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Home Office

# Country Policy and Information Note

## Pakistan: Land disputes

Version 2.0

January 2017

# Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

## Country information

The COI within this note has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

## Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

Independent Chief Inspector of Borders and Immigration,

5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: [chiefinspector@icinspector.gsi.gov.uk](mailto:chiefinspector@icinspector.gsi.gov.uk)

Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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# Policy guidance

Updated: 22 January 2017

## 1. Introduction

### 1.1 Basis of claim

- 1.1.1 Fear of persecution or serious harm by non-state and/or rogue state actors on account of being in a dispute over land or property in Pakistan.

### 1.2 Points to note

- 1.2.1 Land disputes may be the cause or effect of other problems, e.g. corrupt local government officials (rogue state actors), or accusations of blasphemy.
- 1.2.2 For further information on corruption, see the country policy and information note on [Pakistan: Background, including actors of protection and internal relocation](#). For information on Pakistan's blasphemy laws, see the country policy and information notes on [Pakistan: Ahmadis](#) and [Pakistan Christians and Christian converts](#).

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## 2. Consideration of issues

### 2.1 Credibility

- 2.1.1 For further guidance on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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### 2.2 Convention reason

- 2.2.1 Persons involved in land disputes in Pakistan are not considered to form a particular social group within the meaning of the Refugee Convention. This is because they do not possess a common immutable/innate characteristic that cannot be changed or a characteristic that is so fundamental to human identity that they should not be required to change it.
- 2.2.2 Decision makers still must consider whether land dispute may be the cause or effect of other problems – for example, political issues, or accusations of blasphemy – and therefore brings the person within the Convention. However, if it cannot, the question is whether the particular person will face a real risk of serious harm sufficient to qualify for humanitarian protection (HP) (see the [Asylum Instruction on Humanitarian Protection](#)).

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## 2.3 Assessment of risk

- 2.3.1 Land disputes are prevalent in rural and urban areas across Pakistan. Illegal dispossession of land is reported to be largely committed by influential persons including feudal lords, politicians, builders, government functionaries or heads of large communities (see [Land disputes and land grabbing](#)).
- 2.3.2 Individuals and groups, known as the 'land mafia', take or claim ownership of land and are known to dispossess true owners through legal or illegal means (see [Land mafia](#)).
- 2.3.3 Land and property disputes occur between individuals and families, and are often settled by force. False accusations of blasphemy are sometimes used to settle personal scores in land disputes. Although more than 80 per cent of reported blasphemy cases are acquitted on appeal, allegations of blasphemy can lead to mob violence against the accused, particularly if from a religious minority group. Police and judicial bias is also reported (see [Land disputes and land grabbing](#) and [Avenues of redress](#)).
- 2.3.4 For information on Pakistan's blasphemy laws, see the country policy and information notes on [Pakistan: Ahmadis](#) and [Pakistan: Christians and Christian converts](#).
- 2.3.5 Those involved in disputes over land or property in Pakistan may be at risk of persecution or serious harm from non-state actors or rogue state actors. However, each case must be considered on its facts. The onus is on the person to demonstrate they would be personally at risk on return to Pakistan because of the dispute.
- 2.3.6 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.4 Protection

- 2.4.1 Where the person's fear is of persecution or serious harm at the hands of rogue state actors or non-state actors, avenues of redress are available under the law and at a judicial level but may not always provide effective remedy due to the reportedly well-connected 'land grabbers' (see [Avenues of redress](#) and [Police corruption](#)).
- 2.4.2 Remedies under civil and criminal law exist for land disputes in Pakistan and there are established judicial processes in place for their resolution. A revenue court system has jurisdiction over disputes regarding land documents, tenancy, land revenue, and land transactions. Pakistan's formal court system also has jurisdiction to hear land cases. However, both at local government level and federal level, courts dealing with land disputes suffer from a backlog of cases, poor training and can be subject to corruption. The Illegal Dispossession Act has apparently had little success in addressing the problem effectively. In Pakistan's tribal areas, local Jirgas decide on land disputes and often discriminate against women and their right to land ownership. Violent crimes committed over disputed land have occasionally resulted in arrests by the police (see [Legal rights](#) and [Avenues of redress](#)).

