

Practices and Perceptions of Bureaucratic Corruption:
An Ethnography of the Land Administration in Khyber Pakhtunkhwa



By

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No part of this thesis has been submitted anywhere else for any other degree. This thesis is submitted to the Department of Anthropology, Quaid-i-Azam University, Islamabad, in the partial fulfillment of the requirements for the degree of Doctor of Philosophy in the Field of Anthropology, Department of Anthropology, Quaid-i-Azam University, Islamabad.

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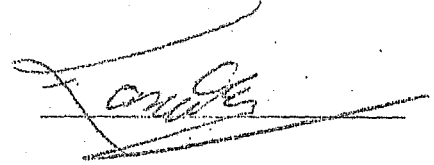
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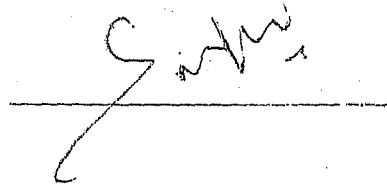
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Acronyms

AAC- Additional Assistant Commissioner

AC- Assistant Commissioner

CM - Chief Minister

CS - Chief Secretary

DC- Deputy Commissioner

MNA - Member National Assembly

MPA - Member Provincial Assembly

PAS - Pakistan Administrative Service

PCS - Public Service Commission

PMS - Provincial Management Service

SDC - Service Deliver Center (the newly established center after digitization of land records
where digitized land records are maintained and provided to landowners)

SMBR - Senior Member Board of Revenue

TMA - Tehsil Municipal Administration

Abstract

The land administration in Pakistan is notoriously known for corruption and popular in anti-corruption rhetoric. The efforts done by different governments to eradicate corruption so far failed to achieve the targeted goals. This is because corruption in the post-colony has been institutionalized and is embedded in the wider socio-economic and political matrix of society. This ethnographic research focuses on the political economy of procedures in the land revenue administration with a special focus on its bottom rung locally famous as "the Patwar System" and its facilitating factors to present a grounded picture of 'how' and 'why' corruption is practiced and perceived amidst the popular discontent. The main hypothesis of the study was that corruption which has become a norm in the public offices is the result of several facilitating factors including the structure and habitus of state apparatus, the socio-economic and political structure of Pakhtun society, the Pakhtunwali codes of conduct (local values) such as honor [Izat], competition [Siyali], and hospitality [Melmastya] to name a few, and the anti-corruption rhetoric and narratives at national level. The major premises of the study thus focuses on analyzing, the post-colonial western based bureaucratic structure and procedures, the socio-economic and political structure of Pakhtun society, and the discourse of corruption stemming out of the anti-corruption rhetoric at the national level in the broader framework of political and economic anthropology. I argue that corruption in the land administration is the result of these multiple factors. We, thus, need to contextualize and study it with a holistic approach. Empirical data is collected through participant observation, key informants, informal conversations, informally conducted focused group discussions, case studies and in-depth interviews based on purposive sampling.

Key words: land administration, public office, state services, practices and perceptions of corruption, bureaucracy, procedures, Pakhtunwali, Khyber Pakhtunkhwa, Pakistan

Chapter 1. Introduction

On the afternoon of one fine day in January 2009, my father rang me up on my cell phone and asked me astonishingly, “what has happened? People of the village are visiting and congratulating me on your government appointment; have you become a tehsildar (the Revenue Officer also called as Assistant Collector who heads land administration at the sub-district (tehsil) level)”? This was unusual because prior to qualifying the competitive exam taken at the provincial level for the post of tehsildar, I had worked in reputable international organizations such as the Danish Red Cross and United Nations Development Program (UNDP) and, at the time I received call from my father, I was working with the Earthquake Reconstruction and Rehabilitation Authority (ERRA) of Pakistan with my office in the Prime Minister’s secretariat but it did not catch the attention of the people as it did now. I never received a call from my father when I got jobs at these reputable organizations. Later, when I joined the civil service, I realized the importance of my job due to the socio-political status and value attached to the post (chapter 4). And it clarified the reason(s) people of my village were congratulating my father.

The first year of my job went into training where we a batch of 80 officers were taught all the relevant laws of the country with a focus on land laws, procedures and the impersonal standard values and norm of the western based bureaucratic model which was installed by the colonial regime. Charged with these highly motivated ideal western values with the background anthropological knowledge particularly applied anthropology and anthropology of development particularly its critique, I joined the land administration as its field officer. My job was to supervise the work of the village level officials (patwaris), attest all the new entries they made in the public land records, ensure timely collection of land revenues and taxes, and assist the District Collector/Deputy Commissioner in general administration. This was

altogether a different world! None of the laws, rules and procedures worked here the way they were laid down in the books and taught to us during the training. The first few months were of total confusion and the first few years were of tremendous stress, struggle and conflicts with subordinates, people, politicians, and bosses. Nothing seemed to be working as per law and rules. The district collector, if needed, would want things to be done within no time while people seeking services would struggle for days and months to get access to land officials and get things done. Bribes, overpricing, and gratitude were normal daily practices. Land administrators particularly the *patwaris* used public land records as their ‘means of administrations’, in Weber terms, to extract informal money from service seekers. The entire land administration from bottom to top (patwari (village level official) to the secretary to the provincial government who heads land administration) seemed to be involved directly or indirectly in the political economy of procedures. The reforms/eradication of corruption were limited to political rhetoric and those at the top ignored the ground realities which provided a breeding ground for corrupt practices. In this frustrating situation, I tried my best but made only a little difference in places where I was posted.

The next few years brought a lot of struggle and frustrations for me at work, so much so that I had started considering quitting my government job and moving to pursue a Ph.D. degree eventually switching to academia. While thinking of governance and public policy as my research areas, I started considering an ethnographic study of the land administration as my graduate research project. But in 2013, a new and the third political party; Pakistan Tehreek Insaf (PTI) emerged on the political horizon of Pakistan forming its first provincial government in the Khyber Pakhtunkhwa province. During its political campaign, its leadership chanted the slogan of change [*tabdeeli*] and eradication of corruption from the country. Same as the global transparency agenda (and propaganda) it also considered corruption as the root cause of poverty

and underdevelopment in the country. At the local level, the PTI leadership were particularly targeting the land administration and police department.

Corruption at this point became popular in the political rhetoric and resulted in a discourse of corruption both at local and national level. Scandals of mega corruption at national level and the annual rankings of Pakistan by Transparency International in its Corruption Perception Index not only added to this discourse but brought to forth the severity and magnitude of the problem. For example, in 2022, Transparency International ranked Pakistan 140th in a list of 180 countries showing the magnitude of corruption in public institutions (Transparency International, 2023).

When eventually the PTI came into power in the Khyber Pakhtunkhwa province and formed its first provincial government, a mechanism was installed by the secretary to the government for land administration to eradicate corruption. Land officials were directed to submit contact details of sellers and buyers. Phone calls were made to them from the offices of the higher officers inquiring whether land officials have charged extra money or not. However, this mechanism failed. Firstly, because *patwaris* either gave fake numbers or gave numbers of only those who will never complain. And secondly like other reforms, it was short lived and soon was given up.

It was at this time that I felt the need to present an ethnographic account of the land administration, so policy makers take into consideration ground realities, understand how the bureaucratic system of the post-colonial land administration works at local level and understand where the real problem lies. I thus started brainstorming with people around me and one day I asked the ResearchGate community where a scholar I no longer remember advised me to look into what happens to applications/petitions when they are submitted in a public office. From a brief survey of literature, I found that very little has been done directly on the

working of local level bureaucrats particularly when it comes to practices of corruption. Scholars have stressed on the need of such ethnographic studies to provide empirical data on what happens in local offices of the bureaucracy during the provision of state services. Consider for example Akhil Gupta's observation: "much more needs to be done to lay the empirical basis for ethnographies of the state. Very little rich ethnographic evidence documents what lower-level officials actually do in the name of the state" (Gupta, 1995 p. 376). I thus decided to present a 'thick description', in Geertz (1973) terms, of what bureaucrats actually do when citizens approach them for different services in the land administration. Though laying down the processes and procedures has its own empirical and ethnographic importance, my focus is more on the practices and perception of bureaucratic corruption and the political economy built around procedures.

This ethnographic study thus aims to present a holistic account of the bureaucratic corruption in the post-colonial Pakistani land administration with a special focus on its bottom rung locally termed as "*Patwar System*" where the village level land official with a nomenclature as patwari makes, maintains and provides public land records to landlords, landowners, tenants and public at large. Being a custodian of public land records, he makes and incorporates new entries in the record of rights [*misle haqiyat*] and initiates reporting to the high ups for deciding issues pertaining to land records and administration. He also works as focal person of the district administration in general administration at the village level including but not limited to verifications of all sorts, helping in census survey, vaccinations, elections, disasters, and facilitation of visits of state officials and government representatives.

The current Patwar System (land administration) started with land settlements by the British colonial government in the Indian Sub-continent for its obviously known purposes of generating revenues and suppression (Baden-Powell, 1892; Smith, 1996). In post-colonial Pakistan, it has become very popular in the anti-corruption rhetoric and is notoriously perceived

as corrupt in today's Pakistan. The extent of which can be gauged from the fact that the Pakistan Tehreek Insaf (PTI) which formed its first government in Khyber Pakhtunkhwa in 2013, used eradication of corruption from the Patwar System as one of its main slogans during its election campaign. How does the land administration operate today? What are the corrupt practices which makes corruption in the land administration so prominent in the anti-corruption and transparency rhetoric? How do these practices take place? How are these practices perceived both by bureaucrats and local people? How are they embedded in the local social matrix and the national anti-corruption rhetoric? These are the questions that I have tried to investigate in this ethnographic study.

Corruption, which proponents argue, results in insecurities, distrust and uncertainty in the citizens (de Soto, 2000) and is structural violence against the poor (Gupta, 2012) is seen as a result of a weak or strong state (Sun, 2004); as an alternative form of legal order (Nuijten and Anders, 2007) as a result of conflicting moralities and investment in social relations (Torsello, 2003) as a discursive strategy through which the citizens at local level actualize their access to state services and imagine the state (Gupta, 1995) and a result of colonial legacies (de Sarden, 1999). de Sarden (1999) while using the term "moral economy" with a question mark, argues that corruption, in the African case, can be understood only through the study of certain habitual social practices including gift exchange, brokerage, solidarity networks, predatory authority and redistributive accumulation while Nuijten and Anders (2007) proposes to study corruption through three perspectives of power; contextualization of interactional patterns to get access to administrative services; the institutional power structure and systematized normative modes of corruption; and the structural patterns of power to analyze corruption in relation with inequality where the elite class have more opportunities to manipulate power.

Given this multifaceted, intricate, and complex understanding of corruption, I try to locate, using a grounded approach, the corrupt practices that take place around the processes and procedures in the land administration at three levels:

a. Corruption classically has been defined as the abuse and (mis)use of public office and funds for private gains. This definition is problematic for anthropologists (see next section), but my focus here is on “access to the office”. Much has been said about the abuse and misuse of public office but getting to and/or getting the office (for bureaucrats) has not yet been investigated. I thus explore the political economy of the “public office” and bring forth how “lucrative offices” are negotiated and get access to in the first place. I observe and argue that the very public office which is abused later, is first bought through bribes and connections.

b. Corruption in the Pakistani bureaucracy can also be located in what is called as the social embeddedness and the moral economy of corruption. I explore a number of cultural practices and social obligations that justify and neutralize the practices that otherwise are considered as corrupt. Additionally, I explore yet one other striking factor which facilitates informal earnings in public offices: to maintain or rise to the desired social status which is the outcome of land arrangements introduced by the British colonial government.

c. The anti-corruption and transparency campaign is considered as an agenda of the global neoliberal economic structures aimed at minimizing the role of the state and giving corporations access to resources and markets. My focus in this research however is the resultant anti-corruption and transparency rhetoric at the national level and its impact on the perception of corruption at local level. I argue that stories of mega corruption and the wider anti-corruption rhetoric at national level disseminated through

print, electronic and social media result in narratives and a discourse of corruption at local level through which people as well as bureaucrats find justification for their informal earnings through manipulating procedures and abusing their powers and authority.

However, generally, my articulation is guided by Weber's concept of the "means of administration" and Bourdieu's concept of "habitus". My focus in this study is on the practices and perceptions of corruption in the bureaucracy. For Weber, "bureaucratic administration means fundamentally domination through knowledge" (Weber, 1978 p. 225). More recently, Hull (2012) extended this argument to the materiality of bureaucracy in Pakistan and argued that documents constitute the organization and practice of bureaucracy in Pakistan. I see how land officials use their knowledge to dominate and how they control land records and use them as "means of administrations" to negotiate and extract money/bribes for the state services they provide.

For the 'perceptions' part, I locate the 'perceptions' of bureaucratic corruption in the social habitus and its structures. For Bourdieu, 'habitus' which is the product of "a particular class of conditions of existence" refers to the "systems of durable, transposable dispositions, structured structures predisposed to function as structuring structure" (Bourdieu, 1990 p. 53). I thus have tried to locate and understand the perceptions of corruption in the bureaucracy in the particular habitus where they take place.

1.2 The problematic of corruption and anti-corruption rhetoric

What is corruption? This simple question has been the problematic of corruption for anthropologists. Part of the reason was that anthropologists first had been busy in studying the exotic cultural conditions to solve the mystery of how humans and their culture originated and later studying kinship and reciprocal exchanges to explore the early forms of governmentality

and governance in human society. Corruption thus remained a domain almost exclusively studied by political scientists and economists. When anthropologists turned towards studying corruption, they found problems with confining corruption as a problem of the so called third world underdeveloped countries, the western based notions such as public and private, legality, morality and the very definition of corruption: the abuse of public office and funds for private gains.

Corruption emerged as one of the striking features in the studies on bureaucracies. For a long time, the field of corruption had been dominated by political scientists and economists who had been defining it in terms of Western legal rationality attempting to develop universal definitions, methods to measure corruption and its effects (Friedrich ,1972; Heidenheimer and Johnston, 2002; Huntington, 1968; Klavereen, 1957; Klitgaard, 1988; Leys, 1965; Myrdal, 1968; Nye, 2002; Rose-Ackerman, 1999; Scott, 1979). Anthropologists have always remained critical about the universal and western based definition of corruption (Bocarejo, 2018; de Sardan, 1999; Granovetter, 2007; Humphrey, 2000; Ledeneva, 1998; Pardo, 2018; Pierce, 2016; Roitman, 2005) and one of the reasons was the Western based definition of corruption which kept anthropologists at bay from the study of corruption. They also had been concerned with the methodological and ethical issues it entailed; the repercussions it carried for themselves, their interlocutors, and future researchers; the concern not to betray people they study or jeopardize their trust and moral standing in order not to lose access to information. But the post 90s era witnessed a boom in the anthropological literature on corruption (de Sardan, 1999; Nuijten, 2007; Haller and Shore, 2005; Torsello 2011). Nuijten (2007) draws a link between this rising interest in anthropology on corruption to the founding of Transparency International and the World Bank initiatives to eradicate corruption. These institutions as well as the global proponents of transparency chanted slogans and focused on initiatives of poverty alleviation and good governance in countries the international players were operating in.

Anthropology however has offered a tempting perspective and it has zealously established that anthropology has the potential to help explore corruption in its various forms across the globe. The attempts to define and measure corruption and anti-corruption in light of the Western ideals have led to a divide of the West and the rest (developing countries) rendering corruption as the problem of developing countries which are caught in their own cultures. Anthropologist had been critical of this divide at two levels: First, the global neoliberal project of transparency which advocates good governance and accountability measures as a matrix of development for developing countries in the developing world through international organizations such as World Bank, IMF and Transparency International which is used as a mean by international corporations to access markets of the developing countries (Benjamin, 2007) and, governments for political legitimacy (Gupta ,1995; Maria, 2010).

Second, corruption, from a development perspective and undertone, has been advertised as a problem of developing countries which are caught in the web of their cultures. Though Anthropologists bringing forth the mega corruption scandals from the developed countries and practices of corruption in the European commission reject this very idea and argue that corruption whether mega or in petty forms is a problem of both the transparent North and the “corrupt” South (Anders, 2005; Krastev, 2003; Roitman, 2005; Haller and Shore, 2005; Nuijten, 2007; West and Sanders, 2003; Das and Poole, 2004; Hasty, 2005; Hetherington, 2011). However, it is argued that this form of corruption fills the gap which was created by the incomplete bureaucratic and state structures and as such facilitates functioning of these institutions through greasing the wheels of the bureaucratic machine to run (Blok, 1988) which gradually will disappear through the rational advancement of the state. This approach is widely and actively advocated by International Organizations which promote transparency and efficiency as part of their financial aids to bring about structural changes. This agenda has been criticized for its depoliticizing role (Ferguson, 1994). On the other hand, the mega scandals of

corruption in the Global North and in international organizations such as UNESCO, UEFA, the UN, the European Commission, to name a few, have proved corruption as an endemic problem both in the transparent North and the backward South.

How do we define corruption then? The classic definitions of corruption , “behavior which deviates from the formal duties of a public role because of private-regarding (personal, close family, private clique) pecuniary or status gains; or violates rules against the exercise of certain types of private regarding influence” (Nye, 2002 p. 284), “deviant behavior associated with a particular motivation, namely that of private gain at public expense” (Friedrich, 1972 p. 127) and the recent World Bank’s definition, “the abuse of public office for private gain” (World Bank, 2002 cited by Haller and Shore, 2005) has become bedrock for policy makers both at national and international levels resulting in structural reforms to bring transparency and efficiency as conditions of the development aid provided by international banks to the poor countries.

The “misuse” of “public office” for “private gains" remains at the core of the debate in anthropological literature because the problematic is drawing a clear line between the “use”, “misuse” and “abuse” and, "public” and' “private”. Anthropologists on the one hand found it difficult in many contexts how to differentiate a gift and gratitude from bribes given to petty bureaucrats in the so-called “non-transparent” societies while on the other, the bribing of French president who gave foreign leaders money from the state owned oil company and the use of illegal funds by President Mitterrand to finance election campaign of his German ally Chancellor Helmut Kohl, the case of Italian premier, Silvio Berlusconi who changed laws to reclassify their previous illegal actions as legal. Pakistan has witnessed such cases under the famous “theory of necessity [*Nazriya Zarurat*]” in the country where agreements are affected with the former premiers/politicians through National Reconciliation Ordinance (NRO). A very recent example is the continuous changes in rules of business in the newly established

Provincial *Ehtesab* (accountability) Commission in Khyber Pakhtunkhwa which was finally dissolved.

Haller and Shore (2005, p. 4) show us a similar example from Italy where the law was changed by the premier to reclassify his previous illegal practice as legal. This situation becomes more difficult to see a clear picture when the political elite while using their parliamentary and executive powers change the law or either make their previous actions of corruption legal or build a wall of immunity around them. For example, the Pakistani premier Imran Khan gets legal status for the illegally encroached state land he constructed his house on through an order of the Supreme Court of Pakistan when he became prime minister. Bureaucrats in the land administration, as I show in chapter 3, manipulate the rules and laws in ways that their apparent corrupt practices cannot be proved as illegal. The inability of the Netherlands' minister for justice to take legal action against the fraudulent investment company which manured within the letter of law, is a case in point. Haller and Shore (2005, p. 3) in the cases of mega corruption scandals such as Enron, raises the question who to hold responsible for corruption? “[T]he lowly official who shredded the incriminating documents, the line-manager who gave him the order, or the company executives who played fast and loose with the markets?”

The corruption and anti-corruption discourse in the North is rooted in the Western political thought stemmed out from the Aristotelian tradition (Torsello, 2011) and the “golden age of civilizational integrity” (Muir and Gupta, 2018 p. s6) while the South, which is, from a Western perspective, caught in web of its culture, has failed to establish rational and accountable systems of governance. (Torsello, 2011, Rothstein and Eek, 2009). Anthropologists had been critical of drawing this line between the civilized and transparent North and inefficient South. Taussig even noted that, “there can be no south without a north” (Taussig, 1999 p. 80). Beyond the political and depoliticizing role of transparency, anthropologists had been critical of the very definition of corruption problematized by their findings of different conceptions of the

public and private, conflicting moralities and legal pluralism. For example, the “public” and “private” domain are perceived and treated differently by people in the West and the East particularly in post-colonial societies (de Sarden, 1999; Torsello, 2011) where state is considered as an outside agent. This argument is also seen in the state-society divide the boundaries of which are not clearly drawn and are argued to be blurred, (Gupta, 1995), thin (Hull, 2012) and which are constantly are negotiated, contested and redrawn (see Anders, 2005; Benda-Beckmann and Benda-Beckmann, 1998; Blundo and de Sardan, 2006; Gupta, 1995; Herzfeld, 1992; Lipsky, 1980; Maynard-Moody and Musheno, 2003; Agamben, 2005).

In view of anthropological studies, however, the division of state officials as state and the service seekers as society is difficult to make. For example, in contexts such as Africa and Asia (the study in hand) where sharing the benefits of the state a bureaucrat gets from his public office carries a high moral value (de Sarden, 1999) and India where approaching state officials is easier at tea stalls or at their homes than their offices (Gupta, 1995 p. 384). Here the state officials perform their official roles in private spheres. While in Pakistan as I show, a bureaucrat being state official, and a member of society performs two different roles (official and social) in two different but intermingled spheres (officialdom and socialdom) of life and while balancing both the roles they pursue their own dispositions through balancing official rules and social codes. Their dispositions are driven by three types of motivations: the purposes of the state where they enjoy a position of legal authority and power, the purposes of the society where they perform their duties and obligations and as individuals who strives for a modest and/or luxurious life to have the social status and position which confers a respectable place in the society (chapter 4).

Corruption, in this perspective, has been linked to the particular histories which introduced structural changes. de Sarden (1999) links it to colonial history in Africa, Nugent (2018) to the geo-politics of the Cold War, Bocarejo (2018) and Schneider (2018) to the drug war in the

United States, Hetherington (2018) and Mbembe (2001) to the politics of nation building and postcolonial development agenda while Smith (2018), Pierce (2016) and Lomnitz (1995) tell us how Spanish colonial rule created strategies for political control through the vertical hierarchies and structures of clientelism using influential groups which later controlled the public spheres through patronage which resulted in widespread corruption.

The dysfunctionality of state institution, in the case of post-colonial African state, is seen in the light of the Weberian ideal type of legal-rational bureaucracy and is employed to see corruption in the perspective of the state-society dichotomy (Cohen ,1980; Diamond, 1987; Ekeh, 1975; Médard, 1982; Bayart, 1993; Chabal and Daloz, 1999; Mbembé, 1992, 2001; Médard, 1982, 2002). Médard for example while using Eisenstadt's (1973) concept of "neo-patrimonialism" locates the hybrid African state through its ties with its primordial past which is affected by patronage and tribalism and the Weberian present based on legalism and rationalism (Médard, 1982 p. 179). Some studies however see the "corrupted" and "dysfunctional" state institutions as the creative ways embedded in the wider social matrix of the society resulting from the colonial history of Africa through which people appropriate state bureaucracy through social networks (see for example Chabal and Daloz, 1999; Bayart, 1993; Mbembé, 1992, 2001). Similar conclusions have been drawn by studies from Asia and Latin America where the conflicting principles of the impersonal Weberian ideal bureaucracy and principles of personal relations based on kinship, friendship, clientelism and all other forms of relationality (Camp, 1996; DaMatta, 1991; Evers, 1987; Grindle, 1977; Lomnitz-Adler, 1992).

The why of corruption in Pakistan, among other factors, also can be seen in this historical perspective because the local social structure of political authority established in shape of local elites who were given ownership rights of land by the British Raj has strongly influenced and transformed socio-political and economic structure which is run by a mix form of state rules

and informal social codes. The British colonial land arrangements resulted in a feudal structure. The feudal lords, after the creation of Pakistan not only dominated power corridors both in the government and state apparatus and/or stayed connected with state and bureaucrats but led a luxurious lifestyle. The lifestyle of these landlords: big houses, landholdings, enough resources, cars (cars are a symbol of social status not mere a means of easy transportation), a lavish lifestyle with no work to do at all became a symbol of social status. Corruption, as I show in chapter 4, is used as means for bureaucrats to raise to and maintain this desired social status in the society.

One of the main reasons for corruption and its pervasiveness in the developing countries is noted as a result of legal pluralism: law of nation state, customary laws, religious laws and even moral codes of conduct. The co-existing different legal orders or legal pluralism is one of the aspects which makes it difficult to draw a strict conclusion. These multiple legal orders result in complex interactions and render practices which are considered as corrupt from legal point of view but justified by the normative moral (Benda-Beckmann, 1998; Griffiths, 1986; Melissaris, 2004; Merry, 1988; Wilson, 2000; de Sousa Santos, 1995; Moore, 1978; Griffiths, 1996; Nader, 1990; Mattei and Nader, 2008). In Pakistan, specially the Pakhtun belt of Khyber Pakhtunkhwa, the Pakhtunwali codes of conduct, the loosely defined aspects of Islamic jurisprudence and the law and rules of the state conjointly come into practice. As I show in chapter 4, the Pakhtunwali values facilitate and provide a moral basis for the practices that can be called as corrupt. Another striking feature of this legal pluralism however is that disciplinary and anti-corruption inquiries are initiated on the basis of legal order of the state but settled through the customary Pakhtun law of *jirga* (traditional arbitration system of conflict resolution). I elaborate on this in my writing ahead.

This being said, the line between law and corruption is also not clear thus defining practices as corrupt and not corrupt need careful attention. The obvious reasons for the failure of state law

is argued as the inscription of regression in law itself (Nuijten and Anders, 2007), on the one, while on the other hand, law is always subject to interpretation of not only legal experts but the very actors who implement it. Moore had thus rightly said that the “making of rules and social symbolic order is a human industry matched only by the manipulation, circumvention, remaking, replacing, and unmaking of rules and symbols in which people seem almost equally engaged” (Moore, 1978 p. 1). From this perspective, again, a rigid conclusion cannot be drawn on the basis of indeterminacy of law because there are other aspects to consider such as the social world of practices where different players such as the powerful elite, legal experts and the implementers as well as the subjects of law operate with all their interests.

Anthropology and anthropologists thus even today when anthropology is becoming a discipline to study cosmopolitan cities are stuck between universalism and contextualism. Pardo (2018) points out the problem of anthropology of balancing historical and ethnographic variations and universal values. For him one of the main limits for anthropologists to study corruption has been cultural particularism and thus he stresses to look at morality and the role of state because, Pardo says, the local social values and universal ideals collide.

Recent scholarship also is overwhelmed with these contradictory notions (see Ansell, 2018; Hetherington, 2018; Osburg, 2018; Pardo, 2018; Sharma, 2018; Shore, 2018; Smart, 2018;). Proponents say these moralities need to be seen in the transformation and so corruption and its various forms because it appears as serving the function of greasing the wheels of the bureaucratic machines and hinders political participation (Hetherington, 2018) on the one hand while empowers activists on the other (Schneider, 2018). It benefits the elite (Osburg, 2018), and structurally violates the rights of the poor (Gupta, 2012). Feldman (2018) notes that corruption blurs the boundaries which need to be clarified and redefined. Muir and Gupta (2018, p. S6) note corruption as the potential outcome of the conflict between the “artificial” and “natural” virtues of state and society and suggest “a robust reimagination of the present in

terms of desirable futures”. They thus suggest that the social context and conditions in which judgements about corruption and anti-corruption emerge and circulate and where certain practices of corruption flourish are important to understand.

The case of Pakistan shows that beyond its functional and im(moral) and il(legal) dimensions, it works as an indirect tax informally collected from the poor to be paid for the liable taxes of the elite and as such serves the legal purpose of the state on the one hand while serves as mean of many poor who join the state apparatus to live a modest life, become rich and rise on the ladder of social status.

In Pakistan, the legal [*qanuni*] versus illegal [*ghair qanuni*] intersects with two other dichotomies: Moral [*akhlaqi*] and immoral [*ghair akhalaqi*], Right/socially allowed [*jaiz*] and Wrong/socially not allowed [*Najaiz*]. These categories are used interchangeably yet with another religiously sanctified dichotomy which is commonly used for corrupt practices: *halal* (permitted by Islam) and *haram* (prohibited by Islam). Corruption in this sense carry the meaning of pollution [*paleed* (urdu)/ *paleet* (Pashto)/*Najas* (Arabic)] sometimes compared with eating pork and meat of a dead/killed not in Islamic way animal which is prohibited by Islam. Corruption in this sense is widely condemned. The problem with legality and illegality is that state and its law is considered something external which does not belong to the people, but a system and law brought and promulgated by the “*Ferangi*” (the White colonial master). Law even today in the post colony is called “law of the White master” [*da Ferangi Qanoon*] or black law [*kala qanoon*], an Urdu term used nation-wide. Thus, breaking this law is considered illegal but not immoral by most of the people in the strict sense of *halal* and *haram* or *jaiz* or *najaiz*. Appropriation of state taxes as well as funds is considered *haram* but justified through the *jaiz* or *najaiz* while bribery is justified through gratitude, gifts and hospitality. A patwari when justifying overpricing in case of a sale transaction of land, would say “what if he (buyer) gives me some money as gratitude given that he has bought land worth millions”.

de Sarden (1999), in the African case, while analyzing the ambivalent and pervasive practices of corruption, notes that these practices and their actors who violate state laws find moral justification in logics of some social practices such as gift giving, brokerage, and solidarity networks which are socially desired. These logics, as de Sarden (1999) notes, complicate attempts to define corruption therefore he pools all such practices together under his term “the corruption complex”.

Pakistan presents a similar situation. People have a wide range of definitions due the variety of actions pertaining to corruption. Ideally people consider a small thing such as a cup of tea or a soft drink, a common feature of hospitality in Pakistan given to a state official during his duty as corrupt but pragmatically there is a variety of perceptions and conceptions about what is corruption and what is not. Almost every individual gives a different explanation when he is probed a bit beyond the limited shared ideology of corruption. People admire and celebrate those rare bureaucrats who refuse even tea [*chai*] during their field visits. Such officers limit themselves to water only and they usually would ask, “only a glass of fresh water” (*yaw gilās taza oba*). At times this becomes a strategy for even the behind the scene corrupt bureaucrats who take their share in bribes but show their integrity and honesty in the public. Some people and many lower-level officials told me with a zeal and enthusiasm about few officers who worked at the district and divisional level used to eat one *naan* (plain bread instantly cooked in the traditional fire oven (*tandoor*) in bazaars) with green tea and about some who would even refuse a basket of fruits. Interestingly, my peon in the Anti-corruption Establishment where I worked as Assistant Director Revenue (Land Revenue Administration) used to bring plain bread [*naan*] and kidney beans from the bazar for my lunch, the cheapest but my favorite lunch! To my surprise, later I came to know that my eating habit was an admirable act of honesty and was part of the gossip among the officials in the Anti-corruption Establishment.

These narratives about the honesty of some officers are true about the rare bureaucrats who strive to maintain a high level of integrity but these officials and officers, unlike in Africa where favors are desired, are highly respected and their honesty is celebrated. Many even say that the country runs because of those rare honest people and their hard work. People as well as bureaucrats do not ask such officers for favors even if they have connections with them. I have observed a Commissioner who was otherwise considered as a corrupt and condemned by all for taking money directly from *Patwaris* (not for corruption but not honoring the hierarchy and taking an amount not worthy of his status), but he explicitly told to a patron one day about an honest presiding officer of a land revenue court who used to decide cases on merit that “why should I ask him to do an illegal thing when he does not do it himself, I should rather facilitate him instead of making it difficult for him”.

Majority of the people however do not consider tea and meals as corruption rather as hospitality on the part of the host and a respect for the guest. Many consider the money given to an official as gratitude [*kharcha*] at the sweet will of the service seeker after getting his work done in a good manner. This is given without any claim by the official and hence, is not considered as an action of corruption. The problem arises when state officials refuse to provide a service and demand money for it or when an official is corrupt but he does not favor a relative, a friend, a colleague or someone in his solidarity network. Interestingly, people give justifications for all these actions when performed by themselves but become critical when others involved. Pakistan thus presents a different situation of the honest officers who refuse meals and soft drinks than what Hasty (2005) observes in Africa. Such officers receive high respect from people during their service and after retirement.

Corruption in its all forms is a field of inquiry to understand power relations of the society (Nuijten, 2007). Corruption has a great deal with the power dynamics of the bureaucratic institutions and those of the society they operate in. Drawing on Lemke (2003) and Lukes’

(2005) "three-dimensional view of power", Nuijten (2007) identified three perspectives to understand the role of power dynamics in corruption. Power results and facilitates corrupt practices at three levels: "power in interaction, institutional power, and structural power" (Nuijten, 2007, p. 15). During their everyday interactions, individuals both state officials and service seekers in Pakistani land administration enter into the bribing practice to bargain prices for different state services. Bureaucrats in Pakistan also and mostly use another type of power commonly called "discretionary power" which refers to the power and authority vested in officials of different ranks by the state to perform certain duties. State officials using their discretionary powers and leverage coupled with their numerous bureaucratic tactics to manipulate situations compelling service seekers to pay or agree to pay a certain price of a service to be provided. The discretionary power which occurs in individual interactions finds its basis in the "institutional power", the second perspective which provides a conducive environment and space dominated by the systematically established and regulated modes of bureaucratic operations. The processes and procedures of land administration were set to practice during the colonial era. Much has been changed in regard to land titles, governance and populations but the procedures remain the same. These procedures are lengthy and time-consuming which people want to avoid. Bureaucrats thus using their discretionary powers offer speedy services for informal fees negotiated by both the parties (chapter 3). These two manifestations of power and their active role in creating space and structuring practices of corruption are closely linked to and operate in the wider matrix of socio-political structure of the society (chapter 4).

Gupta argues corruption is a discourse through which people imagine state and get access to its services. He argues that corruption creates state through the interaction of people with the bureaucrats. This interaction is facilitated through some form of bribes. He further explains that the media discourse creates the public with rights and the politicians with responsibilities.

(Gupta 1995). In their comparatively recent piece, Muir and Gupta (2018, p. S6) draw our attention to the potential anthropology of corruption holds to interrogate the social life of the folk concepts of corruption which has a global reach employed by elite as well as people “that simultaneously transforms—and is transformed by—the particular social worlds in which it finds fertile soil”. In Pakistan, as I show in this study the discourse of corruption at national level provides a basis to justify corruption and neutralizes its illegality at local level.

In Pakistan, corruption has always been a hot talk at national level but got tremendous momentum when a third political party appeared on the political horizon of Pakistan. The chairman of Pakistan Tehreek Insaf (PTI) forcefully and solely based his politics on corruption as the main reason for poverty and underdevelopment in the country. His political campaign and accountability paradigm after becoming prime minister resulted in a discourse at the national level which presented almost everyone in the upper echelons of power as corrupt. Print, electronic and social media constantly disseminated stories of corruption and inquiries initiated into mega corruption scandals. None of these and earlier inquiries initiated by the previous political regimes have completed/proved yet but the wide corruption and anti-corruption talk has resulted in a discourse at the national level that everyone/the whole system is corrupt. Ironically, this discourse proves to be a logic and justification for the corrupters and corrupted. Locally, this discourse has led to a wide perception that everyone in the country, particularly politicians and those at the helm of affairs, are corrupt. They would say, “The entire system (government) is corrupt”. This perception thus justifies their own practices of corruption. When condemned and questioned, they would say, “who does not take it (money) (*sok ye nakhli*).

The purpose of this study is not to see corruption in light of the “North Atlantic universals” (Trouillot, 2003 p. 26) and the neo-liberal political project but to see its forms and practices in a post-colonial context and in everyday interactions of citizens with the state apparatus. A less

acknowledged aspect of corruption is the perceptions and discontent found among players involved in the practices of corruption (Muir and Gupta, 2018). How do people perceive the actions of corruption? What do they think of their as well as other people's actions of corruption? And more importantly how do the bureaucrats who condition free state services with an informal fee perceive the(ir) practices of corruption? These are the rarely explored questions that I focus on in this study. The self-criticism sandwiched between conflicting self and social moralities, legal order and its illegitimacy [*kala kanun* (black law)] are aspects of corruption which need attention. This is the case in places where people find justifications to violate the value system to achieve their goals (Hornberger, 2018; Smith, 2018; Tidey, 2018). The case of Pakistan suggests, as I explain in the coming chapters, shows that these goals are both individualistic and collective and as such bureaucrats as well as citizens violate both the prevailing legal and moral orders on the pretext of the illegitimacy of state and its laws on the one hand and their individual, social and political necessities on the other hand.

Nuijten and Anders while linking the moralities and the political structure correctly points to corruption as “a web in which even well-meaning individuals can become entangled, unable to resist the institutional and structural operation of power” (Nuijten and Anders, 2007 p. 16). Land administrators thus are faced with two conflicting principles: they, on the one hand, are stressed with moralities and shame while on the other hand are stressed with the objective realities to have enough resources to maintain a higher social position. The objective realities in Bourdieu’s terms, and the everyday needs both personal and official, supersede in the practical world while the social disapproval stays active only at the theoretical level. Heyman and Campbell (2007) give us similar findings during their study of the US immigration officials on the Mexican border who are faced with ideology of law and order and the need of cheap labor in the US and the practical condition of working in the border zone. They thus constantly,

using their discretion, negate and negotiate the rules to generate revenue for their own survival through the skills they learn during their everyday operations.

So far, I have argued that the very office which is abused and misused for personal gains is sold to and bought by bureaucrats who while using their discretionary powers and easing the lengthy procedures charge/extract money from service seekers for state services. These prices/informal fees are negotiated by bureaucrats and service seekers through a round of negotiations. Besides, certain cultural patterns create room for practices which are otherwise considered as corruption. All these practices of corruption at local level are justified through social logics and the dichotomy of socially allowed right [*jaiz*] and socially not allowed/wrong [*najaiz*], legal [*kanooni*] and illegal [*ghair kanooni*] and the anti-corruption discourse at the national level.

Scholars have stressed on exploring the salient factors of the practices of corruption (Bocarejo, 2018; Schneider, 2018; Smart, 2018) in their associated particular contexts (Ansell, 2018; Muir, 2016; Smith, 2007; Tidey, 2018). I have tried to locate practices of corruption in the land administration in the context of Pakistan. During my current endeavor, I found certain potential aspects which need the attention of future researchers. One of these aspects is the disciplinary and anti-corruption actions. When, why and how anti-corruption and disciplinary actions are initiated at the local level and what happens to them? Second, the role of corruption in the career trajectories of bureaucrats. Is the widely condemned corruption a barrier to successful careers or helps such bureaucrats thrive in their careers? What happens to the honest ones? Third, where does the state stand in the political economy of procedures? And fourth, digitization of public land records and its impact on efficiency, transparency and structure of authority.

This study however neither tries to establish the blurred boundary between state and society (Gupta, 1995) nor it tries to see corruption (shadowy realm) as the only way that enables the formal legal system to work/benefit people (Žižek, 1996) or to say that corruption is the secret

of law (Nuijten, 2008). It rather attempts to present an in-depth insight into how bureaucratic procedures take place; how they are negotiated; what are the practices of corruption in the land administration and how a political economy stems out of the activities that take place around the everyday mundane bureaucratic practices? How this political economy finds a basis in the moral economy built around bribes. These bribes are ironically justified through social logics and narratives of mega corruption scandals of politicians, army generals and top bureaucrats at the national level. I also do not try to say what exactly corruption is; rather I examine how the legal system works in coordination with the social world and what are the determining and facilitating factors that facilitate the practices and perceptions of bureaucratic corruption in the post-colonial Pakistani land administration. I call them “bureaucratic” because these practices take place on, under and around the “desk (table)” of the bureaucracy.

1.3 Research Methodology and the Ethnographic Site

The ethnographic study of corruption is a difficult endeavor. Haller and Shore (2005) give a detailed list of these difficulties: difficulty in getting funding; trust and research ethics; developing trust becomes difficult because anthropologists ask questions about illegal and immoral practices of corruption; confirmation of the stories of other’s corruption because corruption works the same way as sexuality does. People talk about others' sexuality but guard themselves. Anthropologists also avoid to betray their respondents and find it hard to reveal their immoral or illegal practices, and the risk of their future research and that of other researchers. From my personal experience, at times, even jotting down hints was tedious because people would agree and/or feel comfortable with verbal accounts but avoid written evidence/recording of their discussion on corruption and related complaints.

Given this difficult nature of corruption, the question then arises how to study corruption? Blundo (2007) suggests studying corruption through “bureaucratic itineraries”. Žižek (1996)

suggests studying the multiple informal systems of transactions that enable the formal legal system to work. Others suggests the multi-sited ethnography approach (Marcus, 1995; Fog Olwig and Hastrup, 1997) while Gupta (1995) recommends to study corruption trans-locally with a focus on newspapers while ‘being there’ because, for him, state comes into imagination through the interaction of locals with bureaucrats and through the discourse of corruption.

Corruption in the bureaucracy however can best be studied through the conventional ethnographic methods of rapport building, participant observation and key informants. Hull’s proposal of “following the paper” to study bureaucracy is more practical. Following Latour’s (2005) proposal of tracing the careers of documents, he suggests, “if you want to understand bureaucratic activities, follow the paper” (Hull, 2012 p. 22). However, we also need to follow the bureaucrat in his public and private settings, his public and personal life and the service seekers within the premises of public offices, outside and their villages through multi-sited ethnography to study corruption holistically. This can help the anthropologist to get into the social (and public) circles of both the bureaucrats and service seekers and get to know not only about practices but the world views of people and bureaucrats. Following multiple players in multiple sites both formal and informal also proves a concrete way to verify the everyday data collected and information of the behind the scenes activities.

