

Housing for All: A Case Study of Kachi Abbadis (Slums) in Achieving the Goal of Housing for All in Pakistan

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Abstract

This article deals with the role of Katchi Abbadis in achieving the goal of housing for all. Right to life has been interpreted by the supreme court of Pakistan in the case of Shehla Zia Vs WAPDA. The apex court of Pakistan while interpreting the word life has authoritatively declared that life does not mean to spend a life like animals or vegetables. Life includes all those necessities of life which are essential to spend a life which includes all the necessities of life like food, clothes and shelter and not only a shelter but shelter with healthy environment. Pakistan is a member of UN Habitat agenda which envisages housing for all. The Government of Pakistan is striving its level best to achieve the goal of housing for all, but it is beyond the financial resources of the Government Pakistan to providing housing units to all citizens of Pakistan without the help and cooperation of private sector. Private sector is not interested to provide housing units at low cost so it is serving the needs of the elite class so a major segment of the population is deprived of the housing units. When we talk about the role of the state like a mother then state cannot leave this segment of the society homeless. This very poor segment of the society has been accommodated in the shape of Katchi Abbadis (slums), which is the last hope for very poor segment of the society.

Key Words: Housing for All, Katchi Abbadis (slums), Pakistan

Introduction

Right to adequate housing is viewed as one of the most important human rights. UN Habitat has laid down the minimum criterion for adequate housing which includes following things, security of tenure, availability of services, materials, facilities and infrastructure, affordability, availability, accessibility, location and cultural adequacy, privacy, protection against forced evictions and freedom of movement. In the developing countries like Pakistan many people lack shelter. An access to safe and healthy shelter is important for a person's physical, psychological, economic and economic well-being. Satisfactory and moderate housing is not only important for security and solace, but at the same time it is a basic thing in cultivating social union and development of a country (Khan, 2004). All things considered, there stay difficult issues in the housing industry, which require consideration, on the grounds that the extremely high land prices, high and rising interest rates and rapid increase in construction materials are undermining the growth (FIAS, 2005). Every human being has a right to an adequate standard of living for himself and for his

family including right to an adequate housing along with food and clothes. Despite the fact that the housing is an essential and basic human need, yet millions are trapped in the battle to have a rooftop over their heads in Pakistan. The housing industry, despite its significance and acknowledgment, remained ignored in Pakistan and has not had the option to draw in even a humble allotment of public sector assets (Jhandyana, 2020).

Pakistan is considered one of those countries which have experienced urbanization and insufficient housing because of mass migration of populace from rural to urban territories since the 1960s. Of the all-out populace of very nearly 186 million, the urban populace in Pakistan comprises about 36.2%, and is expanding at a rate of 2.6% every year. This procedure of quick urbanization has brought about congestion of urban communities and crumbling of condition (Ahmad, 2014). At present housing demand per year in the nation are around nine million housing units. Existing housing conditions are characterized by congestion, insufficient sewerage, contamination and poor structure construction, which offer no security of residency or assurance from climate furthest points and it has created more slums.

In 2008, the yearly assessed housing request was 570,000 units while the real supply was just 300,000, leaving a setback of 270,000 units for each year. As a result of this circumstance, 35-40% of the all-out urban populace lives in casual squatter settlements as showed in the National Housing Policy 2001 (National Housing Policy, 2020). The gap between the demand and supply in the housing industry compounded with the low purchasing power of the population continuously moving to the cities in search of a living creates a difficult situation for the Government, Policy makers and Regulators. According to UN Habitat statistics sixty eight percent population of the world lives in non-slums areas and thirty two percent of the population lives in slums (UN-Habitat, 2015). The housing facilities are limited and if available are usually not affordable for a large number of people who move to the cities with very little resources. As per United Nations report about one billion people in the world's population who live in urban population live in slums (kachi abbadis). When people find it difficult to avail affordable housing facilities through formal and legal channels it results in the mushroom growth of slum areas on the state land owned by various Government Departments (UNFPA, 2014). About fifty percent population in the major cities of Pakistan lives in slums, Kachi Abbadis and squatter settlements.