2.4.3 For further information on actors of protection, see the country policy and information note on [Pakistan: Background, including actors of protection and internal relocation](#).

2.4.4 For further guidance on assessing the availability of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.5 Internal relocation

2.5.1 Where the person's fear is of persecution or serious harm at the hands of non-state or rogue state actors, it is likely to be both relevant and reasonable to expect them to relocate to escape that risk.

2.5.2 For further information on internal relocation see the country policy and information note on [Pakistan: Background, including actors of protection and internal relocation](#).

2.5.3 For further guidance on internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.6 Certification

2.6.1 Where a claim is refused, it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002. This is because, in general, effective state protection is likely to be available.

2.6.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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# 3. Policy summary

3.1.1 Land disputes are common in Pakistan. Legal and judicial processes exist for their resolution but the courts dealing with land disputes are beset with backlogs, poor training and can be subject to corruption.

3.1.2 Police corruption is an issue. However, in general, the state is willing and able provide effective protection to persons who fear persecution or serious harm from non-state and rogue state actors.

3.1.3 Internal relocation is, in general, likely to be both relevant and reasonable for persons involved in land disputes.

3.1.4 Where a claim is refused, is likely to be certifiable as 'clearly unfounded'.

3.1.5 Where refugee status cannot be established under a Convention reason, decision makers should consider whether the person would qualify for HP.

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# Country information

Updated: 6 January 2017

## 4. Legal rights

### 4.1 Constitutional rights

- 4.1.1 Article 23 of the Constitution of Pakistan states ‘Every citizen shall have the right to acquire, hold and dispose of property in any part of Pakistan, subject to the Constitution and any reasonable restrictions imposed by law in the public interest.’ Article 24 concerns the protection of property and declares ‘No person shall be compulsorily deprived of his property save in accordance with law... No property shall be compulsorily acquired or taken possession of save for a public purpose, and save by the authority of law which provides for compensation therefore and either fixes the amount of compensation or specifies the principles on and the manner in which compensation is to be determined and given.’ Articles 172 and 173 also refer to private property rights.<sup>1</sup>

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### 4.2 Federal, Provincial, customary, and religious personal laws

- 4.2.1 According to United Nations Human Settlements Programme (UN HABITAT), in its 2011 ‘Guide on Land and Property rights in Pakistan’, ‘There are numerous laws that regulate the ownership, transfer, acquisition, taxation, registration, tenancy etc. of immovable<sup>2</sup> property.’ The Guide listed the relevant laws, and added that normally the laws governing land rights in rural and urban areas are different although there may be some overlapping applications to both. Federal and Provincial laws, as well as personal laws (Muslim and Hindu), regulate the acquisition of land and property.<sup>3</sup>
- 4.2.2 The United States Agency for International Development (USAID) referred to customary law in its Pakistan property rights profile, noting that:
- ‘Pakistan has a well-developed and highly diverse body of customary law governing land rights. Customary law differs among provinces and geographical subdivisions, tribes, classes, and residential status, and is enforced by established tribunals known as jirgas. Customary law governing land issues ranges from marital property rights to principles governing boundaries. Particularly in the Tribal Areas, people regulate their own affairs in accordance with customary law, and the government functions through local tribal intermediaries. Tribes recognize individual land ownership,

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<sup>1</sup> The Constitution of the Islamic Republic of Pakistan, (Articles 23 and 24), 1973, <http://www.pakistani.org/pakistan/constitution/>, date accessed 1 December 2016.

<sup>2</sup> ‘Immovable property’ includes land, buildings, benefits to arise out of land and things attached to the earth, or permanently fastened to anything attached to the earth, hereditary allowances, rights to ways, lights, ferries and fisheries.

<sup>3</sup> UN HABITAT, ‘A Guide on Land and Property Rights in Pakistan’, (pages 7 and 23), 2011, [http://www.globalprotectioncluster.org/assets/files/field\\_protection\\_clusters/Pakistan/files/HLP%20A%20OR/Guide\\_Land\\_Property\\_Rights\\_2011\\_EN.pdf](http://www.globalprotectioncluster.org/assets/files/field_protection_clusters/Pakistan/files/HLP%20A%20OR/Guide_Land_Property_Rights_2011_EN.pdf), date accessed 1 December 2016.

ownership by a joint or extended family, and collective landownership by a tribe.’<sup>4</sup> See also [Avenues of redress](#).

