A SOCIOLOGICAL ANALYSIS OF LAND DISPUTES: A CASE STUDY OF LOWER DIR

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ABSTRACT

Land disputes are indeed a key factor in the disintegration and destabilization of developing societies like Pakistan. The present study was undertaken to find out the major causes, as well as consequences, of land disputes in Lower Dir district. On the basis of land disputes cases from 2001-2010, 250 respondents were selected from the whole universe through proportion allocation method of sampling, including 50 respondents from land disputes related office bearers and lawyers. An interview schedule and a questionnaire were used for the collection of data from land-disputants and land related officers, lawyers respectively. Then the collected data was analyzed through SPSS. It was found that the major causes behind land disputes in the study area were mass illiteracy, non-existence of land registration system, increase in land value, greed and lust, defective land administration system and inefficiency of land disputes resolving institutions. Many socio-economic impacts of land disputes were detected through the present research study such as heavy expenditure on litigations that leads to poverty and indebtedness, wastage of time, source of enmity and psychological complexities. The role of formal and informal land disputes resolution agencies were also taken into consideration which was unsatisfactory. To overcome the problem of land disputes implementation of land registration system, awareness of illiterate masses, implementation of Islamic laws of inheritance in its letter and spirit, eradication of corruption from land administration department and efficient judicial system for the resolution of land disputes in Lower Dir are needed.

Part-B 46
2.5 Theories Related to Conflict 46
2.5.1 Karal Marx's Social Conflict Theory 47
2.5.2 Randall Collins' Social Conflict Theory 47
2.5.3 Ralf Dahrendorf' Social Conflict Theory 48
2.5.4 Lewis Coser's Social Conflict Theory 49
2.6 Area Profile 50
2.6.1 Topography 50
2.6.2 Location 51
2.6.3 Climate 51
2.6.4 Population 51
2.6.5 Agriculture 52
2.6.6 Forestry 52
2.6.7 Horticulture 52
2.6.8 Mining 52
2.6.9 Language 52
2.6.10 Religion 53
2.6.11 Castes 53
2.6.12 Family System 53
2.6.13 Education 53
2.6.14 Health Facilities 53
2.6.15 Industry 54
2.6.16 Occupation 54
2.6.17 Communication 54
2.6.18 Shopping Centers 54
2.6.19 Dress 54
2.6.20 Culture 55
2.6.21 Recreation 55
2.6.22 Social Problems 55
2.6.23 Archaeological Sites 55
2.7 Summary 56
CHAPTER-03 57
METHODOLOGY 57
3.1 Scope of the Study 57
3.2 Hypotheses 57
3.3 Methodology 58
CHAPTER-04 60
DATA ANALYSIS AND PRESENTATION 60
4.1 Introduction 60
4.2 Data Analysis of Land Disputes Partners (Community) 61

Summary 123
4.3 Data Analysis of officers Related To Land Disputes: 124
Summary 167
4.4 Testing of Hypothesis Applying Chi-Squire Test 168
CHAPTER-05 176
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS 176
5.1 Findings: 176
5.2 Conclusion: 185
5.3 Recommendations: 186
Bibliography 189
Annexure-A 194
Interview Schedule (For the Land Dispute Partners) 194
Annexure-B 202
Questionnaire (For Judges, Lawyers, Land Administrators) 202

LIST OF TABLES AND DIAGRAMS

Land Dispute Partners (Community):

Table and Diagram-01:Age and Marital Status of the Respondents 61

Table and Diagram-02:Family Type and Members 62

Table and Diagram-03:Educational Status and Qualification 63

Table and Diagram-04:Employment Status and Field of Profession 64

Table and diagram-05: Monthly income of the respondents 65

Table and Diagram-06:Total land and Land use 66

Table and Diagram-07:Land received inherently and purchased 67

Table and Diagram-08: Gifted Lands 68

Table and Diagram-09:Size of the disputed lands 69

Table and Diagram-10:Use of Disputed Lands for crop Production 70

Table and Diagram-11:Use of Disputed Lands for Horticulture 71

Table and Diagram-12:Disputed Lands consists of Forest 72

Table and Diagram-13:Market value of Disputed Lands 73

Table and Diagram-15:Inheritance as common type of Land Disputes 75

Table and Diagram-16:Mortgage as common type of land disputes 76

Table and Diagram-17:Preemption as a common type of land disputes 77

Table and Diagram-18: Encroachment as a common type of land disputes .. 78

Table and Diagram-19:Ownership as a common type of land disputes 79

Table and Diagram-20:Popular Type of Land Disputes 80

Table and Diagram-21:No Registration as Contributing Factor of Land Disputes 81

Table and Diagram-22:Unclear Boundaries as a Factor of Land Disputes 82

Table and Diagram-23:Illiteracy as a Factor of Land Disputes 83

Table and Diagram-24:Greed and Lust as Factors of Land Disputes 84

Table and Diagram-25:"Might is Right" as a Factor of Land Disputes 85

Table and Diagram-26:Maladministration as a Factor of Land Disputes 86

Table and Diagram-27:Power and Authority with Group of People as Factor of Land Disputes 87

Table and Diagram-28:Increase in Land Value as a Factor of Land Disputes 88

Table and Diagram-29:More contributing Factors of Land Disputes 89

Table and Diagram-30:Economic Impact of Land Disputes 90

Table and Diagram-31:Land Disputes are Time Consuming..... 91
Table and Diagram-32:Land Dispute is the Loss of Energy 92
Table and Diagram-33:Land Disputes affect Mutual Relationships 93
Table and Diagram-34:Land Disputes are the Risk of Life 94
Table and Diagram-35:Land Disputes are the Loss of Property 95
Table and Diagram-36:Land Disputes are Tension / Depression Producing .. 96
Table and Diagram-37:Land Disputes are Problem for the Posterity 97
Table and Diagram-38:Land Disputes create Attraction of Corruption for Land Administration..... 98
Table and Diagram-39:The most important impact of Land Disputes..... 99
Table and Diagram-40:Positive Role of Courts in Resolution of Land Disputes 100
Table and Diagram-41:Satisfaction from the Role of Courts in Land Dispute settlement 101
Table and Diagram-42:Specification of Non Satisfaction from Courts Role in Land Disputes Settlement 102
Table and Diagram-43:Courts Give Proper Attention and Time to Land Disputes Cases 103
Table and Diagram-44:Sharp Decision by Courts..... 104
Table and Diagram-45:Delaying tactics used by courts..... 105
Table and Diagram-46:Court Proceeding Easy and Accessible..... 106
Table and Diagram-47:Local *Jirga* for the Resolution of Land Disputes..... 107
Table and Diagram-48:Satisfaction from the *Jirga*..... 108
Table and Diagram-49:Specification of Satisfaction from the Function of *Jirga* 109
Table and Diagram-50:Specification of Non Satisfaction from the role of *Jirga* 110
Table and Diagram-51:Functions of Local *Jirga* 111
Table and Diagram-52:Proper Ways and Means for Resolving the Land Dispute Cases..... 112
Table and Diagram-53:Satisfaction from the ways and Means of Resolving Land Disputes..... 113
Table and Diagram-54:Extent of Satisfaction from the ways and Means of 114
Table and Diagram-55:Specification of Non Satisfaction from the ways..... 115
Table and Diagram-56:Proper Land Registration Systems in the area 116
Table and Diagram-57:Proper Land registration System needed in the..... 117
Table and Diagram-58:Land Disputes can be Resolved through..... 118

Table and Diagram-59:Land Disputes can be Resolved through increase.... 119
Table and Diagram-60:Land Disputes can be Resolved through eradication of Corruption 120
Table and Diagram-61:Land Disputes can be Resolved through expansion. 121
Table and Diagram-62:Land Disputes can be Resolved through..... 122

Officer Related to the Land Disputes:

Table and Diagram-1:Age of the Respondents 124
Table and Diagram-2:Marital Status of the Respondents 125
Table and Diagram-3:Family Type 126
Table and Diagram-4:Qualification..... 127
Table and Diagram-5:Designation 128
Table and Diagram-6:Income of the Respondents 129
Table and Diagram-7:Cases of Land Disputes..... 130
Table and Diagram-8:Greed as a Contributory Factor of Land Disputes 131
Table and Diagram-9:Absence of Land Registration System as a..... 132
Table and Diagram-10:Increase in Land Value as a Contributory Factor..... 133
Table and Diagram-11:Land as Main Source of Livelihood as a..... 134
Table and Diagram-12:"Might is Right" as a Contributory Factor of Land . 135
Table and Diagram-13:Disobedience to Law as a Contributory Factor of ... 136
Table and Diagram-14:Land mafia as a Contributory Factor of Land..... 137
Table and Diagram-15:Prejudice to others as a Contributory Factor of 138
Table and Diagram-16:Dishonesty as a Contributory Factor of Land 139
Table and Diagram-17:Limited Land as a Contributory Factor of Land 140
Table and Diagram-18:Popular Factors of Land Disputes 141
Table and Diagram-19:Indebtedness is an Economic Impact of Land..... 142
Table and Diagram-20:Expenditures on Litigations as an Economic 143
Table and Diagram-21:Poverty as an Economic Impact of Land Disputes .. 144
Table and Diagram-22:Tension as a Socio-Psychological Impact of Land .. 145
Table and Diagram-23:Wastage of Time as a Social Impact of Land 146
Table and Diagram-24:Enmity as a Social Impact of Land Disputes 147
Table and Diagram-25:Bad Relationship as a Social Impact of Land 148
Table and Diagram-26:Problems for Coming Generations as Social 149
Table and Diagram-27:Important Impacts of Land Disputes..... 150
Table and Diagram-28:Positive Role of Courts in Settlement of Land..... 151

Table and Diagram-29:Sharp Decision of Courts in Land Dispute Cases 152
Table and Diagram-30:Court Procedure Easy and Accessible..... 153
Table and Diagram-31:Existence of Local *Jirga* and its Structure 154
Table and Diagram-32:Satisfaction from the Performance of Local *Jirga*... 155
Table and Diagram-33:Reasons for No satisfaction from the performance.. 156
Table and Diagram-34:Functions of Local *Jirga* in Settlement of Land 157
Table and Diagram-35:Better Ways of Resolution of Land Disputes..... 158
Table and Diagram-36:Why *Jirga* a Better Way of Resolution of Land 159
Table and Diagram-37:Satisfaction from Ways and Means of Land 160
Table and Diagram-38:Reasons for No Satisfaction from Ways and Means 161
Table and Diagram-39:Existence of Land Registration System 162
Table and Diagram-40:Need of Land Registration System and its..... 163
Table and Diagram-41:Land Registration System Needed for the 164
Table and Diagram-42:Education Needed for the Resolution of Land..... 165
Table and Diagram-43:Enhancement in the Number of Courts and Judges . 166

GLOSSARY

- *Jaagir* Gifted Land
- *Shaamilat* Village common land
- *Mauazaa* Revenue estate or village
- *Hiba* Gift
- *Waqaf* Donated
- *Usher* Religious tax on land products
- *Shariat.* Islamic Law
- *Nawabism* Rule of Duke
- *Masjid* Mosque
- *Shura* Consultancy forum
- *Jirga* Village council of elders
- *Jarib* Local unit for measuring the land and equal to 3600 Sq Yards
- *Gaz* Yards
- *Aman* Peace
- *Qabza Sacha, Daawa Jhoota* Occupation is right the claim is wrong
- *Kachi aabadi* Slums
- *Panchayat* Village decisional council
- *Biradari* Kinship

- *Riwaaj* Custom
- *Mashare* Besides due share an extra asset gifted to elder heir
- *Miraskhur* Inheritor
- *Kanal* Size of land equal to 5445 sq feet
- *Nawab* Duke
- *Pardah* Hiding Face by females as per Islamic teachings
- *Burqa* Veil
- *Chader* Blanket
- *Dalal* Broker
- *Patwari* Village Register and Accountant
- *Girdawar* Revenue Official who supervises the work of three *Patwaries* in his circle

LIST OF ABBREVIATIONS

- BOR Board of Revenue
- SMBR Senior Member Board of Revenue
- PIU Produce Index Unit
- FAO Food and Agriculture Organization
- PPP Public Private Partnership
- LRS Land Registration System
- KWSB Karachi Water and Sewerage Board
- AECK Anti Encroachment Cell Karachi
- AC Assistant Collector
- ADR. Alternate Dispute Resolution
- CDR Centre for Dispute Resolution
- VDC Village Development Committee
- FEFA Frontier Education Foundation Academy
- NHRC National Human Rights Commission
- NGO Non-Governmental Organization
- PBR Provincial Board of Revenue
- TI Transparency International
- SLRM Sindh Land Reforms Movement
- STA Sindh Tenancy Act

- BLAA Bonded Labor Abolition Act
- EDOR Executive District Officer Revenue
- SPSS Statistical Package for Social Sciences
- CAMP Community Appraisal and Motivation Program
- RDI Rural Development Institute
- COLARP Consortium for Land Research and Policy Dialogue
- KMD Kathmandu

Chapter-01

INTRODUCTION

1.1 Background of the Study

A dispute is a social situation in which two or more groups are concerned whose bases are divergent either in benefit or the social status occupied (Ambusch, 1999). So the land dispute may be defined as a societal condition in which two groups are in the process of interaction and their difference in benefit are pertaining to the rights to land, rights of the utilization of land, rights of the ownership of land, rights of income generation from the land, land exclusion of others, right to transfer the land and compensation right. In short, a land dispute means conflict over land property rights (Wehrmann, 2005).

It is generally viewed that a dispute is totally a destructive social process and it performs no positive function. But sociologically it is believed that social dispute is imperative for social change. Land disputes lead to change if they go ahead to enormous objection and consequently resulted change in the legal framework of the government. For example, the dispute among tenants and landlords have resulted in the promulgation of land reforms in Pakistan (Chaudhry, 2002).

There are many different forms of land disputes. There may be dispute between single parties over the boundary demarcation of land, dispute of inheritance among siblings and dispute over the use of land. It includes some of the land disputes, which can easily be solved. The land disputes in which several parties are involved such as evictions or invasions of whole agreement are comparatively further hard to pact with. There are many countries where indigenous people have been deprived of the possession of land because of lack of recognition their rights to land or have been declared as invalid by the

government or in the course of privatization of their land by the statesmen (UN – Habitat, 2005).

Land dispute is a social fact and can occur anywhere and at any time. Need and greed both are equally responsible for the frequent occurrence of land disputes. Scarcity of land, increase in land value and rapid growth of population has further worsened the situation.

1.2 Land and Property Rights in Pakistan

1.2.1 Defining Land Disputes

Land:

The term "Land" and "property" are used often interchangeable under the Pakistan laws. Land in Pakistan is considered immovable property. There is a distinction between movable and immovable property, immovable property includes land, buildings, benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth, hereditary allowances, rights to ways, lights, ferries and fisheries.

Movable property means property of every description except immovable property. It means that all other property that is not immovable property is included in the concept of movable property. The standing timber, growing crops or grass, fruit upon and juice in trees weather in existence or to grow in future and the machinery embedded in or attached to the earth are also movable property (section 2 of the Registration Act, 1908 and section 3 of the General Clauses Act, 1897).

Land Disputes:

A Land dispute can be defined as a social fact in which at least two parties are involved, the roots of which are different interests over the property rights to land.

1.2.2 Who Can Own Land?

The property rights are protected under the constitution of Pakistan 1973, as well as under many special and specific laws that deal with various types of property and various aspects of property rights.

Article 23 of the constitution of the Islamic Republic of Pakistan declares that "every citizen shall have the right to acquire, hold and dispose of property in any part of Pakistan, subject to the constitution and any reasonable restrictions imposed by law in the public interest.

Article 24 of the constitution says that " No property shall be compulsorily acquired or taken possession of save for a public purpose, and save by the authority of law which provides for compensation therefore and either fixes the amount of compensation or specifies the principles on and the manner in which compensation is to be determined and given."

Article 172 states that "Any property which has no rightful owner, shall, if located in a province, vest in the government of that province and in every other case, in the Federal Government." It simply means that if either the Federal or the Provincial Government does not own a property, then private individuals shall own it.

All the lands, minerals and other things of value within the continental shelf or underlying ocean beyond the territorial waters of Pakistan shall vest in the federal government and the mineral, oil and natural gas with in the province or the territorial waters adjacent thereto shall vest jointly in equal proportions in that province and the federal government.

Under article 173, the federal government and the provincial governments can grant, sell, dispose or mortgage any property that vest in them. These governments can purchase or acquire property. All properties acquired for the purposes of the federation or of a province shall vest in the federal government of the concerned provincial government.

1.2.3 Laws Regulating Property Rights

There are numerous laws that regulate the ownership, transfer, acquisition, taxation, registration, tenancy etc. of immovable property. The following legislations are more important.

i. The Transfer of Property Act 1882.

ii. The Punjab Tenancy Act 1887.

iii. The Government Tenants Act 1893.

iv. The Land Acquisition Act 1894.

v. The Registration Act 1908.

vi. The Colorization of Government Lands Act 1912.

vii. The Sindh Tenancy Act 1950.

viii. The Khyber Pakhtunkhwa Tenancy Act 1950.

ix. The Provincial Land Revenue Act of 1967.

x. The Baluchistan Tenancy Ordinance 1978.

xi. The Land Record Manual.

xii. The Land Administration Manual.

xiii. The Settlement Manual.

Some of these laws relate to land or property in rural areas, where as some relate to urban areas, but some have overlapping applications to both types of the property but normally the laws that govern immovable in rural and urban areas are different.

1.2.4 Land Settlement Operation

Land settlement is a vast operation conducted by several experienced, full time officials of the revenue Department under a settlement officer who is equal in rank to a Deputy Commissioner or District Collector. Settlement operations are conducted at one time in one district and sometimes only in one tehsil. During settlement operations, the powers of the collector, which are ordinarily

exercised by the Deputy Commissioner / District Officer (Revenue), are transferred to the settlement officer.

The land revenue is one of the sources for taxes, so there is an established system of land revenue assessment. Most of the areas in Pakistan have been subject to the settlement operation in which the land holdings have been consolidated, demarcated various units (Acres), soil classified and land revenue assessed. Some areas are still unsettled and in these areas, the land administration is not very regular.

1.2.5 Basic Categories of Land

From the view point of ownership, all land in Pakistan (including Azad Jammu & Kashmir and Gilgit-Baltistan) can fall into one of the three categories they are:

1: State Owned Land

Some portions of land in Pakistan are called state owned land. It means that its ownership or legal entitlement vests in the government. Government means the federal or provincial or local government. State land may be classified as follows.

a) State land assigned to individuals for various uses including cultivation, storage etc on a temporary basis.

b) State land granted to individuals under various schemes like cattle breeding, horse stud etc. In this category, the ownership belongs to the state.

c) Governments used to grant lands to the influential citizens as *jaagir* (Gift) largesse. The Mughals and then British mostly did it.

d) State land that is cultivated directly under the state by tenants.

e) State land that is temporarily allotted on some payment schedule to the citizens so that the citizens could make these lands cultivable.

f) State lands under illegal occupation of the citizens and state does not want to evict them.

g) State lands that are under some government scheme or are under afforestation.

h) State lands that are barren and are not under cultivation due to its unsuitable soil.

2: Privately Owned Lands

a) Farmland usually falls under private ownership. It may be self-cultivated or cultivated through tenants.

b) Private owners have full rights to sell, gift, exchange or dispose of their private land in any manner they wish subject to some legal limitations.

c) The constitution and laws give equal rights of ownership, tenancy and sale and purchase of land to women.

d) The private owned land is subject to automatic inheritance under the Muslim personal law.

3: Village Common Land

a) The term "*shamilat*" is universally used in Pakistan to denote village common land. The best translations of *shamilat* in the English language would be "common land" or "community land"

1.2.6 Basic Structure of Land Administration in Pakistan

The land matters are administered by the revenue Department of the provincial government. Even the land of the federal government is also handled by the revenue Department of the province.

For administrative purposes, Pakistan is divided into provinces. The provinces are divided into divisions. Commissioners, who are senior civil servants, are appointed by the provincial governments to head the divisions.

The Division is divided into Districts. Each Division has approximately three to six Districts. A District is headed by Deputy Commissioner to be appointed by the provincial government.

Districts are divided in tehsils. Each District has approximately three to five tehsils. Tehsildar heads each tehsil.

The tehsil is divided in *Mauazaa* (Revenue estate or village)

The basic unit of land administration is a village (*Mauazaa*) and groups of villages form a *Patwar* circle headed by a *patwari*.

However, for administrative convenience, by combining a group of about 10 *Patwar* circles is made a new unit called, *Girdawar* circle headed by *Girdawar*. Two to three *Girdawar* circles constitute a revenue officer's circle and it is headed by *Naib-tehsildar*.

Two to three Revenue circles together form a tehsil where all the record of the land administration is maintained.

1.2.7 Division of work in Revenue Administration

The functions and duties of the important revenue officials are as under.

1. ***Patwari***

   A *Patwari* is the lowest official in the revenue hierarchy. The functions performed by the *patwari* make him the most important official of the revenue Department. *Patwari* maintains all the land revenue record of his concerned *Patwar* circle.

2. ***Girdaawar***

   The *girdaawar* is supposed to carry out 100% check of the *patwari's* work.

3. ***Tehsildar***

Thesildar is the incharge of a tehsil. He supervises all the functions of the *patwari* and *Girdawar* and provides them leadership.

4. **Deputy Commissioner**

Deputy Commissioner is the head of the revenue and land administration in a district and is the chief representative of the provincial government.

5. **Commissioner**

At the divisional level, the head of revenue administration is the commissioner. Commissionarate is the chief representative of government in Division and acts as coordinator of government in activities at the Divisional level.

6. **Board of Revenue**

Provincial Board of Revenue is at the apex of the land administration system. It is a statutory body. BoR consists of many members and is headed by the Senior Member Board of Revenue (SMBR).

1.2.8 Sources of Acquisition of Property Rights

Property rights may be acquired through the following ways.

1. **Sale-purchase**

Sale purchase is the most common mode of acquisition of property rights. The sale may be made between private individuals, allocation by a public authority through allotment, lease, auctions or ballot etc.

2. **Inheritance**

These are unearned property rights acquired after the death of an owner of a property on the basis of personal family laws applicable to the deceased's faith.

3. **Will**

It is permissible for a citizen of Pakistan to make a will about the disposal of a property. Every person male and female of sound mind may dispose of his/her property by will. Only an adult can make a Will. Will can be made either verbally or in writing.

4. **Gifts**

Gift (called *Hiba*) is a transfer of property, made immediately, and without any exchange, by one person to another and accepted by the latter. Every adult Muslim of sound mind may dispose of his/her property by Gift.

5. **Preemption**

The right of preemption" means a right to acquire by purchase an immovable property in preference to other persons by reason of such right. The right of preemption is not available in case of "*waqaf*" property or property owned by the federal or provincial government.

6. **Evacuee Rights**

Refugee families who had migrated from India after independence 1947 were allowed to occupy and own property in accordance with approved claims on the basis of evidence by two respectable persons about their abandoned property in India. They were allotted state land or land abandoned by the Hindus and Sikhs that had immigrated to India.

1.2.9 Transfer of Property Rights

Every lawful owner has a right to sell, transfer, gift, and mortgage etc. his /her land. Transfer of property also occurs on devolution of inheritance in addition to sale. There are the following four modes of transfer of property rights.

a) Mutation of a right in revenue records from one person to the other. It is done under the land revenue Act, 1967. The law is applicable

throughout Pakistan with minor provincial amendments. It is mostly done in rural areas.

b) Registration of the transfer/ sale deed with the relevant registration authorities. These authorities are the revenue authorities i.e. assistant collector/ Tehsildar. The registration is done under the registration Act 1908. It is mostly done in urban areas.

c) Mutation followed by the registration. It is a combination of both the above mentioned processes. This combination is better and safer as it creates more documentary evidence for the titles for ownership.

d) An oral or verbal agreement is made for the transfer of a right in land. It may be a sale, purchase, gift etc. under Pakistan laws, an oral agreement is valid but it may create complications if transfer processes are not followed e-g one party may resale from the commitments.

1.2.10 Land Tenancy

The tenancy matters relating to the agricultural land in Pakistan are informally regulated by local customs and formally by specific legal instruments. The tenancy laws are administered by provinces. Each province has promulgated its tenancy Act which is and almost replication of the tenancy Act of 1887 introduced by the British in Punjab.

Tenants can be classified into the following categories.

1. **Occupancy Tenants**

   The occupancy tenant was the one who, at the time of coming into force of tenancy laws, occupied a land for more than two generations or for a period of at least 20 years without paying any rent in addition to the land revenue and applicable rates or tenant who first owned land and later ceased to held but remained in occupation continuously a tenant who settled with or by the founder of the village or estate as a

cultivator and remained in occupation since the promulgation of statute.

2. **Tenants for a fixed term exceeding one year**

The tenant for a fixed term is a tenant who, under a contract or orders of a competent authority, is a tenant for a fixed term i.e. three years.

3. **Tenants from year to year**

The tenant from year to year is one who is a tenant for one year and then leaves the tenancy or can get it extended.

4. **Tenants at will**

The tenant at will is one who was neither an occupancy tenant nor a tenant for a fixed term and could be ejected any time.

1.2.11 Taxes and Fees on Property Rights

Taxes and fees are levied by the state on various aspects of the land and property rights. These are as follows.

a) In case of rural lands, the first category of payments is called land revenue. It is payable by a land owner. The rate of land revenue is fixed during periodical settlements of lands after every 25 years or so taking into account the soil classification. The other category of the land revenue is called "Fluctuating Revenue" which relates to specific crops growing and verified as such during biannual crop survey called "*Gardawri*"

b) The other compulsory tax is the Water Rate. It is levied as a service charge for provision of irrigation water facilities that is extensively subsidized by the state.

c) *Ushar* is another form of a tax that is religious in nature. Islam ordains it. It was introduced in 1980s. It is payable by the owners up to maximum of 10% of the price of its produce.

d) In case of urban properties, an annual tax is payable for built up properties. However, small houses of a certain modest size and those owned by certain categories like widows or retirees are exempted from annual payments.

e) The second category of the taxes is payment on occupancy. When the provincial government or federal government gives its land on lease or license to the citizens under various schemes the state charges regular and compulsory payments from every occupant of state land.

f) The third category of the taxes are the payments that become due in case of some voluntary act by the individual owner i.e. transfer of property rights after sale, gift, etc. These taxes are paid at the time of mutation of the land record from the old owner to the new owner or at the time of registration of sale deed.