One major concern is revealing people’s stories of corruption and identities of interlocutors. This is a double edge sword: revealing stories and identities can result in severe repercussions for practitioners, informants and even the researcher. On the other hand, the anonymity of informants and the use of pseudonyms pose a serious challenge to the validity of the data. I am sure Malinowski would also have avoided exposing practices and players of corruption because it is going to be very different than presenting the nude picture of Trobriand Islanders. That is because corruption despite its banality is morally condemned unlike (perhaps) nudity in Trobriand Islands.

The reluctance of anthropologists to study corruption is also linked to the ethical concerns including: not to add to the problems if the respondents of the study are poor and marginalized in terms of informal sources of income; corruption is a form of revenge and empowerment for the poor and revealing it to advocates of liberation will cause trouble; anthropologist may benefit from corrupt practices through gifts and invite people for dinners and reveal stories which they have promised not to reveal thus jeopardizing their own stakes and morality and may put the researcher himself in a danger (Haller and Shore, 2005).

The benefits of corruption go to all the players involved. Obviously, the mega corruption mostly benefits the elite but petty corruption, as I show in this study, not only works as a source of survival for many but helps the poor and the lower middle class to raise their economic, social and political status in the society. But the problematic of this sympathetic concern is that corruption in both of its forms also results in difficulties for the poor (see also Gupta, 2012). The money which is used as a source of survival and a means to live a modestly luxurious life is also (among other) extracted from the poor struggling for their own survival. On the other hand, if the wheels of the bureaucracy are not greased, it hinders efficiency, provision of state services and access to legal rights. Anthropologists thus are also caught in the web of these conflicting situations.

Studying bureaucracy in the power structure and relation is important but instead of “studying up” (Nader, 1972), we need to study up and down with an eye on the horizontality of power relations. Only “study(ing) up” may not work in contexts such as mine because bureaucracy is “not necessarily or straightforwardly “up” (Hoag, 2011)”. The case of land administration in Pakistan suggests that the official at the bottom negotiates power and authority and his boss at the top, compromises his power and authority due to two obstacles: the discretion of the petty bureaucrat and the social and political obligations/powers of the society. Put simply, the *patwari* uses his discretionary powers, knowledge of the complex paper-based land records and

his social and political connections to deplete the power and authority of his hiring and firing authority, the district collector restraining him from taking adverse action against him. Thus a single approach of studying up, studying down or studying “sideways” or “obliquely” (Garsten and Nyqvist, 2014; Hannerz, 2006) may not work particularly in certain contexts. Hoag and Hull (2017) recommendation to see institutions as part of the larger social organization is worth considering because it helps to follow bureaucrats not only in offices but in their social life and not only as representatives of the state but members of the social collective.

This study originated from my direct encounter with bureaucrats, bureaucratic procedures and the practices of corruption during the service delivery in the land administration I started work with in 2009. It was this direct interaction through participant observation that led me to pursue my graduate studies and this project. My focus in this study is on the everyday bureaucratic procedures and corrupt practices in the Pakistani land administration which are interwoven and constitutive of each other.

My unique position as the field officer (tehsildar) in the land administration helped me not only in accessing the bureaucratic settings, records, files, bureaucrats and service seekers but gave me the opportunity to repeatedly listen to the same or similar stories from multiple tellers and observing similar practices for almost a decade. I thus did not only rely on asking questions about bribes as Werner (2000) did in Kazakhstan where bribe giving is considered more immoral and criminalized. Rather, I had access to participantly observe and/or get first hand information about the whole process, the negotiations and the resultant deals both finalized and broken. I used my Galaxy Note 3 cell phone as my jotting pad to record quick hints for my later transcription but observing and participating in the bureaucratic practice in different offices and at different levels continuously helped me remember the prevailing stories and patterns by heart. When I started transcribing and reorganizing my field data, many stories

came to my mind and at times I wrote many of them in the flow ignoring those I had particularly noted down.

Access to the visibly invisible and formally informal world within the formal world however was not an easy task. When I joined the bureaucracy in 2009, I followed the strict rules and procedures. With the passage of time, I learned that my strictness with rules and procedures created not only hurdles for the service seekers but venues for the village level officials [patwari] to raise the informal prices. The stories of corruption of the patwari were common. Everyone would say, “patwaris never provide a service without getting money”. Different people would tell different amounts of money for different services *patwaris* used to charge. I tried my best to access this behind the scenes informal world but in vain because access to this information was granted only to those involved in these processes.

My worries increased when I decided to do an ethnographic study of corruption. Prior, I always avoided attending the social settings of the bureaucrats to maintain the impersonal nature of the bureaucracy. Weber was keeping me at bay from the informal world of bureaucracy! When I decided to conduct this research, I started attending social gatherings, making friendship with some of the patwaris. I started offering tea to them in my office and started accepting invitations from service seekers. During this process, I selected interlocutors who later became my key informants and good friends. Being aware of my position in the bureaucracy, I took good care of my position not to influence the data collection process. For this purpose, I took off from the office for 6 months towards the end of my fieldwork. This was a time when I hosted people and bureaucrats and visited offices and people as a researcher. Besides getting a No Objection Certificate (NOC) for my PhD studies from the government and even providing content for issuance of Relevance Certificate of my study for my career in the government, which was required for my study leave, I used to tell everyone about my research project. All my colleagues, seniors and juniors knew about my PhD and research on the *Patwar* System. At

times, my junior officers would introduce me to applicants and tell them about my research during my interaction with new applicants in their offices. One day, when I kept asking questions about the tax collection process during the monthly review meeting, the Additional Deputy commissioner smiled and told the Deputy Commissioner, “Sir, he is now asking questions for his research, we should move on!”.

The most productive way was to provide a friendly space to service seekers in my office and help them solve their problems in every office from the office of the patwari to the office of the District Collector (chapter 3). This way, I followed their papers/documents and the negotiations that happened all the way at different stages. I also used to spend time in different offices and courts and their premises to talk with service seekers and spend hours with my interlocutors. I used to visit some of them in their villages. One of such interlocutors was a big man. His son was a councilor in the local government. Many people would visit them to seek their help to negotiate with patwaris and other offices. This provided me with access to their stories and related discussions in the village. Besides, I also would get information from those among my relatives and friends who visited offices of land administration. At times, I would mediate between them and officials to get their work done.

I used different methods and techniques to collect the data for this “thick description”. The biggest challenge for a researcher to study corruption and even bureaucracy would always be access to the official arena. Luckily, I had this access already. When I decided to conduct this research, I particularly focused on a good rapport building. During this process, I was able to build good connections with people, brokers, property agents, officials (lower ranks), officers (higher ranks) and politicians. I already had access to the formal space but with the rapport building, I got access to the informal space too which gave me the opportunity to observe both the spaces. This helped me to participate and closely observe the workings of officials and attend their discussions regarding corruption and administrative complexities as well as those

who encountered them on the daily basis. Participant observation thus was my second main technique to collect data. I also relied on key informants to gain information and inside stories regarding corruption and related practices in different offices. They included assistants of patwaris, *Lumberdars* (Village Heads), peons in the offices, brokers both officials in offices and private persons who facilitate corruption and corrupt practices and officers. These key informants played slightly a different role than my respondents. They were those willing insiders who used to inform me of the stories they witnessed. I then used this information as part of my interview guide while observing, discussing and interviewing my respondents.

I had been thinking of this project since 2012 though I decided to pursue it as my PhD research project when I got admission for a PhD program in 2014. Since as early as 2012, I consciously worked on understanding the land administration [*patwar system*]. When I started collecting data formally, I found that only participant observation and key informants and even in-depth interviews may not help. That is because people talked more about corruption in their informal settings. I thus started sitting with people in offices, tea stalls adjacent to offices and offices of the property dealers. I also used to sit in a car showroom owned by a friend where dealers in real estate daily sat for chit chat and commercial deals. In all these places, I had informal discussions with people. At times, these informal discussions would turn into group discussion. At such points, I led the discussions as per my interview guide. I conducted numerous such informal group discussion participants of which were either local people from different professions or officials or a mix.

During this process, I selected some cases too for my case studies on the bases of purposive sampling. These cases were selected on the basis of the frequency of their occurrence. I thus chose ones that were recurrent as empirical examples to explain my argument in an easy and concrete manner. I also used narratives and stories of corruption as a tool and carefully documented them and made them part of my interview guide. I used to share these narratives

and stories during my conversations, discussion and interviews, ask questions and let people respond to them. This helped me confirm the data and get more explanations and perspectives. Towards the end of my fieldwork, I conducted semi-structured in-depth interviews to get data about every aspect of bureaucratic corruption and its facilitating factors. I had particularly included officials and questions about the practices I had been documenting. For example, all the data telling me what a patwari does with a petition/service seeker was made part of the guide in the shape of topics and some questions. Similarly for other officials. The benefits of this practice were confirmation, specifications of events and practices, helping in resolving ambiguities, filling the gaps and revealing some hidden aspects. For systematic data collection I used an interview guide. Interviewees were selected during participant observation and informal discussion subject to their willingness to share information about their experiences and encounters with corrupt practices in bureaucracy. They included bureaucrats of different ranks, property dealers, peons, lawyers, anti-corruption officials, politicians and/or their representatives and local people.

It is pertinent to mention that despite the critique of qualitative methods, value addition of the statistical data and the benefits of mix methods approach, I decided to conduct qualitative research. This is because, first, I do not intend to present statistical data of the informal economy. Second, I want to present a detailed account/ description of the different forms, processes and patterns of corruption; how and why they are practiced. For this purpose, the conventional ethnographic methods best serve the purpose.

Research ethics are important for any research but for sensitive topics such as corruption it becomes more difficult when the researcher has to use pseudonyms and anonymize informants and respondents but yet has to share findings. Although, one of the major motivations of selection this topic for my research was my troublesome and irritating experiences during my job in the land revenue administration, but having a training in anthropological research, I tried

to adhere to the ethics of research and avoid my prejudices and antipathy to a practically possible level. Since, the topic is sensitive and leaking information can create troubles not only for the informants but also for myself and future researchers, therefore I have tried to carefully use information I received. Being an insider, I had a great privilege of easy access, but this does not mean researchers from the outside cannot get access to this bureaucratic sitting and data I have collected. Likewise, the data I have collected and shared in this dissertation, can be available to every researcher who takes pains to reach where s/he wants to reach. Matthew Hull (2012) exemplary and award winning ethnography of bureaucracy in Islamabad is one such example. He also has expressed this concern about the validity and authenticity of data while using pseudonyms but one cannot take the risk to avoid it. Further, I have tried to present patterns of the working of the post-colonial land administration and have used pseudonyms (alphabets) to hide identities.

This research was conducted in three tehsils of two of the central districts of Khyber Pakhtunkhwa province. The central districts are agricultural districts and comprise of five districts namely, Swabi, Mardan, Noshera, Charsadda and provincial capital city Peshawar. A district is the main administrative unit headed by a District Collector/Deputy Commissioner since the British Raj in the Indian Subcontinent. Due to the ethical and methodological concerns, I have opted not to disclose names of the districts where I conducted this research. These two districts are among the main agricultural districts governed through a feudalistic mode of production and strict bureaucratic apparatus since the colonial era. They also witnessed several land reforms during 1960 and 1970. At present they are semi-feudal societies where power relations are still governed by remnants and features the feudalistic social organization. However the egalitarian features of Pakhtun society emerge whenever the historically deprived people who faced the serfs like existence get access to resources and attain a better financial position. In such cases, to follow the general pattern, the newly rich people

try to rise to and maintain the desired social status and make good connections in the bureaucracy to get access to state services not only for themselves but for all those who turn to them for such help. For the purpose, they invest their time and resources in social relations in society and government administration which finally help them get the desired privileged social status of a feudal or that of an influential big man in the society. Bribery and corruption play a facilitating role throughout this process (chapter 4). On the other hand, the state has always been a controlling authority which inherited its laws and the authoritative bureaucratic structures from the British administrators. The post-colonial bureaucrats continued with these features they were trained in by the colonial masters or they learnt through performance.

Land administration is a provincial subject and is headed by the Secretary to the government of Khyber Pakhtunkhwa. Provinces are divided into divisions headed by the Commissioners, divisions into districts headed by the Deputy Commissioner/District Collector, districts into subdivisions headed by Assistant Commissioner/Assistant Collector, sub-division into tehsils (sub-districts) headed by the tehsildar/Assistant Collector, tehsils into circles headed by girdawars (inspectors) and circles into *Patwar Halqas* (cluster of villages/estates) headed by *patwari*, the village level land official. In this research, I study the whole land administration in general but as far as provision of services is concerned, I specifically focus on the district level land administration from *Patwar Halqa (patwari)* to the District Collectorate (district collector) except for the matters related to divisional and provincial headquarter particularly postings and transfers of tehsildars.

The data is divided and analyzed in four chapters followed by a concluding chapter. Chapter 2 presents how transfers to tehsil offices in general and lucrative offices in particular are negotiated. Chapter 3 gives a detailed description of how state services are provided and negotiated for bribes. Chapter 4 is about the social and political embeddedness of corruption while chapter 5, presents an account of the narratives and discourse of corruption that stems

out of the wide dissemination of mega corruption stories and scandals at the national level and how it results in a discourse at local level that justifies bribery and practices of corruption.

Chapter 2 Negotiating Lucrative Offices: Getting to the Office

Corruption classically is defined as the abuse and misuse of public office and funds for private gains. In this chapter, I show how bureaucrats in the land administration get to the ‘office’ in the first place. I argue that prior to its (mis)use and abuse for personal gains, the very office is sold to and bought by the bureaucrats. How do bureaucrats get to the office? Why do some offices become more lucrative? How getting posted in these lucrative offices is negotiated? And what are the factors that facilitate negotiating and getting access to lucrative offices? These are the questions that guide my description and discussion in this chapter.

I start with a brief overview of the organizational structure of the land administration. My focus however is on the sub-district [*tehsil*] and village level [Patwar Khana] offices because these are the two offices which have direct control over public land records. What makes these offices lucrative [*kha post/ghwar post*]. How postings of officers in lucrative offices are negotiated among those in power (influential politicians in the government and bureaucrats and those who have good connections with them) and those who desire to get posted in such offices? Despite the formal rules, policies and procedures for posting officials and officers in different offices, these postings are negotiated, contested and competed informally. This results in a political economy of the lucrative offices in which different players are involved for financial, political and social gains. The players include the officers who hold the office, the competent officer who orders their postings (transfer from one office to the other), the dealing hands (clerks, assistants and peons who move files) in his office and the powerful elite, particularly politicians. The (lucrative) office, for the office holders, works as a means to generate informal revenues and to make and invest in social and political connections, contacts and patronage. These connections are not only useful in getting postings in lucrative offices but are very important socially as well as politically (see chapter 4).

Let me first give you a brief overview of the organizational structure of the land administration from provincial level to the village level. Pakistan is a federation divided into four provinces. A province is similar to the State in America and elsewhere. Land administration is a provincial subject meaning thereby that it is administered at the level of the province. The entity which administers land administration is termed as the “Board of Revenue & Estate Department” commonly called as “BOR” and/or “Board” or “Revenue Department”. It is headed by a senior bureaucrat with a nomenclature of “Senior Member Board of Revenue” commonly called as “SMBR” who is assisted by three other members. The SMBR also works as the Secretary to the provincial government for the Department of Revenue and Estate similar to other provincial departments. Let me make this clear. BOR and Revenue Department are the two names of one department, land administration. When referred to as BOR, its head is called “SMBR” and when referred to as Revenue Department, its head is called Secretary. For the sake of clarity and simplicity I will refer to its provincial head as the Secretary henceforth. Likewise, land administrators, bureaucrats and even people commonly call the Revenue & Estate Department/BOR as “Revenue Department [*muhkama maal*]” and most commonly as “Revenue” [*maal*]. The revenue department/BOR manages and administers both land and its revenues including taxes levied on land holding, produce, agricultural income tax and transfer of titles. Thus, in formal settings, it is sometimes called “land revenue administration” but again for the sake of clarity and precision, I will refer to it as land administration.

For general as well as land administration, provinces are divided into divisions, division into districts, districts into Sub-divisions while for land administration, sub-divisions are divided into tehsils, tehsil in girdawar circles, girdawar circles into *Patwar Halqas* and *Halqa* into Mauzas (revenue estate). It is pertinent to mention that my focus is on land administration. There is a parallel political division of sub-divisions into union councils mainly used for the purpose of local government which is not relevant here.

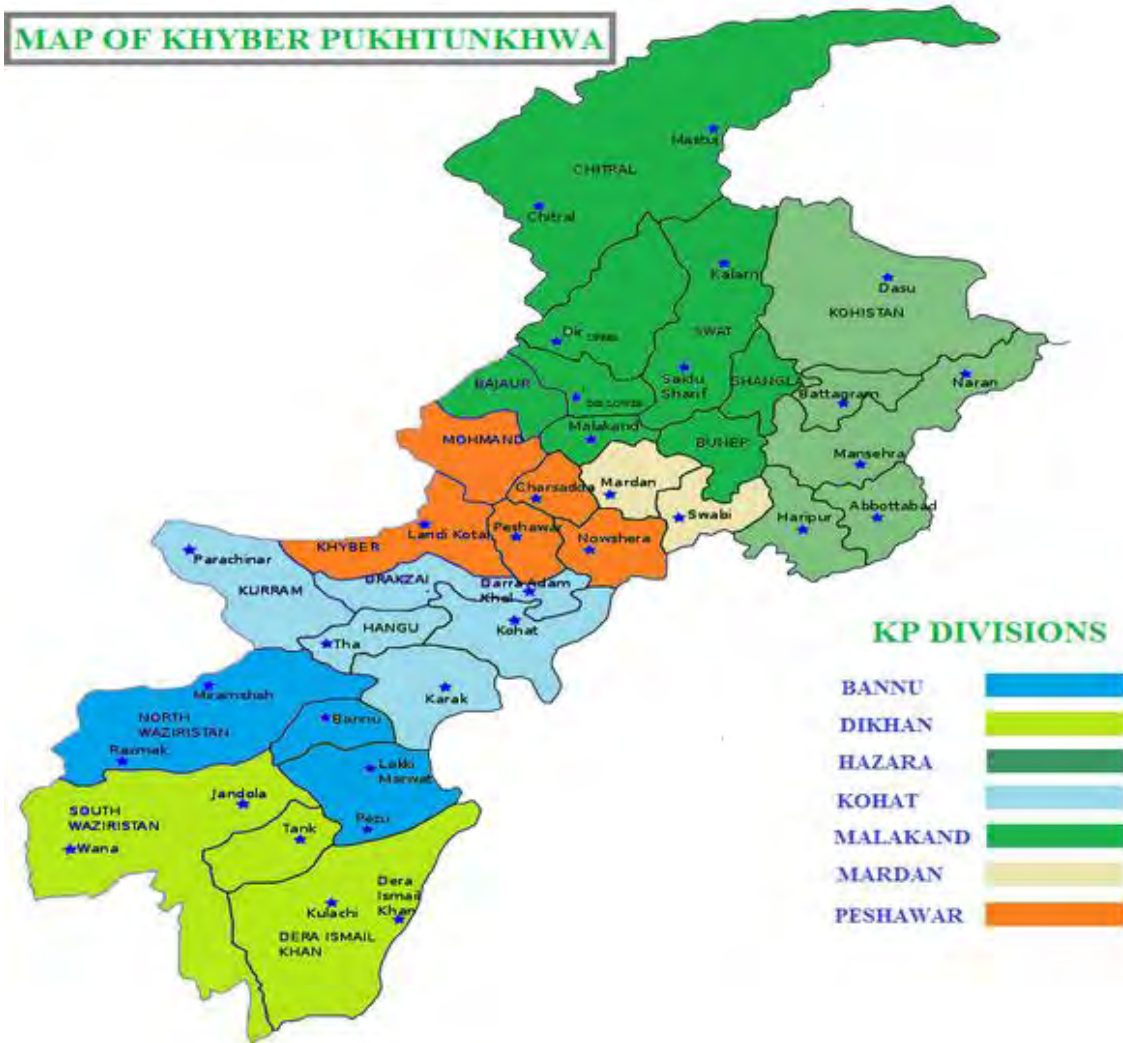


Figure 2.1, Source: Metrological Department KP, 2019

A division is headed by a bureaucrat called “Commissioner”, district is headed by Deputy Commissioner (DC) and Sub-division by an Assistant Commissioner (AC). All these officers are assisted by additional officers such as Additional Commissioner, Additional Deputy Commissioner (ADC) and Additional Assistant Commissioner (AAC). The Additional Commissioner assists the commissioner in deciding appeals against the orders of DC and ADC. The Additional Deputy Commissioner assists the Deputy Commissioner in daily land administration and deciding appeals against the orders passed by ACs and AACs. The

Additional Assistant Commissioner performs duties of land and general administration similar to that of the Assistant Commissioners (ACs) and works mostly independently. All these officers including the tehsildar who heads the tehsil are called as “Revenue Officers” heading their respective offices and are vested with different discretionary powers and authority to perform specific duties related to land administration which I will describe briefly in the next chapter along with a discussion on negotiating bribes for different state services pertaining to land administration.

Figure 2. 2: Land Administration Organogram



Source: Author, 2020

District is the main administrative unit which was established by the British colonial raj. For the purpose of land administration, the Deputy Commissioner works as the district collector and as the overall in charge of land revenue administration including, making and updating land records and assessing and collecting land revenues and taxes. The AC, AAC and tehsildar locally called as “AC *saib*”, “AAC *saib*”, “tehsildar *saib*” respectively (*saib* is the Pashto version of Urdu term *Sahab* (the gentleman) used for senior bureaucrats since the British colonial time) work as Assistant Collectors and assist the DC in land as well as general administration at sub-division and tehsil level. The Deputy Commissioner (DC) is locally called as “DC *saib*”. However, some people, especially those with a higher social status do not use the honorific term “*Saib* ” with their titles. The ACs and AACs specifically adjudicate upon partition, ejection and produce cases while the tehsildar in addition to these judicial matters works as the field officer of land administration and is responsible for all the actual work related to land records and collection of land revenues and taxes. He thus is the head of land administration at the tehsil level and though as per the Land Revenue Act 1967, all the above land administrators are called “Revenue Officers”, but in practice and official correspondence the tehsildar is called and termed as the “Revenue Officer”. The officials of lower ranks such as girdawar, patwari and “support/ministerial” staff such as clerks and assistants are called “officials).

A tehsil, often termed as sub-district in Indian anthropological literature (Gupta, 1995) commonly called by higher officers “Field Formation”, is a place where all matters related to land administration are pursued and processed. For the purpose of land administration, it is divided into girdawar circles. The tehsildar and the *naib* (assistant) tehsildar look after work of a specific circle(s). They are assisted by officials called “girdawars” who head the girdawar circle and work as an inspector and supervisor of the patwari, the village level land official. The tehsildar sends every letter/application/petition he receives from people or higher

officers/offices to the girdawars and direct them through a short hand written order on every letter/application/petition reading as “Examine and report” or “Report as per revenue record [*Girdawr circle, record mall mulahiza kar ke report karen*]. The “girdawar circle” is divided into *patwar halqas* where patwaris are posted. The girdawars send all the letters and applications to the concerned patwaris. Patwari is the custodian of land records at the village level who controls land records and initiates every report and entry in the land records. It is pertinent to mention that a Patwar Palaqa comprises of one or more Revenue Estates. These estates are not necessarily required to be villages/rural areas because the same administrative division applies to urban centers too which of course presented a different urban look when the British colonial government introduced its land administration system in the research locale some 150 years ago. Patwari thus serves as the representative of the state who provides services to the citizens at the local level.

The state services pertaining to the land administration are all about negotiations among different players and work as sources of informal revenue generation for the Revenue Officers (tehsildar) and Revenue Officials (patwari and girdawars). Patwari and girdawars are called “Revenue Officials” and tehsildars as “Revenue Officers”. The most expensive of these services is mutation [*intekaal*]. Mutation is the new entry in the record of rights [*Jamabandi/Charsala*] through which land is transferred from the name of the sellers to the name of the buyers. Mutations are of different types, but it is only the mutation entered on the basis of a sale deed that is liable to state taxes (see chapter 3 for the detailed description of all the other services including different types of mutations.) Patwari enters mutation in the mutation register, girdawars inspects the previous entries in the record of rights and verifies the shares of the seller and the tehsildar attests mutations. All these tasks are performed by these three officers following specific procedures which they manipulate. Mutation thus works as a major source of informal revenue generation.

Let me now come to the key question: what makes an office lucrative? Offices of the patwaris [*patwar khana*] and tehsil with more sale transactions/transfers through sale mutations and higher prices of the land become lucrative for patwaris and tehsildars. Such offices often are located in the urban/city centers. As compared to the main city center the tehsils in the periphery have smaller urban centers and bazaars with lower prices of the land and slow transactions. Besides their lucrateness in monetary terms, tehsils in the urban/city centers called as the “headquarter” [*da headquarter tehsil*] also add to the social and political status of the tehsildar. A headquarters is located in the city center where the DC and all other officers of high ranks sit. Revenue officials and officers thus desire and struggle to get posted in lucrative tehsils and patwar halqas. Generally, when the competent authority issues a posting order of an officer, everyone would say, his “order has been done [*order ye osho*]” or his “posting has been ordered [*posting ye osho*]”. “Posting” thus is the common term used to refer to the order of posting of an officer or official in an office.

“Posting” in a lucrative office is called “good posting [*kha posting*]” and sometimes as “*ghwar posting*”. *Kha* literally means, in Pashto language, good while *ghwar* literally means oily/fatty but when used in conversations it refers to the richness of a person. A lucrative post thus is called as “*ghawar*” that is because officials posted in such office get the opportunity to earn more money through bribes, commissions and overpricing of state taxes. A lucrative tehsil thus is called “good tehsil” [*kha tehsil/ghwar tehsil*], girdawar circles as “*kha/ghwar circle*” and patwar halqas and “*kha/ghwara halqa*”. Alternatively, offices with no or less informal earnings are called “useless/good for nothing [*bekaara*]” such as “*bekaara tehsil*”, “*bekaara circle*” and “*bekaara halqa*”. *Bekarra* literally means useless in Pashto but it also refers to something which is not good in comparison to another thing. Therefore, it is used for offices both with lesser informal earnings as well as with no or very nominal informal earnings. I thus use the good versus bad dichotomy which best translates the situation. The good can further be divided

into good, better and best. Similarly, the bad could be called the worst if there is no or very nominal earning. There however are very less chances of no informal earning at all but this earning proves too nominal and does not suffice for the officials even to meet their running expenditures (see the last section of this chapter on incentives and salaries where I briefly talk about this). Such offices thus are considered as offices with no earnings [*bekara*].

Another distinction between good and bad offices is “office posting” and “field posting”. Every revenue official and officer is not posted in a patwar halqa, girdawar circle or tehsil but some are needed to be posted in the office of the tehsildar, district collector, commissioner and the secretary. Such officials and officers do file work and neither have direct access to land records nor enter and attest mutations. Since no mutations means no informal money therefore “office postings” are not desirable “postings”. On the other hand, “field posting” refers to posting in a patwar halqa, girdawar circle and a tehsil. A “field posting” can be a good one [*kha/ghwar*], useless/good for nothing [*bekaara*] or even an average [*darmiyana*] but is desirable except those with very nominal informal earnings. In the following pages, I will frequently use these terms. Revenue officials thus long, strive and struggle for a good “field posting” which are negotiated with those in power (the influential politicians and bureaucrats who order posting orders or who can influence those who order postings). How do these negotiations take place and what are the dynamics of these negotiations? I describe and discuss them in detail in the following pages.

2.1 Postings and Transfers: Making it to the Lucrative Field Offices

The Department of Revenue & Estate has a very clear policy of recruitment, posting and transferring officials and officers from one office to the other but practically it is seldom followed. Posting and transferring revenue officials and officers is at the discretion of the heading bureaucrats. For example, posting/transfers of patwaris and girdawar are ordered by

the Deputy Commissioner (DC), tehsildars by the SMBR/Secretary (sometimes powers are delegated to Commissioners thus they order postings/transfers of tehsildars). (Additional) Assistant Commissioners ((A)ACs) and above by the Chief Secretary (CS). The CS is the administrative head of the entire bureaucracy in the province. These officers are called “the competent authority” and their decisions are influenced by their relationships with the subordinate officers and officials, their friends, relatives, politicians, colleagues and senior bureaucrats at higher level. Every official and officer, as per the policy and rules, has to be posted in an office keeping in mind his capabilities (knowledge and skills required for official business and dealing with the public) and the workload of an office. Also, as per the policy, officers are to be transferred from one station to the other after completing their one-year tenure in office. However, practically, it is the skills of the officials and officers to establish networks with influential individuals in the power structure, skills to better negotiate bribes, generate better unofficial revenues and distribute them/provide services to please all the stakeholders that play a vital role/influence postings and transfers.

Resultantly, some revenue officials and officers continuously work on the same stations, the lucrative “field posting” for years while others only for a few months. For example, A and B, the two PCS tehsildars (recruited through a competitive exam by Public Service Commission (PCS)) having a well-connected family background were posted in lucrative tehsils throughout their service as tehsildars. Even after their promotion to the post of Assistant Commissioners, they worked on lucrative posts. A’s father had worked in a senior position in the judiciary while B’s father was a senior bureaucrat and had good connections both within the bureaucracy and political circles. A and B knew the bureaucratic culture and establishing connections with the “right persons” both in bureaucracy and the political sphere. Their competing colleagues would often say that they have learned the skills at home. All tehsildars are not recruited directly through the competitive exam through the provincial public service commission. Patwaris also

get promoted to the post of tehsildar and above on the basis of “seniority cum fitness”. They go through some internal exams for these promotions. A patwari gets promotion to the post of girdawar, a girdawar to the post of Naib (assistant) tehsildar and the Naib tehsildar to the post of tehsildar. Such officers, commonly called “Rankers”, not only knew the “right persons” in every regime but also were aware of the practical mechanism of the postings and transfers. These two categories of officers besides their knowledge, skills and expertise required for negotiations always established connections and nourished them throughout their careers. They, unlike their inexperienced and non-skilled colleagues, made and negotiated offers conveniently to get a desired office and thus always worked in the “field” on lucrative posts.

The latter category of officials and officers who are called as “unlucky” [*bad qismat*] and as “those who are not aware how bureaucracy functions” [*na pohegi*] by their colleagues get posted in a lucrative office only with great pains and using all their channels and connections but fail to retain it while competing the “skilled”, well-connected colleagues who are often called as “those with strong roots”. The “unlucky officers” sometimes file departmental representations before the secretary of the Revenue and Estate Department and go into appeals before the Services Tribunal challenging their transfer order on the basis of “immature transfer” but seldom succeed to reverse it. To turn down these appeals, the secretary and the Services Tribunal however rely on another clause of the transfer policy that an officer can be posted anywhere at any time. The competent officers at times shame and ask the appellants straightforwardly, “what is wrong with the new posting? Do you want to earn illegal money?” One officer I call C, one day, during our discussion, let me listen to the recording of his case’s hearing proceedings before the competent officer. C was being shamed by the secretary for asking for the lucrative post so he could earn money illegally through corruption. C however, had rebutted that he wanted it for his respect and social status in the society. Some sort of

“conflicting moralities” of rules versus monetary and social considerations I mentioned in the above paragraphs thus help and are used both by the high ups who order postings and transfers and those who agitate these orders alike. It is interesting to note how the relevant authority relaxes the rules for the “strong rooted” ones while for the “unlucky” ones the same rules become unbreakable when they try to get a “field posting” or retain one.

Patwaris, girdawars, tehsildars and also Readers (clerks and assistants who work as personal assistants of Revenue officers (tehsildar to SMBR), also strive and long for lucrative “field postings” (*Patwar Halqa, Girdawar Circle and Tehsil*) and try to retain such postings throughout their careers in the civil service commonly called as “service”. Career means the entire time a civil servant works for the government till he (usually) gets retired at the age of 60 years. For this purpose, they negotiate the rules and government policy of posting and transferring officials and supersede it through patronage, connections, and bribes. The better (in terms of earning money through bribes) a posting would be the stronger patronage, connections and the bigger price it would involve. Rarely an official or officer gets a posting on the basis of mere connections or/and strong and well-connected family background. The familial background and/or friendship networks mostly give a facilitating point to these individuals to make and establish good connections. Once established, connections are nourished through continuous bribes both monetary and material (gifts), provision of services at doorsteps not only to them but to their friends, relatives, voters (of the influential politicians) and acquaintances, and visiting those powerful influential elites frequently in their *hujras* [*guest/public house*] (see chapter 4 for the socio-political importance of visits paid by civil servants to people's homes). These connections, in most of the cases are then coupled with a huge amount of money to negotiate getting a lucrative field posting with few exceptions in cases of very strong/close connections based on patronage, friendship and kinship with the ruling elite.

It is also tricky and difficult for many to access the right person, a bureaucrat or a politician with a say in the government having an influence on those in power. Everyone knows the competent officers who order transfers but finding the sources who can/are able to influence their decisions proves to be the key to success. The “strong rooted” and “skilled” revenue officials (patwaris and girdawars and officers (tehsildars) or those called as “lucky [*khusqismat*]” and “knowledgeable [*poya*]” by their fellow colleagues always have an easy access to such individuals while the rest especially the “unlucky one [*bad qismat*]” try their luck approaching every bureaucrat and politician within their reach. Sometimes, they even say, “I am ready to give money but I do not know whom to give it to”. Rarely, but when they get posted in a lucrative office”, they need to establish and invest in “right” connections not only to retain their lucrative office but to secure their future “field postings”. Otherwise, they lose to their competing colleagues and are transferred to an “office posting” or a less lucrative place. The easy and frequent way of getting a lucrative field posting is giving a specific amount to the right person. The “skilled” ones continuously give a certain amount they call “*kharcha*” on a monthly basis to the right persons and all those in power who can create problems for them. *Kharcha* in most of the cases is part of the deal and the official or officer agrees to give a certain amount every month. The term “*kharcha*” literally means expense and is commonly used for all types of daily expenses which I will explain later. The monthly amount in the shape of *kharcha* (a specific amount for personal expenses/pocket money/kitchen money) is part of the deal which ensures security of long-term tenure in one lucrative office otherwise the officials and officers stay in a continuous fear from their competing colleagues who always try to get postings in lucrative offices and the powerful elites who bring in those officials and officers who give them more money.

The amount/price of a lucrative posting differs depending on the level of the official in the bureaucratic heirarchy and the value of the post in terms of earning money. The price for the

posting of a *patwari* ranges within few hundred thousand rupees while that for the posting of a tehsildar ranges from few hundred thousand to few or/and several millions, depending on the lucrateness of a tehsil. This money is given to the competent officer and/or politicians through their brokers (mostly political workers, property dealers, friends and relatives). During the Awami National Party (ANP) government (2008-13) all these posting needed approval of an advisor to the Chief Minister who would get huge amounts and a specific percentage of the amount the tehsildars earned through each mutation every month. In one of the Divisions, the postings were managed by a tehsildar who was known as a “right” hand of the father of the then Chief Minister; the former came to be known as “*Baba*”. *Baba is* (a Pashto term traditionally used for grandfather and elderly people but is also used for father these days. A new term “*easyload* (top up to mobile)” was also coined for the bribes given to him. “Get *Baba* a top up [*Baba ta easy load oka*]” had become a popular proverb in those days which symbolically referred to the money he took for postings and transfers.

During general elections of 2013, the Pakistan Tehreek Insaf (PTI) formed the provincial government in Khyber Pakhtunkhwa using its popular slogan of eradication of corruption and bringing change [*tabdeeli*] to build a new Pakistan [*Naya Pakistan*]. After the change of regime, the “new” Khyber Pakhtunkhwa, however, did not see any changes in the practices of corruption except the people: now the minister for revenue department controlled the posting of the tehsildars, with some exceptions, and got different amounts for different posts followed by monthly *kharcha* through his middlemen.

The patronage and connections follow the principle of negative reciprocity (Sahlins, 1972). Sahlins identified three types of reciprocal exchanges: generalized, balanced and negative. The first two largely are based on care and affection thus considered positive and the last one entails extortion, barter and personal profit. Revenue officials give money to get a posting. In return they earn money and share a portion of it continuously to retain their posts. The brokers, mostly

the property dealers and the influential local members of a political party who work as representatives of prominent politicians also help the revenue officials and officers to get lucrative offices on fixed percentage in the bribes. While the feudal lords cum senior bureaucrats and politicians mostly in rural areas get their favorite and trustworthy officials posted in their areas and give them favors both monetary and in kind to safeguard their land records (and sometimes to manipulate records) and get services at their doorsteps.

Patronage, connections and bribes thus have become an integral and inevitable part of the bureaucratic machinery. The revenue officials and officers while commenting on the patterns of reciprocal patronage often say, “you will need to have a father (godfather), if you do you will become father of all [*zan la ba yaw plar sate no bia ba da tolo plar ye*]. These god fathers and other patrons, in turn, also safeguard the revenue officials when they face inquiries or are threatened by locals for their wrong doings. One girdawar I will call D, like many other revenue officials stressed on the need of keeping connections with strong individuals in the area who can be of help in hard times. He said in Pashto, “*alaqa ke ba mazboot kasan sate che sakhta ke de pakar razi* (one needs to have strong people in the area who can help him in hard times)”.

The most lucrative office (postings) in urban centers and some tehsils in the Federally Administered Tribal Areas (FATA) which serve as gateway to Afghanistan always involve the sole monetary motivation. The former falls in the jurisdiction of the Secretary and Minister to the Government for Revenue and Estate Department while the latter comes under the discretion of the Governor and Additional Chief Secretary (ACS) FATA who usually do not belong to the areas where the tehsildar are posted. For example, the Minister for Revenue and the Secretary sit in Peshawar, the capital city of the province but they, mostly, neither belong to Peshawar nor own landed property there. Likewise is the case with the Governor. Tehsildars then find references and brokers who work for them. Tehsil Peshawar, the provincial capital

city, had been the most lucrative and expensive posting in the settled areas while *Tehsil* Jamrod and Torkham in the Khyber Agency of Tribal Areas and had been sold in millions of Pakistani rupees. Officers when used to sit together, they not only used to share their own stories but exchanged notes on other accounts. For example, they would tell how much different officers paid for their postings and how much they had been earning and/or have earned. During one such get together, C tehsildar while commenting on the earnings of one such officer posted in Khyber Agency told that tehsildar E, earned a lot of money, he recently bought a house in the posh area for Rs. 2, 50,00,000.00, a new car worth Rs. 35,00,000 and numerous properties. He however also commented on the hardships of tehsildar E during his postings in different tehsils of the tribal areas for 7 years where Taliban were very active and the political administration (bureaucratic administration is called as political administration in tribal areas) was in direct confrontation with them. C continued that E once confided that he felt like committing suicide when he was posted in a remote *tehsil* in the federally administered areas (FATA) where Taliban practically ruled the area that time. The informal earnings in such situations also work as incentives that motivate the bureaucrats to face and bear the attached hardships and responsibilities.

The following case studies of the posting and transfers of four officers I will call as C, F, G and H give us empirical details of the postings of some of the tehsildars and give us a sense of how different tehsildars dealt the processes and procedures to get posted in lucrative offices (“good field posting”). The first and last case studies are comparatively a little more detailed. That is because these two officers took longer routes to get their desired postings. Also, the circumstances of the four officers were different and so their journeys. Therefore, two of them particularly the last one is more detailed. But together, they give us a comprehensive account of how officers get to the lucrative offices.

C joined the “Civil Service” through the Public Service Commission (PCS). Having a Master’s degree in International Relations, he was pursuing a higher law degree when we had our last discussion in early 2017. He also planned to find a scholarship for PhD but prior to that he wanted to get posting in three good stations (lucrative offices) so he could earn enough money. When I asked him what he would do after earning a PhD in law, he told me that he still will continue his job and will use the earned money to get good postings. Besides good educational background, he comparatively had a good family background with few family members and friends in the Pakistan Administrative Service (PAS) earlier called as “District Management Group (DMG)”, the top group of civil servants who qualify the most competitive exam at federal level and opt to join the district management group). C remained very particular about his dressing. He always dressed well, similar to those “top class” PAS officers.

C used his PAS family members and friends to get “field postings” but, unluckily, they were not the right persons in his case. He thus was posted as tehsildar Land Acquisition in the office of the Deputy Commissioner (DC) in one district and a few months later as DRA (District Revenue Accountant) in another district and later as DRA in a district of another division. All such offices/postings are called “office postings” which no officer was interested in due to no earnings through bribes. One of his relatives tried for him through the Minister for Revenue he had obliged times ago but in vain. C once smiled and told me that the Minister did not give him a good station (lucrative office) but his PA helped him get transferred from one “office posting” to the other when the boss wanted him to attend office regularly. C waited for one whole year but could not get a “good posting” because he did not give money and the connections, he used were not the “right, strong” ones. Finally, he got himself posted as tehsildar in a remote tehsil of a district in another division (this was his transfer to a third division) with the help of his relative. C however, kept trying for “better postings”.

In 2013, he got a posting as a tehsildar through a Minister who belonged to his village but soon after his posting the government was dissolved and C was replaced by another tehsildar. C however got his posting in a smaller tehsil for which he gave Rs. 200,000 through a middleman. Once again, C started his struggle for a better (“good”) posting. He thus managed a deal with a Member of National Assembly (MNA) and got back his post for 300,000 Pakistani rupees. The man of the MNA continuously asked him for *Kharcha*. After some time, the government started digitizing land records. During the process new entries in the manual land record were banned till the completion of digitization of land records. This meant no mutations which meant no informal money! His bad luck, C’s seat no longer remained lucrative.

