah, Additional Secretary (LU), BoR
4. Mr. Ghias M Khan, Manager (Spl Project) SRSO
5. Mr. Khalid Mujtaba Agha, District Officer Revenue, Larkana
6. Mr. Fazal Karim Khatri, Sr. Program Officer, SRP, Finance Department
7. Mr. Khadim Hussain Channa, Section Officer (Admn) LU, BoR.
8. Mr. Ghos Bux Jatoi, *Mukhtiarkar*, Larkana

Minutes of Second Meeting of the Steering Committee held on August 8, 2008 regarding Grant of State Land to Landless Harees in Sindh

Held in the Committee Room of P&D Deptt under ACS (D)

List of Participants attached at Annex-1

2. Meeting commenced with Bismillah-e-Rehman-ur-Rahim. The Chairman of the Steering Committee sought progress on the major components which had been highlighted in the previous meeting. He took a serious note of absence of some of the DO (Revenues) and warned that this was a top priority program and in case the District Officers (Revenue) who were the Focal Persons of this program were absent it was then not possible to move forward. It was directed that the DO (revenues) would have to compulsorily attend all meetings and the District Committees were too required to hold daily meetings for ensuring full preparedness for this program.

3. The Secretary Agriculture informed the forum that the Department had 80 bulldozers in working condition and that these would be provided to the Districts for land leveling for this program after a formal request. He requested that a consolidated request be made to his department so that he could convene meeting of the Engineering Wing of the Department for undertaking this assignment in an organized manner.

4. The concerned revenue staff of Districts then presented their individual reports on their preparedness as under:

i. District Larkana

The EDO Revenue Larkana informed that they have divided the land into lots of 4 acres and approximately 875 acres out of the total available state land had been found to be ready for disposal. The Chairman observed that firstly lots of 8 acres be made as was decided in last meeting. Secondly, remaining land would also be surveyed immediately for granting to landless harees. Also the District Committee needs to immediately contact the Agriculture Department staff at local for land leveling and the Irrigation Department staff for allotting water shares from the concerned water courses. The EDO was directed to ensure that all preparations are made and schedule is issued for inviting Applications.

ii. District Thatta

The EDO Revenue Thatta gave an overview of the progress made in Thatta. He informed that upto detailed physical assessment had been carried out and 5613 acres of land had been cleared for disposal. He informed that 858 lots of land had been prepared in the Talukas of Jati; Sakro; — and — He state that work was progress in other Talukas and as soon as physical verification was complete they would add the other pieces of land. The Chairman directed the Revenue Staff to expedite work and to issue schedule and make preparations for second phase.

iii. District Khairpur

The Revenue staff informed the meeting that on the basis of physical verification 742 lots had been prepared of the 5789 acres which could be disposed in first phase. It was confirmed that maps had been prepared and it was ensured that water was available for this land. The Chairman directed them to get in touch with Agriculture and Irrigation staff for beginning land leveling/clearing and for allocation of shares respectively. Also the Do Revenue was asked to issue schedule for Applications.

iv. District Jacobabad

The Revenue Staff of District Jacobabad informed that they had completed physical verification of 2692 acres of land and prepared 413 lots of 8 acres each. It was confirmed that water was available and this land was free from encumbrances. The Steering Committee appreciated the progress made by District Jacobabad Revenue staff and cleared them for issuance of schedule and seeking Applications

v. District Badin

The District Badin Revenue staff confirmed that 2757 acres was physically verified and could be disposed in first phase. 413 lots of 8 acres each had been prepared and it was confirmed that water was available. The District staff was directed to make formal requests to Irrigation Department for allocation of water shares for this land and to contact the Agriculture Department for land preparation/ clearing. The District was cleared for issuance of schedule and seeking Applications

vi. District Nawabshah

The Steering Committee noted that major portion of land i.e over 25,000 acres was available in Taluka Daur however this piece could not be brought under immediate disposal as it comprised of sandy dunes and it required considerable land leveling. It was decided that the land leveling would be carried out on very fast tract basis and the District would make immediate request to Agriculture Department for undertaking land leveling. The Irrigation Department would be requested for allocating water shares from the available water courses. For the remaining 268 acres of land the District Revenue staff had prepared 40 lots of land

vii. District Sukkur

The District Revenue Staff confirmed that 6533 acres had been physically verified and were available for disposal. 884 lots had been prepared and there was availability of water for these tracks of land. It was observed that initially 7051 acres were identified and as such work on remaining land needs to be undertaken as well.

