

Gender and Land Reforms in Pakistan¹

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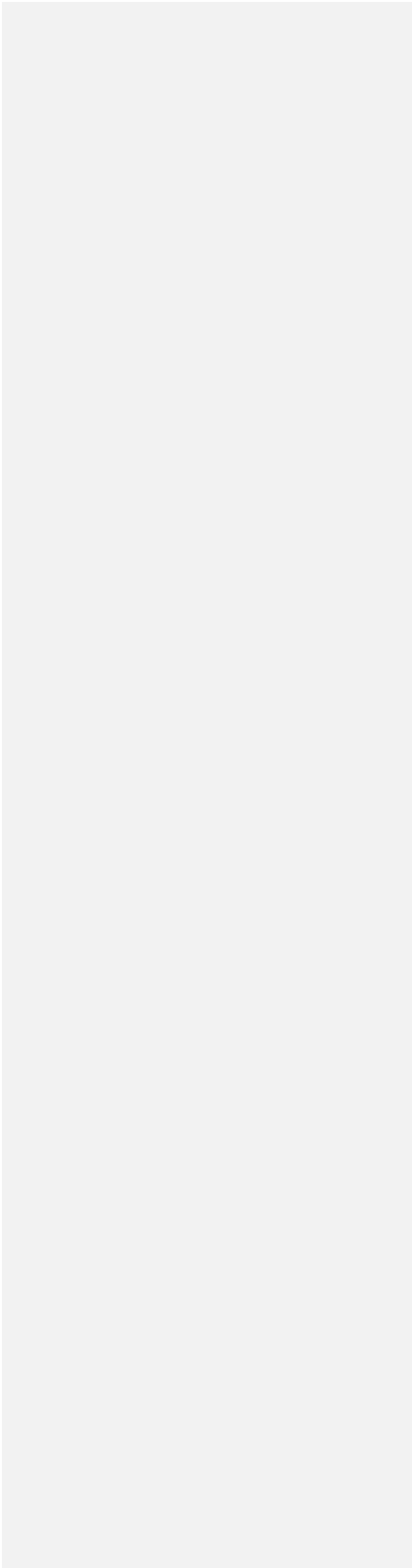
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Gender and Land Reforms in Pakistan

Nazish Brohi

1 Background

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Women's land ownership and control have important connections with their empowerment in Pakistan's agricultural context. However, the link between these has largely remained unexplored; and there has been negligible research to determine how many women own or control land in Pakistan. The Sustainable Development Policy Institute (SDPI) carried out a multiple pronged research in 2007-09 to fill this knowledge gap and to examine the causality behind women's land ownership and empowerment. The research focused on women's rights vis-à-vis the inheritance framework of private agrarian land; and did not encompass private residential or commercial property, neither did it cover other possible means of land acquisition by women like through purchase or as gifts.

The research spanned rural areas across all four provinces of Pakistan, drawing on national laws, existing policies, literature review and field work. The qualitative data was gathered through interviews, surveys, focus group discussions, life histories, narratives and case studies.

This Policy Paper briefly traces the chronological evolution of land organization to examine the context, direction and underlying objectives of the three state-led land reforms in Pakistan. It will do so with a specific focus on the interface of land politics and gender relations, with the understanding that land, among other resources, has been one of the key components for maintaining patriarchal control of women; that rural women's lives are intimately connected to land, on which they are direct stakeholders.

Women and Land: Historical Context

From very early on, land has featured in the sub-continent as a tool for mediating and conferring power and has been dealt with as a project of disciplinarian governance. The mention of women's rights has been absent from the general discourse regarding land rights. The question of land rights is assumed to be related to an undifferentiated homogenous category of landless poor peasants, ignoring the power relations and hierarchies within the poor, which place women below men, single women below married women, low caste Hindus below Muslim.

The persistence of the power structures governed through land has remained largely unchallenged: poor peasant women have not emerged as a group claiming their rights to land because women's relationship with land has always been mediated through their relationship with men and pursuing right to land would most likely mean alienating male relations and compromising the only support system that they get through their dependence on men; and because land rights of women has had neither male patronage, nor has it been taken up as a pivotal concern of the women's movement.

The Mughal rule had installed a system of intermediaries like the *zamindars* and *jagirdars*² to collect revenue from the peasants. The traditional land use and ownership patterns changed with the demise of the Mughal rule and the advent of the colonial rule; however the British colonizers entrenched the monopoly of these *jagirdars* and *zamindars* by conferring on them proprietary rights to land to ensure local governance and stable revenue collection from the peasants. Pakistan inherited the same exploitative relationship patterns and issues pertaining to land rights.