When the digitized service delivery started, his friend, the Additional Assistant Commissioner Revenue (AAC Revenue) helped him secure an additional charge as tehsildar of the Service Delivery Center (SDC), the newly established center for the provision of services after digitization of land records. Initially Y did not like it. Later when bribes poured in, he tried to stay there permanently under patronage of Additional Deputy Commissioner (ADC) but the tug of war between the AAC and ADC resulted in his transfer from SDC.

While telling me about his struggle to get a good posting, he said, “you know how long I have been trying to get my desired posting but I could not get it. This actually is all about a money game”. He further added that he has offered a luxury sedan car (Toyota Premio, that he had recently bought for Rs. 23,00,000) to the cousin of the Chief Minister for his posting in a lucrative tehsil but unfortunately even this could not work out. C then told me in a pleasant and victorious tone, “Now, I have found another man, the right one, who can do anything for you for money!” C was excited about his expected posting as tehsildar in a very lucrative tehsil within a week for an expected amount of 30,00,000.00 rupees. He was told by this “right man” to handover the deal money after C receives the official orders of his posting. C however was still unaware that even the “right man” was not always “the right man” thus proves unsuccessful

in facilitating “field postings” in lucrative areas. The result was obvious, C again failed to secure the desired post and his colleagues continued to ridicule him saying, “one should just listen to him” which meant listen but ignore as he keeps talking but is unable to get a good posting. His ex-reader used to laugh and say, “I am listening to his stories since day one that he is getting posted in Peshawar or Khyber (Jamrod Tehsil) next week!”

The second case study is about the story of I who was also recruited through Public Service Commission (PCS) as a tehsildar. After his pre-service training, he was posted in a tehsil where land settlement was not carried out thus there were no land records. I managed his posting in a newly established, remotely located tehsil in one of a district through his friend and batchmate J, another tehsildar whose father was a senior Police Officer. J, himself was also initially posted in the far most tehsil in a mountainous area where he had to live in the Basic Health Unit (BHU) but his father having close ties with the Chief Minister and “*Baba*” (chief minister's father) got him posted as tehsildar in a very lucrative tehsil in one of the city centers of the province. During my conversation with J's father, he told me and I quote: “they have posted him at the border of the “province” (name of the place omitted) in the mountains, so I wanted to show them my eyes (strength)”. J “being in the system” as they would say, after his posting in one the city centers (lucrative tehsil) learned about the mechanism of postings and transfers and established a good relationship with the right hand of *Baba*, who was called by his revenue officials as “*Guru*”. J thus negotiated for the posting of his friend I for Rs. 200,000 rupees.

I while narrating his story shared the difficulties he faced to manage living on his meager salary and then the happiness over his first share in bribes after the first visit to a village for attestation of a mutation [*daura*]. He said, “the patwari gave me Rs. 30,000 after the *daura*. I was astonished as well as happy to see so much money because my salary was only Rs. 10,000. Huge money! 30 thousand! [*da dumra paise, 30 hazar*]”. He stressed on the word *hazar* (thousand) while telling me about the money in an amusing way. Later, his happiness vanished

when his colleague tehsildar told him that he was given very less than his share! Soon, his friend made a deal for his posting in a better tehsil [*kha tehsil*] for 300,000 through the *Guru* tehsildar with a fixed monthly share. I regularly gave his share to his patron, the *Guru* tehsildar and thus successfully held his post till he was promoted and posted to the post of Assistant Commissioner.

K was another tehsildar. His cousin was an active and leading member of the ruling party (ANP) in his district, therefore, he got his first posting in a “good [*k`ha*] tehsil” but after a few months he was replaced by an assistant of the office of the Deputy Commissioner. The latter secured the post with the help of his brother, a Judge of the Peshawar High Court. K was instead posted as District Revenue Assistant (DRA) followed by his posting as tahsildar land acquisition, then Head Clerk Revenue (HCR) in the office of one of the Divisional Commissioners. All these offices fall under the category of “office posting” often called as “OSD ” by tehsildars. OSD (Officer on Special Duty) basically is used for officers of higher ranks in cases where they fail to obey those in power and fall from grace and when other officers succeed to replace them. They are thus posted as “Officer on Special Duty” which practically implies “officer with no duty”. He however kept trying and visiting the *Guru* tehsildar regularly. Finally, he got his posting in a remote hilly tehsil of one of the Division in the province with the help of a Minister but was not happy because there were almost no mutations and as such no money to fill pockets with. He then started visiting the *Guru* tehsildar on a daily basis. It took him a long time for him to establish ties as he neither knew how to make a direct deal nor did he have money to give. Finally, his friend tehsildars under the patronage with the *Guru* tehsildar succeeded to convince their Guru for D’s posting in a small tehsil for Rs. 1,00,000.

The last case study I want to share is about the posting history of another tehsildar I will call L. After completion of his one-year pre-service training, his services along with 4 of his

batchmates were placed at the disposal of one of the Divisional Commissioner in a division. The *Guru* tehsildar belonged to his village. His uncle, a local elder (*masher*) had recently resolved a feud of the *Guru* tehsildar with his kins, thus as an obligation on the basis of a good relation and help in solving the feud requested him for L's posting. L having no knowledge of the land administration and the bureaucratic structure totally relied on the *Guru* tehsildar who told him that all the newly recruited tehsildars were to be posted in different offices. L asked him to post him comparatively on a 'better' post and was eventually posted in the office of the Commissioner. Soon, L realized about the repercussions of an "office posting" and the privileges attached to a "field posting", hence he started his efforts for the latter. One day he joined his office colleagues to visit a district collector for condolences for his deceased father. Few days later, the district collector visited the office of the Commissioner where he met L. He thanked him for visiting him for condolences and offered him for his posting in the newly established tehsil in the district where the district collector was posted. However, since L was desiring a posting in another newly established tehsil, he requested the district collector to help him with that instead. The district collector discussed the case with the concerned officer in the office of the commissioner who told L that his best bet was the one the district collector was offering him in wake of the tough competition of tehsildars for the post that L was desiring. When L was convinced, the district collector requested the Commissioner for L's posting. L being a newly recruit, followed the rules, remained impersonal and strict with *patwaris* in his conduct. He neither knew the onground dynamics of the land revenue administration nor accepted subordination to the local influential politicians. The ruling politician and the "right person" of the district perceived L as a proud and arrogant [*mashrot*] person, hence, he got him posted out of the district after several months. L consequently, went back to the pavilion and continued to work in the office of the Commissioner for a few years. He tried his best, he frequently visited the district mayor with whom he had developed good terms through his

friend, an Assistant Commissioner and accompanied him during his visits and feasts, but he could not get a field posting because L always hesitated to break the ideal social morality and make a straightforward deal with the mayor and others.

L had made another good friend during his previous posting as tehsildar, a ranker (those promoted from the post of patwari to the post of tehsildars are called as rankers) was also posted out by the same politician from the district for the same reasons. His friend ranker tehsildar had been working on good posts throughout his career but unluckily the politician and political party he supported during the election failed to form the government. He tried hard to get himself and L's posted on their desired posts, but he had political as well bureaucratic rivalries. The *Guru* tehsildar was his batchmate and a friend but implicitly they were not on good terms due to the impulsive and imposing personality of the L's friend who at times humiliated his colleagues. Finally, L's friend talked to the middleman of a Minister for L's posting in a tehsil in one of the divisions of the province. The deal was done for 300,000 rupees. The Minister sent a recommendation letter to the Secretary to Government for Revenue and Estate department for L's posting in his tehsil but L's bad luck, a girdawar (inspector) was holding that post since long with the support of another ex-Minister from the same district who later became the Chief Minister of the province. The officers and officials in the revenue and estate department promptly processed L's file as his friend ranker tehsildar used to give *kharcha* [gratitude] regularly to all of them. However, the secretary conveyed his message to L that he cannot transfer him out from the district he was working in to another without the permission of the Chief Minister because the districts was the home district of the Chief Minister. This was shocking and astonishing news for L because the directives were required for a good posting in the district and all the postings were done with the will of his father (*Baba*) and the Chief minister had no say in any posting in the division. During the last months of my field work, the ex- Divisional Commissioner told me that once the Chief Minister had asked him for

the posting of a patwari, but the *Guru* tehsildar did not agree while telling the Commissioner that the Chief Minister has nothing to do with postings in his division. This shows how important and difficult it is to get a lucrative office.

L, still trying for his posting, had to go back to his friend, the district mayor who belonged to the party of the Chief Minister. They succeeded in getting the directives of the Chief Minister. L was happy that with the directives of the Chief Minister he would get his posting order within a few days. But this time the secretary asked him through his Assistant Secretary that he needed another 'No Objection Certificate' from another Minister for his posting. Now this Minister was a leading figure in the ruling political party and the "right person" for postings in that district. L once again went to the mayor who called the Minister on his cell phone and requested him for L's posting. The minister wanted L to visit him, but this meeting proved to be the most difficult part of his efforts. Every day, he would visit the Minister's office but his PA would tell him that there was no chance for the Minister to come to his office. One day L came to know that the Minister was going on a visit abroad meaning that he would be absent from office for a while. L then got help from his friend who worked as the telephone operator with the Chief Minister. The telephone operator traced the Minister and made it possible for L to meet the minister while he was leaving the Chief Minister's secretariat one day. It was a pleasant meeting but with no results. L then waited for his posting for a few more months but in vain. Consequently, when his posting orders were made he was posted yet again on an "office post". Few months later the political government was dissolved after completion of its tenure and massive changes were brought by the caretaker government in the bureaucracy. L was contacted by C with an opportunity for his posting as tehsildar for Rs. 2,00,000. L did not make a deal. He instead requested a friend who was in close ties with the new Commissioner. This time it worked for L as he finally attained a posting in a 'good tehsil'.

With these case studies, we observed how, after their appointments, the revenue officials and officers go through another process to get a field posting, particularly a lucrative one. We also see that lack of strong connections, an influential family background, required understanding and access to the “right person” and negotiating capabilities pragmatically makes it hard for some tehsildars to get a lucrative field posting. On the other hand, those who know the process, build connections and give money could get their desired postings easily. However, it is not only about taking money for the posting of an official/officer in a lucrative office, many also get illegally appointed, promoted and posted in lucrative tehsils. It is pertinent to talk about the backdoors to know how those at the helm of affairs use their discretion to earn money through illegal appointments and let individuals enter civil service through connections and bribes without going through the prescribed process, procedures and competitive exams.

2.2 Illegal Appointments, the Back Doors and Manipulation of Service Rules

The “right persons”, the competent officers (those vested with power to hire, fire and transfer officials and/officers usually heads of an office or a department), their brokers and the subordinate officials in the head office of the Revenue and Estate department and in the offices of the Commissioner and the Deputy Commissioners (district collectors), at times go beyond the rules and post junior and ineligible officials on higher posts. There are numerous cases where patwaris, girdawars and clerks were appointed and posted as tehsildars illegally and then promotion rules were frequently changed to facilitate their speedy promotions. These illegal practices are carried out through different ways. For example, promotions to and recruitment on vacant posts always get delayed and thus the vacant posts are filled with ineligible junior officials in their own pay and scale (OPS) and/or on current charge basis (CCB) which means that these officers will work as officers on the higher posts but will draw their salary as per

their actual scale/grade. Numerous girdawars were posted as tehsildars in their own pay and scale. Later when officers were recruited through the Public Service Commission (PCS), they could not compete with them and thus were given office postings as I showed in the above case studies.

Likewise, one Secretary who was from the Pakistan Administrative Service (PAS), the top group of civil service which famous and claim to be honest, non-corrupt, and those who follow the rules and merit, had promoted about 40 officials as tehsildar through his unique way of “administrative orders”. These officials after serving a few years claimed seniority from the date they were posted as tehsildars in their own pay and scale through administrative orders. They went into service appeals before the Services Tribunal, won their cases and got speedy promotion to the next positions. Recently the own pay and scale strategy has been replaced with a new self-created terminology as “Current Charge Basis (CCB)”. This strategy, as per the officials of the head office of the Revenue and Estate Department, was adopted so that these officials do not claim seniority later. We however will see when such officials go into appeals for claiming seniority.

The PTI government had chanted the slogan of eradication of corruption from the country within 90 days specially from the Land Administration and Police Department. Initially the officials up to tehsildar in Land Administration and officials in Police Department, mostly up to the rank of inspectors were harassed to the extent that some officers and officials lost interest in field postings and even performing their duties. Tehsildar L who went through a long struggle to get a field posting also had opted for an office posting during this time. They however tried and some of them succeeded to find ways to get close to the newly elected Members of Provincial Assembly (MPAs), Member of National Assembly (MNAs) and the Ministers.

The Secretary also had introduced a new monitoring system particularly in districts where PTI was in majority. Every tehsildar was required to send a list of all mutations (land transfers) with the names and contact numbers of sellers and buyers to the offices of all officers above him: the Assistant Commissioner, Deputy Commissioner, Commissioner and the Secretary. Officials from these offices were to call buyers and sellers and inquire from them if Revenue Officials had charged them with extra money. This had affected the earnings of girdawars and tehsildars badly in the initial few months. Some tehsildars who could not find out ways, preferred to get postings in offices which resulted in decreasing the prices of the lucrative posts. This proved as a golden opportunity for those ineligible officials to get postings as tehsildars. Such a pattern was also observed when the military dictator Parvez Musharraf introduced his new devolution of powers plan and a new local government system. As a result, the District Administration not only had lost its powerful position in the district but was put under the administrative control of the District Nazim (Mayor). The PAS officers then preferred to get postings in the Federal and Provincial Secretariats as they did not want to work under the Nazims who were called by them as “illiterate” and “those having high school education only”.

The case of tehsildars and patwaris however was different. In the beginning they did not know if the representatives of the new government which chanted the slogan of change [*tabdeeli*] and eradication of corruption will also come to terms therefore they stopped struggling for lucrative “field posting” while some got themselves posted on “office postings”. Everyone expected a “new Pakistan” free from corruption. Patwaris specially were afraid and showed extra care while demanding money from services seekers but soon as the honeymoon period of the new government was over, some politicians, their brokers and revenue officials and officers started negotiations and brought back the traditional reciprocations to practice. Interestingly, complaints and inquiries against revenue officials and officers and getting bribes

for postings and monthly kharchas (pocket money) went hand in hand and as such many officials and officers preferred to work in such circumstances. This proved a golden opportunity particularly for those ineligible officials who were longing since long to get postings as tehsildars. They thus even gave bigger amounts than usual even for those remote hilly areas where tehsildars considered their postings as punishment and did not want to be posted. One such official I will call M, an assistant of the office of a Commissioner got his posting as tehsildar in Kohistan, an unsettled district in the Hindukush mountains on the bank of Indus river for 500,000.

The post of tehsildars however is not always about earning money through informal means. Some of the assistants belonged to well off families with political backgrounds while some had senior bureaucrats in their families. They had good qualifications, mostly Master's degrees from reputable educational institutions. I used to notice them as sort of ashamed to be working /called as assistants. The post of tehsildar for them thus was more about social status. However, it enabled some of them to get lucrative postings later.

Some officials used land administration to get into the civil service through backdoors. These people got training certificates from the Settlement Officers in any ongoing settlement operation (measuring lands and making/updating land records) and entered their names in their home district's candidates' registers [*Register Umeedwaran*] where the district administration (DC office) enlist all those who complete one-year Patwar Training in the Patwari Academy. When posts of patwaris are advertised, the selected candidates complete this training, get themselves enlisted in the candidates register and wait for their turn to be appointed as patwaris. While some join settlement operations as patwaris. Settlements are carried out as separate projects where all recruitments are done by the Settlement Officers on contractual basis. Settlement patwaris get speedy promotions because promotions are at the discretion of the Settlement Officer without following any strict criteria. After getting promotions to the post of

tehsildars in settlement operations, they get postings as tehsildars in settled districts and after a few years, file service appeals before the Service Tribunal and get orders to be regularized as tehsildar in the Land Administration.

There were two brothers I will call N and O whose father worked as a district collector. They were recruited as patwaris in 2007 on the basis of training certificates from the settlement officer, promoted as girdawars, then District Kanungos (officials who head the district land record room) and then as Assistant Commissioners in 2012 within 5 years. It is pertinent to mention that the PCS naib (assistant) tehsildars recruited in February 2009 were still waiting for their promotion to the post of tehsildar in 2017 after serving more than 8 years. It was not only these two brothers, there were several such tehsildars who were recruited through these back doors. Another such officer I will call as P, son of a dismissed form service tehsildar got his *patwar* training on the quota from a district he did not belong to. As per rules, the post of patwari is a district cadre and a candidate is eligible to be recruited only in his district of domicile. He was then recruited as a patwari in an unsettled district, promoted as girdawar (girdawar is one step above the patwari and works as inspector who supervises the work of patwari) after two months and then as district *kanungo* (DK), head of district land record room after further two months.

In 2107, when I was leaving the research field he was waiting for his posting as political tehsildar in FATA Secretariat. The post of political tehsildar in Tribal Areas is one of the most lucrative posts for a tehsildar where he governs the tribal people under the famous Federal Crime Regulation (FCR) promulgated during the British colonial rule, gets better incentive, privileges and opportunity to earn money informally.

The story of two Patwar candidates (those who complete *patwar* training and wait for their turn to be recruited as patwaris) is fascinating and worth sharing here. While waiting for their posting in their home district they started work as settlement patwaris in District Chitral where

they got promotions to the post of naib tehsildars. In 2015, they got their turns to be recruited as patwaris in the district they belonged to. One of them joined as patwari in the district while the other preferred to continue in Chitral as tehsildar in settlement operation. The one who opted to stay in settlement got himself transferred as tehsildar settlement during the resettlement in a district of Hazara division. In the meanwhile, he and one other tehsildar with a similar service history filed a service appeal before the Services Tribunal and prayed that they may be regularized as regular tehsildars in land revenue administration. Their appeal was accepted and they with the connivance of officials in the head office kept the orders secret till the objection time was passed. Finally, they were regularized as naib tehsildars in 2016 and then promoted as tehsildars in 2017. In 2018, the assistant who worked in the establishment branch of the head office of the Revenue Department, told me during a WhatsApp call that they have been sent for their in-service compulsory training for their promotion as Provincial Management Officers (PMS). PMS officers work as Assistant Commissioners (ACs) in the districts. As I am writing this final draft, one of them has been promoted to grade 18 and is working as Additional Deputy Commissioner.

These illegally appointed officials stay very persistent and adopt very smart ways to stay in, get regularized and get quick promotions with the help and support of officials and officers in the head office. These officials and officers who deal with promotions know how to manipulate rules, create back doors and who are at the helm of affairs, particularly moving files. One such way was changing the promotion rules. As per the promotion rules 2008, the post of tehsildar was to be filled in through initial recruitment (PCS) to the extent of 20%, 60% by promotion from among Naib tehsildars and 20% from the assistants and revenue officials working in various head offices of Land Administration on the basis of seniority cum fitness. In 2011, two amendments were introduced in the promotion rules. The first included DKs, DRA, Sub-Registrar, and Head Vernacular Clerks in the 60% quota of naib tehsildars. Merging seniority

of all these officials facilitated the quick promotion of all these officials including those illegally recruited through back doors. Interestingly, while amending the rules in 2008, promotion to the post of tehsildar was conditioned with a graduate degree (Bachelors) as the qualification of an official. This condition however was to be applicable after 5 years but in 2013 this condition was totally ignored during promotions.

The PCS Naib tehsildars filed a writ petition in the Peshawar High Court challenging the amendments in rules and promoting Naib tehsildars who did not qualify graduation. The Chief Justice did not accept the writ petition for it was a service matter and had to be submitted before the Services Tribunal. The advocate thus requested that the case may be sent to the Secretary who may be directed to hear the case as a departmental representation. The plea was accepted, and the case was sent to the secretary to be decided as a service matter. The Secretary kept it pending and in the meanwhile he brought another amendment through which the condition of graduation was deleted exactly after five years at the time when it was to be implemented!

Such officers who come to service through such backdoors work as special cases and give bigger amounts for their postings to the ruling elites and more *kharcha* (gratitude/tips and money for office and personal expenses/entertainments) to please the subordinate officials in the head office and elsewhere. Their files are processed as special cases which get prompt approvals. They do not need to pursue their files in different offices, rather visit the office once, give money as per the deal to the dealing hands and get reports on phone. Those who do not give *kharcha*, continuously visit offices, request the dealing officials but are often told by the subordinate staff that if they process their files speedily on a daily basis, the Secretary will think that they have vested interests (money). Such files thus are put up to the high ups with considerable gaps. When I was persistently pursuing my application to get a No Objection Certificate (NOC) to avail my PhD scholarship, one of the main reasons of delay was that the officials in the head office did not find rules for such applications and used to tell me that they

cannot process it on daily basis as the Secretary may think that they have taken money. One day an officer in the head office asked me, “you do not know how rules are found. Give them money and they will find rules in one hour”.

The illegal appointments were open secrets and were part of every gossip in the Land Administration. They were challenged and agitated but the agitations dissolved soon due to the involvement of many stakeholders. Even the senior bureaucrats seemed to be manipulating those illegal appointments for their own stakes. In 2013, a senior bureaucrat famous for his honesty and merit was posted as the Secretary. He started an inquiry against the illegally appointed and promoted tehsildars. There were gossips in every corner of the head office and among tehsildars particularly the PCS tehsildar being direct affectees of the illegal orders were very happy that more than 40 such tehsildars were going to be reverted or dismissed from service. The inquiry however took a long time when finally, the Secretary sent the case to National Accountability Bureau (NAB) before his transfer. This was the time that tehsildars started questioning the honesty of the Secretary because he was the competent authority to inquire and initiate disciplinary action.

The result of sending the case to NAB was known to everyone, the tehsildars would make a deal with the NAB officials and the inquiry will be filed sending the case back to the Revenue Department for being a service matter. There were however rumors that the Secretary took 30 million rupees. In 2015, the same officer once again was posted as Secretary and he re-opened the inquiry once again. This time when everyone was waiting to listen about the decision the tehsildars were advised to get a stay order from the High Court. I was sitting with the concerned officer in the head office when he called one of those under inquiry tehsildars and told him that *Saib* (Secretary) needs you to bring a stay order from High Court (*saib wayi che da High Court na stay rawre*”). Soon, the High Court ordered the proceedings of the Inquiry be stayed and a

few months later the Secretary got retired. The tehsildars used to say,” the Secretary got a good chance (of earning money) before retirement”.

In 2017 and 2018, two successor Secretaries reverted some of the illegally appointed tehsildars, but they first got stay orders from the Peshawar High Court and then Services Tribunal and continued working on lucrative posts. In November 2019, during my visit to a friend (Deputy Commissioner), I inquired about one such tehsildar. He laughed and said, “he is posted as *naib* tehsildar (name of the place omitted) and giving tough time to his tehsildar trying to snatch lucrative *Patwar Halqa* from him”.

We have seen that a parallel set of patterns has been established around the state policies and rules through social networks, bribes and manipulation of rules where different players exploit the state policies for their own benefits. The common narrative about these practices is earning money but whenever revenue officials are asked, their immediate response would always be the prestige, access to power structure and the social status attached to better positions in the state apparatus. For a patwari, girdawar, tehsildar and any other officer in the land administration hierarchy, a good posting provides three things: (1) prestige which proves as a mean to rise to and maintain higher social status, (2) controlling and obliging friends, relatives and people and most importantly (3) as a means for a luxurious life. (I will talk about it in detail in chapter 3 and 4). Tehsildars and others posted in lucrative offices remain in the limelight due to their lucrative positions, live luxurious lifestyles, and the generosity they show through giving *kharcha* to everyone in the land administration. Interestingly, they very proudly and victoriously tell about their current positions while introducing themselves to people.

Those with “office postings” feel ashamed when they introduce themselves. They neither receive the protocol the former get in public and private settings nor they feel comfortable to tell people about their current postings. Their colleagues also make fun of them at times calling them with titles of the “office postings' ", particularly the head vernacular clerk (HVC). Those

with the office postings not only criticize the irregularities and illegalities but also condemn corruption and bribery. While those working on lucrative postings find justifications for what they do in the discourse of how the system works and the meager salaries and incentives they get from the state while carrying out the arduous work of land and general administration. In the next section, I briefly talk about the incentives and salaries of revenue officials.

2.3 Incentives and Salaries

One of the main justifications for selling state services and taking bribes by the land administrators is their meager salaries which do not suffice even their basic needs.

During our discussion, a Sub Inspector of the Directorate of Anti-Corruption Establishment I will call Q in a very amusing way told me that the Britishers gave the salary a very right name, *tankha*. *Tan* in Pashto and also in Urdu means one person. For him *Tankha* (salary) thus meant for one person not for a family. While R, a private person who worked as Reader with many tehsildars informally and got no salary from the state believed that whatever one would do, salary can never suffice for his monthly expenses [*ko ta har sa oke kho pa tankha ke guzara na kegi*]. I now give some case studies mentioning salaries and expenses of different officials.

S was a senior patwari who had worked as patwari for 28 years. When I asked him about his salary in the summer of 2013, he told me that his salary was Rs.22000.00. He had 5 kids, his elder son was doing Bachelor of Business Administration (BBA), the second one was doing FSC (equivalent to A level), both in private colleges, his two younger daughters were going to government colleges while the youngest son was studying in an English medium private school. He was living with his family in the city center of one district while he was posted in a rural area of another district. He had an 800cc car which he used for his daily commute and official duties. His salary was not sufficient even for the educational expenses of his kids.

A land acquisition assistant I will call T served the district administration for 36 years. He had 10 family members. His elder daughter and son were married, and the other kids were studying in private schools. His elder son was a teacher in a government primary school who contributed 8000 rupees to household expenses. T was getting a salary amounting to Rs. 50,000. He used to get some money [*kharcha*] from friends (patwaris and tehsildars), but it was still difficult for him to manage his expenses. T did not have a car and led a simple life.

U was a Naib tehsildar working as tehsildar in his own pay and scale (OPS). He had served the department for 23 years and his salary was Rs. 38,000. He had 6 kids, all were studying, one was doing BS in chemistry and the others were in private schools. He paid 15000 as school fee for his kids. He belonged to another division so he commuted on weekends. He did not have a car. When I asked him how corruption can be eradicated, he told me, “if they give me 150,000 rupees as my salary then why would I need to ask someone for money. If I get money for all my needs, for my kids’ education then if I stretch my hand for money, they should cut my hand and if I ask for money they should cut my tongue. All know about it, who does not know? Doesn't the chief secretary know?”

V was his reader. He told me his story in the following words, “if I talk about myself, I am in an age where I need money. Anyone my age, if he has daughters, he needs money for their marriage. He needs money for the education of his children. Now my salary is 30,000 after 27 years of service. I have 5 kids, 2 daughters, one married, one engaged, two sons are in college, where will I bring their fee from. My household expenses except for the education of kids is 80,000 with education it goes up to 100,000. I have to get money otherwise I cannot manage it. Anyone who comes to me and needs anything in the land administration, I help him out because I know land administration, and this is the way I will have to earn some money. I have to spread my hand to everyone for 10-20 rupees [*za da majborai na da khalqo la shalo rupo ta las neesam*]. Since I am posted in the dispatch branch of the office of the deputy commissioner,

no one has given me a single penny in the last 6 months (V was transferred due to an inquiry against him). I also do not go to revenue (tehsil) side not even to the office of tehsildar because there are some people who are trying to create more trouble for us (*dase khalaq di che zamung da kharabedo koshish kai*) but it is difficult for me to survive in this situation. I now need to get out of this place and go where I can earn bread for my kids”. V had faced an inquiry and was thus posted in the dispatch branch as a punishment, an “office posting” for a reader.

When I asked W, a peon in the office of Assistant Commissioner Revenue in one of the districts who used to joke around, please officers and people alike and get *kharcha*. He smiled and told me, “when a tehsildar earns 50,000.00 rupees, gives 10,000 rupees to the Commissioner, 5000 rupees to the Deputy Commissioner and 3000 to the Assistant Commissioner, so what if he gives me 500 rupees! He continued and gave me a justification for the money he got from people and officers as gratitude and tips. He told me that when he gets extra money he does not submit medical bills to be reimbursed from the state exchequer. He also claimed that the medical bill was his right, but it was given only when a civil servant or any of his dependents was hospitalized. W had submitted medical bills of his ill father, but he did not get that money. At the time of the interview his wife was pregnant and there were some complications for which he had to go to Shifa International Hospital, an expensive private hospital in Islamabad for which W was trying to manage money. W thought a peon should be given 60,000 rupees as his salary with free medical and quality education for his kids, else he needs to get money from people and state officials.

Meager salaries and huge spendings on everyday expenses including buying expensive health facilities, quality education from private providers and buying cars for personal and official uses in wake of poor health, education and public transportation facilities and, lack of facilitation by the state thus work as ready excuses for all these bureaucrats to justify their practices of corruption. I argue that insufficient incentives from the state is one of the main

factors but the luxurious lifestyle of the bureaucrats and attaining to and maintaining the desired social status in the society plays a more important role in their longing for lucrative “field postings” and earning money through practices which as de Sarden (1999) argues come under the “corruption complex”. I will explain in chapter 4 how these factors are embedded in the socio-political and economic structure of post-colonial Pakhtun society which is undergoing modernization.

In this chapter my focus was on how land administrators make it to a “good office/station” to generate informal revenues. Corruption classically is defined as the “use” “misuse” and “abuse” of public office for personal gains. My focus in chapter had been on a less acknowledged aspect of the “public office”. And as I showed in this chapter through empirical data, prior to its use for personal gains, the very office is sold to and bought by bureaucrats. Furthermore, the office not only is a place for the office holders to earn informal money through bribes and overpricing of state services but work as a source of personal gains of economic, political and social sorts for all those who influence postings and transfers to lucrative offices. We have seen in detail how the public office works as a source of informal earnings for those in power and those connected with them. How do the office holders use the “public office” for their personal gains? How do they generate informal revenues? What are the means they use to extract money from service seekers? How do they negotiate different services and bribes? And, how do they manipulate processes, procedures and situations? These are the questions I address in the next chapter.

Chapter 3 The Political Economy of Procedures: Negotiating Bribes

I have laid out the organizational structure of land revenue administration and have discussed in detail why some offices are considered lucrative and how getting posted in such offices is negotiated. In this chapter I discuss the varied state services land administrators provide to people who are termed as “applicants [*darkhast guzar*]” and/or petitioners [*saayil*] by Revenue officers and officials in their reports. I call them “service seekers” henceforth for the reason that they approach an office seeking a state service. These state services are all about negotiations among players with different capacities. Transfer of land title from one person to another through mutation [*intekal*], demarcation [*had barari*] and correction in land record [*drustagi*] thus do not work merely as services and procedures but as different games played by different stakeholders using the established strategies, tactics and patterns of negotiations. The strict hierarchies, discretion, powers and different roles of the bureaucrats during the provision of a state service, the complicated land records and the lengthy procedures, on one hand, make it difficult for the service seekers to access bureaucrats and state services, while on the other, prove advantageous to land administrators who manipulate situations and the processes of service delivery to generate their own revenues. The interplay among the bureaucrats and service seekers results in a political economy built around these procedures where both negotiate the services and their prices through patterns beyond the official conduct, prescribed processes and procedures, and the levied taxes. In the pages to come, I discuss in detail how the different state services pertaining to land records provided by the land administrators are negotiated for bribes.

3.1 *Negotiating State Services and Bribes*

One day during our discussion, I asked a patwari, I will call X, about the money they expect and receive for different state services. He laughed and said, “domicile is the only thing [*shai*] we do for free (*domicile wahid shai de che mung ye free kao*)”. Patwari verifies the permanent residence of applicants when they apply for domicile certificate before it is presented to the tehsildar for his signature and onward submission to the Assistant Commissioner (AC). These applicants are mostly high school children who need this certificate for their admission in colleges. Patwaris verify these certificates only if they are duly certified by a local *Lumberdar*, (locally called as “*Numberdar*”), a village officer position created by the British Colonizers to assist patwari in verifications and collection of state revenues and taxes. The *Lumbardars* traditionally did not get a salary but received 5% of the revenues they collected. Currently, the system does not work as it was established however *Lumbardars* continue to verify domicile certificates and stay available as witnesses to mutations. In most of the cases these *Lumbardars* work as assistant (munshi) cum middleman of the patwaris. Patwaris do not demand money for these verifications but the munshis/*Lumbardars* and the peon in the office of tehsildars get few hundreds at times while facilitating the processes of domiciles and other services.

It is only mutation, as I have explained earlier, that is liable to government taxes, but patwaris expect to get and demand money for all the state services they provide to landowners related to their land records. Service seekers in most of the cases know that every service is not liable to state taxes except mutation (transfer of land title from one person to another) but many however do not know about the exact percentage and liable amount of taxes for a particular mutation. On the other hand, people in their pursuit of quick service delivery resort to bribery. They also avoid paying huge amounts of money as state taxes on sale mutations which they consider as loss [*tawan*]. Lack of knowledge, the urgency in getting a service and avoiding *tawan* coupled with the patwaris’ discretion and tactics to manipulate rules and procedures lead

to a complex and tricky round of negotiations for every service among state officials and service seekers. During these negotiations, the custodians of public land records use public land records as a “means of administration”, in Weber’s (1978) terms, to control and dominate situations. They treat public land records as their personal property which they sell to the service seekers.

I first discuss the services not liable to state taxes. I show how patwaris manipulate situations and take/extract money from service seekers. I lay down in detail the tactics and strategies they adopt for the purpose. These tactics and strategies include but not limited to: non-availability in their offices, busy schedules (real and pretension), discretion, manipulation of rules and procedures (relaxing them and/or making them strict), the complexity of manual land records, their long-term office tenure and their ability to forge/manipulate/tamper with the land record to create problems in future for land owners and, rude bureaucratic conduct with some while giving protocol, special respect and hospitality to others.

3.1.1 Negotiating Ownership Document [*Fard*]

Fard refers to an ownership document which is a copy of the record of land rights of an owner. It is used for different purposes. Patwari is the officer who provides *Fard*. *Fard* is a handwritten document. Patwari reproduces the share of an owner on the specific pages used for preparing records of rights. When a landowner visits a patwari to get a *Fard*, often he finds him absent from the *Patwar Khana*. People then search for him in different places. Patwari is such a player of the game who is required at many places; different offices, courts and in the fields where he goes for recording cultivation status of different fields [*girdawari*], demarcation of lands and execution of court degrees. People also visit him in his home after office hours. Once they are able to find him, some patwaris use a warm protocol and hospitality to please the service seekers who in return feel obliged to give them some money as gratitude [*kharcha*] while others

use impassive/stony face, rude behavior, and other such tactics to ignore service seekers. The service seekers thus offer them money to gain their favor and yet some politely or straight forwardly ask for money. The amount of this money depends on the financial and social status of the applicant, the scale of property involved, the purpose of the *Fard* and the urgency in its requirement as well as the price of the land the landowners wish the patwaris to write on the *Fard*.

The price/ money patwari charge for a *Fard* depends on its type. Partwaris charge more for *Fards* required for registered deeds commonly called “registry”, getting bail from a court, to be used during the court proceedings in title cases. Similarly, when *Fards* are urgently needed. *Fard* for registry works as a mutation because registry is liable to state taxes, therefore patwaris use all their tactics to get a maximum amount of money. This amount depends again on the quantity and value of the property. For patwaris in terms of negotiations such cases are similar to land mutation. They however do not get what they receive for a mutation because patwaris do not have any role in the registry except provision of the *Fard* (ownership document). Provision of a *Fard* for registry is an important step as it is the *Fard* that establishes rights to the property. Like all other types of *Fards*, patwaris use the technicality and complexity of land records and their manipulation of procedures as their tools through which they make landowners negotiate with them. Same is the case with the *Fard* required for getting bail from the courts in cases of arrest in criminal cases, people need it urgently to present it in the court as a guarantee to bring their dear and near ones out of the prison.

One of the main tactics of patwaris is the price of the land. Interestingly, there are two parallel prices of a piece of land: one is the actual market price which is higher and the other is the one fixed by the government. Every year in the month of July, the Deputy Commissioners (DCs) notify prices of different types (agricultural, residential and commercial etc.) of lands as per the average of total transactions/mutations in a type of land in one estate in one year called as

“valuation table” but commonly as “table rate” and sometimes “DC” rate. Patwaris write the price of the piece of land on *Fard*. When people do not come to terms with the patwaris, they threaten them of writing the actual market price of the land on the *Fard* in case of *Fard* for registry and government rate in other cases. Once written, the note of the patwari regarding the value of the landed property binds the Sub-Registrar to collect taxes as per the amount written by patwari while attesting/registering a sale deed. The higher the amount the higher is the tax. People on the other hand do not want to pay a higher amount of taxes. *Fards* for bails from courts and *Fards* as guarantee for loans, business deals and for security bonds with private firms and government departments are the opposite. People need a higher price of the landed property and patwaris here stress on following the rules to write the price fixed by the government through its “annual valuation table”. Since people want to pay a lesser amount of tax on registered deeds, therefore they want patwaris to write a lesser amount (government rate) on the *Fard*. They do not agree to write the actual market price of the landed property. Patwaris thus manipulate this situation in their favor when they provide *Fard* and demand money for themselves.

When I asked him about bribes/prices of different *Fards*, patwari X told me that if a landowner needs one million as the market price of the landed property, he should give at least Rs. 30,000 to the patwari and if he needs 10 million as its price then he should give him at least 100,000 rupees to the patwari. Reportedly, some patwaris provided fake *Fards*, therefore I asked patwari X how much would he demand if someone who does not own any landed property asks him for such a *Fard*, he replied, “that is totally a different thing. That (normal *Fard*) cannot be done for this amount. For such a work the applicant will have to give a patwari at least 2 to 3 hundred thousand rupees”. He continued, “for the general *Fard*, in routine, it may cost from 500 to few thousand depending on who the applicant is and how much is his property and its value”. Friendship, kinship and connections with patwaris and bureaucrats however relax

negotiations and as such service seekers are provided *Fards* with concessional rates and also free at times. I was requested by many friends to talk to the patwaris on their behalf as patwaris had demanded 10 to 20 thousand rupees from them for a normal *Fard*.

3.1.2 Correction in the Land Records [*Fard Badar*]

Fard Badar is the document through which errors and mistakes in the land records are corrected. Patwaris seldom initiate the correction process when they find out or the landowners approach them in cases when they find mistakes and errors in the land record. People come to know about these errors mostly when they need a *Fard* or want to enter a mutation. In such cases, the error needs to be corrected first. Thus, they cannot proceed further till the correction in the land records is first made. Patwaris manipulate these situations. The complexity of records works as their weapon because it is only the patwari who will tell you what the record says about your land rights. Patwaris make a best bet, dramatize the situation, manipulate facts and make it such a complicated error that can be solved only through civil court. Landlords and generally everyone in Pakistan knows that any case in the civil court needs years and sometimes decades to come to a conclusion. People thus opt to come to terms with the patwaris to avoid years long litigations in civil courts which they have to regularly pursue and give huge amounts to lawyers as their fee and *kharcha* to the lawyer, his assistant and readers in the civil courts on every date of hearing.

People who insist and those who do not give the (desired) money to patwari and uses their connections or request and/or complain to the tehsildar, a higher land administrator or a Member National/Provincial Assembly (MNA/MPA) or a minister are asked by the patwari to submit an application to the Deputy Commissioner (DC) for which they first need a *Fard* to be given by the patwari. Patwari thus first delays the *Fard* and later initiating a *Fard Badar*. Somehow when the landowner makes him to initiate a report, he does not initiate a report in the *Fard Badar* Register but writes a report on a page of paper where he after giving the details

of the errors in land record may write that the matter is of civil nature and should be referred to the civil court. The girdawar, tehsildar, the District Kanungo (DK) and all the land administrators thus avoid overruling the suggestion of the patwari due to the fear of the responsibility though they know that patwari is manipulating the situation. On the other hand, they know the tactics and mostly are on the same page. Eventually the DC, in most of the cases, also recommends the matter to the civil court. To avoid such situations, people negotiate with the patwari and give him money, the amount of which depends on the nature of the problems. For people who enter in a deal with the patwari right at the beginning, patwaris initiate a *Fard Badar* in the *Fard Badar* Register, and without waiting for the monthly visit of the girdawar and the tehsildar bring it to them to their offices in tehsil and get approval by hand themselves. At times they just write their report in *Fard Badar* register, make corrections and provide *Fard* and/or enter mutation with reference to the *Fard Badar* entered and take approval of the tehsildar at their convenience. They relax rules and ignore the procedures and correct clerical mistakes without entering a *Fard Badar* and even correct errors of civil nature if they are given money. Otherwise, they ask the landlords to file civil suits for clerical mistakes which are to be corrected by the Tehsil Revenue Administration.

It is not only the civil litigation that takes years, getting an error corrected through an application involves two other important players in the game, the district kanungo (DK) and the AC Revenue or ADC. The DK (head of the district land record room who examines all reports regarding land records and poposes correction to the DC/ADC if in line with rules and laws) sends the report back to the patwari with objections.

