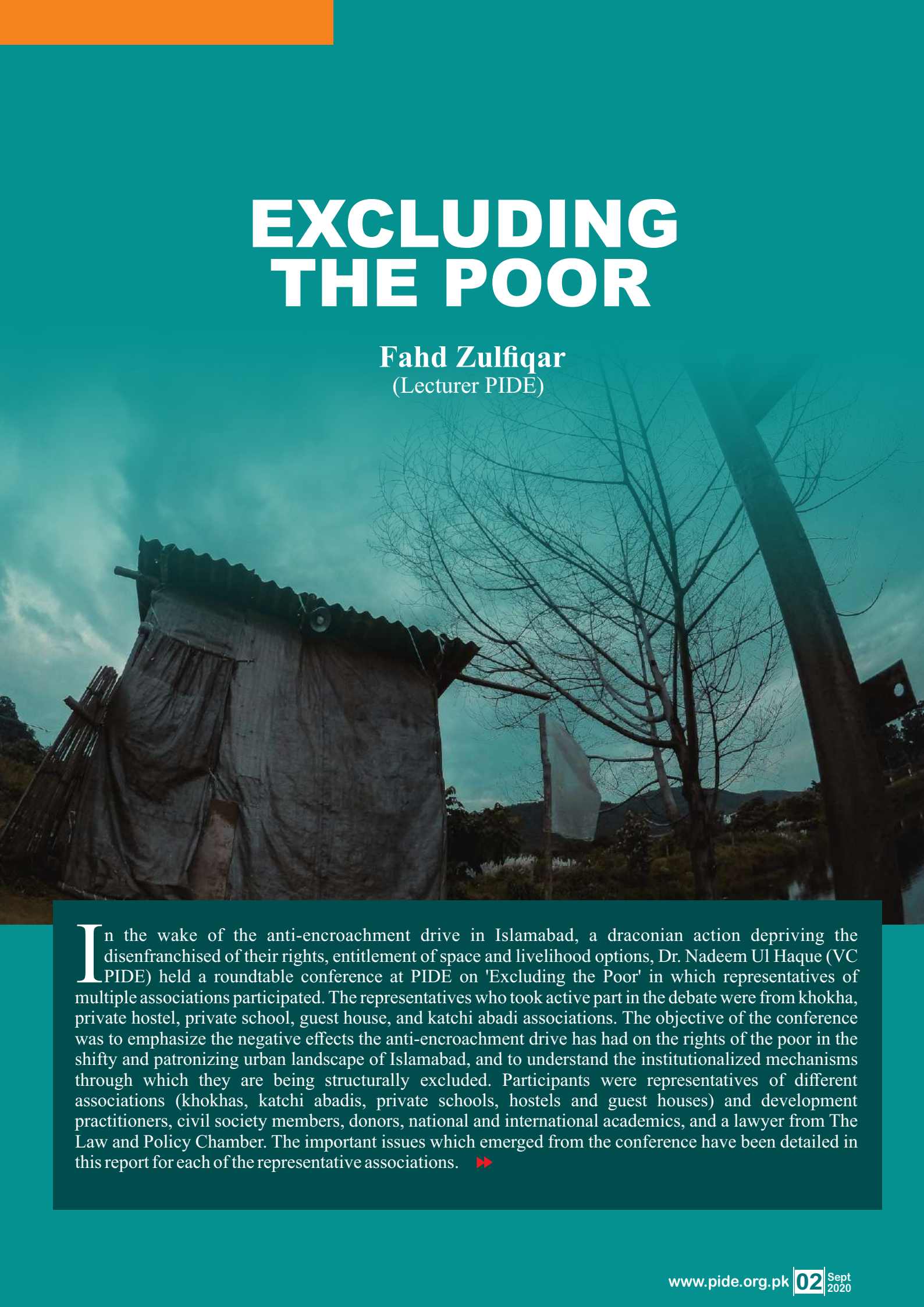


EXCLUDING THE POOR

Fahd Zulfiqar
(Lecturer PIDE)



In the wake of the anti-encroachment drive in Islamabad, a draconian action depriving the disenfranchised of their rights, entitlement of space and livelihood options, Dr. Nadeem Ul Haque (VC PIDE) held a roundtable conference at PIDE on 'Excluding the Poor' in which representatives of multiple associations participated. The representatives who took active part in the debate were from khokha, private hostel, private school, guest house, and katchi abadi associations. The objective of the conference was to emphasize the negative effects the anti-encroachment drive has had on the rights of the poor in the shifty and patronizing urban landscape of Islamabad, and to understand the institutionalized mechanisms through which they are being structurally excluded. Participants were representatives of different associations (khokhas, katchi abadis, private schools, hostels and guest houses) and development practitioners, civil society members, donors, national and international academics, and a lawyer from The Law and Policy Chamber. The important issues which emerged from the conference have been detailed in this report for each of the representative associations. ➡➡

Katchi Abadis

Context

- In July 2015 Islamabad police and ranger troops carried out a massive operation at I-11 katchi abadi in which Pashtun families were evicted through forceful intervention. The drive also targeted the informal settlements situated in the spatial proximities and vending stalls (khokhas). One week's notice was issued to approximately fifteen thousand katchi abadi residents of I-11 to vacate the area. In response to their non-compliance their houses were demolished and residents were arrested on account of their collective resistance to the violent eviction.