1.2.12 Land Reforms in Pakistan

The major land reforms for "distribution of land" have been dealt with under the Land Reforms Laws of 1959, 1972 and 1977. The land was surrendered to the government under these reforms or resumed by the government from private owners of the lands for re-distribution to the existing tenants. The restrictions on maximum land ownership were also imposed.

1.2.13 Land Reforms 1959

I. The 1959 reforms placed a ceiling on private ownership of land. It was 500 acres for irrigated land and 1000 acres for un-irrigated land. The ceiling was applicable on individual basis and not on family holdings.

II. An exception was made by allowing an individual to keep land in excess of the above mentioned ceiling if the Produce Index Unit (PIU) of his/her entire holding was 36000.

III. Another exception was made for orchard and studs etc, which were not to be included for the purpose of calculating the ceiling.

IV. Economic holdings and subsistence holdings of 50 Acres and 12.5 acres respectively were proposed for consolidation of various fragmented holdings.

V. The land owners who surrendered their land were given some monetary compensation by the government.

VI. The occupancy tenants were made eligible for permanent proprietary rights of the land they occupied.

VII. Strict measures were introduced for securing tenancy rights.

VIII. Measures for credit facilities, research and training, cooperation, etc. for agriculture were introduced.

IX. Choice for surrendering of the land which was in excess of the prescribed limits was voluntary. Most of the land thus surrendered by big landholders under 1959 Land Reforms was uncultivated/un-irrigated.

X. Total area of the land resumed by the government under 1959 reforms was 2.5 million acres. It constituted almost 4.5% of the total cultivable land in the country. Out of these 2.3 million acres was distributed among 183271 tenants and small land owners.

XI. After these reforms, less than 8.5 % land owners controlled more than 42% of the agricultural land as against 01% in 1947.

1.2.14 Land Reforms 1972

I. Ceiling for individual landholders was lowered down to 150 acres and 300 acres for irrigated and un-irrigated lands respectively.

II. Value of PIU for the ceiling was also reduced from 36000 to 12000.

III. An additional 2000 PIU was allowed for owners of tractors and tube wells.

IV. No compensation to landowners for surrendering their lands.

V. Earlier exemptions made for orchards and stud farms etc were abolished.

VI. Actual ceiling was 466 acres in Punjab and 560 acres in Sindh due to some exceptions made to the ceiling of land holding.

VII. Area of land resumed by government was only 0.6 million acres.

1.2.15 Land Reforms 1977

I. Under these reforms, the ceiling was further lowered down to 100 acres for irrigated land and 200 acres for un- irrigated land and it also included the share of *shamilat* (Common village Land)

II. Individual land holding was also subjected to a ceiling of 8000 PIU of land.

III. The land reforms act of 1977 underwent two amendments in 1979.

a) The first amendment provided that in case of lease of surrendered land by the provincial government, the person who has surrendered the property would have the first right to get the land on the lease.

b) The second amendment allowed the federal Government to exempt education institutions and cooperative farming societies from the implementation of the Act.

1.2.16 The concept of land rights in Islam

In Islam, everything, including the constitution of man, is owned by God. Land and its plentiful provisions belong exclusively to God, but have been given to man to keep in trust, to be used wisely for his own benefit and that of the larger community. The Holy Quran says, "*To Him belongs what is in the heavens and what is in the earth and what is between them and what is under the soil*" (20:6). At another place the Quran observes that "*it is He who made*

the earth tame for you, so walk among its slopes and eat of His provision, and to Him is the resurrection" (67:15).

To promote entrepreneurship and human creativity, Islam has encouraged private holdings to such resources that may be in excess, and are not held at the cost of people's welfare.

The Quran does not lay out specific instructions on how land maybe distributed, but it does spell out the principles clearly for a fair and just system to be developed. To develop land measurement and planning usage and taxation systems that deters exploitation by a few division/distribution of state lands among farmers is a standard Islamic practice.

Caliph Umar refused to divide land conquered through victories among soldiers for fear of its concentration in a few hands. Most of the land was kept with the state, as used as Commons.

Islam does not allow ownership, as in exclusive use by a few, but gives trusteeship under defined terms. Those who have been given this trust have huge responsibilities to others in terms of their well being. Private ownership is allowed and indeed protected in the *sharia*, but only if it does not create injustice, hunger and poverty in society.

Islam lays particular emphasis on social justice and Muslims are urged to ensure balance, fairness, kindness and truth in their dealings, reflecting on God's qualities of *adl* (justice) and *qist* (equity) (Sattar, 2015).

The shariat appellate Bench of the Supreme Court of Pakistan in a majority judgment declared various provisions of land reforms as un-Islamic; the court observed that individual property rights in Islam are guaranteed and cannot be interfered with. In Islam there are no restrictions on ceiling of land owned by an individual.

1.3 Statement of the Problem

All land disputes, whether peaceful or violent, cause numerous negative impacts for an individual as well as for the whole society. It is an unavoidable fact that whenever there is a land dispute, the involved parties inflict social and economic sufferings on each other. They have to pay out a bunch of time and wealth on litigations in courts. Land disputes in the study area district Dir Lower usually cause violence, the losses of valuable lives, damage to property, personal injury, instability of social, political and economic institutions and sometimes one of the involved parties leave its place of residence and migrate to another place in order to avoid the expected loss of lives. The practice of numerous sales, land capturing, evictions etc. have created the state of mistrust on each other as well as on the government. Violent land disputes have led to social, economic and political instability.

Main types of land disputes in the study area include:

- Ownership dispute related to inheritance
- Disputes on the demarcation of land
- Ownership disputes due to nonexistence of land registration system.
- Ownership disputes between state and private owners
- Disputes due to multiple sale of land
- Restrictions on the purchase and sale of land due to discriminatory law or custom
- Land acquisition followed by violence
- Eviction by landowner or illegal evictions
- Disputes over the giving money for utilization or purchase land

- Disputes on the price of land
- Destruction of property through violence
- Expropriation by the state with force or without paying the cost of land
- Various types of intra family land disputes and
- Disputes caused by land reforms

All the above-mentioned types of land disputes are serious threats to the social, political and economic stability of the study area as well as sufferings to the involved parties in one way or the other. These land disputes need proper attention of social scientists and social reformers. The proposed study on the subject will prove helpful in investigating the causes and consequences of land conflicts thoroughly.

1.4 Significance of the Study

Various types of land disputes are rising at various levels due to population pressure and increase in land value. The adverse effects of these disputes are indeed a matter of concern for those working on the issue or dealing with land disputes in one way or the other. The present study will help all the concerned to understand a lot about the problem. The study will also enable them to suggest ways and means for minimizing land disputes and solve the existing land disputes in a better way. Moreover, governmental and non-governmental organizations, such as Law Department, Home Department, Judiciary, Human Rights Commission and the future researchers in the area will be able to utilize the study for their respective purposes.

1.5 Objectives of the Study

The main objectives of the proposed study were as follows:

1. To investigate various types of land disputes in the study area

2. To explore the contributing factors of land disputes

3. To understand the Sociological consequences of land disputes

4. To identify the role of courts and community based organizations in the solution of land disputes

5. To suggest the ways and means for the solution of land disputes in a better way

6. To understand about the existence and role of land registration system

1.6 Delimitation of the Study

This study was limited to various types of land disputes and their sociological implications on disputant parties in the target area.

1.7 Organization of the Thesis

This study is divided into five chapters. **Chapter 1st** consists on Background of the study, Land and Property Rights in Pakistan, Statement of the problem, Significance, Objectives of the study, Delimitation and Organization of Thesis.

The **2nd chapter** includes Literature Review, Land Rights of women in Islam, Social conflict theories and Area Profile.

Methodology of the study has been mentioned in the **3rd chapter**. This contains Scope of the study, Hypothesis, Universe and Sample Size, Tools of data collection and various steps of data analysis.

The **4th chapter** is stratified into four parts, where the first part introduces the chapter. The second part is devoted to quantitative interpretation of data related to Land Dispute Partners. The third part consists on interpretation of data collected from Officers and Lawyers related to Land Dispute matters and Chi-Square Tests of Hypothesis is incorporated in Part four.

Chapter Five presents interpretation of the main theme of the study. It contains findings, conclusion and recommendations. Bibliography has been placed after this chapter.

A sample of Interview Schedules has been incorporated under the title "Annexure-A & Annexure-B", respectively.

Chapter-02

LITERATURE REVIEW

Part-A

2.1 Land Disputes and Settlement Mechanism Worldwide

A high level of aggression including killing, individual damage and harm to possessions in the varapaces region of Guatemala caused by 37 % land disputes. The violence in 28% of land disputes was of middle level such as dispute, hate, assault and intimidation while in 18% of land disputes, the violence was of low level like doubt, disagreement and not have tolerance. Almost, i.e. 17%, of all deputes pertaining to land, benefited from cooperative affairs (Mentrup, 2004).

In the Nakuru district of Kenya thousands of families including women and children have been internally displaced as a consequence of continued land disputes for the last 10 years. Majority of women in Kenyan families earn livelihood for their families through farming which is impossible to be continued after displacement. In this way, land disputes affected women's livelihood also. These displaced families are confronted with many socio-economic problems caused by land disputes (Kariuki, 2005).

Most of land disputes in the informal areas of Afghanistan are of minor nature such as wiping of snow from one compound to another, encroachment on footpaths, and one house invading the privacy of another. These and such other disputes are mostly resolved at community level and through mosque councils. Community level council consists on neighbors and elders of the community while mosque council comprising representatives of each mosque in the neighborhood. Due to different factors like time, cost, trust and enforceability, this is an effective mechanism of disputes resolution. Besides community level and mosque (*Masjid*) level committees, there are two special

land dispute courts in Afghanistan, one for Kabul and one for the rest of the country exclusively deals with land dispute cases of those claimants, who have been deprived of their land since 1978. These courts consists of 18 judges and working since 2003. The courts resolved only 5% of all registered land disputes cases till the end of 2005. There are many weaknesses in courts procedure, which create obstacles in making quick decisions of land disputes (World Bank, 2005).

There are eight most effective options recommended for the peaceful resolutions of land disputes:

- Informal arbitrary councils of respected persons
- Government sponsored land disputes solution committees to decide out of court cases in a peaceful manner
- Establishment of independent courts that exclusively deals with land related cases
- Arrangements of special committees at the land administration level are necessary to deal with specific types of land disputes
- To achieve the services of land arrangement experts for resolving informal land disputes
- To utilize the services of elected officials for the settlement of informal land disputes
- Establishment of Islamic courts (served by religious leaders) according to codes declared as appropriate by the religion
- Arrangements of private mediation centers where professional mediators and arbitrators are available for land disputes settlement (Odametey, 2007).

Economic, social, spatial and ecological developments are badly suffered from land disputes, particularly in developing countries and in countries in transition. Weak land market, maximum openings of money gains through unsanctioned ways, bribery, corruption, deception, preferential treatment and

clientelism in land administration are common problems of developing countries which result in a massive number of land disputes (Babette Wehrmann, 2008).

An effective land administration system is crucial for minimizing land disputes. In most countries where excessive land disputes exist, land administration and state land management system are threatened by administrative corruption and state capture policies. These weaknesses may be removed through good governance in land administration and state land management, which is a fundamental component of good land governance (FAO/UN-Habitat, 2008).

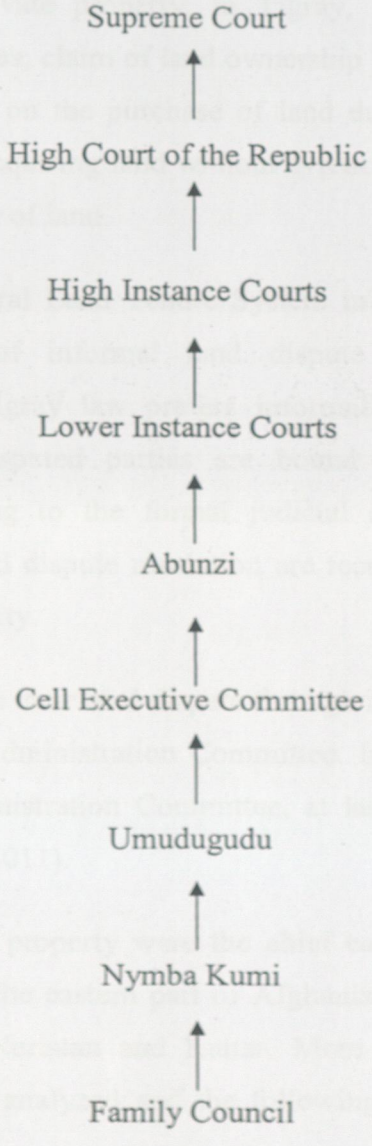
Land disputes related to inheritance are most common in the study area, i.e., Kabushinga and Nyamugali of Rawanda. Scarcity of land, over population, fragmentation of land, polygamy, poverty and discrimination against women are the major contributing factors to land disputes in Rawanda.

The informal but civil code recognized institutions for resolving land disputes are "Family Council" consists of well reputed member of the extended family to resolve intra-family land disputes. Second to the Family Council is "*Nyumba Kumi*" a non-salaried elected community leaders of ten households, including their own. The next is "*Umudugudu*" the executive committee of elected leaders of the village. Fourth is "Cell Executive Committee" a local governmental body under the district administrative and last in this hierarchy is "*Abunzi*" or mediation committee at cell level.

If the land dispute cannot be resolved by the Family Council, then the party goes to the *Nymba Kumi* for assistance. In case of disappointment from the first four land dispute resolution institutions, the party at last knocks at the door of *Abunzi* or mediation committee.

Besides the aforesaid institutions, there are four levels of ordinary courts in Rawanda Judicial System, i.e., the lower instance courts, the High instance courts, High Court of the Republic and Supreme Court. The office of ombudsman and National Human Rights Commission of Rawanda also address land disputes.

Land Dispute Resolution Institutions in Rawanda



Other institutions that deal with land dispute resolution mechanisms in Rawanda are office of the Ombudsman and National Human Rights Commission (NHRC) (Olga Segar, 2008).

Land disputes are universal phenomenon of human life. They increased with the development of private property. In Tigray, Land dispute occurs on demarcation of boundaries, claim of land ownership between state and private land holder, restrictions on the purchase of land due to discriminatory law, multiple sales of land, acquiring land without eviction, disputes arise over the value and buying/ selling of land.

The early history of Rural Land Tenure System in Tigray does not provide enough opportunities of informal land dispute settlement mechanism. However, today, the Tigray law prefers informal land dispute settlement mechanism and the disputed parties are bound to follow the informal mechanism before going to the formal judicial system. Negotiation and traditional means of land dispute resolution are recognized by law and have been placed as first priority.

If the parties fail to settle their land dispute through informal means, then they go to the Rural Land Administration Committee. In case of disappointment from Rural Land Administration Committee, at last they go to the regular courts (Haftom Tesfay, 2011).

Disputes over land and property were the chief cause of unrest and socio-economic instability in the eastern part of Afghanistan, i.e., the provinces of Nangarhar, Laghman, Nuristan and Kunar. More than 200 cases of land disputes were critically analyzed and the following causes of land disputes were detected.

- Millions of Afghanis left their homeland and took refuge in neighboring countries due to the invasion by Soviet Union in 1979. Their land and property was sold in their absence. They demanded

their land on return from refuge which caused increase in land disputes.

- Different successive governments in Afghanistan adopted different land policies and allotted land to their own supporters forcefully.
- There was no proper land registration system and the disputed land was sold many times without any documentary proof of ownership.
- Land and property transactions were made without the approval of local courts or customary documents.
- Cultivable land in Afghanistan was only 12% of the total area and 45% of the land was used as pasture land with no clear tenure arrangements. This factor largely contributed to frequent land disputes.
- High birth rate and rapid return of refugees caused pressure on land which resulted in maximizing land dispute cases.
- Many landless refugees on their return from abroad, forcefully occupied other people's land or government owned land.
- Competition over scarce resources such as land and water give rise to many ethnic, tribal and political conflicts.
- Corruption in judiciary and executive organs also multiplied land dispute cases.
- The ineffective legal system, lawlessness and forceful occupation by powerful segment of population on land also give rise to hundreds of land dispute cases.

Land disputes in Eastern Afghanistan may be minimized by rule of law, tackling corruption, bringing peace and stability, land reforms, proper land registration system and strengthening of existing institutions.

Informal and customary land disputes resolution mechanisms such as *Shura* and *Jirga* may play an effective role in the resolution of land disputes (Aqal Zaman, 2003).

Japan introduced "Land Taxation Reforms" as well as implemented land registration system soon after the Meiji revolution. The purpose of land reforms was to impose tax over the whole land in the country and strengthen taxation as a fundamental basis of strong nation building.

Despite of changes in Japan's judicial system, the deep rooted traditional values still remained unchanged. There are many factors in Japan's traditional attitudes that discourage land litigation. Although the cases of land litigation are increasing in Japan with increase in population but the number of land litigation cases remains relatively low due to the fact that no room has been allowed for land to be unowned.

Most of the land disputes in Japan do not reach the courts and often resolved in a traditional manner under the guidance of courts. Western laws has largely influenced the legal system of Japan but could not affect the traditional values and reconciliation process. But it is feared that such enduring values may lose their existence in face of western laws, as the signs of radical changes have been noticed in Japanese society. They may discard the traditional values and the element of conciliation and plunge into the sea of litigations (Lynn Berat, 1992).

Disputes on land ownership and rights of land use are commonly found in different parts of Kenya which resulted in many negative impacts on the certainty of land markets, tenure and food security, economic production and poverty reduction. These land disputes lead to civil strife, loss of valuable lives, displacement of people, destruction of property and international humanitarian crises (William Kalande, 2008).

Before colonization, land ownership in Kenya was based on customary land tenure, where land was owned by different clans according to the established

social and cultural arrangement among the community members. All land related disputes were resolved through customary laws (Ojienda, 2008).

The colonization in 1889 completely changed the customary land ownership arrangements through the promulgation of an ordinance in 1908 and occupied land from the indigenous Kenyans. After independence, the successive governments in Kenya promised the restoration of customary and traditional land ownership system. However, instead they safeguarded land rights, land laws and land administration structure of the colonial period which helped in prolonging the existing and breeding new land disputes (Nyadimo Eric, 2005)

The main contributing factor to the economic disparity and land disputes in Fiji is the dual land tenure system i.e. customary land tenure system and western colonial land tenure system.

The influence of the western colonial system has created many problems to customary land tenure system and the major cause of land disputes is the attempt to incorporate customary land tenure system within the western system.

Besides the above, there are three other main sources of land disputes in Fiji which include ineffective administration, disagreement involving customary ownership and the lack of well-defined boundaries for customary lands.

Many land disputes in Fiji are proceeding through the court which is costly as well as time consuming. There is no proper system of dedicated organizations to resolve land disputes. So there is an earnest need for the establishment of the Center for Dispute Resolution (CDR). The center must work for facilitating and clarifying procedure for resolving customary land disputes, educating customary land owners on their customary and legislative rights and responsibilities, assisting in the identification of customary land boundaries and facilitating the opportunity of mediation.

The adverse effects of land disputes in Fiji includes social tensions, hindrances to the operation of an efficient land market, affect initiative for sustainable

development and limit improvement of the land administration. (Lisa ting *et al.*, 2000).

Land plays an important role in the socio economics and political life of Nepal. Major types of land disputes include boundaries disputes, ownership, encroachment and *mohis* (tenant) disputes.

There are many causes of land disputes in Nepal but increase in population, rising of land prices, role of *dalals* (brokers) lack of education and awareness and absence of land registration system are the most important contributing factors of land disputes.

Most of the Land disputes in Nepal are settled on community or village level. There is Village Development Committees (VDC) headed by VDC Secretary under the Local Self-Government Act. The Village Development Committee Secretary is authorized to resolve land disputes through mediators from the 27 members' panel of trained mediators. The intervention of Police is only for keeping peace and order in the village. Land disputes are also settled through formal courts but it is the last option for dispute resolution. The Court system in Nepal starts from the District Headquarters Courts followed by Higher Courts on zone level. There are total five zones with a high court in each zone. The Nepal's Court system is headed by a Supreme Court functioning in Kathmandu (Daniellstein, Bersuykens, 2014).

Various land dispute resolution mechanisms active in Canada including courts procedure, negotiations, mediation and arbitration methods. Alternate Dispute Resolution (ADR) i.e negotiation, mediation and arbitration have developed in response to a number of draw backs in the formal judicial system. The major land disputes in Canada are between the aboriginal and non-aboriginal population and both formal and informal land dispute resolution mechanisms have shown mixed results in resolving land disputes.

The role of courts is certainly beneficial and appreciable in resolving the land claims, particularly of aboriginal's population yet the court system also suffers from certain shortcomings. Many land disputes in Canada usually involve

ideological, historical, political and social complications and the formal court system can't effectively deal with such disputes. Furthermore, the increasing trend of litigations has created numerous problems for courts.

The application of negotiation, mediation and arbitration strategies also largely contributes in the settlement of land claims in Canada. However, mediation is not the most common process employed to resolve comprehensive land disputes. Mediation has been adopted as a dispute resolution mechanism and the disputant parties must agree on the choice of mediator.

The arbitration mechanism has however, showed positive results in the resolution of land disputes but it is also suffers from many disadvantages such as it is costly and time consuming which causes delay in the resolution of land disputes, arbitration is therefore not used in resolving difficult questions in relation to land claims. The decision of arbitrator is final and binding on the party and is not subject to appeal or to judicial review (Joelle Montminy, 1996).

2.2 Land Disputes and Settlement Mechanism in Indo-Pakistan

Serious cases of Land scams and land grab have been leveled against prominent politicians of India by an anti-corruption NGO backed by activist Anna Hazare. Robert Wadra, the son-in-law of Sonia Gandhi and the chief of the congress, Nitin Gadkari, the BJP President, Ashok Chavan, the previous chief minister of Maharashtra, Yeddyurappa, the former BJP chief minister, Parkash Chavtala, former Chief Minister of Haryana are some of the politicians involved in land scam cases.

Land scams have felled a lot of ministers, Chief Ministers and other politicians in India over the years. In cities like Mumbai, Delhi and Banglore, where land is sold at hefty premiums, politicians inevitably get entangled in scandals relating to real estate. Property prices in Mumbai's posh areas are as high as Rs. 100000 a square feet (nearly $1900) among the highest in the world.

Indian's land laws are opaque and complex and only sharp operators, ever eager to grease the palms of greedy officials and politicians, manage to get clearness while a land mafia, with close link to politicians, has developed in most major cities, encouraging public land.

The Indian government has finalized the draft of the new "Right to Fair Compensation, Resettlement, Rehabilitation and Transparency in Land Acquisition Bill" which will replace the Land Acquisition Act of 1894. The new bill allows the government to acquire land for public-private partnership (PPP) if two third of land owners agree to sell. Earlier, the proposal was that 80% of the land owners should consent to the sale of land (Anand Kumar, 2012).

The Land and Revenue policy before the Emperor Sher Shah Suri was notorious. The system of assigning land to soldiers in lieu of pay was in most cases responsible for land disputes and deplorable condition of the cultivators who were mercilessly treated by the hungry officials. Sher Shah Suri introduced land settlement and revenue policies in India which created the bond of affection and confidence between the government and the suffering people. Lands were measured according to a uniform standard. One *Jarib* or *Biga* consisted of 3600 square *Gaz* (Yard). Every cultivator had his holding correctly measured and government revenue fixed at the rate of ¼ of gross produce. His Land Settlement and revenue policies rehabilitated the oppressed cultivators and brought great prosperity to his subjects both in the rural and urban areas (Bill Billham, 2003).

Land disputes are commonly found in urban as well as rural areas of Pakistan. All land related disputes such as land documents, land transactions, tenancy and land revenue lie in the jurisdiction of land revenue courts. Land disputes on local level are decided by *Tehsildar*, a responsible officer for the collection of land revenue and land administration. The appellate authorities are the chief settlement officer and Provincial Board of Revenue (PBR) in the revenue court system. The revenue courts resolve land disputes locally and rapidly but the landholders remain unhappy with the performance of land revenue court

system as time consuming, complex and corrupt. Land records in land administration offices are often incomplete and land administration officials are not efficient to provide land records before the court in time. Therefore, cases of land disputes may take years to resolve.

The formal courts in Pakistan are also authorized to resolve land dispute cases, creating a parallel structure of courts. Land dispute cases are mostly filed with the formal courts. Pakistan's judicial system is largely suffering from low pay, poor training and a huge number of cases. 50% to 75% cases in lower civil courts and high courts are land related disputes. It has been estimated that more than one million land dispute cases are pending throughout the country. The major causes of land disputes are inaccurate land records, erroneous boundary descriptions and multiple registration of the same land. Land dispute cases may take 4 to 10 years to resolve due to the delaying tactics of the party in possession of the land. Its aim is to prolong the period and get maximum benefits from the disputed land (UK Border Agency, 2011).

The cost of land is running very high in the federal capital of Islamabad and land mafia is striving for its vested interests causing considerable increase in land disputes. The involved persons see no hope of solution to these land disputes and it will perhaps take decades to resolve.

According to court sources, land related disputes shows reasonable increase in the jurisdiction of federal capital. The local residents around the city of Islamabad allegedly sell their lands and then struggle for the cancellation of agreements. Land ownership is highly concentrated in rural belt of the federal capital and cause disputes, poverty and instability. Land dispute is now-a-days a burning issue in the district courts of the federal capital and land dispute cases are increasing with the passage of time. These cases from continue generation to generation but remain undecided (Daily Times, 2011).

All the clients were agree, that complex nature of the existing Land Administration System (LAS) is responsible for many complications in land related disputes. It has created doubts about tenure security and therefore, land

owners are reluctant to use their property for any mortgage and loan from banks. Land transactions are relatively expensive and disputes oriented due to inefficient and dispersed land record system. 46% of the Board of Revenue (BoR) officials including *Patwaries* and *Naib Tehsildars* were of the view that the government does not provide sufficient funds for stationery and other office related requirements which affect the performance of the BOR. 87% of the clients responded that the existing official procedure of LAS is so complicated and confusing that mostly cause unnecessary delay in court decisions. They also admitted that due to the lack of insufficient cooperation of land administration officials, the pending cases of land disputes are not resolved. The legal procedure in land cases is so complicated that the duration of land litigation cases may go beyond the litigant's life time (Mumtaz *et al.*, 2010).

The market value of land has been increased due to rapid population growth and non-stop urbanization, which consequently resulted in an increase in land dispute cases.

Land administration is notorious for corruption in many countries of the world including Pakistan. Land administrators get a huge amount of money from the disputants as bribery to resolve land related disputes and issues. The Transparency International (TI) has indicated in his survey report published in 2009, that the ratio of bribery is highest in police department, followed by land administration, Judiciary and tendering/contracting (Asmat Ali, 2009).