In 2017, the then Additional Deputy Commissioner (ADC) of a district used to file applications for correction of names as per the National Identity Card. Patwaris when enter a name in the land record they usually ask people who tell them part of the name they use in everyday life. It is pertinent to mention that the name pattern does not go with a first and last name. Names are

mostly a combination of two names. Many people have Muhammad (name of the prophet of Islam) as the first part of their name or Ali (the fourth Muslim caliphate) as the last such as Muhammad Ahmad or Ahmad Ali. Another common pattern is the title *Khan* which shows their identity as *Pakhtuns*, one of the major ethnic groups in Pakistan who often call themselves as Afghans. The actual given name in these cases is Ahmad which people use in their daily life. When they visit patwaris they tell their names as Ahmad and patwaris mostly enter it as they are told specially in inheritance mutations.

In all other applications as well as during applying for National Identity Card, people write and tell their complete names. Interestingly, it is only when they need land records or enter a mutation that they come to know that their names are entered incorrectly. How funny it is that the DK (District *Kanungo*) and ADC return many such applications with the observation that the landowner should correct their names in the National Database commonly called with its acronym “NADRA” as per the land record or file a civil suit. They however use a very strong argument often used by the civil courts in title cases that “land record comes first”, even if it is incorrect! This argument however works as a facilitating factor for negotiations. People thus give money to the objecting official who using his discretion overrules the rules and objections and orders change in the land record.

There were middlemen in the district courts [*kachehri*] who used to wander in the premises of the offices of ADC. When used to meet those whose applications were rejected, they used to smile, sometimes laugh and say, “he wants 5000 rupees”. They then offer their services and ask the services seeker that they could help them out if they were willing to give money.

Patwaris even in cases of title disputes which cannot be corrected without the civil court decrees show hope to the applicants and ask them to submit an application for correction to the Deputy Commissioner. Some give confidence to the landowners that they will correct their record while others make a deal that they will write a detailed and convincing report but the applicant

will have to pursue it himself in the offices of the tehsildar, DK and DC. The action taken by the patwari depends on the amount he receives and the nature of the problem. Many enter a *Fard Badar* if they are given the desired amount while for the rest, they write a detailed report, get whatever they can make of it from the applicants, hand over the report to the applicant and ask him to present it to the tehsildar. The tehsildar either simply forwards it to DC or suggests that the applicant should knock the doors of civil courts. In the former case, the applicant gets the same result from the Deputy Commissioner either suggested by the DK or the dealing officer in the district collectorate.

The price of correction in land records also depends on the nature of the problem and the need of the applicant and as such ranges from few to several thousand in routine but much more for issues which do not fall in the jurisdiction of the patwaris.

Brokers, *lumbardars* and property dealers become part of these negotiations as another group of people who earn money through facilitating negotiations or pursuing the correction proceedings on behalf of the applicants. Some of the brokers become experts of land records and they keep copies of record of rights [*Jamabandis*] which they buy from the patwaris. Being easily available in villages, people turn to them for their help. They also, on their own, go through records, find errors and wrong transfers, inform the landowners, offer help and then manipulate situations. These brokers mostly work together with patwari as their brokers and middlemen but in cases, some brokers become separate stakeholders. Patwaris were always at odds with such brokers who tried to get the share of the patwaris themselves. Once such a broker was Z who dealt in property business and had knowledge of land administration [*Patwar*] and the record of rights of his village. He created problems for patwaris through complaining about their absence from their offices [*Patwar Khana*] and taking bribes from people. He used to get money from people but did not give it or his due share to the patwari. The patwari thus used to refuse making corrections. Brokers then used to submit applications

to the Deputy Commissioner but pursue them till the correction was made which involved a continuous tug of war between the brokers and patwaris.

Z and his two other fellows, AB and AD used to be in search of discrepancies in the revenue record. Their estate [*Mauza*] was famous for many inconsistencies therefore they were continuously seen in the premises of tehsil and district courts [*kachehris*] pursuing different applications. Z was notoriously famous as a problem maker among patwaris of his tehsil. Once his maternal uncle told me that he was afraid of Z for changing and tampering in the land record in connivance with the patwari.

One day Z visited the tehsildar. The tehsildar knew him by face but not by his name. Z as usual was accompanied by AB. The tehsildar asked his peon for tea to be served soon. In the mean while patwari of his village came in and during the discussion the tehsildar came to know about Z as and when he was addressed by the patwari with his name. The tehsildar being frank with Z asked him if it was true that he did bogus things. Z aggressively responded with a big “No”. The tehsildar who knew well about him did not like his response but responded politely.

The tea was served. The tehsildar asked Z about the file in his hands. presented him the file and requested for his favor to forward it to the Deputy Commissioner. The tehsildar, being cautious of Z’s reputation, very carefully perused the detailed report of the patwari and after a detailed discussion, he told Z that it was a case of title (ownership) dispute which was to be decided by the civil court not the Deputy Commissioner. He thus wrote a brief and comprehensive report with his recommendation that the applicant may be directed to agitate the matter before proper forum, the civil court. The patwari who was telling the story laughed and told me that Z was no more aggressive as the tehsildar knew more than him about the laws and that he was using his stick instead of carrot (favor).

The actual story in Z’s application was that an issueless lady (late) had sold out her entire landed property through two mutations. One of these mutations was not incorporated in the

record of rights. When Z came to know that the mutation had not been incorporated, he met her brother, informed him about the situation. They then sold out the not incorporated portion of the landed property once again to the cultivator in possession of the land and for the portion which was incorporated in the land record, Z submitted an application to the DC requesting therein for restoration of the mutated land. In their application, they had claimed that land had been transferred from the issueless lady on the basis of a cancelled mutation, therefore should be transferred back to her name. In support of their claim, they presented the part/copy of mutation which remains with patwari [*perth patwar*] with a note from the then patwari that the mutation has been cancelled. Now, he in connivance with the brother of the lady seller who was the legal heir of his issueless sister was trying to restore the sold-out landed property in her name and sell it out once again. They also had brought a written report from DK that the part/copy of mutation which is consigned to district record room after attention [*perth sarkar*] of that very mutation was missing.

Mutation document is entered in duplicate but on one long page. Tehsildar after attestation tears off the second half of the page and writes his order on it. This is considered as an official document which confers legal rights and is called as "*perth sarkar*" and can roughly be translated as the "state copy". The copy which remains in the mutation register [register *intekalat*] is not considered as a legal document and is called as "*perth patwar*" which can roughly be translated as copy of the patwari.

Z, after some time sought permission of the tehsildar and left. The tehsildar started looking at files and applications and writing quick notes on each of them. When he got free, he rang the bell, the peon came in and said, "Yes Sir [*Jee Sir*]", he asked him to give those files and applications to the girdawar and ask patwari X to come in. When X came in, the tehsildar, before he had a seat, asked him why he wrote such a detailed report for such a fraudulent applicant. He also asked him how much Z had given him for his report. X did not sit and replied,

“Sir, I did not get anything from him but wrote the report because he submits complaints”. In Pashto the patwari said, “*agha shikayat mar de Sir* (he submits complaints)”. After keeping the patwari in a stressful situation for some time and scolding and shaming him, the tehsildar then asked him to have a seat. Soon as he sat on the chair, the tehsildar changed his tone and asked him what did Z do with his application? The patwari felt at ease, laughed, and said that he took the application to his home (not to the office of the DC). He then flattered the tehsildar for his meritorious and bold decision and showed pleasure for letting Z down.

Later when I asked the tehsildar, he agreed that he did not like the aggressive response of Z but the matter was an obvious fraud. The patwari however told me that Z did not give him money otherwise he would have given some money to the tehsildar too and would have requested him to just forward it to the DC where the matter again was to be referred to the civil court. The tehsildar however was of the opinion that it was not that simple, if he had forwarded for money, people in the district collectorate also would have approved it for money.

3.1.3 Recording Cultivation and Possession Rights/Status [*Girdawari*]

Girdawari, as the heading shows is a document which shows the cultivation status of every piece of land. Patwaris are required, as per rules, to visit each and every field [*patae*]/*khasra* number. *Khasra* number can roughly be translated as survey number and refers to the numerical number given to a field. During the land settlement, every piece of land/field is measured and given a number which is called “*khasra* number”. Patwaris record the crops grown and name of the cultivator in every field in a register called “*Khasra Girdawri*” commonly called “*girdawari*”. The primary purpose of *girdawari* is to assess state land revenue and taxes but it also plays a vital role in safeguarding possession rights which play a decisive role in tenancy rights and other legal disputes. The 40 days *girdawari* operation takes place twice a year. Girdawars (inspectors) are required to verify all the entries made by the patwari, naib (assistant) tehsildars are required to verify 50% of the entries and the tehsildar 20%.

In practice, however, all these activities take place in papers not on ground therefore the *girdawari* registers are badly outdated and in case of corrections, patwaris use similar tactics to prolong the procedures of making corrections in the *girdawari* to manipulate people for money. Correction in the *girdawari* or changing *girdawri* [*girdawri badlol*] is a free state service but its informal price ranged from few thousands to Rs 50,0000 at average. The informal fee for the *girdawari* which was requested to be illegally transferred, though not so common, was between few to several hundred thousand depending on the nature and the amount of land involved.

Girdawari in such cases is important for deciding the fate of title cases which were already pending before civil courts and allotment of resumed lands during land reforms in 1970s and, ejection of tenants and dispute over produce cases. One such landowner I will call AE wanted to change the *girdawari* of a valuable portion of land to his name so that he could claim it in partition once the land gets transferred to him from his father in his inheritance. His brother-in-law who was an advocate and being a stakeholder and, being aware of AE's intention was continuously perusing land records with the patwari. Patwari was not giving him the ownership document [*Fard*] of the landed property in question and copy of the *girdawari*. The advocate requested the tehsildar continuously who asked the patwari time and again but the patwari used his delaying tactics every time. When the tehsildar pressed him hard, the patwari asked the advocate to visit and sit with him for a day so he could prepare all the documents he needed in his presence. Patwari then absented himself on the days when the advocate visited his office [Patwar Khana]. Each time his cell number was off and later he told the tehsildar that he was in a court. The tehsildar at last got furious and asked him to bring an attendance certificate from the court. The patwaris can get the attendance certificate from court readers for paying them a few hundred rupees but the tehsildar asked him to bring an attested copy of the order sheet of the concerned court on the date he attended the court. The patwari realized that the matter was

getting serious thus he prepared a detailed *Fard* [*goshwara malkiyat*] for the advocate. However, for *girdawari*, he gave him another date and then continuously repeated his previous way of conduct again.

In the meanwhile, AE made a deal with the patwari for 400,000 rupees for changing the *girdawari* to his name. The previous patwari of the *patwar halqa* had kept a photocopy of all land records including the registers of *khasra girdawari* so he could prove it if someone tampered with the record after his transfer. The current patwari knew about the copied record. He thus managed to get the copied record through his assistant [*munshi*] from the office of the previous patwari who was then working as his *girdawar* in the same *tehsil*. The *munshi* had been working with the *girdawar* since he was a patwari. The *girdawar* still was dealing with people and doing their works which were brought to him by his *munshi*. The current patwari, as a strategy, used to sit in *tehsil* so that he could deal with people himself when they came to the *girdawar* and get money for services. His problem was that the *munshi* who belonged to the main village of the *halqa* and the copied record. He told me that to make the *munshi* work for him, he got his son a job in the Highways department.

Finally, he got the copied record and erased the previous entries through a shaving blade and overwrote the name of AE in the *girdawari* register. The advocate and other stakeholders when they came to know, they submitted a complaint to the Deputy Commissioner. The *girdawar* was in hot waters as the tempering was done in the record which was prepared by him during his posting in that *patwar halqa*. The current patwari was a notorious patwari and was recently reinstated after suspension from service. The *girdawar* however managed to convince him to correct the *girdawari* and convinced the complainant to withdraw their complaint.

When I asked patwari X, my key informant, about the 400,000 rupees, he laughed and said, “AE cannot say that he has given money to the patwari for an illegal entry because it is

something shameful, the money has gone now, the patwari now comes to his office [*patwar khana*] in his own car!”

X told me another such story of an illegal *girdawari* done by another patwari. X worked with him as his assistant. He was sitting with him in his office when a feudal lord [*Nawab/Khan*] came in and told him that he would give him 5 million rupees if he would change *girdawari* of his resumed land back to his name. Patwari asked him for 10 million, but the *Nawab* did not agree to his demand. The patwari told him that he cannot do it for less than 10 million because he would have to give money to tackle inquiries and disciplinary actions against him later.

3.1.4 Pointation [*Nishandahi*] and Demarcation [*Had Barari*]

Pointation means identifying the location of someone’s land. This activity is termed as “Nishandahi” in official correspondence in Urdu language which roughly can be translated as locating/pinpointing a piece of land. When these reports are sent to the DC office, the assistants while translating it to English refer to it as “pointation”. Demarcation [*had barari*] is measuring someone's ownership or a piece of it and demarcating it from the land of others. Patwari is the competent official to carry out pointation while patwari and girdawar for demarcation. An application to the tehsildar or the DC is required to be submitted by the applicants only for demarcation but patwaris ask them to submit applications to DC for both pointation and demarcation. Besides, they delay it till the applicants give them money which ranges from around 10,000 to 50,000 and sometimes more. Patwaris when they do not receive money or enough amount from the service seeker, contact, at times, the opposite parties and get money from them for not demarcating the land. Consider for example the following case studies.

AF, an old man, submitted an application for demarcation of the landed property his father had sold years ago. He and the people of the small village adjacent to his remaining property used a small pathway going through the sold-out lands which connected him and the people to the

road. Those who had purchased the lands blocked the pathway after some time. AF talked to them, but they did not open it. AF believed that the purchasers were in possession of landed property more than they had bought.

It was a unique application wherein the applicant had requested for the demarcation of someone else's land. Demarcation, as per the rules, could not be carried out because Farosh and the accused party were co-sharers and thus the land first needed to be partitioned. Farosh luckily got his son in law who was working in Provincial Assembly and had good terms with the tehsildar and other officers in the administration, but he did not give money to the patwari.

The patwari thus approached the opposite party and succeeded in getting 20,000 rupees from them. The tehsildar being approached by the son in law of the applicant kept asking the patwari to carry out the demarcation. The patwari neither could carry out the demarcation, nor can say no to the tehsildar thus was giving different dates for the demarcations. Every time the tehsildar asked him about the demarcation, he told him that the parties were trying to settle the dispute with mutual understanding. His friend one day called him and told him that the patwari had taken money from the other party thus using delaying tactics. The tehsildar asked the girdawar to personally go and carry out the demarcation. The girdawar told him that the demarcation could not be carried out as the parties were co-owners, but the tehsildar wanted to favor his friend.

Patwari in the meanwhile had guided the opposite party about the legal technicality and thus they were not letting the revenue officials carry out the demarcation. In such situations, the tehsildars send the application to the DC and request him for arrangement of police assistance but due to the technicality, he asked his friend to arranged police assistance himself. Finally, the tehsildar along with the girdawar, and few patwaris in presence of police personnel forcibly carried out the demarcation but did not find any access in possession rather found that besides the co-ownership, the applicant had mentioned wrong number *khasra* in the application. After

few days of the demarcation operation, AF visited office of the tehsildar with some organic honey and mustard oil produced in his own lands as a gift and requested for the demarcation report and results. Over a cup of tea, the tehsildar very politely told AF that the demarcation was carried out illegally, the accused party was not in excess possession, the *khasra* number mentioned in the application was wrong and nothing could be done in that situation. The girdawar told him that his father had sold out an entire piece of land [*salim khata*] as he called it in the *patwar* terminology, and the only way out was if he could buy back or exchange a piece of property with any owner in the disputed *khata*.

The tehsildar however was doubtful about the measurement as it was carried out by the patwaris and girdawars, the officials who are very skillful in manipulation of records and measurement. AF and his sons before submitting the application for demarcation had measured the disputed property and had found that the opposite party had 9 marlas more in their possession than they had purchased. The measurement on ground was carried out in a hurry as the revenue official knew it could create a law-and-order situation. The girdawar also told the tehsildar that it was a rough measurement, but he believed the owners were not in excess possession.

The revenue officials, in this case also had become two parties, the tehsildar wanted to favor his friend while the patwari and girdawar always favored their interests. The complexity of the revenue record and the manipulative and skillful revenue official managed it the way they wanted. AF was left with no option as he was convinced by the tehsildar that he had a very weak legal position. Land records could not rule (Hull 2012, Smith 1995) in his situation because bureaucrats rule the record of rights.

It however is not always money. Patwari keeps in mind the social position of the opposite party and ensures their safety and security of tenure in the office. One applicant I call AG submitted an application for demarcation. The opposite party was influential and the patwari being afraid of any harm did not carry out the demarcation thus used delaying tactics. AG got a relative who

had a friendly relationship with a tehsildar in another tehsil. The patwari being not in the direct subordination of the tehsildar complied with a 'yes sir' when asked by that tehsildar but never carried out the demarcation fearing harms from the opposite party.

The third case study I want to present was the demarcation of a road which was being widened and many house owners were served notices by the state administration to remove portions of their houses they had built on road property. This time the applicant wanted re-demarcation and was trying to exempt the portion of his house which was marked to be demolished. He had met the DC with a strong reference. The tehsildar was directed by the Deputy Commissioner (DC) to look into the matter and was also requested by another tehsildar on behalf of the applicant. The tehsildar asked the patwari to carry out demarcation again and save the house of the applicant from demolition. The patwari however avoided demarcation. He gave different dates to the applicant and then absented himself. The tehsildar finally wrote a report against the patwari who was suspended by the DC and directed the girdawar to carry out the demarcation. The girdawar after carrying out demarcation told the tehsildar that the applicant had encroached upon a few feet of the roadside, but he ignored it. Later, the tehsildar came to know that the girdawar was able to extract 20,000 rupees from the applicant for the favor.

3.1.5 Partitioning Lands [*takseem*]

The land administrators carry out official partition of landed properties of co-sharers where new players, the Assistant Commissioners (ACs) and Additional Assistant Commissioners (AACs) as Judicial Officers and their supporting officials join the game. Interestingly the Judicial Officers who have the powers to decide partition cases depend on the record provided to them by the patwaris in three different charts called as "*Naqsha Alif*", "*Naqsha Bae*" and "*Naqsha Jeem*". These charts work as sources of revenue for patwaris, girdawars and players in the revenue courts. Partition seekers please the officials in the courts, so they process their partition applications and patwaris to prepare and present the requisite record in courts. The

peons who control entry of the partition seekers to the court as per the list displayed outside of the court use their discretion to restrict open entry to the court coupled with their smart ways of appeasing applicants to get money, mostly 100 rupees. The clerks who work as *Moharrir* and the court readers (assistants) manipulate the processes and procedures. They are the people who decide when the cases are to be fixed for the next hearing and raise objections on the record and other relevant documents. Partition seekers thus give them a hundred or more rupees on every hearing, so they stay happy and do not create problems for them. The Judicial Officers are on the top, it is them who pass orders for every step. They can make a real difference both in deciding the case expeditiously in months or keep it pending for years.

Patwaris being the custodians of land records however are the real players in partition cases. They not only provide all the requisite records but separate the share of partition seeker(s) from other co-sharers. They not only delay preparing and provision of partition charts to the courts but also can make wrong charts or allot less valuable pieces of the land to those who do not give them money. If a partition seeker does not come to terms with them, they use different delaying tactics. They also contact the opposite parties who give them money for not attending courts and not submitting land record to delay the proceedings. They absent themselves from courts for months and sometimes years. The Judicial Officers also keep their eyes close showing no concern if the patwari does not attend the court. His reader gets *kharcha* (money) on every date which also provides for all his official and personal refreshments such as tea, juices, fruits and meals. Patwaris also give *kharcha* to the Judicial Officers and their readers therefore they ignore their absence.

Like any other service, patwaris use their discretion, manipulation complexity of land records and delaying tactics to get money both from partition seekers and their opponents in the shape of *kharcha* amounting to few hundreds to few thousands on each step of the proceedings in the court. The final step, submitting *Naqsha Jeem* which decides the fate of the partition case,

however, is the most expensive part of the partition cases. Here the fee of the patwari ranges from 15 to 20 thousand rupees to one hundred thousand or more depending on the quantity of land and how quickly he provides the required record to the court.

3.1.6 Execution of Court Decrees: Handing over Possession of Decreed Lands

The execution of court decrees to hand over possession of decreed lands called as “*dakhal*” is another service patwaris used to delay till they get money. They use to give dates on dates until the decree holder agrees to a good amount. This amount depends on the amount and value of decreed property. The more the property would be the bigger the amount the patwaris will demand. Patwari X while commenting on the deals for a *dakhal* told me, “it depends on how much is the landed property. I have an execution in one village. The man told me that he had put aside 400,000 thousand for me”. But his hurdle was the girdawar who was delaying it to get his share. Patwari while commenting on girdawar’s delay used a Pashto proverb which means shaking ass but not getting up/moving to do something [*os de kona aryi ra rayi*]. The girdawar on the other hand was asking the service seeker to give the 400,000 to him and deal separately with patwari. The decree holder did not agree thus the execution was pending. This was a *dakhal* which involved 240 kanal (30 acre) of landed property. That's why the decree holder was ready to give such a huge amount. The man had done all the arrangements including police assistance (another player outside the land administration who has to be given money) and was ready to give 400,000 but the land revenue officials were not accepting this amount to provide a state service which was liable to no tax. Patwari at the end proposed the man to give him 300,000 and 100,000 to the girdawar but the girdawar did not agree for less than 400,000 and thus the execution was pending.

The tehsildars mostly did not know about these dealings because they do not have any active role in the proceedings of a *dakhal* which exclusively is the job of the patwari and the girdawar.

In cases when the patwari and girdawar did not come to terms with each other and one of them succeeds to take the lead, the other approaches the tehsildar. I observed one such *dakhal* which became a bone of contention between the patwari and the girdawar and the tug of war between them lasted for a few months. Patwari was not giving the girdawar his desired share thus he was not giving time for the *dakhal*. Patwari exploited the decree holder for a few months, got 80,000 rupees and was getting the decree holder paying for his lunch in a comparatively expensive restaurant of the area almost daily while negotiating to get more.

Finally, the girdawar took the lead, he finalized the deal with the decree holder and took the tehsildar into confidence. He then requested the tehsildar to arrange police assistance but the Station House Officer (SHO) (A police Inspector who is In-charge of the police station), another stakeholder, told him that it was a *dakhal* of 400 kanals for which he will need more force from the district headquarter. The tehsildar thus sent the decree holder to the SHO who, when got money, requested the tehsildar to fix a date for the *dakhal*.

AH was another decree holder whose partition case against his maternal uncle was finally decreed in his favour after several years but patwari was not giving him time to handover possession of the decreed landed property. AH knew the tehsildar thus requested him that he had arranged police assistance, and everything was ready but the patwari was not going with him. The tehsildar compelled the patwari who unwillingly went with AH but returned without handing him over the possession of the decreed land. AH who had got a decree for 15 kanal landed property was not giving money to the patwari. Patwari thus informed his maternal uncles who did not know about the execution decree and asked them to get a stay order from the court. Next day they brought a stay order from the court and gave patwari his fee with thanks.

Patwari narrated his story to me in these words, "...and would you believe, they came to my house at midnight, at 1am along with AB (a broker) and requested me to favor them through a delay, gave me 20,000 rupees and told me that they will get a stay order from the court in the morning". When AH got the stay order cancelled, patwari informed his uncle again and this time they gave him 10,000 rupees and got a stay order again. While AH was struggling hard to cancel stay orders, patwari was negotiating to sell out his land to the adjacent owner which he told me in these words in an exclamatory tone, "now there is another problem. The previous patwari while preparing *Naqsha Jeem* has allotted him a *khasra* number which has no access at all. They have not given any access to the partitioned land!". He further said, "the adjacent owner has asked me to talk to AH to sell the land to him. I have talked to AH and he has agreed to sell the land otherwise he would have to start the partition case from the beginning once again to get a new partition order with access to his partitioned land". He smiled and continued, "this happens when people do not give money (to the patwaris)".

3.1.7 Negotiating Mutations, the State Service Liable to Tax

Mutation is the most frequent service people approach patwaris for. Mutations are of different types such as inheritance mutation [*intekaal virasat*], gift mutation [*hiba intekaal*] mortgage mutation [*rehin intekaal/fakkurrehin intekaal*], gift for a religious purpose [*waqf intekaal*], gift to a legal heir [*tamleek intekaal*], partition mutation [*intekaal takseem*], correction mutation through a court decree [*da faisale intekaal*] and sale mutation [*intekaal bai*]. Among these types, it is only the sale mutation which is liable to state tax and though patwaris negotiate and get huge amounts of money and informal fees. Patwaris charge some amount of money for all types of mutations like the other services I discussed above but it is the sale mutation which works as the main source of informal revenue generation for all land administrators. The reason is that sale mutation provides security of rights to new owners who buy a piece of land and a

delay in it can lead to situations where the seller either deny the sale, go abroad, die or the buyer or seller go into litigation with other co-sharers. More importantly, this service is liable to state tax, and as I show below, land officials ask the money as the state tax and as their fee. In routine, as it is the practice, people pay the sale amount after the deal is finalized and then they visit patwari to enter mutation. In urban sittings, some buyers used to condition for a major part of the sale amount to be paid once the mutation is attested. The tehsildars also ask the sellers if they have willingly sold out their landed property and have received the sale amount. In many cases, people would reply in affirmation otherwise he would not attest the mutation. In either case, the buyers hurry to get their mutation entered and attested to secure the money already paid. The involvement of money and the resultant urgency works as a factor which is manipulated by patwaris. People once finalize the deal strive for the attestation of mutation and want it to be done as soon as possible. Patwaris on the other hand consider mutation as their main source of income and thus would agree to enter a mutation only when the buyers give the desired amount of money for it. The procedure from its entry to attestation thus depends on the finalization of the deal between the patwari and the buyers, also the sellers at times, and goes through a round of negotiations which we are going to see in this section.

Before jumping into the details of negotiations, it is worth giving a brief account of the legal process through which a mutation is to be entered and attested. As per section 42 sub-section 1 of the Pakistani Land Revenue Act 1967, whenever a patwari comes to know about title rights of a new owner through inheritance, court decree or a purchase etc., he is bound to make an entry in land record. The purpose of this colonial law however was to ensure collection of revenues from the new owners. Whenever a patwari comes to know himself or the new owners approach him about transfer of land, he is bound to make necessary inquiry and make an entry in his dairy [*roznamcha waqiat*]. Once recorded in his diary, he needs to publicise it in the conspicuous places of his *patwar halqa* and after 7 days, he will enter a mutation in the

mutation register. The girdawar (inspector) during his visit to *patwar khana* will verify the entries of the new mutation with the record of rights [*jamabandi*] and the tehsildar will attest it during his monthly visit [*daura*] to that particular *patwar halqa* for which he issues a visit program in the start of the month. Every mutation has to be attested during his scheduled visit and within the geographical limits of the particular estate [*mauza*].

Let's now come to negotiations. People having knowledge of the processes and procedures whenever they purchase a piece of land, they visit patwari, ask him for mutation and make a deal. Both the parties in these cases knew the patterns in vogue so it does not take long for them to finalize a deal for a certain amount in a friendly way. These are the people who mostly deal in property business, both property dealers and those who work as brokers. The property dealers and the brokers make deals with the buyers and sellers and facilitate the process and get mutation expeditiously entered and attested without any hassle.

The second category of the people among the purchasers are those who know the working of the patwaris. They when visit patwari for entering mutation ask him directly, negotiate with him and after agreement on a certain amount patwari enters their mutation. The real difficulty is faced by those who neither know the procedures nor the practical working style of patwaris and the mechanism of the land revenue administration. These people, when purchasing a piece of land without the involvement of an agent or a broker, first try to find out how a mutation has to be entered and attested. They start asking those who they expect to know about the procedures and try to find a reference who can request the patwari on their behalf.

A reference can be a friend or a relative working in the bureaucracy particularly in the land revenue administration, a landlord [*khan*] or a big man who have connections in the land revenue administration or the elected representative politicians from village councilor to the District Nazim (Mayor) or a Member of the Provincial or National Assembly (MPA/MNA). These references either have friendly connection or power to influence patwaris. However,

these references facilitate the process only if they have a strong position or relationship with the patwari or the tehsildar or any officer above in the hierarchy otherwise they complicate the problem which results in delays and at times denials by the patwaris to provide the service on the basis of technical complexities in land record. For example, once in a tehsil of a district, the local *Jarga* (the indigenous council of arbitration composed of local elders and influential individuals) resolved a dispute over land between two parties. The dispute has caused human losses and the *Jarga* had resolved it with great difficulty through the exchange of the landed property under the dispute. The leading elder [*masher*] was the uncle of the general secretary of the ruling political party and the district collector used to give him special protocol whenever he visited his office. Patwari had entered the exchange mutation which was ready to be presented to the tehsildar for recording the statement of the parties and attestation. The parties had to present their resolution agreement before the court along with the attested copy of the mutations, therefore the head elder of the *Jarga* requested the district collector for expeditious attestation of the mutation.

Showing gratitude, one of the parties in dispute told the district collector that he had given 40,000 rupees to the patwar as his *kharcha*. The district collector who was famous for his arrogance, his strict and derogatory behavior with patwaris and tehsildars asked the concerned tehsildar to attest the mutation and ask the patwari to return the money. The tehsildar asked the patwari to present the mutation to him for attestation. Since the land giver could not attend his office due the fear from the other party therefore the tehsildar appointed the girdawar to visit their homes and record the statement of all the owners as local commissioner and present the mutation to him for attestation. He also asked the patwari to return the 40,000 rupees. Patwari felt insulted and thus told the man how he visited him and spent his whole Sunday in his *Hujra* (male guest house) entering his mutation. He shamed him for humiliating him before the tehsildar in return for the respect and services he provided him at his home.

Next day when the mutation was presented, the tehsildar was shocked to see the red note of the patwari that the type of land in both the mutations was different and as such the exchange mutations were liable to tax. The exchanger did not agree to pay tax. The tehsildar then harshly asked the patwari that why he had entered the mutation in the first place when he knew that type of land was not the same in all the *khasra numbers*. Patwari had ready excuses; the involvement of the *Jarga*, to help them end the dispute and the involvement of the District Collector. The tehsildar was thus in a difficult situation. He was pressed hard by the collector to attest the mutation immediately and the land exchanger was not agreeing to pay the tax. He then cancelled the mutations, asked another patwari to sit with the concerned patwari and enter two mutations one for *khasra numbers* with similar type of land while the other with the different ones and somehow convinced the man to pay the taxes for the second mutation. The man got his 40,000 back, the tax he paid for one of the mutations was less than the money, but he could not get his mutation done expeditiously so that he could produce it before the court on the date fixed and get his case decided and his men released from jail. It is pertinent to mention that exchange mutations are not liable to taxes, but the type of land under exchange needs to be of same type.

3.2 Factors that Facilitate Negotiations

We have seen in detail the different services that land officials provide to citizens. We also got an idea of the informal prices officials get/extract from service seekers through a round of negotiations. What are the factors that facilitate these negotiations? In this section, I talk about the factors that facilitate negotiations and the tactics revenue officials use to extract money from different service seekers for different state services.

3.2.1 Accessibility to Patwaris

Patwaris use different tactics and manipulate rules and procedures in different ways to extract money from sellers and buyers. First, they do not meet people. Accessing them becomes so difficult as they do not follow any specific timings to sit in their offices. They have ready excuses for their absence, the most common of which is their attendance in different courts of law and offices of the high ups or field visits. When they are contacted by the tehsildars or the service seekers about their whereabouts, they mostly would say that they are in the court. Patwaris attend courts and present land records in cases of land disputes. Once I was with one of my key respondents among the patwaris when he received a call on his cell phone. He was notoriously known for his conduct not only that he did not do any work without charging money but also did not use to sit in his office. He also used to influence the DC through phone calls from influential ministers and bureaucrats when any disciplinary action was initiated against him and/or when he was transferred from a lucrative place. We were in his car going to another district to buy the famous traditional hand-made shoes for the coming Eid (an annual Muslim festival). As soon as he picked up the call, he lowered his voice and told the caller that he was in the court. The caller kept calling him intermittently when he finally told him that he may meet his assistant [*mushi*] in his office. He then called his assistant, asked him to go to patwari *khana* (office) and note the particulars of the visitor. The caller was a colonel in the Pakistan army who was coming from another Division where the Pakistan army was carrying out operations against the Taliban. The colonel had made an appointment with the patwari. As per the plan, his unit was to rest in the army unit in the district while he would pursue his matter with the *patwari*. The patwari made him wait for hours telling him that he is in the court while going for shopping.

The first response of a patwari to any applicant including a buyer is always, “don’t worry, it will be done” [*gham ma kawa o ba shi*]. To make the buyer willing for a good deal he then

would tell him the record needs to be perused first. The buyer's first response is always, "how much would it cost [*sumra kharcha ba pe rashi*]". The cost of a mutation, for a buyer means the state taxes. For a patwari, however, it also includes the money he intends to get for himself and the portion he has to give to the girdawar and the tehsildar and other officers and officials.

The process and entry of mutation and negotiating the cost goes hand in hand. Patwari uses delaying tactics till the deal is finalized. If the deal takes time or there is any strong reference, patwari starts the process with the first step, recording statements of the seller and buyer in presence of witnesses in his diary [*Roznamcha Waqiyati*]. The difficulty of the buyer starts here. First, he has to request the seller to spare time to go to *Patwar Khana*. If the seller is a landlord or any other elite, he avoids going to the *Patwar Khana*. The big landlords however take it as against their social status (chapter 4) while some other feel shy to sell land which again is against the social status as selling land symbolizes the weak financial position of the seller. For the big landlords [*khans*] being the ruling elite in colonial administration, traditionally, people used to visit them. Going to the office of a patwari who is an official at the bottom of the land administration is against the social norms and their social status.

Patwari thus manipulates this situation and stresses for bringing the seller to the *Patwar Khana*. Once the buyer succeeds in managing a time with the seller, patwari either intentionally or unintentionally gets himself absented from the *Patwar Khana*. This practice may continue till the buyer gets tired and he either talks to the patwari himself or through a middleman and agrees to his demanded money. Once the deal is finalized, patwari manages the procedures in two ways. He either just records the statement of the buyer in his diary or postpone recording the statement of seller till the visit of the tehsildars [*daura*] which is always fixed for a certain date on monthly basis. During the visit of the tehsildar when the owner records his statement and impresses his thumb impression on the *perth sarkar* of the mutation, patwari asks him to

impress his thumb in his diary too. Some patwaris mostly in the urban centers do not record the statement of neither the buyer nor the seller at all in their diary at all and enter mutation directly. In rules, it is the first step of entering a mutation but in practice, mostly, it becomes necessary only when the buyers do not give them money and/or the patwari intends to make him do so.

The second step is entering the mutation in the register of mutation [*register intekalaat*]. The agreed upon mutations make their way to the register of mutation immediately after the deal or at most before the visit of the tehsildar. These mutations then become somehow the liability of the patwari. The mutations for which patwari does not get his demanded money or less than his demand, face the busy schedule of the patwari. Beside the busy schedule, patwari sometimes points out some issues of inconsistency in the ownership of the seller that first has to go through the lengthy correction process which I described earlier.

Corrections however are sometimes genuinely needed. These issues are mostly related to correction in names or shares of the owners in a particular *khasra number*. The most common difference in names was the word "*khan* " which appeared as a suffix of every male name in the National Identity Card but sometimes not in the land record. In some instances, the word Syed or shah was missing with the names of those who belonged to the Syed family (those who trace their genealogy to Prophet Muhammad). This was often ignored while entering mutations, but it becomes something very important and crucial if patwari do not get money for the mutation. My own uncle had sold a piece of land but patwari was not entering mutation as the word Syed was missing with his name in the record of rights. When I asked the patwari to enter the mutation he smiled and requested me to give him some time so he could get money from the buyer. These are the situations when patwaris get money from the sellers to correct their record first. In routine they however ignore these clerical mistakes. At most, the tehsildars write the name mentioned in land record as the real name of the seller and his name as mentioned in

the National Identity Card as his alias to avoid any difficulty in future. For example, a name in the record such as Ahmad will be written as Mr. Ahmad alias Ahmad Khan or Mr. Ahmad alias Syed Ahmad or Ahmad Shah.

3.2.2 The Complicated Nature of Land Records

Problems in the record both real and self-created by the patwaris is another common factor through which patwaris negotiate bribes. They very simply tell the sellers, “There is an inconsistency in your share [*Sta khata ke farq de* or *sta ysa ke faraq de*]. This results in a problem both for the seller and the buyer which enables patwari to get money from seller as well as the buyers. Patwaris follow the very same strategy of correcting names in land records for the correction of any inconsistency in the shares or ownership of the seller. Even if there is any error in any *khasra*, patwari deals with it himself if he gets money for the mutation.

The rectification of clerical mistakes in the record come under the powers of the tehsildars while major errors sometimes need the approval of the DC but patwari and tehsildar direct the applicant to the DC in both cases. Landowners and buyers thus prefer to deal with patwari instead of following the lengthy process of correction which can take weeks and sometimes months. The common response from people who get stuck in such issues used to be, as they say in Pashto “*che har sona kharcha pe razi za tayar yam kho mala kar theek ka*’ (no matter how much it will cost, please correct my record)”. Patwari makes the required correction in a way that the seller feels obliged and often praises patwari for helping him correcting his record and relieving him from such a big problem. Patwari however either ignores the error in record at all or enters a *Fard Badar* and gets approval from the *Tehsildar* for correction. At times he asks the seller to submit an application to the DC and bring it to him once marked by the *Tehsildar*. In such situations he writes a report which gets approval at every stage of the bureaucratic structure easily and speedily. Some people even get facilitation for the process through the assistant of the patwari [*munshis*] or patwaris themselves. In cases where patwaris

do not get money, they write a report which gets returned to him again and again for further verification either by the tehsildar or the District Kanungo or from any officer of high rank in the district collectorate. The applicant thus has to visit different offices from the patwari to the district collectorate several times which at times make him pursue his application for months.

The complexity and technicality of the land records always work as a strong factor for patwaris to manipulate situations for their advantages. One day I asked a patwari I call as AI about the ways of patwaris used to extract money from service seekers. He said that they have many ways if they intend to get money. He then gave me one example of his own ways. He said, “I open the *Jamabandi* register (record of rights) and tell the service seeker that his name is missing in the *Jamabandi*”. He then laughed and said that he puts the *Jamabandi* in front of the service seeker. His name is always there and written in Urdu but the service seeker gets confused when he sees the *Jamabandi* and thus fails to find out his name among the names of other land owners.

The story of inconsistency in the shares is not always baseless and created by the patwari but no one trusts patwaris. Part of the reason is that such problems mostly come to surface when the seller and buyer do not give money to patwari, and it is only patwari who knows what the actual problem is. The case study of one service seeker I call as Ahmad elaborates this situation. He and his brothers worked in Saudi Arabia for years. With all their savings they bought a commercial piece of land at the outskirts of the downtown of a city. He found a reference for a tehsildar but not the concerned one. When approached by a connection the tehsildar tasked his reader to contact the concerned patwari and ask him to enter the mutation and once the mutation is entered, let him know so that he could talk to the concerned tehsildar for the attestation of the mutation. He however asked his reader to tell the patwari that the buyer will give him some *kharcha*. Later his reader told him that the patwari demanded 120,000 for himself, 100,000 for

the tehsildar and 70,000 for the girdawar. The tehsildar also took it as his insult and pressed the patwari hard to enter the mutation. Finally, patwari came up with the excuse that the seller did not have more land as he had sold out all his landed property in the column of cultivation [*khana kasht*].

Khana Kasht is another technical issue where people used to sell even more than their ownership. Sale in *khana kasht* means that the name of the owner remains in the ownership column, but he sells his land in the column of cultivation. This sometimes results in selling of more land than one's ownership or selling the same property more than one time through different mutations as the ownership in the column of ownership does not get affected by the sale in the column of cultivation.

In the case of Ahmad, patwari calculated the landed property sold out by the seller through different mutations and told the tehsildar that the seller did not own more property. Patwari also told the tehsildar that the buyer should be obliged to him as he helped him not to make a huge loss in case of paying the sale price to someone who did not own land. The tehsildar however asked patwari to bring land record to his office so that he can check it himself. Since he was recruited through the Public Service Commission directly as Tehsildar, therefore he did not know much about the land record. He thus asked his girdawar and another patwari to check the record and tell him if the patwari was not telling him a lie. The girdawar and the patwari also confirmed the statement of the concerned patwari and requested the tehsildar to let the matter go.

After a few months, the tehsildar was posted as Revenue Officer of that circle and the patwari also had got transferred from that *Patwar Halqa*. He thus asked the new patwari to check the record and tell him if the seller had any ownership. The new patwari found that the seller owned landed property, but wrong entries had been made in the current *Jamabandi* [*zere kar*

jamabandi] which needed correction. This meant the landowner still had property to sell but he could not due to the excuse of incorrect land record.