- 4.2.3 UN HABITAT described each of the three categories in which all land in Pakistan was divided: state owned land; private owned land; and village common land. Land matters were administered by the Revenue Department of Provincial Governments.<sup>5</sup>

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### 4.3 Women’s land rights

- 4.3.1 According to the USAID report:

‘Women in Pakistan have a legal right to own land under statutory, religious, and customary law. In urban areas professional women are increasingly purchasing house plots in their own names, but women’s ownership of land in rural areas continues to be rare in most regions, despite provisions in customary and Islamic law that expressly provide such rights. Men continue to dominate in social, economic and political spheres in the Tribal Areas and are presumed to control land and other family assets.

‘Neither customary nor Islamic law in Pakistan recognizes community property rights, but various provisions are made for the support of women, including agreements regarding payments and repayments of dowry, dower, mehr, and maintenance. In some regions, dower paid by the groom’s family is substantial and often takes the form of land or a house that the husband’s family is expected to construct and put in the bride’s name. However, the impact on the bride is usually minimal because she will seldom exercise any control over the property in her name.

‘Customary law grants widows use-rights to land until they remarry or their children come of age. Islamic law divides the deceased’s property into 12 shares and grants widows a one-quarter or one-eighth share, and mothers a one-third or one-sixth share. Daughters may inherit land rights (half the share of a son), depending on the practice within the family. If daughters receive land, they most often relinquish the land to their brothers or other male relatives, a practice known as tanazul. If a woman receives land rights through inheritance, her rights will likely be challenged unless the bequest is supported by the family, even if the gift was consistent with Islamic law. In general, there is little acceptance under customary and religious law for women’s ability to control and manage land. Under customary law the senior male of the family holds the family land in his name.’<sup>6</sup>

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<sup>4</sup> United States Agency for International Development (USAID), ‘USAID Country Profile Property Rights & Resource Governance Pakistan’, (page 6), September 2016, [https://www.land-links.org/wp-content/uploads/2016/09/USAID\\_Land\\_Tenure\\_Pakistan\\_Profile\\_0.pdf](https://www.land-links.org/wp-content/uploads/2016/09/USAID_Land_Tenure_Pakistan_Profile_0.pdf), date accessed 1 December 2016.

<sup>5</sup> UN HABITAT, ‘A Guide on Land and Property Rights in Pakistan’, (pages 11-15), 2011, available at [http://www.globalprotectioncluster.org/assets/files/field\\_protection\\_clusters/Pakistan/files/HLP%20A%20R/Guide\\_Land\\_Property\\_Rights\\_2011\\_EN.pdf](http://www.globalprotectioncluster.org/assets/files/field_protection_clusters/Pakistan/files/HLP%20A%20R/Guide_Land_Property_Rights_2011_EN.pdf), date accessed 1 December 2016.

<sup>6</sup> United States Agency for International Development (USAID), ‘USAID Country Profile Property Rights & Resource Governance Pakistan’, (pages 7- 8), September 2016, [https://www.land-links.org/wp-content/uploads/2016/09/USAID\\_Land\\_Tenure\\_Pakistan\\_Profile\\_0.pdf](https://www.land-links.org/wp-content/uploads/2016/09/USAID_Land_Tenure_Pakistan_Profile_0.pdf), date accessed 1 December 2016.

See also [Avenues of redress](#).

For the general position of women in society, see the country policy and information note on [Pakistan: Women fearing gender based harm/violence](#).

