

Historical Evolution and Current Legal Scenario of Housing Schemes in Bahawalpur City, Pakistan: A Review and Comments

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ABSTRACT: Bahawalpur City was once the capital of ex. Bahawalpur State. The residential development in Bahawalpur rapidly geared up in the beginning of 20th century. The main objective of the current research was to explore the housing development in a brief historical perspective and examine the legal status of housing schemes with the bylaws set by authorities timely. Primary data had been collected through personal investigation and interviewing with Tehsil Municipal Administration (TMA) of Bahawalpur City's officials. Whereas, secondary data mainly based on Punjab Private Site Development Schemes (Regulation) Rules 2005 and Punjab Private Housing Schemes & Land Sub-Division Rules 2010. TMA city has followed these planning standards to cope up the rapid development of un-authorized housing schemes. Majority of the illegal housing colonies more or less deviate from these rules and bylaws i.e. about 31 colonies that have been built during 2000-2005 and covered 379 acres of precious arable land have opposed the land development rules 2005 in many respects. Similarly, in 2011 only one colony was meet the criteria of Punjab Private Housing Scheme & Land Sub-division Rules 2010. Thus, the construction of illegal housing schemes still carry on and creating numerous sorts of implications of food shortage and environmental deterioration.

KEYWORDS: Bahawalpur City, Legal Status, Housing Schemes Rules and Bylaws, Arable Land, Food Shortage.

1 INTRODUCTION

Housing is one of basic necessities of human population that is increasing with growing population. The rising demands of affordable housing resulted in the development of private housing schemes establishing on pure farmland in the fringing areas of the cities. This trend is observable across the world in both developed and developing countries. But in developing countries like Pakistan the situation is now become a major threat for arable land sustainability and food security issues. The construction of housing schemes in Pakistan found in almost every city particularly the fertile land of Punjab province in being badly misused in account of the construction of these housing schemes. As City District Government (CDG) and Lahore Development Authority (LDA) have declared 102 private housing schemes illegal because no formal approval for them has been obtained from CDG and LDA and advised the citizens to not sale and purchase in these un-authorized housing schemes [1]. Similarly, other 73 housing schemes were also declared an illegal because of no proper approval has been obtained from LDA and citizens are beware to sale or purchase any plots in said colonies. These colonies have covered the area ranges

from less than 40 Kanals (Kanal is a land unit that is equal to 20 Marlas and one Marla is size of land equal to 225 sq. feet in Lahore and 272 sq. feet in other districts of Punjab) to more than 100 Kanals [2]. Likewise, in the national capital Islamabad the Capital Development Authority (CDA) has notified the 74 illegal housing schemes because of no layout plan and No Objection Certificates (NOCs) obtained from CDA. Citizens are strictly has been warned to refrain from any sale or purchase of plots in these illegal housing schemes. These housing schemes are found in Zone 1 to 5 and astonishingly covered a massive land area of 223,999.98 acres [3]. It is also referred in a Pakistani judicial case of the misused of over 600 agricultural farmhouses in Islamabad with the Supreme Court of Pakistan for over a year. The misuse has been continuously increasing with the constructions on it by powerful people i.e. politicians, bureaucrats, army generals, businessmen etc. allocated them to grow orchards, vegetables and produce dairy products for local people [4]. Therefore, this issue now has become a serious concern for competent authorities and policy makers. Various studies have pinpointed the severity and serious nature of these proliferating housing schemes and been proved them a major sign of threat for agricultural land resource both on national and local level i.e. Bahawalpur City [5], [6], [7], [8], [9], [10], [11], [12], [13], [14], [15]. The situation is going to be worse in Bahawalpur City that passes through a magnificent changing phase where population is surging and growing beyond limits. The increasing population put enormous stress on limited natural resources like farmland, water, air and soil. At the same time the urban growth with immigration raises the problems of housing as well and many un-authorized housing schemes and slums are being developed within city municipal limits. In old walled city there is no more vacuum available for further housing. That is why, city exaggerated outward into peri-urban productive farmland in the forms of housing colonies. Surprisingly most of the housing colonies were illegal with respect to their legal nature and bylaws rules. The legality of these housing schemes is one of the major issues concerning the availability of facilities and services and even the selling of plots because people are being aware, attentive and sought the legal position when they planned to buy plots in these housing schemes for building house. Hence, the main objective of the current research was to explore the housing development in a brief historical perspective and examine the legal status of housing schemes with the bylaws set by authorities timely.

