

LIVELIHOOD RIGHTS OF PEASANTS **AND RURAL WORKERS**

By: Mazhar Arif

"And the great owner, who must lose their land in an upheaval, the great owners with access to history, with eyes to read history and to know the great fact: when property accumulates in too few hands, it is taken away. And that companion fact: when a majority of people are hungry and cold they will take by force what they need. And the little screaming fact that sounds through all history: repression works only to strengthen and knit the repressed. The great owners ignored the three cries of history. The land fell into fewer hands, the number of the dispossessed increased, and every effort of the great owners was directed at repression. The money was spent for arms, for gas to protect the great holdings, and spies were sent to catch the murmuring of revolt so that it might be stamped out. The changing economy was ignored, plans for the change ignored; and only means to destroy revolt were considered, while the causes of revolt went on."

(Grapes of Wrath by John Steinbeck)

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PREFACE:

Rural poverty remains one of the crucial unanswered questions in the economy of Pakistan. Despite the claims of the reported increase in economic growth which should technically reduce poverty, the poor in Pakistan are not only remaining poor but are becoming poorer. For a country where most of its population lives in rural areas and the majority depend on agriculture, this is an alarming concern which needs immediate action.

The rural population lives in abject poverty, with having no security of livelihood. One of the main causes of this is that there are no effective legal reforms regarding land and agriculture. Other causes include the constant increase in unemployment with no alternate means of livelihood, meager wages and the ever increasing inflation.

The agricultural economy of Pakistan is on the decline, the cost of input is increasing while the output is decreasing which has resulted in agriculture in certain areas no longer being a beneficial form of earning livelihood. Since these peasants and small land owners don't have an alternate mean of livelihood, they take out loans to compensate for the increasing price of inputs which results in terrible debt that they are unable to pay off and they end up losing the meager amount of land that they have.

The Govt. of Pakistan fails to provide the security needed by this part of the population. With the fluctuating political arena and no permanent policy structure, the rural population is often the worst sufferers.

SAP-PK believes that every human being deserves to be protected of its basic human rights. Most of the population of Pakistan, especially the peasants, rural workers and women are unaware of their rights. According to the labor policy of Pakistan, workers have rights to security of employment and minimum wage. The rural workers in Pakistan are denied the status of a 'worker' and thus are denied these basic rights.

SAP-PK is working to improve these present conditions by increasing the awareness of this part of the population. The purpose of this paper is to thoroughly investigate and present the prevailing conditions as well as giving ideas to improve the conditions. The basic objective is to spread the awareness of their rights to these people and to give them a platform to discuss their issues and take it to policy level so that these issues are resolved.

This paper discusses in detail the problems which are faced by these rural workers. It highlights the atmosphere which currently prevails and gives the recommendations which are necessary to achieve the objectives which are put forward by SAP-PK

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CHAPTER ONE

INTRODUCTION TO THE PROBLEM

The real Pakistan is the Pakistan of the countryside. Over 70 million peasants and rural workers have been the backbone of the agriculture in the country which accounts for 42 % of full time employment and 23% of GDP. More than 60 per percent of population lives in rural areas and 67.5 per cent of rural population depends on agriculture for sustenance.(1)

The well being of the poor rural community continues to be a matter of grave concern for the planners and policy makers in the country. The people who are peasants, cattle bearers, landless laborers, are all leading a miserable life, many choose to end their lives rather than living in such conditions.

REASONS FOR THE INCREASE IN SUICIDES

Poverty and economic hardship are the chief causes for the increasing number of suicide cases in Pakistan. According to official figures, it has been reported that the suicide rate has increased as in 2006 the number of people who committed suicide was 222 as compared to 167 in 2005, The data obtained by Daily Times from the regional directorates of the Ministry of Law, Justice and Human Rights in Karachi, Lahore, Peshawar and Quetta revealed that over 50 percent of the suicides were committed because of poverty and economic hardships which is a point of concern for the government and policymakers who have been claiming that poverty in the country had decreased by eight per cent in the last few years. The Karachi directorate of the ministry reported 150 suicide cases in 2006 of which 50% committed suicide because of poverty, unemployment or financial constraints. Around 10 % of the suicides were committed to avoid decisions from 'jirgas' and 'waderas'. (Daily Times, Lahore, February 19, 2007)

THE RICH-POOR DIVIDE

In early 2006, the Government of Pakistan claimed a reduction in the nation wide poverty from 32.1% in 2001 to 25.4% in 2005. But at least a part of the general public and media remained skeptical of the progress in this area, citing continued unemployment and under-employment and increased inflationary pressures, especially the rise in the price of food and energy, which especially hurt the poor (and the middle classes).(2)

However, in the 2nd week of February, 2007, while releasing the report of annual assessment of Pakistan's Poverty Reduction Strategy Papers (PRSP i.e. the strategy that has been employed by a country to "produce broad-based growth and reduce poverty" and is prepared by all members states in collaboration with the IMF and World bank), the government admits a rise in the rich-poor divide. The report says that "the ratio comparing what the top 20 per cent of income earners in Pakistan earned to what the

bottom fifth earned rose from 3.76 in 2000-01 to 4.15 in 2004-05". This provides a solid proof that the gap between the rich and the poor has widened.

“While disparity between the top and bottom fifth of the country is, of course, to be expected, what is troubling is its widening, the number of those poor is rapidly increasing. Not only that, those already poor are getting poorer while the rich are getting richer. The question that then comes to mind is why the government does not have policies in place that allow the poor to increase their wealth instead of the already established segments of the society”.(3)

POVERTY PROFILE

Asian Development Bank Report (July 2002) says that poverty in Pakistan has historically been higher in rural than urban areas. Poverty rose more sharply in the rural areas in the 1990s, and in the financial year 1999 the incidence of rural poverty (36.3 per cent) was significantly higher than urban poverty (22.6 per cent). Inequality also increased in Pakistan during the 1990s, in both urban and rural areas. While agriculture is the pre-dominant activity in rural society, a substantial proportion of the rural labor force, estimated at more than 40% which depends entirely on non-farm activities. (4)

Women in Pakistan suffer from poverty of opportunities throughout their life cycle. In particular, women’s access in the labor market is determined by rigid gender role ideologies, social and cultural restrictions in the work place, segmented labor market and employers’ gender biases. It is increasingly evident from the studies on feminization of poverty that women bear a disproportionately high share of the burden of poverty within the family and the society. Studies indicate that the poorer the household, the higher is the likelihood of its dependence on female labor. At the same time, micro-level studies in rural communities indicate that in those households where women’s productive labor is critical for the survival of the family, there is more impoverishment due to the low economic value of female labor. (5)

The poor usually lack income and assets. According to the Federal Bureau of Statistics data for the year 1999, there is a significant and large difference in the amount of land per capita owned by poor and non-poor households. Similar differences exist in the ownership of livestock, housing, and other assets. The poor also have limited access to infrastructure.

Poor parents give child to clear hospital bill

A poor couple has given away their new born baby to a childless couple because they could not pay the hospital bill for the birth, the mother said. Mohammad Hanif and his wife Hakimzadi gave away their five day-old son to the childless couple who paid Rs. 4,500 (\$75) bill to the hospital. “We already have six children while three others died because we could not care for them. At least this child will be taken care of,” Hakimzadi told Reuters at her home in Tando Adam. “It is our child and we can do what we want with it,” she said. District Police Officer Zafar Iqbal said police were investigating.

Hakimzadi said her husband was a laborer and a chronic tuberculosis patient who could not afford to feed their other children properly. (*Dawn, Islamabad, March 16, 2007*)

PEASANTS' INDEBTEDNESS

In the absence of a land policy, lack of interest in its sub-sectors other than crop farming, unjust distribution of land, distribution of state land among non-peasants and environmental degradation, the agriculture sector and rural population continues to face many challenges. Over the years, a substantial part of farm land has been lost to rampant urbanization and lavish consumption by real estate development projects. According to a study, the total farm area in Pakistan has fallen from a high in 1972 to an all-time low in 1990. In fact, except for Baluchistan, all the three provinces have lost land on which farming takes place. Punjab has lost as much as four million acres since 1972.

