



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

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Information on land disputes in Pakistan.

A *United Kingdom Border Agency* operational guidance note, in a section titled “Land disputes” (paragraph 3.15.7), states:

“Land disputes are prevalent in rural and urban areas throughout Pakistan. A revenue court system has jurisdiction over disputes regarding land documents, tenancy, land revenue, and land transactions. Disputes are heard at the tehsil level (a level of local government similar to a county) by the tehsildar, the officer responsible for the collection of land revenue and land administration. A Chief Settlement Officer and the provincial-level Board of Revenue are the appellate authorities within the revenue court system. The revenue court system, which is designed to provide a specialized, local, rapid resolution of disputes, has been criticized by landholders as time-consuming, complex, and subject to corruption. Land administration offices do not publish procedures for bringing a claim, documentation of land rights is often missing, land records maintained by the local authorities are often incomplete or of questionable validity, and land administration officials such as the patwari often do not appear to provide evidence. Cases may take years to resolve.” (United Kingdom Border Agency (August 2011) *Operational Guidance Note: Pakistan*, p.22)

Paragraph (3.15.8) of this note states:

“Pakistan’s formal court system also has jurisdiction to hear land cases, creating a parallel structure of courts. Land disputes are the most common form of dispute filed with the formal court system, perhaps in part because filing a case may stay a pending revenue court proceeding. Pakistan’s judiciary is hampered by low pay, poor training, and a large volume of cases. Between 50% and 75% of cases brought before lower-level civil courts and the high courts are land-related disputes. By one estimate, over a million land cases are pending countrywide. Major causes of land disputes are inaccurate or fraudulent land records, erroneous boundary descriptions that create overlapping claims, and multiple registrations to the same land by different parties. Credible evidence of land rights is often nearly impossible to obtain. Land cases can take between 4 and 10 years to resolve, with the party in possession of the land delaying adjudication in order to prolong the period of beneficial use.” (ibid, pp.22-23)

A *Daily Times* article states:

“On one hand cost of property in capital is running high and on other hand land mafia is in full boom for its vested interests causing land disputes to reach considerably high while the persons involved in these cases are hopeless as they see no hope of solution to these problems as it takes decades to resolve.” (Daily Times (24 July 2011) *Land mafia rules the capital*)

This article also states:

“According to court official, disputes over land issues are on the increase in the federal capital. Locals in and around the city allegedly sell their lands and then try to cancel the agreements. He said that land ownership is highly concentrated in rural areas of capital and a root cause of persistent poverty and instability countrywide. He said that the land dispute is a burning issue in district court because the property price is very expensive in Islamabad and with the passage of time it is increasing. He said that these cases take so long generation-to-generation but their issues are not resolving.” (ibid)

A paper presented at the 2010 *International Federation of Surveyors* conference, in a section titled “Institutional Issues” (3.2.1), states:

“All clients said that inaccuracy and complex nature of the present LAS exacerbates land related disputes. This creates doubts about tenure security in land owner’s minds due to which they can not use their property for any mortgage and loan from banks. Moreover, land transactions are relatively expensive and disputes about the correctness of land rights are caused among others by an inefficient and dispersed land record system (Qazi, 2005). 46% of the BOR officials (thirteen officials including Patwaris and Naib Tehsildars) pointed out that the government does not provide any funds to Patwaris for stationary which affects their performance. 87% of the clients accepted that official procedures in the present LAS are so complicated that these always lead to delays in court decisions that affects the land market directly or indirectly both at local and national level. 87% of the clients also admitted that the lack of credible information and insufficient cooperation of land administration officials during land disputes generate considerable delays in resolving pending cases in courts. Mumtaz and Noshervani (2006) also mentioned that the legal procedures in land cases are complex and the duration of a land case may go beyond the litigant’s lifetime.” (International Federation of Surveyors (FIG) (16 April 2010) *Land Administration System in Pakistan – Current Situation and Stakeholders’ Perception*, p.11)

A *UN Human Rights Council* report refers to the use of blasphemy charges in land disputes as follows:

“Charges of blasphemy are indeed sometimes used for personal or political reasons. They have been used to settle scores unrelated to religious activity, such as intra-family or property disputes and more broadly to intimidate, threaten or punish people who belong to minority communities. In many cases, religious violence has occurred in villages or cities where land had grown in commercial value. Mosque leaders have allegedly exploited the religious sentiments of Muslim people to chase Christians or Ahmadis away in order to grab the land they occupied.” (UN Human Rights Council (23 February 2010) *Written statement submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status*, p.4)

See also report from the *Asian Human Rights Commission* which states:

“It is said that the land around the Bahmani Wala village has now become prime land and some land grabbers want to occupy it through their connections in the Punjab provincial government. For that purpose they have hired the Muslim clerics of the province to lodge a communal movement against the Christian community. The local

authorities feel it is better to grab the land of Christians in the name of blasphemy.”
(Asian Human Rights Commission (2 July 2009) *Pakistan: Around 100 houses belonging to Christians damaged, and a young man beaten to death*)

A *Daily Times* article states:

“With the launch of new housing societies and commercial areas in capital, the land mafia is flexing its muscles to make money that is resulting in increase in land disputes and people are approaching district courts, which have received 1,379 cases in last three months from July- September 2011. Meanwhile, the persons involved in these cases are hopeless, and they think that the crop of court will not yield fruit as it take decades to resolve land disputes.” (Daily Times (26 September 2011) *1,397 cases of land disputes filed with district court in 3 months*)

A *Dawn* article states:

“Land and property disputes leave all other motives for murder far behind in the federal capital. In the past, such disputes used to be prevalent in rural areas but the growing trend of urbanisation has brought it to the peripheries of big cities where price of real estate has been rising fast. Since Islamabad is the choicest place for many, particularly the moneyed class, to live in or invest, land here fetches the highest price. Market sources say price of land in Islamabad is 100 per cent higher than in other big cities of Pakistan. In such a situation, forays by the mafia and disputes over land in the city's rural areas are inevitable. Such disputes have risen mostly in those areas of the city which are developing as satellite towns. Many of the cases have been reported from localities like Alipur Farash, Phulgaran, Bhara Kahu, Sihala and those falling in the northern and western parts of the capital. Majority of the disputes have led to target and revenge killings between the contending family members.” (Dawn (16 March 2010) *Land disputes behind most murders in Islamabad*)

A September 2011 *Right Vision News* article states:

“At least eleven people including a woman were killed in exchange of fire between two groups over a land dispute in Bari Kot area of Upper Dir. Several injured have been shifted to the hospital. According to police, the gun battle started over a disputed piece of land killing eleven people on the spot and injuring several.” (Right Vision News (20 September 2011) *Pakistan: Woman among 11 killed over land dispute*)

An October 2011 *Right Vision News* article states:

“A man was killed and 25 others were injured over a land dispute in Mian Channu. According to police, Abdi along with others opened fire and killed Sabir and injured 25 others including women and children.” (Right Vision News (7 October 2011) *Pakistan: One killed, 25 injured over land dispute*)

See also October 2011 *Right Vision News* article which states:

“At least four people of a family including a minor were killed and three injured in Ranipur area of Khaipur over a land dispute. According to area police, Narija and Jatoi tribes have been at loggerheads over a piece of land. Some unknown armed men entered

house of Qadir Bux Narija and opened fire killing his wife, Marvi, one and half year old daughter, Rozeena, Sohnu and Saddrudin and injuring three others.” (Right Vision News (12 October 2011) *Pakistan: 4 killed over land dispute*)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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