5. The Steering Committee examined various aspects of preparedness of the above 7 Districts and took following major Decisions:

- i. It was reemphasized that all the District Committees would hold almost daily meetings to ensure that proper Work Plan. These Work Plans must list out details of all activities to be undertaken from now to the date of issuance of Sanads to the eligible applicants.
- ii. All Districts would prepare Deh-Wise maps of the State Land to be granted and for each Deh, detailed information would be prepared listing out following features:
 - a) Free from encumbrances, including litigation, claim or encroachment
 - b) Irrigation /water availability
 - c) Access to Road (katcha/pacca)
 - d) Availability of Drainage (water logging & Salinity)
 - e) Renewable of old leases (Cancelled Grant)
- iii. The District Committees through DO Revenue would immediately make formal referenes to Agriculture Department for land leveling where required and to Irrigation Department for allocation of shares from the relevant water courses.

- iv. The above 7 Districts were directed to issue Schedules and to seek Applications through Advertisements' in leading newspapers till August 31, 2008. They were directed to make wide publicity through announcements; through FM radio and mosques.
- v. Applications were to be received as per existing procedure at Taluka and UC offices and proper Receipts to be given to all Applicants
- vi. Necessary arrangements would be made for making data entry of all Applicants and this would be immediately shared with the Rural Support Program officers designated for each District.
- vii. Information relating to land will be provided in full details to RSPs so that they could begin preliminary work on support package
- viii. District Dadu would take immediate measures to get the Revenue Record updated and contact Director Surveys and Settlement for preparation of maps

6. General Decisions

- i. The next meeting would be organized on Friday August 16, 2008 at 10 pm. Remaining Districts would also be invited to participate. In the meanwhile all remaining District Committees would meet and take all prior actions for becoming ready for grant of State Land to poor Landless Harees
- ii. The Districts would simultaneously work on Second Phase of Land Grant by ensuring that all illegal possessions and other encumbrances are resolved expediently.
- iii. All District Committees must ensure full coordination with the RSPs for which they can contact Mr. Ghiyasuddin at Tel #
- iv. The Land Utilization Department would issue a general advertisement of the Program however Specific Schedules will be Announced separately by each District Committee/ DO Revenue. For this they will send their Advertisements as per format on Monday August 11, 2008 to the office of Secretary Land Utilization.
- v. The Secretaries I&P Deptt and the Agriculture Department would issue instructions to their lower formations for close coordinantion and full assistance to District Committee in this program

7. The meeting ended with a note of thank you

Annex-1

List of participants

1. Mr. Abdus Subhan Memon , Secretary, Land Utilization, BoR
2. Ms. Naheed S. Durrani, AFS (B&E), Finance Department
3. Mr. Muhammad Ali Shah, Additional Secretary (LU), BoR
4. Mr. Ghias M Khan, Manager (Spl Project) SRSO
5. Mr. Khalid Mujtaba Agha, District Officer Revenue, Larkana
6. Mr. Fazal Karim Khatri, Sr. Program Officer, SRP, Finance Department
7. Mr. Khadim Hussain Channa, Section Officer (Admn) LU, BoR.
8. Mr. Ghos Bux Jatoi, *Mukhtiarkar*, Larkana

Minutes of Third Meeting of the Steering Committee Held on August 15, 08 Regarding Grant Of State Land To Landless *Haris* in Sindh

Held in the Committee Room of P&D Deptt under ACS (D)

List of participants attached at Annex-I.

Meeting commenced with Bismillah-e-Rehman-ur-Rahim. Secretary to Government of Sindh briefed the participants and took serious view of the absence of DO (Rev)'s in the previous meeting. Underlining importance of the issue, he emphasized that in future DO (Rev) concerned should attend the meeting personally. He further informed that for 7 (seven) districts' Advertisement are ready and would be hopefully published in all leading Newspapers by Monday August 18, 2008 for inviting Applications for grant of state land. He said it was critical to move fast on all aspects of preparation and then requested Secretary Agriculture to provide update on the component of land leveling.

2. Secretary Agriculture Department informed that the demand for providing bulldozers has been received only from District Thatta & Nawabshah. He enquired from other District Officer whether they are also in need of bulldozers or not. District Officer Khairpur & Sukkur also requested for bulldozers. Secretary Agriculture informed that there was shortage of bulldozers and that DOs should prioritize their demand in phases and that their demand should also describe the nature of land to be leveled.