3.2.3 Manipulating Procedures

Some people do not give money (mostly not what patwari demands). They press patwaris hard to enter mutation directly or through their references. Patwaris in such situations first use their own tactics including technical issues in the record and/or getting help of the girdawar or the tehsildar to delay the mutation. Once during the visit of the tehsildar, the patwari whispered in the ear of the tehsildar when one mutation was presented to him. The tehsildar while attesting the mutation and asking different questions from the seller and the buyer found a reason to postpone the mutation. For the girdawars, they either simply do not verify the previous record or point out some issues in the previous record which makes the tehsildar not to attest the mutation. The tehsildars deal with different mutations differently. For inheritance mutations, he defers the mutation for his next visit on the basis of non-attendance of close relatives as witnesses, if there is one, he should tell him all the names of the legal heirs correctly, and/or present ID cards of all legal heirs. For gift [*tamleek*] mutations, he just refuses and asks the gift giver to think about it once more while for sale mutations he asks the actual sale price which is seldom written on the mutation. I was sitting next to the tehsildar when he received a call on his phone. During his visit [*daura*], the tehsildar while pointing to his son present there, asked the person who was gifting some land through a *tamleek* mutation (*gift to a legal heir*) that why he was giving his property to one son. The man, a senior citizen, having nicely trimmed his white beard in white clothes and the white traditional hat on his head very confidently told the tehsildar that he had much more property than that being mutated and that it was his own will and right to do whatever he wants to do with his property. The tehsildar agreed with him but told him that the Supreme Court for Pakistan has declared many such mutations as null and void and he should think over it once more as he is depriving his other children while gifting

that piece of land to one son. He then assured the man that he will attest the mutation if the man still wanted so during the next visit.

Once the *daura* was over and the tehsildar, his staff and many others present in the *hujra* were finished with the lunch arranged by the owner of the *hujra*, the tehsildar left for his office in the car of the patwari. On his way back, he called someone and told him, “I was wondering how I will deny not to attest to a mutation. I feel happy when someone asks me to attest to a mutation but your case was different. Luckily it was a *tamleek* mutation and I got a reason”. Later he told me that an officer had asked him not to attest the mutation during that visit as there was a domestic conflict among the offsprings of the gift giver which was being resolved by the traditional arbitration council [*Jarga*]

Entering mutations on the last day or till the last day is another strategy of the patwaris to get more money. If a buyer comes to the patwari few days before the visit of the tehsildar, the first response of the patwari in these cases always would be, ‘it cannot be done in this visit, we will do it in the next one [*de dawra ke kho na kegi bala ke ba ye oko*]. This means the buyer has to wait for the next month which he either cannot or he just does not want to wait for a month. The general behavior of people was that they wanted their mutations and all other services they needed to be done urgently. This urgency enables the patwari for his best bet. He maneuvers the situation to the best he can. If the buyer does not agree, patwari has a provision in rules to first make entry in the dairy and then publicize it for 7 days but if the buyer agrees, he relaxes this rule. Buyer for such mutations pay bigger amounts to the patwari even higher than amounts patwaris generally demand.

The mutation process in routine shall take one whole month. No matter when the patwari enters it or the girdawar verifies the previous entries, the mutation will be presented to the tehsildar in the common assembly [*Jalsa Aam*] in the patwar halqa which is held once in a month. Some tehsildars schedule two visits in a month for “heavy” *halqas*, as they call it but rarely visit twice

in practice. Besides this lethargic procedure is the urgency. In majority cases this urgency was the general aptitude for the people but some mutations were of a real urgent nature. For example, there were people who were going abroad, a dispute had been resolved and a piece of land was to be mutated specially when the accused was in prison, the buyer or seller had a job in some other district or he lived in some other city and could not come again, the seller was not available due his busy schedule or he was a landlord [*khan*] who did not want to wait and/or attend a public gathering or the buyer just wanted his mutation to be done soon to secure his rights to the land he had bought.

For all such cases, the tehsil land administration has adopted a self-created mechanism and self-created category of mutations which is called as “special mutation [*special intekaal*]”. The buyers when they want their mutation to be done urgently, patwaris tell them the process of the mutation in a way that makes it more difficult than it really is as per the revenue rules and laws. The process is lengthy and tiresome but patwari and sometimes the nonavailability of the tehsildar makes it more difficult. In such a complete disappointment, patwari gives him hope. “There is a way out... If you want to do it as “special” [*yaw laar ye shta.... ko special ye kai no*]”. In dire need and/or for his satisfaction, the buyer agrees happily and then patwari tells him the terms and conditions of the “special mutation”. He gives him a detailed description of the demanded amount and how it is going to be distributed among different officials up to tehsildar. Procedures thus are manipulated by revenue officials to charge service seekers for different services.

3.2.4 The Value/Price of Land and the Liable Taxes

The quantity, monetary value, the sale amount and the liable government taxes is another factor which plays a vital role in negotiating the money to be paid to the land administrators. In the sale mutation, the main focus of patwaris remains on the sale price while in mutations exempted from tax, the scale of the bribe depends on the amount of landed property under transfer. There

is a variety of state taxes to be paid for mutations which change from time to time. During my fieldwork, every mutation was liable to 2 % of sale amount as Stamp Duty, 2 % as District Council fee, 2 % as Capital Value Tax (CVT) if the landed property was located within the urban limits of Tehsil Municipal Administration (TMA), 1% percent as Capital Gain Value tax if the land was being sold within two years of the purchase, and 2% as withholding tax if the sale amount was more than 4 million. In one of the districts, the mayor [*Nazim*] had imposed an extra 0.50 % as the local government tax during his both terms. The CVT was exempted on land transfers with less than 16 marla (a kanal is 20 marlas while a marla is 272 square feet) land. The Stamp Duty and the district council fee were permanent, the local government fee was imposed by the mayor only in one district, the 1% Capital Gain Value tax was imposed by the Federal Government in 2016 while the Capital Value Tax was imposed as 2% in one year, 4 % in another and exepcted in another year.

The government issues a notification regarding Capital Value Tax at the start of every financial year. Every year there used to be a liminal situation among the land administrators in the first few months of the year whether the Capital Values tax was imposed or not. Sometimes it was imposed but the notification took months to reach the districts and then to tehsils. Some tehsildar kept collecting CVT in both urban as well as rural areas in those few months for themselves. Some tehsildars attested mutation in the month of June but delayed their orders on such mutations till the next month to avoid paying the district council fee. The district council fee is outsourced on an annual basis. One contract lasts from July to June next year. These tehsildars did not deposit the stamp duty and waited for the contract of the district council contractor to expire in June.

The prices of different types of lands: agricultural, commercial, plots and residential are different. The agricultural land is further divided into different types which includes arid [*barani*], irrigated by canal [*shah nehri*], irrigated by a tube well [*nal chahi*] and wasteland

(*banjar*). The District Collector (Deputy Commissioner) determines the price of each type of land in the beginning of every financial year on the basis of average sale amount of all the mutations entered and attested in each type of land in each *mauza*. This price list is referred to as “government valuation table” and commonly called “table rate” and patwari is bound not to enter a mutation with less sale amount than the price of land given in the valuation table. Patwaris and tehsildar thus ensure that the sale price of the land mentioned in the column 13 of the mutation document is not less than the price mentioned in the valuation table. Every year the district collector issues a new valuation table. Patwaris are asked to submit the annual average [*ausat yaksala*] but the process proves just a formality. The district administration issues a new valuation table with a 10, 20 or 25 (mostly 10 percent) percent increase every year. The valuation table does not increase every year much as patwaris seldom write the actual sale prices of the land and as a result there always used to be a huge difference in the market price of lands and those mentioned in the valuation table. Sometimes the market rate of a commercial property would be in billions, its table rate would be in millions and the market rate of residential and agricultural property would be in millions but thousands in the “table rate”. Patwaris and buyers manipulate this difference in the rate of landed properties and thus appropriate state taxes.

Patwaris always know about all the transactions and business deals in their respective *patwar halqas* or at least the market rate of the property in different vicinities therefore they first ask the buyers about the sale price and then tell them about the liable amount of tax. The buyers find it difficult to pay such a huge amount of tax and ask them to find another way around. Same as they do in daily purchases and business deals, they tell the patwari, “it is a huge amount [*da dere ziate paise di*]”, “can’t it be reduced a bit [*laga guzara pake na kegi*]” or “please be lenient a bit (*lagag guzara oka g*)”.

Loss [*tawan*] plays an important role during these negotiations. People happily pay huge amounts of money when they purchase landed properties, but they do not want to pay state tax as per the market rate. Paying state tax is not only considered as a burden but considered as a loss [*tawan*]. Therefore, when people talk to the patwari, they request him to find a way out to save them from loss or bigger loss. In Pashto they used to say, “save me from loss [*tawan na me bach ka*] or save me from a bigger loss [*da der tawan na me bach ka*]”. Patwaris in turn also use the same term *tawan* when people do not give them their demanded money or when the tehsildars ask them to give them their due share. “I will make a loss in it [*pa de ke zama tawan de*]” was the response of the patwaris to the buyers when they were giving them a lesser amount than demanded, same as the shopkeepers could be observed negotiating with the purchaser during bargaining the price of an item. Here, mutation becomes the product of patwaris which they sell to the public and bargain its price.

Patwaris thus help buyers to avoid loss through the table rate. People who know about the table rate also ask the patwaris about the table rate but patwaris do not agree and insist on asking for the market rate. When they come to terms, patwaris write a lesser amount on the mutation. The best way for him to grab more money is to write the sale price less than 3 million which straightly saves 2% of the sale amount. In case the table rate also exceeds 3 million he splits the mutation and enters two different mutations. To avoid the 2% CVT, some patwaris write brief note on the mutation with a red ink that the mutation is out of the limits of the Tehsil Municipal Administration (TMA) and to avoid a higher rate of landed property on the basis of the type of the land they change the type of land. For this purpose, they write a brief note on mutation, again with red ink, that the type of the landed property is agricultural or arid which lowers down the price of the land. These different strategies are used for different mutations.

In rural areas, the property is mostly agricultural except the small pieces bought for commercial purposes on main roads and in small bazaars, thus patwaris do not have this opportunity to exploit. As per my key respondents from among the patwaris and local people, patwaris in such situations ask for a lump sum amount. Patwari X while explaining this strategy told me, “When someone comes to us we ask him for how much he bought the land and how much he wanted to write the price of the land. If he says Rs. 200,000, then we say, okay but you will have to give 2,00,000 to us too. We do not care for how much he has bought the land for. We just ask him how much money he wants to write on the mutation and thus we demand the same amount”. In cases of difference in market price and table rate, if the buyer does not give him his share, patwari becomes the representative of the state and tells the buyer. X smiled and continued, “we then say, you cause a loss to the state and also to us? The state at least gives us salaries then why should we let you cause loss to the state”.

Patwaris, mostly in cities, ask the same percentage of state taxes and even more for themselves. For example, if the mutation is liable to 4%, 6% or 8% taxes of the sale amount, they demand the same percentage for themselves. This percentage however is negotiated and patwaris show flexibility from case to case depending on the sale amount and the background of the buyers. In addition to that, patwaris take tax as per the market rate and write the price of land as per the table rate on the mutation. Such cases come to surface when someone brings a preemption suit against the buyer. The buyers however in all preemption suits take the plea that they have been cheated by the patwari. In some cases, they submit complaints to the Anti-Corruption Establishment. These inquiries at most result in some punishment of the revenue official in the shape of initiating criminal proceedings against them which result in years long litigation. The brokers, Lumbardars and the local commissioners (those appointed by the tehsildar to visit and record statements of sellers at their home) also involve in such practices. Once a Lumbardar (a notified village headman/state representative) was appointed as local commissioner to record

statements of his own brother. The tehsildar did him a favor so his brother's mutation could be processed easily. His brother had given him Rs. 48,000 (4%) as tax for 12,00,000 rupees. The Lumbardar wrote the sale price as 200,000 in his report, deposited 8000 rupees as tax and appropriated 40,000 rupees.

Patwaris for the purpose keep the space for sale price blank both in their diary and column 13 of the mutation till they finalize the deal. When the mutation gets arrested, patwaris write the sale price of mutation in his diary the same as he mentions it in the mutation. Later at any stage when the buyers come to know that they had been cheated and approaches Anti-Corruption Establishment, civil court or submits a complaint to any of the officers in the land administration, patwaris present their diary as a proof. In some cases, the Anti-Corruption even initiate criminal proceedings and the Revenue Officers recommend disciplinary actions against the patwaris, but these actions never get proved in the courts.

Sometimes buyers who have connections in bureaucracy complain to the senior officers against patwaris. Patwaris in such cases present their case as honest officials who safeguard the interest of the state. Patwari X told me such a story when he worked as assistant (*munshi*) with a patwari when a renowned businessman I call as AJ, belonging to a rich business family came to *Patwar Khana* in connection with his mutation. It was in 1986-87 when the government tax on mutation with commercial land more than 8 marla was 7%. Since the property was commercial and located in the city, the mutation was liable to huge government tax which the businessman did not want to deposit. Patwari thus offered him his solution to split the mutation into two which would help him deposit 4 % but he demanded half of the 3% for himself. The businessman belonging to the elite class did not like patwari demanding money from him and asked him not to enter his mutation and left patwari khana.

AJ complained to the Commissioner who asked the Deputy Commissioner (DC) to look into the matter. Next day the tehsildar, girdawar and patwari were summoned by the deputy

commissioner to attend his office along with records. AJ laughed and told me that the girdawar and tehsildar were so worried and asked the patwari, "Hey Rahim what the heck have you done wrong? [*Ae Reheema sa ghul de lare*]". Patwari however told them not to worry as the complaint was against him and he will explain his position to the DC. They attended the office of the DC along with the record. Patwari told the DC that AJ wanted him to cause loss to the government exchequer. He is a big landlord and a rich man. If he will not pay the government taxes, then how can a patwari ask poor people to deposit taxes. The DC looked at the business man with a shaming gaze and asked patwari to enter the mutation there and then. Mutation was entered at that time in the office of the DC. AJ had to pay tax at the rate of 7% and then the DC asked him to give 20,000 to the patwari, and some amount for girdawar and for tehsildar (X did not remember their shares). X then laughed and said that AJ used to stay very polite and obedient afterwards.

In rural areas, the type of land however makes a difference especially in cases when there are arid zones, and the transaction involves a big chunk of land. AK was a landlord who had an unmarried aunt (father sister) whose share in the inherited property was to be divided among her three brothers including the late father of AK. The aunt was living with his father and then with AK and he convinced her to gift her 13 acre landed property to him and his brothers. The mutation however was entered in his mother's name. The tehsildar was his friend thus he told him that a gift [*tamleek*] mutation can be entered to avoid taxes but if other legal heirs might not challenge it later. Entering a gift mutation was illegal but the land revenue officials had created a way out. That was through a note from the patwari that the vendor is an unmarried lady and the gift receivers are her legal heirs. AK however was afraid of objections and litigation at a later stage by his uncles and cousins therefore he opted for a sale mutation. He neither bought the land from his aunt nor he paid her the sale amount but for the sake of

mutation he had to enter a sale mutation and thus had to write at least the sale price as per table rate.

When he met patwari, he came to know that he has to pay 600,000 as the government taxes. AK was worried about the tax amount so patwari as usual found a solution. He told him that he can change the type of land which will save him half of the amount to be paid as tax. AK happily accepted and thanked him for his favor. Patwari obliged him by saying that he had a very good and friendly relationship with his late father, and he was just like a nephew to him. AK was advised to keep it very secret. AK also wanted to keep the matter secret so his uncles and cousins may not know about it. Patwari then told him that he will have to give half of the money to the agent of the contractor of the district council, so he may not disclose it. Patwari thus changed the type of land from canal irrigated (*shah nehri*) to barani (*arid*) which dropped down the tax amount to 60,000. Anwar khan thus paid 60,000 as taxes and 300,000 to the patwari to be paid to the agent of the contractor. Later when the tehsildar asked him about his mutation, he told him that patwari was a very good man and he entered his mutation without any hindrance and that how patwari helped him to pay a lesser amount of tax. Patwari was happy because AK was a friend of the tehsildar and thus had nothing to give to the tehsildar. The tehsildar however came to know later and asked his reader to get half of the money from the patwari. Patwari denied taking money and threatened AK of the consequence who contacted the tehsildar and being a good friend, he requested him to let it go fearing that patwari will create problems for him. The tehsildar tried his best to pressurize patwari who in turn pressurized AK. Patwari was of the opinion that AK may be summoned to the office of the tehsildar and if he admitted in his presence, he would happily accept any punishment or fine. AK could not do that, and the tehsildar finally had to let it go! This is one example of how the lower officials deplete the authority of their higher officers.

The last case study of changing type of the land by the patwari, I want to present is of *Jarma* state land in district Kohat, a famous case investigated by the Anti-Corruption Establishment which as per the initial inquiry report had caused more than 180 million rupees to the government exchequer. The provincial government had decided to sell state land to occupancy tenants. The matter was facilitated by the local MPA to oblige the tenants. As per the decision of the provincial government, the land was to be sold to sitting tenants and thus the sale amount as well as the liable tax was to be deposited in the government exchequer. Type of land in record of rights [*Jamabandi*] was recorded as “irrigated with a single annual crop [*aabi yak fasli*]. Patwari while entering the 500 hundred mutations which were being inquired by the Anti-Corruption Establishment, changed the type of land to “tube well irrigated [*nal chahi*]”. The table rate of the former was 58,000 while the latter was 27,000 rupees (rounded off figure has been used). The Anti-Corruption officials after two months of inquiry alleged that 180 million rupees had been appropriated in the 288 of the 500 mutations and initiated criminal proceedings against the patwari, girdawar and the tehsildar. The girdawar and the tehsildar were arrested while the patwari managed to escape from the police station of Anti-Corruption reportedly for giving 3 million rupees to the divisional head of Anti-Corruption.

In cases where *tawan* or making a saving through not giving the actual government tax and the delaying tactics do not work, patwaris contact the other various stakeholders. The stakeholders are the adjacent landowners/opposite parties in pointation, demarcations, the co-sharers in *girdawaris*, partition and execution, the tenants as well as the landlords in produce and ejectment cases, the siblings and other legal heirs in gift and inheritance mutations and those who have the right of preemption in a valuable property when a deal with one party is finalized. Their stakes vary in all these different matters. The demarcation is needed when one or more of the joint holders occupy more land, in partition a sibling mostly a sister or more get deprived from their share or one sibling or more are in loss in a joint holding, in produce and ejectment

cases, the tenant does not want to lose the land he has been cultivating for years while the landlord wants his land back, in *tamleek* mutation one of the siblings and/or brothers get more property and in preemption cases some valuable property is going to someone else. While inheritance mutation a legal heir mostly a daughter is totally deprived of her legal share. In some cases, the landlords/owners do not want anyone else to buy land adjacent to their lands. For example, one man I will call AL when got the share of his mother from his maternal uncles after great odds, he finalized a deal with a local merchant, but the adjacent landlord did not let the merchant buy his land. The adjacent landlord threatened the buyer of a preemption suit. The merchant thus stepped back and the landlord bought the land.

The conduct of different patwaris and other officials in the land revenue administration with service seekers remains very dynamic. They use, as I have shown, different strategies and tactics to deal with different people and situations. Same happens while taking money. There were some, very less in number though, who took whatever was given to them by service seekers as their *kharcha*, while the majority of them demanded money. Some of them took money only if they provided services, services which they considered legal, while some others did not care whether they could provide a service while, though rarely, some were famous for doing anything legal or illegal. Writing the price of land as per table rate instead of market rate however was not treated as illegal. Some patwaris who could not provide the service, happily offered to and/or returned the money if the givers wanted it back while some did not. They took money even when they knew it was for a service which was beyond their competency or something which could not be provided by the land administration at all.

3.2.5 Tampering with, Destroying and Making Illegal Entries Land Records

Tampering and misplacing land records and making or preventing illegal entries in the land record is another source of revenue generation for some revenue officials. The land revenue

record can be divided into two categories for easy understanding. The first category is the land records which is submitted either in the district record room [*Sadar Maafiz Khana*] headed by an officer called as “District Kanungo” commonly called as DK or the tehsil record room [*Tehsil Muhafiz Khana*] headed by an official called as “Office Kanungo (OK)”. This record room is commonly called “Office Kanungo”. This term *muhafiz* is an Urdu noun having an Arabic origin which means guard while *khana* is an Urdu noun of Persian origin literally means house and is used as a suffix with names of different places to make it the residence or sitting place of someone. In Pashto *khana* is used for one of the parts of a traditional room still in practice in the rural areas. This room which is made with muddy walls and wooden roof is divided mostly in 3 parts. Each part is divided with a wooden or iron beam thus dividing the room in 3 different *khana*s. So these record rooms are places where public land records are kept safe and protected but as I show, the public record is not always safe in the hands of its guards [*muhafiz*].

These different land records are prepared during the settlement and consigned to the DK office where landowners get attested copies of any of these records when needed. This record is also presented in different civil courts in title disputes. The record in the DK office includes, settlement reports, record of rights prepared at the time of settlement [*Misle Haqqiyat*] and the subsequent updated version called as “*Jamabadis*” and “*Charsala*”, cadastral maps [*Masawis*], the combined cadastral maps drawn on a piece of cloth [*Shajaras Kishtwar*] and register that contains measurement of each khasra (survey) number and measurement of its sides [Field Books]. The Tehsil *Maafiz Khana* however is a depository of mutations attested every month. The tehsildars are required to deposit the attested mutations in the Office of Kanungo where from people get attested copies. These mutations stay there and are returned to patwaris for writing/updating *Charsala* each fourth year through incorporating mutations attested during the last four years.. After the *Charsala* is written, mutations are returned to the OK office and

then they stay there tied up in pieces of cloth [*basta* (bag)] separately maintained for each estate [*Mauza*]. Besides, the cadastral maps prepared during the latest settlement are also kept in the OK office. The third type of record which was kept in the OK office was the *perth patwar* (the part of mutation that remains with patwari as a ready reference) of mutations pertaining to the period of time between two settlements. The Office Kanungos were of the opinion that those mutations had no worth and legally needed to be destroyed once settlement is carried out but this practice has been abandoned.

The second category of record is the one which remains in the custody of the patwaris. This record consists of record of rights both *Misle-Haqqiyat* and all the *Charsalas* (previous and current), mutation registers, the cadastral map made on a cloth [Latha/Shajara Kishtwar, Field Book, Daily Diaries [*Roznamcha Waqiati and Rozenamcha Karguzari*] and Register *Khasra Girdawari*. This record is called a “*zere kaar* record” which means the record which is in use. *Zere kaar Jamabandi* and *zere kaar* (current) *register intekalat* are two common words used for the current *Charsala* and the register of mutations in use for entering mutations.

The DK, OK and the patwaris all are the custodians of land records but in general only a patwari is called as the “custodian of the land records” by his senior officers. This is perhaps because of his role of making new entries in the record of rights. Secondly, he is the official who stays among the people in a specific area and people turn to him as a first person whenever they encounter any issue or require any land record. It is the patwari who refers the public to the two other offices, the DK office, and the OK office if any record is required. Thirdly, he is the one who initiates new entries, reports, and incorporates the orders/approval of higher officers and courts (decrees) regarding correction of any errors in the record.

All the three officials, however, have access to land records of different types and charge service seekers informally when they need copies of any record. But what is more dramatic about them is that they can make changes to it. Patwari has the privilege of being able to make

new entries in the record while the other two can misplace and displace any of the records. There were numerous cases when both the *Kanungos* had returned applications to service seekers with their notes thereupon that the requisite record was missing. Such cases though can happen genuinely but at times happen when there is a dispute between two persons over a landed property. Those with no cogent reasons and who do not have right to a piece of land approach any official in these offices and make them tamper or misplace any of the records.

We have seen how a patwari tampered *girdawaris* for money. During a demarcation of a pathway in a village, I personally observed tampered the Field Book. Besides tampering, land officials also misplace the record. The affected party when they come to know submit applications for preparation of a duplicate of the missing record. Some people also submit complaints against the responsible officials, but the rare inquiries result in a duplicate copy of the missing record at most but not any disciplinary action against the responsible officials.

One such complainant submitted an application to get an attested copy of a mutation of a disputed land between two parties. The DK returned his application with the remarks that the mutation was missing and as such a copy cannot be provided to him. The man had a previous copy he had obtained from the same office a year ago. He submitted an application to the DC who sent it to the AC Revenue for inquiry who further sent it to one of the tehsildars for inquiry. The tehsildar took a long time in initiating the inquiry. The man thus approached the District Mayor who requested the tehsildar for an expeditious inquiry and a favorable report. The tehsildar in the course of inquiry reached to the conclusion that the mutation was misplaced by the record lifter who was already suspended from service by the DC on similar allegation in another case. But it was not possible to determine with documentary proofs.

The DK stated in his statement that he was the head of the office and does not do all the work himself, that he marks every application to a concerned official who works on it, that his duty is limited to marking every application to an official and submit legal opinion on application

to the DC, and that for copies of records, he marks the application to the record keeper who gets the photocopy from a photocopy shop in the bazaar and provides attested copies to the applicants. Once he completes this process, he puts the record back on the shelf. The tehsildar determined who possibly could have provided the previous copy, but he could not determine who had misplaced the record as several record keepers had been working in the DK office. He thus agreed with the Mayor to submit a report to the AC Revenue to the effect that he has come to the conclusion that the mutation was genuine and has been misplaced in the DK office, thus orders for a duplicate [*musanna*] may be issued. He also stated that he needs more time to determine the guilty official and suggest disciplinary action against him. Since the Mayor was involved and was actively pursuing the case thus the duplicate copy was prepared soon.

The tehsildar wanted to recommend the guilty officer for major penalty (termination from service but he could not prove it against him. The two record keepers who had worked in DK office during the time the mutation was misplaced were suspended and they did not come to him to record their statements which was an essential part of every inquiry. Finally, he gave up and went for what was suggested to him by all fellow revenue officials as well as the Mayor that since the duplicate copy had been prepared therefore there was no need to carry out the inquiry further and punish anyone.

This is how the inquiries work and that's why people prefer to find out solutions to their problems instead of submitting complaints against revenue officials. Same happens in the office of OK. Numerous instances came to the surface where mutations went missing. These stories become famous and part of everyday discussions and gossip but slowly disappear and are replaced by new ones.

Patwaris on the other hand can enter an unattested mutation in the record of rights [*Jamabandi*], tear several pages from any register prepared during settlement, erase, and tamper with any writing and at times not to incorporate a mutation in *Jamabandi*. They tamper with and change

entries of *girdawari*, and the issues come to surface only when any of the affected person needs his record. This can happen immediately or after years even decades after these changes and tampering happen.

All the officials of land administration used to talk about a tehsildar who had torn and replaced pages of record of rights to alter ownership. During such talks about forgery in the record of land rights, the revenue officials also used to talk about a patwari who was murdered later. The reason of his murder told by patwaris was his allegedly tearing and replacing some pages in the record of rights which had made a famous politician owner in someone else's ownership. As it was narrated, he got murdered so there can be no proof of the forgery. One girdawar had strong connections with a feudal lord cum politician. It was famous about him that he had done the same job for the politician. One of the tehsildars was famous for throwing the whole register of record of rights into the Kabul river. A tehsildar while smiling and talking about his daring act told that 'he, the bold/cruel man [*da zalim bache*, (this phrase is used in meanings of cruelty, boldness and smartness in Pashto) chanted the slogan "*Naara Takbeer*' (a religious slogan often chanted by religious people in religious rallies and gatherings) and threw record of rights into the Kabul River". The tehsildar had done it for a landlord who came into power later and thus the tehsildar enjoyed a powerful and privileged status in the bureaucracy and posting in a lucrative office.

One day I told patwari X that such alterations can be traced easily and thus corrected accordingly then why do they do so? He replied, "how can it be traced? settlement was carried out in 1870 -71, then 1925-26 and then in 1991-92. In the previous records there were some other people. For example, if I am an owner now, my grandfather was an owner at that time. And who can prove it whether my grandfather was an owner or not. These patwaris have done great games in the records. There is a great gap in the three settlements. AM (a landlord) became rich when he became a Minister, but he owned huge holdings of lands through this

forgery. After the forgery in *Jamabandi*, the patwari who became tehsildar later (name omitted) threw record of rights [*Misl-e-Haqiyat*] in Kabul river. Same was done by girdawar (name omitted). He has done disastrous things. He has recorded all these mountains (pointing to mountains) as the ownership of Topak Khan (pseudonym) and some others. The girdawar was a poor man like me and had nothing as I don't have. Now you visit him, he has bought land on the bank of the road and a huge field [*patae*] (agricultural land) in the center of the village”.

Likewise, was the case with mutations. Besides the amount of sale price and the amount of land and its value, the illegal mutation were cases where patwaris were offered huge amounts. A big feudal lord when died, his sons wanted to enter a gift [*tamleek*] mutation from him depriving their sisters. They visited patwaris of two estates at night. They did not tell them about the death of their father but asked them to enter the gift mutations. One entered the mutation for a Toyota corolla car while the other told them that he cannot go to *Patwar Khana* at night thus will enter the mutation in the morning. He lived in a village at 20 kilometers distance, but the caretaker of the son of the feudal lord visited him four time in one night and offered him first 1,00,000, then 10,00,000, then 20,00,000 rupees and finally when they visited him at the dawn, they offered him 45,00,000. Early in the morning, the patwari went to discuss the matter with the tehsildar who asked him to delay it more so they may increase the money but at noon, the DC was informed about the death of feudal lord and requested by one of the other legal heirs to direct patwaris not to enter any mutation.

Later, the other siblings (5 sisters and their husbands) came to know about the mutations. They approached the patwari to cancel the mutation who had not yet entered it. They gave 12,00,000 to the patwari and tehsildar to cancel mutation in both mauzas but it was difficult for the tehsildar to cancel the mutation as the sons of the feudal lord were notorious. The tehsildar thus sought help from the DC and gave him 2,00,000 rupees. The DC asked the patwari to present

the mutation to the tehsildar so that he could attest it. When the mutation was presented, the tehsildar asked the caretaker of the feudal lord to sign on mutation, when he signed, the tehsildar wrote a report from him that the feudal lord [*Nawab sahib*] has died and the mutation may be canceled. Soon as he canceled the mutation both the sons of the feudal lord unusually came to tehsil and asked the tehsildar why he canceled the mutation. The tehsildar told them that their caretaker gave him a statement the *Nawab sahib* has died and requested him to cancel it. The tehsildar saved his skin and the feudal lords started beating their caretaker right in his office.

It was the illegality for which people approached patwari and patwaris (not all) manipulated situations. Later the five daughters of the nawab invited patwari who did not enter mutation to their home and each gave him 50,000 as a reward for not entering mutation. One tehsildar was given a house worth 2,500,000 rupees to cancel a mutation in an urban area. The patwari who made the deal was compensated with a free visit to his patwar halqa for attestation of mutations [*daura*] (not taking his share in mutations) by the tehsildar each time he made such a deal. When patwari finished this (his) story, he smiled and then showed repentance for being so stupid for not asking the applicant to buy two houses, one for the tehsildar and one for the patwari. However, the tehsildar had very strong connections in the government otherwise patwari would have not let him take most of the advantages of the deal.

We have seen in detail how the procedures are negotiated by different players to generate informal revenues. We also have seen the prices which are charged by revenue officials for different services. The range of the prices for different state services show that corruption done by petty bureaucrats is not always petty. Procedures in the land administration thus are all about negotiations among different players. For some it works as opportunities to earn money through provision of state services while for others it is a way to avoid paying taxes to the state. Land officials sell state services to citizens while citizens and state tax collectors connive tax evasion

and distribute it among themselves through a round of negotiations facilitated by diverse factors. Why do bureaucrats as well people indulge in corrupt practices and how do they perceive it? I address this question in the coming two chapters at two levels: locating corruption in the “social” and understanding corruption through the discourse that results from the corruption narrative at the national level. In the next chapter I analyze the social embedded nature of corruption and discuss its facilitating factors.

Chapter 4 The Socially embedded nature of Corruption and the problematic of the Moral Economy of Corruption

This chapter explores the socially embedded nature of corruption in Pakistani bureaucracy. I argue here that certain *Pakhtunwali* social values (codes of conduct) in attaining and maintaining the desired social status in the society not only facilitate corrupt practices in bureaucracy but provide bureaucrats and people a justification for their corrupt practices. Position in bureaucracy and earning money through corrupt practices works as a mean of fulfilling social obligations and ascending to the desired social status in the society. For the purpose of clarification, I lay out the present day socio-political and economic organization of society which I see as a result of colonial arrangements of revenue collection where property rights were given to the local influentials. These colonial land arrangements resulted in a feudal mode of production. Creating feudal landlords and making the rest as their tenants/serfs led to a particular social structure where the feudal lords [*khan*] owned the entire lands and the rest cultivated their lands for a meager share in the produce.

With the passage of time, the luxurious lifestyle of feudal lords became a desired social status every member of the society strives for today. In today's semi-feudal Pakistani society, the landless have other sources of income including civil service through which they try to attain the socially desired social status in the society. I explore how people of today's middle and poor class use their position in the state bureaucracy and public offices to earn money through corrupt practices to rise to the desired social status and the upper class to maintain it. I also document certain values of *Pakhtunwali* (the unwritten *Pakhtun/Pashtun* ways/code of conduct) which govern everyday life and conduct of the people as well as bureaucrats being members of the social collective. These values not only facilitate but sometimes compel individuals to opt for practices that are considered corrupt from a western point of view. They

provide a moral ground to those who give or get favors and/or bribes and as such bridge the gap between the local values and traditions and the formal rules and procedures of the Weberian model of bureaucracy. This intersection of traditional and rational authority results in a blend of social values and formal rules under which bureaucracy in the post colony operates.

4.1 The present-day social organization of Pakhtun society

Although the present day *Pakhtun* social organization has a long regional history, the British colonial arrangements of revenue collection through feudal lords had a very deep impact on the egalitarian structure of *Pakhtun* society. *Pakhtuns* are divided into different social groups known as *qaums* (castes) or *khails* (sub-castes) with some occupational groups such as cobblers [*chamyaran*], blacksmiths [*loharan*], carpenters [*tarkan*], masons [*gelkaran*], clerics [*mulyan*], spiritual leaders [*peeran* and *miyangan*] etc. To understand the power structure of *Pakhtun* society, in the agricultural districts, they can be divided into two broad categories, *Khan* (rich) and *Gharib* (poor). Irrespective of the historical background, *Khan* for my research subjects meant rich and *gharib* meant poor.

Khan in *Pakhtun* context of my research locale is a title used for the feudal landlords. Though almost every inhabitant of the *Pakhtun* land uses *Khan* as his family name, the term basically has become the family name of only those families who were given proprietary rights and made feudal lords by the British rulers. The *Khans* owned all the lands and the *gharib* worked as serfs on their lands. A *Khan* owned a village or more where he built muddy houses for his serfs around his big house made of brick and stones. The landless poor (*gharib*) who were also called as *fakirs* in some areas tilled his land for a meager portion of the produce, worked in the *Khan's hujra* [male guest/public house] for free called “*begaar*” and their women worked inside the house of the *Khan*.

Khanism is the local term which is used to refer to feudalism. Some people from the subaltern class who were against feudalism and particularly during discussions regarding the ill deeds and misbehaviors of the *Khans*, often used the term *Khanism*. Those with poor backgrounds who contested elections, especially local government elections used the rhetoric against *Khansim* as their slogans. In the recent local bodies election, some candidates used this slogan with full force and succeeded to defeat the opponent *Khan* candidate in areas where the poor people have started independent life with sources of income other than farming. Interestingly, these representatives who basically belong to the poor class also use the term *Khan* as their family name, a general practice among *Pakhtuns*. In a rivalry or in some competitive situations, members of the poor class would say, “I am my own Khan” (*za zan la khan yam*). While denying someone’s social status or challenging it, they would say, “are you a *Khan*? (*ta sa khan ye sa?*)”. Also, when a non-Khan behaves like a *Khan*, people would criticize him and ironically say, “he also is a khan! (*agha zan la khan de!*)” or he seems/considers himself a *Khan* “*agha zan ta khan wayi*”.

Khan is used with the names of officers when they are introduced by their colleagues. Interestingly even if *Khan* is not a part of someone’s name, and especially those belong to a Syed family (descendants of Prophet Muhammad) who use Shah as their family name, when they are introduced, the term *Khan* is used after the family name Shah. In such cases for example, a name Ahmad Shah would become Ahmad Shah Khan. *Khan* in such situations is used to give respect and acknowledge the authoritative/upper position of someone. This is because *Khans* were those who enjoyed the higher respectable and authoritative position in the society. *Khan* being feudal lords who owned and controlled the sole source of subsistence also played a decisive role in social matters and commanded the poor class. Today, *Khan* becomes the last name of every officer in the bureaucracy irrespective of the fact whether he is a *Khan* or if *Khan* is part of his name. The police inspector who heads a police station and is called

“Station House Officer (SHO)”, the Sub-inspectors and the Assistant Sub-inspectors are specially called as *Khans*. At the police check posts, the police constable in particular would tell someone that *Khan*, who sits in his official vehicle at some distance, wants him to appear before him (*Khan de ghwari*). Exactly, the same words were used a few decades ago and even now in some villages owned by the feudal lords, by the men of feudal lords when they were/are sent to call a tenant to the *hujra* (public male guest house) of the *Khan*.

Historically, *Khans* enjoyed a respectable position in society. The *gharib* respected them and listened to their words. No one challenged them in any matter. They had been those through whom people were controlled and revenue collected by the colonists. They had the authority to decide all the communal matters, even the personal matters of their serfs. Their decisions worked as a binding on the people. Even in elections, they influenced and still influence in many villages the decision of the poor class who to vote for. Today, *Khan* has become a classificatory symbolic term reflecting hierarchy and ensuring class demarcation. But contrarily, it is also used as a term of resistance where the poor use it to reinforce egalitarianism. It has become a primary identity marker and is used by all classes/ sects etc. Let's see in some details how it facilitates corruption.

4.2 Social status and its facilitating role in corruption

The *Khans* enjoyed a privileged social status. They owned big land holdings. They did not do any work themselves. Their serfs [*fakirs*] tilled their lands, worked in their *Hujras* (male guest house) and their homes like their servants. Today people when recall those times they say it was slavery of the *Khans* (*da khanano ghulami wa*). It was only the *Khans* who had beautifully constructed big houses and *Hujras*. *Hujra* is the public sphere which serves as a guest house for the male guests and as a community club where people of villages used to get together. It also serves as a community center. The marriage and funeral ceremonies and gatherings are

held in *hujra*. *Hujra* usually is constructed adjacent to the house of the landlord or a rich man. It consists of a few or more rooms, a veranda, and a gated courtyard with a boundary wall. Its size, the number of the rooms, construction and furnishings depend on how rich the owner is. *Hujra* is a symbol of social status.

The *Khans* also owned personal cars. They dressed well and mostly in white color. Even in villages today when poor people criticize a fellow being for not doing work specially the agriculture work and wear white clothes, they would say, “He is a landlord, he wears white clothes”. Apparently, it was not feasible for the poor to wear white clothes while working in the fields who tilled the land with most of the work to do manually. The white clothes thus became a symbol of the *Khans* who did not have to do any work. The envious fellows would also criticize and challenge the social status of those from amongst them who get good positions in the bureaucracy and would dress clean, especially in white. While those unemployed adults who do not do any work and depend on their parents or family would get criticized by family members saying, “He wears white clothes and wanders around like a *Khan*”.

The *Khans* being the feudal landlords enjoyed their privileged social status and position in their areas but also were the only ones who had access to government offices. Majority of the politicians and bureaucrats today belong to this class because the poor did not have the resources, nor did they get a good education to compete with the *Khans* in the competitive exams to join the civil services.

The social structure of *Pakhtun* society has witnessed big change and transformation due to land reforms, industrialization, and modernization but the *Khans* still have easier access to public offices and bureaucrats. They get special protocol whenever they visit a bureaucrat of any level. Majority of them do not have to wait in queues when they need a service in any office. While regular people have to wait outside the offices of bureaucrats, they are regularly

stopped at the doors of the offices by the peons while the landlords are offered tea and soft drinks in the offices and doors are opened for them by the peons. This however depends on the social status of the *Khan* and the rank of the officer he visits. Interestingly the bureaucrats, mostly in the upper bureaucracy may belong to the same *Khan* class and it is very easy for a *Khan* to establish connection with them.

Bureaucrats belonging to the poor class are socially trained to give protocol to the *Khans*. Some highly qualified bureaucrats from Pakistan Administrative Service (PAS) and some of the tehsildars who joined service through the competitive exam conducted by the Provincial Public Service Commission (PCS) used to consider themselves as the bigger khans (*za da tolo na ghat khan yam*) of the area. But if any of the *khans* do not get that protocol in those offices or have to wait for the officer to call them in, the office bearers would receive phone calls from someone influential (some MNA, MPA, a minister or a senior officer or his own boss) to facilitate the *Khan*. A *Khan* having connections can create problems for tehsildars and patwaris and even higher officers such as getting them transferred from the lucrative offices if the *Khan* is mistreated/not given the desired protocol. To prevent oneself from such issues, the *Khans* are given the desired protocol and provided services easily and immediately.

Historically the leading figures in the Pakistan movement were also mostly feudal lords and after the creation of Pakistan, these feudal lords formed the ruling class. They became politicians and officials of high ranks in bureaucracy and in the army. Some of them or their fathers and grandfathers worked in the colonial army and administration and thus their next generations continued working for the state. They controlled all the lands, the sole source of subsistence and afforded education of their next generation in high quality educational institutions in the country and abroad. This practice is still in vogue which resulted in the domination of the feudal class not only economically but in the government and state institutions, same as they did during the colonial times.

A feudal lord thus enjoyed a powerful and luxurious position which became a desirable social status in the society. They owned lands and almost all the business and thus the poor class were left with no option but to till either their lands, work as their personal servants or work for those having businesses. However, there were some exceptions among the poor class, some who got the opportunity of having other sources of income. These people now are emerging speedily as a middle class.