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## 5. Land disputes and land grabbing

### 5.1 Prevalence

5.1.1 According to the Human Rights Commission of Pakistan (HRCP), various forms of land grabbing continued relentlessly.<sup>7</sup> USAID noted in its report on land rights that 'Land disputes are prevalent in rural and urban areas throughout Pakistan.'<sup>8</sup>

5.1.2 In July 2016, a Supreme Court judgement cited by The Express Tribune stated:

"In our society, the acts of illegal dispossession are largely committed at the behest of persons who are rich, powerful feudal lords, politicians, builders, government functionaries or persons who head large communities, and on account of their influence and power that place them in domineering positions either over their fellow community members or over less powerful communities living in an area of their influence".<sup>9</sup>

5.1.3 According to an Amnesty International researcher, speaking to Al Jazeera in 2014, Pakistan's blasphemy laws were reportedly used 'to make unfounded malicious accusations to settle personal scores in land and business disputes...'<sup>10</sup> The International Crisis Group (ICG) stated in its 2014 report on policing urban violence that 'Unresolved land disputes are often settled by force, turning civil cases into criminal ones.'<sup>11</sup>

See also [Avenues of redress](#).

5.1.4 The following media reports are illustrative of land disputes that have resulted in violence:

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<sup>7</sup> Human Rights Commission of Pakistan, 'State of Human Rights in 2015' (VI Social and economic rights – Housing, page 2), <http://hrcp-web.org/hrcpweb/wp-content/uploads/2016/04/Housing.pdf>, date accessed 1 December 2016.

<sup>8</sup> United States Agency for International Development (USAID), 'USAID Country Profile Property Rights & Resource Governance Pakistan', (page 9), September 2016, [https://www.land-links.org/wp-content/uploads/2016/09/USAID\\_Land\\_Tenure\\_Pakistan\\_Profile\\_0.pdf](https://www.land-links.org/wp-content/uploads/2016/09/USAID_Land_Tenure_Pakistan_Profile_0.pdf), date accessed 1 December 2016.

<sup>9</sup> The Express Tribune, 'Illegal Dispossession Act: Illegal occupants will serve a decade in jail, says SC', 20 July 2016, <http://tribune.com.pk/story/1145383/illegal-dispossession-act-illegal-occupants-will-serve-decade-jail-says-sc/>, date accessed 2 December 2016.

<sup>10</sup> Al Jazeera, 'Living in fear under Pakistan's blasphemy law', 17 May 2014, <http://www.aljazeera.com/indepth/features/2014/05/living-fear-under-pakistan-blasphemy-law-20145179369144891.html>, date accessed 2 December 2016.

<sup>11</sup> International Crisis Group (ICG), 'Policing Urban Violence in Pakistan', (page 27), 23 January 2014, available at: <http://www.refworld.org/docid/52e117608.html>, date accessed 2 December 2016.

- The Express Tribune reported in February 2016 on the shooting of a man in Rawalpindi following an argument over an alleged land dispute.<sup>12</sup>
- Two business partners dealing in real estate were reportedly killed in a land dispute in April 2016. According to the Asian Human Rights Commission (AHRC), the assailants claimed that 1 of the victims, a Christian, had committed blasphemy. The AHRC reported that local police held a jirga and decided the victim's family could be financially compensated by the accused, who were reported to have political connections.<sup>13</sup>
- The Express Tribune reported on a clash over land, that resulted in the death of 1 person and 5 others injured, in Karachi, in June 2016. According to police, the dispute between different sects had been ongoing for over a decade.<sup>14</sup>
- Police arrested 5 family members after 2 men were shot dead in September 2016, said to be over a property dispute in Haripur, Khyber Pakhtunkhwa.<sup>15</sup>
- On 10 November 2016 The Express Tribune reported on the arrest of a man who confessed to killing his wife over a property dispute in Vehari district, Punjab province.<sup>16</sup>
- The News International reported on 30 November 2016 that a father was murdered by his son, allegedly over a land dispute, in Hafizabad, Punjab province. The suspect was arrested and a case registered against him.<sup>17</sup>

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## 5.2 Land mafia

- 5.2.1 Writing in The Express Tribune in 2014, environmental journalist Rina Saeed Khan described Pakistan's land mafia as 'a nexus comprising politicians, criminals, property dealers and corrupt government officials'.<sup>18</sup>

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<sup>12</sup> The Express Tribune, 'Personal enmity: Man killed over land dispute', 7 February 2016, <http://tribune.com.pk/story/1041788/personal-enmity-man-killed-over-land-dispute/http://tribune.com.pk/story/1041788/personal-enmity-man-killed-over-land-dispute/>, date accessed 7 December 2016.