More than half of the total cropped area in the country is affected by water-logging and salinity, thus losing productivity. Total waterlogged area is 14.5 million hectares whereas total cropped area is 23.04 million hectares. The World Bank's *Pakistan Poverty Assessment Report* says "soil degradation, due to water-logging and salinity, is quite significant in rural Pakistan, particularly in the Sindh province and in Southern Punjab. As a consequence of pervasive land tenancy, available medium and long term measures to combat soil salinity are rarely undertaken, resulting in loss of cultivated area and low yields."(6)

Decline of agriculture and shrinking livelihood opportunities have resulted in rising poverty in rural areas whereas small farmers, peasants (landless and small-holding tillers and tenants) are facing an ever-increasing burden of debt. It is important to note that credit to small farmers now constitute 88 percent of total agricultural credit provided by Agricultural Development Bank of Pakistan.

In 2000-01, small farmers owning land up to 12.5 acres borrowed more than 15 billion rupees from the Agricultural Development Bank of Pakistan, whereas owners of large holdings (above 100 acres) got only 443.2 million rupees during the same period from the Bank. Before the drought years (1996-97), the total loaning to small farmers amounted to 4 billion rupees, which doubled the following year (1997-98) to 8.5 billion rupees, and in subsequent year (1998-99) it jumped to more than 14 billion rupees. This shows how badly small farmers were affected by the drought.

Loan advances by the Agricultural Development Bank of Pakistan (By size of holding)

(Rs. in "000")

year	Upto 12.5 acres		Over 12.5 to 50 acres		Over 50 to 100 acres		Over 100 acres	
	Number	Amount	Number	Amount	Number	Amount	Number	Amount
Pakistan	22064	720383	36602	1680965	7860	3855228	1678	107310
1983-84	22064	720383	36602	1680965	7860	3855228	1678	107310
1990-91	51090	3136873	32313	3062992	6417	844652	2836	533857
1994-95	98784	4352401	60952	6076120	7253	899786	2687	372572
1996-97	70793	4090537	43357	5393979	5000	808562	1768	336757

1997-98	201131	8539070	89650	92148427	13791	1882422	1857	302279
1998-99	295414	14229188	113706	11964807	14106	1927764	7101	954940
2000-01	296912	15062941	95142	10065954	10175	1342761	3567	443278

Source: Agricultural statistics of Pakistan, 2000-01, (P-161)

The above table shows 1300% increase in the number of loans to small farmers while increase in amount is 1600% in 16 years.

Heavy dependence on informal credit at atrocious terms, particularly by small farmers, is the bane of agriculture. Development of financial institutions as a source of formal credit was expected to reduce this dependence. However, after some reduction, this dependence has once again increased.

According to a study by the Pakistan Institute of Development Economics (PIDE), the share of non institutional credit, which had declined from 90% in 1973 to 41% in 1985, again rose to 76% in 1990 and 78% in 1996. According to the study, the share of landlords/farm machinery suppliers was 36% of informal credit followed by shopkeepers 16%, commission agents 12%, input dealers with 11%, professional moneylenders 3 %and processing units 2%. Others accounted for the remaining 11%. Indebtedness of all households to non institutional sources of credit increased from Rs 27.9 billion to Rs 54.6 billion while that of the farm households more than doubled from Rs 17.5 billion to Rs 37.5 billion, raising the ratio of total indebtedness from 61 to 68 %.(7)

Basic Urban-Rural Services and Training (BURST), a Karachi-based NGO, conducted a survey of 15 villages of Sindh. According to the study in a rural Mirpurkhas village, with a population of 1400 and average land holding of 1-5 acres, debt/farmer varied from 0.6 to 1 million rupees. In Thatta village, with a population of 2500 and average landholding of 4 acres, the average debt/ farmer was 0.4 million rupees. In Sanghar, a village of 900 people and 12 acres average holding, the debt/ head was between 0.4 to 0.6 million rupees. Unable to repay these debts, the farmers sold off their lands.

The study reveals that in Mirpurkhas, Thatta, and Sanghar villages, farmers sold 300, 100 and 300 acres, respectively. The study estimates that the average annual expenditure of a peasant household is Rs. 8936, just enough for the survival, while the total household farming income remains at Rs. 3673. This income falls far short of the minimum level required to fulfill basic nutritional needs, let alone other necessities of life like medical care and education. (8)

HIGH INPUT PRICES

The rising inflation is a major cause of worry for the poor peasants in the country. Fuel has become a primary source of energy in the agriculture sector. It is used to run tractors, reapers, thrashers, tube wells and other equipments. The price of diesel alone has risen by 300% in the last 3-4 years while the tractor owners charge 400-450 rupees per hour. This has forced some farmers to return to the old methods of plough, using their bulls and buffaloes. A farmer also depends heavily on the costly transport sector for the movement of inputs and agricultural products from farm-to-market and vice versa.

The prices of seeds and fertilizers have risen phenomenally, and the timely supply of fertilizers at controlled rates has become a perennial problem for the farmers and those with already lower incomes are the worst sufferers. The situation is also similar for the important pesticides. Their prices have also risen many times over the past few years. Next in line are the hardships a peasant faces when he/she goes to market or government procure centers to sell his/her products. The peasants hardly get the price fixed by government for their produce. Resultantly, the majority of the small farmers continue to suffer and their situation is becoming worse with every passing day. (9)

GLOBALIZATION AND CORPORATE FARMING

The process of globalization has weakened the capacity of the states to promote and protect rights. More and more power over economic and social policy and activities has moved from the states to IFIs and business corporations. States are increasingly held hostage by financial and other corporations to implement narrow and short sighted economic policies which cause so much misery to so many people, while increasing the wealth of the few. Business corporations are responsible for numerous violations of rights, particularly those of peasants, workers, women and indigenous peoples.

Recently, the concept of corporate farming has been introduced in Pakistan which is being vehemently opposed by the peasants' and workers' organizations. They are of the view that it will make the peasants totally dependent on the company and its drive for maximization of its profits. This will neither secure the livelihood nor the well being of the peasants. The corporations can pull out when it is not profitable for them to stay in the business and the agriculture sector will become dangerously vulnerable to the volatilities of the world commodity and processed food markets.

The affirmation of the right of peasants to land demands that all buying and selling of agricultural land between private parties and contract farming must be immediately banned, so that no peasant is forced to part with his land.

RURAL WORKERS

The rural workers, both men and women, are unorganized, low-paid, skilled and unskilled labor which exists in the formal and non-formal sector in rural Pakistan. Agricultural laborers are those who exchange labor in agricultural production, whether contractual or non-contractual, permanent or casual, whether paid in cash or kind. Small land owners who work on their own farms do not fall in the definition of agricultural laborers. This form of labor differs from tenancy, which implies control over land under cultivation and a certain amount of discretion in its use.

The Labor Force Survey (1994-95) by the Planning Commission of Pakistan estimated that the total labor force in the year 1997-98, would be 27.46% of the population, i.e. 38.18 million workers. Of this, 27.71 million would be rural workers. It is pertinent to note that agricultural laborers that comprised 1.1 %of the total rural labor force in 1951 had risen by the 1990 to 27.24 per cent as the tenants and peasants turned into laborers because of the Green Revolution. Landless sharecroppers who were evicted from the lands they were cultivating since decades had to become full-time wages laborers. (10)

The average annual income of regular laborers is approximately half (Rs.23, 000) of the national per capita income which is about Rs.47, 000. Subsisting on this meager income and hoping to educate children, enjoy some degree of healthcare or social security or saving for the future is but a dream for rural workers. Laws made during the colonial period as well as post-independence labor laws do not recognize the status of rural workers. There is no special law governing agricultural laborers. The industrial labor laws are not applicable to them. Regulation of the relationship between agricultural laborers and their employers is an absolute imperative. (11)

BONDED LABOR

Bonded labor, one of the most primitive forms of agriculture slavery maintained through a vicious cycle of debt and un-ending repayments introduced by the powerful feudal elites, still exists as a customary practice. In one of the provinces of Pakistan, over one and half million of peasants, mostly non-Muslim, are facing the tyranny of feudal lords as they are bonded labor. At times, they are forced to work enchained, they are confined into private jails installed by their masters and occasionally their families are subjected to torture and humiliation. (12)

LAND GRABBING

Peasants and rural workers like every other member of a society in this modern and scientifically advanced era, have a right to a secure livelihood, quality education, and health care, safe drinking water, housing and sanitation, reliable supply of electricity and access to modern communication facilities.