Land Mafia is becoming the major source of increase in the number of land dispute cases in the twin cities of Rawalpindi and Islamabad. 953 land dispute cases have been registered in the lower courts of the twin cities during October 2011-January 2012. The courts' record revealed that 3684 cases of land disputes were registered from Jan-2010 to sep-2011. Most of these court cases have been registered against private housing societies. Only one court of senior civil judge has received 229 land dispute cases in four months, 172 of them belong to the rural area of federal capital. Similarly, 167 cases of land disputes have been received by the court of Additional Session Judge during

the said period. It has also been observed that most of these cases have been reported from the relatively less developed areas of Rawalpindi and Islamabad.

The resolution of land dispute cases takes years and mostly continues from one generation to the next, which create hopelessness and disappointment among the petitioners. Major contributing factor behind the increasing trend of land dispute is the absence of sale document called Sale Deed. Most of the housing societies do not feel the need of such a document in the sale and purchase of real estate. Complication of land dispute cases due to lack of concrete evidence and absence of lawyers and witnesses from court proceeding are the main causes of delay in court verdicts (Ali Hassan, 2012).

Sindh is the second largest agricultural province in Pakistan. 55% of the total farm land in Sindh lies in the possession of 8% land owners. The large land holding has given the land lords with access to the power which resulted in exploitation of the rest of population. Currently, two million households in Sindh have no land where as 700,000 households possess the lowest share in the land. In this condition, the peasants receive lowest wages (Rs. 30 per day in some places), face sexual harassment and indebtedness. According to Pakistan Labor Force Survey 2009-10, the total work force in Sindh province is 13.46 million with 7.74 million rural and 5.72 urban work force. Majority of rural work force is engaged in agriculture sector that get exploitative and lowest earnings. Floods and heavy monsoon rains in 2010 and 2011 further multiplied the miseries of rural working class.

In view of the above, 18 leading civil society organizations working on the issues of agriculture workers of Sindh held meetings in Karachi and Hyderabad and demanded land reforms in the province.

As a result of extensive sessions of meetings, Sindh Land Reforms Movement (SLRM) was organized. The movement will pressurize the government to introduce structural changes in the legislation to make way for the distribution

of land among landless peasants. Other major demands of Sindh Lands Reforms Movement include:

i. The right of housing to the landless and homeless peasants

ii. Revision of Sindh Tenancy Act (STA), 1950 to bring it in line with the interest of peasant

iii. Sindh government should re-enact Bonded Labor Abolition Act (BLAA) 1992 and it should adopt national policy and plan of Action 2001 to eradicate bonded labor from the province

The Sindh land reforms movement also decided to support the petition filed in the Supreme Court by a group of civil society representatives for the reversal of the Federal Shariat Court judgment to allow for a more equitable land distribution across the country.

The initiative taken by the Sindh Land Reforms Movement is commendable and its efforts may change the fate of landless peasants in the long run (Altaf Hussain, 2012).

Around 100 acre land of Karachi Water and Sewerage Board (KWSB) worth Rs. 5 Billion has been occupied by land mafia near Hawks bay. The mafia is patronized by an influential person and the concerned authorities are reluctant to get vacate the land.

Some officials said that the KWSB has sold this precious piece of land but the board management has denied the selling. According to the Managing Director KWSB, the land has not been sold to the mafia and it has forcefully been occupied. KWSB had acquired 526 acres of Land from Sindh Government in 1992 on Hawks bay road for the construction of Maripur Water Treatment Plant. KWSB source disclosed that around 100 acres of the said land has been sold secretly to land mafia on June 21, 2012 in this criminal deal. The mafia has built a boundary wall around the occupied area and has planned to develop industrial units on the occupied site. Though KWSB was silent on this secret deal but the media highlighted the issue. The case reported

to the police. The Anti-Encroachment Cell Karachi (AECK) was informed on July 18, 2012 with the assignment to get the land free from the land grabbers. The Source have confirmed that the land grabbers are the members of Aman Committee (Peace Committee) and the land has been sold to them due to the pressure from some influential important political figures in the Sindh province. The KWSB chief is however, optimistic that the board will take action against the illegal occupants in coordination with the AECK (Ahmad Noorani, 2012).

Land dispute is one of major causes of murder and lifelong enmities in the rural areas of Pakistan. The conflict over a piece of land lost for decades at the cost of the loss of valuable lives, but none of the conflicting parties gets its benefits.

In fact, delay in the distribution of inherited land among the legal heirs, absence of in time transfer of property documents, lack of registration of the sale deed with the relevant registration authorities and change in the registration documents by the concerned *Patwari* mafia for the sake of illegal earning cause enmities among the land owners. In the past, land disputes could be resolved through village *Jirga* (village council of elders) but now this institution is also ineffective in the resolution of land disputes.

Land disputes exist in almost all parts of Khyber Pakhtunkhwa and there are no positive results or advantages of these conflicts except the loss of valuable lives, heavy expenditure on litigations and everlasting enmities.

The government must take steps to control the increasing incidents of land disputes through the revision in the existing land and property laws and constitution of village committees (Qayum, 2011).

During the preparation of land revenue Record, if any dispute arises about the wrong entry in the land revenue record, such disputed cases are inquired into by mutation officers who are Assistant collectors 2nd Grade, but send up to the A.C 1st Grade for final disposal .

An Officer making the necessary inquiry about the wrong entry/disputed entry, determine who is best entitled to the property. In such inquiry, an opportunity is given to the disputed parties of being heard and adducing evidence in support of their claims. When the inquiry officer is unable to satisfy himself as to which of the party is in possession, and after this the officer who can place such party in possession is an Assistant collector, 1st Grade (Mokal, 1982).

Capturing of land through force or fake documents with pretended ignorance of government functionaries is a common practice throughout Karachi city. The Supreme Court of Pakistan in its hearing has declared that the root cause of Karachi violence is the menace of land capturing through unfair means. Illegal property dealings have become a prominent feature and a profitable business in Karachi. Majority of the victims include retired government and private sector employees, common citizens, widows, etc. Land grabbers, law enforcement officials, local political leaders and workers get equal share from this illegal profitable business. It is impossible for someone to occupy an inch of land without the patronage and protection of law enforcing agencies.

Heavy bribes are paid to the land administration officials by illegal occupants for changing the land title in government official record.

The land grabbers have constructed residential and commercial buildings on the encroached government land in many places of Karachi city such as Gulzar-e-Hijri, Gulistan-e-Johar, Maleer and Sachal areas. Sarjani town has totally been encroached by land mafia. Many citizens have been deprived of their plots by selling these plots to others with fake documentation. The original allotees only possess files and they are fully aware of the fact that their plots have been sold off by the land grabbers. But "*Qabza Sacha, Dawa Juta*" means occupation is valid and the claim is wrong.

Land mafia takes possession of precious land by using various tactics i.e., establishing *Kachi Abbadi,* etc. Moreover, they bribe the concerned government officials and approach the courts with fake documents. The court

decision takes so many years which goes in favour of the land mafia, although out of court resolution of land dispute is much more beneficial for them and they prefer it (Azfar-ul-Ashfaque, 2013).

When the land robbers came to know that Gwadar's cheap, wasteland will turn in to a gold mine in the near future they did not missed the opportunity and swooped in on Gwadar's land as hungry birds of prey and the plunder that took place over more than a decade has led to one of the biggest land scams in Pakistan's history. As land settlement of Gwadar has not been carried out, therefore the influential people from Gwadar and from other parts of the country bribed the revenue officials to get land registered in their name. They purchased land at rock bottom prices as low as one and half rupee per square yard.

A number of illiterate local residents lost the land that had been theirs for generations. Even though the law declares that anyone who has occupied a cultivable piece of land in Gwadar for more than 12 years will become its owner but most of the local residents failed to get the land they were possessing. The threat of declaring a land barring was used by the settlement staff to gain land from locals. The owners of hundreds of acres of land are defending their ownership in a number of court cases. The Tehsildar (Collector) and Exécutive District Officer (EDO), Revenue Settlement Officer could not produce proper record of ownership, mutation and transfer of land even on the order of the Supreme Court Quetta bench on October 20, 2006.

Real Estate Planning and Development in Gwadar is marred by corruption and responsible for irregularities in allotment of the land. This has led to resentment among local residents, who are mostly poor, uneducated and have little influence. Development is seen as depriving the local people of their lands to lure in others from various parts of the country, and this anger may be justified.

The Government will have to not just pay attention to this scam but also take measures to rectify the wrongs already done if it is serious in its efforts to

bring peace and stability in Baluchistan. Though the focus so far has remained of the violent conflict taking place elsewhere in the province, Gwadar too is seething quietly (Maqbool Ahmad, 2008).

The enforcement of rule of law is a pre requisite for minimizing all types of land disputes. These laws should clearly be defined and non-contradictory. Besides a legal normative system for land management, there should be clearly explained tasks, functions and responsibilities of all parties who participate. The establishment of hierarchical court structure followed by administrative courts for the monitoring may prove helpful in the prevention and resolution of land disputes. Involvement of common masses in devising legal framework pertaining to land should be encouraged (Diably-pentzlin, Zimmermann, 1999).

Decision of land disputes cases in an efficient manner and access to speedy justice are the fundamental rights of citizens. In Pakistan and many other countries, land litigations in civil courts are resolved and decided with a very slow motion which resulted in pendency of huge number of cases. There are eleven courts for each one million population in Pakistan while in western countries there are 100 courts for the same size of population. Moreover, many positions of judges remain vacant in Pakistani courts, which cause the pendency of a huge number of land litigation cases. Some of the pending cases are more than 10 to 15 years old. It clearly indicates the slow procedure of courts in deciding land conflicts. There is one judge for every 140,000 persons in Pakistan, which has extremely poor ratio and the main reason for pendency of cases. The number of indisposed cases in Punjab province was more than a million in 2001 and in the same year Sindh, NWFP (Now Khyber Pakhtunkhwa) and Baluchistan had 119,969, 159,074 and 6,029 pending cases in courts respectively. Due to the lack of speedy justice, the ratio of land dispute cases has increased enormously which resulted in many socio-economic problems for the entire society (Nosheen Hammad Khan, 2001).

In Pakistan, the popular form of land disputes resolution mechanism is courts. However, in rural areas of Punjab, the informal mechanism of land disputes resolution, i.e., *Panchayat* is commonly found.

Very few NGOs and Social Welfare Organizations are working for the creation of awareness regarding ADR in Punjab Province.

In urban areas of Punjab, formal land disputes resolution mechanism is very effective and widely practiced. On the other hand, informal land disputes resolution mechanism is also effective.

Majority of the land dispute partners/affectees are fully satisfied with ADR mechanism as its decisions are just, fair and long lasting.

Negotiation is the most common way of ADR in urban as well as in rural Punjab and most of the land disputes in both areas are mostly related to the inheritance of land.

Generally people prefer informal mechanism for resolving their land disputes i.e. through local elders, *Biradri* or family members.

The membership of ADR is not allowed for women and they cannot represent in ADR mechanism. The membership of ADR is much more in rural areas as compared to urban areas.

Minorities have not also been given representation in ADR as they mostly have their own informal land disputes resolution mechanisms.

The community based land disputes resolution mechanism is quite successful in its achievements but it is weakening due to lack of resources.

The people are quite less confident about formal land disputes resolution mechanism, i.e., courts and police, as according to them it wastes time, money and efforts. But on the other hand, *Panchayat* system is also losing its status as it is largely influenced by wealthy and influential people (Ali & Muhammad Shah, 2009).

2.3 Land Disputes and Settlement Mechanism in Khyber Paktunkhwa and Lower Dir.

Rewaj (Custom) of *miras* (inheritance) is Specific to traditional Pakhtun society and murder over landed property is the most common practice in Pakhtun society. Wife is not entitled to Miras (inheritance) of her deceased husband. The eldest son is the first *Miras khor* heir and then any younger son. If the elder and the younger sons dispute over inheritance, it can be a source of enmity, continuing for a long time. Female heirs (Daughters) have no right of share in the inherited property. In some parts of Pakhtun Belt, the eldest son is awarded with comparatively more share in the inherited property in comparison to other legal heirs which is known as *Mashari*. If a deceased have no male issue then the inheritance goes to his brothers or any other closest male collateral. To look after a widow and unmarried daughters if any, is the responsibility of a person or persons who inherit the deceased property. If the deceased leaves an immature son or sons, the care of widow becomes the responsibility of brothers-in-law and mostly one of her brother-in-laws takes her into marriage. In such a case, the minor son on becoming adult is paid the marriage money.

In some areas like Kurrum Agency, the landed properties are mutated in daughters' names in the revenue record but are not practically handed over. No specific *Rewaj* (Custom) exist for mortgage. Unless mortgage is redeemed, the land or anything else remains under mortgage. Trees growing on land are the owner's belonging. Cultivation of the land and getting produce from it, is not fair in *Rewaj*.

In *shariat* (Islamic Law) it is not fair for the mortgagee to get benefit out of the mortgaged land because this is a conditional purchase (Sher Muhammad, 1980).

Alternate Dispute Resolution in the form of *Jirga* is more common in the rural areas of Khyber Pakhtunkhwa. *Jirga* is the main informal means of land and

other disputes resolution. However in D.I Khan land disputes are decided through *Panchayat* instead of *Jirga*.

The decisions taken by *Jirga* are mostly based on consensus and therefore, long lasting. Decisions in *Jirga* are made keeping in view the traditions and customs of the area and the violation of the decisions of *Jirga* is punitive.

In Urban areas of Khyber Pakhtunkhwa, approach to formal mechanism of land disputes resolution is commonly found, i.e., resolving land disputes through the intervention of police and courts. Formal mechanism of land disputes resolution is however, considered waste of time, money and energy but there is no alternative proper way for land disputes resolution.

As for *Jirga* is concerned, women and minorities are not allowed to become *Jirga* members, even if the dispute is related to them. If some statement is required from women, the statement is taken by male family member inside the house. It is due to strong observance of *Pardah* in Pakhtun culture. Women cannot become part of *Jirga* that their interests are protected by male members of the family in *Jirga*.

Women are not encouraged to demand her share in property from her family members as inheritance but now women are encouraged by the law to demand their due rights without any hesitation (Akhtar *et al.*, 2013).

Historical graveyards in Peshawar city have largely been encroached by local land mafia. If the illegal occupation on graveyards continues in the city, no place for burial of dead bodies will be available in the near future.

The area of Rahman Baba graveyard in Hazar Khwani is 770 *Kanal* and 18 *Marlas* in official land record but now its area is mitigated to 758 *Kanal* and 11 *Marlas*. Similarly, the covered area of Kakshal graveyard is 236 *Kanal* and 11 *Marlas* but presently it remained half of the total area. The area of another graveyard, i.e., Takratheen of Peshawar has been minimized from 490 *Kanals* to 446 *Kanals*.

The High Court took *so Moto* action against the encroachment of graveyards by influential land mafia groups and ordered the district administration to recover the occupied land. It produced fruitful results and the district administration destroyed several constructions on the occupied land and recovered the *waqaf* land. Some of the land buyers produced the purchase documents before the court and therefore the land was not fully recovered. The residents of Peshawar city has collectively started "save graveyards" campaign and demanded crake down against the land mafia.

The population of Peshawar city is rapidly increasing due to the influx of immigrants from all parts of Khyber Pakhtunkhwa province. On the other hand, the value of land in the city and its surrounding is beyond the purchase power of common man. So, it is feared that, the residents of the city will face serious difficulties in finding burial place for their human remains in the coming years (Arsalan Khan, 2013).

According to Section 25 of Rules under practice of Ex-Dir State an immovable property such as land, residential houses, shops and trees, etc., if remain in the possession of a person continuously for fifteen years, it will be considered the legal property of the possessor and no claim shall be entertained against such a person.

Section 26 of the same constitution says that if an immovable property remains in the possession of a person/party continuously for fifteen years and he possess no purchase documents or witness or purchase document of state government in support of his claim and on the other hand the second party or person claim the right of ownership of that disputed property with valid ownership documents, witness or decision of state government. The ownership of such a disputed property shall be decided according to the law of *Sharia* or local custom i.e. through local *Jirga*.

Section 27 of the constitution maintains that if an immovable property remains in possession of a person continuously for 25 years, he will be considered as

legal owner of that property and twenty five years continuous possession shall be enough for his ownership claim.

Section 28 holds that section 27 of the constitution i.e. twenty five years possession shall not be applicable in case of mortgage (Habibur Rahman, 2003).

Due to the non-existence of proper land settlement and land registration system, land disputes are frequently occurs in Lower Dir that sometime cause heavy losses of lives and property.

Besides formal courts, *Jirga* is the most effective instrument of land disputes resolution in lower Dir. But now the *Jirga* has lost its significance in face of the following drawbacks:

i. The *Jirga* decision often takes a long time as the decisions are made after several meetings

ii. The disputant parties offer valuable gifts to *Jirga* members in order to gain the favour of *Jirga*

iii. Corruption is the main issue that has weakened the *Jirga* system.

iv. *Jirga* cannot deliver Justice because its favour can easily be achieved through the use of power and money

v. When a land dispute is resolved between two people, the influential does not follow the decision of *Jirga* and nothing can be done about it.

In face of the above, the *Jirga* of today is not the same as it was in the past and the *Jirga* members are not respected as before. This is one of the reasons that the implementation of *Sharia* land laws has become the earnest demand of some segments of population as it is faster and more efficient in comparison to *Jirga* and the existing formal land disputes resolution mechanism (Dennys, & Marjana, 2012).

Due to the increasing pressure of population, inflow of remittances from Middle East Countries and limited plain area, the cost of land in Lower Dir is very high in comparison to other parts of Khyber Pakhtunkhwa. The price of one marla land is ten to fifteen lac rupees in some commercial areas like Timargara, Chakdara, Samarbagh and Khall. The real estate business is therefore, has become the most profitable enterprise and property dealers have invested millions of rupees in land transaction.

Increase in land value has multiplied land disputes in the area and caused losses of dear lives as well as numerous socio-economic miseries. The below mentioned land disputes in the study area are worth mentioning that have caused the losses of so many dear lives as well as socio-economic instability. These land disputes are still unresolved and may cause further damages of life and property to the rival parties.

1. Dispute between Osakhel and Utmankhel tribes over cultivable and non-cultivable land in Balambat area.
2. Land dispute between two rival groups in Talash area over a forest covered hilly area called Kamrani.
3. Two villages namely Kowary and Banda in Malakand area of Lower Dir have enmity on a piece of forest covered land since very long.
4. Dispute on plain and partially fertile piece of land between the khanan of Ouch village and peasants of Osaki village.
5. Dispute on forest covered hills among the residents of villages Namazkot, Safaray, Dawlay and Gorjai in Maidan Area.
6. The mountain of Sarlara in Maidan area is a constant source of rivalry between Taran tribe and the residents of Manyal village.
7. Dispute over a mountainous land the lies between Nagotal and Nanbatai villages.

8. Land litigation between the *Maliks* of village Khungi and Government of Khyber Pakhtunkhwa on state owned land.

9. Dispute on a large piece of land between the *Miangan* and *Wardak* tribe of *Lajbok* in tehsil Balambat.

10. A land dispute case between Akbar Shah Shehzada and peasants of Ex-Khan (ruler) of Jandool Valley (Lower Dir) is currently under trail in the Supreme Court of Pakistan. This land dispute over 560 *Kanals* cultivable land remained under trail in various courts and Land Commissions since 1917 and is still unresolved. The case indicates that the process of the resolution of land dispute cases through formal courts is very slow, time consuming and passed on through generations (Official Record of Local Courts, 2014).

2.4 Land Rights of Women in Islam

In Pre-Islamic Arabia women were completely excluded from the right of inheritance, where the unit of society was matrilineal and patriarchal. Islamic Law gives women the right of inheritance. Among the legal issues mentioned in the Quraan, the subject of inheritance occupies a prominent place. The Quraan included female members of the family in the scheme to have a share in the estate. Wife, daughter, sister, mother were allocated specific portions in the property of the deceased father, son or husband. Although traditionally, women are left out of the inherited property shared. Islam does not grant inheritance right to grand children except when there is no other male in the family. However, the grandfather can through *Hiba* give $1/10^{th}$ or $1/3^{rd}$ of his share to the orphaned children. Similarly Islam does not recognize to give an adopted child the right of inheritance. He or she cannot really inherit from family of his/her adopted parents. However, any number of gifts, etc., can be made in favor of the adopted child. Some Muslim countries, like Indonesia, recognize adopted children who inherit from their adopted parents exactly like the others.

In Pakistan, the family Law Reforms of 1961, attempted to protect the property share of a female family member in share of the grand children in their grand father's estate upon their father's death before the death of their grandfather (Rashid Ahmad *et al.,* 2001).

Part-B

2.5 Theories Related to Conflict

Social conflict theories highlight the forces producing instability, struggle and social disorganization. Ralf Dahrendorf, a German sociologist, says that the social conflict theories assume that:

i. Every society is subjected at every moment to change, hence social change is ubiquitous.

ii. Every society experiences at every moment social conflict, hence social conflict is ubiquitous.

iii. Every element in society contributes to change.

iv. Every society rests on constraints of some of its members by others.

The social conflict theory is most directly based upon the work of Karl Marx (1818–1883) which was largely ignored by sociologists for many years. The social conflict theories have been revived recently by C. Wright Mills (1956 – 1959) Lewis Coser (1956) and others (Horton, & Hunt, 1984).

Social conflict theories as a development, in reaction to structural functionalism and as a result many of the criticisms. The best known work on social conflict theory has been done by Randall Collins. *Collins's conflict sociology*, (1975) was highly integrative because it moved in a much more micro-oriented direction than the macro-conflict theory of Dahrendorf and others. He chooses social conflict as a focus on the realistic ground that social conflict is perhaps the central process in social life (George Ritzer, 2001).

2.5.1 Karal Marx's Social Conflict Theory

The central theme of Marx social conflict theory is class struggle or class conflict. Marx believed that the class struggle was the driving force of social conflict. He wrote in "The Communist Manifesto" (1848) that "All history is the history of social conflict". Marx believed that the character of social and cultural forms is influenced by the economic base of society specifically by the mode of production that is used and by the relationship that exist between those who own and those who do not own the means of production. History is the story of social conflict between the exploiting and the exploited classes. This conflict repeats itself again and again until capitalism is overthrown by the workers and a socialist state is created.

He further holds that human history up to now and of the present societies is full of class struggle, i.e., struggle between Free man and Slave, noble and commoner, land lord and serf, owner and worker, oppressor and oppressed remain in a state of constant antagonism. This fight sometimes seems clear and sometimes latent but resulted in a reconstructive revolution. It is clear from the above that at every stage in history, there is war between the classes. The land owner exploits the landless and the factory owner exploits the workers. Between classes there is endless antagonism, hatred and a state of social conflict (Taga, 2012).

2.5.2 Randall Collins' Social Conflict Theory

Collins's social conflict theory (1975) was highly integrative because it moved in a much more micro-oriented direction than the macro conflict theory of Dahrendorf and others. Collins himself says of his early work "My own main contribution to social conflict theory was to add a micro level to these macro level theories. I especially tried to show that stratification and organization are grounded in the interactions of everyday life".

Collins made it clear from the beginning that his focus on conflict would not be ideological, that is, he did not begin with the political view that conflict is either good or bad. Rather he claimed, he chooses conflict as a focus on the

realistic ground that conflict is a central process in social life. Collins approached social conflict from an individual point of view, because his theoretical roots lie in phenomenology and ethno methodology.

Collins saw Marxian theory as the starting point for social conflict theory. Collins's social conflict theory shows relatively little Marxian influence. It is far more influenced by Weber, Durkheim and above all phenomenology and ethno methodology.

Collins chose to focus on social stratification because it is an institution that touches so many features of life including wealth, politics, careers, families, clubs, communities, life styles, etc. in Collins's views the great theories of stratification are 'failures'. In this category he placed both the Marxian and the structural – functional theories (Randall Collins, 1975).

2.5.3 Ralf Dahrendorf' Social Conflict Theory

Like functionalists, conflict theorists are oriented towards the study of social structures and institutions. According to Dahrendorf, every society at every point is subject to processes of change. Conflict theorists see dissension and conflict at every point in the social system. Functionalists argue that every element in society contributes to stability. The exponents of social conflict theory see many societal elements contributing to disintegration. Social conflict theorists emphasize the role of power in maintaining order in society.

Dahrendorf (1959–68) is the major exponent of the position that society has two faces, i.e., conflict and consensus and that sociological theory therefore should be divided into two parts, conflict theory and consensus theory. Consensus theorists should examine value integration in society and conflict theorists should examine conflicts of interest and coercion that holds society together in the face of these stresses. Dahrendorf recognized that society could not exist without both conflict and consensus, which are pre requisites for each other. Thus we cannot have conflict unless there is some prior consensus. Social conflict leads to consensus and integration. An example is the alliance

between the United States and Japan that developed after World War-II (Dahrendorf, 1959-68).

2.5.4 Lewis Coser's Social Conflict Theory

In "The Functions of Social Conflict (1956)" Coser defined and related conflict to the social world, explored the nature of hostility, discussed how social conflict can lead to social change, and paid close attention to the role of people's emotions in conflict. Coser defined social conflict as a struggle over values and claims to scarce status, power and resources in which the aims of the opponents are to neutralize, injure or eliminate their rivals". Coser believed that conflict may take place between individuals, between collectives or between individual and collectives. Inter group and intra group conflicts are a constant feature of social life. Coser defined power as the chance to influence the behavior of others in accord with one's own wishes" Determining the level of power that any one group holds depends on its relation to other groups.

Coser is of the view that there are aggressive or hostile impulses in people and that in all close and intimate relationships both love and hate are present. Love and hate are conjoined because contact is constant in close relationship, the closer the contact, the more intense the conflict. Conflicts in a relationship often create instability. Because of close proximity, people have many opportunities to develop resentment, consequently, conflict and arguments are integral parts of people's relationships that cause instability and breakup.

Coser came to realize that conflict serves many functions. Conflict often leads to social change. It can stimulate innovation and during times of external (War) or internal (Civil unrest) threat, it leads to an increase in the centralization of power (Lewis Coser, 1956-67).

These theories were incorporated and were taken under consideration because all these theories are addressing the issue of conflict and dispute on various bases. These theories are providing conceptual and theoretical framework to the study. Land disputes are also pacifically addressed by some of these

scholars directly, while others addressed it indirectly. This justification of giving these theories provides conceptual clarity and give a roadmap to the study.

