

Pakistan rural community struggles - Still Standing: Derah Saigol tenants' struggle against eviction

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"I was a little girl when it started," says Jamila, an outspoken leader of the community, and now mother to a grown up son, "I saw my parents standing up to the Saigols, saw them fighting back. It politicized me, made me tough. You need that when your entire existence turns into a battle for survival."

16th May 2012. They came in the afternoon, in seven cars, unannounced, in plain clothes, with their faces veiled. They broke into the houses, smashed the furniture, burned shops and wares, and badly beat a number of men, women and children. A pregnant woman was beaten so ruthlessly, she miscarried. Another woman's ankle was broken. An old man was dragged unceremoniously from his sick bed and thrown head-first on the floor. Whoever tried to ask what on earth was the matter, was abused, slapped and told to shut up.

No, this is not a scene of an armed robbery.

The raiding party were policemen. They comprised the rank and file of Thana City Mureedkay, and Thana Sadr Mureedkay, District Sheikhpura. Led by the DSP Shahid Niaz, these men had no warrants for arrest or "search and seizure", and could only furnish what appears to be an entirely concocted story as justification for suspicion of "illegal activities". It was perhaps a larger calling that brought them there.

"Dera wela karo, dera wela karo (leave the dera, leave the dera)!! That's just what they kept repeating!" one of the women recalls in a quivering voice.

But this wasn't the first time. The Mazareen of Derah Saigol, a small village on the outskirts of Lahore, have been fighting the battle against eviction from their homes, by the powerful Saigol family and its cronies, since what feels like an eternity.

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Their story is hardly out of the ordinary. Like millions of other tillers all across Punjab, these Mazareen were invited by their landlords, in this case the Saigol family, to cultivate their barren land on the basis of *hisa-batai* (crop sharing), in return of the right of tenancy. Under the legal system put in place by the colonial masters who introduced "property rights" in India for the first time, all the land titles went to the politically powerful families, who could provide resources and soldiers in the service of the Raj. But it was soon clear to the British that this new zamindar class could not be trusted with actual cultivation or innovation of new techniques for the betterment of the

land – things that were crucial for a sustainable revenue base for the Raj. This meant that at least some of the actual tillers had to be protected against the whim of the zamindars – just enough to be able to keep the agricultural production going steady. Hence the creation of the legislative category of “occupancy tenants” – tenants who have lived long enough on the land under certain conditions, or otherwise merit a claim against any arbitrary eviction.

These laws remained unchanged post-independence until the slogans of “*Roti, Kapra, Makan*” brought Bhutto into power. Despite his popularity, Bhutto too only made some token changes – that too under the guise of being the Chief Martial Law Administrator. One of these were the land reforms, through which tenants in the country were given the right to gain ownership of the land that they had been farming for years. In the case of Derah Saigol, the Saigol family had moved away permanently by this time, leaving the Mazareen to rightfully claim ownership. Yet it appears that some of the documentation remained incomplete due to the Patwari’s complicity with the landed interests. The Saigol then filed a writ petition in the Lahore High Court to evict the Mazareen, which was decided in the latter’s favor in early 1970s.

“Even the police at that time could not provide any reason for our eviction,” Jamila recalls. “So their report clearly said that we were indeed the rightful tenants.”

“The Court told us we could live peacefully,” another woman chips in. “that no one will bother us. But honestly, we have never known peace...” she smiles ruefully.

It is not too hard to imagine what she means. Police violence and corruption in Pakistan is a frequent topic of dinner-table conversation. Its deep links with the ruling class and the ideological basis of the post-colonial state may be less well understood, but who has not shuddered at the thought of spending a night locked up in the thana? But what may be a subconscious fear for the middle class, is the everyday reality for a vast majority of the working classes, and the Mazareen of Derah Saigol are no exception.

In 2007, Asif Saigol, the man behind the renewed attempts at eviction of the Mazareen from the Derah, got a case registered against 18 members of the community on the allegation that the Saigols were Khudkasht (self-cultivators) and had no tenants, and the Mazareen were in fact stealing crops from the Saigol family.

When queried about this matter, Mr. Saigol responded that the Mazareen had never actually lived on the Saigols’ land and were not their tenants, but merely served as hired labor before the land reforms. According to him, they were also in the habit of robbing travelers on the highway – an allegation that is reminiscent of the official British narratives used to criminalize revolting Indian communities. After the land reforms were canceled by Zia, the Saigol family tried to evict the Mazareen by filing yet another case with the Land Revenue Courts, despite the decision of the High Court in the matter. This new case was decided in the Saigols’ favor, allowing them to mobilize the state and legal machinery to ensure eviction.