2 DATA COLLECTION

The data used in this study rely mainly on primary data collected through personal investigation, interviewing and negotiations with Tehsil Municipal Administration (TMA) of Bahawalpur city's officials, few old inhabitants of Bahawalpur city etc. whereas, secondary data mainly based on Punjab Private Site Development Schemes (Regulation) Rules 2005 and Punjab Private Housing Schemes & Land Sub-Division Rules 2010 related to bylaws rules and standards of private housing schemes. Data about housing colonies was gathered through field visits, TMA Bahawalpur city, Punjab Housing and Town Planning Agency (PHTPA), published reports, books etc. The obtained data was in raw format that appropriately rearranged and discussed with housing bylaws, standards and rules.

3 RESULTS AND DISCUSSION

3.1 PAST TO PRESENT SITUATION OF COLONIES

Bahawalpur was once the capital city of former princely Bahawalpur State ruled by Abbasids Nawabs from 1802-1955 [16]. After that, it was abolished and merged with Pakistan. Bahawalpur City was once full of orchards, canals, palaces and clean air with little numbers of motor cars and bikes. The earliest view of Bahawalpur City was captured by [17] as the city had very scant population, and across circular road as one moved from Bahawal Victoria Hospital (BVH) to Farid gate there were dense orchards of mangoes and dates on either side of road with fewer buildings i.e. Sadiq Dean (SD) High School can be seen and few shops inside entrance of Farid gate one out of six main gates of walled city. Housing and residential expansion and development are inevitable with increase in population and economic uplift. Therefore the most prominent sector of consuming urban land through the history of Bahawalpur City is residential occupancy. Another study [18] also found that residential is a leading sector of urban land consumption in Bahawalpur City. Since the Bahawalpur not remained typical industrial centre from its beginning like the other major industrial cities of Punjab. This is evidenced that residential development remained very stagnant until the beginning of 20th century. According to TMA sources the first municipal committee act of 1943 passed by the district government made bylaws along with amendments for the year 1945 to 1963. According to this act the maps of houses and settlement were approved for construction. After the independence of Pakistan the state was merged with Pakistan in 1954 and at that time the Nawab of Bahawalpur established a trust named Baghdad-ul-Jadeed Improvement Trust (BIT). Under this trust the following colonies were established, approved and provided all basic facilities;

1. General Official Colony (Model Town B)
2. Commercial Colony (Model Town B)
3. Single Story Bungalow Scheme (Model Town B)
4. Double Story Bungalow Scheme (Model Town B)
5. *Zamindara* (Land Lord) Colony/ *Tajir* (Trader) Colony
6. Labor Colony (Model Town B)
7. Peon Colony (Model Town B)
8. Sweeper Colony (Model Town C)
9. Heavy Industrial Area-Light Industrial Area (Model Town B)
10. Officer Colony (Model Town C)

Instead above mentioned colonies some planned colonies were also established by Punjab Housing and Town Planning Agency (PHTPA) of Housing and Physical Planning Department, Government of Punjab. These were also approved and provided all basic facilities. These are following:

1. Trust Colony (Model Town A)
2. Satellite Town Scheme
3. Additional Satellite Town Scheme
4. 3 Marla Housing Scheme (Yazman Road)
5. Model Town C

These planned and organized settlements for local low income population had been built throughout the Punjab province under Punjab Housing and Town Planning Agency (PHTPA) for the provision of cheap, reliable and efficient houses in the decades of 1980-90s. Resultantly, in Bahawalpur City these residential houses had been built owning the label of Area Development Scheme (ADS). These are three in number including one additional town area (Old Satellite Town Garden Area). According to PHTPA official another organize housing scheme in this series named ADS IV is also under consideration and would be started in near future. The brief details of these completed schemes are given below:

