



# Country Information and Guidance

## Pakistan: Land disputes

# Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of Pakistan as well as country of origin information (COI) about Pakistan. 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 guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Within this instruction, links to specific guidance are those on the Home Office's internal system. Public versions of these documents are available at <https://www.gov.uk/immigration-operational-guidance/asylum-policy>.

## Country Information

The COI within this document 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 the guidance and information we provide. Therefore, if you would like to comment on this document, please email: [CPI@homeoffice.gsi.gov.uk](mailto:CPI@homeoffice.gsi.gov.uk).

## 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. 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/>

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

Website: <http://icinspector.independent.gov.uk/country-information-reviews>

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# 1. Guidance

Updated 14 July 2014

## 1.1. Basis of claim

- 1.1.1 Fear of mistreatment after having become involved in a dispute over land, typically with a family member.
- 1.1.2 Land disputes can sometimes be the cause or effect of other problems, for example political issues or honour crimes. Decision makers must therefore consider the potential causal nexus between land disputes and other risk categories and also refer to the relevant other sections of this guidance.

## 1.2. Summary of issues

- Is any such persecution for a Convention reason?
- Are people at real risk from non state actors due to their involvement in land disputes?
- Is there effective protection?
- Is the person able to internally relocate within Pakistan to escape that risk?

## 1.3. Consideration of issues:

### Is any such persecution for a Convention reason?

- 1.3.1 Land disputes are not of themselves one of the five Convention reasons (i.e. race, religion, nationality, membership of a particular social group or political opinion). Land disputes are, however, often the cause or effect of other problems, for example political issues or “honour” crimes, or the use of blasphemy laws. Decision makers should therefore take care to identify any underlying basis of the dispute and whether there are any potential Convention reasons.

### Are people at real risk from non state actors due to their involvement in land disputes?

- 1.3.2 Land disputes are prevalent in rural and urban areas throughout Pakistan resulting in violence and death. 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. Land disputes are the most common form of dispute filed with the formal court system. Both at local government level and federal level, courts dealing with land disputes suffer from a back-log of cases, are poorly trained, and subject to corruption. In

See Asylum Instructions on [Considering the asylum claim and assessing credibility](#)

See country information on [Land disputes](#)

See Pakistan: Country Information and Guidance [Actors of protection](#)

Pakistan's tribal areas local Jirgas decide on land disputes and often discriminate against women and their right to land ownership.

### Is there effective protection?

1.3.3 There are established judicial processes in place in Pakistan for the resolution of land disputes. A person who fears ill treatment by other parties to land disputes will be able to seek effective protection from the authorities.

1.3.4 In addition, in each case, decision makers must consider whether there are specific circumstances – such as any other factors linked to the land dispute (e.g. politics, religion, “honour”) – that give rise to a particular need for protection and whether that protection is available.

### Is the person able to internally relocate within Pakistan to escape that risk?

1.3.5 Relocation within Pakistan is generally available and reasonable. This assessment will need to be based on the facts of the individual case.

## Policy summary

**Decision makers must assess whether there are other factors linked to the land dispute, however, where it is an inter-family or intra-family dispute, it is unlikely to come within one of the five Convention reasons.**

**Judicial systems exist in Pakistan for the resolution of land disputes. Those in fear of ill-treatment by other parties to land disputes will in general be able to seek effective protection from the authorities.**

**Additionally or alternatively, internal relocation is likely to be a realistic and reasonable prospect.**

**A person who fears persecution or mistreatment solely on the basis of a land dispute is unlikely to merit a grant of asylum or Humanitarian Protection, but each case should be examined on its individual merits.**

**Where a claim falls to be refused, it is likely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.**

See Pakistan: Country Information and Guidance [Actors of protection](#)

See Pakistan: Country Information and Guidance [Internal relocation](#)

See asylum instruction on [Humanitarian Protection](#)