In particular, as producers who till the soil and produce food for the people and raw materials for the industries, peasants have an inviolable right to a secure and decent livelihood as the most basic condition for the prosperity and full development of the whole people. If those who labor and produce are on the verge of starvation and deprived of the means of production for the next round of production, the well being of the people becomes at stake.

Balochistan Assembly resolution against PAF ‘land grabbing’

The Balochistan Assembly unanimously passed a resolution against alleged “illegal occupation of private land by the Pakistan Air Force” in various parts of the province. Treasury and opposition parliamentarians passed the resolution against the PAF for its “illegal and un-Islamic” occupation of considerable private land without the consent of the locals who “legally own” the land. Abdul Rehim Bazai, an MMA parliamentarian, coaxed the provincial government into lodging a protest with the federal government against the forceful occupation of the land. The resolution demands the PAF stop occupying Pashtuns land illegally. (Daily Times, Lahore, March 20, 2007)

But, in Pakistan, this inviolable right of the peasants has been blatantly violated. Millions of acres of land have been distributed among the personnel of armed forces which should

have been given to the landless peasants. Since the early 1950s, the military has acquired millions of acres of land throughout the country for distribution to serving and retired armed forces personnel. According to one estimate, the armed forces control about 12 million acres, constituting about 12% of the total state land. Out of this, 62% is in the Punjab, 27% in Sindh and 11% in NWFP and Balochistan. About seven million acres of the total is agricultural land and has an estimated worth of Rs700 billion.

WHERE'S KHANEWAL FOREST?

Friday's proceedings of the Punjab Assembly provided some startling information regarding the province's fast-depleting forest cover. It was revealed that 7,000 acres of government land in Khanewal district had been handed over to the army for development as a 'model forest'.

No such thing happened and instead the army cut the trees that were already there and leased out the land to tenants for between Rs 5,000 and Rs 10,000 per acre. Initially, 500 acres had been sought to construct an ammunition depot.

This demand was then increased to 7,000 acres out of which 5,000 acres were to be developed as a model forest. However, according to the Punjab forest minister, the depot's construction was delayed after which the army leased out the land.

Other than the fact that the army should have been content with its original demand for 500 acres for an ammunition depot, the question that comes to mind is this: if the plan to develop the depot was abandoned for some reason, what rationale was there for it to cut the trees on the other 5,000 acres and lease them out? Also, if the plan to develop the forest proved an unlikely task for it, should it not have returned the land to the provincial government? That way at least the trees could have been saved. *(Editorial, Dawn, Islamabad, September 20, 2004)*

Interestingly, only about 100,000 acres are directly controlled by the armed forces and its subsidiary companies, the Fauji Foundation, the Army Welfare Trust and the Bahria Foundation, and distributed amongst serving and retired personnel. The remainder was given (at highly subsidized rates) to army personnel as awards to be used for their personal gratification.(13)

NEW LAND BARRONS?

Abdul Karim waited in the heat outside the Supreme Court for his case to be heard. Sitting miles away from his village in Bahawalpur, the poor peasant was contesting his right over three kanals (0.375 acres) of land that had already been awarded to him through an administrative decision. He had tilled the land for years and he was to be the rightful owner.

However, the land was subsequently transferred to Brigadier (Retd.) Muhammad Bashir, through another administrative order. The transfer of land to the army brigadier was part of the 33,866 acres of land given to the Army GHQ in 1993 in Bahawalpur by the provincial government. The Punjab government had transferred the land without checking its title. Out of the total land given to the army, the said brigadier got 396 kanals (49.5 acres) of land, out of which about three kanals belonged to Abdul Karim.

Brigadier Bashir contested Karim's ownership in the High Court, but the court upheld Karim's title. Not satisfied with the court's decision, Bashir filed an appeal with the highest court in the land. The Supreme Court of Pakistan also upheld Abdul Karim's ownership.

In its eagerness to favor military authorities, the district government representatives had given Abdul Karim's land to the army. Moreover, the local administration sided with the brigadier to disprove the respondent's claim over the stated land.

The Supreme Court admonished the district collector for acting capriciously and for arbitrarily transferring land that was marked as land not available for allotment. While upholding Abdul Karim's right to cultivate the land, the court also reproached the retired brigadier for impinging upon the rights of a poor peasant. In a historic judgment passed in September 2003, the Supreme Court bench warned against greed and forcibly and illegally depriving poor people of their rights. (*New Land Barrons? By Ayesha Siddiqa, www.desperdes.com*)

CHAPTER TWO

LAND AND LIVELIHOOD RIGHTS: A HISTORICAL PERSPECTIVE

LAND TENURE IN ANCIENT INDIA

Ancient records show that land has been under cultivation in India for more than 5,000 years. In the beginning, tribes exercised control (especially delimitation and defense) over the areas they had taken possession of. This right of the conqueror was the initial form of land right. The tribes allotted land to the individual families for their utilization, usually by means of shifting cultivation.

The jungle, which covered unlimited land, led to another form of land right, namely, the right of the first clearer. Whoever cleared a plot in the jungle also had the right to use this land. This individual right of utilization was only valid as long as the land was actually cultivated. As soon as it was abandoned, the power of disposition over it reverted to the tribe.

The strenuous work of clearing, the necessity of mutual help, small scale defense measures, and the expansion of the families led to the formation of villages which assumed the regulation of land rights.

The village which had individual land rights consisted of a group of families which had rights to the land on the basis of having cleared it. The claims of the families were limited to the cleared land. The uncultivable land in the vicinity of the village was jointly utilized, but no claims were made to it. It belonged to the ruler who, in later epochs, also granted permission to cultivate the land.

In the case of villages which held land rights jointly, the village community claimed the right to all land within the village boundaries and allotted it to individual families for utilization. The administration was not carried out by a village headman, but by the panchayat, a village council in which the individual families had their say.

Thus, at an early period, there were individual and joint land rights. But landed property, as known in the West, did not exist at all. The rights were a privilege granting inheritable utilization rights and included social obligations, especially taking consideration of the village community's interests. (14)

KINGS AND PEASANTS

About 5000 years ago the warmest time of the inter-glacial had passed, and the weather started on its long slide towards the next glacial period. This might have been why the nomads started to leave the steppe.

The tribes on the steppe tamed the wild horses which lived there, and learnt to build battle chariots. Horses gave them milk, meat and transport, making nomads very powerful warriors. They fought each other for the shrinking grass lands. About 4000 years ago, the nomads who lost the battles had to leave the steppe and search for pasture in other lands. Some may have entered China, some went into India, others went into Europe, while others went to the Middle East.

They easily defeated the cities, which had neither horses nor chariots. The nomads became kings and lords while the farmers became peasants. These kings fought each other, or searched for new land to conquer. *(History of the Universe)*

CHANGES IN LAND TENURE UNDER BRITISH RULE

India's invasion by the British brought about a complete transformation in the country's land tenure system. The East India Company experienced difficulty in its trading because the sale of British goods was insignificant in India. On the other hand, the exportation of gold and silver from England to pay for Indian goods was soon prohibited. The company found a solution by securing money from India to pay for Indian goods. It collected taxes for the Indian rulers which, in the beginning, brought revenues of only 10 % of the levied taxes, but, since the control over the amount of levied taxes became lax at the end of the Mogul period, its revenues increased. In addition, they were assigned areas as "jagir".

After some time, in 1793, Cornwallis' Permanent Settlement brought a final regulation of the procedure for levying taxes, which led to decisive changes in land tenure. The British believed that all the land belonged to the state and was thus at their disposal. They registered local tax collectors, who were called zamindars, as owners of the land in their district. These zamindars had to collect and deliver the taxes; the amount which was fixed at the beginning. To give them an incentive, they were free to decide how much to demand from the cultivators.

The right to the land conferred on the zamindars was alienable, rentable, and heritable. This meant the introduction of a complete novelty, in India. The privilege of utilizing land had become a saleable good. Those who had been cultivators until then obtained the status of 'occupancy tenants.' These occupancy rights were heritable and transferable and were not tampered with as long as the holders paid their taxes. In contrast to these, the tenants who cultivated land owned by the tax collectors were "tenants at will", i.e., they could be evicted.