Pakistan and Land Reform Legislation

A major reason why land issue could not be dealt with effectively by the Pakistani government was the domination of the big landlords in the local politics in the formative years. The first land reforms under the Provincial Tenancy Act 1950 granted peasants very modest concessions and yet these were met with strong resistance in the provinces of Punjab and Sindh by the ruling landlord elites.

The second land reforms in 1959 under the Marshal Law of General Ayub Khan were implemented with relative success because the dictatorship was not that dependent on local support of the entrenched powers of the landlords. Though inadvertently, these reforms did secure some advantages for women by limiting individual holdings for the first time due to which reason family and women assumed importance as caveats through which to keep landholdings secure. The ruling elite exploited the ambiguities in the law and co-opted the smaller land lords to increase their influence and to circumvent the redistribution of land to the deserving landless peasants. In the long run, these reforms also failed to dismantle the power of the ruling clique. The Government passed the Muslim Family Laws Ordinance IN 1961 securing rights for women in issues like marriage, divorce, separation and maintenance antagonizing the religious right and the traditionalists. However, the issue of landless peasant women's right to land was yet again ignored.

The land reforms of 1972 led by Zulfikar Ali Bhutto's People's Party were premised on populist sentiments of reclaiming the dignity of the common man through a focus on 'people power'. However, the discourse just like in other previous and following regimes remained within the parameters of the traditional framework, homogenizing the poor masses under the garb of general inclusion and allowing spaces for the landed elite to jump on the bandwagon of pro-poor reform thereby preempting any real radical pro-poor changes. The Bhutto-led government promulgated another set of land reforms in 1977 to reinforce the 1972 reforms. But, the implementation was halted when the military government usurped power from the civilian government and amended the Act in 1982.

The 1977 reforms withdrew the provisions of land exemption provided to religious institutions, and were met with intense opposition by the religious-political lobbies. As a result, the issue was taken to court, and courts subsequently declared land reforms un-Islamic. This strengthened the regime's claim of Islamic credentials, which were used extensively against women.

² Feudal lords.

Analysis

All of these laws related to land reform had a built-in gender bias. The inaccessibility and complexity of the legal requirements and bureaucratic processes further diminished the chances of women claiming and acquiring whatever limited rights they were granted through legal reforms. Religious rights of inheritance were granted to women, but the ownership and transfer of agricultural land continued to be governed by customary laws that excluded women. Women were not enrolled on revenue records as tenants and therefore could not receive land; their economic contribution inside and outside the home and the agricultural labor that they provide was never acknowledged; the process of requesting land ownership has always been arduous and lopsided against the economically disadvantaged peasant women.

Though the land reforms failed in rectifying the unproductive and unjust system of land-tenure in Pakistan, they helped in developing a collective condemnation and rejection of feudal practices on the intellectual plane; and they also dispelled the myth regarding the concentration of land being natural and immutable.

However, solely hammering on the issue of land ownership affords a partial view of the problems of the rural peasantry. Given that the state has been hampered from equitable land distribution due to the vested interests of the entrenched power structures, it still does not explain the state's failure in providing the basic facilities like health and education to the rural peasants. So the problems of the landless peasantry must be seen in the broader context of democracy and lack thereof.

As far as the question of women's land rights is concerned, these also needs to be seen in the broader context of systemic and institutional biases against women. Women are generally considered to be weak, dependent and in need of protection. Any decisions favoring them are generally condescending and not based on a perception of women being equal citizens.

A study of the dialectics of land politics shows all change has not necessarily been progressive, or more accurately, that what constitutes progress is contested. Regulation of tenurial relations has led to tenant evictions and reliance on (therefore increase of) wage labor and seasonal labor that has no tenure and no security and no legal or social protection. Even technological advances have not enhanced working conditions, often making low skilled workers redundant, without any supplementation of skills. Nor are feudal landlords any longer the only locus of power in rural Pakistan, with the increasing advent of commercial and corporate farming.

Any change in landholding patterns, whether adjustments or overhauls, are symbolic of structuring social relations. And so, land reforms maintain their radical promise. They have an important psychological and political effect in the short term, and their dynamics can create an escape valve for class tensions. In the long term however, land reforms (especially for women) must be accompanied by deeper structural transformations to achieve any significant change.