Table 1. Organized Settlements by PHTPA in Bahawalpur City

Scheme No.	Name	Total Area (Acres)	Provision of Development Plots (Residential + Commercial)	Date of Start	Date of Completion
ADS I	Satellite Town	86	1,321 + 28 = 1,349	1987-88	1992
ADS II	3 Marla Housing Scheme	56.89	(Resi. + Comr. + Comr. cum Resi.) (1,364 + 140 + 49 = 1,553)	1987-88	1992
ADS III	Model Town C	80	768 + 113 = 881	1982-83	1986
	Old Satellite Town Garden Area	22.75	(Resi. + Comr. + Comr. cum Resi.) (116 + 62 + 53 = 231)	1984	1985

Source: [19]

Note: Model Town C (Low Income Housing Scheme) originally launched in 1973 by the Govt. of Punjab but construction process started later. In the same year Govt. Employee, Co-operative Housing scheme (Hasilpur Road, opposite Baghdad-ul-Jadid campus (Islamia University Bahawalpur) inaugurated by the Govt. Employees Co-operative Housing Society limited. It is still in developing process.

In coming years, Municipal committee turned into Municipal Corporation in the year 1987 and worked under this title for 15 years. At that time, the role and responsibilities of Municipal Corporation was limited as the population of the city was not too much and city not too expanded physically. Later, in the year 2002 the corporation again renamed and become Tehsil Municipal Administration (TMA) Bahawalpur City. The whole municipal system was modified and replaced with new rules and law basis. Now TMA City formulates New Town Building Laws under the light of the Punjab Gazettes Town Planning bylaws July, 27, 2004. Under the Clause section II Sub Land-Division the farmland owners were privileged to established

colonies on their farmland. Resultantly, three colonies were approved by the TMA City and provided all basic facilities and services (Table 2).

After this Local Government and Rural Development Department (LG & RD Departments of Govt. of Punjab) Lahore imposed Punjab Private Site Development Schemes (Regulation) Rules 2005 that forbid and restricted approving all those Private Housing Schemes that have less than 160 Kanals (20 acres).

Table 2. Approved Housing Schemes by Land Sub-Division 2004

Sr. No.	Name of the Colony	Area (Acres)	Location	Date of Approval
1	Gulshan-e- Bahawalpur	3 1/2	Mouza Kerna, Jail Road	8-7-2002
2	Rehman Garden Phase I	18	Mouza Hutwala, Yazman Road	4-1-2005
3	Rehman Garden Phase II	17	Mouza Hutwala, Yazman Road	4-6-2005

Source: [20]

3.2 PRE-REQUISITE FOR THE HOUSING SCHEME IN 2005

According to Punjab Private Site Development Schemes (Regulation) Rules 2005 the applications for housing schemes development were entertained keeping in view the following pre-requisite conditions;

1. All the documents/requirements as per rule 3(2) should be completed
2. Width of the road would not less than 30 feet
3. Scheme should be safe from the danger of flooding
4. Minimum area of the scheme would not less than 160 Kanals (20 acres)
5. Land is not required or has been notified by the government for any other purpose.

3.3 PLANNING STANDARDS FOR A HOUSING SCHEME IN 2005

Private Site Development Schemes (Regulation) Rules 2005 also contributed some planning standards for the purpose of roads construction and proper residential use. For this purpose it is stated that the National Reference Manuel on Planning and Infrastructure Standards were kept in view. The land uses other than the above are as under;

- | | |
|--------------------------------------|---------------------------------------|
| a) Open Spaces/Parks | Not less than 7% of total scheme area |
| b) Graveyard | Not less than 2% of total scheme area |
| c) Commercial Area | Not less than 5% of total scheme area |
| d) Maximum Size of Residential Plots | 1,000 sq. yards |
| e) Minimum Road Width | 30 feet |
| f) Public Buildings | 2-10% of total scheme area |

During this time period the 31 colonies were established. Nevertheless, many of them were being started before the year 2005 and majority of those were under progress and development at that time but these all standardized and were examined with these new rules. In addition, many of them were being more or less deviate and opposed the Private Housing Schemes (Regulation) Rules 2005 (Table 3).