The detrimental consequences of recognizing the tax collectors as landlords and of introducing the legal institution of saleable private landed property became evident and considerable changes occurred in India in the demographic and economic situation. The

industrial revolution in England, namely, brought about a change in the British policy in India. The objective was no longer to import from India, but to sell English products in India. Since the textile industry played an important role at the beginning of industrialization in England, very large amounts of cheap products manufactured by mechanical looms were exported to India and this soon led to a collapse in the textile home industry in India.

A large number of weavers became unemployed. In order to secure a basis of existence, they migrated to the rural areas and tried to lease land they could farm. The scope of this migration-Dacca's inhabitants alone decreased from 150,000 to 20,000 between 1824 and 1837, caused pressure on the rural areas and brought about a complete change in the relationships between zamindars and tenants. The monopoly of controlling the means to secure livelihood shifted power unilaterally into the hands of the zamindars who were able to extort more and more taxes as the demand for land increased. This led to indebtedness and often to the loss of occupancy rights and relegation to tenants at will.

The British land policy which lasted 150 years as well as the consequences of economic changes and the drastic population growth led to a complete change in the land tenure system in India. Whereas, formerly, the cultivators possessed the right of use and the government the right to impose taxes, now the rights in land were split into many pieces. In this process, not only did a large number of cultivators lose their valid land rights and fell in status to unprotected tenants and laborers. At the same time, the tax collectors became landlords and large landowners. A stratum of intermediaries who did not have a specific function developed, and the land passed into the hands of moneylenders. This caused an enormous differentiation in financial conditions, whereby, the mass of farmers lived in abject poverty.

MUTUAL RIGHTS AND OBLIGATIONS

To explain the further development following India and Pakistan's independence, it is very important to note that, admittedly, the economic situation of the different groups of the rural population had developed very differently, and a large part of the population became poor, although the social system remained intact. There existed a complicated relationship pattern between landlords, cultivators and landless people which was based on mutual rights and obligations and which provided everyone with a place within the rural society. The system aimed at satisfying the needs of everyone in the economic and social sector, and was based on the fact that all members depended upon one another.

Thus, the landlords owned land but were dependent upon the landless tenants, agricultural laborers, and village craftsmen to cultivate it. Inversely, the landless could not utilize their labor in an agrarian society if the landlords did not give them the possibility of working on the fields. This made it necessary for the landlords to maintain the landless' economic situation at least at a level which was not detrimental to their capacity to work, nor caused them to migrate. This not only forced the existence of a minimum wage, although very low, but also induced financial aid in emergencies, crop failures, etc. In addition, the landlords preferred not to meet obligations resulting from their labor relationships.

Such mutual relationships existed even in the social sector. The landlord assured the protection and representation of their workers externally, whereas the landless adopted a loyal attitude towards their employers, and were automatically on his side. This secured him power and influence and put him in a position to represent their interests. With the passage of time, these behavioral patterns became so ingrained that the obligations of the strong towards the weak became social norms, and paternalistic behavior was a prerequisite for being recognized as a leading personality. This norm, which is typical for rural societies, sets obvious limits to exploitation. It is true that the level of these limits was very low, but they guaranteed subsistence. It is also important to observe that the rights had been unilaterally shifted to the benefit of the landlords, but the landless did not consider themselves as exploited. (15)

AGRARIAN REFORMS SINCE INDEPENDENCE

During the last years of the colonial era, numerous congresses and commissions called for agrarian reforms and worked out appropriate suggestions. Prior to independence, the demand for agrarian reforms was part of the strategy of the leading political parties (as was of the All India Muslim League) to gain power and independence which fostered not only a favorable climate for such measures but also helped the new governments to legitimize their power. Not only the motivation but the measures were also very similar in India and in Pakistan. However, each time, they were enforced more rapidly and strictly in India, whereas Pakistan showed more regard for the landowning strata.

GREEN REVOLUTION AND LAND TENURE

In the second half of the sixties, technological changes took place in agriculture which exercised a strong influence on the production level. The yield increases resulting from the Green Revolution were so obvious that, within just a few years, the new technology had taken over in all of the regions where it was possible to apply it. It was remarkable that these large yield increases had been achieved without institutional changes in the agrarian sector. This soon led to the assumption that it was possible to develop agriculture without institutional reforms and that one could do so without the complicated agrarian reforms. However, this soon proved to be an erroneous conclusion. A more comprehensive analysis of the process shows that numerous bottlenecks arose due to the prevailing agrarian structure and that the implications of the Green Revolution actually made a change in the agrarian structure.

But the lower class, among whom great expectations were aroused but not fulfilled, is the actual loser in the agrarian reform process. The landless and the sharecroppers were not affected at all by the reform measures and benefited from land allotments only in specific cases. A large number of the previously protected tenants were deprived of their rights owing to the transition to self cultivation and quite a number of them now cultivated the same land, but under less favorable conditions.

This change had an un-favorable effect on the lower stratum. The replacement of feudal landlords by commercial farmers led to a transition from traditional to contractual labor relations. Thus the tenants and agricultural laborers were further deprived of the minimal securities which the former reciprocal relations with, and concern of, the landlords

represented and were thrown into the struggle for life without any protection so that, in view of the prevailing market conditions, they could only be losers. (16)

PEASANTS BECOME LABORERS

Such transformations brought about a basic change in the production factor ratios. The landlords observed that farming under the traditional conditions of sharecropping at a 50:50 ratio had become very expensive since, considering the new high yields, 50% represented more than twice the payment which had been usual until only a short time before. Moreover, one of the main tasks of the sharecroppers, the keeping of a pair of draught-oxen, had become superfluous because of the tractors. The landlords tried to change the ratio since they now wanted only human labor from the tenants and not draught animals.

It was not long before the landlords basically changed their labor organization. The tenants were dismissed and some of them re-employed as agricultural laborers. The rest of them were offered work only at harvest time. Some of the landlords even tried not to be dependent on this and purchased combine harvesters.

Thus, the trend that arose through the agrarian reform to change from tenant to owner cultivation continued to assert itself. The number of tenants decreased rapidly. Since the increase in the agricultural laborers' wages in the early years was minimal, the landlords benefited even more from the higher yields. Agriculture had become such a profitable business that even members of the upper urban stratum began to invest in land. The land market came into motion. The landowners tried to purchase or rent additional land to carry out their lucrative business on still larger areas.

The group of small landlords therefore drew considerable benefits from the Green Revolution and could decisively improve their economic situation, those who were already wealthy formerly became still richer and the gap between the poor and the rich became wider. But the change in their attitude was even more important. A downright hankering developed after earning money, and some of the people took to marked commercialism. The earlier paternalism, the obligation towards the laborers to care for them, was given up and the little security which the laborers and tenants had enjoyed was thus lost. (17)

CHAPTER THREE

LAND AND LIVELIHOOD RIGHTS

LAND

Land is at the centre of rural lives in Pakistan. Land has inherent value, and it creates value. A plot of land can provide a household with physical, financial, and nutritional security, and provides a laborer with a source of income. Land is a basis for identity and status within a family and community. Land can also be the foundation for political power.

Land can play multiple positions. A secure access to land can be a livelihood objective. Land is also a natural asset through which other livelihood objectives, such as gender equality and sustainable use of resources, may be achieved. In addition, land can be a route or opportunity through which a multitude of other assets become accessible.

Land defines social status and political power in the village, and it structures relationships both within and outside the household. Land is a productive wealth creating and a livelihood sustaining asset. Without secure access to land and means of production, the paradigm of daily survival compels the poor, due to circumstances beyond their control or influence, to live within short term horizons that degrade resources and fuel a downward spiral of poverty. How are peasants' rights to be addressed in the context of the issue of land? Peasants have a right to security of land holding which ought to be guaranteed for those who till it.

LAND AND WOMEN

In face of overwhelming evidence of the power of land in agrarian countries like Pakistan, the right to and control of land by women has not merited attention. Despite the investments made for 'gender balancing' and women's 'empowerment', employment is taken as 'the' principle measure of women's economic status, ignoring that economic status of men and households is measured through property ownership and control. Development focus for women seems to have been primarily on employment, education and health. It's obviously not enough. Because of divorce, widowhood etc., insecurity of tenure for women is separate and in addition to what they experience as members of families whose housing lacks secure tenure and who are therefore subject to eviction.