The problems faced by the slum dwellers include lack of access to improved water source, lack of access to improve sanitation facilities, lack of sufficient living area, lack of housing durability and lack of security and tenure. From time to time Government takes initiatives to regularize these housing units and notify them as Katchi Abadis so that the dwellers may have a legal entitlement to municipal and utility services.

Housing as an Important Right

Right to adequate housing has a correlation with other human rights including right to water, right to health, right to food, right to education, right to expression, right to hold property, right to work and freedom from arbitrary interference on the part of others. Housing is an essential and key human need (Shelter, 1986). Today, there is a virtual housing emergency in the nation. Fast populace growth, stuffing,

deficiency of supply, maturing housing stock, development of ghettos and Katchi Abadis and absence of a strong legal framework to regulate it has additionally disturbed the circumstance and the goal of housing for all has become a dream.

Housing as a Basic Necessity

According to the report of World Bank the legislature can reinforce property rights and land organization process as a team with the private sector. It can likewise fortify the property development system, bolster the structure business, encourage the growth of essential and optional housing account markets, and present valuable focus on housing money program. Housing for the urban poor is the most imperative territory of concern for policy makers, organizers and development organizations in urban communities and towns. The Karachi Strategic Development Plan 2020 indicates us that urban poor households who dwell in casual settlements of different sorts have reached to 941,968 housing units in 2010 and every year 100,000 new households in this class are included. The rise of katchi abadis in Islamabad likewise mirrors the way that better controlled and oversaw urban areas have not had the option to stretch out moderate choices to the urban poor (CDA, 2018). According to Capital Development Authority records, more than 15 katchi abadis have advanced in various areas in Islamabad involving a differing number of households. Once made, katchi abadis offer the intense conversation starter of regularization or ousting for city directors.

Reasons for the Creation and Expansion of Kachi Abbadis (Slums)

The problem of slum dwellers (kachi abbadis) cannot be understood without going into the root causes of the problem. There are two causes of this issue immediate one, immediate one is those kinds of problems which are short term and catalyze the slums up gradation problems and underlying causes are the consequences of housing policies, laws, capacities and availability of resources. Root causes are usually found in the complex and structural processes related to culture, society, beliefs, microeconomics and Government. These indicate a situation that needs to be changed at family, community and higher decision-making levels. After its regularization by the concerned Provincial or Federal Government the development of the Katchi Abadi is the major challenge faced by the Development Authorities concerned. Even if not recognized the residents of the kachi abbadis enjoy Constitutional rights when notices were issued by the authority constituted under section 38 of the Punjab Development of Cities Act 1976 for vacation of lands (The Punjab Development of Cities Act 1976, 2020). The notices issued by the authority were set aside It was held by the court that the residents of the kachi abbadi were entitle to get equal land for their houses and costs of their existing structure. The action of getting the land of the kachi abbadi without providing an alternative land was also declared as discriminatory.

In addition to private and cooperative housing schemes a large number of people are residing in Katchi Abadis and in addition to the genuinely deserving low income class which has settled on state land due to their lack of affordability of housing facilities through any formal or legal channel there is land mafia which exploits these needy people (Ramzan, 2007). Once the katchi abadi is regularized and

the land is registered in the name of the dwellers this mafia gets the land by paying them a meager (small) amount of money and the katchi abadi which is regularized by the Government to accommodate the poor people turns into a posh commercial and residential area (Khan, 2014). This kind of transformation displaces the people and they again settle on state land somewhere else causing emergence of another katchi abadi and the process keeps going on without the actual purpose being fulfilled i.e. accommodation of the genuinely deserving low income group. Due to this reason it was decided that no Kachi Abadi would be regularized after 1985. Katchi abadis have existed since Pakistan came into being in 1947, when over 600,000 refugees came from India and settled here, followed by many migrants from Northern Pakistan when large scale industrialization started in the mid-fifties (Government of Pakistan, 2013). On both occasions, the Government was not prepared to accommodate such a big influx of people. As a result, they occupied whatever open spaces were available near the city Centre.