2.6 Area Profile

The term "Dir" is an Arabic word, which means Monastery. It is believed that in ancient times, there were numerous monasteries of monks in the area of Dir. Therefore, it had been named as Dir, i.e., the land of monasteries (Jamil Yousafzai, 1994).

Akhund Ilyas is known as the founder of the ruling family of the then Dir state. He was a saintly man and attracted people from all walks of life by his preaching, as he got the status of a spiritual/ political leader of the people. His reign continued in the descendant till the last ruler.

The last ruler of the then Dir state was Muhammad Shah Jehan Khan. He ruled from 1925 to 1960. On October 8, 1960, he was deposed by the government of Pakistan and his succeeding son Muhammad Shah Khaisro was appointed as the nominal *Nawab* (Duke) of Dir till 1969.

In 1969, the Dir state was completely freed from hundreds of years of oppressive rule of the *Nawabs* (Dukes) and became constituent district of Khyber Pakhtunkhwa (formerly N.W.F.P).

District Dir was divided into two districts in 1996 as Upper Dir and Lower Dir District.

2.6.1 Topography

Basically the area of Lower Dir is mountainous, surrounded on all sides by lofty Mountains, which are the part of southern Hindu Kush ranges. The ranges of mountains in general run from North to South. The highest peak lies in the northern part of the district where they reach more than 3000 meters in height. In the central part, the height varies between 1800 and 2000 meter.

In the south at the junction of the Panjkora River and the Swat River, the height shows a rapid decrease where it is around 600 meters. These ranges have deeply been cut by the Panjkora River and its tributaries. The total area of Lower Dir district is 1,583 square kilometer.

2.6.2 Location

District Lower Dir is bounded on the north by District Upper Dir , District Swat is located in its east, Malakand Agency is situated on its south side and on its western flank lays Bajaur Agency and Afghanistan.

2.6.3 Climate

The climate of Lower Dir in summer season remains pleasant in the hilly parts while it is hot in the relatively plain areas. In June the maximum and minimum temperature has been recorded as 32.52°C and 15.67°C respectively. During the spring the wind storms blow from Lowari Top in the afternoon which is quite chilly and intolerable. The winter season remains extremely cold and temperature rapidly falls in November and onwards. December, January and February remain very cold and temperature generally falls below the freezing point. The maximum and minimum temperature in the month of January has been recorded as 11.22°C and -1.39°C respectively. During the winter season the average rainfall receives more than that of summer season. The maximum rain fall in winter season has been recorded as 242.22 MM in the month of March.

In the months of May and June the rainfall occur through local thunder storm while rainfall received in the month of July, August and September due to the tail of monsoon winds. The relative humidity is quite high throughout the year.

2.6.4 Population

The population of Lower Dir (according to 1998 census) is 717.65 thousands.

2.6.5 *Agriculture*

Most of the area of lower Dir is mountainous; therefore the cultivable land is limited and cannot fulfill the agricultural needs of the local population. Maize, wheat and various types of vegetables are the important agricultural products of the area.

2.6.6 *Forestry*

Hills and plains are covered with natural forests such as pine trees, chirr, poplar, eucalyptus, ailanthus, oak, walnuts, olive, etc. To keep check on merciless and ruthless cutting of trees, the government established Dir Forest Division in 1960 and declared forestry in the area as public property. However, the inhabitants of the area were given the privilege to get share from the income of forests as royalty.

2.6.7 *Horticulture*

Apple, pear, plum, apricot, fig, citrus fruit, loquat, orange, and mulberry are found in abundance. Peach orchards are also found in the district. The Malta of Khall and Rabat (two towns in Lower Dir) are famous throughout the Khyber Pakhtunkhwa province for its unique taste.

2.6.8 *Mining*

Lower Dir has vast reserves of metal, non-metal and industrial minerals, Granite, Horn Blend, Marble, limestone, Quartz, china clay and Mica are found in various places of Lower Dir district.

2.6.9 *Language*

Only a single language, i.e., Pashto is spoken in Lower Dir for its hundred percent populations is *Pakhtuns* whose mother tongue is Pashto.

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2.6.10 Religion

100% population of the area is Muslims and believes in Hanafi faith.

2.6.11 Castes

The major castes living in lower Dir include *Khans, Maliks, syeds, Rodbaris, Miangan, Mulyan, Akhunzadgan, sawadgan, Gujars* and professional casts such as barbers, iron smiths, carpenters, potters etc.

2.6.12 Family System

All the family systems like nuclear, joint and extended are found in the area. However, joint family system is the most prominent family system of the study area.

2.6.13 Education

The ex-rulers of the Dir state had imposed complete ban on the acquisition of knowledge and there was no single educational institution in Dir before 1960. However after the end of *Nawabi* rule, the government of Pakistan paid special attention to the education sector and established a large number of academic institutions throughout the district. Presently, besides a large number schools there are six boys and girls colleges and a university namely University of Malakand is functioning in the study area. Hundreds of schools and college have also been established in the private sector. Literacy rate in the area for male is 48.76% and for female is 12.25% according to the Census Report 1998.

2.6.14 Health Facilities

Health facilities are sufficiently provided to the people of the study area. There is a District Head Quarter Hospital at Timargara, equipped with all available medical facilities. There are Tehsil Head Quarter Hospitals at each Tehsil level along with Basic Health Units and small dispensaries in each and every corner of the district.

2.6.15 Industry

Except flour mills and wood industry, no major industry exists in the study area.

2.6.16 Occupation

Agriculture is the main occupation of the people. As cultivated land is very limited, therefore, agriculture productivity and per capita income of the people is also very low. Besides agriculture, a large number of people are also engaged in business and government services. Currently, the ratio of people pursuing various professions and callings is 71.3%. Female share in government services is 27.18%, besides, a large chunk of manpower in the district is working abroad, mostly in the Middle East countries. Remittances received from the Middle East are greatly improving the socio-economic conditions of the people in this district.

2.6.17 Communication

Almost all the valleys in Lower Dir are connected through black topped or shingled roads. However, still a large number of villages in the far-flung parts lack communication facilities.

2.6.18 Shopping Centers

Chakdara, Ouch, Ziarat Talash, Timargara, Rabat, Khall, Lal Qila, Haya Seri, Munda, Mayar, Samar Bagh and Kambat are the famous and busy shopping centers of the study area. There are a lot of shops where the people buy articles of daily use.

2.6.19 Dress

The dress of the people of Lower Dir is traditional *Shalwar* and *Qamees*. Woman wears *Burqa* (Veil) or *Chadar* to observe *pardah*.

2.6.20 Culture

The inhabitants of lower Dir are under the strong influence of religion. Therefore, the cultural set up in the area is largely influenced by religious codes.

2.6.21 Recreation

There are no recreational facilities available to the people as in big cities. Only play grounds are available for traditional and professional games. Some ceremonies and rituals are also held on specific occasions. Volley ball, Football, Cricket, Hockey and Kabbadi are the famous games and sources of recreation in the study area.

2.6.22 Social Problems

Unemployment, poverty, child labor, over population, land and family disputes, illiteracy, violence against women and deviation from the prevailing social norms are the major social problems of the area.

2.6.23 Archaeological Sites

The earliest archaeological sites in the area are cemeteries of the Aryans who had inhabited in this area right from the middle of the second millennium B.C. These cemeteries were discovered in Timergara and Balambat areas on both sides of the River Punjkora (Dani, 1963). A team of experts led by Ahmad Hassan Dani from the Department of Archaeology University of Peshawar conducted excavations at both places. The excavations revealed numerous graves containing various burials with a variety of grave-objects.

Palaeolithic artifacts have also been discovered at village Andheri adjacent to Timergara city. The artifacts collected from the site belong to different periods of Stone Age. These include hand axes, cleavers, choppers, cores, points, typical Mousterian side scrapers and Levallois flakes. (Dr. Lutfur Rahman, 2009).Remains of the past cultures have been discovered from Andan Dheri,

Chatpat, Dhamkot, Ramora, Jabagai, Bambolai, Macho, Kat Kala, Amlook Dara, Shamshi Khan, and Ouch (Abdur Rahman, 1968). To preserve these valuables remains of the past, Dir Museum was established in 1979. This Museum is enriched with the artifacts discovered from the archaeological sites of Lower Dir.

2.7 Summary

In chapter-2 Part-A of the research dissertation in point, land dispute and land dispute resolution mechanism in various countries of the world have been taken stock of. The already available studies and researches in different states have been reviewed in this chapter with reasonable details, besides the multifarious societal problem resulting from such disputes.

Land dispute is one of the pressing and burning issues across the globe and their solution require prompt attention, which may put an end to other social problems.

Citations of already available researches in land disputes and their settlement mechanism in Indo-Pakistan have also been highlighted, which indicate that land dispute is a challenging issue for the developing countries and it is felt that if these disputes are not resolved timely, the already weak and unstable social, economic, political, and other institutions will badly suffer.

Part-B of the same chapter contains conflict theories of renowned conflict theorists, i.e., Karal Marx, Randall Collins, Ralf Darhindorf and Lewis Coser. They have explored that conflict is unavoidable human activity, create instability but serves many positive functions.

Information regarding topography, climate, population composition, culture, etc., of the study area have also been discussed in this chapter.

Chapter-03

METHODOLOGY

3.1 Scope of the Study

This study was undertaken on land disputes in Lower Dir, the registered cases on land disputes were investigated from the last 10 years, i.e., 2001-2010. The researcher investigated different types and nature of land disputes, the causes of such cases and consequences on the rivalries in the target area. Dir district remained under *Nawabism* and after that when it was converted to the settled area of Pakistan; so many flaws exist in distribution and ownership as well as transaction of land in the area, which lead to so many disputes. This research covered all aspects of land disputes; the causes and consequences of land disputes in District Lower Dir was the central theme of the thesis.

3.2 Hypotheses

This study is based on two hypotheses.

Hypothesis # 1

Factors of Land Disputes are positively associated with sociological implications.

Independent variables	**Dependent variables**
Factors of Land disputes:	Sociological Implications:
•Unclear boundaries	•Time consuming
• No Registration	•Economic impact
• Power (might is right)	•Tension
• Court Proceedings	•Satisfaction from court
• Illiteracy	•Energy consumption
• Greed	•Relationship

Hypothesis # 2

Land disputes associated with various problems to land disputants.

Independent variable	Dependent variable
Land disputes based on: •Unclear boundaries, • No Registration, •Encroachment	Various Problems to land disputants •Economic impact •Time Consuming •Energy loss •Relationship •Risk of life • Tension

3.3 Methodology

A. Universe and Sample Size

The universe of the study was comprised of cases related to land disputes in Lower Dir District. According to the District and Lower Courts of Dir Lower, 816 land dispute cases were under trial. Therefore, the researcher selected 200 sample size through proportion allocation method of sampling: (i.e. $n_l = N_l/N_i \times n_i$; A.L. Bowley, 1920) from the Land Dispute Partners and 50 from Land Dispute related Officers and Lawyers on the same procedure.

i. Sampling Procedure for Land Disputes Partners:

Courts	Cases	Samples
1. District & Session Judge	98	32
2. Additional District Session Judge(1-4)	152	51
3. senior Civil Judge	56	19
4. Civil Judge(1-8)	294	98
Total	600	200

ii. Sampling Procedure for Land Disputes Related Judges, Officers and Lawyers:

Stakeholders	Population	Samples
1. Judges	14	05
2. Officers	08	03
3. Advocate	120	42
Total	142	50

B. Data Collection and Analysis

Since in the target area, there are two types of respondents, educated and un-educated, therefore the researcher preferred to develop interviews schedule for uneducated and questionnaire for educated respondents.

Moreover, the data was quantitative in nature so both interview schedule and questionnaire were developed.

After collecting the relevant data, it was analyzed through SPSS (Statistical Package for Social sciences), data was interpreted in univariate and bivariate as well as multivariate tables and diagrams. A detailed description of each table and diagram has been given. The Findings were derived and conclusion was drawn. The researcher extended pertinent suggestions for the resolution of land disputes in the area.

Chapter-04

DATA ANALYSIS AND PRESENTATION

4.1 Introduction

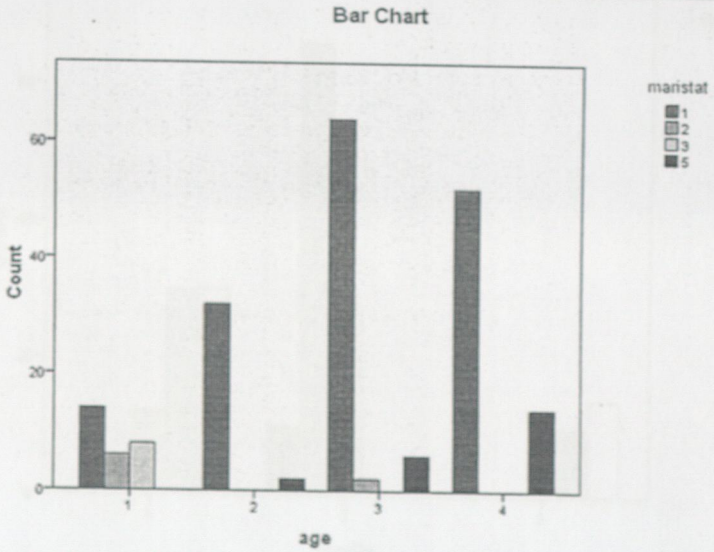
Data analysis is one of the crucial stages in research. It is a logical and sequential step in which the collected data from the field is categorized into different segments on the basis of their homogeneity or related characteristics.

In this chapter, the collected data has been analysed and presented in tabular and diagrammatic form, along with detailed explanation. This chapter consists of four parts: the first part gives brief introduction to the chapter. The second part deals with the data analysis of land disputes partners. The third part explicates the data collected from the officers related to land disputes and the fourth part shows the test applied on the collected data, i.e., chi-square.

4.2 Data Analysis of Land Disputes Partners (Community)

Table and Diagram-01: Age and Marital Status of the Respondents

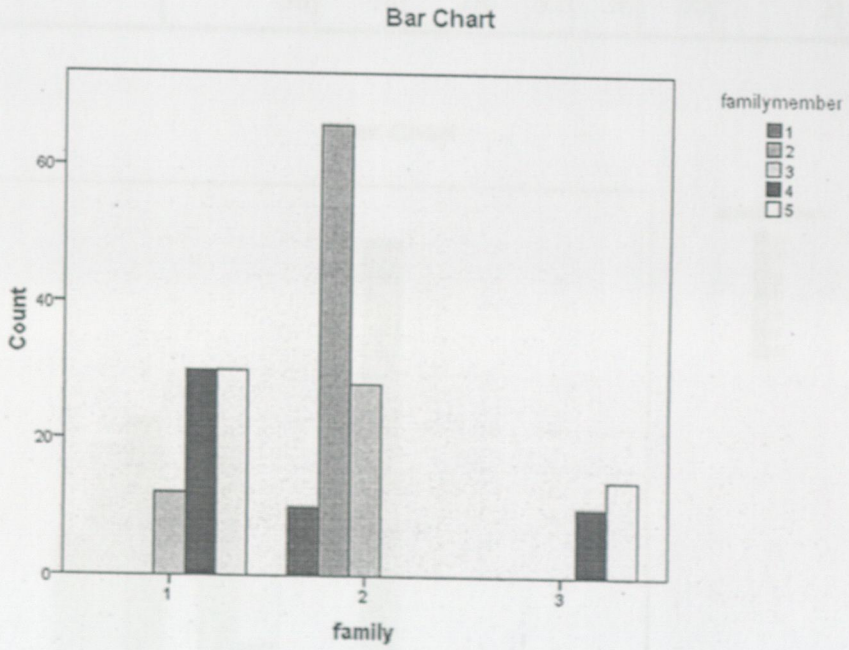
Specification		Marital Status				Total
		Married	Unmarried	Engaged	Widower	
Age	21-30	14	6	8	0	28
	31-40	32	0	0	2	34
	41-50	64	2	0	6	72
	Above 50	52	0	0	14	66
Total		162	8	8	22	200



Description: Table and Diagram-1 indicate the age and marital status of the respondents. Out of the total 200 respondents 28 were in the age group of 21-30 years, 34 were in the age of 31-40 years, 72 were in the age of 41-50 years and 66 were in the age group of above 50 years. The table further highlights the marital status of the respondents, Out of the total 200 respondents, 162 were married, 8 were unmarried, 8 were engaged and 22 were widowers.

Table and Diagram-02: Family Type and Members

Specification		Family Members					
		2-5	6-8	9-11	12-14	15 and above	Total
Family Type	Joint	0	0	12	30	30	72
	Nuclear	10	66	28	0	0	104
	Extended	0	0	0	10	14	24
Total		10	66	40	40	44	200

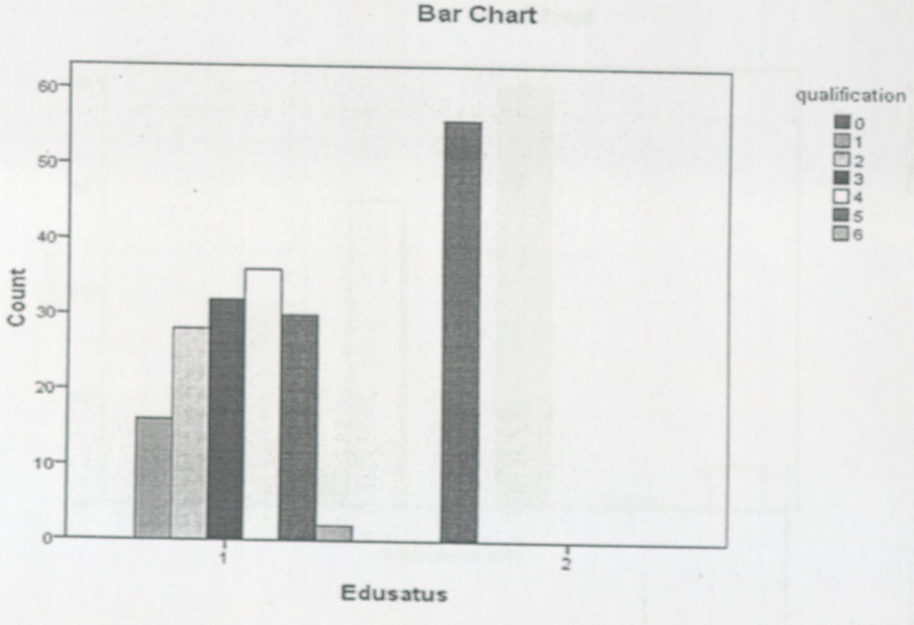


Description:

Table and Diagram-2 shows the type and number of family members. Out of the total 200 respondents, 72 belonged to joint family, 104 to nuclear family and the rest of 24 were residing in extended family system. Moreover, the table further shows that 10 respondents out of total 200 had family members between the range of 2-5, 66 were in the range of 6-8 family members, 40 respondents had family members between the range of 12-14 and 44 respondents had more than 15 family members.

Table and Diagram-03: Educational Status and Qualification

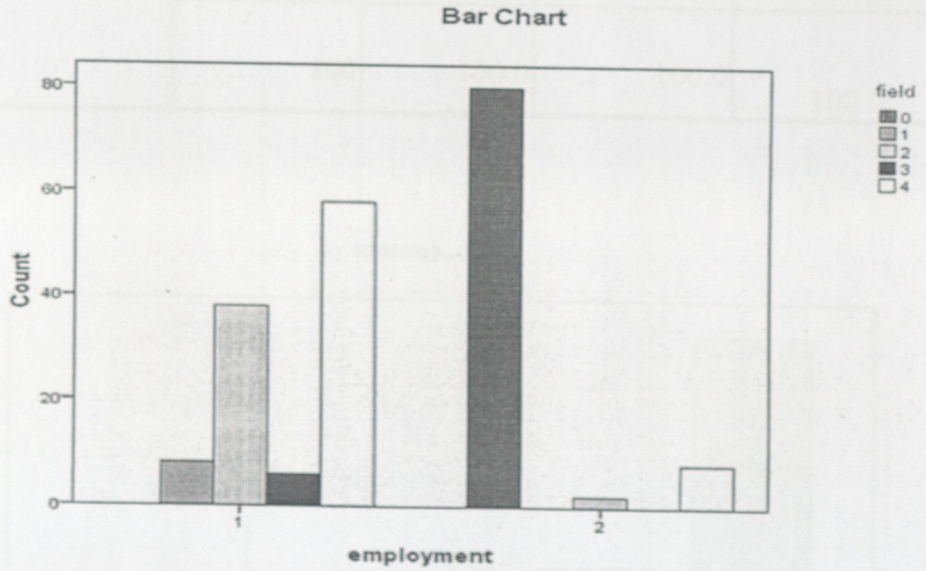
Specification		Qualification							
		Uneducated	Under Matric	Matric	F.A./F.SC	B.A./BSc	M.A./MSc	Technical	Total
Educational Status	Educated	0	16	28	32	36	30	2	144
	Uneducated	56	0	0	0	0	0	0	56
Total		56	16	28	32	36	30	2	200



Description: Table and Diagram-3 indicates the educational status and qualification of the respondents. Out of total 200 respondents, 144 were educated while 56 were un-educated. Among educated, 16 respondents were under Matric, 28 Matric, 32 F.A/F.Sc, 36 B.A/B.Sc, 30 M.A/M.Sc and only 02 were technically educated.

Table and Diagram-04: Employment Status and Field of Profession

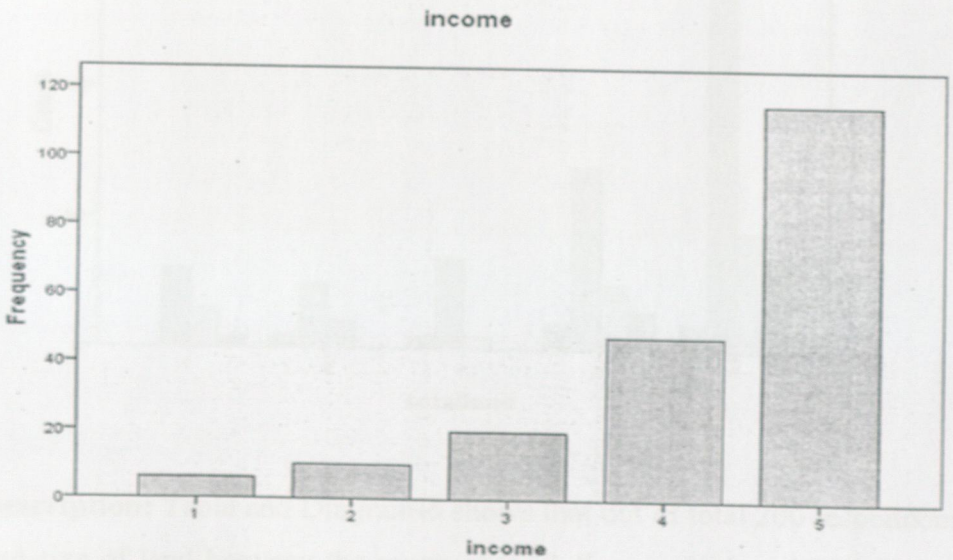
Specification		Field					
		Unemployed	Health	Education	Administration	Private Job	Total
Employment	Employed	0	8	40	6	66	120
	Unemployed	80	0	0	0	0	80
Total		80	8	40	6	66	200



Description: Table and Diagram-4 shows the employment status and field of profession of the respondents. Out of total respondents, 120 were employed while 80 were unemployed. Among the employed, 8 belonged to Health Sector, 40 to education, 06 to administration and 66 were attached to private sector jobs.

Table and diagram-05: Monthly income of the respondents

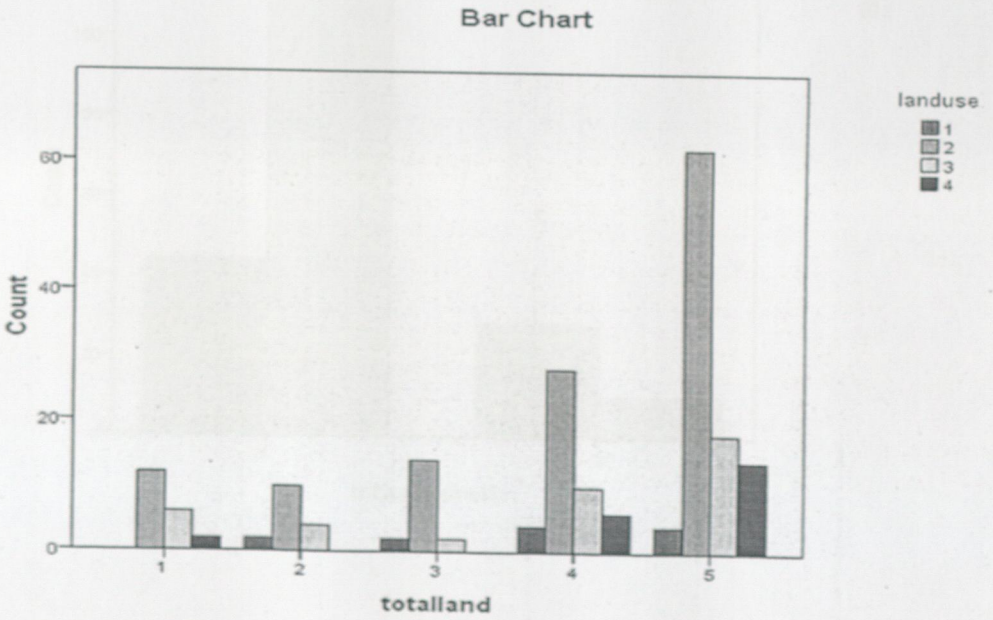
Specification	Frequency	Percent	Valid Percent	Cumulative Percent
5000-10000	6	3.0	3.0	3.0
10001-15000	10	5.0	5.0	8.0
15001-20000	20	10.0	10.0	18.0
20001-25000	48	24.0	24.0	42.0
Above 25000	116	58.0	58.0	100.0
Total	200	100.0	100.0	100.0



Description: Table and Diagram-5 shows that 06 of the respondents had income between the ranges of 5000-10000, 10 had 10001-15000, 20 had 15001-20000, 48 had between 20001-25000 and 16 had monthly income above 25000.