There are convincing arguments to build a case to strengthen women's access and control of land: it provides them a security they cannot derive from elsewhere and allows independence; it will empower women by increasing bargaining and market power and enhancing status; it will challenge political expediency that allows women's marginalization. Giving land to women would mean giving power. The impact on social, economic and political power can be almost immediate. Benefits of land are direct such as control of produce, indirect like access to credit and structural like change in gender relations within families.

Agarwal, in her seminal work on land rights for women in South Asia says that supporting women's legitimate share in landed property can prove to be the single most critical entry point for women's empowerment in South Asia.(18)

WHAT IS LIVELIHOOD?

A livelihood comprises the capabilities, assets and activities required for a means of living. A livelihood is sustainable when it can cope with and recover from stresses, shocks and maintain or enhance its capabilities and assets both now and in the future, while not undermining the natural resource base.(19)

The sustainable livelihoods approach seeks to increase the sustainability of the lives of poor people through promoting six core objectives:

1. More secure access to, and better management of, natural resources
2. More secure access to financial resources
3. A policy and institutional environment that supports multiple livelihood strategies and promotes equitable access to competitive markets
4. Better nutrition and health; improved access to high quality education information, technologies, and training
5. A more supportive and cohesive social environment
6. Better access to basic and facilitating infrastructure

WHAT ARE ASSETS?

Assets are categorized as social, human, natural, physical, financial, and political which may serve as both inputs and outcomes. Various vulnerability factors over which people have little or no control (such as environmental disasters and political unrest) impact the assets. Assets are also filtered through policies, institutions, and processes that determine the degree to which the people's livelihood rights are guaranteed.

LIVELIHOOD RIGHTS OF PEASANTS AND RURAL WORKERS

As land is a precious resource for people and is a source of livelihood for the peasants they have a right to the most modern means of production that will enable the production of enough food for the people and that will ensure the preservation of the soil and other natural resources over time. Along with land rights, those who till have a right to reliable supply of quality seeds, water, other inputs like manure, pest protection, electricity, instruments of mechanical production, basic infrastructure like storage, processing and refrigerated transport, credit and marketing facilities as well as assistance in the form of technical services, necessary for a modern practice of agriculture.

INTERNATIONAL PEOPLE'S TRIBUNAL ON EVICTION OF PEASANTS AND VIOLATION OF HUMAN RIGHTS IN WEST BENGAL, INDIA

A day long International Peoples Tribunal was organized by the joint initiative of a number of mass organizations and civil society organizations at the historic Calcutta

University Institute Hall on January 31, 2007. In this tribunal about 5000 peasants were present from Singur, Nandigram, Haripur and other adjacent places of West Bengal. The nine members' Judges Bench was comprised of retired high court judges from different states of India and eminent personalities of national and international civil society. In the light of recent Supreme Court judgment regarding the ninth schedule, the judges delivered their judgment of the People's Tribunal:

Article 21 of the Constitution has been interpreted by the Supreme Court of India in several cases as right to livelihood and it has been held that a citizen can not be deprived of his/her present liberty in livelihood without due process of law. Taking away somebody's livelihood amounts to taking away his/her life itself. If this principle is examined in the light of the material placed before us for acquiring the land of the small agriculturist for the establishment of an industrial empire for a capitalist like Tata it would amount to violation of Article 21 of the Constitution.

We feel that to deprive anyone from the land is similar to deprivation from right to life and livelihood and in that perspective we unanimously agreed that fundamental rights as detailed in the Indian constitution and all types of national and international human rights had been violated in Singur and Nandigram.

The land acquisition process in Singur and Nandigram bypassed the Panchayati Raj Institution.

The perpetrators of human rights to be treated at per law.

The state government must adequately compensate the victims of human rights violations in Singur and Nandigram for loss of life and damage of property.

While theoretically there will be no disagreement that all these inputs are necessary for production of agricultural crops, what needs to be elaborated and affirmed are the rights that go with production in agriculture and the principle that it should accrue to those who are the producers, not as privileges but as inviolable rights. Further, it has to be recognized that farmers have a legitimate right to have a say in deciding the public policy on agriculture. What should be the structure of landholding? What should be the balance between food crops and cash crops? What should be the prices set for the produce? What should be the orientation of agricultural policy and what will be the mechanics for its setting and implementation?

Livelihood rights are guaranteed by the Constitution of Pakistan and global and regional human rights bodies.

CHAPTER FOUR

THE CONSTITUTIONAL RIGHT

CONSTITUTION OF PAKISTAN

Article 38 of the Constitution of Pakistan guarantees livelihood rights of the people. It says;

The State shall:

- (a) secure the well being of the people, irrespective of sex, caste, creed or race, by raising their standard of living, by preventing the concentration of wealth and means of production and distribution in the hands of a few detriment of general interest and by ensuring equitable adjustment of rights between employers and employees, and landlords and tenants.
- (b) provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood with reasonable rest and leisure.
- (c) provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment.

It is quite evident in the light of above constitutional guarantees for right to livelihood and employment that Pakistani ruling elite has been violating the Constitution of Pakistan repeatedly.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 23 of UDHR says:

- (a) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.
- (b) Everyone, without any discrimination, has the right to equal pay for equal work.
- (c) Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- (d) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 25 says:

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

(b) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

ASIAN HUMAN RIGHTS COMMISSION

The Hong Kong based Asian Human Rights Commission in 2001 statement says “to peasants, farming is more than an industry. It is a way of life. It is the culture, history and livelihood of the largest number of inhabitants of this planet. Peasants and small farmers are the rightful guardians of a rich, diverse and unpolluted environment and as such there should be special legislation, which enshrines and protects the rights of peasants and small farmers”.

Peasants and small farmers have fundamental rights, including;

- (a) Right to live
- (b) Right to guard and use the natural wealth and resources on their individual ability,
- (c) Right to their agriculture production
- (d) Right to consume their produce,
- (e) Right to market their production and intellectual property right on their production,
- (f) Right to unite and organize, and
- (g) Right on self expression.

Although these rights are universally recognized, but in reality incidents of human right violations perpetrated against peasants and rural workers are massive and characterized by their large scale nature.

The green revolution policy caused the loss of peasants’ freedom to choose the crops they plant and the agriculture technology they use. This is because all states that have implemented the green revolution forced peasants to do farming by green revolution models. In fact peasants refused the green revolution policy because of its damage to the environment and destruction of peasants’ social structures. With the introduction of the Genetic Modified Organism (GMO) technology, peasants and small farmers will lose their natural wealth and resources. By using World Trade Organization (WTO) instruments, Transnational Corporation will be in advantaged position to force states to implement this technology and take away the natural wealth and resources from peasants.

The Commission in 2004 statement says “the woman peasant has a long tradition of harvesting, selecting and propagating varieties of seed for both nutritional and medical purposes. They are the principle guardians of the world's genetic resources and biodiversity. The traditional knowledge should be honored and respected and the skills passed on to new generations. The future of the human race depends on this.

The Commission demands the immediate implementation of genuine agrarian reforms which allow for the fair distribution of incomes, access for the poor to land and natural resources which have been appropriated by local elite (and transnational corporations), and for new management models which place human needs before profits.

THE DISTINGUISHING FEATURES OF ‘PEASANTS’

‘Peasants’ constitute a distinct type of agrarian producers having the following main characteristics:

(a) Farm—the pursuit of an agricultural livelihood combining subsistence and commodity production.

(b) Family—internal social organization based on the family as the primary unit of production, consumption, reproduction, socialization and welfare.

(c) Community—village settlement and traditional conformist attitudinal outlook. A peasant livelihood involves a changing agrarian labor process that is responsive to internal differences like climate, local resource variation, and demography, as well as to external stimuli like markets, taxation, and other forms of state intervention.