3. Following major decisions were taken in the meeting:

- i. All concerned DO (Rev) would send their written demand for bulldozers on the basis of prioritized land. The request would mention the acres and type of land. POL for bulldozers shall be provided by the Agriculture Department for which request for additional funds would be sent to the Finance Department.
- ii. The Agriculture Engineering Wing would begin the land leveling task on war footing basis and send Daily Reports to Provincial Steering Committee
- iii. The three Districts where there were complex issue of land leveling especially Nawabshah; Khairpur and Sukkur will float EOIs for seeking rates from the private sector for undertaking this work on fast track basis. The District Governments could finance this from their miscellaneous charges or alternatively seek funds from the provincial government through Secretary LU Department. Progress to be communicated to the Provincial Steering Committee in next meeting to be held on Aug 22, 2008.
- iv. The LU Department would provide District-Wise details of Land to be disposed off in the first phase to the Irrigation department. The Irrigation Department shall notify the Water Share list for this land through their concerned Xens. A confirmation in this regard will be provided to the Provincial Steering Committee and the LU Department.
- v. Taking cognizance of slow work at District Level, the ACS (Dev) instructed that all District Committees will hold regular meetings and minutes will be endorsed to the Provincial Steering Committee. The District Committees must prepare Work Plans and Establish Special Cells in Taluka Offices for this Program. Clear instructions be issued to the staff posted in these Cells to properly guide the Applicants and to provide full information regarding availability of land for this program.

- vi. Lists of available Survey Numbers will be pasted outside DO Revenue Office and concerned Taluka officers and wide publicity be conducted through local FM channels; mobile vans and mosques. The DO Revenue and other Revenue staff to extend full cooperation to prospective Applicants.
- vii. The Application Collecting Cells must be well equipped with adequate manpower and computers and full Data be entered about all Applications being received.
- viii. The District Officer Khairpur was asked to furnish detailed report regarding availability of water for an area of 22000-00 acres land of Taluka Nara.
- ix. Last date for receiving Application for first phase of Disposal would be September 10, 2008.
- x. List of all Applications with required data shall be provided to Mr. Ghayasuddin, representative of SRSO/ Focal person for this program for verifying credentials of Applicants on the basis of Poverty Score Card keeping in view the fact that Applicants must be *Haris* under the definition of Revenue Act.
- xi. All District Officer of the first phase Disposal as well as second were required to prepare lists of disposable state land both Barrage as well as Katcha / Barani and bring the same along with maps and physical survey reports (Hard & Soft copy) in the next meeting to be held on 22-08-2008 At 12:30 pm at the same venue.
- xii. The Land Record officer Hyderabad was directed to facilitate Maps to all Districts as per their requirement on an urgent basis. As far as their requirements for budget were concerned, they could either seek these through their ongoing Scheme by submitting its DRO to Finance Department or alternatively seeking necessary budget from Finance Department.
- xiii. The RSPCons would facilitate training of the Revenue Staff on GPS system gradually.
- xiv. The Steering Committee members emphasized that the DO Revenues would only be able to show progress if they were clear about the objectives and it was the District Staff who would be instrumental in the real success by helping to reach out to most genuine landless *Haris*. It was stressed that women members of landless *Haris* must be encouraged to apply.

Minutes of the Fourth Meeting of the Steering Committee Held on August 22, 08 Regarding Grant of State Land to Landless *Haris* in Sindh

List of participants attached at Annex-A.

Meeting commenced with Bismillah-e-Rehman-ur-Rahim.

At the out the ACS (Dev)/ Chairman PSC appreciated the efforts of staff of Land Utilization Department and concerned District Officers' (Rev) for publishing supplements and advertisement relating to disposal of state land of district Larkana /Jacobabad/ Khiarpur /Nawabshah/ Sukkur/ Badin/ Thatta in the relevant newspapers on August 19, 2008 regarding. The Chair further emphasized following aspects for facilitating targeting of genuine *haris*

- a. Extensive arrangements must be done for publicity through the FM Radio, announcements through drumbeats; announcement in mosques, through cables, banners; through loud speakers on mobile vehicles, etc.
 - b. Relevant copy of Sindhi Newspaper may be pasted at a conspicuous place outside the office of Taluka *Mukhtiarkar / Mukhtiarkar (Estate) / DDO (Rev)/DO(R)* for general information.
 - c. Daily progress be reported on the prescribed proforma faxed as well as handed over in the meeting to all DOs.
 - d. DOs should remain in constant contact with RSPs to ensure that targeting is done transparently and poor deserving *haris* are helped to facilitate this opportunity.
 - e. Tapedars and other village staff should be engaged in maximum publicity.
2. Then the Chair invited Mr. Zia-ul-Islam, Special Assistant to C.M for CMIE&I Team and Housing for the poor and Chairman P.H.C. to address the participants about land required for Housing for the Poor. He informed that so far land has been identified and transferred in four districts viz: Larkana, Nawabshah, Khairpur and Karachi but survey of the same has not been carried out. He further informed that rough and dasti sketch is not acceptable. Only site plan prepared by competent Architect Engineers as per Survey carried out by Survey Department would serve the purpose. It was emphasized that:
- a. Preferably land should be situated in City Area or in its suburb and not far away from the City.
 - b. It was pointed out that land of Nawabshah and Larkana District does not belong to Land Utilization Department.
 - c. The land so identified should be personally visited by the D.C.O concerned.
3. Possession of identified land be immediately transferred to P.H.C by the concerned D.Os in anticipation of completion of formalities for its transfer in due course of time.
4. Sign Board should be installed on identified land of the following description:
- (Monogram of PHC) Peoples Housing Cell
- S. No. Area — Deh — Taluka — District —
- Background of the Board should be in green with white writing.