These all colonies established on productive farmland and covered a vast area of about 379 acres. This bigger amount of productive land that engulfed within few years indicates serious nature and scale of the problem with possible adverse effects on food supplies, environmental quality and life sustainability for humans as well as regional flora and fauna. Many of them were un-authorized and against the rules and doesn't meets the requirements and codal ethics. Moreover, many of them were those that actually have been started before the year 2005 but mentioned, listed and propagated later. TMA city currently has been taken necessary action and is in contact with High Court for proper advice and judiciary orders.

Table 3. List of Un-Authorized Colonies after 2005 in TMA (City) Limits

Sr. No.	Name of Housing Scheme	Area (Acres)	% Development Work Done	% Construction Work Done
1	Canal Garden	46	30	00
2	Al-Mehboob Garden	16	00	00
3	Yousuf Town	11	10	00
4	Paradise City	8	70	1
5	Royal City	20	50	2
6	Garden Town, Yazman Road	12	70	00
7	Darbar Mehel Town	8	50	1
8	Faisal Baag	20	80	5
9	Allama Iqbal Town	20	70	3
10	Cheema Town Phase I	7	80	2
11	Cheema Town Phase II	9	60	2
12	Shadman City	43	In Progress	00
13	Bahawal Town	8	00	00
14	Khalid Garden & Asif Garden	12	40	1
15	New Shadab Colony	9	00	00
16	New Green Town	3	00	00
17	Canal City	7	00	00
18	Al-Khair Town	3	00	00
19	Umer Garden	7	00	00
20	Madni Town	9	00	00
21	Atif Aziz Town	8	50	2
22	Al-Harum Town	5	50	2
23	Tariq Aziz Town	3	50	5
24	Al-Jannat Town	16	90	2
25	Sabza Zar	8	50	10
26	New Satellite Town	8	60	2
27	Gulshan-E-Iqbal	25	30	10
28	Madina Town	12	20	20
29	Khakwani Colony	5	40	70
30	Usman Bin Affan Town	5	20	3
31	Abbasi Town	6	22	20
	Total	379		

Source: [21]

Later, in order to grant mandatory registration and legal status Punjab government give more relaxations and easiness to developers and colony builders and Local Government and Community Development (LG & CD) Department of Government of Punjab had introduced new private housing schemes rules named Punjab Private Housing Schemes & Land Sub-Division Rules 2010 in 2010. Beside the fulfillment of legal necessities one of the basic aims of the introduction of these new rules was to accumulate more revenue as well. These rules had abandoned the former Punjab Private Housing (Regulation) Rules 2005 and offered new criteria and requirements for new housing schemes building within the city municipal limits.

3.4 PUNJAB PRIVATE HOUSING SCHEMES & LAND SUB-DIVISION RULES 2010

Although Punjab Private Housing (Regulation) Rules 2005 were sufficient and meets the needs of new developments of housing schemes in the city but majority of these housing schemes were un-authorized and owners or developers just focused on selling their land as soon as possible to escape from these rules and without paying any fees. People also had no hesitation to buy these plots because they were made insured to provide all facilities by either developers or concerned authorities or TMA of the city. But in reality the forthcoming situation was not very good and according to the anticipations

of buyers. Owners and developers were going to disappear after selling out their land without ensuring the provision of facilities like gas, electricity, sewerage, drainage, metaled roads etc. and concerned authorities and TMA city demanding citizens to approve the layout plan of the houses on vacant plots passing through a legal procedure after paying nominal approval fees. The main reasons of this disobedience and lawless activities were the heavy fee, strict conditions and less amount of land area as per housing scheme required. Thus later on, new rules were introduced by the Government of Punjab named Punjab Private Housing Schemes & Land Sub-Division Rules 2010. In these rules new standards were proposed that gave many new relaxations to developers and colony planners in order to bring their colonies in approved status i.e. the mandatory limit of land area of per housing scheme that was 160 Kanals (20 acres) had been reduced to 100 (12 ½ acres) Kanals etc.