The Pakistani government introduced some land reforms in the 1960s and 70s which could not achieve its goals partly due to the role the feudal class played in running the affairs of the state while partly because those reforms were introduced by feudal lords themselves. These reforms however brought a change in the agrarian structure of the county. The reforms introduced by the then prime minister of Pakistan Mr. Zulfikar Ali Bhutto in 1970s, who himself was a big feudal lord, enabled the surfs to buy lands to build their own house as earlier they were not allowed to buy lands. The tenants also were given ownership rights of half of the lands they were tilling for the feudal lords. The famous peasant movement popular as *Kisani* was the result of these reforms which resulted in a revolt by the poor class against the *Khans* and occupation of their lands. As per the policy, portions of their lands were resumed from the landlords and were then supposed to be allotted to the sitting tenants but the feudal lords manipulated the process in different ways and did not let the lands to be allotted to the tenants in most of the cases. These tenants still till these lands as tenants in occupation. The story of land reforms in Pakistan however warrants a dedicated study to document the process, effects and aftermaths of the reforms and the tactics used by the landlords, other manipulators and bureaucrats and the sufferings of the sitting tenants.

Access to lands as a result of land reforms and other sources of income other than agriculture specially jobs in government offices and urban centers slowly ended the dependency of the landless on the landlords. The landless people now owned small pieces of land property which

they tilled, owned their own houses and were able to earn money from other sources and buying houses. The feudal lords who would always live a luxurious life, perhaps eventually started facing increases in the expenses to maintain the lifestyle leading them to start selling their lands. In the beginning these lands were bought by the landless people in small pieces measuring a *kanal* (1/8 of an acre) or two to build their houses and later for agricultural and commercial purposes. Slowly when the middle class emerged who were able to afford education for their children, finally managed good businesses and positions in the bureaucracy and army.

Pakhtun society and its social structure underwent a great transformation over the years, but the parameters of the desired social status remained the same i.e. a powerful position in the society. The feudal lords controlled the economic sources and the landless locals depended on them for their subsistence to survive. They had then a great say not only in all the matters of the daily life of the poor but had the power to bestow or snatch their access to the subsistence. Power and economic resources gave them a respectable position in the society but with the passage of time society underwent transformation which decreased and, in some cases, completely ended the dependency of the poor class on the *Khans* for survival. This resulted not only in a change in the dynamics of the relationship between the poor and the rich, but it also opened a way to the landless class to join the privileged class. Today, *Khan* or the powerful man in the society is not only a feudal by birth but anyone who reached to the required position of power. The *Khan* still enjoys a privileged position, however, the landless/poor are no more dependent in most of the cases. Thus, when it comes to a rival situation, people would say, “I don’t care about the *Khan* (*za da khan parwa na kom*) or I am also a *Khan* (*za pa khpala khan yam*).

What I want to articulate is that the powerful position or the social status is not limited to *Khans* only in today’s *Pakhtun* society but is the desired position in the society where everyone wants

to reach. The parameters of the social status however are still the same; wealth, a big or at least some land holding, a big house and *hujra*, an expensive big car or at least a car, servants, luxurious lifestyle and access to state institutions, bureaucrats, and politicians. It is not however only the wealth or big house and cars which raises a person to the elite social status which is reserved for the feudal families by blood. One has to be born as a feudal lord who had been representatives of colonial rule and who controlled the means of production. However, those who gain the required wealth gain the attached privileges. Another way is to become an officer in the state bureaucracy which I argue has replaced the feudal lords in the power structure of the society. Those from the landless class earn money and make a good living, buy some land, construct a big house and a *hujra* definitely rise to a better position in the society and become respectable but those who become bureaucrats, they join the elite class and rise to the desired social status. They now receive the protocols given to the upper class of the society from their fellow members of the society.

When someone from the landless class makes it to earn money and become rich, the first thing he does and is supposed to do is to construct a big, beautiful house and a *Hujra*. A *hujra* is required not only to have a place to host guests particularly during weddings and funerals but it helps him to stop going to others' *Hujras*. It is considered inferior to go to someone else's *Hujras* for your own proceedings. The rich and the upper class thus avoid going to and visit the lower class as the lower class is supposed to visit the upper class and everyone who is superior. It is only funerals and marriages where the upper-class people may visit those from the lower class. In such situations it is considered an honor by the host family for themselves. It is also against the self-esteem of an elder to visit a younger, rich to visit a poor and a powerful to visit the powerless. *Izat* (honor/self-esteem) is an important value of *Pakhtunwali* which plays a decisive role in social relations in *Pakhtun* society. In the bureaucracy, those in the lower ranks visit those in the upper ranks though sometimes unwillingly but they have to do

so. The only way out is to reach the desired social status to get freedom and be able to subjugate others instead of being subjugated.

Those who become officers in bureaucracy specially have to take care of the social requisites I mentioned above when people visit them at their homes. A *Hujra* not only becomes their requirement because people of their village/town, surrounding villages/areas and places where they serve when they visit them, they judge their social position by the size of their houses and *Hujras*. Some of the tehsildars told me that when they introduce themselves to people as tehsildars, especially to those from the *Khan* class, they ask them about their family background. Sometimes they would name the feudal family in his village and ask if the tehsildar belonged to that feudal family? Once a tehsildar who belonged to the upper class commented on the social status of another from the poor class and said, “he would not even have one *kanal* (1/8 of an acre) house” (*kanal kor ba ye ya yi ya na*).

The bureaucrats soon come into interaction with the upper class and now they are visited by the upper class for meals and weddings. The elite class during weddings give two different reception events, one for the landless poor class even if they become rich and one for their relatives and fellow landlords. The upper elite class, politicians and bureaucrats sometimes add a third event for the top-level politicians and bureaucrats as well. The reception for the poor is a one dish traditional lunch, rice with beef while that given to the *Khans* adds several dishes of mutton, chicken, vegetables and/or yellow lentils mixed with beef, desserts, and cold drinks. One tehsildar I would call AP who belonged to the poor family told me that the *Khans* now invite him to the special reception given to *Khans*. Interestingly, his father and other family members are still invited to a one dish reception for the poor class.

The social status and background of the bureaucrat within the bureaucracy is also determined by their social status in the society. He thus has to build a big house, a *hujra*, buy a car and lead

and maintain a luxurious lifestyle which is never possible in the meager salary he receives from the state. Earning money in his office through bribes, unfair means and corrupt practices becomes his only means to fulfill his needs to achieve and maintain the socially desired social status and living a modest/luxurious life. It however is not only for those from the poor class but also for those from the upper class who no longer can afford their luxurious lifestyle in their salaries and available resources. Living a life like the feudal lords and Mughal kings require them a lot of money which they try to manage through bribes and corrupt practices. As I have discussed in the previous chapter, a salary does not suffice the needs of a luxurious lifestyle of any bureaucrat from lower to the upper level and the tendency of leading the socially desired luxurious life leads bureaucrats to earn through corruption. Being rich, having a big house and *Hujra* and owning landed property is not just a desired social status but it guarantees respect in the society. A poor who was forced to a serfdom-like existence has no respect in the society. Even today, the respect of an individual in society depends on his wealth and position in the power structure of the society.

Consider my own story as an example. When I qualified for the competitive exam conducted by the Public Service Commission to become a civil servant, many people from my family and surrounding areas visited and congratulated my father. We live in a rural area dominated by the feudal lords [*Khanan*]. After joining the civil service, my father one day smiled, expressed his happiness and told me, “These feudal lords now treat me differently, they greet me in a very good way whenever they see me and also ask about your wellbeing”. This is not only seen among the *Pakhtuns* but also other areas of the country. During our discussion on the social structure of the Pakistani society and the role of civil service in the social status of an individual and his family, my non-Pakhtun friend from the Police Service of Pakistan (PSP) who belong to a district of Pakistani Punjab and worked as the District Police Officer (DPO) in one of the districts of Khyber Pakhtunkhwa those days, laughed and told me about similar views of his

father in these words, “my father once told me that many thanks to God that you qualified the CSS (Central Superior Services) exam. Prior to that I had to spend hours telling people in offices that I am a gentleman!”.

It was 2012. I was applying for a faculty position in the newly established Abdul Wali Khan university in Mardan. I discussed it with my seniors and colleagues in the bureaucracy and all of them advised me not to leave my bureaucracy. They believed no one will recognize me outside of the university and that I will not receive any protocol in any office. One of my batchmate and a close friend told me, “if you want people to greet you in a good way and if you want some people around you when you go to a wedding or a funeral anywhere, then this service is better for you and if you want to sit alone in some corner in weddings and funeral gatherings then go to the university, simple”.

Social status and family background plays a great role in the respect of an individual anywhere he goes. The class ridden *Pakhtun* society has a strict demarcation line between the two classes. The interaction between people from these two classes is also driven by their family background. The *Khans* are considered a royal family. During everyday interactions, the introduction is made through the family background which makes the interaction difficult for these people from landless class when they meet the landlords due to their inferior position in the society. Position in state bureaucracy thus works as substitution for the family background. A bureaucrat thus is introduced by their hosts by his position in the bureaucracy. He does the same when he introduces himself to people. Once I asked a *Khan*, who runs a car showroom where I used to sit and talk to all those who dealt in cars and property business that why he always introduced me to all those who came to his office by my post and current posting before any conversation. He told me that, “I want to give you respect and also let the people know so they are careful and respectful while talking to you.” I explained to him that this positioning was not good for my data collection and requested him not to do it that way. He however made

slight changes and after introducing me by my post, he used to tell people about my PhD and research. I however overcame the gap through spending more time and making friendship with all those who regularly visited there.

Pakistan has become a semi-feudal society with the passage of time. People are not solely dependent on feudal lords for their livelihood but now there are numerous state institutions which provide services of different types to people. State and its institutions are represented by bureaucrats who have replaced the feudal lords. The feudal lords controlled/owned all lands, the sole source of subsistence while the bureaucrats controlled access to specific state services. The bureaucrats ascend to the privileged social status because people, including the feudal lords are dependent on them for state services. The few powerful elites in the feudal class who still own big chunks of land properties or those who are either themselves or having any member of their family as bureaucrats or politicians still have an upper position. Therefore, bureaucrats are dependent on these few elites in their respective tehsils and districts for their postings in lucrative offices while with the rest, they establish a win-win relationship. The bureaucrat, socially, becomes a member of this class and establishes relationships and connections with this class. Who is supposed to visit which person however, still depends on who has an upper hand. This relationship is reciprocal. The one who visits expects to receive something in return. The bureaucrats receive favors in shape of feasts for himself and his officials and personal guests, posting and maintaining his posting in a lucrative tehsil or district and getting support and help in solving any opposition from anyone in the area of his jurisdiction even in the law-and-order situation, and other logistic supports for his personal and official uses. The bureaucrat in turn provides protocol and state services to these people.

The bureaucrats also use their offices as their *Hujras*. People have to visit them in their offices not only when they need any service but to establish a connection for future reference. The bureaucrats on the other side avoid visiting the *Hujras* of everyone especially the *Khans* as it

is perceived as being inferior to them. Going to someone's place has a special meaning in *Pakhtun* culture and is associated with respect/honor and the superior position of the visitor and/or the host. The elders and respectable notables who carry a good reputation in the society are generally visited by all. The problem arises only between two competing people who believe themselves more powerful and superior. The politicians when they become members of the provincial and national assembly expect all bureaucrats to visit their *Hujras*. They, like the bureaucrats, make their *Hujras* as their offices. It however depends on the position of the politician in the government and also the bureaucrat. The wise bureaucrats however visit those in power to stay in lucrative offices while there were always few who following the impersonal nature of the Weberian model of bureaucracy, avoided to visit politicians in their *Hujras*. Such bureaucrats then depended on their connection with high ups in the bureaucracy or seldom made it to get lucrative field postings. One day in the office of a tehsildar at the eve of his transfer, he specially advised the newly recruited tehsildar to avoid visiting elites and politicians in their *hujras*. He told him his stories about how he was asked by the local MPA several times in connection with a demarcation to visit his *Hujra* first, but he never went there. There were only a few politicians who did not require or wish the bureaucrats to visit their *Hujras* but majority followed the tradition. The bureaucrats, especially of the lower tier, have to establish good connections with these politicians and visit them often in their *hujras*. One tehsildar I will call AP, told me that during one of his postings all the district administrators and officers of police department constantly visited the *Hujra* of the powerful politician on almost a daily basis. Since he and his one other colleague did not go with the tradition, therefore they were not only labeled “arrogant [*mashrot*]” by that politician and were posted out from the district after several months.

Besides being an outcome of the colonial land distribution and revenue collection policy, the social status conscious being rooted in *Pakhtun* culture is also supported by certain *Pakhtun*

values. There are some social values and cultural factors which facilitate corrupt practices in the bureaucracy and anywhere else. I describe these values and factors under the heading of *Pakhtunwali*, famously known as the *Pakhtun* way and/or code of conduct.

4.3 *Pakhtunwali*: The *Pakhtun* social values (codes of conduct)

Pakhtunwali refers to certain values which work as a code of conduct for *Pakhtuns*. *Pakhtuns* follow these values in their daily life and use them as a lens to judge the conduct of other fellow beings and their position in the society. These values include *izat* (honor/respect), *melmastya* (hospitality) *badal* (revenge/reciprocal exchanges), *siyali* (competition), *peghor* (taunt), *bahaduri* or *zrawartia* (bravery), *sakha* (generosity) *nanawate* (giving asylum), *jarga* (mediation) etc. The term *Pakhtunwali* is commonly used for these values in literature while in practice people do not use it in districts where I conducted my research. They, however, use another similar term *Pukhtu* which serves the same meaning and purpose. *Pukhtu* or *Pakhtunwali* governs, in Foucault terms, the behavior and actions of *Pakhtuns* in their daily life. The bureaucrats in their offices are no exceptions and their behaviors and official conduct are affected to a greater extent by these values. In the following lines, I explain these different values and show how they are deployed in offices by people as well as bureaucrats and how they replace the Weberian impersonal codes of conduct.

4.3.1 *Izat* (honor and respect in the society) and *Sharam* (Shame)

Izat, in Pashtu language literally means respect but is widely used to refer to respect, self-esteem and honor. *Pakhtuns* are very particular about their honor and breaching this value can result in severe consequences such as murder of the offender. The murder however occurs in extreme cases specially, the harassment of a women and love marriages without the consent of the family. Insult or abuse and taunt [*peghor*] also sometimes result in murders. Every *Pakhtun* strives for his honor and thus will follow and practice the socially desired codes/values and

thus will do deeds which warrant his honor in the society. The actions and values which guarantee the honor of an individual in the *Pakhtun* society include, good manners, sophistication, good dressing, education, bravery, generosity, helping people, charisma, wealth, land holdings, other worldly material things and a powerful position in the society. All these things determine his social status and access to power in the power structure of the society.

There are certain things which cause damages to the honor of a *Pakhtun*, to name a few and the most relevant to my research among others are poverty or being landless, begging, going to someone's place uninvited, being beaten and insulted by someone, any weakness and failure and ill-treatment by anyone anywhere especially when someone visits someone else. During visits, the guests have to be greeted warmly, should be seated in the *hujra* or *bethak* (one room guest room for male guests adjacent to the house), pillow(s) should be given to him by the host, should be seated to the head side of the traditional cot (single bed called *kat* in Pashto and *Charpai* in Urdu), the host should serve him water/cold drinks and tea, and meal at mealtimes.

All these formalities depend on who visits whom. For example, a younger guest may be offered to sit at the head side of the traditional cot/single bed [*charpai*] but he will not sit if the host is an elder. It also depends on the status of the guest, those from the upper class, politicians and bureaucrats are offered to sit at the head side of the bed. They also prefer to sit to the head side of the cot to establish and maintain their authority and superior status. In every situation, the head side is considered for someone who is superior due to his age and status, thus a guest, an elder, or anyone belonging to higher rank will be offered to sit at the head side of the cot.

In some cases, the elites are provided separate cots, and no one sits with them. The size of the traditional cot is 6x3 feet (similar to a single bed), it is used for sitting and sleeping purposes. In social gatherings two or sometimes 3 to 4 people sit on one side of the cot with pillows

behind them. Tehsildars and other officers from the bureaucracy when visiting someone's *Hujra* in a village in connection with some official business or a meal, are offered a separate cot with a bedsheet on it mostly of white color and pillows on its both sides. Sitting alone on one cot serves two purposes: first, traditionally the *Khans* used to sit alone on their special cots or in any cot at the center of the *Hujra* (guest/public house) but they used to sit alone. In the era of feudalism, the tenants used to sit on the ground in front of the feudal lord. They were not even allowed to sit in a cot. So, sitting alone or offering a cot symbolizes this historical aspect of present day *Pakhtun* society. Secondly, when a bureaucrat or anyone from the elite class visits someone, they, mostly, visit someone of equal status or at least someone who belongs to the upper class. The host thus takes care of his social status in front of his accompanying people as well. Therefore, he wisely offers a separate cot to the guest officer to avoid the conflicting situation of who will sit where, as well, the inferior situation if he does not sit at the head side.

The warm greetings and presenting food and beverages are also a symbol of respect not just food. People when visit someone and receive the desired protocol they say, "he gave me due respect" (*agha zam der izat oko*). They also praise their hosts with such sentences; "he is a respectable man" (*agha der izatmand sare de*), "he knows and takes care of his respect as well as that of other" (*agha pa khpal izat hum pohegi au da bal pa aghe hu*). Considering one's own as well as others' honor means that honor is reciprocal and Pakhtuns are socially required to take care of certain things I have mentioned above to maintain their honorable position in the society. In situations where people fail or do not give respect to others when they visit them, the hosts are criticized for their bad conduct and question their family background. Disrespect or not receiving the desired protocol can result in a shameful situation for the guest therefore people take consideration while visiting people. There is a Pashto proverb which says that a stone remains heavy when it stays in its place (*kane che pa khpal zai prot yi no drund yi*). This proverb means if you go frequently or un-invited to someone's place, you will lose your honor.

People when visit different offices to seek different services in bureaucracy, they expect the same respect and protocol. Meeting the officer or his staff, being offered a chair to sit and offering water, cold drinks and/or tea are what they expect and what is desired to receive in an office. People from the lower/landless class or poor background however suffice and show content even when they get access to the bureaucrat and officers as they are stopped at the doors of the offices. Patwaris and clerks are easily accessible as they do not have peons at their doors, but it becomes difficult to talk to them and get their attention or get the required service as they ignore the applicants they call “*sayil*”.

Interestingly, all the applications are written in a submissive language which often use the word “*sayil*”. The word ‘*sayil*’ means someone who asks for something, but it is also used for a beggar. Begging again is considered bad and brings disrespect. The notes on the files by all the bureaucrats from the bottom rung refer to the applicants who seek a service as “*sayil*”. Standing outside the office of the bureaucrat as a ‘*sayil*’, shows the weak and inferior position of the service seeker and denying him access to an office and/or a bureaucrat tantamount to disrespect and weak position of the petitioners. The officers and especially their support staff sometimes become harsh to those who do not wait for their turn or those who ask them frequently to provide them the required service soon. If this happens with someone from the upper class, a quarrel occurs between the official and the *sayil*. One day I was sitting with a girdawar in his office. A patwari while sitting in the office of the girdawar tehsil refused to verify a domicile certificate which did not pertain to his area of jurisdiction. The applicant who was a retired major from the army who belonged to the upper class took it as his insult and thus they both started quarreling.

People from the upper class however desire to get access to the officer directly. They do not want the peons to stop them at the door of the office. They prefer and try to meet the officer, sit with him, and receive the protocol a guest receives from his host as per his social status. The

protocol which the elites and people from the upper class receive in the offices are required for their social status and the cases where they do not receive this protocol, result in their disrespect and a shameful and awkward situation. The landlords particularly avoid standing and waiting outside the office of the bureaucrats because it implies a sense of inferiority and being unable to get access to the bureaucrat and thus challenges his social status and position in the society.

Patwaris in particular, keep a traditional cot or more in their office [*Patwar Khana*] where the services seekers specially the landlords sit when they visit them. Some patwaris told me that earlier there were circulars which worked as SOPs for the conduct of patwaris with the landlords called as *malguzars* (revenue payers). No one in the land revenue administration had these circular with them but some senior patwaris told me that circular 7 clearly mentioned that the *malguzar* should be given respect when they visit *Patwar Khanas*. The Office Kanungo (OK), a girdawar who is in-charge of Tehsil Record Room during a discussion on this topic told me that it is this reason the patwari sit on the rug [*pooze*] while offer a cot to the landlord to sit. This circular also required the tehsildar not to scold or insult patwaris and a district collector to insult or scold a tehsildar or any subordinate official or officer in front of the local people.

In tehsil offices, there was no place or seating arrangement where service seekers can sit while waiting. People then stand here and there in the verandas and in the courtyard of the building. Some people who make some connections get into the office of any of the support (clerical) staff, girdawars and Readers and sit with them. Same was the situation in the offices of additional/assistant commissioner and all revenue courts. It was only the offices of the deputy commissioner and the divisional commissioner with waiting rooms adjacent to their offices. The tehsildars and the additional/assistant commissioner keep chairs and sofas in their offices for visitors similar to a guest/living room in their houses. Everyone however does not have the privilege to have a seat in their offices.

The sitting structure of the office of the tehsildar resembles that of the courtroom where the presiding officer sits on the dais which is raised from the rest of the office. The tehsildars thus sit on a higher place in his own office. He keeps several chairs for his guests and special visitors. The general applicants stand before him in the downstairs area which gives an inferior look and is considered inferior to his place in the office. The service seekers when standing in his office, their head reach to the level of the big table the tehsildar sits behind. This position creates a distance both horizontal and vertical between the tehsildar and the service seekers. Perhaps this is because the tehsildar works as presiding officer who adjudicate land disputes and decides the detention of revenue defaulters in his lock up but on the other hand it represents the superior position of the ruling bureaucrats over the ruled masses.

Inferiority represents a lower social status and results in dis-honor and a shameful situation. Therefore, people adopt different strategies to avoid these awkward situations. These strategies include establishing connections within the bureaucracy and outside through which they can get access and receive the special protocol in offices. Those who do not have these connections, they pay bribes to the officials to get the desired protocol in the offices and get access to state services. I have described in detail how service seekers are forced to pay bribes, how bribes are negotiated and paid in chapter 3.

The connections are based on family relationship, friendship, belonging to the same area/village which are based on reciprocal obligations. The upper-class elites, politicians and bureaucrats and their relatives and friends get it due to their position which depends on how powerful their position is. From the powerful position, I mean their ability to give favors to the bureaucrats in return at some point, postings in lucrative tehsils and districts or logistic support (car, feasts, gifts of different kinds including cash) or the ability to create a problem for them, get them straight away transferred or complain to their high ups regarding their misconduct specially corruption. Corruption thus also works as a ready reference and strategy for these

people to complain about any officer. Those who do not have such established connections with the bureaucrats, they try to establish connections through gifts, frequent visits and feasts and facilitation of different sorts.

The bureaucrats also are not isolated human beings. They live in a society which still practices mechanical solidarity, in Durkheim's terms. They have families and friends. They also strive for the renowned social status in the society which is guaranteed through wealth, power, authority and the dependency of people upon them. They receive respect and protocol in turn of the services they provide to the people and social condemnation when they do not favor their friends and family members or those who come to him with their reference. It is also an awkward, shameful, and disrespectful situation for him when people with his reference do not get the required protocol and services. He gets more respect when he facilitates those related to him through any connections.

Bureaucrats specially patwaris and tehsildars when posted in a lucrative *patwar halqa* and tehsils respectively, and the Assistant and Deputy Commissioners are those who have the opportunity not only to oblige people more but also to receive more protocol, gifts, bribes, and opportunity to earn money through corrupt practices. Therefore, they strive to get good postings for which they adopt similar strategies common people adopt to get access to state services which I have explained under the heading of postings and transfers in the relevant chapter. We saw in chapter 2 that getting posted in lucrative officers also ensures a good status and respectable position of the bureaucrats. Officers with such postings stay in the limelight and very proudly talk about their postings during their introduction while those with marginal postings specially officers on special duties (OSDs) first try not to tell people about their posting and if they had to do so, they then lack the enthusiasm and proud feelings associated with a good posting. That is because a bad posting puts the officer in a lower rank of social status. He thus not only feels ashamed of his low status posting but also of his weakness for

not being able to get a good posting. Resultantly both citizens and the bureaucrats in the land revenue administration adopt means which result in corrupt practices and corruption to get access to the state services/good postings and acquire and maintain the desired social status. Corruption thus becomes an adaptive strategy for people to access to and for bureaucrats to attain and maintain the desired social status in bureaucracy as well as in the society and, to ensure a luxurious lifestyle.

4.3.2 *Melmastya* (Hospitality)

Hospitality (*melmastya*) is another important value of *Pakhtunwali* which plays an important facilitating role in practices that come under de Sarden's (1999) definition of corruption; the "corruption complex". *Pakhtuns* are famous for their hospitality. They call their province "the land of hospitality". As soon as one crosses the Indus River and enters Khyber Pakhtunkhwa, sign boards reading as 'welcome to the land of hospitality' welcome him/her to the land of hospitality. *Melma* means guest and offering *melmastya* to a guest is an important aspect of *Pakhtun* culture. In general terms, *melmastya* includes the warm welcome of a guest, the enthusiasm the host shows to the guest for having him at his place and the beverages and food he presents to the guest.

The main component of *melmastya* however, is food. It however is the time of the visit that determines what kind of food is to be offered/served to the guest. People in the district where I conducted this ethnographic study, typically eat three meals a day with two tea breaks in between. Breakfast after the sun rises, lunch between 12pm to 2pm mostly at 1pm or 2pm and dinner after sunset between 7:30 to 9:20 mostly at 8 or 9 pm. Besides, there are two tea breaks, one between 10am to 11 am and the second between 4pm to 5 pm. Guests seldom visit at the time of breakfast except in cases of overnight stay. The food in the breakfast is usually home cooked plain round bread fried in oil called "*paratha*", half or full fried eggs and mixed black tea [*chai*] with milk. Some people eat curries too. The lower-class people, especially those with

meager resources, mostly eat *paratha* with tea. Some however cannot afford oil too therefore they eat plain bread not *paratha*. For a guest however, everyone ensures to have a paratha and an egg with a mixed tea. Food in lunch and dinner are almost the same. The poor class as well as the middle class eat one dish of curry with the home cooked plain bread [*rotai/dodai*] while the upper-class lunch and dinners consist of two or more dishes with salads. The use of salad typically is not common in the poor and middle class. For guests, however, people of all classes ensure to have more than one dish including rice. *Pakhtuns* are fond of meat which also carries an important social value. Meat is not eaten in every meal but for guests, a dish or two of meat is an essential ingredient of the meal.

Anyone who visits someone is considered as his guest. It can be a relative, a friend or a stranger who may visit in connection with some help, need or service. Every visitor is thus warmly welcomed. The men are requested to sit in the hujra or *bethak* while women go inside the house. During the times between breakfast, lunch and dinner, guests are served with water and/or cold drinks followed by black tea with biscuits. In Summers cold drinks and/or typically home-made sweet drinks are presented to the guests. When someone visits someone, he is offered water and/or a cold drink first followed by the tea with biscuits. During all this while the host keeps chatting with the guest and mostly when the guest is done with the tea, the guest then asks him the purpose of his visit. The typical sentence a host says is, “is there anything (you needed or want to talk about) (*sa kho wu na*)

Melmastya has a great deal to do with social status and *izat* of both the host and the guest. The food offered to the guests takes into consideration the social status of both the guest and the host. Presenting good food to the guest shows the social status and richness of the host. The host thus considers his social status while the guest expects hospitality par the social status of the host. The social status of the guest also determines what kind of hospitality the host has to offer. When a younger in age visits an elder, he may not be offered to sit at the head side of a

traditional cot. Someone of not the equal status who visits a big man, a politician, a feudal lord or a bureaucrat for a routine visit to maintain his connection or seek some help, does not receive the hospitality provided to a guest for he does not qualify the category of a guest but still the host has to greet him warmly, offer him a seat and offer him water and tea. But if the visitor is of an equal or higher social status then the host gives him more protocol and the water is replaced by the home-made sweet drinks and/or soft drinks followed by tea with biscuits. Those in power of any type; politicians and bureaucrats are presented with roasted chickens and different confectionaries, juices, and fruits, depending on the socio-political and economic status of the host.

Hospitality thus appears in and takes different shapes. Besides sharing good food occasionally by the guests and the hosts on reciprocal basis, it does a lot with the social status and honor of both, the guest and host. The host feels proud of being known as hospitable [*melma dost*] (literally means guest friendly but refers to the one who cares and offers great hospitality) and generous. Providing good food to the guest also shows his economic wellbeing and thus he shows his wealth off through hospitality in his big *Hujra* adjacent to his big house which guarantees a higher social status and respectable position in the society. The host on the other hand considers the hospitality he receives not only as good food but as a symbol of the respect he receives from his host. There is a Pashtu proverb which means that the food may comprise only of onions but should be presented with affection [*Pyaz di yi kho pa niaz di yi*]. Onion used to be and still for many landless poor who cannot afford cooking curries at home, as the only thing they eat bread with in rural areas. Therefore, an unwelcoming, unaffectionate and an unattentive behavior of the host with no offer of tea or food means the host did not give the due respect to the guest. It tantamount to the disrespect of the guest as well as disgrace to the host. Therefore, those being visited by anyone will ask them again and again if the visitor feel like having something, tea, or food. This is called as *sat* in Pashto. Interestingly the host has to do

it few times and the guest thanks him few times saying that he is good. Those non *Pakhtuns* who come from outside, they do not understand the *sat* system and when they are asked a few times, they say yes to the guest even if they do not feel like having any food. It becomes tricky how to deal with and to comprehend the situation when the host should offer tea or food, when should he only offer (*sat*) and when should the guest say yes or and to what!

Hospitality is not restricted only to one's own house or *hujra*. A *Pukhtun* is desired as well as it is his obligation and socially learned behavior to deal with people this way anywhere he is. The parameters of the host however changes when he is not at his own place, home, *hujra* and workplace. Here then the elder or the one in a powerful position becomes the host. In workplaces even in educational institutions when someone is living in the city during studies, the resident becomes a host. Same is the case with the offices of the bureaucrats which become places where they do not just work but they work as hosts to their guests and visitors. They are supposed to provide the same hospitality to their guests and visitors as they are supposed to do in their *hujras*. It is obvious that people including his friends and family members mostly visit him in connection with some official business pertaining either to his own office or in some other, or they visit him to establish and maintain connection with him for future use.

Bureaucrats also make friends and develop professional relationships with their fellow bureaucrats within their own departments and other departments such as education, social welfare and health etc. called as "line departments" by land administrators. Land administrators are also general administrators. The head of the district land administration, the district collector also works as the Deputy Commissioner and all other departments come under his administrative/supervisory control since the colonial times. They also establish good relationships in the areas where they work or had been working throughout their professional career. All these people visit them in office hours and the bureaucrats have to provide food and beverages exactly the same way they do when they are in their *Hujra*. Hospitality in offices of

the land administrators however is always better than their houses. It however depends on the rank of the officer and the social status of the guest and if the guest is an officer, then his rank in the hierarchy determines the hospitality to be offered. The question arises here the how bureaucrats, being paid meager salaries, manage the expenses of hospitality? Whatever a bureaucrat offers to his guests, the bills are managed by their Readers/assistants from the money they get from services seekers, patwaris and subordinate officials and officers in shape of their shares and *kharcha*. What I want to argue is that hospitality is one of the social values which leads to and facilitates bribery and corruption in offices. Hospitality thus provides a justification for practices of bribery and corruption.

4.3.3 Big man ship

Power and authority appear to be exercised as per the Western model in the state institutions established by the British colonial rule, but the indigenous power structure and the mechanisms of authority are still in practice in certain forms and work as a parallel administrative system in today's *Pakhtun* society. In this section I focus on how the traditional power and authority system contradict, substitute, and facilitate the state authority in different circumstances. One of such aspects of *Pakhtun* culture ingrained in the *Pakhtunwali* code of conduct is in the shape of the concept of big man ship among the *Pakhtuns* and its implications in corrupting the practices of state authority.

Anthropologists have written about the big man, their characteristics and role in different primitive societies in detail. Sahlin's (1972) work in Melanesia and Polynesia are good examples and references. Among the *Pakhtuns* the tribal leaders in the tribal belt which were called as *maliks* (chieftains) and *masharan* (elders) in settled/agricultural areas played a leading and decisive role in deciding communal matters in the given traditional structure of power and authority. These leading influential figures were appointed as state representatives and revenue collectors during the Mughal rule. The British rulers, in agricultural areas, gave them

ownership rights of lands they were appointed for the purpose of revenue collection and logistic support to the state by the Mughals. This resulted in the present-day feudalistic structure of power and authority. It was perhaps the new political structure where the feudal lords worked as owners of the entire lands and the rest worked as their serfs and servants. Though the British introduced a new form of governance which continued in the post-colonial Pakistan with continuities and some innovations, but the traditional structure of power and authority was parallelly running in the background. The land reforms introduced by the Pakistani state particularly those in the 1970s enabled the landless to buy lands coupled with the availability of other economic resources.

Big man ship in *Pakhtun* society works as yet another way to rise to the desired social status and get access to the state service, bureaucrats and get special protocol in public offices as well a respectable position and the required respect/honor (*izat*) in the society. Those who become rich start and strive to expand their circle of influence first in their family and villages and then to the adjacent villages. They construct a big house and a *Hujra*. The *hujra* is used by the nearby poor people who do not have *Hujras* to host their male guests in weddings and funerals. They start showing more hospitality towards their visitors. They also show their concern and help those in need in different ways. The ideal role of a big man, however, starts when he applies his skills and wisdom in solving disputes between persons and groups through *Jarga*. *Jarga* is the indigenous *Pakhtun* mechanism of solving disputes by elders of the community. In today's *Pakhtun* society, the elders, big men, and the leading figures including landlords, religious leaders, political leaders, leading family members, and bureaucrats in the personal settings either initiate themselves or are requested by any of the party in dispute or someone from the family or the village to intervene and resolve disputes. These people intervene either personally or form a group of few or several of such leading figures from different backgrounds, villages and areas. Big men, once risen to the status of a big man ship, become members of such *Jargas*.

The second important quality of a big man is to get access to bureaucrats in all the state institutions with whom people come into interaction especially officials in the land administration and the police so that they can request them on behalf of all those who come to them for the purpose. Getting access to bureaucrats through one's position as big man however is not only and/or always for other people but also for one's personal use. Everyone cannot easily get access to a status service as well as to the bureaucrat in any office. One has to be someone in a higher position on the ladder of social status in the society in the first place and then he has to have connections in the bureaucracy. I have already mentioned that people from the upper class get easy access due to their social status therefore people from the lower class make their ways to the public offices and bureaucrats through their big man ship.

The big man being no exception follows the established ways to make connections with the bureaucrats. He visits the bureaucrats in their offices, renders them his sincere offers of hospitality, invites them frequently to his *Hujra* for meals, mostly lunch, sends them seasonal fruits, provides logistics support for their personal as well as official use. They also offer them hospitality (hosting/bringing food) if and when the bureaucrat receives his personal or official guests in his office. The typical sentences the big man says to a bureaucrat is "you are a guest here Sir, just send us a message if you need anything or if you receive guests", "we have a hujra, a place to sit and hosting few guest is not a big deal" and "your respect is our respect" etc. It is pertinent to mention that these offers are mostly made to officers of Sub-district [tehsil] level. Officers of the upper ranks are invited by elite landlords and politicians. They cover their logistics through other means both formal and informal which I will talk about in detail somewhere else. Here my main focus is on the officials and officers of the Tehsil Land Administration. However, when inviting the bureaucrats specially the newly posted ones to their places for a meal as a welcome, they would say, "when would you please come to our hut (*jhungara*) or *ghareeb khana* (house of a poor man). They use these words to show humbleness

despite their good social status as commonly shown by the *Pakhtuns* but also to give protocol to the officer and show their acceptance to his superior position.

Some *Pakhtuns* from the poor class thus establish and ascend to the desired social status through big man ship. It gives them the superior feeling that every *Pakhtun* strives for. This feeling is strongly connected to his honor [*izat*] for which a *Pakhtun* may go to an extreme level I have explained earlier in this chapter. *Pakhtuns* are widely known and perceived as brave people in the country. The *Pakhtun* nationalists, however, argue that this is a propaganda by the Pakistan state so that they can use *Pakhtuns* for their purposes on both the borders of the country (Kashmir and Afghanistan). But I have observed a proud, daring, and careless behavior in almost all *Pakhtuns*. Evans Prichard (1940) has given a similar picture of the Nuer of Sudan. *Pakhtun* in the ideal social situation are desired to be decent, polite, humble, and respectful to others, but at the same time a *Pakhtun* must be very particular about his honor and bravery. They also show off these characteristics of ideal social status and personality. Therefore, they tend to show off that they are wealthy, hospitable, generous, good human beings, brave, strong, and careless because the opposite case would show their weakness which will result in dishonor and bring them shame [*sharam*]. The big man ship thus helps them deal with this ideal type of personality and social status which resultantly make them spend a considerable portion of their time, energies and wealth on their relatives, fellow villages, friends, and bureaucrats.

The showoff, however, also sometimes results in a deviant behavior to show that one does not care or to show his bravery. The common examples of such behaviors are wrong parking, not stopping on traffic signals and doing things which are forbidden by the government, even laws. I have observed many times that some people parked their cars in the middle of the road and when they were questioned or asked by someone that why they have parked their car in the middle of the road they started questioning the authority of the one who questioned by saying

“who are you” and then they would say ‘this is none of your business’. Some also would say, “is this your father’s road?”

An ideal *Pakhtun* must be brave, daring, fearless and careless of the consequences of what he does. He is always concerned with what people would say about him which does a lot with his *Izat* in the society. When the Taliban in Afghanistan were asked by the US government to hand over Usama bin Laden, reportedly, one of their arguments on the basis of which they had refused was that bin Laden was their guest. *Nanawate* is one of the values of *Pakhtunwali* which requires *Pakhtuns* to safeguard a guest against his enemies when he seeks asylum with an individual or a clan. The *Pakhtuns* thus give shelter even to their own enemy when he goes to them and seeks shelter to hide from another enemy. The Osama bin Laden case is a complicated one but reportedly, certain tribes in Afghanistan had provided shelter to some soldiers of NATO forces and defended them against Taliban too. The purpose of mentioning these two examples which I heard from many people in my research locale is to show the importance of *Pakhtunwali* for a *Pakhtun*. We can see how disastrous it was for the Taliban and Afghanistan when they refused to hand over bin Laden.

Given this background and explanation, I want to argue that the same things happen in the public offices. Both service seekers and the bureaucrats show off this behavior in public offices. Those who break the procedures and laws not only tell their stories proudly but also are considered “brave” and “daring”. The “daring” and “brave” officers also commonly called “bold officers” become prominent, get respectable positions and a good reputation which they celebrate and talk about in their daily conversation and meetings. Those who are brave and do not obey the mighty elite and politicians and maintain the professional decorum of their offices, take care of their position, status and *izat* are called “*takra afsar*” (effective officers). In Pashtu, they usually would say, “*agha der takra afsar de* (he is an effective officer”. *Takra*, in *Pashto* literally means the one who is practically capable to do a required task but it refers to and is

used for those effective officers who are daring and careless and take bold decisions both on merit and otherwise.

Making a decision on merit against the social, political and/or against bureaucratic codes also requires a strong position or courage to face the consequences. Those who carry their official conduct and do things the other way, are called and considered as cowards. The common sentence for such officers are “*agha yaregi*” (he fears), *da sa teezen de* (he is such a coward), *yis mal na de* (he is good for nothing). People when talk about the daring attitude of the first category officers, they would say, “*agha da la pa sapar sanda khegi*”. Literally this Pashtu proverb means he can make the buffalo climb the roof of the hut (*sapar*). This hut is made of wood, tree branches and grass and straw. There are no walls, it is a weak temporary structure made with tiny wooden pillars and beams. Climbing to its roof is not possible for anyone thus making a buffalo climb is something possible only in imagination. This means that the bureaucrats can do such impossible things for you through either relaxing the process and procedure or even breaking a rule or the law. While those who remain strictly stick to the rules, and don't provide any service out of the way are divided into two categories. Those few who do not do corruption and take a stand in situations of even great pressure and influence from those in power at the upper level are considered as strict [*sakht*], honest [*imandar*] and men of principles [*usooli*]. The common sentences for such officers are “he is a strict man” (*agha der sakht sare de*) and “he is a man of principles” (*agha der osuli sari de*).

Those among the strict officers who punish subordinate staff or take revenge if an undesired situation happens between them and their subordinates are considered as cruel [*zalim*]. The common narrative about them is that he is a cruel man “*der zalim sare de*”. The second category is those who fear from the consequences of their actions and/or get easily influenced by those in power. As a result, they stay reluctant in disposing of their official work and deciding cases. Such officers are afraid of doing anything against the set procedure and rules and its unseen

consequences and even the social pressures while deciding issues on merits. They are considered as good for nothing. The common sentence which has become kind of a proverb people would say is “*da yis maal na de*” which means he is “good for nothing”. Another popular discontent against such officers is that he is considered as neither of a good use nor bad (*na da cha da khai de na da bade*). This means he can neither give someone a favor nor he can do any harm to someone. The bureaucrats thus consider all these situations when they are in their offices and conduct their official duties because of the unavoidable implications for their social status and *izat* both within the bureaucratic structure and their social setting.

The elites from the upper class, feudal lords, bureaucrats and the big men are those who are dominant and influential people in the power structure of the society. Earlier people depended on the feudal lords not only for their subsistence, but they were the people who had to decide everything related to the lives of the poor people. The poor worked as their serfs and servants. They tilled the lands but did not get a share of the produce which can suffice for their needs. Thus, they depended on their lords for their needs who provided them grains and money as debt. The time when the tillers were out of grains is called *bhiaj*. The *bhiaj* resulted in debt which led to a kind of bonded labor.