<sup>13</sup> Asian Human Rights Commission, 'Pakistan: Prejudice leads to murder of a Christian', 13 April 2016, <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-032-2016>, date accessed 7 December 2016.

<sup>14</sup> The Express Tribune, 'Land dispute: One killed, five others injured in armed clash in Landhi', 2 June 2016, <http://tribune.com.pk/story/1115271/land-dispute-one-killed-five-others-injured-armed-clash-landhi/>, date accessed 7 December 2016.

<sup>15</sup> Daily Times, 'Two shot dead in land dispute', 16 September 2016, <http://dailytimes.com.pk/khyber-pakhtunkhwa/16-Sep-16/two-shot-dead-in-land-dispute>; The News International, 'Man, four sons arrested for murder', 17 October 2016, <https://www.thenews.com.pk/print/157778-Man-four-sons-arrested-for-murder>, date accessed 7 December 2016.

<sup>16</sup> The Express Tribune, 'Land dispute: Man napped for murdering his wife', 10 November 2016, <http://tribune.com.pk/story/1226080/land-dispute-man-nabbed-murdering-wife/>, date accessed 7 December 2016.

<sup>17</sup> The News International, 'Hafizabad City News: Youth kills father', 30 November 2016, [https://www.thenews.com.pk/print/168703-HAFIZABAD-City-News?utm\\_source=feedburner&utm\\_medium=feed&utm\\_campaign=Feed%3A+TheNewsInternational-National+\(Pakistan+News+-+The+News+International\)](https://www.thenews.com.pk/print/168703-HAFIZABAD-City-News?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+TheNewsInternational-National+(Pakistan+News+-+The+News+International)), date accessed 7 December 2016.

- 5.2.2 USAID stated ‘Pakistan is also home to individuals and groups known as the Land Mafia who illegally take possession of land or claim ownership of land and dispossess true owners through legal or extra-legal means. The Illegal Dispossession Act of 2004 was passed in an effort to address the problem but has had little effect to date.’<sup>19</sup>

See also [Legal rights](#) and [Legal redress](#).

- 5.2.3 A 2014 report by the International Crisis Group (ICG) indicated that, due to urban population growth, competition over resources, including land and water, had become increasingly violent. The report noted ‘The provincial capitals of Peshawar, Quetta, Karachi and Lahore are bases of operations and financing for a range of extremist groups and criminal gangs that exploit poor governance and failing public infrastructure to establish recruitment and patronage networks... The land mafia, competing over valuable Peshawar real estate, includes Sunni extremists.’<sup>20</sup>

- 5.2.4 Journalist Rina Saeed Khan referred to the land mafia operating in different cities and stated

‘In Karachi, the land mafia is involved in drugs, illegal weapons, kidnappings for ransom, bank robberies and many other crimes; it has made the city a living hell for the common citizen.

‘In Lahore, there is a well-connected land mafia that keeps its eyes on uninhabited plots and buildings in prime areas and moves in with fake ID cards to take possession, leaving the real owners (often living abroad) to then pursue the case in the courts for years.’<sup>21</sup>

- 5.2.5 Khan added that Islamabad also has a land mafia whose activities often go unchecked, noting ‘The Capital Development Authority (CDA) has recently admitted that 54,552 kanals [a unit of land measurement] of state-owned land are under the possession of land grabbers or have been encroached upon...’<sup>22</sup>

- 5.2.6 According to the ICG, the bulk of Karachi’s black economy, estimated at over \$8 million a day, was generated by the land mafia, police corruption, illegal gambling and the water mafia. The report also noted ‘Collusion between the authorities and criminals has allegedly created mafias of every stripe, whose control of scarce and lucrative resources, from land to timber to water, yields enormous profits. Several police and other government officials said that the

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<sup>18</sup> Khan, R. S., ‘When land grabbers rule’, The Express Tribune , 28 January 2014, <http://tribune.com.pk/story/664487/when-land-grabbers-rule/>, date accessed 5 December 2016.