Initiatives taken by the Government to tackle Kachi Abbadis (Slums) in Pakistan

At international level UN Habitat has taken an initiative under the name and style of UN-Habitat's Participatory Slum Upgrading Programme is working towards the progressive realization of human rights for slum dwellers and Sustainable Development Goal number 11 by way of slum up gradation. Participatory Slum Up gradation Programme also aims to improve the standard of living of slum dwellers through incremental, climate compatible, human rights based, city wide and participatory slum up gradation and prevention of slums in future. The International Institute for Environment and Development, London has suggested to recognize the legal right of those living in slums and provision of basic services of life to provide better standard of life to the residents of these abbadis. The formal initiatives taken by the Government in this regard came in 1973 under the Awami Rehaishi Tanzeem when people planning project was launched (Zameen, 2020). In 1978 a policy was devised and through this policy Katchi Abadis which were established on state land before 01.01.1978 with a minimum of 100 dwelling units were regularized (Government of Pakistan, 2013). Another policy was introduced in 1986. Through this policy the katchi abadis established on state land before 23.03.1985 with a minimum of 40 dwelling units were regularized. The main difference in the policies of 1978 and 1986 was that the requirement of minimum number of dwelling units was reduced from 100 units to 40 units. This reduction in the minimum number of dwelling units rendered a large number of katchi abadis eligible for regularization which earlier didn't meet the criterion for regularization. This reduction also shows the intention of the Government to bring more of the katchi abadis into the regular net. Until 1986 the regularization and management of the affairs of katchi abadis remained directly the function of local Government and community development department. In 1986 the directorate of katchi abadis was established under the local Government and community development department (Ibid, 2003). Since 2012 the directorate of katchi abadis has been attached to the Board of Revenue. Another policy came in 2006 through which the Katchi Abadis established on the state land before 31.12.2006 with a minimum of 40 dwelling units were regularized. In 2012 a policy was introduced through which the minimum number of dwelling units required for a katchi abadi to be regularized were reduced from 40 to 10 for the urban areas and the cutoff date was

extended to 31.12.2011. katchi abadis also existed in rural areas which have not been regularized and through this policy the katchi abadis established on state land in rural area with a minimum of 04 dwelling units were also regularized. Before doing all the above-mentioned reforms it is necessary to achieve the goal of housing for all that a correct date may be collected to enable the policy makers to devise policies in the light of available date. Under 2030 Agenda for Sustainable Development emphasizes the importance of the continuous process of monitoring and date collection. Monitoring enables right holders to hold the duty bearers responsible for not performing the duties which they ought to perform (UNFPA, 2014).

Regularization process of the Katchi Abadis

Housing and slum up gradation actors should address and give preference to the rights and welfare of those people who live in slums as a matter of priority and urgency. Regularization process of the Katchi Abadis consists of the following steps. Policy Notification is issued by the concerned provincial Government. Survey of Katchi Abadis is conducted by the field staff. Survey List of dwelling units is prepared. Land Measurement is conducted (Zameen, 2020). Revenue Record is obtained (Fard Jamabandi, Aks Shajra, NEC, Certificates). NOC is obtained from the Land-Owning Department (The Punjab Development of Cities Act 1976, 2020). Notification is issued by Director General, Katchi Abadis. Entitlement Certificates are issued. Demand Notices for cost of land & development charges are issued. Sale Deed is issued in favor of the dwelling units (Special Rapporteur on the Right to Adequate Housing, 2015).