The first police raid on the behalf of the Saigols took place in 2004/2005. According to Mr. Saigol, this raid was successful but the Mazareen kept coming back. More raids thus followed in 2010 and 2011. Small as the community may be, they stood their ground and refused to be permanently displaced from the land that they had tilled for decades.

For the increasingly educated and urbanized Saigol family, now living in the big cities or having moved abroad, this presented a serious dilemma. The land was too valuable to let go off: it borders the Muridke city limits, where the property prices have sky rocketed in the recent past. Yet to be directly involved in a violent eviction attempt against a very determined and politicized local

community would be rather *passé*! The solution then was to sell nine out of the fifteen murabas of land to one Mian Shafi, a local property developer and feared goon, who in Mr. Saigol's own words "has absolutely no qualms about violently evicting the Mazareen, and teaching them a lesson".

The May 2012 police raid thus came in the wake of this drawn-out struggle of the Mazareen against eviction. According to Mr. Saigol, there was another immediate reason: the Mazareen had once again robbed a traveler, not realizing he was a local resident. Unlike others, this (unidentified) man reported the incident to Mian Shafi, and stuck around to pursue the case.

On Shafi's insistence, police went to the derah to 'investigate' on 16 May 2012. When the police picked up four men from the village during this particular raid, the tenants, beaten and bloodied as they were, followed the police, knowing that their loved ones could languish in *thanas* and be subjected to torture, if these "officers of the law" were not stopped. But they had no guns, no jeeps, no Ministers or IGs on their speed dial. They did the most tactical thing in their power at that juncture - they blocked the GT road and protested.

When the villagers, now joined by others from the nearby areas, picked up pebbles and stones in defiance of tear gas and lathicharge for demanding their men be set free, the police opened fire. Dozens of eye witnesses tell the same horrific story - DSP Shahid Niaz and his two aides, fired at and killed a passer-by named Muhammad Arif. In the ensuing mayhem, a policeman was also seriously injured and later passed away. Hardly a "tragedy" though; for the police now had what it was looking for - a double murder case in which to implicate the villagers it had just picked up!

Not only does the police have no independent witnesses where there should have been many if its version was correct, but the witnesses on behalf of the villagers are being hindered from testifying. According to the Mazareen, the eye-witness statements of the two brothers of the deceased Muhammad Arif, acknowledging that it was the DSP and not the villagers who murdered their brother in cold-blood, have not been allowed to be used to file a counter FIR against the police. Instead, more people including Mr. Dastagir, a local leader from the left-wing Awami Workers Party, which has been supportive of the tenants' struggle, have been involved in the murder case. In a raid on his house, Dastagir's three sons, despite having no involvement in the case, were picked up for the purposes of an "identification parade" soon after the original raid, and were only released on bail on the 17th of August. At the time of writing, Mr. Dastagir is himself behind bars and his bail has been rejected.

The police may be complicit, but surely there must be hope for justice from the Courts, one wonders.

"What justice?" one of the women retorts, "There is no justice for the powerless. You know we used to hear about Karbala and shudder... Now we have a Karbala of our own."

The magistrates have already given extended police remands of dozens more whose names are not even mentioned in the FIR - to purportedly identify the two hundred "unknown" culprits, when only fifty or so people were present at the scene of the murder. The rule of 24 hours of police investigation was effectively discarded - the magistrates did not even consider giving judicial remand to the accused villagers until the police itself asked for it! Stones or sticks allegedly used to attack the police and kill Muhammad Arif were "recovered" more than a week later, despite the lack of any description of these items in the FIR. Small wonder that their lawyer for the case in the sessions court, Ayaz Safdar Sumro, describes the attitude of the courts towards the Mazareen as "extremely unfair".

The Mazareen of Derah Saigol await the court's verdict as their writ petition, demanding that the trial courts be directed to hold an independent inquiry into the incident and a counter FIR against

the police be registered, lies pending before Justice Shahid Hameed Darof the Lahore High Court. A separate case on their right to land, also remains unresolved. As rightful owners or at least as occupancy tenants, these Mazareen's right against arbitrary eviction ought not to be overlooked. Their own trepidations are not limited to the proceedings before the Court though. Being under constant siege by police and local thugs means that whether leaving or entering the boundaries of the derah to make ends meet without being beaten or kidnapped, or trying to meet their loved ones in jail or thana, they have battles to fight every single day. And these battles are unlikely to cease anytime soon.

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P.S.

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