<sup>19</sup> United States Agency for International Development (USAID), ‘USAID Country Profile Property Rights & Resource Governance Pakistan’, (page 7), September 2016, [https://www.land-links.org/wp-content/uploads/2016/09/USAID\\_Land\\_Tenure\\_Pakistan\\_Profile\\_0.pdf](https://www.land-links.org/wp-content/uploads/2016/09/USAID_Land_Tenure_Pakistan_Profile_0.pdf), date accessed 1 December 2016.

<sup>20</sup> International Crisis Group (ICG), ‘Policing Urban Violence in Pakistan’, (Executive summary and page 7), 23 January 2014, available at: <http://www.refworld.org/docid/52e117608.html>, date accessed 2 December 2016.

<sup>21</sup> Khan, R. S., ‘When land grabbers rule’, The Express Tribune , 28 January 2014, <http://tribune.com.pk/story/664487/when-land-grabbers-rule/>, date accessed 5 December 2016.

<sup>22</sup> Khan, R. S., ‘When land grabbers rule’, The Express Tribune , 28 January 2014, <http://tribune.com.pk/story/664487/when-land-grabbers-rule/>, date accessed 5 December 2016.

failure to check even petty crime signalled a legally permissive environment that emboldened criminals.<sup>23</sup>

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## 6. Avenues of redress

### 6.1 Legal redress

- 6.1.1 Remedies under civil and criminal law exist for disputes over land, including the Specific Relief Act, 1877<sup>24</sup>, Criminal Procedure Code, 1898<sup>25</sup>, and the Illegal Dispossession Act, 2005<sup>26</sup>. A special report by The News on Sunday, dated 2007, noted:

‘Once a person is dispossessed illegally from his land, he shall first of all institute a criminal case against his physical dispossession under the Illegal Dispossession Act, 2005. The District and Sessions Court then has to decide on the matter of the physical dispossession but not the ownership of the said property.

‘In case, which it usually is, the land grabbers have forged documents to show for the property in question, the matter of illegal dispossession goes into the backburner and the dispute has to be taken to the civil courts for a suite for declaration to decide who the rightful owner of the land is, explains Barrister Asad Qayyum. According to Asad, determining the title of property takes quite long and once the court goes into recording the evidence it is difficult to resolve the matter in one lifetime. This, however, is not due to a lack of supporting law or legislation, but because certain individuals are above the system.’<sup>27</sup>

- 6.1.2 As regard false accusations of blasphemy (in an attempt to settle a land dispute) the International Committee of Jurists (ICJ) reported in November 2015 that ‘In more than 80 per cent of reported cases, those accused of blasphemy are eventually acquitted on appeal, with judges expressly stating in a large majority of such cases that the complaint was fabricated and spurred on by personal vendettas.’ However, blasphemy accusations have led to mob violence, as well as reports of bias, a lack of independence and impartiality against the accused – particularly if they are from minority religious groups – by the police and judiciary.<sup>28</sup>

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<sup>23</sup> International Crisis Group (ICG), ‘Policing Urban Violence in Pakistan’, (page 27), 23 January 2014, available at: <http://www.refworld.org/docid/52e117608.html>, date accessed 2 December 2016.

<sup>24</sup> Specific Relief Act, 1877, (Chapter 1 – Recovering Possession of Property), <http://www.wipo.int/edocs/lexdocs/laws/en/pk/pk011en.pdf>, date accessed 2 December 2016.

<sup>25</sup> Criminal Procedure Code, 1898, (Chapter XII – Disputes as to Immovable Property), [http://bdlaws.minlaw.gov.bd/pdf\\_part.php?id=75](http://bdlaws.minlaw.gov.bd/pdf_part.php?id=75), date accessed 2 December 2016.

<sup>26</sup> Illegal Dispossession Act, 2005, <http://sja.gos.pk/assets/BareActs/Illegal%20Dispossession%20Act,%202005..pdf>, date accessed 2 December 2016.

<sup>27</sup> Refugee Documentation Centre of Ireland, ‘Are land disputes with a religious basis common in Pakistan? Any information regarding procedures for resolving such disputes’, 14 January 2010, accessed at <http://www.refworld.org/pdfid/4b8fcb1c27.pdf>, date accessed 2 December 2016.