ASIAN HUMAN RIGHTS COMMISSION – ASIAN CHARTER

The Asian Charter further elaborates the rights of peasants and rural workers as:

- That peasants, fisher folk and agricultural workers have the right to pursue their livelihoods and to maintain their communities
- That peasants have the right to own the land they till and to be free from oppressive landlord relationship
- That peasants, fisher folk and agricultural workers have the right to education, to adequate health care and housing
- That peasants, fisher folk, workers have the right to organize on all levels, such as local, regional and national
- That peasants, fisher folk and rural workers have the right to participate and to be represented in decision-making processes that affect their lives and livelihood and that determine agricultural priorities and the development of marine resources
- That peasants and fisher folk have the right to be protected by the government against the aggression of foreign agricultural and “aquatic” interests and against

the consequences of unequal trade and other economic relations with foreign countries

- That peasants, fisher folk and agricultural workers have the right to pursue their livelihoods and to maintain their communities and they should be provided with necessary inputs in subsidy
- That peasants and fisher folk have the right to get fixed/guaranteed price for their produce
- That all people have the right to gainful and meaningful work
- That workers have the right to receive a just wage that enables them and their dependents to maintain an adequate standard of living consistent with their dignity as human beings
- That workers have the right to fair and humane working conditions and to a clean and safe working environment
- That workers have the right to receive equal pay for equal work, regardless of gender, ethnicity or social status
- That workers have the right to job security
- That workers have the right to organize and to unionize

Asian Human Rights Commission has also suggested following remedies against the violation of human rights including peasants' and workers' rights:

1 - Social and Political Remedies:

Persons and groups that suffer violations of their rights ought to have easy access to their elected representatives and other bodies, such as commissions on human rights etc. and to the press and other forums of public opinion. The access to such persons, institutions and bodies, must be easy, secure and open. The representatives of the people, at the local and national level, must be accessible to the people at all times the.

Creative and non-violent actions of the people, as individuals, small groups, or as mass movements, are the most potent remedy against rights violations. Non-violent vigils, meetings, processions, hunger-strikes and other activities such as documentation, legal assistance, providing of immediate assistance, ensuring protection can be carried out to protect the rights. Local, regional and international hotlines, which inform and alert people about violations, must be particularly established. Following campaigns should receive priority as remedies for rights violations:

- Scrapping of foreign debts
- Environmental protection
- Protection from all forms of displacement
- Provision of livelihood
- Reform of civil and administrative machinery to guarantee justice and protection of rights
- Participation in decision making processes

HUNGER ALERT HUNGER ALERT HUNGER ALERT HUNGER ALERT
ASIAN HUMAN RIGHTS COMMISSION - URGENT APPEALS PROGRAM
25 May 2006

HA-06-2006: PAKISTAN: Government neglect in drought-affected region leaves thousands malnourished in Tharparkar District

Dear friends,

The Asian Human Rights Commission (AHRC) has received information concerning the plight of several thousand villagers suffering from hunger and malnutrition due to the severe drought that has affected the Tharparkar District over the past ten months. Drought has been a common occurrence in the area, and while several welfare assistance programs exist in the country, the villagers in the district have not received any form of aid. Each day, the hunger situation worsens as people continue to lose their source of livelihood due to the drought.

The current drought in Tharparkar has left many villagers suffering from malnutrition and other hunger-related illnesses. The villagers rely on the consumption of milk from livestock as their primary source of food but the drought has killed off a large number of animals, and milk production has severely dwindled. Livestock comprises of almost 80 percent of the district's economy, and the shortage of animals has also significantly decreased the villagers' purchasing power. Thus, the victims can neither rely on animal husbandry and farming in the village as a source of food, nor can they afford to buy food in the markets. Potable water also does not exist in the area anymore as most of the ground wells have gone dry. This has increased the incidence of malnutrition and the young, elderly and pregnant are more susceptible.

The drought has also affected other areas of the victim's lives. Massive numbers of out-migration to unstable parts of the country has resulted due to the lack of food, water and income in Tharparkar. By the end of April 2006, it was estimated that 42 percent of the village's 1,200,000 residents had left their homes in the district. This has led to increased insecurity among women and children, a 10 percent increase in school dropouts who are now in search of employment, and a lower cost of labor.

On December 19, 2005, the Government of Sindh, through a notification, declared the entire district of Tharparkar as a calamity affected area, however no relief measure have been taken thus far in the affected area. This inaction comes in light of a meeting recently held by the Annual Plan Coordination Committee (APCC) in Islamabad that was expected to approve the allocation of funds for the second phase of a relief assistance program geared towards drought-affected areas. The first phase, known as the Drought Emergency Relief Assistance (DERA) was recently completed and deemed satisfactory in providing short-term development schemes in drought-hit areas by both the World Bank and the Asian Development Bank. However, no relief from this assistance program has gone towards the victims in Tharparkar District.

ADDITIONAL INFORMATION:

Drought has been of serious concern in the district in recent years. Since 1990, the people in Thar have faced 11 droughts. The District Administration has repeatedly recommended that assistance be provided by the Government of Sindh to the affect areas, but the government has only recognized a few of the droughts. In this drought season, the Government of Sindh has only provide subsidized wheat for two of the ten months that the drought has persisted, and all agricultural taxes and fines were still levied despite the area being considered in a state of calamity. Part of the problem stems from the procedure in which a district can be declared as drought-affected; it usually takes between three to eight months for the Government of Sindh to approve the notification by the district administration and even more time to provide assistance, causing even further malnutrition in the interim period.

Several civil society organizations have come together in order to address these concerns and draft a better system in which drought-affected areas can be declared and assistance can be provided. Drafts and proposals from these organizations, many which have also been shared with the Prime Minister, Chief Minister of Sindh and several other government officials, include the following recommendations:

- 1- The Sindh Calamity Act 1958 must be amended and reformulated as a Drought and Disaster Policy
- 2- The district government should be delegated the power to declare any area as a calamity-hit area in a timely manner
- 3- A special fund in the annual budget of the Sindh and Federal government should be allocated, and the district government must be authorized to utilize the funds
- 4-The Union Council leaders should be authorized to distribute relief goods in their respective union councils.
- 5- A separate department should also be set up to cope with disaster conditions, at the district and provincial level.

SUGGESTED ACTION:

Please write to the relevant authorities, urging them to investigate the hunger situation that has resulted from the drought in Tharparkar. Food and relief assistance must be immediately provided to the victims. Furthermore, the steps taken in drought-affected areas must be modified. Please urge the government officials below to examine the procedure taken in calamity-affected areas and request that the district government is given more authority and funds to allow for them to provide assistance in an appropriate and timely manner.

**The Permanent Peoples Tribunal on the Right to Food and the Rule of Law in Asia
is a project of the**

Asian Legal Resource Centre (ALRC)

2- Legal Remedies

According to the Asian Human Rights Commission, bills of rights incorporated into most of the constitutions would be of little effect if there is no adequate machinery for enforcement of such rights, and if such remedies are not finally supervised by the judiciary, which should have the final power to take corrective actions. The development of a concept of social action litigation (also known as public interest litigation) is one of the richer jurisprudential developments relating to the enforcement of rights. Such approaches must be adopted.

Laws need to be adjusted to technological developments, which make quick response to human rights violations possible. Defective laws and procedures should take part of the blame for disappearances, illegal detention, forced ejection from land and houses, and a host of other violations of rights which in fact are preventable if sufficient judicial notice is taken about these matters. The power of dealing with human rights violations needs to be extended to lower courts as well as to higher courts, in order that these remedies become available to people who live far away from the urban centers.

Besides, the court should not be accessible only on a prior payment of a court fee and through an advocate hired at his/her terms. In state action cases, adversary litigation has no place because it per se denies equality of status. No time limits should be imposed on bringing in complaints in such cases and discretion of the judiciary on such matters should not be limited by statute.

In several Asian countries, immunity is often granted for military, police and other para-military forces and persons for violations of human rights. Such immunity is repugnant to human conscience. It encourages lawlessness on the part of law enforcement agencies and breed contempt. Constitutional and other legal provisions need to be made to make such laws null and void. (20)

Military's Control of Land

The military's control of land feeds the largest social injustice in Pakistan: widespread poverty. Like the feudal class, the military has been known to use its power to redistribute land amongst its own without any regard for the country's poor ethnic populations:

In Bahawalpur, there are instances when land developed through years of hard work by landless peasants has been snatched away for distribution to the military bureaucracy. In the area of Nawazabad, the government awarded about 2,500 acres to various military personnel. Hundreds of landless peasants were evicted from state lands after occupying it for years without incident. In an interview, these peasants protested against being evicted from the land they had partially developed and reclaimed from the desert without even a fair hearing. When the peasants took their case to court, junior military officers threatened them, ridiculed the law and advised the peasants that even the courts could not save them from the army's authority. To the villagers of Nawazabad, there was no difference between the dominant feudal lords and the praetorian military. One local woman bitterly demanded, "If there is no place for us here then [the authorities] should put us on a truck and drop us in India."