3.5 PLANNING STANDARDS FOR A HOUSING SCHEME IN 2010

The new rules has emphasized that a housing scheme is planned and sanctioned in accordance with the national Reference Manual on Planning and Infrastructure Standards prepared by Ministry of Housing and Ministry of Environment (Govt. of Pakistan) under the local Town Municipal Administration, a TMA or development authority. A developer should deposits preliminary planning permission fee of 5,000 PKR for the housing scheme having an area up to 2,000 Kanals and those housing schemes have an area of more than 2,000 Kanals were getting charged 10,000 PKR. In spite, sanction fee of a scheme should be charged at the rate of 1,000 PKR per Kanal. Besides, approval of design and related specifications for water supply, sewerage and drainage at the rate of 500 PKR per Kanal. Same amount would be charged in case of approval of the design of roads, bridge and footpath of a scheme. While approval of design for electricity and street light would be charged according to fixed rate of WAPDA. The amount of fee according to government rules would subject to change time by time. The fee for conversion of land use from peri-urban to scheme area would also be charged at the rate of 1% of the value of residential land as per valuation table or 1% of average sale price of residential land in the surrounding in case of valuation table is not available. These rules were more comprehensive and effective. The developer while planning a housing scheme should consider the following requirements;

- | | | |
|----|--|-------------------------|
| a) | Open Space or Parks | 2% and above |
| b) | Graveyard | 2% and above |
| c) | Commercial Area | 2% |
| d) | Public Buildings | More than 2% and above |
| e) | Maximum Size of the Plot | 1,000 sq. yards |
| f) | Approach Road in City District | Not less than 60 feet |
| g) | Approach Road in other Districts | Not less than 40% feet |
| h) | Internal Roads with minimum | 40 feet right of way |
| i) | Accommodation of roads | Proposed in master plan |
| j) | A 10 Marla plot for solid waste management (SWM) up to 1,000 plots and 10 Marla plot for every additional 1,000 plots | |
| k) | 20% plots of the housing scheme shall be reserved/ planned for plots up to 5 Marlas for low income group | |
| l) | Location of a tube well, overhead reservoir, pumping station and disposal station to be provided if required by Water and Sanitation Agency (WASA) | |
| m) | Site of grid station to be provided if required by Water and Power Development Authority (WAPDA) and | |
| n) | Green strips under high tension electricity line as per requirements of WAPDA. | |

These all standards were compulsory for establishing a housing scheme having 100 Kanals or more. Majority of the housing schemes were deprived more or less from the pre-requisites like the allocation of land area for open space/Park and public buildings were much less as required. Similarly, the graveyard and mosque were almost absent or still not clearly demarcated within the housing schemes. Housing schemes that have area less than 100 Kanals were subject to fulfill other sorts of requirements that come under the title of Land Sub-Division. TMA city, Town Municipal Administration or concerned authority was allowing sub-division of;

1. A plot in an approved housing scheme
2. A parcel of land which is less than 100 Kanals

After verification of ownership documents TMA city, Town Municipal Administration or Development Authority would entertained an application for sub-division of land which is less than 100 Kanals subject to following requirements;

- a) Width of access road to land is not less than 30 feet
- b) Land is not prone to flooding
- c) Land is not notified by the government for acquisition for any purpose
- d) Land is locked due to the following:
 - i. Surrounded by an existing built up area or an approved housing scheme
 - ii. Separated from the built up area by physical barriers
- e) A developer does not own additional land in continuation of the land proposed for sub-division
- f) Road width in a proposed sub-division plan shall not less than 30 feet
- g) A developer shall transfer area under road through transfer deed to a Town Municipal Administration, a TMA or a development authority.
- h) A developer shall provide internal infrastructure and services; and
- i) A developer shall ensure provision of septic tank in each plot in case of public sewerage system is not available.