The two representatives in the roundtable were the residents of I-11 katchi abadi (now residing in I-10). I-11 katchi abadi is located in the I-11 sector which emerged in 1983. The abadi is situated in the outskirts of Islamabad, bordering Rawalpindi and adjoining fruit and vegetable wholesale market. In 1990s, the real estate developers, city planners, and money-grabbing middlemen changed the urban landscape of Islamabad by capitalizing on the urban land and partitioning the same through capital accumulation. It was also the time period when upward mobile classes started to purchase plots and secure their entitlement over those in gated communities in the formal housing market, which created a sense of fear and abandonment among the poor laboring class that had migrated to the city in search of livelihood and secured residence in the burgeoning informal settlements (including I-11 katchi abadi). When compared to the affluent class, the migrated laboring class suffered due to lack of tenure security and threat of being coercively evicted on account of being labeled as 'encroachers' or 'illegal occupants'.

Informal Settlements in Islamabad

UN Habitat defines katchi abadis as informal settlements which are the result of squatting or informal subdivisions of state or private land whereas slums are primarily defined as villages which have been absorbed in the urban sprawl or sub-divisions which have been created informally on communal and agricultural land. The difference between the two is defined along the axis of tenure security which is relatively weak for katchi abadis than it is for slums. Tenure security and upgradation of slums usually take place through political support.

There are also notified katchi abadis and non-notified katchi abadis; the latter have been created on the valuable land which is to be used for the

projects of infrastructural development and for this reason cannot secure tenancy for the katchi abadis residents.

The survey list prepared by the Islamabad Police states

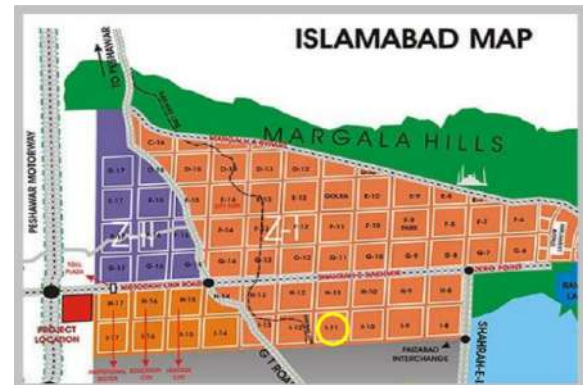


Figure : Map of Islamabad showing all the sectors with I-11 sector encircled

that there are 23 katchi abadis in the rural and urban areas of Islamabad housing 13, 521 families and 84, 591 individuals. 21 out of 24 are located in the urban areas

and the remaining 3 in the rural areas. 9 of these katchi abadis especially located in the G and F sectors and in Bari Imam have been reported to be the hubs of drug dealing. Whereas, those located in the Industrial Zone (including the I-11 Afghan Basti and in H sector) are termed as hazardous for NESCOM and railway tracks passing through the vicinity. The most crime-prone is the Mera Jaffar slum in Saddar Zone where the maximum number of crimes has been reported to the police.

The survey further reveals that all 23 abadis are majorly occupied by genitors, laborers, CDA sanitary staff, loaders and beggars. Of these 23 abadis CDA recognizes only 10 and as per rules cannot develop the rest; rather remove them. Related to CDA's role as regulatory authority, the survey points out at upgrading the slums which the authority actually approved of for 6 abadis:

- (i) Shopper Colony (G-7/1),
- (ii) 66 quarters and 48 quarters (located in G-7/2 and G-7/3-2 respectively),
- (iii) France Colony (F-7/4)
- (iv) 100 quarters (F-6/2), and
- (v) Hansa Colony (G-8/1).

Despite claims, nothing significant in terms of housing and regarding up-gradation has been done so far.