Today, things have changed to a greater extent, but this dependency still continues in some other similar forms. As opposed to the historic dependency of poor people on the wealthy for their help and loans in their rainy days [*bhiaj*], today people are dependent on elites, politicians, big men and bureaucrats to get access to state services and get government employment which are otherwise not easily accessible. They need them to get an ownership document [*Fard*] from the patwari (village level official), get their mutation entered by the patwari, verified by the girdawar and attested by the tehsildar. They need to request the patwari and police officials to write a favorable report if they need any verification. They even need them to get a domicile certificate and apply for a national identity card. They need them to request the police SHOs

(Station House Officers) and other officials for the smallest of things such as to let them go if they do not have or carry registration of their motorcycles or big issues such as being caught with narcotics mostly weed and other crimes. The government job such as peons called as class IV, constable in police, a clerk in any office or/even a teacher in the primary school, all these recruitments are made on the recommendations of the sitting members of the Provincial and National Assembly. The recruiting bureaucrats and all other officers in bureaucracy also play an important role in recruitment. The job seekers thus approach the influentials of their own area and all those who have connections with these politicians and the bureaucrats.

It is not always the favors they do but also the harms which a powerful men can create for common people. The influential people and the bureaucrats can use the state authority negatively against those not submitting to their authority. Thus, an influential person can ask or the bureaucrat himself can deny a service, create technical issues to make providing a state service difficult or totally impossible. The police officials can create serious issues for someone such as charging someone for serious crimes or can favor the offender. They can refuse to lodge a first information report (FIR) or can lodge a weak one with many lacunae that can help the offender when the matter is put in court. Similarly, patwaris cand deny and damage land records. This is the situation when people say about someone that he is good for neither a favor nor a harm *“na da cha da kahi de na da bade*. And there is a general tendency to reach a position to be able to give people favors as well as create problems and harm. The elite/upper class both landlords and bureaucrats already enjoy this position of giving people favors and creating hurdles and problems for them. They have easy access to state services. This is the desirable position in the society those who become rich desire to rise to. Big manship in such situations works for such people. They, following the other leading people, start investing in their social connection to get access to state services and become providers for the bureaucrats.

The state services and authority thus become a means of reciprocal relationship and dependency for those in power and those who are dependent on them. The influential elite, politicians, big men and bureaucrats thus get support and maintain their upper hand over all those they give favors to eventually establishing and maintaining their social status and respectable position in the society. This dependency, however, operates in the wider web of reciprocal exchanges and obligations some of which come under the *gham khadi* traditions which I talk about in the next section.

4.3.4 *Gham-khadi*: The Reciprocal Exchanges, Obligations and Everyday Spendings

Gham (death) and *Khadi* (wedding) is the term widely used for the reciprocal exchanges and obligations *Pakhtuns* practice in wedding and funeral ceremonies. *Gham-khadi* constitutes such social practices in which happiness and sadness are considered to be indissoluble and are celebrated communally (Ahmed, 2005). The term *gham* however, includes all situations of loss and grief including illness, accidents with injuries, loss in business and any feud or conflict between two groups which create a difficult situation and can result in any harm or loss. Same is the case with the term *khadi*, it basically refers to a wedding, but it includes all situation of happiness and thus include but not limited to the birth of a baby, circumcision, performing pilgrimage, building a house or a hujra, buying a car and, even home appliances (typically among the poor and middle class), establishing a new business and getting a government job especially of a higher rank.

Gham-khadi keeps people related to each other through kinship, friendship, geographical and professional connections through interconnected reciprocal obligations, exchanges and dependencies which makes society a collective whole interwoven like a web. The reciprocal obligations include visiting each other occasionally and on occasions of *Gham* and *Khadi*. During these visits, the hosts are required to provide the best hospitality as per the economic position and his' as well the guest's social status. The guests, however, are desired to bring

fruits on occasional visits and when they visit a sick person. They also are desired to give some cash to the kids of the host. They may give some money to the sick person or/and combine with the fruits.

In marriages, the attendee relatives are desired to bring gifts or/and give some cash which depends on the status, the closeness of the relationship and earlier exchanges. Close relatives are sometimes asked for a specific item of household use such as furniture, home appliances, utensils, and jewelry etc. Both in funerals and marriages, the host has to provide food to all the relatives who visit them. This food is given to the guests in funerals is for three days including tea or cold drinks to all visitors and lunch for all the visitors who visit for condolences for the three days and dinners for the close relatives who stay for three days. However, some people avoid eating the funeral food.

The case of marriages is different which typically lasts for three days with different functions every day. A marriage typically starts on Friday and ends on Sunday. The function on Friday is called *Mehindi*, *Baraat* on Saturday which is when the groom's family goes with all their relatives and close friends to bring home the bride. People from the poor and middle class arrange transportation (some collect some fare too) but relatives and friends prefer and are desired to bring their own cars, mostly on rent. On Sunday, all the friends, relatives, relatives from the bride side and all people of the adjacent *muhalls* in urban centers and all fellow villagers from the village of the groom as well as the surrounding villages are invited for a reception.

The meal of the reception again is associated with the social status of the groom or his parents. The poor provide brown rice, the middle class add beef to the rice and sweet rice as a dessert and the rich include more dishes such a roasted chicken, and other dishes such as mutton, and a dish of beef mixed with spinach, potatoes or yellow lentils, desserts and cold drinks. In cities

people prefer wedding halls where the groom's family is charged per head depending on the pre-selected menu. A good reception with more dishes and in an (expensive) marriage hall symbolizes the social status of the groom and his family.

Gham Khadi itself and the reciprocal exchanges associated with it result in huge spendings. A good portion of the income of every family and individual goes to maintain *Gham-khadi* with all relatives, friends and people of the area. People are aware of these expenditures and express, at times, how difficult taking care of it is for them. They used to say that *Gham-khadi* cost a lot of money [*pa gham khadai dere paise lagi*]. They also find it difficult to follow the obligation of *Gham-khadi* and when they comment on such a situation, they would say *Gham-khadi* is very difficult to maintain [*gham khaidi der gran kar de*]. Some people specially those who believe in the Wahabi version of Islam believe it as forbidden (*haram*) but a few people among them avoid it practically due to the social pressure.

Funerals and marriages are particular cases of *Gham-khadi* that cost cause higher expenditures. The hosts have to provide food to hundreds of people, the guests have to spend time and money in travel, transportation and gifts. Local people are required and desired to cook food at home and bring it to the family of the deceased. There were different traditions in different area, the most common one was that people would bring tea and *parathas* in the morning and they contribute a certain amount per household which is used for the drinks and tea at the *hujra*. The landlords however contribute reciprocally several thousand from 10000 to 25000 for the funeral expenses within their families.

The receptions given in weddings along with the food provided to guests for a few days at home and in the *Hujra* costs huge amounts of money. The reception, similar to hospitality, has a great deal with the social status and *izat* of people that's why people will try to give as good a reception as they can. Some of the poor and the middle-class people thus try to add at least

beef in the rice so that people talk good about it. Interestingly people who do not attend a reception or even a funeral, would inquire about how the reception or the food was from people who attend the ceremony. The lower-class people, especially at weddings though they inquire the same about funerals too, would ask if beef was added to the rice.

Siyali (competition) another value of *Pakhtunwali* also plays an important role. It remains always in action in the everyday life and everyone will try to have a better life, car, life, give better reception and show off that he is wealthy or wealthier as well he is a good man having a good character and personality. Those inferior thus try to follow these standards even if they cannot afford. Marriages which besides the cost of reception, cost a lot of other money to construct a new house or a portion or a room in the house as per the family economic status, furniture, home appliance, jewelry and dowry, lots of clothes, the most expensive one of those are used only during the wedding. People from the poor and middle class get loans or get things from different providers on installments. People from the upper class whose resources shrink with the passage of time and who do not have income sources other than land, sell a piece of land to bear the expenses of the wedding. This shows the social importance of throwing off on *Gham-khadi* because selling inherited land is also a shameful act as it shows weakness. It is considered as selling bones of deceased ancestors. Land provides the basis of the social status but not giving a big reception as per the set norms of the society brings perhaps more shame and disgrace to one's social status in the society.

Gham-khadi and all the practices and exchanges are reciprocal which are governed by another important value of *Pakhtunwali*, *badal*. *Badal* means to pay back to someone for anything he does with and for someone. *Badal* is also used for revenge of any kind. *Pakhtuns* will remember any act of insult, misbehavior and misconduct, harm of any kind including a murder and thus will revenge it whenever they avail the opportunity. It works on a tit for tat basis. An insult, any unpleasant situation and murders are revenged by the same acts. Once someone succeeds

to revenge any of the wrong doings done to him by anyone mostly an insult, any harm or murder of a family member, they proudly tell people around them and sometimes publicly, depends on the nature of the disputes and its dynamics as well as the position of both the parties, that he got his revenge [*badal*]. People commonly would say, “I got my revenge from him” [*badal me te waghast*]. For minor instances in daily conduct, people show a joyous feeling and show their success when they succeed in a tit for tat with the wrongdoers. They tell their close people around them who know about the misconduct and will say, “see how I got my revenge from him [*sanga badal me te waghast kana*]” followed by this sentence, “he will always remember it [*tolu mar ba ye yaad saati*].

Badal becomes a must do and important thing due to another *Pakhtunwali* value, *peghor* (taunt). Someone who gets insulted or receives any of the above mentioned shameful situations receives taunt [*peghor*] from people around him. *Peghor* is given when there is a situation of competition, quarrel or rivalry. People simply would ask the one they are in quarrel with to first get their *badal* and then talk to them which means if he is so brave and daring enough, he should get his *badal* first and then quarrel with someone else. In such situation, sometimes they murder the *peghor* giver first and then get *badal* for the earlier enemy and as such enters in two enmities.

Badal in *Gham-khadi* and in everyday conduct is paying back whatever good and bad one receives from someone. In cases of good deeds and gifts etc. people however usually give back gifts of more value or more money than they receive, if not they will try to give at least the same they had received. A gift is desired to be paid back in the same type of event or ceremony. Same is the case with visiting each other, giving respect and protocol/honor (*izat*) to visitors, and helping friends and family in hard times and rainy days. The big men, elites and politicians, expect and receive *badal* of the help they do and services they provide in the shape of obedience, respect, protocol, support and votes from those they help.

The bureaucrats besides the protocol expect and receive gifts of different kinds, meals and logistic support. *Badal* is reciprocal and if the receiver does not pay back, the giver keeps it in mind for the next time. Interestingly, people remember whatever they give and then compare what they receive and as such act accordingly in the coming events and interactions. Even for weddings, people say that they had been attending others' weddings/receptions [*waduna*] so now it is time for them to give them back. Those few individuals I came to know about who did not give a reception [*da wada dodai*] in their weddings, received wide condemnations. One such person who lived in the city and did not give any reception when went to his village at the death of his first newborn baby for the burial and funeral, was told by one man that one person in the village told him that why should they dig a grave when he did not invite them for his reception. A family in one of the villages did not contribute to the communal expenses of burials and funerals. When the head of the household died, the villagers denied digging the grave and did not give them the stone slides which are used to cover the grave.

In villages, people contribute per household for these stones and keep a stock for ready use. Same is the case with funeral prayers and gathering for three days. If someone does not attend these funerals, he will be left alone if someone dies in his family. This does not only make it difficult for them but brings shame to the family as the good support from co-villagers and members of a large family, and a big number of visitors for condolence during funerals symbolizes the honor [*izat*] of the family.

The bureaucrats are no exceptions as after all they are members of families and part of the social collective. They take great care of all these aspects of *Pakhtun* society. They are expected to provide special protocol, provide state services pertaining to their own office and help get access to other offices. The more they oblige people the more they get respect and protocol when they visit their families and areas of their residence. The bureaucrats have an edge that being in power people ignore them if they do not follow the norms of the society/*Gham-khadi*

till they get retired. *Badal* comes into action after their retirement. Thus, the bureaucrats who go by the norm of the society get the desired protocol after their retirement but those who do otherwise are ignored by people to the extent that they even avoid greeting them. They thus show great hospitality to their people when they visit them, provide them easy, speedy and out of the way access to state services. These people, at times, ask the bureaucrat to give them extra-legal favors and ask him not to provide a service to any of their rivals or which can benefit another competing member of the society. In such cases they say that anyone will do it for them if it is a legal work, a friend, relative or any other connection should do the illegal and out of the way things for them. This is what the relationship is for. These are the situations described through the example of making the buffalo climb the roof of the hut.

On the other hand, salaries of the bureaucrats never suffice for these reciprocal obligations. *Gham-khadi* thus works for people as a tool to get access to the state services and for bureaucrats to oblige people around them and use state services as gifts they give to people in the wider framework of *Gham-khadi*. Also, they manage the required resources for *Gham-khadi* informally in their offices which they cannot manage in the salaries. Resultantly the *Pakhtunwali* codes of morality supersede and replace the impersonal Weberian model of bureaucracy based on Western values and official codes of conduct.

Bribes and practices of corruption (use and abuse of public office for personal gains) in the situations I described in this chapter are ideally condemned but pragmatically practiced and socially perceived justified. Besides these social justifications, corruption is also justified through a discourse of corruption resulting from the corruption narrative at the national level. The print and electronic media constantly disseminate stories of mega corruption of politicians, top bureaucrats and army generals which result in a discourse that everyone at the top is corrupt and that they are embezzling huge amounts (billions) of money. At the local level, those who indulge in corrupt practices find justification for their actions through this discourse of

corruption and when they are confronted, they would simply say, “everyone is earning money so what if we earn some? How is corruption perceived? What are the narratives of corruption and how do they result in a discourse which provides justification for and facilitates corruption in public offices? I describe and discuss it in detail in the next chapter.

Chapter 5 Perceptions, Narratives and the Discourse of Corruption and their Facilitating Role in Bureaucratic Practices of Corruption

This chapter deals with perceptions, narratives and the discourse of corruption and their facilitating role in the practices of bureaucratic corruption. I argue that corruption in the bureaucracy and outside is explained, perceived, and justified through a discourse of corruption which is the result of multiple factors including the prevailing narratives of corruption and anticorruption at national and local level. It is argued that, in India, people imagine the state through the discourse of corruption (everyday knowledge and talks of how procedures and officials work in public offices) and that the discourse of corruption (knowledge of practices and procedures of corruption) helps people to get access to state services (Gupta, 1995). I argue that in the case of Pakistan, the discourse of corruption not only helps citizens to imagine the state and get access to state services but helps people as well as the bureaucrats to justify their corrupt practices which are otherwise widely condemned. The discourse of corruption thus is not only a space, as Gupta (ibid) argues, where the state dissolves but also it facilitates and creates room for corruption in the bureaucratic settings. The ambivalence found in the state anti-corruption actions and the resultant discourse of corruption, that is, the continuous anti-corruption actions and rhetoric with no results/serious actions taken also lead to a level of perception where people get convinced that such anti-corruption actions both at national and local level result in nothing (no serious action taken against the corrupt individuals) and resultantly they follow a pragmatic approach of condemning corruption and benefiting through and/or from it simultaneously.

Corruption is commonly perceived and considered as the major impediment to development and root cause of all the problems by almost all people throughout Pakistan. The print, electronic and social media report and talk about stories of corruption of politicians,

bureaucrats, and everyday corrupt practices of the general masses on a daily basis. The previous provincial government (2008-2013) by the Awami National Party (ANP) in Khyber Pakhtunkhwa had become famous for easy load (mobile top up), a term widely used for corruption of the provincial government in the province and by politicians outside. The next elections thus were won by the Pakistan Tehreek-e-Insaf (PTI) party with the slogan of “change [*tabdeeli*] and eradication of corruption particularly from the police and land administration department.

The five years government (2013-2018) of Pakistan Tehreek-e-Insaf in the Khyber Pakhtunkhwa province and the federal government of Pakistan Muslim League (N) witnessed ever chanting slogans of anti-corruption, surprising and shocking allegations, and overwhelming stories of mega corruption scandals. Once such a story was the famous Panama Paper leaks which resulted in the de-seating of the prime minister of Pakistan by the Supreme Court on the charges of corruption. In April 2016, the International Consortium of Investigative Journalists (ICIJ) made 11.5 million secret documents public which contained confidential information of 214,488 offshore companies. Reportedly, eight of these offshore companies were linked to the then Pakistani premier Mr. Muhammad Nawaz Sharif and his family. This story led to a media hype and a tug of war in the political arena of Pakistan. The opposition, particularly the PTI, wanted the prime minister to step down while the government wanted a free and fair trial/inquiry of the corruption of all, not only the Sharif family.

The matter finally was taken to the Supreme Court of Pakistan and on July 28, 2017, the Supreme Court disqualified Nawaz Sharif. This period of one year and four months from early April of 2016 to the end of July 2017 witnessed unprecedented reporting, debates and discussions of mega corruption scandals which were widely disseminated on print, electronic and social media. Corruption and anti-corruption, as a result, became part of everyday conversations and gossip.

People at the local level, due to their interaction with state servants and stories of corruption disseminated on multiple platforms of media, commonly perceive politicians, bureaucrats, and the entire government machinery in Pakistan corrupt. The land administration and the police departments due to their public dealing are notoriously famous for corruption. This perhaps was the reason the PTI leadership chanted the slogan of eradicating corruption from these two state departments. What are the results of the wide and constant dissemination of the mega corruption scandals in the media? How does the everyday dissemination of mega corruption stories result in a discourse of corruption? How do people at the local level link their actions and practices of corruption with the discourse of corruption at the national level? And how the discourse of corruption created through print, electronic social media is used by local people to justify their corrupt practices? I address these questions in this chapter and argue that the discourse of corruption that stems out of the wide dissemination of mega corruption scandals is used by people and bureaucrats at the local level to justify their corruption which they consider petty in nature. But before going into these details let me give you an account of the terms and phrases used for corruption and how they neutralize situations and practices of corruption that are otherwise widely condemned.

5.1 The Terminologies of Corruption and their Neutralizing Role

Corruption, which has become a necessary part of the interactions between service seekers and the officials of the land administration during the delivery of different state services, is denominated through different terms and phrases. It however depends on who is using these terms and phrases. The patwaris (village level land officials) and those who give them small amounts of money between few hundred to few thousands for a small service or during a routine visit call it “*kharcha*”. *Kharcha* in a way is similar to a tip given to a waiter in a restaurant but in the context of public offices it is not treated as a tip or gratitude rather it is

taken in the local context where it roughly can be translated as pocket money or one's routine expenses. When given to an official, *kharcha* is given and received as "office expenses [*da daftar kharcha*]" to be used for a variety of purposes including food and logistics. Patwaris also when visit or receive the tehsildar or any other official (lower ranks) and officers (higher ranks) below the deputy commissioners in their offices [*patwar khana*] or anywhere else give them some money amounting to few hundred or thousands which as their *kharcha*. Acquaintances, friends or connections through friends and relatives or those patwari cannot or patwari does not demand money from because of their higher social status give some money to the patwari or any other official in other offices as their *kharcha*. Both people who give *kharcha* to the patwari and the patwari who gives *kharcha* to the tehsildar or any superior officer would say while handing over the money, "this is your *kharcha* sir (*da stasu kharcha da g*).

Kharcha in daily life basically refers to any amount a father gives to his dependent son or an elder brother to his younger brother, but this practice is commonly observed among some people who are related to or dependent on each other through any social binding. Thus, relatives who are poor or those facing difficult days get support and *kharcha* in cash or in kind from their well-off relatives and friends. This *kharcha* is taken as a loan sometimes while as a help in others which is reciprocal in nature and its return depends on the status of giver and receiver and the nature of the relationship. The elite class would give some *kharcha* mostly in kind in villages and in cash in urban centers to those who work in their *hujras*, the landless poor who till their lands and those who live nearby and visit them frequently and help them in daily chores of their *hujras*. This *kharcha* results in a reciprocal binding and the receivers pay back in different ways, mostly different services.

The same social practice makes its way to bureaucracy and public offices. Bureaucrats on key posts give *kharcha* to their friends on similar or lower posts with less or no chances to get/earn extra (informal) money. Such *kharchas* are given occasionally but when it comes to the

patwaris, they expect, and people give them *kharcha* regularly when they visit them. *Kharcha* here has become a norm and has been institutionalized as the price of the time, access, and state services the patwari provides to service seekers.

“Fee” is another term patwaris as well as many people use for the money given to the patwari for any state services he provides. There are certain fees as the cost of the stationery used. For example, the fee for a manual mutation [*intekaal*] was Rs. 100 which was enhanced to Rs. 500 after digitization of land records in one of the districts in 2015. Patwari never asks for these amounts as they are so meagre as compared to the amounts they get from people as their fee. As I have discussed in chapter 3, patwaris get huge amounts during new land transactions depending on the sale price of the piece of land under transaction which is liable to state tax. General masses when asking patwaris about the liable taxes, they would mostly ask ‘how much would it cost’ (*pa de ba sumra kharcha razi*). The money patwari extracts through different tactics in such a transaction is called his “fee”. Patwari either himself or people ask him about his fee which is settled after some bargaining (chapter 3).

Paisai (money) is another term used for the money given to patwaris and other officials for the services they provide to service seekers. How much money [*paisai*] would it require (*pa de ba sumra paisai lagi*) is also a common sentence when someone visits a patwari and asks him about the liable taxes. Patwari also tells people that it is going to cost them money (*paise ba pe lagi no*). Patwari takes money and brings the mutation document to the tehsildar for attestation. At the time of presenting the mutation register to the tehsildar, he says, “I have taken money from him” [*paise me te aghasti di*]. The tehsildar also asks him about the same before he does anything with the document. Patwaris also use this term and phrase when they talk about their success stories, how they made someone mostly who was not willing to give money or those who have a powerful position to give him money. Same is the case with the girdawar, tehsildars

and other high rank officials (assistants, readers, and personal secretaries of high-level officers) and officers when they make the patwari to give them a good amount of money.

Another word used for the money given and taken as bribes or *kharcha* is “*shai*” (thing) and or “*hisab* (amount)”. All the bureaucrats symbolically use it for the money they try to get in turn of the state service they provide. Patwaris and other officials of the land administration when tease their friends and colleague who do not contact for a long time they would say, “you have put your mouth in the “*shai*” or in “*tubra*” (sack) with this typical sentence, “you have put your mouth inside the *tubra* (*ta pa tubra ke khula warkare da*). *Tubra* refers to the sack which traditionally was used to quickly feed the horses of *tangas*. It was a cloth made sack which people used to fill with the food for horses made of straws and flour and tie it to the mouth of the horse putting all its head inside it. The horse, with his eyes inside the bag, did not see anything around and kept eating his food while standing on the *tanga* stand.

The term *shai* in situations replace the word *paisae* in the sentence I have mentioned above. The term *Shai* is also used to tell about ‘size’ of the amount given or taken. Thus, when patwari or any other official takes a huge amount of money from them, people as well as colleagues in the land administration would say, “*der ghat shai ye waghast/owaho*” (he took/grabbed a huge thing (amount)). Bureaucrats when talk about the corruption of another bureaucrat during his career or after his retirement, they say, “*agha der ghat shai wale de*” (he has managed to grab a big thing (huge amount). Another such sentence is that he has earned a lot of wealth [*maal*] (*agah der ghat maal gatale de*). Here the term *shai* is replaced by the word *maal* (*wealth*) and earning by grabbing/extraction. This is important to notice that corruption becomes a way and strategy to earn money and to become wealthy as I have shown in chapter 4.

Since access to state services and to the bureaucrats who work as gatekeepers to state services is difficult, therefore people in general get information about the working style of bureaucrats

in offices. This information includes the background information, connections/patronage the bureaucrats have specially those the bureaucrat listens to, particularly if he is corrupt and the size of amount he takes for different services. Every official and bureaucrats thus has a reputation which travels with him. Bureaucrats are aware of this travel of reputation. During their discussions they used to say that the reputation reaches earlier than them when they are posted in new districts and offices. When a new officer arrives in an office, people start talking to their subordinate staff and officials and those who know him or come into interaction with him. They usually ask, “what type of officer is the new officer?” (*nawai saib sanga de*), “does he dispose of office work efficiently (*kar obasi kana*), “does he take money/thing?” (*shai/hisab akhli*), and “does he eat?” (*khoraq kayi or khoraki de*). When someone inquiries from the dealing hand of the officer or his subordinate staff about the size of the amount the official or officer takes for a service, they would say, “how big is his belly or did he get a big belly or a small one? (*sanga kheta ye sumra da or kheta ye ghata da ko wara*).

The non-corrupt officer becomes famous as honest [*imandar*] and the least corrupt as someone with a smaller belly (*da agha dera wara kheta da* (he has a small belly)). The more corrupt are known as those with big bellies [*dera ghata kheta ye da* (he got a big belly)]. During my pre-service training in the Provincial Services Academy in Peshawar in early 2009, someone from the newly recruited tehsildars asked the tehsildar who was giving us a lecture about the land records and administration and told us some stories about the corrupt practices of patwaris and tehsildars, “what about you, do you take bribes”. His answer was intriguing. “I do not demand/ask for money, but I do not throw it away if someone gives it to me because I am not a snake which can survive on eating clay (*cha na ghwarm na kho che sok raki no ghwarzom ye hum na zaka che za sa khamar na yam che pa khawra payi*).

These terminologies thus guise the corrupt practices in neutralized, acceptable, and less offensive words and phrases that make it easier to give bribes which is otherwise widely

condemned. *Kharcha* and fee are the terms that redefine and disguise corrupt practice in public offices and as such neutralize them which are socially acceptable and bureaucratically required. The terminologies such as *khoraki* (the one who eats) and the big versus small belly not only provide information to the service seekers to get easy access but these conversations take place in a light and funny way which relax situations. They help in superseding the ideal morality and formal procedures and adopting pragmatic morality and informal norms thus, in a way, discharge the bribe givers and takers of the acts which are considered shameful. Corruption both for those who give bribes and those who receive them is widely condemned but the factors I have discussed in chapter 2, 3 and 4 leave people with no options and make them go for corrupt practice. People and bureaucrats thus adopt ways and use terminologies to disguise corrupt practices. This results in ambivalent situations where people condemn and indulge in such practices simultaneously which can be understood through studying perceptions of corruption.

5.2 Perceptions and the popular narrative of bureaucratic corruption

Bribery is perceived as a norm in public offices and there is a common perception among the people and bureaucrats that corruption cannot be eradicated. Corruption, bureaucrats, and public offices are perceived in a number of ways due to the prevailing practices of corruption of different types and nature. In this section we see how corruption is perceived and what are the popular narratives of corruption.

Majority of the people in the districts I conducted my research in are Muslims. They all believe that corruption is forbidden by Islam [*haram*]. There is a famous Arabic phrase famously known as the saying of the prophet of Islam which means that the bribe giver and taker both will go to hell. This sentence is told very commonly by everyone if there is a talk or discussion about corruption. Another saying of the prophet that I heard from many within the bureaucracy

and outside was that if someone gets one bite of *haram* food, all his halal (permitted by Islam) food gets haram too. The third one was that Prophet Muhammad had said that one who eats a bite of haram money (wealth) [*maal*], his prayers are not accepted for 40 days. There is a local saying too which says if you add one drop of urine to 50 kg (*yaw man*) milk, the entire milk becomes polluted which means a haram bite or a small amount or any small haram thing can pollute your entire income and wealth. So, this is the general public perception about corruption which is based on Islamic belief system and everyone when talking about corruption, expresses his un-liking and condemnation of corruption being considered haram and a very bad thing to do.

Corruption thus is haram and everyone who indulges himself in corruption will be thrown into hell. Once while comparing my job in the land administration and the expected one in the university as a faculty member, V, a clerk who worked as reader to the tehsildar commented that the university job is better. He laughed and said, “you at least would not get sweated during the speech of a cleric [*molvi*] on Friday (about haram). When people like us listen to such speeches, they get sweaty out of fear because (we believe) that there would be accountability (on the day of judgement). Your prayers are not accepted and on top of that when you ask someone to give you money otherwise you will not provide the service then that is haram over haram”.

People however ignore these religious verdicts when it comes to practice. Since the *haram* discourse is so strong because of the religious sanctions, therefore people find refuge in a counter morality which comprises of different conceptual terms, perceptions and a different discourse. Corruption through this discourse of counter morality is made to appear as *halal* (permitted). One such justification is the discourse of *jaiz* (socially allowed) and *najaiz* (socially not allowed). The bribes and money are taken and demanded for two types of services. The first category which is called *jaiz* refers to those legal services for which land officials

charge people informal/illegal fees. In such situations the officials manipulate or relax rules and procedures to get money for a legal service they provide. The second category is called *najaiz* and consists of services which are illegal, but the officials break rules for which they receive money from the beneficiary. The *jaiz* and its opposite *najaiz* are used as supplementary terms for legal and illegal services but its meaning is slightly different. For the exact meaning of legal and illegal two other terms, *kanooni* (legal) and *ghair kanooni* (illegal) are used. The *jaiz* and *najaiz* are thus used for acts which are socially appropriate or inappropriate. Thus, posting of an official for money or giving money to get transferred to a lucrative office is considered as *jaiz* but termination of an official form of service as punishment for taking bribe or committing an irregularity and even illegality is considered as *najaiz*.

The reason and logic for this is that they think a minor punishment should be given, not termination. Termination from service is considered as depriving the official and his family especially his kids from their subsistence. In such situations, they would say that someone's source of income (employment) should not be snatched from him [*da cha rozi na di kharabol*]. In situations when inquiries are conducted, the inquiry officer is usually requested by all the officials and officers around him to be lenient with the accused official for he has small kids (*khair de guzara warsara oka wara wara bachi ye di*). Inquiries on the other hand are used as "means of administration", by the inquiry officers to extract money from the officials and officers under inquiry.

Likewise, taking money for preparing partition charts/documents [*naqsha jeem*] and handing over possession of a decreed land to the decree holder [*dakhal*] is considered *jaiz* but not giving access to or a pathway to the partitioned land and not carrying out a just partition is considered *najaiz*. Taking money for a mutation which incorporates the name of a new owner who purchases land in the record of rights is *jaiz*. Even making a direct entry in the record without entering a mutation and collecting state taxes if someone buys a piece of land is considered as

jaiz but bringing someone directly into the records without any deed/deal which is called as “dropping down through a parachute [*pa chatrai rakozol*] in the land record or transferring land of an owner to someone else without a purchase is *najaiz*.

Likewise, when people willingly give money as *kharcha* to a patwari or any other official, it is considered as *jaiz* but demanding money and particularly conditioning a state service for a certain amount in return is considered as *najaiz*. All these acts both *jaiz* and *najaiz* are illegal but the local definition of legality leaves room for certain practices under the *jaiz* and *najaiz* discourse.

People when talk about officials and officers who make money through corruption, they usually use the verb “earn” not embezzlement or corruption. When someone comments on the money a bureaucrats makes form corruption, they would say, “he got to earn a lot of money (*agha dere paise ogatalea*)” or “he has earned a lot of money” (*agha dere paise gatale di*). The money earned through corruption however is perceived as “*murdaar maal*” (dirty/impure wealth) or *murdarea paise* (dirty/impure money). *Murdara*, the Pashto word basically refers to the animals such as dogs and donkeys which are considered as polluted (*najas*) and thus are *haram* to eat, animals which are not slaughtered in the Islamic way and those that die and people could not get a chance to slaughter them. Meat of such animals is considered dirty, impure, polluted, gross is *haram*. Corruption thus ideologically and symbolically carries a bad meaning and feelings of impurity and pollution. Socially, it tantamount to unfair means which brings bad name and shameful situation and disrespect to the person and his family in the society.

Contrary to this ideal morality is the practical world which however is different. There were some exceptions both among the people and the bureaucrats who avoided totally or to a greater extent to go for corrupt practices. But majority of the bureaucrats and people who come into

interaction with a public office and a bureaucrat in connection with some required state service indulge themselves in activities of corruption. These people guise and disguise bribes and their corrupt practices through the terminologies of *kharcha* and fee of the patwari. Patwaris and service seekers both, to justify the informal and unofficial fee of the patwaris, used the analogy of giving a fee to a doctor or any technician for some work. There were however many people who believed it as a real official fee of the patwari. Some of them however smiled and said that they know that this is a self- created fee by the patwaris but there is no way not to pay them.

Patwaris find many justifications for their practices of corruption including their meager salaries, the work they do without logistic support for the state and provision of *kharcha* and logistics for the personal and official use of their senior officers. For example, land officials do not receive money from the state for stationary they use and office automations. They are not provided vehicles for the visits they pay to the far a flung areas while performing their duties. They thus manage such expenses through the *kharcha* and the self-imposed fee they collect from people that approach them for different services. This also works for them as a justification of their corrupt practices.

Patwaris also use strategies to counter the ideal morality. For example, one of the tehsils where I conducted my research was located at a walking distance from the mosque where staff and patwaris used to go to offer Friday prayer. The religious scholar who gives a sermon and leads Friday prayers [*khateeb*] one day delivered his sermon [*khutba*] on corruption. Later, one patwari I would call AR asked the *khateeb* that when people give you money silently/secretly you call it as “*bakhshish*” (gift/gratitude) and call the one people give us as “*rishwat*” (bribe) (*ta khpalo ta bakhshish wai au zama aghe ta rishwat wai?*). AR smiled and continue, “the *khateeb* laughed and said if you provide a service to someone and he gets happy and give you some money (*ka pa khushalai las shal rupai darki* (laterally means if he happily give you 10 or 20 rupees but refers to a small amount of money) then that is not a *haram*, but if you demand

money and do not do his work then that is injustice (*da bia zulam de*)". Here the *khateeb* also has used another socially important term "cruelty [*zulam*]" not haram/corruption.

This general tendency of giving some money as *kharcha* or a tip is also called "*bakhshish*" sometimes. This tendency creates a room for corruption. People feel obliged and feel like owing some money to the public office holder when he provides some service. All the patwaris I interviewed told me about this common practice and behavioral pattern. "Whenever you provide some service to anyone, he definitely will give you some money (*ta che cha sara khegara okai no agha ba darla khamakh san a sa darkai*"). Interestingly they used the word "*khegara*" which means giving someone a favor and doing something good or providing help to someone. The state services which become like the personal property of the patwari and other bureaucrats thus becomes a favor [*khegara*] which they do with service seekers. And a favor or help of any kind is reciprocal. Therefore, those who do not give money are treated and taken as those who lack *Pukhtu/Pakhtunwali* and called as misers [*shuman*] by the patwaris for not giving them anything for the state services they provide.

The common perception that no bureaucrat works without getting money and nothing can be done in public office without giving money to the officials also plays a vital role. I have discussed it in chapter 3 where I explained the service delivery system in the land administration. People when need to get a state service, they usually start with finding a connection through their connections or will find someone to give money to get a state service. In cases where they are told to follow certain procedures, they will perceive it as a tactic on the side of the bureaucrats to make them pay him a bribe. Thus, they will try to find out how to give him some money and get the service immediately.

The tendency to get a service quickly and immediately also leads to bribes. In such situations people pay some cost to get services promptly. The "special mutation [*special intekal*]" is one

of the results of this tendency where mutation is entered and attested in one day which otherwise may take at least a month. The common practice and perception about public officials and offices of land administration is that nothing can be gotten from them without giving them some money. Therefore, everyone who visits a patwari or any other official brings some money to give them after the service is provided.

I was told a story of a patwari by many patwaris who believed that whenever a service seeker comes to a patwari, he brings some money for him. That “wise” patwari used to give some rupees back to the service seeker for his fare to go back home. He pleased people in this way and thus had a very good reputation anywhere he worked. A girdawar I will call as AS told me that he was working as patwari in the settlement of a district in Malakand division of Khyber Pakhtunkhwa. “Once a young boy came to me and gave me 200 rupees and said, “my mother (a widow) sent this money for you so that you document our land record correctly”. That was a time, the Girdawar continued, when the money tradition was not that common, but I returned the money and told him that I will document their land correctly. The boy started crying and said that his mother will scold him and will send him again and since you are not taking money, this means that you have done something wrong to our land”.

Thus, the perception about the patwari that he can play with your record or that he will never provide a service without getting some money creates a room for corruption. This perception does not remain only limited to patwaris but all the land officials and officers. Many people offered me or my reader money when I told them that there was a procedure to follow and or when there were some technical or legal hindrance to provide a specific service. For situations where the officials and officers used delaying tactics or went through the required procedure, people would say, “he is trying to catch fish in it now [*de pake os mayan nisi*]. Meaning thereby, he wants them to give them money for the required service.

The offices of bureaucrats were thus called and perceived as shops [*dukan*] both by service seekers and bureaucrats themselves. Patwaris and tehsildars used delaying tactics to maximize the amount of money to be extracted from a service seeker specially in the cases of mutations. When someone does not agree to their demand and leave their officer, they usually would say, “this shop cannot be found anywhere else, he will have to come back as he cannot go anywhere else (*da dukan bal za na milawegi, di ba hum dalta razi bal khwa na shi tle*)”. I once heard such words from a district collector who during a conversation with the district and session judge regarding office hours told him that “actually you close your shop by 3 pm and we have to sit till the evening”. Once I went to the tehsil record room [office *Kanungo*] in one of the tehsils to get pictures of different types of land records. I saw a landowner I will call AU sitting there. AU was a service seeker I frequently met in district courts pursuing his cases related to land partition, land title and land possession disputes. I asked him what he was there for and he told me how his file for correction in his land record in the Service Delivery Center (the newly established center where land records were provided after digitization) gone missing 5 times and thus he needed to get a report from the girdawar to prepare a new file [*missal*] who was not available in his office. AU spontaneously said, “I am waiting for the girdawar, but his shop is closed”. Everyone in the office *kanungo* laughed while AU tried to cover the situation by saying that it was a slip of tongue!

The word shop is ironically used for a public office where people buy services the same way as they buy things in shops. People however avoid using the word shop in the offices of the bureaucrats in front of them to avoid their wrath and the expected harm. The harm which a patwari can create for a landowner can be disastrous because he is the custodian of the record and can change any entry anytime. Therefore, people specially take care of their relationship and conduct with him. The discontent however is expressed in different ways and settings other than the offices of the patwaris and other land officers.

There were two famous anecdotes which tell about the harms the land administrators can create for someone. One is about a patwari and the second one about a tehsildar. A patwari was going somewhere when his pen dropped on the ground. Someone around told him that he had dropped his knife on the ground so he may please pick that up. The patwari looked around. He did not see any knife but found his pen on the ground. He then told the man that it was his pen not a knife. The man responded, “well, it works as a pen for you but a knife for us with which you slaughter us”. The second story is about a tehsildar who was going somewhere when a dog barked at him. He turned his back and told the dog, “You luckily did not get some landed property in your name otherwise you would have not dared to bark at me”!

This common perception has resulted in a common narrative regarding the eradication of corruption. People generally and bureaucrats specifically believe that corruption cannot be eradicated. Some people, however, believe that it can be reduced with sincere efforts but cannot be eradicated completely. People commonly believe that corruption has become part of our lives and society. They usually say it has become part of our *khameer* (“*da zamung pa khameer ke de*”). *Kahmeer* literally means yeast but refers to the essence of the body or the material the body is made of). They also say, “it is rooted deep in our bones (*da zamung haduko ta kuz shawe de*). Bureaucrats also narrate such stories through which they not only try to find a justification for their corruption but satisfy their own guilt and the social discontent.

During an interview conversation with an officer in the provincial headquarter of the land administration, when I asked him how corruption can be eradicated from the land administration. He first smiled and then told me a story which is no less than an anecdote. The superintendent, assistant and one other visitor got attention too when he said that there used to be a patwari in Dera Ismail Khan under British rule, the last district of Khyber Pakhtunkhwa in the south, which was famous for corruption. He added that corruption was there even under British rule, but it was not so prevalent and back then the deputy commissioners were very

strict. The story of the corrupt patwari was brought into the notice of the Deputy Commissioner. The Deputy Commissioner responded that he will post the said patwari in a place where he will not be able to take any bribes.

Few days later the deputy commissioner ordered his posting on the bank of the river with the direction to count the waves and report to the deputy commissioner daily. Patwari took his copy of the order and started going to the bank of the river daily and started counting the waves. After some days, he started stopping the boats to cross the river because they disturbed his counting for which he got a written order from the Deputy Commissioner. The owners of the boats started giving him bribes to seek his permission so they could continue their work. When he finished the story, he laughed and then gave a firm conclusion. "Corruption is in our roots. It can never be completely eradicated. However, it can be reduced through some concrete policies by the government".

This story seems funny but during my pre-service training, I heard two tehsildars who used to smile and say that a tehsildar will earn something even if you make him sit on the top of a hill. Before I could ask the officer in the headquarters what he meant by concrete policies, he was called by his boss to his office. He took many files under his arm and while leaving told me, "I had been discussing these files for months and yours is one of them".

I had submitted an application to the Secretary for a No Objection Certificate (NOC) to avail my scholarship which was pending for one year and thus I had to visit the head office often to pursue it. During all these visits, whenever I requested him to put up my file to the Secretary with a reply to the observations, he used to tell me that he needed to wait a few days because putting it promptly would show his interest and the Secretary will think that he has taken money for it. Interestingly, he moved certain files very promptly pertaining to the postings and transfers of some tehsildars on lucrative posts and who used to give him good amounts of

money every month. Once when a Deputy Secretary in the headquarter asked me about the status of my file and I told him that they could not find relevant rules. He smiled and said, “get wheels to your file” and then asked me to give them 20 or 25 thousand rupees and they will find the rules in minutes.