Table 4. Check List of the Scrutiny of a Scheme Plan for Sanction a Housing Scheme

Sr. No.	Scrutiny of Scheme Plan	Option (Yes)		Option (No)	
		Yes	No	Yes	No
1	Scale of scheme plan is correct	Yes	No	No	No
2	Scale of location plan is correct	Yes	No	No	No
3	Size and dimensions of each plot is given	Yes	No	No	No
4	Chamfering of corner plot by 5x5 feet up to one Kanal and 10x10 feet for two Kanal and above is done	Yes	No	No	No
5	Size and dimension of public building and open space is given	Yes	No	No	No
6	Right of way of road is written	Yes	No	No	No
7	Parking area with parking pattern is indicated	Yes	No	No	No
8	Dimensions of boundary of scheme is written	Yes	No	No	No
9	Boundary of a Mouza or a revenue estate and <i>Khasras</i> is superimposed on the layout plan	Yes	No	No	No
10	Number and boundary of each <i>Khasra</i> (The cultivator's data) in a Mouza is given	Yes	No	No	No
11	Area and land use percentage of following is given; <ul style="list-style-type: none"> i. Residential use ii. Commercial use iii. Open space iv. Road v. Graveyard vi. Public Building vii. Other Uses 	Yes	No	No	No
12	Aggregate of various categories of plots with area and size is given	Yes	No	No	No
13	Area of existing graveyard, if any, excluding it from area required for a graveyard is given separately	Yes	No	No	No
14	Location of pumping station if any, is shown	Yes	No	No	No
15	Location of overhead tank and tube well is shown	Yes	No	No	No
16	List of various categories of plots to be mortgaged is given and hatched	Yes	No	No	No
17	Signature of the developer and a town planner	Yes	No	No	No
18	Seal of the approving authority is given	Yes	No	No	No
19	Cardinal sign indicating north is shown	Yes	No	No	No
20	Name of scheme if any is given	Yes	No	No	No
21	Names of the Mouzas comprising a scheme is given	Yes	No	No	No
22	Open space or park not less than 7%	Yes	No	No	No
23	Commercial area is 5%	Yes	No	No	No

Source: [22]

During field survey it is observed that under these rules many new housing schemes were originated in 2011 but majority of them were not fulfilled the above said pre-requisites and thus were legally not approved by the TMA city. The selected housing schemes built during 2011 are following;

Table 5. Approved Housing Schemes by TMA Bahawalpur City in year 2011

Sr. No.	Name of the Housing Scheme	Area (Acres)	Year of Start	Approved/ Not Approved
1	Shaheer Garden	10	2011	Approved
2	Doctors Town	9	2011	Not Approved
3	Zakariya Town	5	2011	Not Approved
4	Diamond City	6	2011	Not Approved
5	Qurashi Garden	10	2011	Not Approved
	Total Area	40		

Presently, the building of these private housing schemes is still continue and can be witnessed in all directions of the city with a rapid pace and covered large size of area as compare to the colonies that were built earlier. As during 2011, five colonies had been established on peri-urban areas of Bahawalpur City. Astonishingly, within few months of 2011 these selected five colonies had been taken out an area of 40 acres of pure cultivated land. This implies quick changeover of agricultural land that is ceaselessly encroaching by urban built up land. Among these, Shaheer garden was the only housing scheme that has been legally approved by TMA. This further indicated the implications of these housing schemes despite the matter of arable land conversion.

4 CONCLUSION

Bahawalpur City was once the capital of ex. Bahawalpur State and holds a centering position. The residential development in Bahawalpur remained stagnant until the beginning of 20th century but later rapidly geared up. To control and served the urban area municipal corporation was established in 1987 that later changed with Tehsil municipal Administration (TMA). TMA city has followed planning standards and land sub-division rules (2005 and 2010) to cope up the rapid development of un-authorized housing schemes in the fringing areas of the city. But majority of the illegal housing colonies more or less deviate from these rules and bylaws and hence ranked un-approved or un-authorized housing colonies i.e. about 31 colonies that have been built during 2000-2005 and were covered 379 acres of precious arable land have abided the land development rules 2005 in many respects. Similar situation was observed later in the matter of constructed colonies as in 2011 among 5 colonies only one colony (Shaheer Garden) was meet the criteria and requirements of Punjab Private Housing Scheme & Land Sub-division Rules 2010. Thus, it can be conclude that construction of illegal housing schemes is still carry on with a dramatic pace on pure fringing arable land regardless the planning standards and rules and creating numerous sorts of implications ranging food shortage to deterioration of scenic landscape.

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