MAPPING THE FACELESS List of Katchi abadies in the Capital

Name	Location	No. of Families	No. of Individuals
Christian Colony	G-6/1-4	10	70
Dhobi Colony	G-6/2	50	250
Shopper Colony	G-7/1	600	3700
66 Quarters	G-7/2	670	4100
48 Quarters	G-7/3-2	400	2390
100 Quarters	F-6/2	500	6150
France Colony	F-7/4	550	6000
Muslim Colony	PM Secretariat	3200	15000
Afghan Basti	I-11/1	83	5488
Afghan Basti	I-10/3	170	1390
Afghan Basti	H-11/4 & H-10/1	90	760
Afghan Basti	H-11	19	102
Afghan Basti	I-11/4	372	2564
Afghan Basti	I-11/2	49	415
Afghan Basti	I-11/1	45	184
Roshan Colony	I-12	35	135
Roshan Abadi	I-9/4	12	49
Esa Nagri	I-9/1	180	1436
Muslim Abadi	I-9/1	53	187
Akram Gill Colony	H-9/2	214	1060
Ghorri	Phase-VI	40	295
Dhoke Pathana	Sihala	140	780
Mera jaffar	Ramna	4804	28536

► A civil society member, who has been conducting research on the displacement issue, stated that in 2015 when PML-N government started an operation against *katchi abadis* and demolished I-11 *abadi* with the help of coordination between Islamabad High Court and CDA, he and his representatives launched a petition in the Supreme Court. They built their argument on the basis of National Housing Policy, 2001 which clearly states that no one can demolish an *abadi* without resettling or providing some council accommodation or an alternative. So, their reason for reaching out to the Supreme Court was the lack of affordable housing in Pakistani cities where housing supply is artificially limited by the groups who have control on land. The groups controlling land and land supply include bureaucracies, both civil and military.

Katchi Abadi: Narratives of Exclusion

In the following text the narratives of exclusion have been recorded under relevant themes. These narratives touch upon the broader issues of State response to eviction, premeditation of anti-encroachment drive, systematic channels of exclusion, and citizenship criteria.

Katchi Abadi Dweller 1 (KA-1) on exclusion from citizenship criteria

...[We] work in the houses of I-10; we work in the mandi, we work here in a way that there are no grievances against us. We don't want complaints against us filed to the CDA, because we live in slum & the system is not in our support. We have been living in I-10 for 40 years. I got a notice a couple of days ago. We had filed a case in the High Court regarding our relatives. We have done every type of job in I-10 & have tried to do as much public service as we could here. We had the case filed in the High Court in the N-League's tenure, but they did not listen to us. Now, we have been asked to come to court on 9 December 2019. The lawyer, who is an influential officer now, who we appointed for the case gathered charity from the whole slum [but] did not appear in court

KA-1 on premeditated eviction

This morning when I was coming here, I came across a slum dweller who was going to the police station to bail out some fellows. He told me that the police did a survey of the area in the night & arrested some men in an operation 6:00AM in the morning. I went with him.

KA-1 on institutionalized inequality

...[I] just want to say that no institution, be it the CDA, the police or the hospitals, are for us

Conversation except between Dr. Nadeem ul Haque (NH) & KA-1 on citizenship identity as a major concern of the poor

NH: So your vote is registered?

KA: Yes, we are registered in I-10

NH: You are a registered voter, but you cannot live where are registered?

KA: Yes, & we also do not have electricity

NH: So you can vote but do not have a legal residence, electricity or gas?

KA: No Sir we don't have them. We use solar energy & firewood. And we don't have schools either. I am trying to get my son to do the matriculation, so I went for his admission in 6th grade. They looked at his B-form & declined the admission due to the residence.

NH: Why?

KA: Because we belong to the katchi abadi. I asked them about what needs to be done for the admission. They asked for an affidavit of Rs.200 for the admission & then it was done. I am just saying that we don't want any charity, but we just want a proper way of dealing with these issues.



Pictographic Explication of I-11 Katchi Abadi Eviction

- ▶ Another newspaper report divides the responses to the eviction into those who felt that the state should not tolerate the illegal settlements, and those who considered eviction a coercive way of excluding the poor.

As the main reason used for the eviction was that the *abadi* was dominated by Afghani Pathans who were conducting criminal activities, the report questions whether 'criminality qualifies the entire community for eviction, displacement and homelessness.' The report also explains that residents earn their livelihood at the fruit and vegetable wholesale market, and others work as domestic labor at below minimum wage. According to one narrative, a resident filed a court case against NADRA over refusal to issue him an identity card. The court instead raised serious questions about the legality of the *abadi* where he was residing and the slum where his house was located. The result was that the court ordered CDA to demolish *abadis* which were termed 'illegal encroachments'. The evictees demand either formalization of their houses with the provision of gas, running water and electricity in the slums as endorsed in the National Housing Policy 2001, or provision of an alternative low-cost shelter for the poor working class in the slums.