<sup>28</sup> International Committee of Jurists, On Trial: The implementation of Pakistan’s blasphemy laws, (pages 6, 7 and 27), November 2015, <http://ici.wpengine.netdna-cdn.com/wp-content/uploads/2015/12/Pakistan-On-Trial-Blasphemy-Laws-Publications-Thematic-Reports-2015->

For further information on Pakistan's blasphemy laws, see the country policy and information notes on [Pakistan: Ahmadis](#) and [Pakistan Christians and Christian converts](#)

- 6.1.3 The Express Tribune reported on 21 January 2016 that the Islamabad High Court summoned the Inspector General of the Islamabad Police to appear before court in respect of a land dispute case. The case was a result of petition filed by five persons seeking court directives for police officials not to harass, blackmail or intimidate them in connection with the ownership of a piece of land. The petitioners alleged that an influential local was attempting to dispossess them from their land with the help of police officials.<sup>29</sup> See also [Police corruption](#).
- 6.1.4 In July 2016 The Express Tribune reported that the Supreme Court declared "anyone, who unlawfully grab or occupy [sic] property, will serve a jail sentence of no less than a decade".<sup>30</sup> The report further noted that:
- 'The court held that the [Illegal Dispossession Act] was aimed at granting efficacious relief to lawful owners and occupiers in case they are dispossessed by anyone without lawful authority. The judgment added that the court has to see whether the accused nominated in the complaint has entered into or upon the property in dispute in order to dispossess, grab, control or occupy it without any lawful authority and nothing else is required to be established by the complainant as no precondition has been attached.'<sup>30</sup>

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## 6.2 Judicial process

### 6.2.1 According to the USAID report:

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

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[ENG.pdf](#), date accessed 8 December 2016.

<sup>29</sup> The Express Tribune, 'Land dispute case: Islamabad High Court summons top cop', 21 January 2016, <http://tribune.com.pk/story/1031220/land-dispute-case-islamabad-high-court-summons-top-cop/>, date accessed 8 December 2016.

<sup>30</sup> The Express Tribune, 'Illegal Dispossession Act: Illegal occupants will serve a decade in jail, says SC', 20 July 2016, <http://tribune.com.pk/story/1145383/illegal-dispossession-act-illegal-occupants-will-serve-decade-jail-says-sc/>, date accessed 2 December 2016.

party in possession of the land delaying adjudication in order to prolong the period of beneficial use. Appeals are assumed.<sup>31</sup>

6.2.2 According to The News International, reporting in October 2016 on plans to overhaul Pakistan's justice system, '... up to 80 percent of Pakistan's civil case load is to do with land acquisition and titling disputes, with a tremendous percentage of those disputes arising out of land grabbing and misappropriation of property. The source said that it is imperative that as a part of social justice, the government ensures effective and speedy dispensation of justice.' The report added that '[A] comprehensive computerised system of land title is being worked upon at both the provincial and federal government levels, to attempt to cure the root cause of so much of our litigation.'<sup>32</sup>

6.2.3 USAID noted that:

'A revenue court system has jurisdiction over disputes regarding land documents, tenancy, land revenue, and land transactions. Disputes are heard at the tehsil level (a level of local government similar to a county) by the tehsildar, the officer responsible for the collection of land revenue and land administration. A Chief Settlement Officer and the provincial-level Board of Revenue are the appellate authorities within the revenue court system. The revenue court system, which is designed to provide a specialized, local, rapid resolution of disputes, has been criticized by landholders as time-consuming, complex, and subject to corruption. Land administration offices do not publish procedures for bringing a claim, documentation of land rights is often missing, land records maintained by the local authorities are often incomplete or of questionable validity, and land administration officials such as the patwari often do not appear to provide evidence. Cases may take years to resolve.'<sup>33</sup>

6.2.4 The same report added:

'Inhabitants of Pakistan's Tribal Area do not have access to the High Court and Supreme Court except for constitutional claims and challenges. Land disputes are handled by the traditional jirga: a round-table conference in which there are no leaders, and participants are selected at the time of convening based on age, reliability, and shrewdness. Decisions must be unanimous and the jirga can impose fines for wrongful behavior. In Punjab and Sindh Provinces, local leaders and elected panchayat (local governance body) members often hear and resolve land disputes. In most areas, women