All the officials from lower to the higher level answered with more or less the same sentence when I asked them how corruption can be eradicated. The most common among them were, “corruption cannot come to an end (*corruption na khatmegi*). Some asked me a counter question, “How corruption can come to an end (*Corruption ba sang khatmegi*)”? When I asked the same question during a discussion with a senior bureaucrat who had joined the service as an Assistant Commissioner and had been working as Assistant, Deputy and Divisional Commissioner and got retired as Secretary to the provincial government. After his retirement, one day, I got a chance to meet him in the very same office where he worked as Divisional Commissioner. He laughed loudly and told me, “how can corruption come to an end? It would have come to an end if it was to come to an end.”

He then told me many reasons which included no action against the powerful, no protection for civil servants including health and education of their kids, lack of proper and effective accountability system, the defective laws of National Accountability Bureau (NAB) for it permitted plea bargain and voluntary returns and, the weak investigation. He argued that NAB has failed and its investigation officers are not equipped with the necessary know-how of investigation and accountability. He then named a few bureaucrats who gave smaller amounts of money to NAB as voluntary returns and got their cases filed. These are however the common narratives regarding the never-ending nature of corruption among all the bureaucrats. He also told me about another narrative which is common about anti-corruption measures and truly reflects the prevailing practices of anti-corruption in bureaucracy as well as in the country. The narrative is that there is nothing until you are caught and if you are caught then it depends on

who you are and how much you have to offer. If you have enough money to share with the anti-corruption agencies, then you are all set but if you are poor, then you got into trouble [*Che so porae neewalae shawae na ye no hes hum nishta au che o de neesi ko darak de lagi no hes hum nishta au che ghareeb ye no tabah ba ye*]. While concluding his views, he said, “this is a game which is going on (*yaw khail de che rawan de*)”.

5.3 The Discourse of Corruption at National Level and its Facilitating role in Corruption at Local Level

There are two contradictory but common aspects of corruption in today’s Pakistani society, the pervasive nature of corruption and the wide discontent and condemnation of corruption in its all forms and by all. The stories of corruption and its condemnation is a necessary content of everyday conversations and discussions not only in daily life but popular content of print, electronic and social media. Today (a fine day in August 2018) when I started writing this section while sitting in my apartment in Ann Arbor, Michigan, I got a news from a mid-level land officer through WhatsApp, a social media app commonly used in Pakistan and many other countries. The news was about the decision of anti- corruption court about one of the three references filed against the ex-premier of Pakistan Mr. Nawaz Sharif and his family whereby he had been sentenced with 10 years of imprisonment, fined 8 million pounds, his daughter Maryam Nawaz was sentenced with 7 years of imprisonment while her husband Safdar Awan for 1 year with the order to attach their London properties which comprised of four flats in Avenfield, London.

Corruption as I told earlier, had been a hot topic of the discussions in the talk shows at the prime time of all the electronic media channels during the last five years specially when Imran Khan, the chairman of Pakistan Tehreek-e-Insaf (PTI) party actively started his election campaign with the slogan of eradication of corruption form the country and bring change. After

the election he leveled allegations of rigging which were later proved in courts. The talks about corruption got a momentum when the name of the then prime minister Mr. Nawaz Sharif and his offshore companies came up in the famous Panama Paper leaks. Imran Khan and other politicians and political parties in the opposition demanded the then prime minister Mr. Sharif to resign and actively advocated for his trial.

In Khyber Pakhtunkhwa, corruption also had become a main topic in the print media with the election campaign in 2013 when the previous government was continuously alleged for corruption with a new term “top-up” [*easy load*]. When the Pakistan Tehreek-e-Insaf (PTI) formed its government and actively continued its rhetoric to eradicate corruption from bureaucracy in general and from the department of police and land administration in particular, the print media printed news of corruption in the province on a daily basis with special features on corruption in general and in different state departments.

The Panama Papers case however, was a turning point which made corruption a hot topic on all the main media channels. Corruption thus became a national issue widely discussed in daily conversation and talk shows. People from all walks of life discussed it with zeal and spirit which resulted in a national narrative that all politicians, army generals and bureaucrats are corrupt, and that corruption is the root cause of all problems including poverty and under-development. This resulted in a tug of war between politicians and all other stakeholders. Politicians of different political parties started leveling allegations of corruption against each other and bringing up stories of corruption of the opposite parties as their counter argument.

The electronic media broadcasted exclusive talk shows on corruption where they invited political leaders from different parties. The print media shared stories of corruption of politicians and bureaucrats specially in mega projects on a regular basis. One day, I thought about the content analysis of the print and electronic media regarding corruption as part of my

methodology. Next day I went to the office of a senior officer in the head office of the land administration. I picked up one of the two leading English national daily newspapers in Pakistan “the News” and to my surprise all the main stories on the main page of the newspaper were about corruption.

Interestingly, this one page of this leading Pakistani newspaper (see on next page) tells stories of all the political parties including the Pakistan Tehreek-e-Insaf (PTI) whose main slogan is to eradicate corruption from the country, allegations of biasness and incompetency of the National Accountability Bureau (NAB), corruption of army generals and IT businessman. The first column starts with the best candidate for the chairmanship of Pakistan Muslim League (N) (PMLN) after the disqualification of Mr. Nawaz Sharif by the Supreme Court on the basis of corruption charges, The next story is about Dr. Asim the then former federal advisor for petroleum products and the right hand of the then president of Pakistan and the co-chairman of Pakistan People’s Party (PPP) after the assassination of his wife Benazir Bhutto, Mr. Asif Ali Zardari. Dr. Asim was convicted in a corruption case of 479 billion rupees by NAB. The second column in the newspaper tells about the irregularities and financial embezzlement in the most popular Tsunami billion tree project by the PTI government in Khyber Pakhtunkhwa province. The allegations were leveled by a journalist in a newspaper who as per Mr. Ziaullah Afridi a PTI MPA, was offered 10 million by the provincial government for not publishing the story. The matter was discussed in the provincial assembly and the speaker of the assembly was asked by the members specially Mr. Afridi to send the case to National Accountability Bureau and Provincial Ehtesab Commission for he believed the story was based on facts. The fourth story tells that PPP and PML (N) got no right to blame NAB because they had been ruling the country for decades and did nothing for establishing a transparent accountability system in the country.

minister Mr. Nawas Sharif and its directions to audit the spending of 270 million rupees in two years tenure of the said chairman. The last column in the first picture (first half page of the newspaper) tells us about putting the names of three retired army generals and a brigadier on the exit control list for causing loss of two billion rupees to the government exchequer. The seventh story tells about the rejection of a bail petition of the CEO of the Axact, an IT company in Pakistan in a 170.17 million money laundering case. Earlier allegations also were leveled against this company for selling fake degrees and certificates under its numerous websites.

The print and electronic media share such stories and allegations of mega corruption scandals on a daily basis. The order of the courts specially the supreme court particularly the prime minister's corruption case confirm these allegations of corruption in billions by the senior politicians and party leaders. These stories are then widely circulated through social media by everyone and particularly by the workers of the opposite political parties. It is commonly perceived among the educated people and workers of political parties that all the political parties including Pakistan army have their social media cells which share stories about their achievements, good deeds and about corruption of their opponents. Earlier Mr. Asif Ali Zardari the ex-president of Pakistan faced charges of corruption and trial during the prime ministership of his wife Benazir Bhutto. He was famous as Mr. 10 percent in the country which meant he demanded 10 percent in every project in Benazir government. Interestingly nothing was proved, and he became president of the country after years of imprisonment. The result of these stories, scandals, and corruption of such a magnitude has thus resulted in a popular narrative that all those who run the country are thieves and corrupt and that they are there only to make money. Resultantly people have lost trust in the state and the government, and they have no hope that these leaders will ever do anything for their betterment. The corruption scandals which involve huge amounts by the ruling class provides a justification to the lower-level officials who consider the bribes they get as petty amounts as compared to the millions and

billions worth scandals. They argue that everyone is making money so what if they do a little to fulfill our needs and live a modest life.

It was the second last evening before my departure to the USA in connection with my studies when an Assistant Commissioner in one of the districts I conducted my research in along with a tehsildar came to Islamabad to give me a farewell dinner. While driving to a restaurant in F-8, Markaz, the commercial area of the sector, in the late evening for dinner when I started discussing corruption in bureaucracy, the Assistant Commissioner told me about the bail story of a patwari. A patwari serving in his district was trapped and arrested by the Anti-Corruption Police red handed with ten thousand rupees. Since he was arrested red handed therefore his bail was rejected by special judge anti-corruption and the Peshawar High Court, thus he had submitted his appeal for bail before the Supreme Court of Pakistan. On the fixed date of hearing the Chief Justice first heard the petition of Dr. Asim who was in the custody of the National Accountability Bureau and thus wanted to go abroad for his medical treatment. He was accused of committing corruption of 479 billion rupees in Sindh province. Dr. Asim was allowed to go abroad by the supreme court of Pakistan.

The immediate next case in the court after the hearing of Dr. Asim's case was of the patwari for a bail. The Assistant Commissioner said in Pashto, “the Chief Justice laughed, he laughed so much and then said a thief of 479 billion has been set free while a patwari has reached to the Supreme Court for his bail in a case of ten thousand rupees only” he continued, “he (the Chief Justice) then did not talk about anything about the merits of the case or technicalities and allowed the bail petition of the patwari (*Chief justice pa khanda sho au der ye okhanda au bia ye ovai, da 479 arab rupu ghal bahar garzi au patwari pa las zara ke supreme court ta rawuresado. Au bia ye hado sa khabara onakra au bail ye manzur ko*). After telling this story, the Assistant Commissioner lamented and said “this is the situation where the real thieves are

free and accountability is in action only for patwaris [*da haal de asli ghla azad garzi au ihtesaab sirf da patwari da para de*].

All these cases formulate the general narrative that corruption is committed by the elite and those at the bottom level of the state alike as per their level and position of authority. The only difference is the magnitude. Secondly, the anti-corruption machinery comes into action against the lower-level officials and officers often belonging to the poor class. The case of the prime minister and Dr. Asim is considered as political cases and thus people believe that the National Accountability Bureau works for “political engineering” when someone is required to be brought to terms either by the military establishment or the government. Thirdly, the common narrative of corruption is that the elite never get punished but the poor officials at the bottom rung and officers belonging to poor backgrounds are harassed and subjected to anti-corruption enforcement. Fourthly, patwari also gets a bail from the supreme court where even the Chief Justice believed that when the big thieves are set free then patwari also does not deserve punishment. Finally, at the end, both the big and the small fish are set free with no punishment. This is the story of almost every case, and this is the popular narrative of corruption in the country. Consequently, neither those at the top stop corruption nor the petty bureaucrats at the bottom rung. This narrative encourages the wrong doers on the one hand while discourages the masses and those few honest bureaucrats on the other. It is widely believed that nothing will come out of any complaint, therefore, people avoid submitting complaints specially written complaints and opt to come to terms with the bureaucrats. That is because rarely actions are taken against corrupt officers and even if taken, these officials and officers create problems for the complainants in the future.

The general masses, however, also share stories about everyday corruption and misdeeds of common people on social media and in their daily conversations. The electronic media also plays its role in highlighting and condemning social illnesses which are then shared through

social media apps in short clips. These practices of everyday corruption include adding colors into tea leaves, adding colors and grinded bricks to spices, adding water and chemical powder in milk to increase its quantity and thickness, making milk from water, oil and detergent powder, selling rotten fruit and vegetables, selling dog's and donkey's meat, spurious and adulterated drugs, advocating false cases by advocates, selling justice for money by judges, the ghost teachers and officials who do not attend schools and offices but get salaries, taking commissions from pharmaceutical companies and laboratories by the doctors for prescribing fake and overdosed medicine, cheating, adulteration and weighing less by the shopkeepers to name a few.

This wide projection of corruption at national level coupled with the narrative of selective justice and punishment only for the weaker with no action against the big fish result in a discourse which helps everyone condemn corruption on one side and go for corrupt practices on the other. Sentencing imprisonment of the prime minister of the country is the first ever case of its nature where action has been taken but the prime minister himself and his party has rejected the decision allegedly based on selective justice. The prime minister right from the beginning was asking for the accountability of all, not only his and his family. The discourse of corruption thus helps them too to find refuge in the narrative of selective justice though they as per the media reports could not provide any proof where the money came from with which the London flats were purchased. Interestingly, Mr. Nawaz Sharif is now on bail in London, apparently for medical treatment but is still actively supervising the affairs of his party. His brother Mr. Shehbaz Sharif is on bail and is currently (nowadays Pakistan 2023) the Prime Minister of Pakistan. His son became the Chief Minister of the Pakistani Punjab after the successful vote of no confidence against PTI but was de-seated some days later as his party lost seats in the by-elections conducted for 20 seats of the provincial assembly in Punjab.

Maryam Nawaz who also was charged in the Panama papers case is actively running the political campaign of Pakistan Muslim League (N) (PMLN).

The pervasive practices of corruption and the popular discontent thus dissolves in the discourse of corruption where everyone tries to find a justification for his misdeeds. Patwaris refer to these common everyday mega scandals of corruption at the top. They and all those who indulge themselves in petty nature corruption find shelters under the mega scandals of corruption by the ruling elite. Bureaucrats thus, whenever I asked them why they do corruption, referred to the mega scandals and said, “they loot such huge amounts of money so what if we earn a little money for us”.

Patwari X showed the same justification when he encountered a cleric [*molvi*]. While telling me his story he told me that got 1500 rupees from a cleric for a service. The cleric submitted a complaint against him to the Chief Minister’s complaint cell and thus patwari had to return the money. During the conversation the cleric told him that all the patwari will be thrown into hell for their corruption to which patwari X replied in the following words: “you say you are a religious scholar [*Aalim*] but you inaugurated your *Madrasah* six times to get money from different political leaders. And when you went to Saudi Arabia and you were having lunch with some people you visited to get donations from, you started crying that the students in your madrassah do not have anything to eat so the Saudis told you to eat yourself here and God will give them there. You also have gathered money this way through donations in the name of Madrasah (religious school) which you eat yourself. You say patwari will be thrown in hell. If that is the case, then you will be dragged to hell with your face down on the ground [*ta ba par makh dozakh ta rakagi*].”

In 2012, one of my readers in Anti-corruption Establishment, a sub-inspector of the police department, told me that a cleric [*molvi*] used to tease him every morning at the bus stop in the

presence of about 30 to 40 people waiting for the bus. He used to tell stories about corruption and ill treatment of the public by the police. He told me that he was so annoyed, but he could not do anything. He continued, “one day I gave the cleric Rs. 50 but when he was about to put the money in his pocket, I held his hand and asked him why did you take money from me, did I owe you? The cleric said, “you gave it to me and I just took it”. The sub-inspector continued, “I then told him that this is how people give us (police) money”. He exclaimed and said, “the cleric never teased me again!”.

Once I was sitting with the Sub-registrar (an officer who attests/registers deeds) of one of the districts in his office when a doctor came to his office in connection with his sale deed he wanted to be registered. When the doctor introduced himself as a doctor, the sub-registrar started about the commissions the doctors get from pharmaceutical companies and laboratories, prescribing overdoses of medicine and un-required laboratory tests and operating patients which are not needed, especially Cesarean section surgeries (C-section) just to get more money. The doctor agreed with him and told some stories about how people from different laboratories in the city approached him and offered him commission in referrals. But as usual and like anyone else, he told stories to prove that he was a good man. Same was the case with the Sub-registrar who, as usual like other officials and officers in the land administration, told him that he was a clean man and was not corrupt. After this conversation the sub-registrar asked the doctor the purpose of his visit. The doctor requested for a favor of registering his sale deed. He was then told two ways, the legal one which was costing him huge amounts of money in the shape of state taxes and the shortcut to save money by the sub-registrar who told us stories of his meritorious conduct for about an hour. The doctor too opted for the shortcut to save money thus, he was told to bring some required documents and come the next day.

Corruption thus is ambivalent in nature. People on the one hand condemn it while on the other they practice it on a daily basis. The case of senior bureaucrats was especially interesting. They

demanded and expected *kharcha* from the patwaris and their tehsildars but at the same considered them as those whose hands were dirty with the filth and had disgraceful views about them. They took *kharcha* from them and asked them for meals and other logistics but always showed that they are very honest and patwaris and tehsildars are corrupt. Patwaris and tehsildars however, used to find a justification for their corruption in this ambivalent behavior.

Once I was going to take disciplinary action against a patwari who never spared anyone that came for any service to him. A senior patwari came to my office and first showed his discontent about the behavior and non-sparing attitude of patwaris. He used this Pashto proverb, “a dog does not eat meat of a dog but a patwari eats meat of a patwari [*spae da spi ghwakha na khori kho patwari da patwari ghwakha khori*]”. This means that a patwari does not provide a service for free even to another patwari. But then he requested me to be lenient with the patwari. He also gave me a justification not only for not initiating disciplinary action against the patwari but also a justification for taking bribes which is as follows in the verbatim he used, “all take it Sir, you do not know that all take money, salary suffice for nothing, you tell me, does your salary suffice for you?, this salary does not even suffice for your pocket money, so please be lenient and do close your eyes (in such situations) [*tol ye akhli. Ae Sir, taso ta pata na da sa? sok paise nakhli. Pa de tankha guzara kegi? Ta mata owaya pa tankha sta guzara kegi? Da tankha kho sta da jeb kharch la hum pura na da. Bas guzara kawa au starge patawa*]

While some other people find justification for their corruption in poverty. A landlord who was also my interlocutor I will call AT, told me during a conversation, “you make me rich, everything will get correct by itself (*ma maldar ka ha sa ba theek shi*) which means corruption will come to an end if poverty comes to an end). And thus, in the situation of the mega scandals of corruption people also say that “this is a country where no one asks (no accountability and check and balance), therefore earn enough for yourself, God also will not punish you for this” [*Khaar e na pursan de. Bus zan pake pura kawai pa de ta khudai hum na gunangarai*]. The

most interesting of these justifications was the one when once my cousin gave me when I was telling him that I am planning to leave my job due to the pervasive corruption in the land administration and the insufficient salary. He asked me, “what if God asked you on the day of judgement why you did not earn money for you and your family when you were given an opportunity and everyone else was earning?”!

To earn or get enough for yourself [*zan pake pura ka*] discourse finds its basis in the massive corruption by the ruling class and no accountability so far and the non-provision of facilities by state which result in disappointment of many people with the future of the state. The tehsildar who worked as the right hand of the father of the then Chief Minister who got famous as *Baba* once told me that the during a conversation at his house once *Baba* said that this country will finally disintegrate, and the Khyber Pakhtunkhwa province will go with Afghanistan and as such people of this province will suffer. Even today the political and economic situation in the country has deteriorated to the extent that many people are worried and disappointed with the future of the country. I discussed this matter with several colleagues and senior officers. Most of them were of the opinion that the country is going towards the worst condition in the near future and we should not expect much in the near future so the best is to earn money and settle abroad soon. Today, the expected bankruptcy of Pakistan is a serious concern of every Pakistani.

This tendency has a historical background too. The state, bureaucracy and all laws and procedures are considered as the law of the West “*da angrez qanun*”. People therefore care only about their private properties and personal money. State and state institutions are considered as something external which the masses have to manipulate and extract from whatever they can for themselves. Generally, people lack the Western communal sense of ownership of state and state properties. This is the reason that state lands are occupied by land grabbers, the government officers do not care about state assets, public monies, government

projects and buildings, official cars but they take good care of their own properties, cars and belongings. The public versus private dichotomy where the state is not owned rather considered as something external and to be manipulated for personal interest as and when possible also plays an important role in the pervasive practices of corruption. Patwaris thus while collecting tax make huge losses to the state for the lesser amount they get from service seekers. Same is the case with service seekers, they agree to give money to the patwari but do not pay state taxes.

People as well as officials in the land administration and anywhere else find justification for the bribes and gifts they give and receive respectively but they talk loudly against it when the same practice is committed by others. Once a tehsildar I will call as AP told me that it was the noon of 19th of August 2015 when the late ex speaker provincial assembly visited his office in connection with his mutation. All the time during his stay, he talked about the corruption of present and previous governments but when all the procedure of his mutations was completed, AP knowingly asked him why he had entered three mutations instead of one in his name. He had entered three mutations, one in his name and one each in the name of his two wives. At this question the girdawar who had entered the mutations and the politician who talked loud about corruption both smiled and the girdawar said, “to minimize the cost (tax) (*che kharcha pe kama rashi kan gi*)”.

What people do is that they manipulate laws and rules in ways which are known to everyone in the society and bureaucracy. Splitting a mutation in two or more splits the cost/sale amount of the land [*zar-e-saman*] written in column number 13 of the mutations. In the said case the landlord paid 2% of the sale amount instead of 4% after splitting the mutation. Patwari had already written a very less amount than the actual cost of the land and by splitting them into three mutations he caused loss amounting to 124,000 Pakistani rupees to the government exchequer. All the officials and AP knew that they were causing loss to the government but

they all, including the leading policy maker politician were of the opinion that the state does not give them facilities worth taxes it collects.

When asked whether it is corruption or not, the leading politician started laughing and said that it was too much of tax to be paid. Even for the half amount of the tax he was shocked when the girdawar asked him to give him the above-mentioned amount to be deposited as transaction tax. He, with a lot of difficulty and in a sad mood, wrote a check in the name of the girdawar to cash it and deposit the government tax. For AP and Girdawar, it was to oblige him so that he will take care of them and will help them get posted in lucrative offices if he comes into power again. After the politician left, the girdawar gave 20,000 rupees to AP telling him that the politician left it for him to buy clothes. AP did not know how much the girdawar would have received for his clothes however when compared to the amount, it was only a few thousands less than his salary. This is how people go for corruption themselves but criticize others. Corruption thus is someone else's.

I conclude this chapter with the argument that corruption in the bureaucracy and outside is explained, perceived, and justified through a discourse of corruption. This discourse is the result of multiple factors, mainly the prevailing narratives and stories of mega corruption scandals constantly disseminated through print, electronic and social media. This discourse at the national level provides justification to corrupt practices at the local level. This discourse of corruption not only helps people to get access to state services but enables people as well as bureaucrats to justify their actions which are otherwise widely condemned. The discourse of corruption thus is not only a place where state dissolves and through which state is imagined and state services are accessed (Gupta, 1995) but it also facilitates and creates a room for corruption at local level. Secondly, the ambivalent anti-corruption actions with no results/actions also lead to a perception where people get convinced that such action can result

in nothing and that's why they follow the pragmatic approach of condemning corruption and benefiting through and from it simultaneously.

Chapter 6 Conclusion

This ethnographic study aimed at presenting a holistic account of the practices and perceptions of bureaucratic corruption in the post-colonial Pakistani land administration in the Khyber Pakhtunkhwa province. Research was conducted in three tehsils of the two central districts of Khyber Pakhtunkhwa (KP). The central districts are agricultural districts and comprise five districts namely Swabi, Mardan, Nowshera, Charsadda and the provincial capital city Peshawar. Since the topic, data and information about events given in the dissertation is sensitive therefore, names of the district in which research was conducted have not been specified so inference cannot be made to respondents, case studied and life histories.

Land administration [*patwar* system] in Pakistan is notoriously famous for corruption and has become a synonym for corruption in everyday understanding. This means whenever someone talks about *patwari* (the village level land official) and /or *patwar* system, they and the listeners express some symbolic facial expressions, mostly an ironic smile or share some sentences which refer to corruption as something inherent to the *patwar* system. Same is the case with the police department and generally with every other public office. Whenever people talk about any delay or a hurdle in getting a state service in any office, fellow beings would suggest, “give them some money (bribe) and get your thing done.”

During the recent years, “*patwari*” has become a popular term on social media platforms for corrupt persons. We cannot say for sure who, when and for whom this term was coined first but today it is mostly used by the social media handlers and workers of the Pakistan Tehreek-e-Insaf (PTI) for corrupt politicians belonging to Pakistan Muslim League (N), its workers, supporters, and its political allies.

Pakistan Tehreek-e-Insaf (PTI) is the third major political party that emerged on the power stage in 2013 when it won the majority of the seats and formed its first government in Khyber

Pakhtunkhwa (KP) province earlier known as the North, West Frontier Province (NWFP). During the election campaign of 2013, the PTI leadership chanted the slogan of eradication of corruption from the country which they considered as the root cause of poverty and underdevelopment in the country. At the provincial level, they particularly mentioned two departments, the police department and land administration.

I was working as tehsildar/Assistant Collector in the KP land administration those days. I already had been trying to go beyond the apparent corrupt practices and understand the “why” of corruption. In 2012, I decided to start a PhD in Anthropology and started thinking of selecting land administration as my graduate research project to present a holistic account of the practices focusing on the “why” of corruption. My aim at that time was to focus on the ground realities and the facilitating factors so that policy makers may use it as a ready reference while introducing reforms. However, a brief survey of literature showed that scholars in the field have stressed on the need to collect more empirical data to understand state and bureaucracy. Gupta (1995) particularly had stressed on documenting what state officials really do in the name of the state.

The question raised by Gupta guided my research questions: What are the corrupt practices which make corruption in the land administration so prominent in the anti-corruption and transparency rhetoric? How do these practices take place? How are these practices perceived both by bureaucrats and local people? How are they embedded in the local social matrix and the national anti-corruption rhetoric? These are the questions that I have tried to investigate in this ethnographic study through ethnographic research methods from Fall 2015 to Fall 2017 with intermittent visits until the end of 2020.

Land administration is a provincial subject and is headed by the Secretary to the government of Khyber Pakhtunkhwa. Provinces in Pakistan are divided into divisions headed by the

Commissioners, divisions into districts headed by the Deputy Commissioner/ District Collector, districts into sub-divisions headed by Assistant Commissioner/Assistant Collector, sub-division into tehsils (sub-districts) headed by the tehsildar/Assistant Collector, tehsils into circles headed by girdawars (inspectors) and circles into *Patwar Halqas* (cluster of villages/estates) headed by patwari, the village level land official. In this research, I study the whole land administration in general but as far as provision of state services pertaining to land records is concerned, I specifically focus on the district level land administration from *Patwar Halqa* (patwari) to the District Collectorate (district collector) except for the matters related to divisional and provincial headquarters particularly postings and transfers of tehsildars.

The village level land official called “patwari” is the representative of the state through whom citizens come in interaction with the state. He makes, maintains, and provides public land records to landlords, landowners, tenants and the public at large. Being a custodian of public land records, he makes and incorporates new entries in the record of rights [*misle haqqiyat*] and initiates reporting to the high ups for deciding issues pertaining to land records and administration. He also works as focal person of the district administration in general administration at the village level including but not limited to verifications of all sorts, helping in census survey, vaccinations, elections, disasters and facilitation of visits of state officials and government representatives.

What is corruption? This question had been a concern for anthropologists when they attended to the study of corruption. Prior to the entry of anthropologists in the field, corruption remained a domain which was mainly studied by political scientists and economists. Corruption thus classically was defined as “(mis)use” and “abuse” of public office for private gains. This definition has been based within the parameters and value system of Western societies which as a result has divided the world into two poles: the transparent North and the corrupt South. Anthropologists had been at odds with this definition and division and thus have problematized

this very definition through in-depth ethnographic studies across time and space. Proponents also have concluded that the international anti-corruption and transparency campaign is used by international organizations to limit the role of the state in the so-called third world countries so that corporations and private actors get access to the market and resources.

I have tried to present a detailed ethnographic account of the practices and perceptions of corruption in the post-colonial bureaucracy focusing on the post-colonial land administration in the Khyber Pakhtunkhwa province of Pakistan. My aim, firstly, was to present a detailed account of how the post-colonial land administration works today and how its service delivery system works to know how state services are negotiated for bribes. We have seen that patwari/land administration provides different services to landowners including ownership documents [*fard*], correction in land record [*fard badar*], demarcation of lands [*had barari*] recording possession and cultivation rights [*girdawari*], entering land transfers [*mutations/intekal*], partitioning land [*takseem*] and incorporating entries in land record on the orders of court. All these services are negotiated for bribes and are facilitated by different factors. These factors include but are not limited to difficulty in accessing state officials, the complicated nature of paper-based land record, manipulating processes and procedures, rules and authority, changing type of land for tax evasion and tampering, misplacing and even destroying land records to take money from beneficiaries.

Land officials use public land records as their “means of administration”, in Weber’s terms, but to extract money from service seekers/petitioners. As for these practices of taking informal money for themselves as an informal fee/price of the state service they provide comes under the classic definition of corruption: the use and abuse of public office for private gains. But this is not my point. I have another striking finding and a contribution to the literature related to defining corruption. That is that the very public office which is (mis)used and abused for private gain, prior to the (mis)use and abuse is bought through a price and/or connections with those

in power. These connections too are nourished continuously through investments of time, energies, and money. Money (price) and connections are used to get a government appointment in cases, but my focus is not on recruitments. In the land administration (and the same is true for other departments), once officials (lower-level—patwari, girdawar, clerks and assistants) and officers (tehsildars) are recruited they try to get posted in a lucrative office. Lucrative offices are those offices with more land transactions where land officials earn more money. Buying an office also goes through a round of negotiations and requires knowledge and access to the “right persons” in the power corridors often called “powerhouse”. The right persons are those who either have the authority to order posting of an official or officer in an office or those who have connections with them or those who work for them. Those who lack access to these “right persons” find it very difficult to get posted in a lucrative office.

Secondly, there has been a huge debate whether the North is really transparent and that the South being caught in the web of their cultures has failed to establish a rational and transparent system of governance. Studies have shown that corruption is no more the problem only of the so-called corrupt South. Anthropologists also have come up with findings from across the globe and argued that corruption in public offices is facilitated through habitual cultural practices such as reciprocal obligations, gift exchanges and extending favors to kins and friends which are socially desired. It also has been argued that colonial occupation and introduction of new systems of governance in the colonies also have resulted in systems that are corrupt. For instance, the use of excessive paper to write down manuals of conduct and keep receipts of all transactions by the East India Company in the Indian Subcontinent was adopted to keep a check on corrupt practices of company officials both Western and locals.

In Pakistan, generally, the state and its laws are still considered and perceived as something introduced by the colonial masters, thus are considered as external. Therefore, violating law and rules, abusing state/public offices and using state resources for private gains are considered

as “*jaiz* (socially allowed)”. I will explain the term *jaiz* more in the next paragraph. However, my main point and finding related to post-coloniality is the “desired social status” that has resulted from the colonial land arrangements and its role in the facilitation and justification of corruption.

The British colonial government gave property rights of large land holdings to influential individuals. These individuals owned the entire lands thus became feudal lords and the rest worked as their serfs. The feudal lords lived in big houses, had big hujra(s) (a public house constructed adjacent to one’s home used to host male guests and as a community centre of the village), a car or more, servants (mostly serfs) and a huge land holding. Today in the post-colony, these are the parameters of the high social status in the society. People of the feudal class join bureaucracy and politics and use corruption as a means to maintain their social status as their resource base (land) has been shrunk with the passage of time. But more importantly the deprived subaltern class now are moving up the social ladder. Those among them who join the civil services, when they become officers, come at par with the upper class because of the public office and authority but to rise to and maintain the desired social status, they have to earn money through practices of corruption. In their social settings, their social status is measured through the materiality of their living style and standards. They thus strive hard to construct a big house, a hujra, have a car or more, buy a reasonable amount of land, live a modest/luxurious life, and stay generous both at their homes and offices. Their salaries never suffice for these social needs thus they earn money through corruption to fulfill their social needs.

Thirdly, I have tried to explore and understand the perceptions of the corrupt practices and the factors that facilitate the practices of corruption. Generally, corruption is widely condemned but at the same time it has become a norm in public offices. People generally not only consider and perceive it as a bad thing but believe it as forbidden [*haram*] from an Islamic perspective.

Interestingly the *haram* perception is neutralized through the discourse of “*jaiz*” (socially allowed) and “*najaiz*”. The *jaiz* and *najaiz* discourse is supported through the dichotomy of legality and illegality. Money (bribes) taken for legal services such as providing an ownership document, making a correction in the land records, and entering a land transfer etc. is considered as *jaiz* though not *halal* (allowed by Islam/opposite of *haram*). Further, meager salaries, no or minimal logistic support from the state and social reciprocal obligations are used as justifications for corrupt practices and private gains using public offices.

Lastly, scholars in the field have criticized the political role of international transparency discourse. The anti-corruption and transparency campaign is considered as an agenda of the global neoliberal economic structures aimed at minimizing the role of the state and giving corporations access to resources and markets. My focus in this research, however, is on the resultant anti-corruption and transparency rhetoric at the national level and its impact on the perception of corruption at local level. Stories of mega corruption of politicians, senior bureaucrats and army generals and the wider anti-corruption rhetoric at national level are constantly and actively disseminated through print, electronic and social media. For almost a decade, eradication of corruption had become the most popular slogan chanted by the politicians, particularly the leadership of the new political party, Pakistan Tehreek-e-Insaf (PTI). Numerous cases of mega corruption have been initiated by the National Accountability Bureau (NAB) of Pakistan against politicians. These cases are called political victimization by the accused politicians and their supporters. On the other hand, several stories of mega corruption of the PTI government also came to surface in the media but no inquiries have been conducted so far because, allegedly, PTI was in the government and constantly was blaming others and initiating cases of corruption against their political opponents. In a nutshell, stories of mega corruption of all politicians including those who chanted slogans of eradication of corruption, army generals, bureaucrats at the top, business tycoons are constantly disseminated

through print, electronic and social media. These stories result in narratives and a discourse of corruption at the local level that everyone is corrupt and that those at top are embezzling, in other words earning, in billions. People as well as bureaucrats not only find justification in this discourse for the corrupt practices they indulge themselves in but consider it right and necessary to earn money in a country where those at the helm of affairs are looting. When confronted, they would say, “those at the top are doing mega corruption and embezzlement of amounts that would suffice for their upcoming seven generations, then what if we do a little to fulfill our genuine needs and live a modest life”.

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Glossary

akhlaqi – moral

Baba- traditionally used for elderly men and grandfather but today for fathers too. During the government of Awami National Party (ANP) (2008-2013) the term was used for the father of the then Chief Minister of the Khyber Pakhtunkhwa

bad qismat- unlucky

badkismat- unlucky

basta- patwaris tie up required land registers during visits in a square shaped piece of cloth mostly of black color which is called *basta*

bethak-one room guest room for male guests adjacent to the house

Chae – milk tea

charpai - traditional cot used both as a single bed for sleeping and as a guest room/daily use furniture for sitting

da Ferangi Qanoon – law of the White colonial master

dakhal- hand over possession of decreed lands

darkhast guzar- applicants

daura- the monthly visit of the tehsildar to a particular village for attestation of mutation (new land transfers)

district *kanungo* (DK)- official in charge of district land record room

drustagi- correction

easy load- means top up to mobile but was used and became a common term for bribes/corruption during the ANP (2008-2011) time

Ehtesab – accountability

Fard badar- the document through which correction in the land records is made

fard- land ownership document

Ferangi – the White colonial master

field officer- officials and officers who are posted in field offices (office of the patwari, girdawar, tehsildar, Assistant Commissioner, Deputy Commissioner and Commissioner) compared to those officers posted in head office/secretariats. But mostly this term is used for tehsildars posted in a sub-district.

field posting- posting in a *patwar halqa*, girdawar circle, tehsil, sub-division, and district

ghair akhalaqi - immoral

ghair qanuni – illegal

gharib- poor traditionally the landless people

girdawar(s)- land officials one step above the patwari (village level land official) who supervise work of the several patwaris

girdawari- recording cultivation/crops in every piece of land and particulars of cultivators

goshwara malkiyat- the detailed document which shows the total ownership of an owner in different khasra numbers in a revenue estate

had barari- demarcation/ measuring and demarcating one land from other lands

*had barari-*demarcation

halal – permitted by Islam

haram – prohibited by Islam)

hujras- guest/public house traditionally constructed adjacent to the home of the landlord used for hosting male guests, jirgas, and as a community center for social functions such as wedding ceremonies and funeral condolences

intekaal- the transfer of land from one owner to another through a document called mutation in official correspondence in English. It is of different types including inheritance mutation (*intekaal virasat*) , gift mutation (*hiba intekaal*), mortgage mutation (*rehin intekaal/fakkurrehin intekaal*), gift for a religious purpose (*waqf intekaal*), gift to a legal heir (*tamleek intekaa*), partition mutation (*intekaal takseem*), correction mutation by the order of a court decree [*da faisale intekaal*] and

intekal- mutation

jaiz – right/ permissible

Jalsa Aam- the public gathering in which tehsildars attest mutations during their monthly visits to a particular estate/patwar halqa. In legal language it is translated as “common assembly”

Jamabandi/Charsala- periodical record of rights prepared every 4 years

jirga - traditional arbitration system of conflict resolution

kachehri- district courts

kala qanoon – black law

kanal- unit of land equal to 1/8th of an acre

kha post/ghwar post- lucrative office

Khan- the term traditionally used for feudal lords but today used as family name among the Pakhtuns

khanan- plural of *khan*, feudal lords

kharcha – gratitude money/ expense

kharcha- literally means expenditure but used for pocket money, kitchen/monthly/general expenditures. In public offices the term is used for the bribes given to patwaris and other officials

khasra number- the numeric number given to every field [*patae*]/piece of land,

khata- the index number in which several *khasra* numbers are clubbed

khushkismet- lucky

Khyber Pakhtunkhwa – Northwestern province of Pakistan formerly called North West Frontier Province (N.W.F.P)

Kisani- the famous peasant movement started after the land reforms introduced in the 1970s.

land officer (s)- tehsildar(s)

land official- lower-level officials such as patwari, girdawar, clerks, assistants and even superintendents

Lumberdar/ Numberdar- village officers traditionally appointed by the state to assist patwari in collecting state revenues and verifications

maal- land administration/wealth

malguzars- revenue payers/landlords/landowners.

marla – unit of land equal to 272 sq feet

masher - elder

mashrot- proud and arrogant

mauza(s)- estate

misle haqqiyat – register of the record of rights prepared at the time of land settlement

muhkama maal- land administration

munshi- informal/unofficial/private assistant of the patwari who works for them and/or also works as their brokers to negotiate bribes

naan – plain bread instantly cooked in the traditional fire oven (*tandoor*) in bazaars

naib tehsildars- assistant tehsildars

najaiz – wrong/ prohibited

nawab sahib- feudal lord. In some areas the landlords (*khan*) were given bigger land holdings. They are called *nawab*

naya Pakistan-new Pakistan (the slogan chanted by Pakistan Tehreek Insaf Party (PTI))

Nazim- mayor of a district or chairman of a union council

Nazriya Zarurat - theory of necessity

nishandahi- Pointation/pointing location of one's land

Office Kanungo- the girdawar who is posted as the in charge of tehsil record room. the tehsil record room is also called “office kanoongo”

office posting- posting of an official/officer in the headquarter/secretariat

Pakhtunwali (code of conduct) – the social values Pakhtuns follow and are socially expected to follow. These values include *izat* (honor/respect), *melmastya* (hospitality) *badal*

(revenge/reciprocal exchanges), *siyali* (competition), *peghor* (taunt), *bahaduri* or *zrawartia* (bravery), *sakha* (generosity) *nanawate* (giving asylum), *jarga* (mediation) etc.

paleed (urdu)/ *paleet* (Pashto)/*najas* (Arabic) – polluted/ impure

patwar halqa(s)- (cluster of villages/revenue estates)

patwar khana- office of the patwari

Patwar system- land administration

patwari(s) – village level land official(s)

perth patwar- part of mutation which remains with patwari in the register of mutations, roughly patwari copy

perth sarkar- part of the mutation which is considered as official document and confers legal rights. Can roughly be translated as the “state copy”.

poya-knowledgeable

Pukhtu- Pashto language. But this term is also used for Pukhtunwali

qanuni – legal

qisam zameen- the type of land in terms of its uses for example arid [*barani*], irrigated by canal [*shah nehri*], irrigated by a tube well [*nal chahi*] and wasteland (*banjar*).

Rankers- officers who join civil service at a lower level such as patwari and assistants and get promoted to the post of tehsildars and above. Tehsildars also when get promoted and become Assistant Commissioners and above are called *Rankers* because they join at a lower level compared to those who join as Assistant Commissioners

Reader(s)-clerks and assistants who work as personal assistants of tehsildars and other officers similar to the readers of judges in civil courts

Register Umeedwaran- candidate register in which all those are enlisted who complete their one year patwar training

registry- registered land deeds

right man- officers, politicians, brokers who have authority or can influence those with authority to get an official of officer posted in an office

roughly survey mark.

roznamcha waqiyati- the diary of patwari in which he records statements of sellers/buyers when they want a land transfer and other significant event that happen in his duty area

saayil-petitioner

Sadar Maafiz Khana- district land record room

saib - Pashto version of Urdu term *Sahab* (the gentleman) used for senior bureaucrats since the British colonial time

sale mutation [*intekaal bai*]

salim khata – the entire index

shai-thing

tabdeeli – change

table rate- the government valuation table issued by the District Collector/ Deputy Commissioner every financial year (in the month of June) through which prices are determined for each type of land. Also called “DC rate” by some people in some areas.

takseem- partitioning lands

tankha- salary

tawan- loss

tawan-loss

tehsil- sub-district

tehsildar - the Land Officer who heads land administration at the sub-district (*tehsil*) level also called "Revenue Officer and Assistant Collector or a field officer if posted in a sub-district.

zere kaar record- the land record which is in use of patwaris