Katchi Abadis	CDA Recognized and Unrecognized <i>Katchi Abadis</i> <ul style="list-style-type: none"> No. of <i>Katchi Abadis</i>: 23 No. of individuals residing: 81,041 No. of families residing: 12,986
Khokhas	I-11 <i>Katchi Abadi</i> Eviction <ul style="list-style-type: none"> No. of families displaced: 2000 No. of individuals displaced: 25,000 CDA Recognized <ul style="list-style-type: none"> No. of <i>Katchi Abadis</i>: 10 No. of housing units: 3505
Private Hostels	<ul style="list-style-type: none"> No. of CDA licensed Khokhas : 485 No. of khokhas (licensed and unlicensed): 750 No. of demolished licensed Khokhas :200 No. of licensed khokhas (at risk of demolition) : 285 No. of people employed (licensed kokhas) :2000 No. of livelihood (in PKR) through drive (licensed khokhas) : 1,600,000 Loss of livelihood (in PRK) at risk through drive (licensed khokhas) : 2,280,000
Private School	<ul style="list-style-type: none"> No. of Private Hostels evicted : 80-85 No. of Private schools functional in Islamabad : 1500 No. of students enrolled in functional private schools of Islamabad :350,000 No of private schools functional in residential areas: 367 No. of private schools closed down till August 2019: 60



Context

In cities *khokhas* provide a living for the poor. *Khokhas* are also an important way to protect the right to run a business by the poor. In the 1980's, 480 licenses were issued to *khokhas* in Islamabad. In 2015, the government carried out a crackdown in which CDA and Islamabad Capital Administration demolished many *khokhas*. The demolition was a set up. A standing committee took this issue under consideration, was able to reverse the decision and the *khokha* licenses were reissued. Since then the legal status of *khokhas* has been questioned by the political parties and bureaucrats. In 2018 Islamabad Municipal Corporation passed a resolution in a District Assembly declaring that *khokhas* should not be demolished.

In 2019, The Supreme Court suggested that CDA should take strict action against illegal encroachments including *khokhas*. The order for demolition was issued in June 2019 and the very next day CDA carried out a massive operation in which many *khokhas* were demolished within 2 days. More *khokhas* were to be demolished but the *khokha* association was able to get a timely stay order from the High Court. However, the hearing of the stay order was not completed and the order was reserved after two hearings. The order and judgment of Islamabad High Court was a surprise as it declared that all the *khokha* licenses are illegal as the *khokhas* were not envisaged in the Master Plan of Islamabad prepared in 1962 by Doxiades and Associate. The Master Plan was neither presented in

court, nor did CDA consult the association or inform the defense lawyer that *khokhas* were abolished because they were not in the Master Plan.

Livelihood of *khokha* shopkeepers at risk

That 485 *khokhas* exist in Islamabad can also be corroborated by statistics provided by the CDA. A recent report stated that in July 2019 the CDA bulldozed more than 102 licensed *khokhas* without notice.

In most cases, the owners' belongings were inside their *khokhas* causing more loss and damages to them. CDA's callous response to the anti-encroachment drive is reflected by its stance; *khokhas* are 'shabby and ugly structures' which were given temporary licenses to feed people when the city's *markaz* were not developed. CDA believes that since the city has developed into a proper metropolis, *khokhas* are not needed anymore. However, since the rates at which tea, or a single roti with a plate of *dal* or *bhujia*, are sold in a *khokha* are very low compared to a restaurant, they cannot be replaced if the poor are to have affordable availability of food.

Khokhas are temporary settings that are set up as an interim arrangement for the city's residents till the development of markets in the city's markaz.

Khokhas were also allowed for construction in recreational parks for the visitors selling drinks and snacks.

The khokhas were also allowed for construction along the peripheral service road of sectors and highways in urban areas for travelers.



Role of CDA

Over the years the number of licensed *khokhas* has increased and CDA has also extended support to improve the aesthetic value of these *khokhas*.

The incidents as unraveled over the years in Pakistan regarding *khokhas* and the role of CDA in doing that are presented as:

In 2011 as a response to lack of transparency in the allotment process, CDA banned further allotment of *new khokhas* till framing of a new policy.

In 2012 Islamabad High Court banned new leases and licensee regarding the use of CDA land.

In 2013 CDA cancelled the license of all *Khokhas*.

In 2015 CDA demolished 200 *khokhas* under anti-encroachment drive; these *khokhas* were those whose licenses were cancelled in 2013. The National Assembly took notice of the drive and asked CDA to restore (and in cases of damage renew) 485 *khokha* licenses, frame a policy so that differences between legal and illegal *khokhas* can be defined and take actions against the illegal ones.