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<sup>31</sup> United States Agency for International Development (USAID), 'USAID Country Profile Property Rights & Resource Governance Pakistan', (page 10), September 2016, [https://www.land-links.org/wp-content/uploads/2016/09/USAID\\_Land\\_Tenure\\_Pakistan\\_Profile\\_0.pdf](https://www.land-links.org/wp-content/uploads/2016/09/USAID_Land_Tenure_Pakistan_Profile_0.pdf), date accessed 1 December 2016.

<sup>32</sup> The News International, 'Criminal justice system to be overhauled', 5 October 2016, <https://www.thenews.com.pk/print/155038-Criminal-justice-system-to-be-overhauled>, date accessed 8 December 2016.

<sup>33</sup> United States Agency for International Development (USAID), 'USAID Country Profile Property Rights & Resource Governance Pakistan', (page 9), September 2016, [https://www.land-links.org/wp-content/uploads/2016/09/USAID\\_Land\\_Tenure\\_Pakistan\\_Profile\\_0.pdf](https://www.land-links.org/wp-content/uploads/2016/09/USAID_Land_Tenure_Pakistan_Profile_0.pdf), date accessed 1 December 2016.

are not permitted to participate in the jirga, and resolutions reached often perpetuate existing biases against women's land ownership and control.'<sup>34</sup>

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## 6.3 Police corruption

### 6.3.1 Human Rights Watch noted in its September 2016 report that:

'Public surveys and reports of government accountability and redress institutions show that the police are one of the most widely feared, complained against, and least trusted government institutions in Pakistan, lacking a clear system of accountability and plagued by corruption at the highest levels. District-level police are often under the control of powerful politicians, wealthy landowners, and other influential members of society. There are numerous reported cases of police extrajudicial killings of criminal suspects, torture of detainees to obtain confessions, and harassment and extortion of individuals who seek to file criminal cases, especially against members of the security forces.'

'Pakistani police also use their extensive powers of registration of cases, arrest, and detention at the behest of powerful societal elites (the wealthy, politicians, landowners, and civil and military bureaucracy) to bring false charges against perceived opponents as a form of intimidation or punishment.'

'Elite elements within Pakistani society – be they politicians, landowners, or members of civil and military bureaucracy – exercise outsized and improper control over law enforcement.'<sup>35</sup>

### 6.3.2 According to sources identified by the Research Directorate of the Immigration and Refugee Board of Canada, 'political interference in the police force is a problem.'<sup>36</sup>

For further information on corruption, see the country policy and information note on [Pakistan: Background, including actors of protection and internal relocation](#).

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# Version control and contacts

## Contacts

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<sup>34</sup> United States Agency for International Development (USAID), 'USAID Country Profile Property Rights & Resource Governance Pakistan', (page 10), September 2016, [https://www.land-links.org/wp-content/uploads/2016/09/USAID\\_Land\\_Tenure\\_Pakistan\\_Profile\\_0.pdf](https://www.land-links.org/wp-content/uploads/2016/09/USAID_Land_Tenure_Pakistan_Profile_0.pdf), date accessed 1 December 2016.

<sup>35</sup> Human Rights Watch, "'This Crooked System", Police Abuse and Reform in Pakistan', (Summary) 25 September 2016, <https://www.hrw.org/report/2016/09/25/crooked-system/police-abuse-and-reform-pakistan>, date accessed 4 January 2017.

<sup>36</sup> Immigration and Refugee Board of Canada, Pakistan: Police corruption; authorities responsible for receiving complaints against the police, including effectiveness; procedures to submit a complaint against the police (2012-January 2016) , 14 January 2016, PAK105368.E, available at: <http://www.refworld.org/docid/56af1a9f4.html>, date accessed 6 January 2017.

If you have any questions about this note and your line manager, senior caseworker or technical specialist cannot help you, or you think that this note has factual errors then [email the Country Policy and Information Team](#).

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## Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **24 January 2017**

## Changes from last version of this note

Updated country information

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