Table and Diagram-06: Total land and Land use

Specification	Land use				
	Commercial	Crop producing	Horticulture	Forest	Total
0-10 *Kanals*	0	12	6	2	20
10-20 *Kanals*	2	10	4	0	16
20-30 *Kanals*	2	14	2	0	18
30-40 *Kanals*	4	28	10	6	48
Above 40 *Kanals*	4	62	18	14	98
Total	12	126	40	22	200

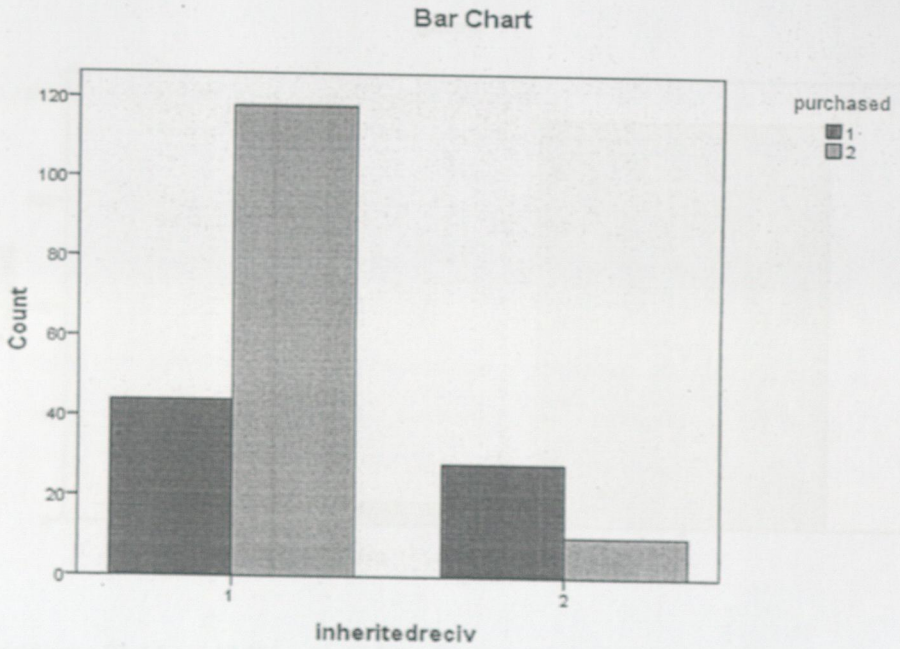


Description: Table and Diagram-6 shows that out of total 200 respondents, 20 had size of land between the range of 0-10 *Kanals*, 16 had 10-20 *Kanals*, 18 between 20-30 *Kanals*, 48 had 30-40 *Kanals* and the remaining 98 respondents possessed land holding above 40 *Kanals*.

Moreover, the table further indicates that out of total 200 respondents, 12 had commercial land, 126 had crop producing land, 40 for horticulture purposes while 22 respondents possessed land for forestry purposes.

Table and Diagram-07: Land received inherently and purchased

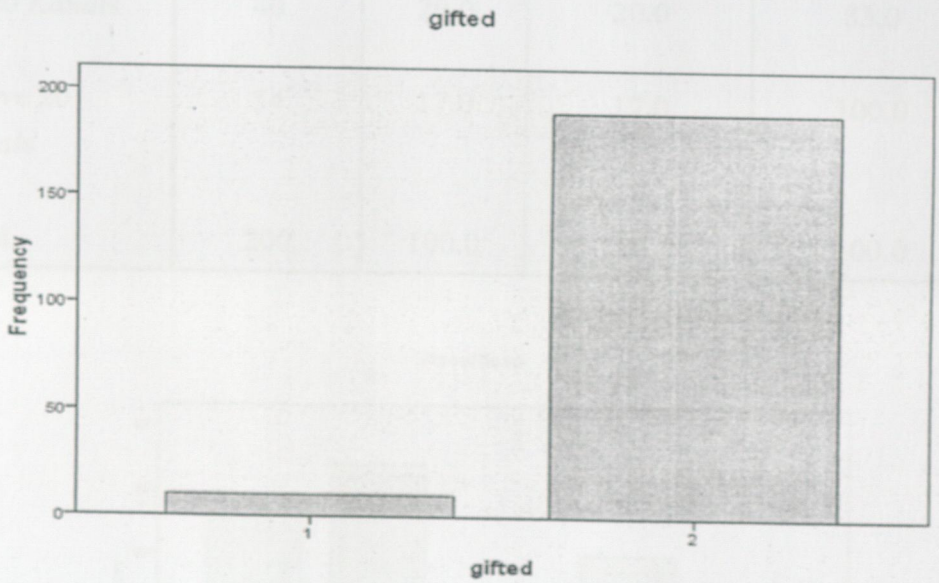
Specification		Purchased		Total
		YES	No	
Inherently received	Yes	44	118	162
	No	28	10	38
Total		72	128	200



Description: Table and Diagram-7 shows that out of total 200 respondents, 162 had received the land inherently while 38 had purchased the land.

Table and Diagram-08: Gifted Lands

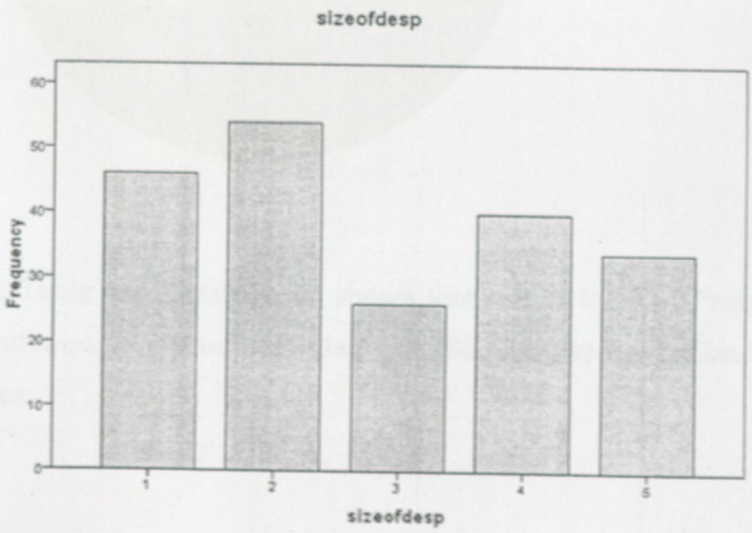
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	10	5.0	5.0	5.0
	No	190	95.0	95.0	100.0
	Total	200	100.0	100.0	



Description: Table and Diagram-8 indicates that out of total 200 respondents, 10 respondents received the land by gift and the rest 190 had received the land through other means.

Table and Diagram-09: Size of the disputed lands

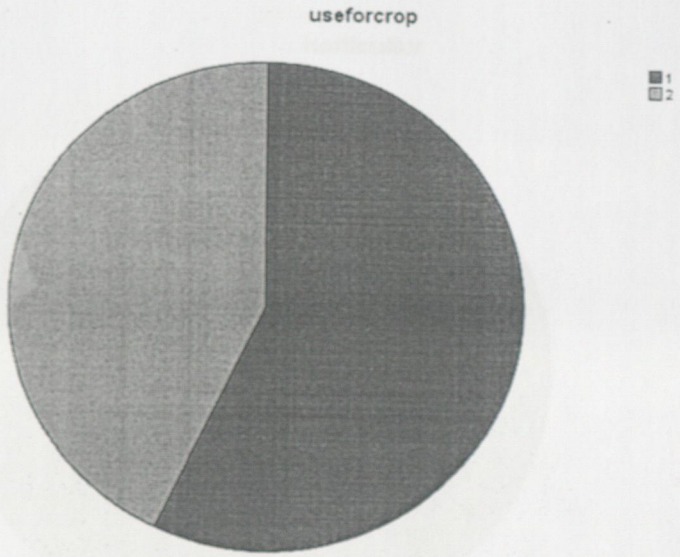
Specification	Frequency	Percent	Valid Percent	Cumulative Percent
0-05 *Kanals*	46	23.0	23.0	23.0
05-10 *Kanals*	54	27.0	27.0	50.0
10-15 *Kanals*	26	13.0	13.0	63.0
15-20 *Kanals*	40	20.0	20.0	83.0
Above 20 *Kanals*	34	17.0	17.0	100.0
Total	200	100.0	100.0	100.0



Description: Table and Diagram-9 shows that out of total 200 respondents, 46 possessed the size of disputed land between 0-5 *Kanals*, 54 respondents were between 5-10 *Kanals*, 26 had disputed land between the range of 10-15 *Kanals*, 40 were held disputed land between 15-20 *Kanals* and the rest of 34 respondents had dispute on land more than 20 *Kanals*.

Table and Diagram-10: Use of Disputed Lands for crop Production

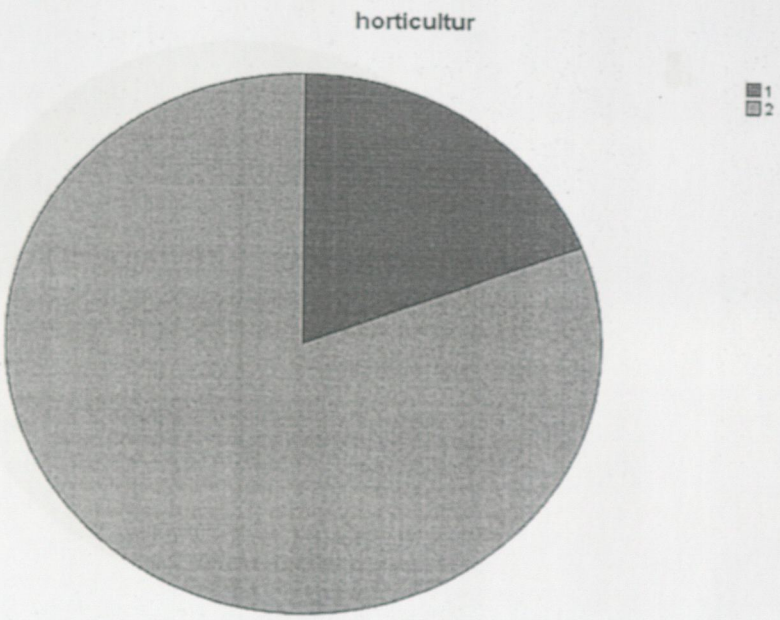
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	114	57.0	57.0	57.0
	No	86	43.0	43.0	100.0
	Total	200	100.0	100.0	



Description: Table and Diagram-10 shows that out of total 200 respondents, 114 had disputes on crop production land and 86 had disputes on land used for other purposes.

Table and Diagram-11: Use of Disputed Lands for Horticulture

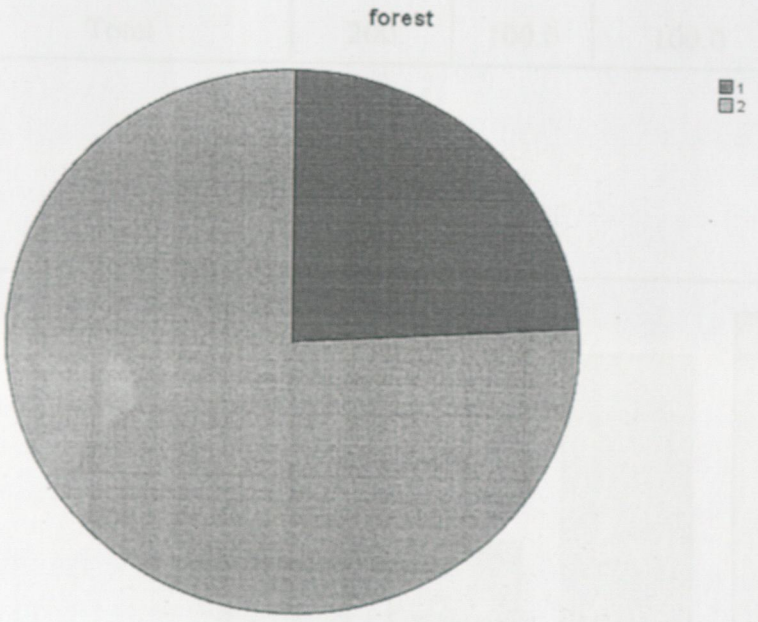
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	38	19.0	19.0	19.0
	No	162	81.0	81.0	100.0
	Total	200	100.0	100.0	



Description: Table and Diagram-11 shows that out of total 200 respondents, 38 had disputes on land used for horticulture and 162 respondents had disputes on land used for other purposes.

Table and Diagram-12: Disputed Lands consists of Forest

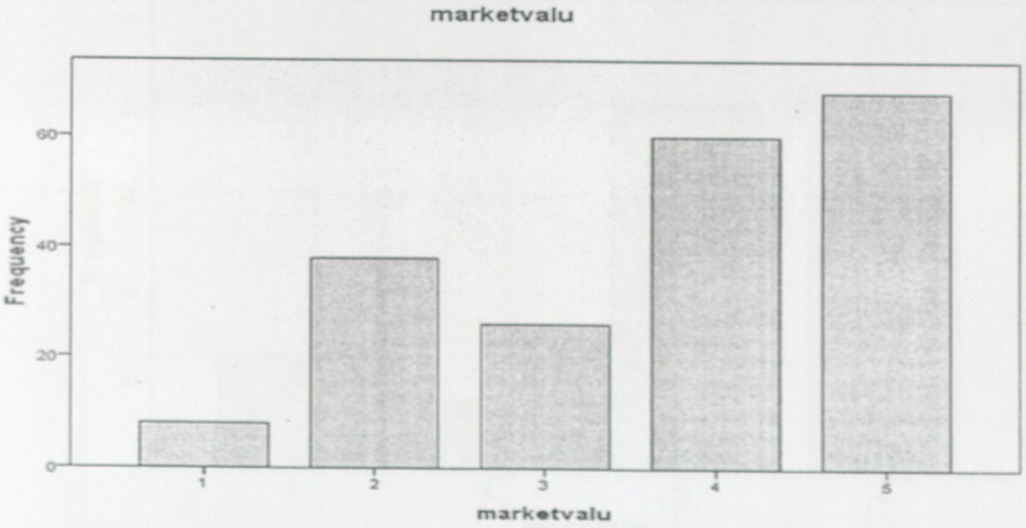
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	48	24.0	24.0	24.0
	No	152	76.0	76.0	100.0
	Total	200	100.0	100.0	



Description: Table and Diagram-12, describes that out of total 200 respondents, 48 had disputes on forest growing land.

Table and Diagram-13: Market value of Disputed Lands

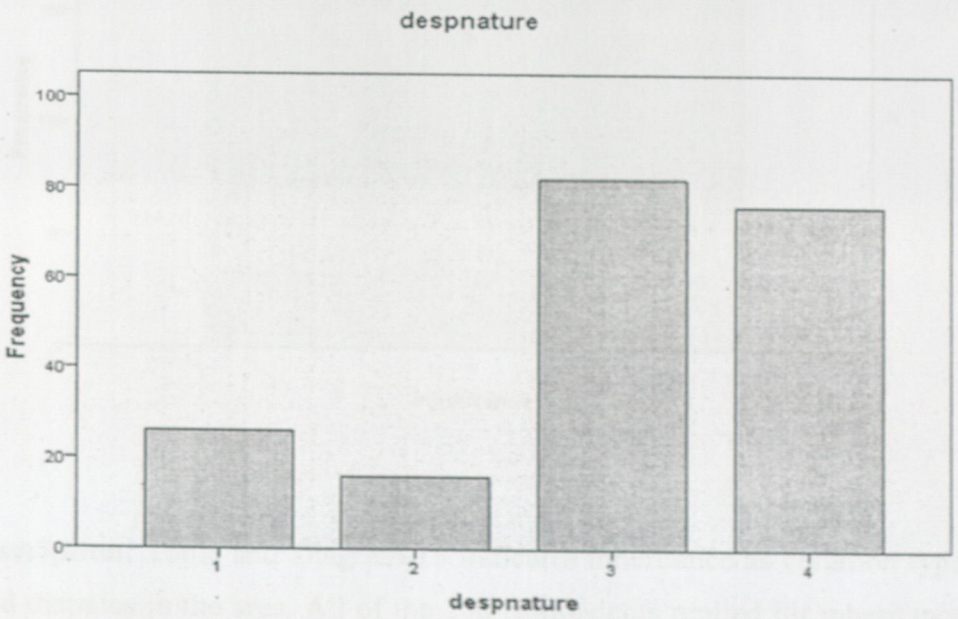
Specification(RS)	Frequency	Percent	Valid Percent	Cumulative Percent
50000-100000	8	4.0	4.0	4.0
100001-200000	38	19.0	19.0	23.0
200001-300000	26	13.0	13.0	36.0
300001-400000	60	30.0	30.0	66.0
Above 400000	68	34.0	34.0	100.0
Total	200	100.0	100.0	



Description: Table and Diagram-13 describes that out of total 200 respondents, 08 had the market value of disputed land between the range of 50000-100000, 38 respondents had between 100001-200000, 26 had market value of disputed land between 200001-300000, 60 respondents between 300001-400000 and 68 respondents had disputes on land worth above 400000.

Table and Diagram-14: Nature of Land Disputes

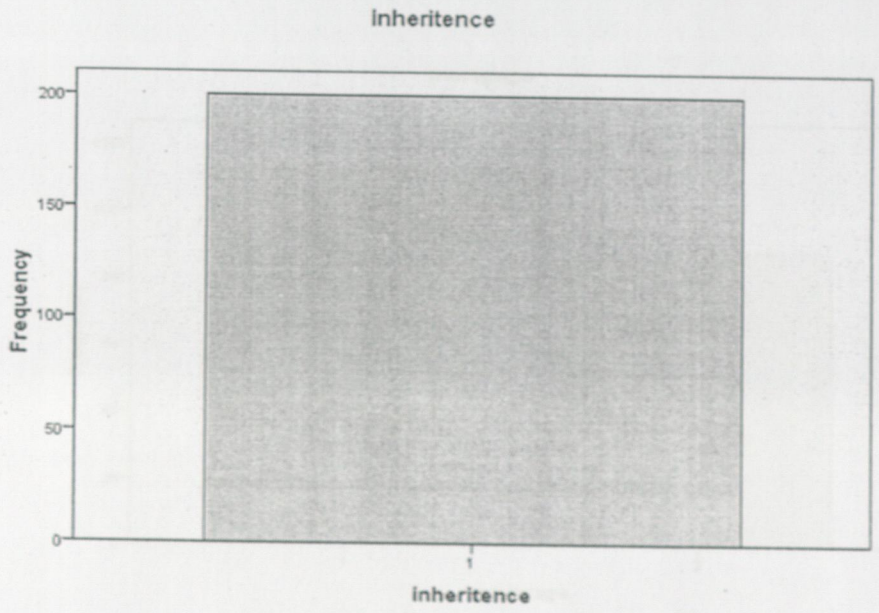
Specification	Frequency	Percent	Valid Percent	Cumulative Percent
Encroachment	26	13.0	13.0	13.0
Demarcation	16	8.0	8.0	21.0
Inheritance	82	41.0	41.0	62.0
Ownership	76	38.0	38.0	100.0
Total	200	100.0	100.0	



Description: Table and Diagram-14 indicates that out of total 200 respondents, 26 had land disputes on encroachment by the second party, 16 had disputes on the demarcation of land, 82 had disputes on inheritance of land while 76 respondents had disputes on ownership of land.

Table and Diagram-15: Inheritance as common type of Land Disputes

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	200	100.0	100.0	100.0



Description: Table and Diagram-15 indicates inheritance as common type of land disputes in the area. All of the 200 respondents replied for inheritance as common type of land disputes in the area.

The same results were derived by Olga Segar in the study in 2008, at Rawanda.

Table and Diagram-16: Mortgage as common type of land disputes

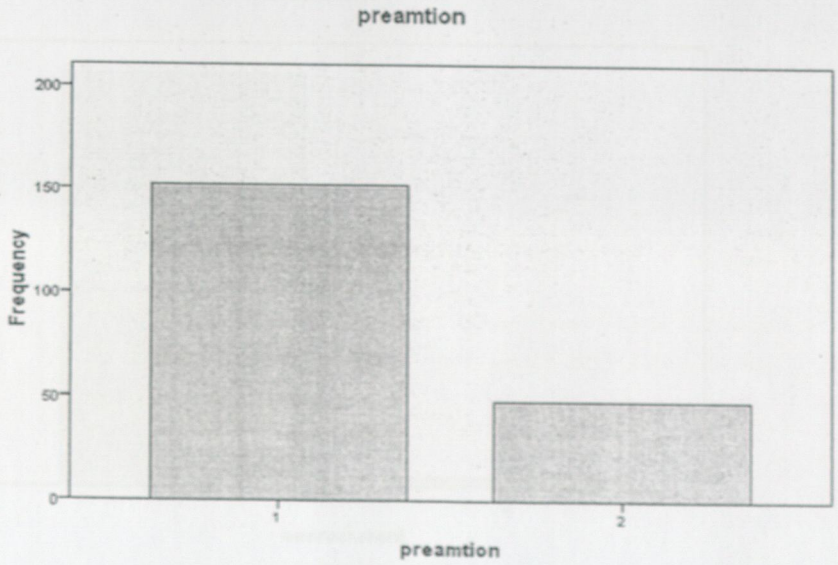
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	112	56.0	56.0	56.0
	No	88	44.0	44.0	100.0
	Total	200	100.0	100.0	



Description: Table and Diagram-16 indicates that out of total 200 respondents, 112 had pointed out mortgage as a common type of land disputes.

Table and Diagram-17: Preemption as a common type of land disputes

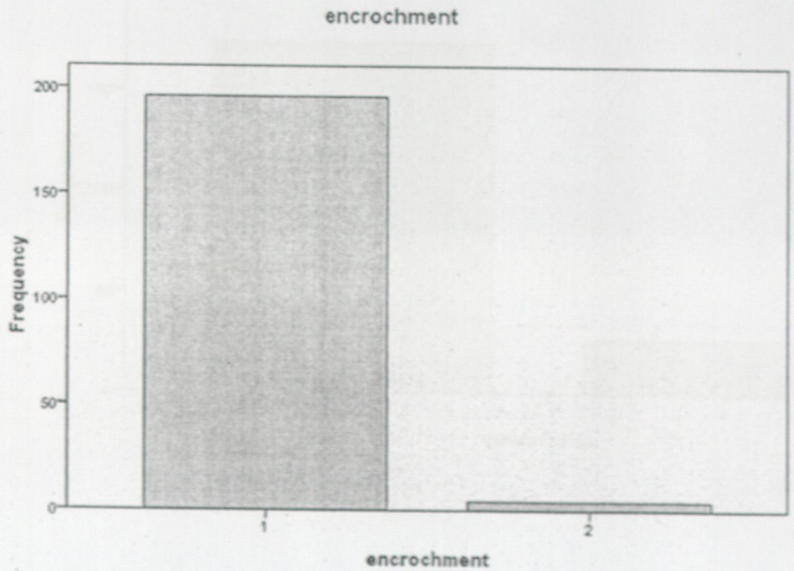
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	152	76.0	76.0	76.0
	No	48	24.0	24.0	100.0
	Total	200	100.0	100.0	



Description: Table and Diagram-17 indicates that out of total 200 respondents, 152 had pointed out preemption as a common type of land disputes.

Table and Diagram-18: Encroachment as a common type of land disputes

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	196	98.0	98.0	98.0
	No	4	2.0	2.0	100.0
	Total	200	100.0	100.0	

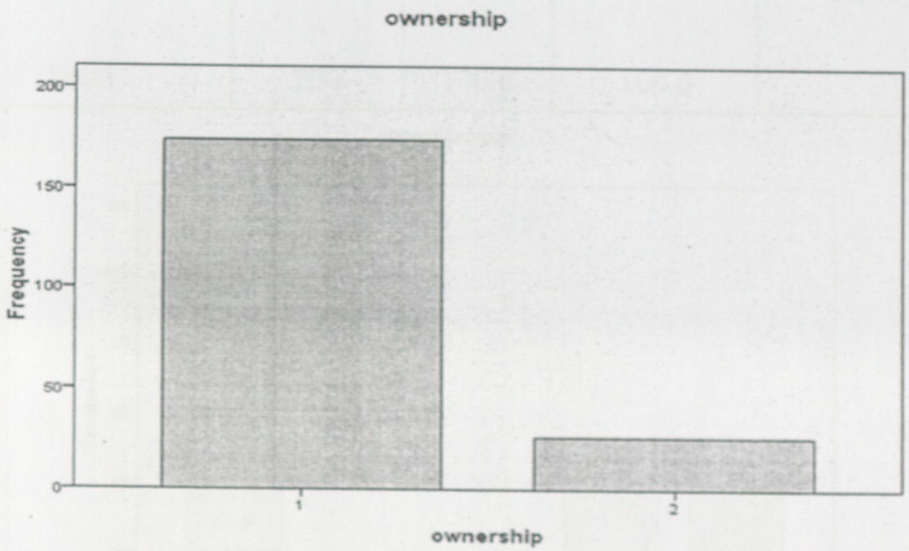


Description: Table and Diagram-18 indicates that out of the total 200 respondents, 196 had declared encroachment as a common type of land disputes.

The same arguments were given by World Bank in 2005, at Afghanistan and Arsalan Khan, in 2013 at Peshawar, in Pakistan.

Table and Diagram-19: Ownership as a common type of land disputes

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	174	87.0	87.0	87.0
	No	26	13.0	13.0	100.0
	Total	200	100.0	100.0	

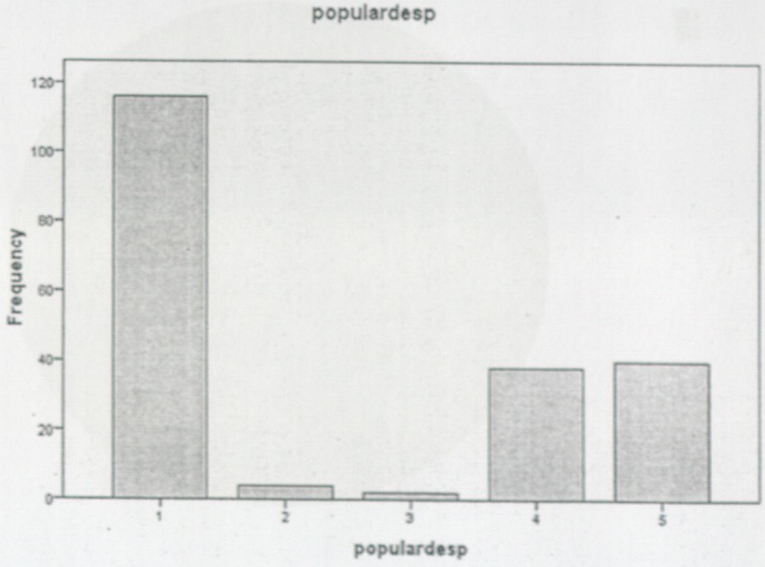


Description: Table and Diagram-19 shows that out of total 200 respondents, 174 were of the view that disputes on ownership of land is a common type of land disputes.