In 2016 CDA raises *khokha* rent from PKR450 to PKR3,000 which owners were willing to pay as long as they were allowed to function undisturbed

In 2017 MCI established and powers of municipal administration of Islamabad are transferred to MCI which passes judgement in favor of *khokhas*. CDA refuses to comply with this judgement

In July 2019 Islamabad High Court passed a judgment against the *khokhas* owners and claimed that all the licences were illegal as CDA and MCI carry no right to allot or license land without permission granted from the Federal Government that regulates land according to Master Plan. The Master Plan provides a guideline for Islamabad and is divided into four tiers of legislation with *khokhas* falling under the third tier which is about 'Zoning Regulation and Developing sector' based on the needs of the citizens. Hence putting entire blame to Master Plan with no fault of MCI and CDA is false as the latter organizations have been and are still running their own political economy by receiving millions of rupees from *khokha* owners as licenses, and renewal fees.

Even *khokhas* holding licenses from CDA were demolished. The *khokha* owners were already paying rents and renewal payments to the authority. According to one story, if the drive is being undertaken as per the Master Plan then all other illegal encroachments on CDA land should be demolished, why only *khokhas*? In case of necessary action against encroached lands 15 days' notice is mandatory according to sections 49B and 49C of CDA Ordinance. A report published in Pakistan Today revealed that 200 out of 485 *khokhas* were demolished in Islamabad and the remaining were under the threat of being demolished despite all of them being licensed by CDA. The *khokhas* are being run by the poor, serving free water, and offering cheap food for the poor. The demolition is destroying the livelihood of many poor *khokha* owners.

Khokha Demolishment: Narratives of the Poor

The narratives below talk us through the realities of the exclusion of the poor and the loss of economic livelihood as a result of the anti-encroachment drive.

President Khokha Association on Anti-encroachment Drive against Khokhas

"In the name of encroachment our licensed *khokhas* have been demolished. We took our cases to the High Court; they have accepted two points of CDA. First as CDA is licensing authority so they have the power to allot and cancel license and second is that as *khokhas* are not the part of Master Plan so they can be demolished. The common people do not know what is (or not) in the Master Plan. We have been paying rents for almost 30 years and now

Representative of Khokha Association on loss of Livelihoods

Islamabad High Court passes a judgement against *khokha* owners & claims all licenses were illegal as CDA & MCI have no authority to allot or license land without permission from the federal government which regulates land as per Master Plan. The Master Plan provides guidelines for Islamabad & is divided into 4 tiers of legislation with *khokhas* falling under the third tier: 'Zoning Regulation & Developing Sector' based on needs of citizens. The entire blame is put on Master Plan with no liability to MCI & CDA. This is patently false as both organizations have & are still running their own political economy receiving millions from *khokha* owners as licenses & renewal fees



The Demolishment of Licensed *Khokhas* under Anti-encroachment Drive

Hostel Evictions

A recent newspaper report shows that since November 2019, 80 to 85 hostels located in Islamabad have been evacuated. Every sector has seen evictions of hostels, including E-11 which does not come under CDA regulations. In the same report a CDA official has been reported as saying that the laws of the constitution do not allow building student hostels on the residential areas of the capital. The reasons quoted in the report are that residential buildings can accommodate up to 12 people per house whereas in hostels 60-70 people reside causing issues related to shortage of water and drainage. The solution, as per the official, is that students should use commercial areas since it is the responsibility of universities to provide them with accommodations and not CDA.

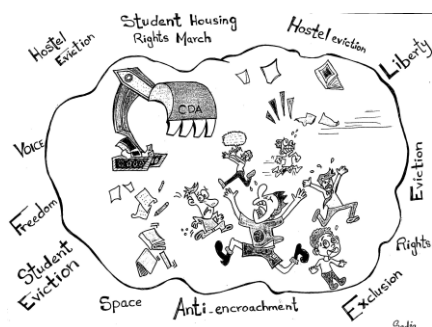
Eviction Stories

A student from Azad Kashmir, enrolled at a public sector university in Islamabad, evicted from a hostel, was present at the conference. He was first evicted from a rented house in F-8 which he had shared with students from the same university department. CDA officials arrived at night and ordered them to evacuate the hostel. Most of the students did not know much about hostel evictions and their legal status and had no clue about CDA and its activities. After being evicted from F-8, the student moved to E-11 to a private housing society where he assumed that CDA laws are not codified and operable. He and his university classmates started living in a shared house in E-11, thinking that their housing was secure now; however, they were evicted from there as well. Previously he had been evicted from a hostel in Mustafa Towers in F-10 also.

definition of a hostel, then it is not being used as residential premises and falls under non-conforming activity. Elaborating on non-conforming activity, the representative shared that universities are not providing accommodations to their students. For this reason, students are compelled to live in hostels, or in a shared house of up to 10 students, if the rent is approximately PKR100,000 per month. When the CDA finds out, it issues a notice, asking them to vacate as they are involved in non-conforming use of the property.