According to the Regularization Scheme 2012 the Proprietary rights are to be granted jointly to both husband and wife/wives with equal rights in rural and urban areas and there will be no charges on account of cost of land for widows & orphans up to 5-Marla in urban areas and up to 1-Kanal in rural areas (Human Rights in Cities Handbook Series the Human Rights-Based Approach to Housing and Slum Upgrading, 2020). Before the regularization process of slums there is a need to do a causality analysis which consists of identification of immediate causes, underlying causes and root causes of slums up gradation challenge, to find out the relationship between various causes and effects and analysis of power relations and the human rights implication of this process. After going through this process the regularization process of slums should be designed. With respect to Provision of civic amenities in Katchi Abadis Regularization Scheme 2012 has a provision through which the land required for widening of the roads/streets in Katchi Abadies and provision of civic amenities, will be got vacated from the dwellers and alternate land will be provided to them subject to availability.

With respect to the matter of preventing further encroachment, the Assistant Commissioners are competent to get the encroached state land vacated from the illegal encroachers/occupants under Section 32 and 34 of the Colonization of Government Land Act, 1912 (Mohammad, 2009). It is the responsibility of concerned Assistant Commissioner to ensure that the status of land is in accordance with the physical survey and no further encroachment is allowed after the cut-off date announced in the Regularization Scheme 2012 (Zameen, 2020). All encroachers/illegal occupants after 31.12.2011 are ejected and dealt with in according with law.

Table 1

Summary Of Katchi Abadis Under All Schemes of Punjab		
Sr.	Subscription	No. of Katchi Abadis
A)	KAs UNDER SCHEME 1978, 1985 & 2006	
1	Notified / Transferred Katchi Abadis	900
2	Pending Katchi Abadis	354
	<i>Sub-Total (A)</i>	1,254
B)	KAs UNDER SCHEME 2012	
1	Notified/Transferred Katchi Abadis	3,438
2	Pending Katchi Abadis	654
	<i>Sub-Total (B)</i>	4,092
	G. TOTAL (A+B)	5,346

Source: www.punjabcooperative.gov.pk, Visited on 12-05-2017.

At international level human rights analysis check list includes identification of human Rights relevant to the housing or slum up gradation and the sources of human rights law where they were found, Assessment of the level of enjoyment of identified rights by all urban residents including slum dwellers and evaluation whether slum dwellers and other groups in vulnerable situations are enjoying these rights or not.

Challenges and Grey Areas of Slums

Following are the areas which needs to be focused and remedial measures needs to be taken.

Regularization of Existing Katchi Abadis

Regularization of Katchi Abadis established before 31.12.2011 that is yet pending and the regularization of Katchi Abadis established after the cut-off date is one of the major issues at the hands of directorate of Katchi Abadis.

Prevention of Further Encroachment

The ongoing encroachment on state land and emergence of new Katchi Abadis is one of the main concerns before the regulators. It is imperative that measures may be devised to prevent further encroachment on state land.

Resettlement Schemes

There are some Katchi Abadis which meet the requirement of minimum dwelling units but they cannot be regularized due to some other reasons e.g. they are either established on hazardous areas or amenity plots or the land-owning department refuses to provide NOC for any reason. Resettlement of people occupying such land is a challenge.

Mushroom Growth of Katchi Abadis

Another issue is that people have occupied land wherever it was available which has led to the mushroom growth of Katchi Abadis. These scattered settlements need to be integrated in order to appropriately merge them in the existing city infrastructure.

Development of Regularized Katchi Abadis

Infrastructure development and provision of civic amenities through formal procedure is only possible when the Katchi Abadi is regularized. Katchi Abadis are usually regularized when the occupants are already living there. There is no prior planning of roads streets and open spaces. The development authorities face the challenge of ensuring the development of these slum areas.

Summary Ejection of Unauthorized Occupants

The authority or any person authorized by it on its behalf may summarily eject any person in unauthorized occupation of any land or property belongs to the authority. The law allows the use of force which is necessary for this purpose. While exercising powers under this section the principle of natural justice i.e. Audi alteram partem must be followed. Land of kachi abbadi (slums) in question having been acquired for the purpose of establishing a housing colony. The petitioners who are resident of kachi abadis (slums) were given notice under section 38 of the Punjab development of cities Act 1976 to vacate the premises within 24 hours otherwise the houses of the petitioners would be demolished by the authority. Petitioners have prayed for setting aside of the notices. The occupants of the kachi abbaddis (slums) were entitled to compensation or a plot in the place of their land. Constitutional petition was allowed.