The same conclusion was derived by Hafton Tesfay in 2011, at Tigray and by Williams Kalande in 2008 in Kenya.

Table and Diagram-20: Popular Type of Land Disputes

Specification	Frequency	Percent	Valid Percent	Cumulative Percent
Inheritance	116	58.0	58.0	58.0
Mortgage	4	2.0	2.0	60.0
Pre-emption	2	1.0	1.0	61.0
Encroachment	38	19.0	19.0	80.0
Ownership	40	20.0	20.0	100.0
Total	200	100.0	100.0	

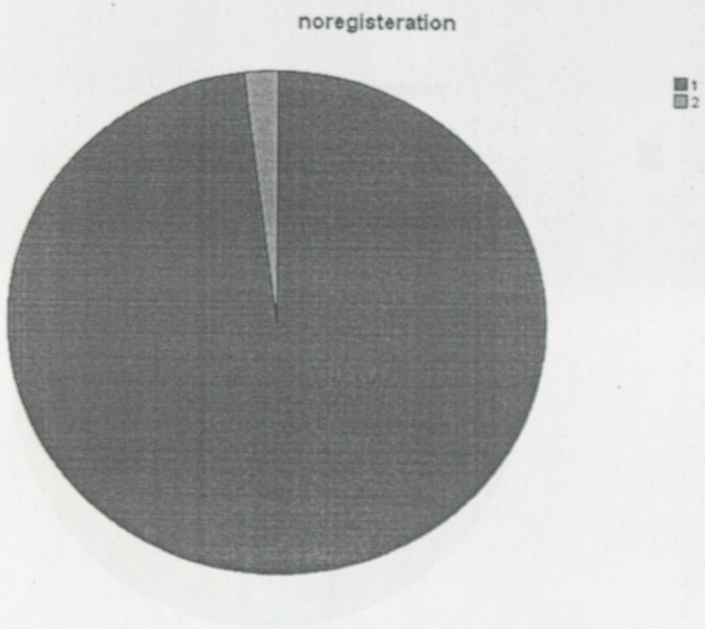


Description: Table and Diagram-20 indicates that out of total 200 respondents, 116 were of the view that the very popular type of land disputes was dispute on the inheritance of land, 04 indicated the mortgage as a very popular type of land disputes, 02 pointed out the pre-emption as most common type of land disputes, 38 considered encroachment by the second party as most common type while 40 respondents claimed that disputes on the ownership of land was found very common.

The same result was derived by Olga Segar in 2008, at Kabushinga and Nyamulgali of Rawanda.

Table and Diagram-21: No Registration as Contributing Factor of Land Disputes

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	196	98.0	98.0	98.0
	No	4	2.0	2.0	100.0
	Total	200	100.0	100.0	

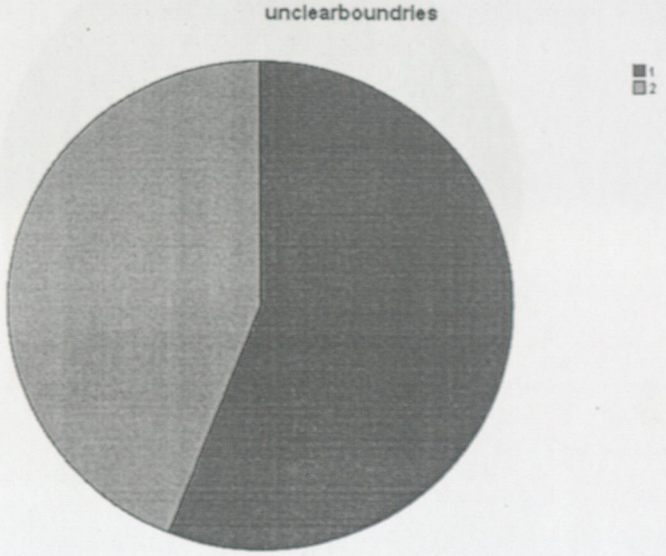


Description: Table and Diagram-21 shows that out of total 200 respondents, 196 had declared absence of land registration system as a contributing factor of land disputes.

As mentioned by Aqal Zaman in 2003 in Eastern Afghanistan and Dennys and Marjana in 2012 at Lower Dir.

Table and Diagram-22: Unclear Boundaries as a Factor of Land Disputes

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	112	56.0	56.0	56.0
	No	88	44.0	44.0	100.0
	Total	200	100.0	100.0	

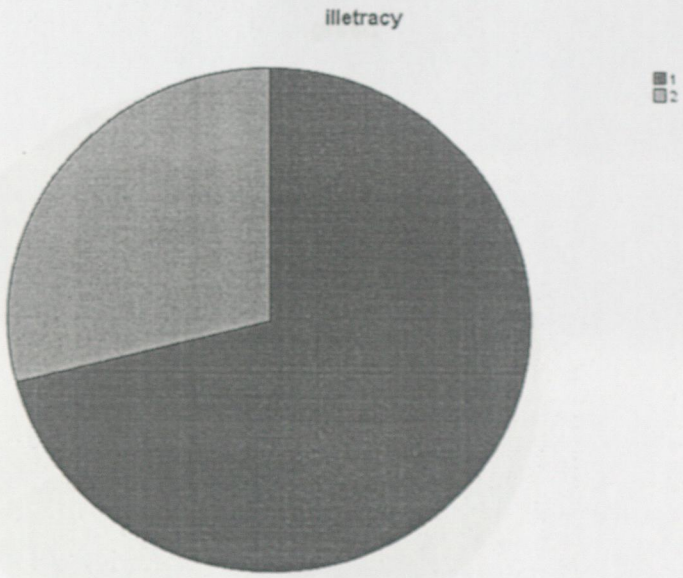


Description: Table and Diagram-22 indicates that out of total 200 respondents, 112 were considering unclear boundaries as a contributing factor of land disputes.

As derived by Hafton Tesfay in 2011, at Tigray.

Table and Diagram-23: Illiteracy as a Factor of Land Disputes

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	142	71.0	71.0	71.0
	No	58	29.0	29.0	100.0
	Total	200	100.0	100.0	

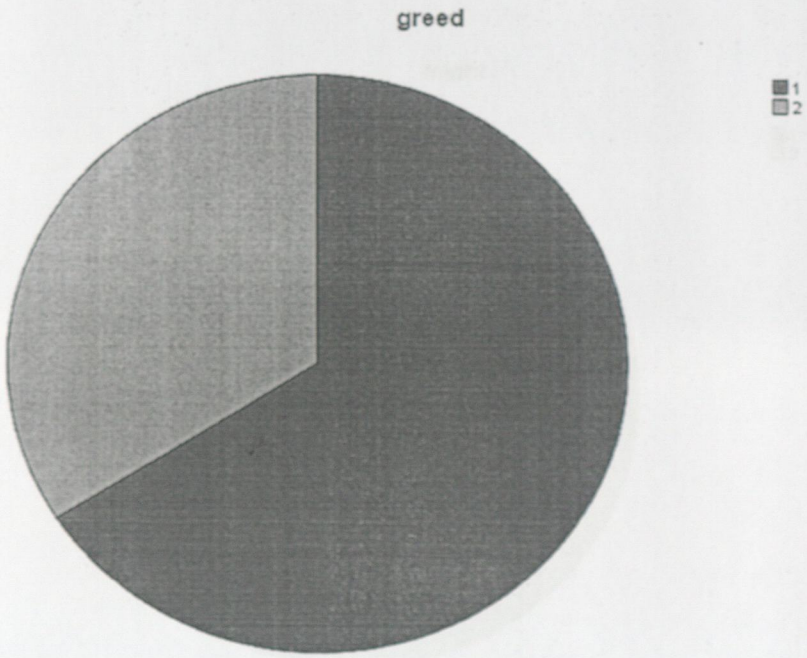


Description: Table and Diagram-23 indicates that out of total 200 respondents, 142 were considering illiteracy as a contributing factor of land disputes.

As concluded by Daniellstein, Bersukens, 2014 in Nepal.

Table and Diagram-24: Greed and Lust as Factors of Land Disputes

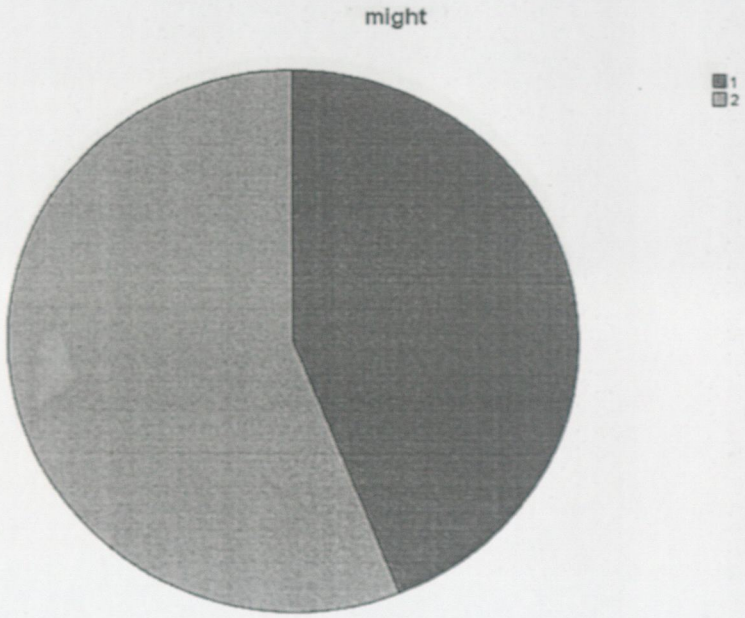
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	132	66.0	66.0	66.0
	No	68	34.0	34.0	100.0
	Total	200	100.0	100.0	



Description: Table and Diagram-24 indicates that out of total 200 respondents, 132 were considering greed and lust as contributing factors of land disputes.

Table and Diagram-25: "Might is Right" as a Factor of Land Disputes

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	88	44.0	44.0	44.0
	No	112	56.0	56.0	100.0
	Total	200	100.0	100.0	

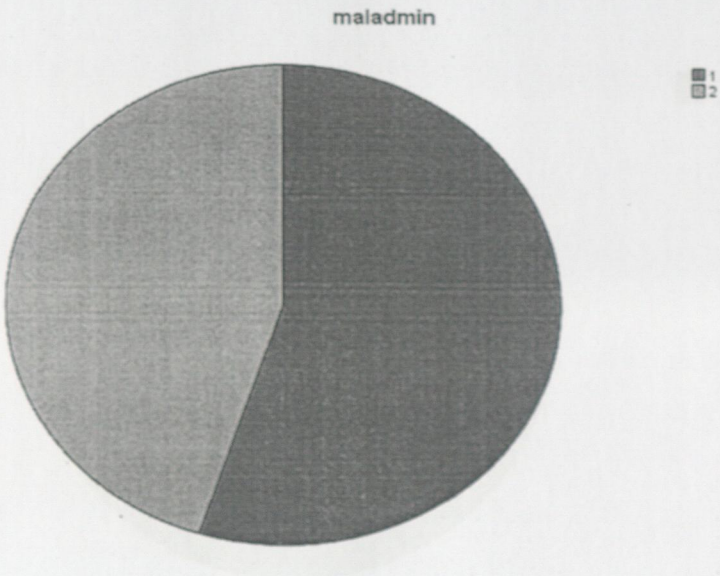


Description: Table and Diagram-25 indicates that out of total 200 respondents, 88 were considering might is right as a contributing factor of land disputes.

The same results were given by Aqal Zaman in 2003, in Eastern Afghanistan.

Table and Diagram-26: Maladministration as a Factor of Land Disputes

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	110	55.0	55.0	55.0
	No	90	45.0	45.0	100.0
	Total	200	100.0	100.0	

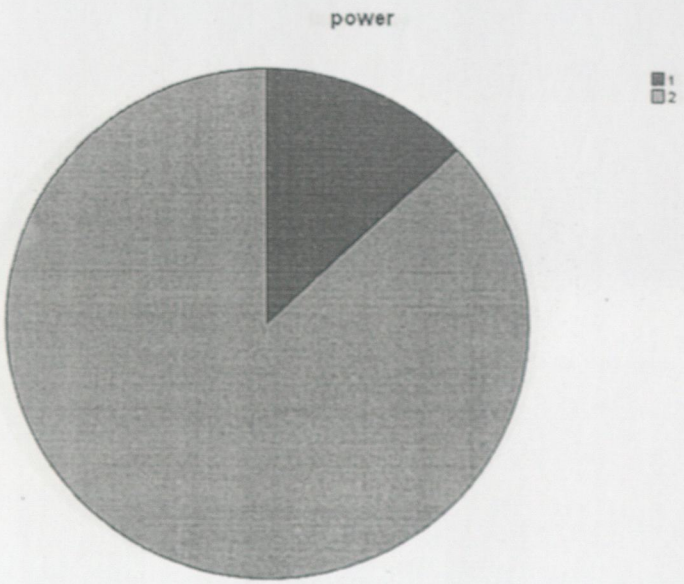


Description: Table and Diagram-26 indicates that out of total 200 respondents, 110 had pointed out maladministration as a contributing factor of land disputes.

As narrated by Lisa Ting in 2000, in Fiji.

Table and Diagram-27: Power and Authority with Group of People as Factor of Land Disputes

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	26	13.0	13.0	13.0
	No	174	87.0	87.0	100.0
	Total	200	100.0	100.0	

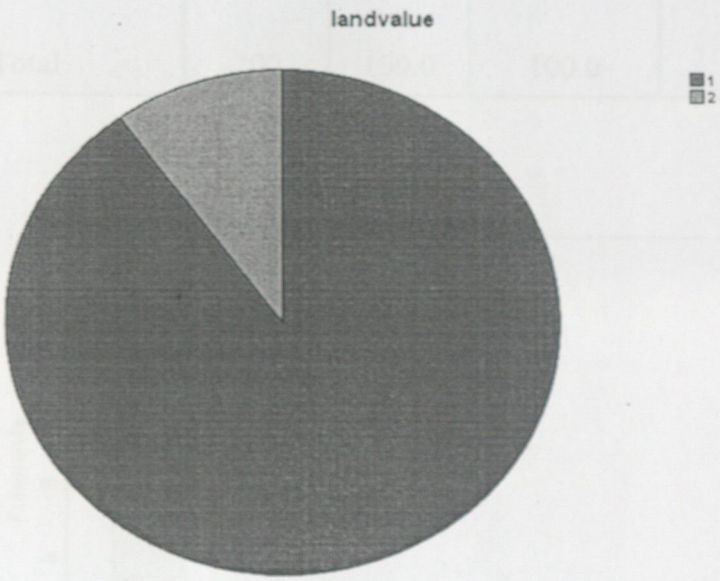


Description: Table and Diagram-27 shows that out of total 200 respondents, only 26 were considering power and authority with a group of people as a contributing factor of land disputes.

The same conclusion was derived by Ahmad Noorani in 2012, at Karachi.

Table and Diagram-28: Increase in Land Value as a Factor of Land Disputes

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	180	90.0	90.0	90.0
	No	20	10.0	10.0	100.0
	Total	200	100.0	100.0	

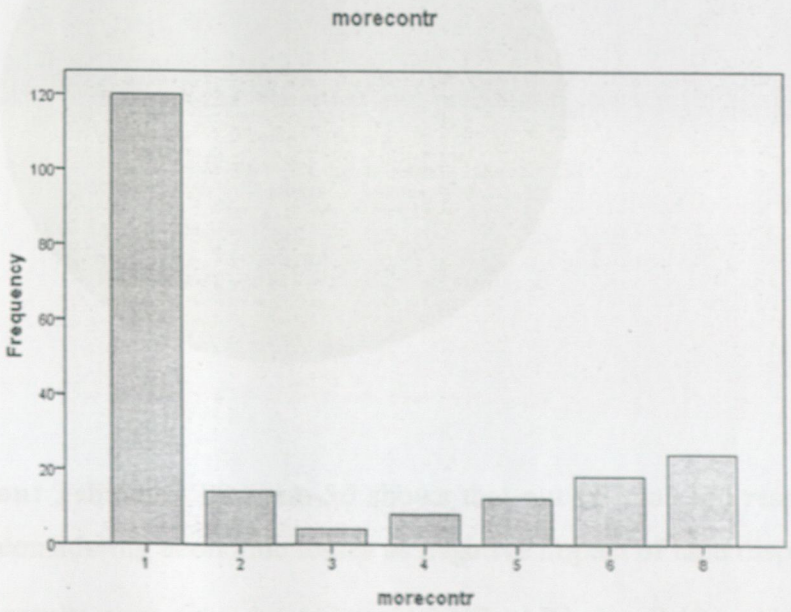


Description: Table and Diagram-28 indicates that out of total 200 respondents, 180 were declaring increase in land value as a contributing factor of land disputes.

The same conclusion was derived by Hafton Tesfay in 2011, and Daniellstein, Bersuykens, 2014 in Nepal.

Table and Diagram-29: More contributing Factors of Land Disputes

Specification	Frequency	Percent	Valid Percent	Cumulative Percent
No registration	120	60.0	60.0	60.0
Unclear boundaries	14	7.0	7.0	67.0
Illiteracy /Ignorance	4	2.0	2.0	69.0
Greed and Lust	8	4.0	4.0	73.0
"Might is Right"	12	6.0	6.0	79.0
Maladministration	18	9.0	9.0	88.0
Increase in Land Value	24	12.0	12.0	100.0
Total	200	100.0	100.0	



Description: Table and Diagram-29 indicates that out of total 200 respondents, 120 claimed that no land settlement/ registration system was the most contributing factor of land disputes in the study area; 14 pointed out unclear boundaries; 04 answered for illiteracy and ignorance; 08 for greed and lust, 12 replied for "Might is Right" 18 for maladministration and 24 for increase in land value was the most contributing factor of land disputes.

Table and Diagram-30: Economic Impact of Land Disputes

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	188	94.0	94.0	94.0
	No	12	6.0	6.0	100.0
	Total	200	100.0	100.0	

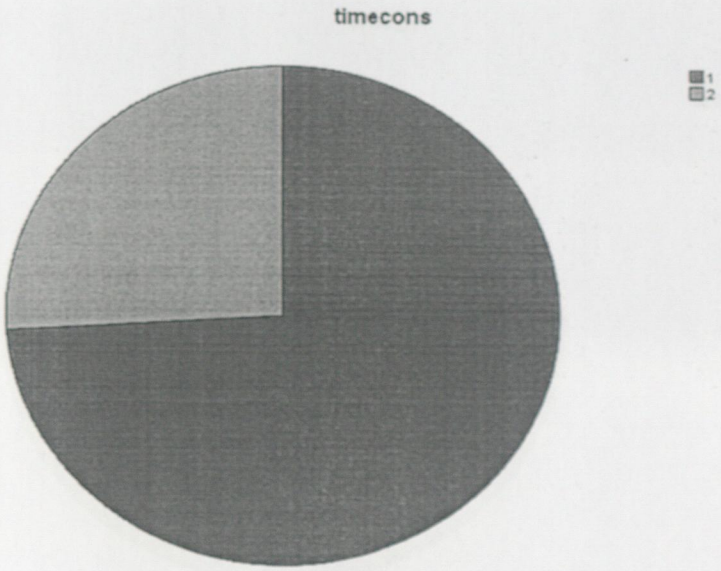


Description: Table and Diagram-30 shows that out of total 200 respondents, 188 were considering economic losses as negative impact of land disputes.

The same results were given by Akhtar in 2013, at Khyber Pakhtunkhwa.

Table and Diagram-31: Land Disputes are Time Consuming

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	148	74.0	74.0	74.0
	No	52	26.0	26.0	100.0
	Total	200	100.0	100.0	

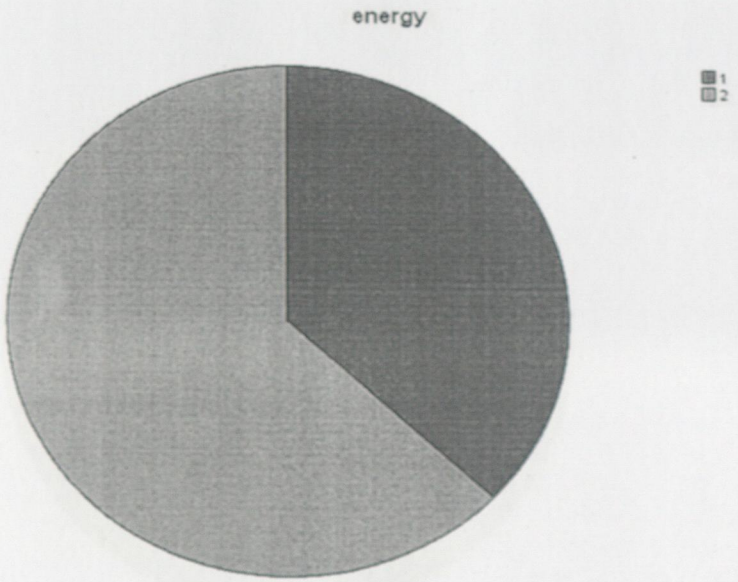


Description: Table and Diagram-31 indicates that out of total 200 respondents, 148 had pointed that land disputes were time consuming.

The same results have been given by Akhtar in 2013, at Khyber Pakhtunkhwa.

Table and Diagram-32: Land Dispute is the Loss of Energy

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	74	37.0	37.0	37.0
	No	126	63.0	63.0	100.0
	Total	200	100.0	100.0	

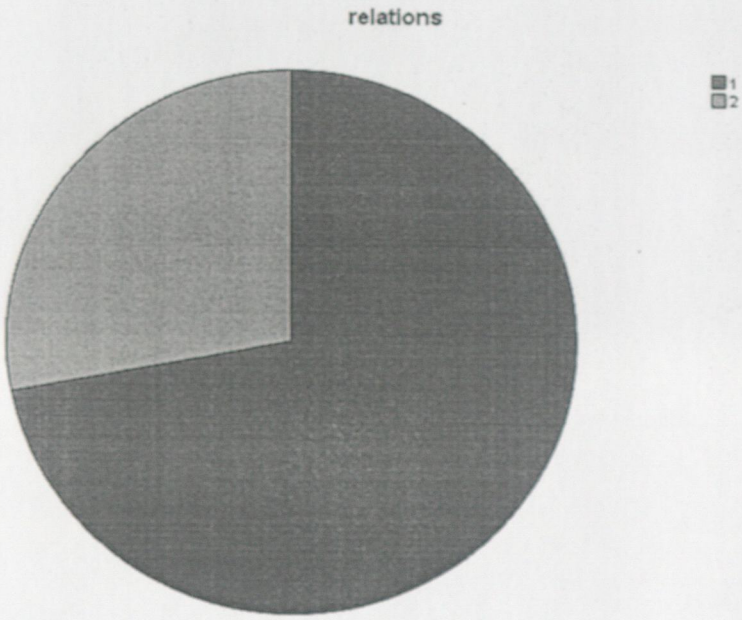


Description: Table and Diagram-32 indicates that out of total 200 respondents, 74 claimed the loss of energy as an impact of land disputes.

The same results have been given by Akhtar in 2013, at Khyber Pakhtunkhwa.

Table and Diagram-33: Land Disputes affect Mutual Relationships

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	144	72.0	72.0	72.0
	No	56	28.0	28.0	100.0
	Total	200	100.0	100.0	

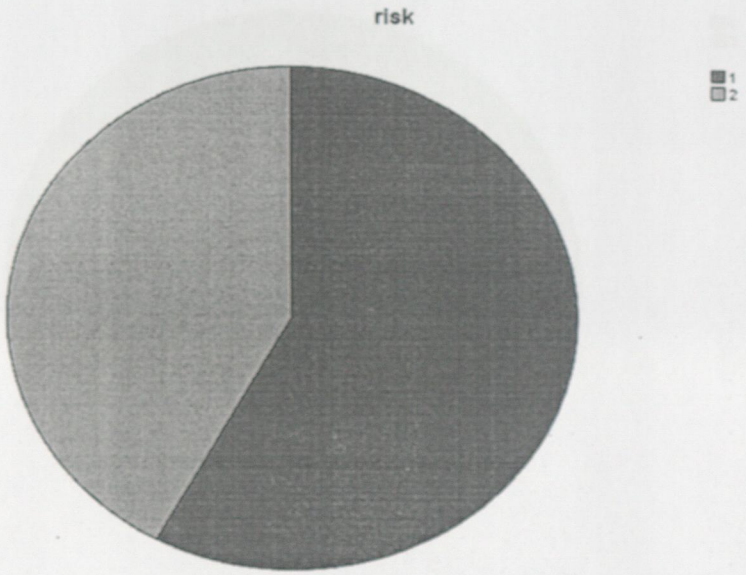


Description: Table and Diagram-33 shows that out of total 200 respondents, 144 were of the view that land disputes affect mutual relationship.

As concluded by Mentrup, 2004 in Guantemala.

Table and Diagram-34: Land Disputes are the Risk of Life

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	116	58.0	58.0	58.0
	No	84	42.0	42.0	100.0
	Total	200	100.0	100.0	

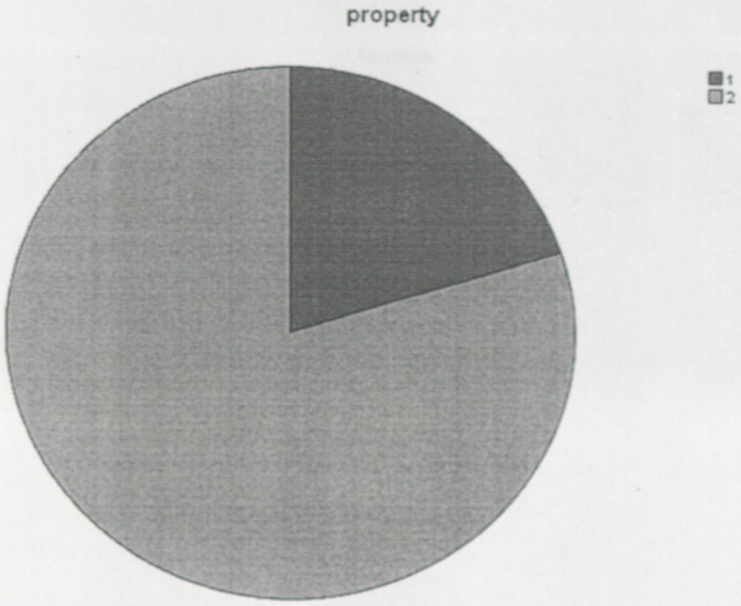


Description: Table and Diagram-34 indicates that out of total 200 respondents, 116 responded that land disputes cause the risk of life.