Student Evictee on cost of housing for migrant students

"My semester fee is rupees 55,000. It is PKR.32,000 in QAU, PKR.90, 000 in NUST or PKR.70, 000 in Air University and these are the average rates. My 6-months residence expense is PKR.130,000. So, I am paying a lot more just to be in the city than I am paying for my education. This is your urban planning! My point is, do not go for planning as planning is a dilemma. But at least have empathy and not such indifference"



Private Hostels: The Issue of Non-conforming Category

Another issue highlighted by a representative of the Hostels Association was tagging of hostels in the non-conforming category. This means that if there is no family residing in the house and it fits the

Guest House Associations



The guest house association's representative shared that in 1988 he started his guest house providing low-cost paying-guest facilities to immigrants. He added that hotels in Islamabad are scarce; if 5000 people visit Islamabad daily, there are only 1200-1300 rooms to cater to them, not including five-star hotels. Not everyone can afford to pay Rs.20-30,000 for a day in a five-star hotel. Guest houses typically charge Rs.2000-8000 daily and provide good facilities. In Peshawar, guest houses were allowed

to function in Peshawar University Town. In Lahore, too, the Lahore Development Authority (LDA) has permitted guest houses to operate, but there is a problem when it comes to Islamabad. There are on average 10 rooms in a guest house accommodating almost 10 people, so there is no overcrowding. During the summer season (in June and July, specifically) which is peak tourist season, guest houses usually run out of space.

In 2005 guest houses were included in the non-conforming category. CDA personnel sent notices to the owners of guest houses but in 2014 they became more strict in their operations, using police force to negotiate with the representatives of guest house associations on the issue of non-conforming category.

Context

The private schools association representative quoted an education minister who said in a televised interview that there were 393 government schools in rural and urban Islamabad 25 years ago when the population size was 500,000. Now, the population is 1,000,000 and the number of government schools have increased to 422. In his analysis, the number of government schools should be more than five times that (approximately 2000). So, as a response to lack of public schools, private schools have taken over and mushroomed over the years. He also detailed that as per government survey five years ago the burden on government was to meet the expenditure of 7401 students of IMCG/IMCB. This number increased to 11,400 in the next 5 years. The role of government in this regard should be to meet the expenses and private schools should also be encouraged to meet the increasing demand for education.

In addition, the president of private schools association also shared that private schools are not a profitable

venture because most of the money earned is paid as rent of commercial buildings. He also claimed that he has not made any personal investments anywhere, and did not have money in his bank account since the last 5 years. He said that in profitable private schools, 24% goes for rent, 55% for salaries, and 10% is profit. But this is in cases of successful schools. The school fees, however, vary from Rs.1000 to Rs.5000. He also stated that in 80% private schools the fee is less than Rs.6000 and for the remaining 20% it is Rs.15000 on average. So, variants exist along the axis of quality of school infrastructure, the level of education, school costs and locality.

There are 342 schools in the CDA sectors and 2000 schools in general as per another representative of the association. He said that with MCI in the equation, CDA has made it even more difficult to construct private schools in houses in residential areas. The representatives of the association have asked CDA to provide them plots, but they were told that those vacant plots have been allotted to government schools in G-10 and F-10. CDA had also allotted some plots to private schools in the H, G-11 and F-11 sectors.

They requested CDA to provide them with plots (even of a smaller area) to construct multi-storey buildings in the denser sectors of F-8, F-9, and F-10. They could use the adjoining vacant grounds as school grounds.

Private Schools: Narratives of Exclusion

There is limited place for private schools in the Master Plan. In the 1980's, an ordinance was approved by Punjab to include private schools to help deal with the issue of illiteracy. In the last 20 years there has been no addition to education institutions run by the state. Police stations have increased from 6 to 29, Union Councils from 13 to 50, while the city is divided into 3 constituencies. The 18th Amendment promises that education would be free of cost up to 16 years of age. There are not many concerted efforts to achieve this goal in the capital city nor have any SROs been framed in this regard. On the contrary, 42 private schools have been closed down in Sectors G-6, G-7, and H-8 following the orders of the Islamabad High Court which directed all the private schools to vacate CDA residential buildings.

Rep of Private Schools Assoc. 1 on non-conforming category

...there are non-conforming issues & I have provided PM & President written suggestions. Firstly, I asked them to allow us construction on commercial area; they responded "It is not possible", then I asked them to allow us construction on double road; they said 'there is heavy traffic'. Later we requested construction on service roads on both sides of green belts near parks...[t]his goes on & on...This issue can be resolved but each month they ask us to vacate & shift schools in 15 days otherwise they threaten us to seal the schools. They also charge fine of PKR.5000 per day. So I do not see problem solving attitude anywhere.

