

Land acquisition for dubious 'public' welfare

A 54-PAGE REPORT BY THE LONDON-BASED Human Rights Watch has protested the Pakistan army's treatment of the farmers at Okara whose land it wants to acquire for the use of a military farm. The beneficiary of the deal, if coercion succeeds in getting the rights of thousands of farmers in Okara signed away, would be the Rangers. Interestingly, the Rangers, a paramilitary force that guards the borders, is also the subject of a petition filed Tuesday at the Lahore High Court by a farmer opposing acquisition of his land for a housing society for them.

This is too much bad publicity on a single day and one must plead with the military authorities to take steps to prevent further damage to its image. The Rangers formally function under civilian control but are in reality an extension of the army and are led by serving army officers. The Human Rights Watch uses the following ominous words: "Though the Pakistan Army says it owns the land in Okara, the claim is disputed by most legal experts, tenant farmers and the Punjab provincial government, which has refused to sign the land over to the military despite repeated requests from the armed forces. In response, Pakistani paramilitary forces have subjected the farmers to a campaign of murder, arbitrary detention, torture, forced divorces, and summary dismissals from employment. On two occasions, the paramilitaries have literally besieged villages in the area of dispute, thus preventing people, food and public services from entering or leaving for weeks on end."

The Lahore farmer who opposes acquisition of his land by the Punjab government has a point to make too. The Rangers approached the Punjab government with the request for a large tract of land measuring 300 acres on the Ferozpur Road, one of the most expensive real estate localities in the city. The government moved to notify the farmer under Land Acquisition Act 1894 empowering the state to pay a nominal price and take possession of any land 'for public welfare purposes'. In the case in point, per acre cost of land at the market rate runs into millions of rupees whereas the government is willing to pay only a fraction of that price.

This time around the Rangers want to build a housing society on Ferozpur Road. The Punjab government has leaned on the Act to take possession of the land indicated by them against the will of the owner. The catch in the Act is that the government must first determine that the acquisition is made on the basis of public welfare. This is the point that the owner of land seeks to contest. Needless to say, he fears that the differential in the price being offered by the government and the market rate will soon be the margin of profit after the housing society has mapped out the area and the real estate agents move in. This is what has happened with the land acquired by the state's various other

organs ostensibly for 'public welfare'.

The government has been acquiring land for housing societies ostensibly meant for the military personnel and such other state institutions as the civil bureaucracy, the judiciary, the police and even the state semi-autonomous corporations. The pattern that develops in this activity goes somewhat like this: after acquisition the land is given to the department on easy lease; but before the housing society is completed the land goes for sale on the real estate market and its value climbs many-fold. The plots change hands several times and when finally 'houses' are built on it, they are owned by persons with no relation to the department or person who had initially acquired the land for 'public welfare'.

We do not wish to prejudice the proceedings now under way at the Lahore High Court, but we think the affected landlord has done the right thing to contest the bonafides of the Punjab government and the Rangers. If the acquired real estate is not strictly for 'public welfare' - a housing society for officers of the Rangers is not public welfare like an educational institution, hospital, etc - the owner deserves to get the market price for what belongs to him. His petition contests the concept of 'public welfare' under the 1894 Act for very obvious reasons. If housing for military personnel falls in this category then the state must see to it that the beneficiaries do not earn profit from it. Otherwise, acquisition amounts to 'nationalisation', and why it is done is quite obvious too. If the state was to utilise its own land it may be far outside the city and thus of no market value. Cantonments have to be residential because they are located in the heart of the city and are of prime real estate value.

In the case under discussion the house builders wish to live far from the area of their duty. If the past practice is any guide they are under no obligation to retain possession in perpetuity and will probably sell their plot even though there would be soft rules prohibiting that. It is going to be difficult to prove that there is 'public welfare' in a housing society especially after it comes into being by creating a profitable differential of value for the real estate market. In other words it is a net transfer of wealth from a private civilian to a state employee. The Lahore-Islamabad Motorway was more of a 'public welfare' project than a housing society, but the land was acquired for it at the market price after the landlords went to court over it. One should remember that the Motorway land is not open to real estate speculation after sale. In the case of the housing society the 'differential' can be created only by paying out a nominal price. That's where the catch is. We should put a stop to this dubious practise in the guise of public welfare. ■