As concluded by Mentrup, 2004 in Guantemala.

Table and Diagram-35: Land Disputes are the Loss of Property

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	40	20.0	20.0	20.0
	No	160	80.0	80.0	100.0
	Total	200	100.0	100.0	

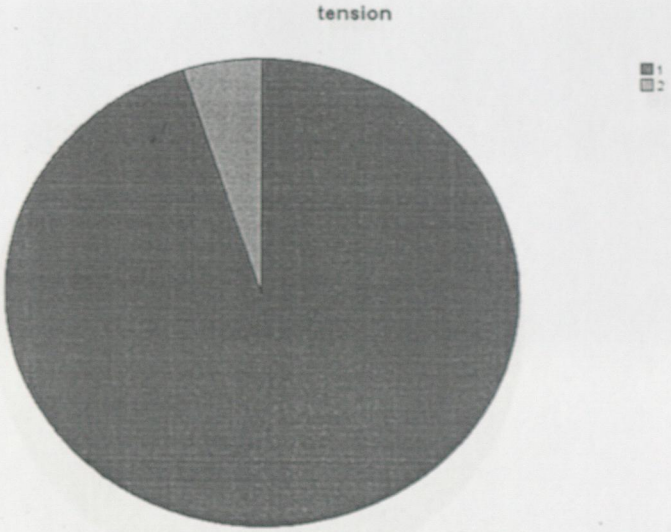


Description: Table and Diagram-35 shows that out of total 200 respondents, 40 were of the view that land disputes cause loss of property.

The same results were given by William Kalandi, 2008 in Kenya.

Table and Diagram-36: Land Disputes are Tension / Depression Producing

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	190	95.0	95.0	95.0
	No	10	5.0	5.0	100.0
	Total	200	100.0	100.0	

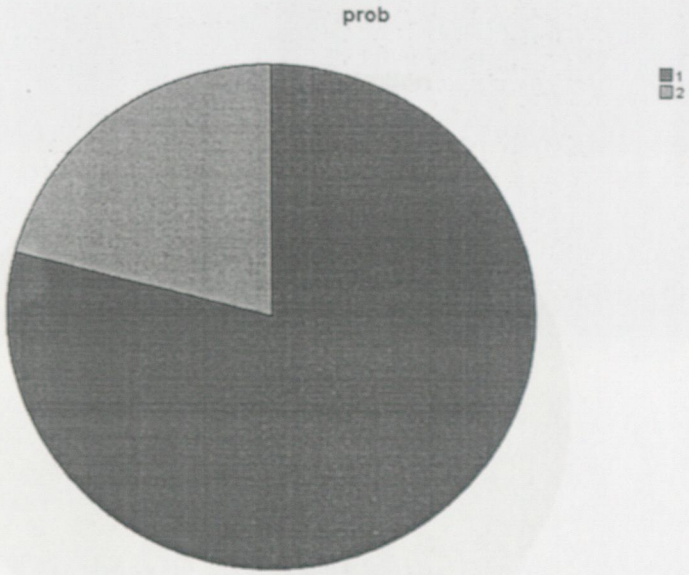


Description: Table and Diagram-36 indicates that out of total 200 respondents, 190 were claiming that land disputes are Tension/Depression producing.

As concluded by Lisa Ting, 2000 in Fiji.

Table and Diagram-37: Land Disputes are Problem for the Posterity

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	158	79.0	79.0	79.0
	No	42	21.0	21.0	100.0
	Total	200	100.0	100.0	

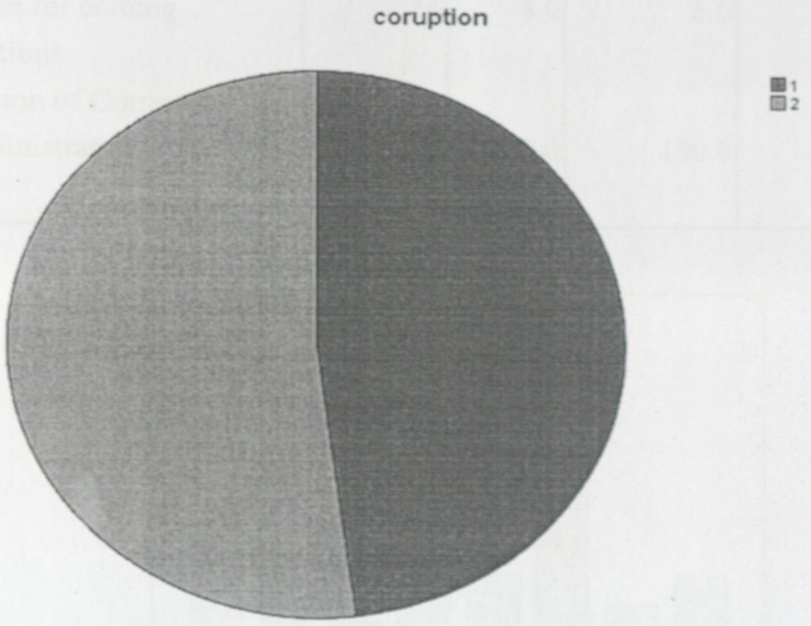


Description: Table and Diagram-37 shows that out of total 200 respondents, 158 were claiming land disputes as problem for the coming generations.

As mentioned in daily *Times*, 2011 Islamabad.

Table and Diagram-38: Land Disputes create Attraction of Corruption for Land Administration

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	96	48.0	48.0	48.0
	No	104	52.0	52.0	100.0
	Total	200	100.0	100.0	

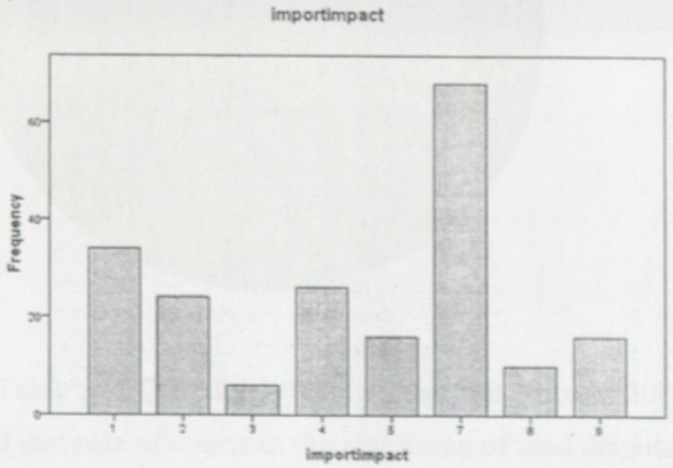


Description: Table and Diagram-38 indicates that out of total 200 respondents, 96 responded that land disputes cause attraction of corruption for land administration.

The same conclusion was given by Asmat Ali, 2009 in Pakistan.

Table and Diagram-39: The most important impact of Land Disputes

Specification	Frequency	Percent	Valid Percent	Cumulative Percent
Economic	34	17.0	17.0	17.0
Time consuming	24	12.0	12.0	29.0
Loss of Energy	6	3.0	3.0	32.0
Affect Mutual relationship	26	13.0	13.0	45.0
Risk of life	16	8.0	8.0	53.0
Tension/Depression	68	34.0	34.0	87.0
Producing	10	5.0	5.0	92.0
Problem for coming generations	16	8.0	8.0	100.0
Attraction of Corruption for L/Administrators	200	100.0	100.0	
Total				

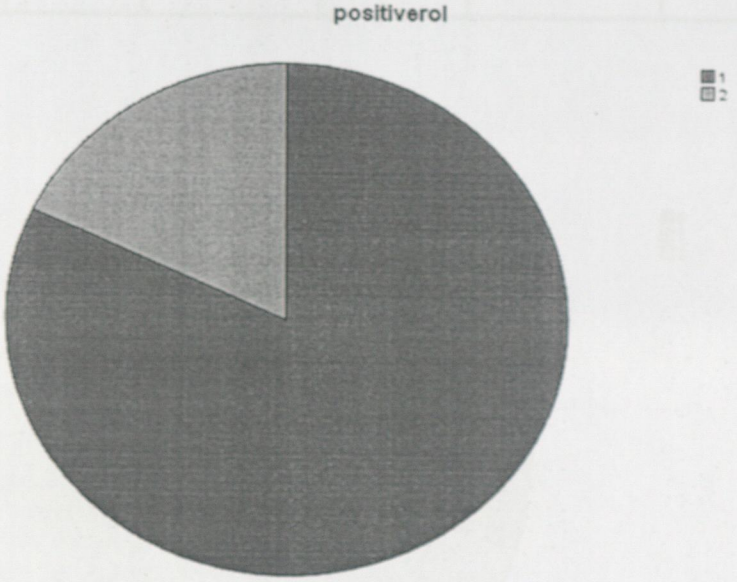


Description: Table and Diagram-39 indicates that out of total 200 respondents, 34 considered economic as the most important impact of land disputes; 24 were of the view that the consumption of time was the most important impact; 6 loss of energy; 26 affect mutual relationship, 16 risk of life, 68 producing tension/depression, 10 problems for the coming generations and 16 indicated that attraction of corruption for land administrators was the most important impact of land disputes.

As concluded by William Kalande, 2008, in Kenya.

Table and Diagram-40: Positive Role of Courts in Resolution of Land Disputes

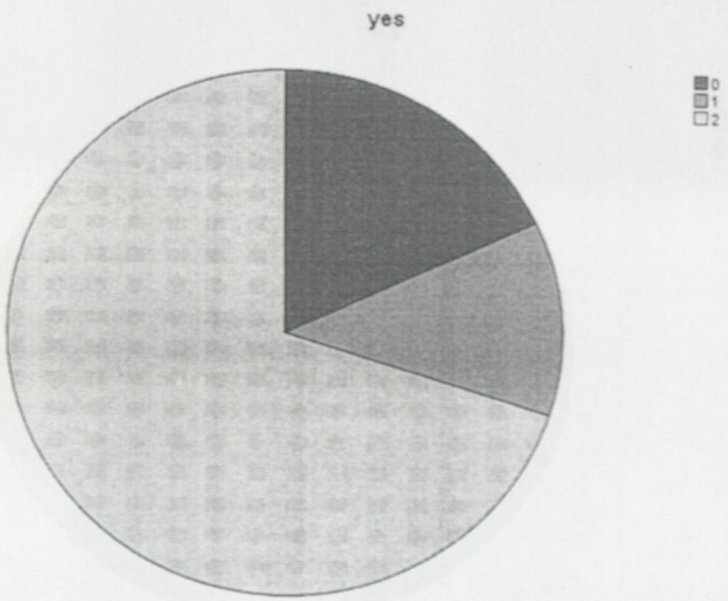
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	164	82.0	82.0	82.0
	No	36	18.0	18.0	100.0
	Total	200	100.0	100.0	



Description: Table and Diagram-40 shows that out of total 200 respondents, 164 considered that role of courts in the resolution of land disputes as positive. As concluded by Montminy, 1996 in Canada.

Table and Diagram-41: Satisfaction from the Role of Courts in Land Dispute settlement

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Uncertain	36	18.0	18.0	18.0
	More	24	12.0	12.0	30.0
	Less	140	70.0	70.0	100.0
	Total	200	100.0	100.0	100.0

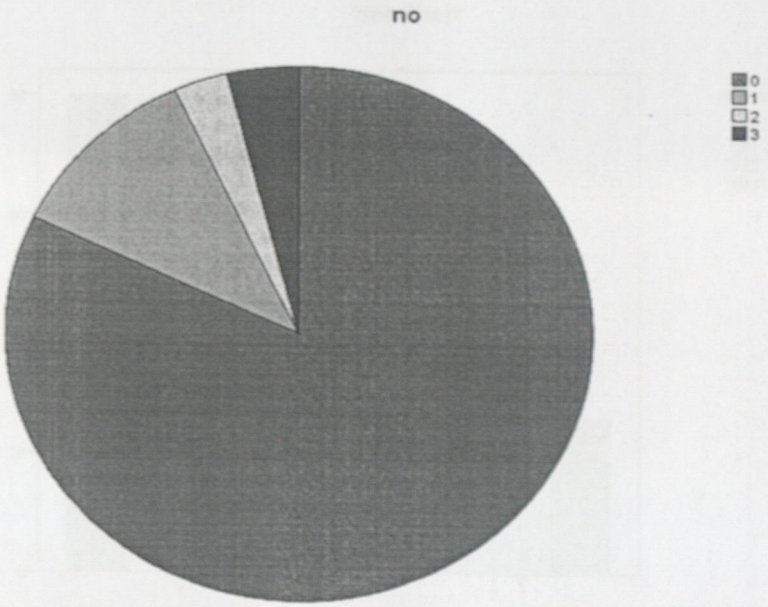


Description: Table and Diagram-41 indicates that out of total 200 respondents, 36 were uncertain, 24 were more satisfied and 140 were less satisfied from the role of courts.

As resulted by UK Boarder Agency, 2011 Pakistan.

Table and Diagram-42: Specification of Non Satisfaction from Courts Role in Land Disputes Settlement

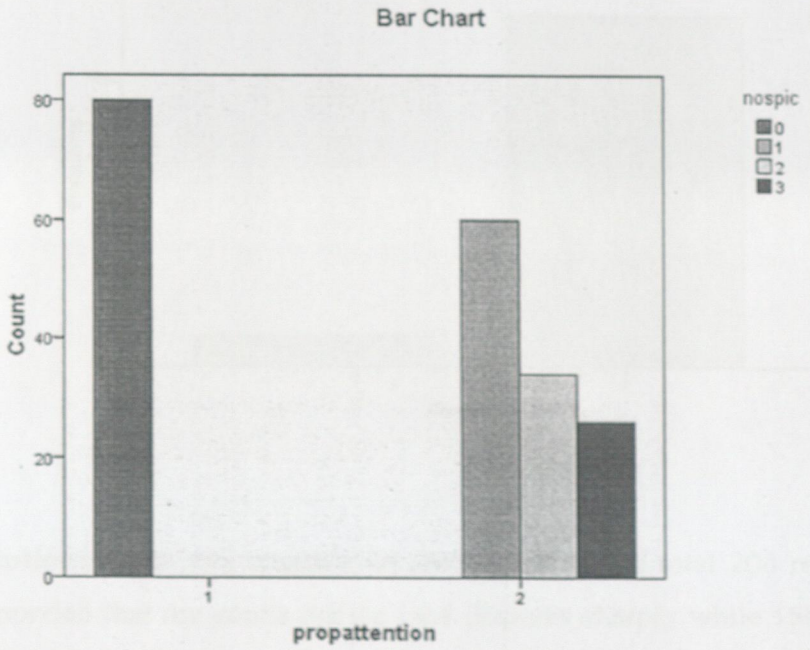
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Nil	164	82.0	82.0	82.0
	Unsatisfied	22	11.0	11.0	93.0
	Need amendment	6	3.0	3.0	96.0
	Need approach	8	4.0	4.0	100.0
	Total	200	100.0	100.0	100.0



Description: Table and Diagram-42 indicates specification of Non Satisfaction from Courts Role in Land Disputes Settlement, 22 were unsatisfied, 6 felt the need of amendments in the court laws and 8 replied that court trial needed approach while 164 were satisfied.

Table and Diagram-43: Courts Give Proper Attention and Time to Land Disputes Cases

Give time and Attention		No Specification				
		Nil	Work Load on Courts	Lack of Judges in Courts	No Interest	Total
	Yes	80	0	0	0	80
	No	0	60	34	26	120
Total		80	60	34	26	200

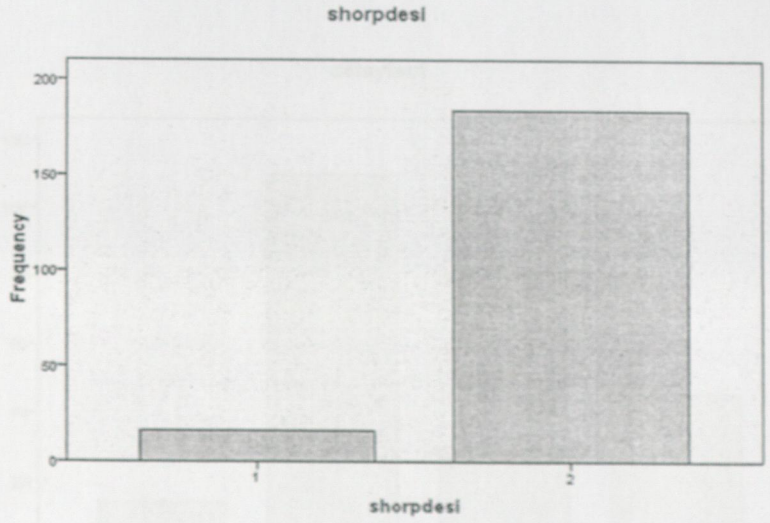


Description: Table and Diagram-43 indicates that out of total 200 respondents, 80 replied that courts give proper attention to land dispute cases while the response of 120 respondents was negative. 60 respondents told that the improper attention to land dispute cases is due to work load on courts, 34 were of the view that it is due to lack of courts and judges while 26 claimed that courts are disinterested to dispose up land dispute cases sharply.

As concluded by World Bank, 2005 in Afghanistan.

Table and Diagram-44: Sharp Decision by Courts

Specification	Frequency	Percent	Valid Percent	Cumulative Percent
Yes	16	8.0	8.0	8.0
No	184	92.0	92.0	100.0
Total	200	100.0	100.0	

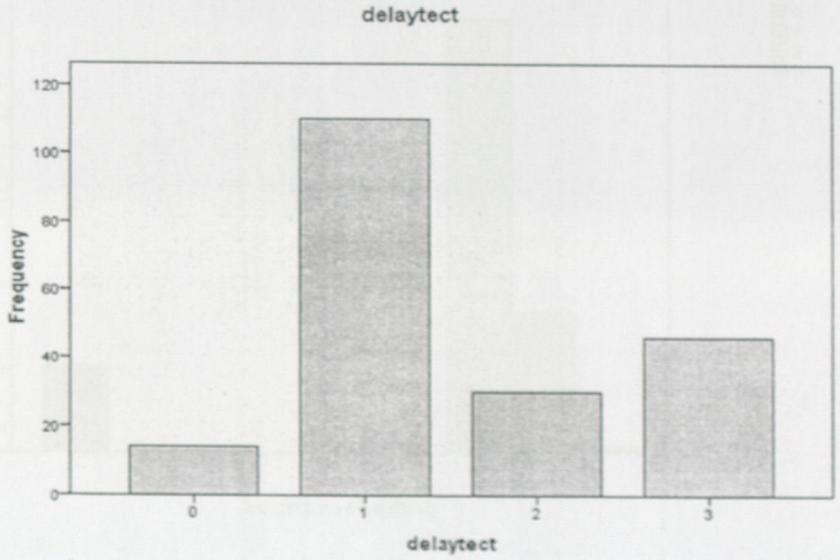


Description: Table and diagram-44 shows that out of total 200 respondents, 16 responded that the courts decide land disputes sharply while 184 answered that courts do not decide land dispute cases sharply.

The same results were given by Nosheen Hammaed, 2001 in Pakistan.

Table and Diagram-45: Delaying tactics used by courts

Specification	Frequency	Percent	Valid Percent	Cumulative Percent
Renewal Date	14	7.0	7.0	7.0
Advocate Absence	110	55.0	55.0	62.0
Parties Absence	30	15.0	15.0	77.0
Judge Absence	46	23.0	23.0	100.0
Total	200	100.0	100.0	100.0

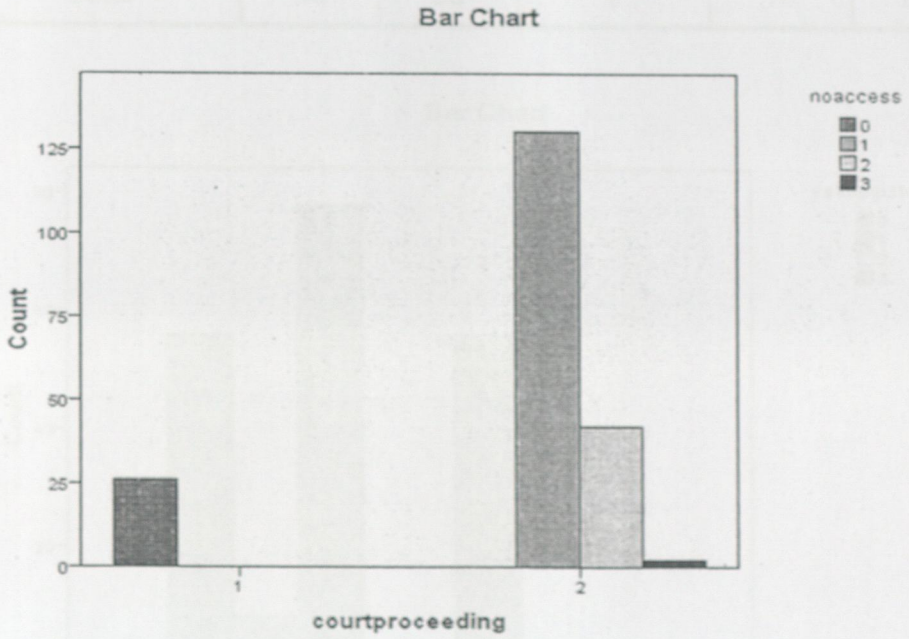


Description: Table and Diagram-45 explains that out of total 200 respondents, 14 told that courts were using delaying tactics in the early disposal of land dispute cases by repeated renewal of date of appearance before the court. 110 replied that it is delayed due to absence of advocates, 30 respondents told that it is due to the absence of disputant parties and 46 indicated the absence of judges as cause of delay in land dispute cases.

As concluded by UK Boarder Agency, 2011 in Pakistan.

Table and Diagram-46: Court Proceeding Easy and Accessible

Specification		If No How can access				
		Nil	Advocate	Judge	Cash	Total
Easy and Accessible	Yes	26	0	0	0	26
	No	0	130	42	2	174
Total		26	130	42	2	200



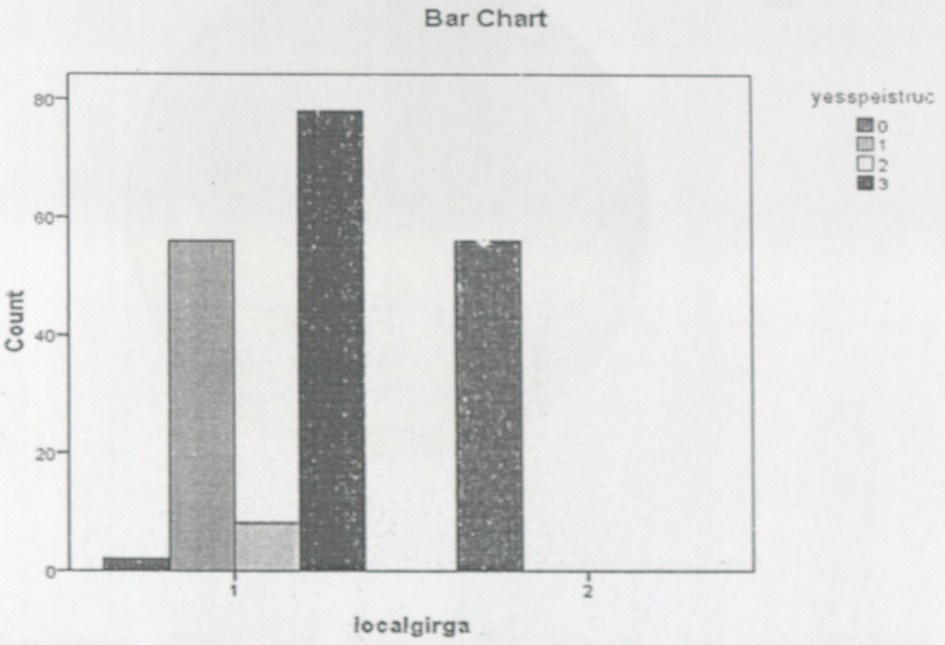
Description: Table and Diagram-46 explains that out of total 200 respondents, 26 responded that court proceeding was easy and accessible while the response of 174 respondents was negative.

According to 130 respondents, the court procedure can be made easy and accessible through hiring a good advocate, 42 were of the view that it can be made accessible by direct approach to judge and 02 responded that it can be made accessible through giving bribe.

As narrated by Ali Hassan, 2012 at Rawalpindi, Islamabad.

Table and Diagram-47: Local *Jirga* for the Resolution of Land Disputes

Specification		Structure of *Jirga*				
		Nil	Elder of the area	Head Tribal/Family	Judge Constitute	Total
Local *Jirga*	Yes	2	56	8	78	144
	No	56	0	0	0	56
Total		58	56	8	78	200

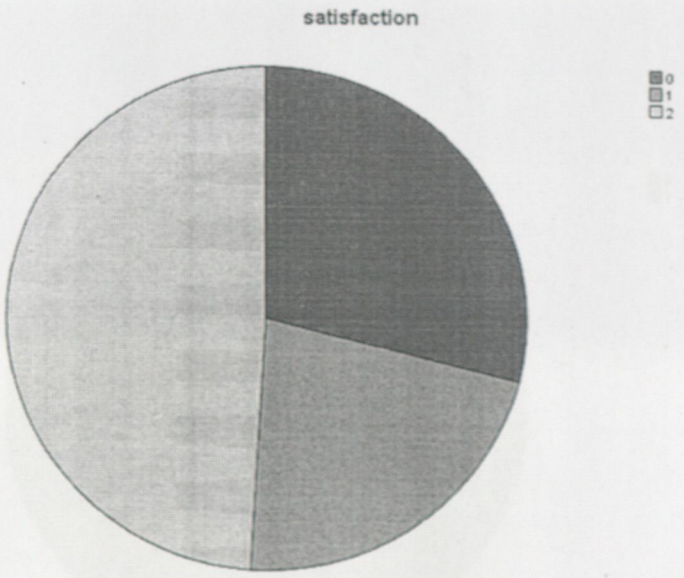


Description: Table and Diagram-47 indicates that out of total 200 respondents, 144 confirmed the existence of local *Jirga* for land disputes resolution while the responses of 56 were negative. According to 56 respondents, the local *Jirga* was consisted on elders of the area, 08 told that it was consisted on Tribal/Family heads while 78 responded that it was constituted by the concerned judge.

The same results were given by Dennys and Marjana, 2012 in Dir Lower.