The position on this point is different in Malaysia under National Land Code 1965; mere occupation of land without proper registration would not be recognized even though such occupation is since time immemorial. The code does not prescribe the condition of prior notice before vacation of premises. As per Section 426(1) (c) of the National Land Code 1965 the person squatting on the state land can be arrested without warrant. The enactment to regulate the slums in Kuala Lumpur is Federal Capital Act 1960 and Federal Capital (Squatters Clearance) By Laws 1963. As per these enactments an authority has been provided to the Commissioner to clear the slums by giving a prior notice of seven days.

Recommendations To Improve The Kachi Abadis(Slums)

Following are the recommendations to improve the system of kachi abadis (Slums) in Pakistan.

Regularization of Katchi Abadis To Achieve Housing for All

Regularization of Katchi Abadis(Slums) established before 31.12.2011 that is yet pending and the regularization of Katchi Abadis(Slums) established after the cut-off date is one of the major issues at the hands of directorate of Katchi

Abadis(Slums).The Government of Pakistan should take a bold step and after following the cordial legal formalities it should regularize all the Kachi Abadis (Slums) because it would be major step towards housing for all as envisaged under UN Habitat agenda.

Check against New Encroachment of State Lands

The on-going encroachment on state land and emergence of new Katchi Abadis (Slums) is one of the main concerns before the regulators. It is imperative that measures may be devised to prevent further encroachment on state lands. This would help the Government to stop the establishment of new kachi abadis (Slums)

Resettlement Schemes of Existing Kachi Abbadis

There are some Katchi Abadis (Slums) which meet the requirement of minimum dwelling units, but they cannot be regularized due to some other reasons e.g. they are either established on hazardous areas or amenity plots or the land-owning department refuses to provide No Objection Certificate (NOC) for any other reason. Resettlement of people occupying such land is a challenge which should be solved /settled on priority basis.

Stoppage of Mushroom Growth of Katchi Abadis (Slums) Near Cities

People have occupied land wherever it was available which has led to the mushroom growth of Katchi Abadis(slums). These scattered settlements need to be integrated in order to appropriately merge them in the existing city infrastructure.

Development and Regularized Katchi Abadis (Slums)

Infrastructure development and provision of civic amenities through formal procedure is only possible when the Katchi Abadi is regularized. Katchi Abadis are usually regularized when the occupants are already living there. There is no prior planning of roads streets and open spaces. The development authorities face the challenge of ensuring the development of these slum areas. So, those Kachi Abbadis which are not threat to the state should be regularized.

Revision of Zoning and Building Regulations

Long- and medium-term strategic plans-reflecting a shared vision of the citizens in the city should be formulated at the city level with citizen participation and public hearings. On the basis of these strategic plans detailed infrastructure and land use plans for the city need to be developed It is imperative that current procedures and regulations be revised when formulating these plans, and, feedback from citizens, interest groups and communities be elicited during the process of formulation and prior to finalization. A panel of experts should be established at the provincial level to revise zoning and building regulations / byelaws. Local Governments should review and adopt these regulations and by-laws based on the peculiar conditions in their areas.

Role of Local Governments in Regularization of Kachi Abbadis

Local Government needs to integrate upgrade and regularize Katchi Abadis in the city system. Procedural improvements preferably on the pattern of Sindh Katchi Abadis Authority (SKAA) model, to expedite regularization and upgrading work is a good approach in this regard. Development of alternative land and housing schemes for the urban poor should be kept in view. Guiding future development through recognition of the informal process of their development and appropriate planning and byelaws is the need of the hour.

Role of Federal Government Vis- A- Vis Kachi Abbadis (Slums)

Federal Government should coordinate with the provincial and local Governments. Federal Government should take the necessary steps related to ensuring the release of land by land-owning agencies; Take policy decision on the anomalies and discrepancies; fix, in consultation with the provincial Government the transfer price of federal land for regularization; It is better that the state land should not be transferred in the name of the katchi abadi (slums) dwellers; rather it should only be provided to the occupants on a lease agreement. The land use of the land provided to the katchi abadis should not be altered.