Rep of Private Schools Assoc. 2 on non-conforming category

They had provided a very limited number of plots for the schools in H-8. Another issue is that the [construction of] schools comes under non-conforming activity in residential areas, but they are not allowed in the commercial areas also. The Master Plan has no place for schools actually.

President Private Schools Assoc. on Zoning & space for schools

The problem is they want us out of residential buildings. As I am the President of Private Schools Assoc. for the last few years, they bother me the most. One day they appeared at my door with 20-25 people in a truck & destroyed school property. Then I shifted to commercial area. At that time there were 750 students in my school. I used to pay PKR.250,000 for the residential building but now I pay PKR.10 lakhs

Concept of Encroachment as a Problem

The term has been discussed in scholarly, public, legal, constitutional and political debates more visibly in the last 5 years of Pakistan's political landscape. The competing theoretical debates on the definitions of encroachment need to be looked at introspectively and retrospectively. Furthermore, the themes running recurrently in the narratives of exclusion and poverty as explained and deconstructed above are 'Encroachment' and 'Anti-encroachment'. Hence a few definitions, relevant to Pakistan's politico-constitutional and academic discourses have been discussed in this section.



► On Encroachment, CDA spells out:

- No person shall encroach on the land under the charge of the authority or put up an immovable structure, hut or khokha or overhanging structure under any circumstances. Free flow of pedestrian traffic in circulation verandahs of all the markets of Islamabad shall not be obstructed by stacking articles or in any other manner. Articles so stacked shall be liable to be removed and confiscated at the cost and risk of the defaulter. Furthermore the document speaksof:
- Monthly licence for roofless movable stalls can be issued but also revocable by 12 hours-notice.
- The licence as granted will not be transferrable.
- In case of revoked license, the articles (such as sale and furniture, to name a few) will be removed by the licensee within 12 hours. In case of non-compliance, the articles shall be removed by the authorized officials at the cost and risk of the licensee with no compensation granted.
- The area of movable encroachment should not exceed 16 sq. ft. for which rent at the rate of PKR. 1 sq. ft. per month shall be paid.
- A person will be liable to punishment of fine which may exceed to hundred rupees in case of violation of any of the bye-laws stated in the chapter on encroachment. The amount may extend to twenty rupees per day in case of continuing contravention.

Speaking about encroachment of land per se, the Punjab government has framed the Model By-Laws 2018, titled Prevention and Removal of Encroachments. According to this document:

- **Encroachment** means and includes movable or immovable encroachment on public place, public property, public park, open space, public road, public street, public way, right of way, market, graveyards or drain.
- **Encroacher or wrongful occupier** means and includes a person who has made movable or immovable encroachment on an open space, land vested in or managed, maintained or controlled by the local government, public place, public property, public road, public street, public way, right of way, market, graveyard or drain and owns the material or articles used in such encroachment existing at the time of removal of encroachment or ejection and also any person(s) in possession thereof on his behalf or with his permission or connivance.

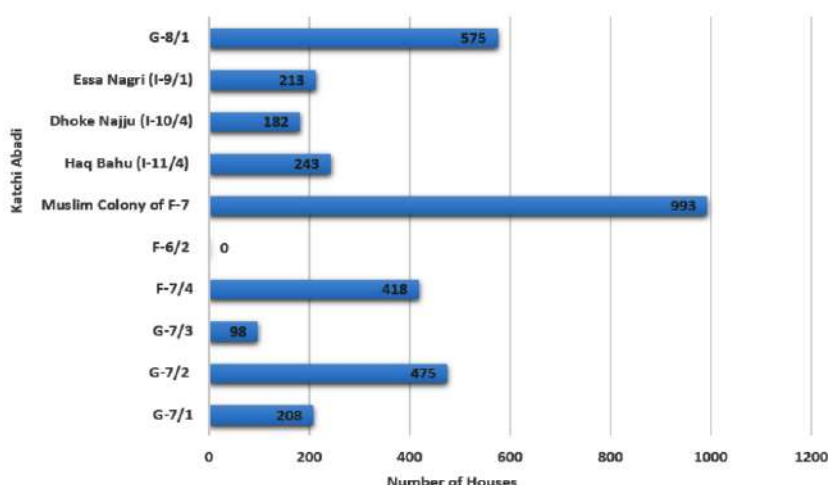
CDA's Policy Input

Model Urban Shelter Project (MUSP):

In case of *katchi abadis* of Islamabad the planning wing of CDA uploaded a letter on its website for public awareness in 2019. The letter clearly states that rehabilitation of *katchi abadis* have started and recognized those which have existed up to December 1995. The document also outlines 10 *katchi abadis* recognized by CDA.