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## 2. Information

Updated 8 May 2014

### 2.1. Land disputes

#### 2.1.1 USAID reported in September 2010 that:

‘Land disputes are prevalent in rural and urban areas throughout Pakistan... Disputes are heard at the tehsil level (a level of local government similar to a (county), [but have] been criticised by landholders as time consuming, complex and subject to corruption. (...) Pakistan’s formal court system also had jurisdiction to hear land cases [but] 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 one million land cases are pending countrywide.’ According to the same report, in Pakistan’s tribal areas, disputes were heard at a traditional Jirga and, ‘in most areas, women are not permitted to participate in the Jirga, and resolutions reached often perpetuate existing biases against women’s land ownership and control.’<sup>1</sup>

#### 2.1.2 USAID further noted that ‘Individuals and groups known as the land mafia (...) illegally take possession of land or claim ownership of land and dispossess the true owners through legal or extra-legal means.’<sup>2</sup> An article published by Dawn in February 2012 cited a property dealer in Islamabad as saying that ‘Many people have been eliminated over land disputes and incidents of murder and kidnapping for land have become common, putting a question mark on the efficiency of the law enforcement agencies.’ According to Col. (retired) Syed Tahir Hussain Mashhadi, member Senate standing committee on interior, as cited in the same article, ‘there was institutionalised corruption due to which police try to favour the land mafias [...] there is corruption in lower courts, district administration and the police due to which affected people never get justice.’<sup>3</sup>

#### 2.1.3 The News on Sunday stated in its article, dated 8 April 2007:

‘Theoretically, a person who has been illegally dispossessed from his land has remedies both under the civil law and the criminal law. Under the civil law, the remedies available are provided under Sections 8 and 9 of the Specific Relief Act, 1877 and under the criminal law, the remedies are available under the Illegal Dispossession Act, 2005, and Chapter XII of the Criminal Procedure Code, 1898.

‘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.

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<sup>1</sup> United States Agency for International Development (USAID) <http://www.usaid.gov/>, Land tenure and property rights portal, Country profile – Pakistan, 21 September 2010, Land disputes and conflicts, [http://usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID\\_Land\\_Tenure\\_Pakistan\\_Profile\\_0.pdf](http://usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Pakistan_Profile_0.pdf), date accessed 12 February 2014

<sup>2</sup> United States Agency for International Development (USAID) <http://www.usaid.gov/>, Land tenure and property rights portal, Country profile – Pakistan, 21 September 2010, Securing land rights, [http://usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID\\_Land\\_Tenure\\_Pakistan\\_Profile\\_0.pdf](http://usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Pakistan_Profile_0.pdf), date accessed 12 February 2014

<sup>3</sup> Dawn <http://dawn.com>, Land disputes on the rise in capital, 10 February 2012, <http://dawn.com/2012/02/10/land-disputes-on-the-rise-in-capital/>, date accessed 27 February 2014

'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>4</sup> 'The people involved in land grabbing are well connected and resourceful enough to have the support of all those needed to pull off this kind of a scam -- police to help them get the physical possession of the property, the revenue officers to help them forge the required documents, lawyers to help them retain a legal possession of the property and political support to control the administrative machinery to their advantage," says Naeem Sultan Khan, a lawyer specialising in property laws.'<sup>5</sup>

2.1.4 The following reports are illustrative of the prevalence of land disputes that result in violence: In March 2014, an article published by Dawn reported on the killing of four people in an alleged land dispute.<sup>6</sup> In May 2013, Geo.TV reported on a land dispute over a piece of agricultural land that killed five people and injured three more in Shikarpur. The same article noted that 'more than 34 people of both parties have already been killed in this dispute.'<sup>7</sup> The Express Tribune reported in March 2013 about the shooting of four persons by rival group over a land dispute in Tumair, Islamabad Capital Territory, killing and injuring two.<sup>8</sup> With regards to land disputes in Pashtun areas, primarily located in FATA, the U.S. Department of State noted in its annual report covering 2013 that 'Frequently disputes arose over women and land. They often resulted in violence.'<sup>9</sup> In November 2012, The Nation reported that a youth was killed and his father sustained gunshot wounds in Pakpattan when rivals fired on them over a land dispute.<sup>10</sup> In January 2012, fourteen members of the same family were killed by members of another family as part of an on going feud and dispute over land in the city of Gujranwala.<sup>11</sup>