In Okara, a conflict ensued between local tenants and the army that had unilaterally decided to change the terms of contract from share-cropping to rent-in-cash. While share-cropping pertains to an arrangement whereby the tenants share both the input and the output with the owner or whoever controls the land, the rent-in-cash arrangement dictates that land is cultivated in exchange for money, or rent. The additional benefit of share-cropping to the tenant is that his right over the land is recognized by law. The Okara farm tenants, who had resided on the land for decades and were responsible for tilling it, feared the new system of contract would empower the army, who were not even the owners of the land, to displace the poor tenants from their homes.

The Okara farms are part of the military farms group, Okara and Renala, which comprise 16,627 acres of land consisting of two dairy farms, seven military (oat-hay) farms and 22 villages. The prime proprietor is evidently the Punjab government, which leases the land to other people or institutions. In this particular case, the army had changed the terms of contract for land it did not own. To enforce its authority, the Rangers besieged the villages twice, imposed curfew, restricted freedom of movement, stopped supply of medicine, food and vegetables, and used numerous other pressure tactics. The report of Human Rights Watch has detailed testimonials of villagers victimized by the military authorities that were generally dismissive of the protest. Army personnel claimed that, rather than being a human rights issue, this was a local law and order issue incited by some NGOs.

Commenting on the Okara farms case, the (then) Director-General, Inter-Services Public Relations (ISPR), Maj. General Shaukat Sultan, said, "The needs of the army will be decided by the army itself, and/or the government will decide this. Nobody [else] has the right to say what the army can do with 5,000 acres or 17,000 acres. The needs of the army will be determined by the army itself."

The small fishing village of Mubarik, situated near the Sindh-Balochistan border adjoining the sea, was once the villagers' territory. For over five years now, they

have watched as their land has been slowly pulled away from under their feet. Generations of their families have lived there peacefully as fishermen, but no longer. A few years back, the villagers found that they could no longer move freely on their own land. The Pakistan Navy (PN) ordered the residents of Mubarik village to limit themselves to a small area. But that wasn't the only restriction. They were also told not to construct houses on the land because the adjoining land fell within the range of the navy's target-practice range.

The villagers claim that the PN broke a promise and extended its presence beyond a point that was previously assured by the navy to be the limit of their expansion. In fact, the PN has continued to expand its presence despite the fact that there is no provision in the existing rules for a naval cantonment. Meanwhile, the poor villagers are unable to contest their rights: they neither know the law, nor have the money to take legal action.

RESPONSIBILITY OF THE STATE

The primary responsibility for the protection and promotion of human rights, including rights of the peasants, workers, women, children, rests with state as envisaged in the Constitution of Pakistan. The rights of the people to just economic, social, political and cultural development must not be negated by the state or by their institutions. State must establish open political processes in which rights and obligations of different groups are acknowledged and the balance between the interests of individuals and the community is achieved. Democratic and accountable governments are the key to the promotion and protection of rights.

It is reassuring that the Pakistan's top brass is beginning to accept behind closed doors that the "poverty issue had not been effectively tackled over the past six years." The Planning Commission is contemplating measures to ensure better income distribution and improved employment generation. Budget planners are reportedly urging the government "to offer increased wages and distribute land among deserving people...to alleviate poverty." It should be encouraging that the government will now be contemplating land distribution and that the land reforms terminology is catching on even amongst some of the wealthy elite. Important question, however, is what land distribution means to the government, what it means to some "experts" who too are proposing land reforms, and what land reforms actually is to make a substantive dent in poverty and initiate inclusive development.(21)

GOVERNMENT'S RESPONSE

There is a long history of development initiatives which were started with a great deal of enthusiasm on the part of government, policy-makers and planners but were unable to achieve the stipulated objectives. Mechanization of farming and the application of green revolution technologies in the 1960s; agricultural support initiatives during the 1970s; five points program of late Prime Minister Junejo; People's program; Social Action Program; Tameer-e-Watan Program and the most recent Khushhal Pakistan Program are some of

the examples of development initiatives which in fact benefited the business class and the big landowners instead of poor peasants.

The governments, from time to time, constituted commissions, committees, task force to study and analyze, and suggest measures to improve the agriculture sector. But, they were primarily focused to increase agricultural production instead of improving living conditions of the peasants and rural workers. They were, however, conscious of the fact that poor health of the peasants and rural workers and poor living conditions hinder increase in agricultural yield.

Recommendations of National Commission on Agriculture (NCA)

National Commission on Agriculture, constituted in 1988 by the Ministry of Food and Agriculture, Government of Pakistan, suggested a number of measures to improve the conditions of poor peasants and enhance livelihood opportunities for landless rural people which are yet to be implemented wholeheartedly.

According to the Commission's report, the small farmers who constitute the majority of farming community should receive special attention so that they can also participate in and benefit from the development of agriculture. Small farmers are characterized not merely by the size of their holdings but by a host of factors that influence their productive potential and income generating capacity. These include land tenure, the differing access to credit and other crucial inputs, alternative opportunities for employment and income and the capacity and willingness to acquire and adopt new technology. Simultaneously, it is essential to create employment opportunities for the rural landless, which are at present at the bottom of rural poverty.

The report further says that an important conclusion reached by the Commission is that the grass root organizations of the farmers and rural people must be developed to enable them to take collective initiatives for the solution of their common problems and to protect their interests, especially in dealing with undue repression by unscrupulous public servants, merchants and money lenders. To this end, farmers should be assisted to organize cooperatives on sound business principles. Further decentralization of the local bodies system is necessary to create an entity close to the farmers, which can identify and appreciate their real needs and problems and mobilize them to solve their own problems.

The Commission recommended:

1- Low Cost Technology:

There is an imperative and urgent need for the development of low cost scale neutral agricultural technology which is presently very costly and is beyond the financial capacity of small farmers.

2- Cropping Patterns:

The existing cropping patterns do not provide sufficient income for the growing families of the small farmers or tenants. There is an immediate need for developing suitable cropping patterns for each area with a view to enabling the small farmers and tenants to make both ends meet.

3- Terms of Trade:

Ever since independence, the exchange rate, the trade and pricing policies have been designed to maintain domestic price stability, protection of urban poor, protection of the balance of payments and provision of incentives to industries. It is now statistically established that the transfer of resources from the agriculture to other sectors have been high. Terms of trade can be improved in favor of agriculture through gradual rural diversification, shifting the focus of agricultural production to high value crops, particularly on small farms and by improved marketing.

4- Commercial Centers (Kissan Bazars):

Small farmers and tenants can not bear the additional expenditure of obtaining agricultural inputs from distant places. It is necessary to provide a commercial center in each union council for the supply of inputs.

5- Rural Housing:

The living conditions of the small farmers/tenants/landless labor are shocking. Rural areas have a little of everything—jobs, services, facilities, amenities and opportunities. Consequently, the younger and enterprising rural residents are flocking to the already choking cities, creating katchi abadies/slums. If this problem is not tackled immediately, the rural areas will lose their educated or professional manpower.

6- Agrarian Reforms:

Measures to distribute the available state land to small farmers and landless tenants to upgrade small holdings should be adopted and the legal provision for the protection of the tenants' rights should be strictly enforced and consolidation of holdings should be accelerated.

7- Special Subsidies:

As a matter of policy, a large proportion of subsidies on credit, fertilizer, tube wells, water and price support operations should be focused on the small farmers.

8- Diversification:

Livestock and specialized crops (fruits, vegetables, condiments, spices) can play an important role by virtue of their income increasing and employment generation potential. An effective integration of livestock industry with crop farming will further strengthen the income base of the small farmers. Adequate arrangements should be made for training of the small farmers in a variety of professions so as to enable them to diversify their sources of income.

9- Awareness:

Radio and T.V. programs dealing with agricultural and rural development should emphasize the role and rights of the small farmers in the rural economy and encourage them to participate in local development activities.