On the policy front, in 2001 CDA finalized a project titled Model Urban Shelter Project (MUSP) at Ali Pur Farash to provide accommodation for 4 recognized *katchi abadis* (Muslim Colony, Essa Nagri, Dhoke Najju and Haq Bahu with a total of 1631 residents). CDA has specified an area of 160 acres, consisting of 4007 plots each measuring 3 Marla.

To date 1231 plots have been allocated to the residents of previously mentioned 4 *katchi abadis* and the remaining had already been allocated to the residents of the labor colony, F-9 Park, in the early 1990's. Out of the 7 reasons for starting this project, 5 are as stated in the document: (i) clearance of slums, (ii) development initiative for sustainability of physical environment, (iii) elimination of security threats for the Capital City (on pretext that residents are prone to criminal activities and hence are threat to the residents of formal housing), monetary gains, and (iv) utilization of precious land by capitalizing on the land value. The remaining 2 are normative namely provision of housing to the lower-income groups and provision of proper accommodation.



Three Dimensional Policy:

The process of rehabilitation of these settlements entails strong policy input which CDA aims to carry out by the following the three-dimensional policies.

As part of the second policy the eligible residents of Muslim Colony and Essa Nagri were offered plots in Farash Town. Of these 70% from Muslim Colony, and 15% from Essa Nagri availed the offer. For *katchi abadis* of G-7/1, G-7/2, G-7/3, and F-7/4, CDA has taken the steps entailing upgrades such as electricity, gas, and water supply as depicted in Phase I. In Phase II planned plots have been requested by the *katchi abadi* residents but for that, land and funds are needed which CDA falls short in, as stated in the letter.

Policy No.	Policy Narrative
1	Rehabilitation of <i>katchi abadis</i> through up gradation at existing location in the present form
2	Relocation of <i>katchi abadis</i> at Ali Pur Farash Islamabad.
3	Rehabilitation through up gradation of <i>katchi abadis</i> at existing location in the form of planned plots.



- The municipal offices for *katchi abadis*, *khokas*, and informal sector workers follow a 'nested approach' which places officers on the front lines within the communities they serve. These offices should be well-resourced and as pilot or prototype department efforts, should be evaluated following a test period across different urban settings. The overall governance structure of support for informal sector residents and workers needs to cut through federal and provincial levels of government and support the front lines of operations within the municipal/local government cells.

- Local government should consider revisiting the license approach on a neighborhood by neighborhood basis and ensure that street vendors and service providers have a space which they can rely on offering services from on a weekly or monthly basis.

- Consider tying social service support to street vendors together by technology (ICT facilitated cell phone use) where their economic activities and license are also bound to services they can receive for their families (education, healthcare, etc.). This brings them more into the fold of formalized social services (this has been done in Dhaka, in more densely concentrated areas).

- The need is to consider multiple pilots across different cities with different mixes of license/permit/support services which we can try out, and then evaluate. Design might be; (i) Permit based model: a **permit**, tied to a cell phone number allows a street vendor to operate in a certain area for a particular duration, with services accessed by a certain State (or NGO) provider, (ii) License based model: a **license**, tied to a cell phone number allows a street vendor to operate in a broader area (allowing for more fluid market dynamics) with services accessibly by a certain State (or NGO) provider, and (iii) Zone based model: Local officers manage street vendors across a zone based on the balance of services needed in various markets and local registration and monitoring is provided by a state (or NGO) provider.

- Governance should not be dependent on technology, as learned from the urban North. Rather, once people are engaged and processes are developed, technology should be introduced to administer and sustain the system. Adoption of GIS based strategies for comparing and monitoring support for informal sector entrepreneurs across cities and settings can be helpful. Also imperative will be to explore ICT

and cell phone-based communications to bind entrepreneurs to zones of operation and the needed administrative licenses. Also important in this context is the role of ICT to give entrepreneurs the needed social support and access for their families who are within *katchi abadis*. Leverage database knowledge and analysis to measure the economic output and contributions (qualitative and quantitative) which informal sector activities provide to urban economies and service sectors, is also important.

- The role of CDA is to secure human needs irrespective of the differences that exist along the axis of age, gender, race, ethnicity, social status and economic backgrounds in Pakistan. It also explicitly claims to ensure public service delivery on domains as diverse as cleanliness, health, education, opportunities, and supply of goods. The functioning and role of state and government in the indiscriminate provision of afore-said services seems to be incongruent in the light of the state-institutionalized anti-encroachment drive in Islamabad. Unless this dichotomy of the role of state and government is addressed, the poor will continue to be systematically excluded.