Role of Provincial Governments Vis- A- Vis Kachi Abbadis (Slums)

Provincial Governments should amend rules, regulations and byelaws with regard to Katchi Abadis, low income settlements and areas requiring urban renewal and upgrading. Local Governments should be assigned the role of implementation agency and make it responsible for documentation (The Habitat Agenda Goals and Principles, 2020). Ensure that the size of the population living in Katchi Abadis, low/under-serviced settlements and areas requiring urban renewal and upgrading is a criteria in the proposed Provincial Finance Commission (Zameen, 2020). There is a need to fix in consultation with the local Governments a land transfer price; notify and implement a new urban land disposal policy; work on documenting the extent and nature of Katchi Abadis low and under-serviced settlements and areas requiring urban renewal, and share this information with the Federal Government on a regular basis.

Preparation of Exact Data on Kachi Abbadis (Slums)

For training, planning and policy formulation access to information regarding the extent, spatial location and trends of Katchi Abadis, low/under-serviced settlements and areas requiring urban renewal and upgrading is required. It is better, that this information be shared with Federal and Provincial Government departments, land-owning agencies of the state, professional institutions and academia, and to Local Government authorities.

Training and Capacity Building of The Authorities Dealing with Kachi Abbadis (Slums)

The directorate of Katchi Abadis needs to be equipped with sufficient logistic support and human resource necessary for the disposal of its affairs. The field staffs of

local Government at Tehsil and District level needs to be equipped with proper training to conduct surveys in a systematic manner.

Conclusion

The Government of Pakistan has shifted its responsibility to private housing developers that they should earmark twenty per area of the housing scheme having a plot size of five marlas for low income group. The idea behind this provision of law is to eliminate slums and to accommodate the residents of these slums in the housing societies developed by the developers. Whether the provision of allocating twenty percent plots in the housing schemes by the developers of the housing schemes can enable the Government to achieve the goal of housing for all? The answer is no. The reason that that the elite class has no problem they can afford to have plot in all the housing schemes to build their houses, this provision of reserving twenty percent plots of the size of five Marla's cannot be helpful due to these reasons.

Firstly, the procedure of allotment of plots is vague and the authority to allocate the plots to the low income has been given to the housing societies which are a clear case of conflict of interest, this power should be exercised by the Government department. Secondly, it is a childlike thinking to imagine that the developers of the housing societies after purchasing land for the housing schemes would provide plots to the low-income groups when they are not getting any subsidy or relief from the Government side. Thirdly, even if the five Marla's plots are given to the low-income group people it cannot prove effective because the horizontal model of housing is not suitable for Pakistan the principle of optimum utilization of resources demands the vertical housing for the low-income group should be promoted (Iqbal, 2004). Fourthly, there arises a question whether Government can impose such kind of condition? Whether such kind of restriction is against the proprietary rights of the property owners or not? The answer to this question was provided by the apex court of Malaysia when it was prescribed for the developers of the housing industry in Malaysia to reserve 30 percent of the plots for the low-income groups. It was held by the apex court of Malaysia that Government could not impose such kind of restriction on developers of the housing industry (Khan, 2004; Jhandyana, 2020; Government of Pakistan, 2013; Khan, 2004; Ramzan, 2007).

So, the present formula of the Government of Pakistan to leave the housing industry at the mercy of the private sector developers is not a wise move. If the Government does not want to be developer of the housing industry it should place a sound system of check and balance and a strong legal framework. The best solution of the problem is to have such kind of legal framework which contains a convergence of interest of all stakeholders (Government, developers of the housing industry, investors). The Government should develop packages by handing over the prime state lands to the private housing developers to accommodate the residents of slums in the vertical housing and by selling plots to the elite class so a mix type of housing model to meet the needs of all class of general public should be promoted to achieve the goal of housing for all in Pakistan.

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