2.1.5 With regard to the use of blasphemy laws in land disputes, the Asian Human Rights Commission reported in 2013 that 'alleged incidents of blasphemy by religious minorities is [sic] often used [for] land grabbing (particularly of Christian graveyards), churches, and properties belonging to Christians and Ahmadis' and 'no political party or government has had the courage or the political will to address this abuse and. [sic] the few individuals with authority that have proposed amendments, such as Punjab Governor Salman Taseer (a Muslim) and Minorities Minister Shahbaz Bhatti (a Catholic), have been murdered.'<sup>12</sup> The U.S. Commission on International Religious Freedom, reporting on events in 2012, also noted that 'The lack of procedural safeguards empowers accusers to use the laws to abuse religious freedom, carry out vendettas, or gain an

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<sup>4</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 via <http://www.unhcr.org/refworld/pdfid/4b8fcb1c27.pdf>, date accessed 27 February 2014

<sup>5</sup> The News on Sunday, Special Report: Editorial: Of deeds and misdeeds, 8 April 2007

<sup>6</sup> Dawn, Man, son among four killed in firing, 31 March 2014

<sup>7</sup> Geo.TV, Five killed over land dispute in Shikarpur, 26 May 2013

<sup>8</sup> The Express Tribune, Land Dispute: Two shot dead in Tumair, 2 March 2013

<sup>9</sup> U.S. Department of State, Country Reports on Human Rights Practices in 2013: Pakistan, 27 February 2014, Section 1, e. Denial of Fair Public Trial

<sup>10</sup> The Nation, Old enmity, poverty claim four lives, 20 November 2012

<sup>11</sup> International Business Times, 14 Members of Same Family Murdered in Pakistan Vendetta, 2 January 2012

<sup>12</sup> Asian Human Rights Commission, The State of Human Rights in Pakistan, 2013, 10 December 2013, Religious Minorities Strangled and Blasphemy Law

advantage over others in land or business disputes or in other matters completely unrelated to blasphemy.’<sup>13</sup>

See Pakistan: Country Information and Guidance [Actors of protection](#) – Rule of law and the judiciary and Tribal justice system – jirgas

2.1.6 A UN Human Rights Council report dated 23 February 2010, referenced a written statement submitted by the Asian Legal Resource Centre (ALRC), regarding the use of blasphemy charges in land disputes as follows:

‘Charges of blasphemy are indeed sometimes used for personal or political reasons. They have been used to settle scores unrelated to religious activity, such as intra-family or property disputes and more broadly to intimidate, threaten or punish people who belong to minority communities. In many cases, religious violence has occurred in villages or cities where land had grown in commercial value. Mosque leaders have allegedly exploited the religious sentiments of Muslim people to chase Christians or Ahmadis away in order to grab the land they occupied.’<sup>14</sup>

See Country Information and Guidance [Religious freedom](#) – Blasphemy laws

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<sup>13</sup> [U.S. Commission on International Religious Freedom, 2013 Annual Report: Pakistan Chapter, 30 April 2013, Blasphemy Law](#)

<sup>14</sup> United Nations General Assembly <http://www.un.org/en/ga/>, Human Rights Council, Written statement submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status, 23 February 2010, page 4, accessed via [http://www.ecoi.net/file\\_upload/470\\_1276688415\\_g1011217.pdf](http://www.ecoi.net/file_upload/470_1276688415_g1011217.pdf), date accessed 28 February 2014