The Commission emphasized upon much greater political commitment for successful implementation of the policies and programs recommended for achieving the objectives of increasing productivity of the small farmers and to improving the institutional framework for organizing the small farmers and the landless poor for solving their own problems.

RURAL POOR IN INDIA

In West Bengal, the combination of amended legislation, political will, and capable institutions led a million and a half sharecroppers to register their names and assert their rights to the land they cultivate. Women in Bihar formed work groups and received more produce and income from the land they farm. Legal aid services provided by law students in Andhra Pradesh are resolving land disputes that have been pending for years. And these are only a few examples of very early efforts. The range of land issues that could be driven forward by well placed interventions is considerable. The number of communities that could be benefited is staggering. And the potential for those interventions to have concrete, positive impacts on the daily lives of India's rural poor is enormous.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

NATIONAL LAND POLICY

The centrality of land in the economy; the political, social and cultural complexity of the land question, particularly the fact that for many communities land relations are also social relations, and the overall governance framework in which land issues are played out and resolved is important. Secondly, account must be taken of other macro and micro-economic policies impinging on the land sector, these include policies on agriculture, poverty reduction, industrialization, the environment, infrastructural development and urbanization. The formulation of a well conceived National Land Policy, with a broad-based consultative process, is an issue of central political importance. The ultimate purpose of land policy development should be to:

- eliminate all discriminatory practices in the manner in which access, control and transmission of land rights are determined
- ensure equity in the distribution of land through a system of land ceilings appropriate to deferent land use and ecological circumstances
- ensure that public land resources, commons, and heritage sites, are not appropriated by the political class
- recognize and strengthen the land rights of women, minorities and marginalized communities
- provide avenues for the speedy resolution of land disputes at all levels of social organization
- protect all land owning communities from external and internal encroachment, seizures and other forms of invasion by hostile agencies
- promote residential harmony between, and prevent ethnic cleansing among, various land communities
- establish people based institutions for the management of land resources
- institutionalize mechanisms for socially and culturally acceptable resolution of land disputes on a long term basis
- ensure that while localizing the process, it does not end up being de-concentration of state power rather than empowerment of local actors to either determine or manage local process (devolution of real decision—making authority). Distinctions have to be drawn between decentralized or de-concentrated exercise of basically state-run systems and empowering the community level to govern its land relations; and
- stop the privatization of natural resources necessary for food production to prevent and reverse the corporate ownership and control of these resources.

MEASURES SUGGESTED

For the protection and promotion of livelihood rights of the peasants and rural workers (men and women), the following measures are suggested:

1- Formulation of National Land Policy:

A National Land Policy should be formulated for achieving the above-mentioned objectives

2- Establishment of a Land Use Regulatory Authority

A Land Use Regulatory Authority should be made for conservation and rational use of land resources i.e. to ensure the use of marginal land for non-farm uses (urbanization, industrialization, construction of airports and roads etc.) instead of grabbing prime agriculture land. This is also recommended in Agricultural Perspective and Policy 2004 (22)

3- Public land for Public Good:

Government land must be distributed to landless peasants for the public good. The creation of a new breed of absentee landlords (serving or retired civil-military officers) must be stopped with immediate effect

4- Social Justice and Economic Efficiency:

There should be focus on social justice and economic efficiency so that land reforms must be primarily focused on ensuring social justice and economic efficiency in agriculture sector

5- Ownership Rights:

The clauses of the Tenancy Acts regarding state land and bonded labor should be amended to ensure freedom and ownership rights of the tenants

6- Loans:

Accumulated loans of indebted small farmers should be written off to enable them to cultivate their land at least at subsistence level

7- Land Related Issues:

Committees at federal and provincial legislative assemblies and at district government level should be constituted to watch land related issues

8- Peasants (men and women):

Peasants should be protected from all forms of displacement

9- Price Adjustment:

Realistic and sustainable price adjustment mechanism for oil, power and other inputs should be evolved with special safeguards for the rural poor

10- Decision Making:

Participation of the peasants and rural workers (men and women) in all decision-making processes must be ensured

11- Promotion of Women:

Women should get social equality, forming an active part of the economic and social life and contributing with their capability and intelligence to decision making.

12- Development of Farmers Organization:

In order to promote economic relations of equality and social justice, protection of land, food sovereignty, sustainable and equitable agricultural production based on small-scale farming operations.

LIVELIHOOD AND EMPLOYMENT CREATION

For the creation of livelihood and employment opportunities, the following measures can be taken:

- Labor-based infrastructure development projects should be promoted which is short term infrastructure work that would generate employment and income by maximizing the use of unskilled labor. Labor-based projects can be up to 50 per cent cheaper than equipment-based projects, and generate up to 20 times more jobs (23)
- Community contracting, an agreement between a community-based organization and an external funding agency to implement a development project, encourages partnerships between local communities and local governments. It therefore contributes to the social and political recognition of community-based organizations
- Cash-for-work refers to short-term temporary employment to generate provisional employment rapidly and inject cash into the community
- Food-for-work refers to short temporary employment where workers receive up to 50 per cent of their remuneration in kind in circumstances where food is scarce and wages low or market mechanisms are not operating
- Women's entrepreneurship development involves supporting women to overcome barriers in starting and running a business. In this regard, women's traditional skills could be considered a business asset

THE ROLE OF CIVIL SOCIETY

- Re-awakening of social consciousness which is constantly declining. Philosophical debates should be explored on the issue of livelihood rights of the peasants and rural workers to raise awareness
- Campaigns should be launched on the issues of scrapping of foreign debts, environmental protection, protection from all forms of displacement (particularly by wars and military actions) and reforms of civilized administrative machinery
- Establishments of people's tribunal to support peasants and rural workers against rights violations
- Development of the concept of social litigation (also known as public interest litigation)

- Constitutional petitions for provision of livelihood, jobs, security, and shelter and against privatization and corporate farming under Article 38 of the Constitution of Pakistan
- Campaign for the participation of peasants and rural workers in decision-making processes at all levels

QUISQUEYA DECLARATION

**International Human Rights Encounter and Gender Equality Commission Meeting
La Vía Campesina Sto. Domingo, Dominican Republic, 1-6 August 2005**

HUMAN RIGHTS BEGIN WHERE HUNGER AND EXTREME POVERTY END

We, peasant men and women representing different regions of the world attending the International Human Rights and Gender Equality Commission Meeting Via Campesina held at Juan Dolio (Dominican Republic) from the 1 to 6 August, 2005, united in a common commitment of struggle against capitalism and the patriarch system and reunited in a spirit of solidarity, respect of the diversity and equality between all the people.

We reaffirm our will of keeping the land as our living space as well as one blooming of diverse cultures, of human relations and multiple social interactions and from there, we recidivate our historic role in the discovery of agriculture, preserving the bio-diversity, protecting the soil, the development, the custody and protection of seeds; the creation of intellect and knowledge which constitutes important contributions to the advancement of humanity.

We demand the accomplishment of the interrelated rights, among them the right to develop sustainable agricultural models as well as the participation in the design of policies and measures to promote them; the right to preserve the biodiversity understood from one integral conception that includes the harmonic interrelation between the nature and the living being as well as the human diversity; the right to generate agricultural commerce practices based on relations of equality and fair exchange; the right of living from agriculture by having access to the land, the water and good seeds; the right to decide about the future of the genetic resources and the definition of the legal frame of property of the said resources; the right to access to the appropriate technology and to participate in the design and administration of the research and knowledge development programs; the right to the decision-making about the handling and control of the benefits derived from the use, conservation and management of the associated resources and knowledge; the right to participate in the design and elaboration and management of the ensemble of policies related to the future of the countryside and of the humanity in general.

We refuse all the forms of sexual violence against rural women, as well as the militarization of the countryside, the occupation, the invasion, the forced

displacements and other strategies of imperialist control including the mechanism of the criminalization of the social protest against the existence of the peasants and native organizations. We call the governments to ratify and execute all the national instruments for the elimination of violence against women.

We are opposed to the invasion by the trans-national enterprises in all aspects of the economy and delocalization of the agriculture with the consequent economic, social and cultural violence as well as gender violence. We denounce the impunity associated with the abuses committed by the trans-national corporations, the financial capital and the national elites that place the interest of the capital over the human rights.

**LET'S GLOBALIZE THE STRUGGLE
LET'S GLOBALIZE THE HOPE!!**

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