5. Thereafter district-wise position of state land to be advertised was reviewed.

District-wise position is as under:

1. Sangher	1026-00 acres
2. Sukkur	675-00 acres(Katcha land only)
3. Shikarpur	4706-00 acres
4. Shahdadkot @ Qamber	2450-00 acres
5. Larkana	827-00 acres
6. Jacobabad	1827-38 acres
7. Mirpurkhas	1073-14 acres
8. Khairpur	8607-00 acres
9. Kashmore	6395-16 acres (Barrage land) 4565-00 acres (Katcha land)
10. Thatta	14374-00 acres
11. Ghotki	1210-00 acres (Barrage land) 3287-29 acres (Katacha land)

6. Following major decisions were taken:

- DCO Larkana and his team's efforts were appreciated with respect to the physical verification of land. Based on the photographs shown in the meeting it was decided that the entire 800 acres earlier advertised for disposal would remain available as the land leveling work was not of very serious nature and could be undertaken by the future land allottee as well.
- All the Districts' whose lands are ready for disposal should furnish the details in hard and soft copy to the PMU for Landless *Hari's* Program in the Land Utilization Department Karachi on 26-08-2008 at 03:00 PM
- The DOs would prepare the all the detail of state land and furnish the same in the next meeting to be held on 05-09-2008.
- It was decided that team of LU Dept shall visit the Districts and supervise the process of allotment of land.
- In each Taluka, a Special Cell must be established for this purpose and name of focal person be intimated with telephone and cell number.
- District Committees must meet regularly and weekly progress report should invariably be sent to the PMU LU Deptt through fax on the prescribed proforma.

Summary of Field Data: Focus Group Discussions

Province: Sindh

Districts: Nawab Shah, Thatta, Sukkur

District Nawab Shah (Total number of UCs covered: 2)			
Union Council	Village	No. of FGDs	No. of Participants
35 Daad	Ali Khan Jatar & Chanesar 1	0	0
Gora Marri	Mir Muhammad	0	0
District Thatta (Total number of UCs covered: 5)			
Begna	Achar Bhako	1	29
Chato Chand	Ali Nawaz Brohi & Haji Jumman Magsi	1	18
Kadh Malak	Mohammad Chalko	1	17
Mehar	Goth Khamu Chandani	1	19
Tando Hafiz Shah	Goth Mashooq Ali Khoso	1	21
District Sukkur (Total number of UCs covered: 3)			
Daadloio	Rustam Khan & Lemo Bullo	0	0
Patni	Abhijana	1	20
Tarai	Meer Bhambhro)	1	23

Total number of UCs covered: 10

Total number of Villages: 13

Total number of FGDs conducted: 7

Total number of FGD participants: 147

Summary of Field Data: In-depth Interviews

Province: Sindh

Districts: Nawab Shah, Thatta, Sukkur

District Nawab Shah (Total number of UCs covered: 2)				
Union Council	Village	Interviews with successful beneficiaries	Interviews with women allottees with disputed title	Interviews with unsuccessful applicants
35 Daad	Ali Khan Jatar & Chanesar 1	1	0	3
Gora Marri	Mir Muhammad	3	0	0
District Thatta (Total number of UCs covered: 5)				
Begna	Achar Bhako	3	0	1
Chato Chand	Ali Nawaz Brohi & Haji Jumman Magsi	5	0	1
Kadh Malak	Mohammad Chalko	3	0	1
Mehar	Goth Khamu Chandani	3	0	3
Tando Hafiz Shah	Goth Mashooq Ali Khoso	4	1	1
District Sukkur (Total number of UCs covered: 3)				
Daadloi	Rustam Khan & Lemo Bullo	3	0	0
Patni	Abhijana	3	0	2
Tarai	Meer Bhambhro	4	1	0

Total number of UCs covered: 10

Total number of Villages: 13

Total number of in-depth interviews conducted: 46

Total number of interviews with successful beneficiaries: 32

Total number of interviews with women allottees with disputed title: 2

Total number of interviews with unsuccessful applicants: 12



Women's Resource Centre

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