Table and Diagram-48: Satisfaction from the *Jirga*

Specification		Frequency	percent	Valid Percent	Cumulative Percent
Valid	Yes	44	22.0	22.0	22.0
	No	156	78.0	78.0	78.0
	Total	200	100.0	100.0	100.0

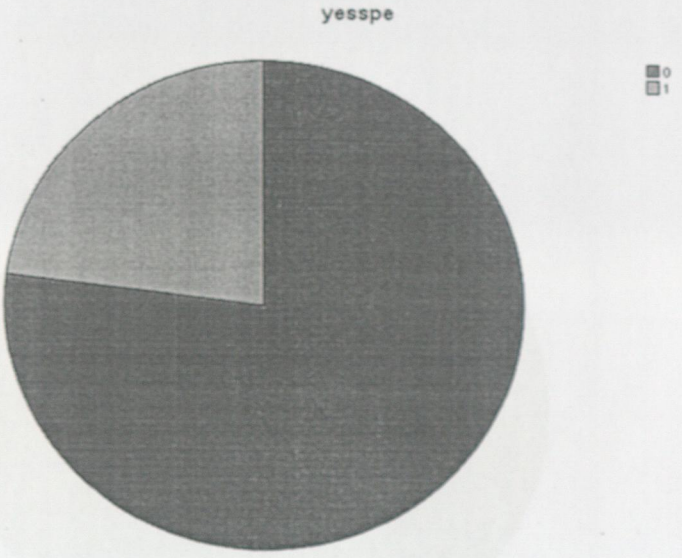


Description: Table and Diagram-48 indicates that out of total 200 respondents, 44 were satisfied, 156 were not satisfied from the role of *Jirga* in settlement of land disputes.

The same results were given by Dennys and Marjana, 2012 in Dir Lower.

Table and Diagram-49: Specification of Satisfaction from the Function of *Jirga*

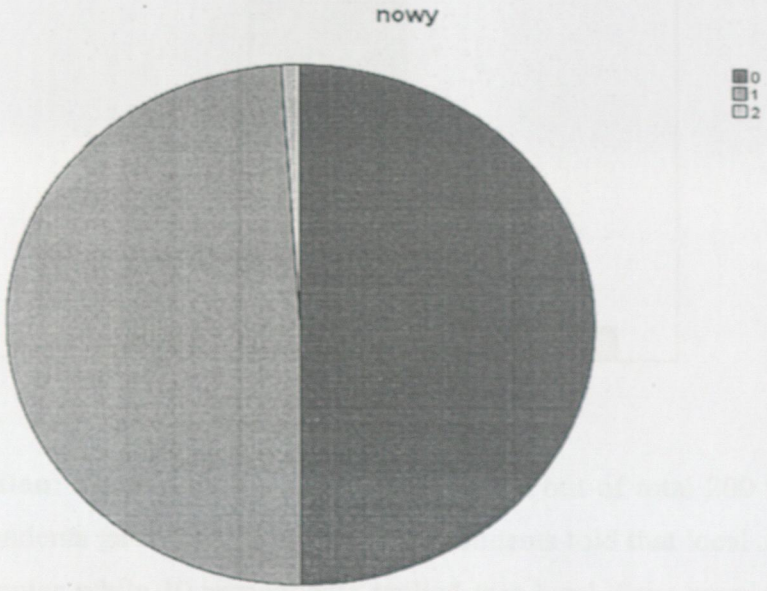
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Nil	156	78.0	78.0	78.0
	Temporary Settlement	44	22.0	22.0	22.0
	Total	200	100.0	100.0	100.0



Description: Table and Diagram-49 indicates that out of total 200 respondents, 156 were not satisfied with the function of *Jirga* while 44 replied that *Jirga* settle the local land disputes temporarily.

Table and Diagram-50: Specification of Non Satisfaction from the role of *Jirga*

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Nil	100	50.0	50.0	50.0
	Partial	98	49.0	49.0	99.0
	Violated	2	1.0	1.0	100.0
	Total	200	100.0	100.0	

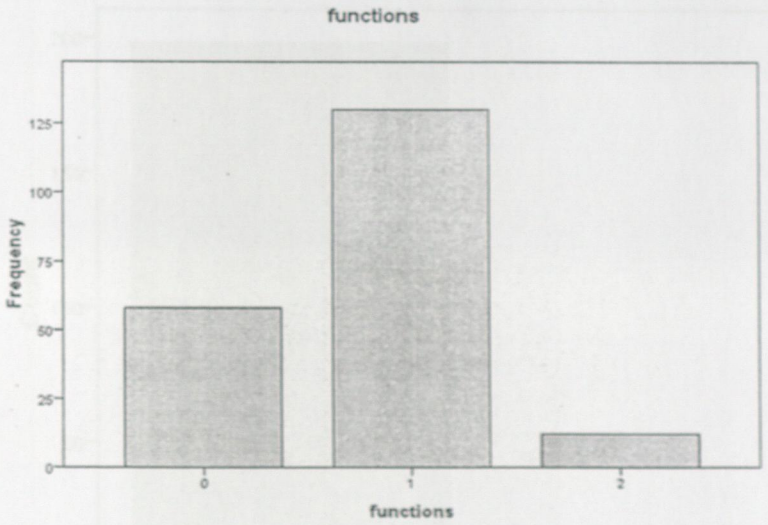


Description: Table and Diagram-50 explains that out of total 200 respondents, 100 respondents gave no response, 98 replied that *Jirga* is always partial in land disputes decisions and only 2 respondents specified for that the *Jirga* decisions are violated by the partners.

The same results were given by Dennys and Marjana, 2012 in Dir Lower.

Table and Diagram-51: Functions of Local *Jirga*

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Nil	58	29.0	29.0	29.0
	Resolution	130	65.0	65.0	94.0
	Guidance	12	6.0	6.0	100.0
	Total	200	100.0	100.0	

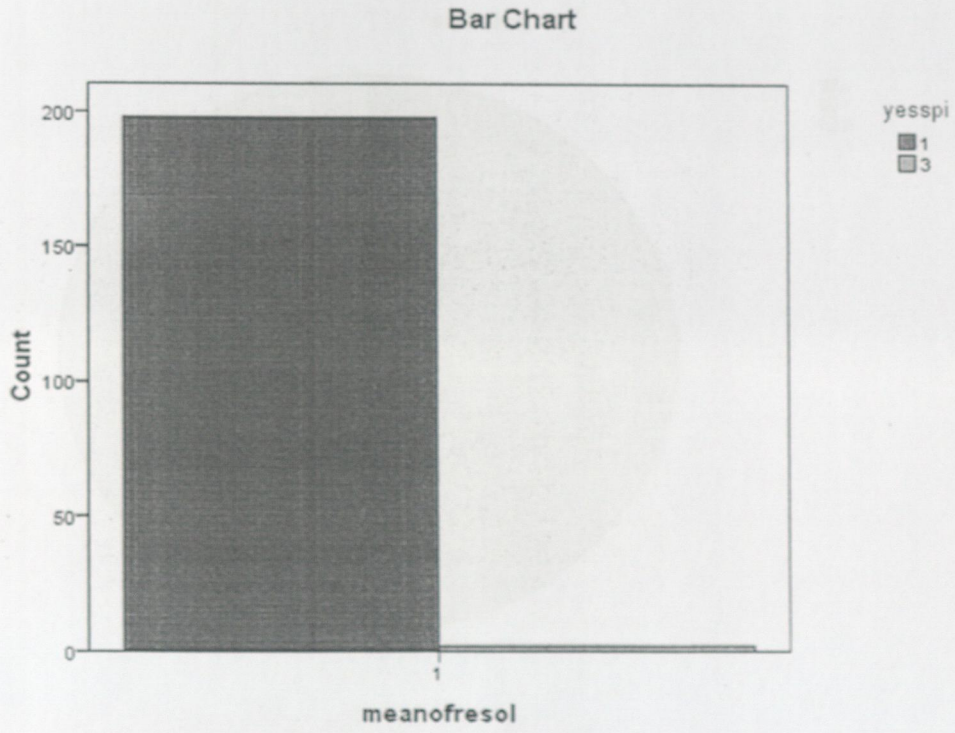


Description: Table and Diagram-51 shows that out of total 200 respondents, 58 respondents gave no response, 130 respondents told that local *Jirga* resolve land disputes while 10 respondents replied that local *Jirga* provides guidance in the resolution of land disputes.

The same results were given by Dennys and Marjana, 2012 in Dir Lower.

Table and Diagram-52: Proper Ways and Means for Resolving the Land Dispute Cases

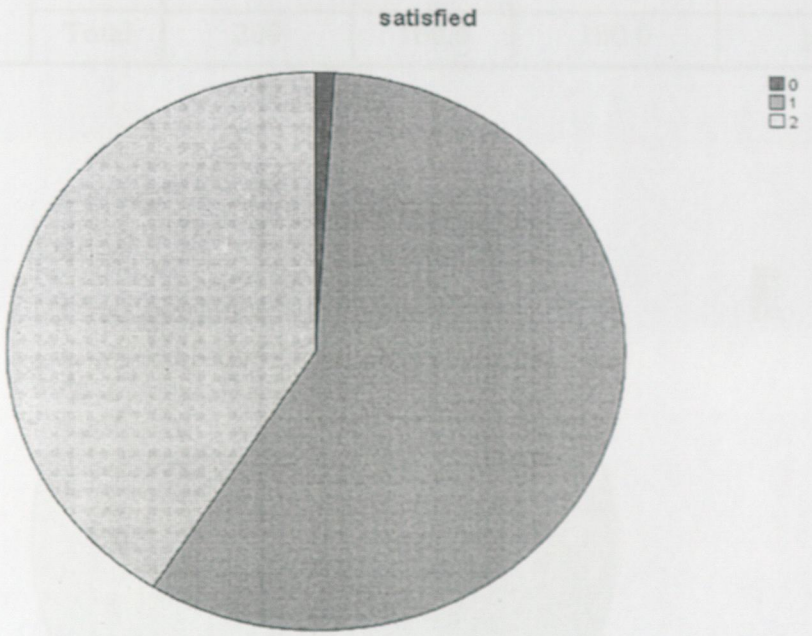
Specification	If yes Specification		
	Courts	Sharia	Total
Yes	198	2	200
Total	198	2	200



Description: Table and Diagram-52 shows that out of total 200 respondents, 198 respondents were considering courts as the proper ways and means of resolving land disputes and only 2 respondents were of the opinion that land disputes were bitterly resolved through the laws of *Sharia,* i.e., Islamic laws.

Table and Diagram-53: Satisfaction from the ways and Means of Resolving Land Disputes

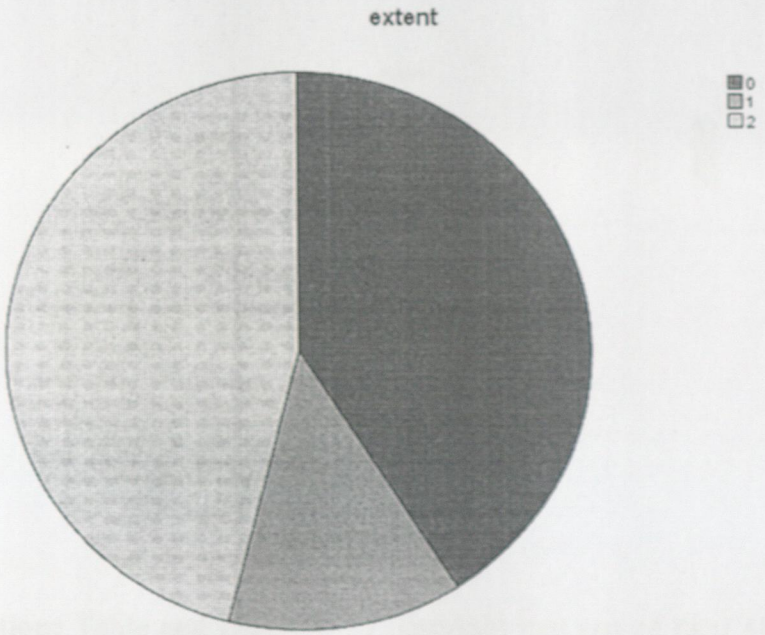
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Satisfied	116	58.0	58.0	59.0
	Unsatisfied	84	42.0	42.0	100.0
	Total	200	100.0	100.0	100.0



Description: Table and Diagram-53 indicates that out of total 200 respondents, 116 were satisfied from the ways and means of land disputes resolution while 84 respondents were not satisfied from the ways and means of land disputes resolution.

Table and Diagram-54: Extent of Satisfaction from the ways and Means of Resolving Land Disputes

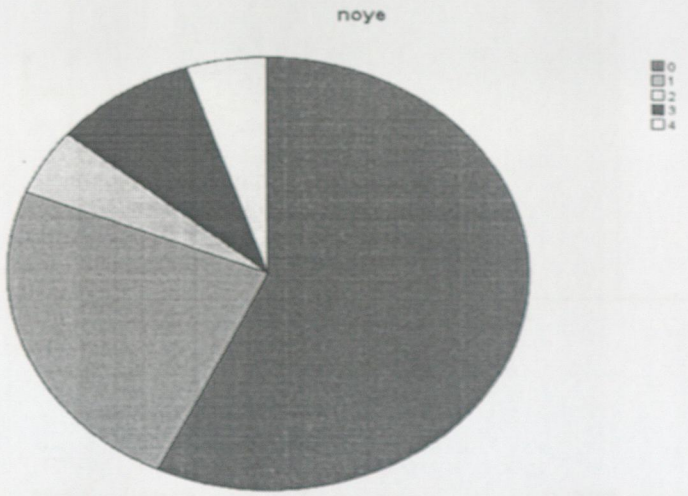
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Un-satisfied	84	42.0	42.0	42.0
	More	26	13.0	13.0	54.0
	Less	90	45.0	45.0	100.0
	Total	200	100.0	100.0	100.0



Description: Table and Diagram-54 explains that out of total 200 respondents, 84 were unsatisfied; 26 were more satisfied and 90 were less satisfied from the ways and means of land disputes resolution.

Table and Diagram-55: Specification of Non Satisfaction from the ways and Means of Resolving Land Disputes

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Satisfied	116	58.0	58.0	58.0
	Difficult	42	21.0	21.0	21.0
	Expensive	10	5.0	5.0	5.0
	Time consuming	18	9.0	9.0	9.0
	More trouble	14	7.0	7.0	7.0
	Total	200	100.0	100.0	100.0

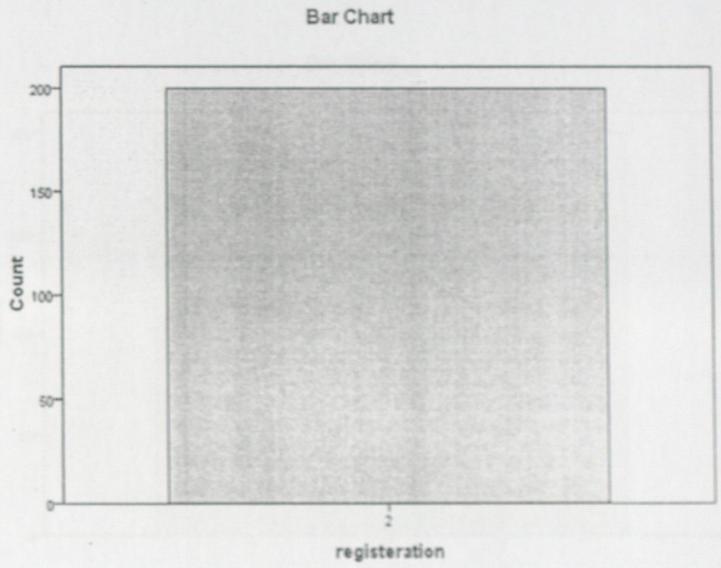


Description: Table and Diagram-55 describes that out of total 84 unsatisfied respondents, 42 replied that the existing procedure of ways and means of resolving land disputes was difficult, 10 respondents were considering the ways and means as expensive, 18 respondents were of the view that the ways and means are time-consuming and 14 respondents replied that the ways and means of resolving land disputes lead to more trouble.

As concluded by Ali and Muhammad, 2009 in Punjab.

Table and Diagram-56: Proper Land Registration Systems in the area

Specification	If No Why	Total
	No Mechanism	
No	200	200
Total	200	200

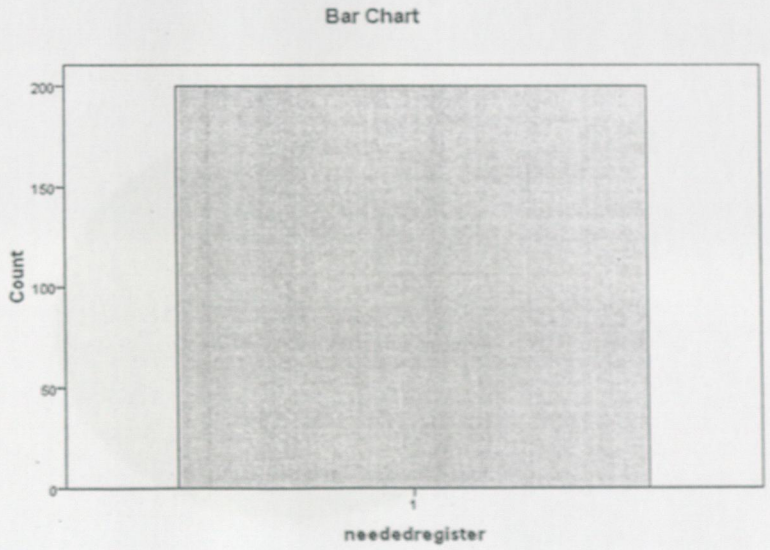


Description: Table and Diagram-56 indicates that all 200 respondents replied that no land registration system exists in the study area. Moreover, all the 200 respondents told that there was no proper mechanism of land registration.

As concluded by Danniellstein, Bersuykens, 2014 in Nepal.

Table and Diagram-57: Proper Land registration System needed in the area

Specification		If yes Mechanism	
		As in other Parts of the Country	Total
Needed Registration System	Yes	200	200
Total		200	200

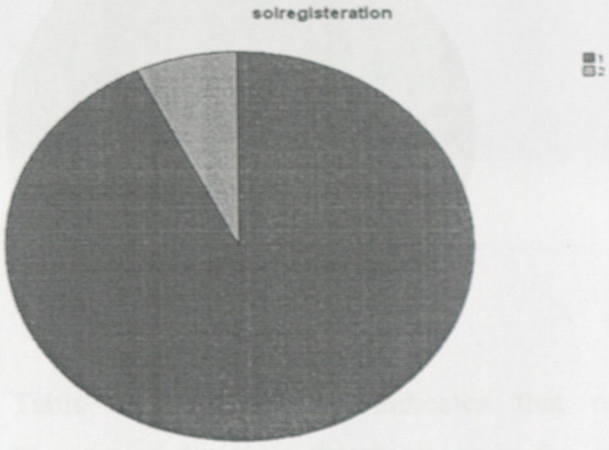


Description: Table and Diagram-57 indicated that all the 200 respondents were of the view that proper land registration system is needed for the resolution of land disputes.

The same results were given by Aqal Zaman, 2003 in Eastern Afghanistan.

Table and Diagram-58: Land Disputes can be Resolved through implementation of Land Registration system in the area

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	186	93.0	93.0	93.0
	No	14	7.0	7.0	100.0
	Total	200	100.0	100.0	100.0

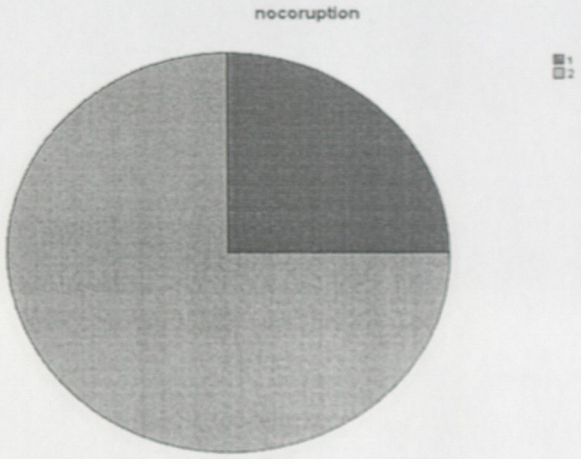


Description: Table and Diagram-58 indicates that out of total 200 respondents, 186 were of the opinion that land disputes may be resolved through the implementation of land registration system in the study area while 14 respondents not considered the land registration system necessary for land disputes resolution.

The same results were given by Lynn Berat, 1992 in Japan.

Table and Diagram-60: Land Disputes can be Resolved through eradication of Corruption

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	50	25.0	25.0	25.0
	No	150	75.0	75.0	100.0
	Total	200	100.0	100.0	

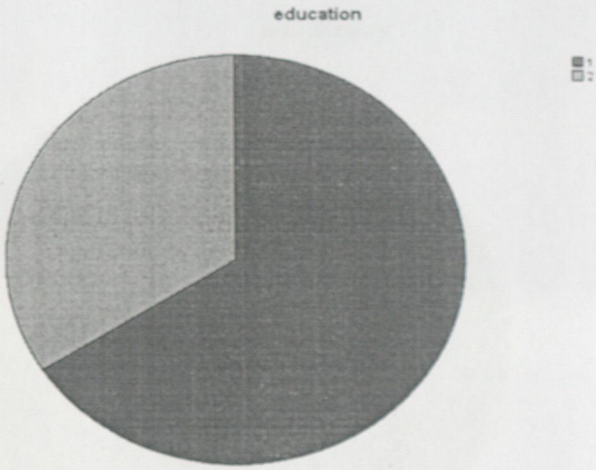


Description: Table and Diagram-60 describes that out of total 200 respondents, 50 were of the view that eradication of corruption from land administration may minimize land disputes while the response of 150 respondents was negative.

The same results were given by FAO/UN-Habitat, 2008 in Pakistan.

Table and Diagram-61: Land Disputes can be Resolved through expansion of Education

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	132	66.0	66.0	66.0
	No	68	34.0	34.0	100.0
	Total	200	100.0	100.0	

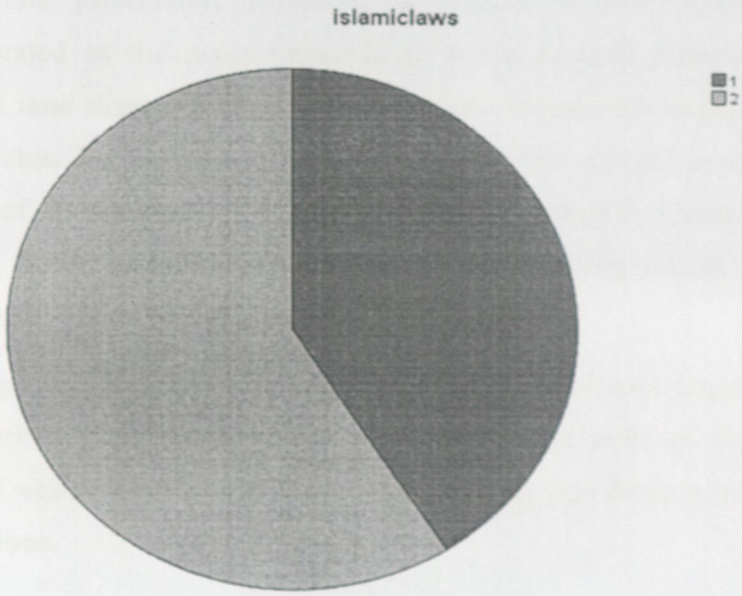


Description: Table and Diagram-61 highlighted that out of total 200 respondents, 132 considered that the expansion of education may reduce the increasing trend of land disputes while 68 respondents were not considering it necessary.

The same results were given by Lisa Ting, 2000 in Fiji.

Table and Diagram-62: Land Disputes can be Resolved through Implementation of Islamic Land Laws in the Area

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	82	41.0	41.0	41.0
	No	118	59.0	59.0	100.0
	Total	200	100.0	100.0	



Description: Table and diagram-62 pointed out that out of total 200 respondents, 82 wanted the implementation of Islamic land laws for minimizing land disputes in the study area while 118 respondents opposed the implementation of Islamic land laws.

The same results were given by Dennys and Marjana, 2012 in Dir Lower.

Summary

In this section, data collected from land dispute partners has been analyzed and presented in quantitative manner. From the analysis it has been observed that almost one fourth of the respondents were illiterate which indicates that there is little role of illiteracy in land disputes. Majority of the respondents had received land through inheritance and hence the ratio of disputes on inherited land was common in comparison to other types of land disputes in Lower Dir.

It was found that more than fifty percent of respondents had disputes over land used for crop production. Similarly, the absence of land registration system was indicated as the main contributing factor of land disputes. Economic impact of land disputes was coined as the most important negative impact of land disputes. The role of courts was found positive as well as satisfactory by majority of the respondents. However, it was observed that land dispute cases were not sharply decided in courts by using delaying tactics and complex procedure.

Local *Jirga* was also indicated as useful instrument of land disputes resolution but majority of the respondents were not satisfied with its decisions as its decisions were mostly partial and sometimes the land dispute partners violate the decisions.

Hundred percent of the respondents were of the view that land disputes could be resolved in a better manner through the implementation of registration system in the study area. Hence, in the light of the present study, implementation of land registration system is strongly recommended.

4.3 Data Analysis of officers Related To Land Disputes:

Table and Diagram-1: Age of the Respondents

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	31-40	8	16.0	16.0	16.0
	41-50	20	40.0	40.0	56.0
	51-60	18	36.0	36.0	92.0
	Above 60	4	8.0	8.0	100.0
	Total	50	100.0	100.0	

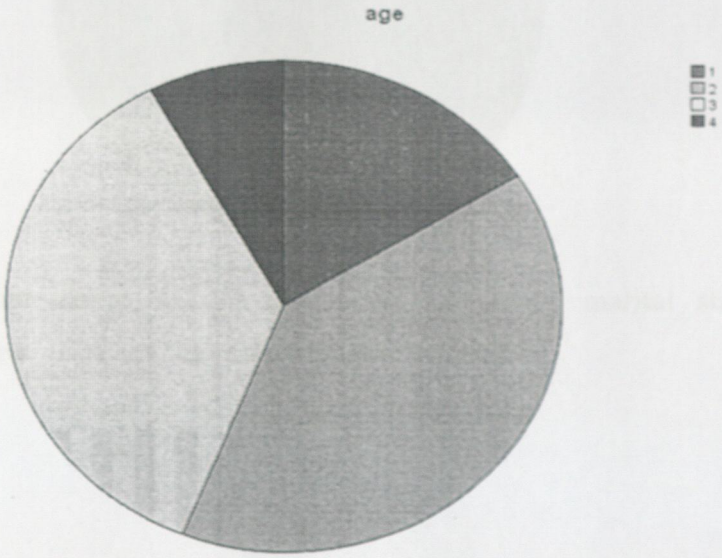
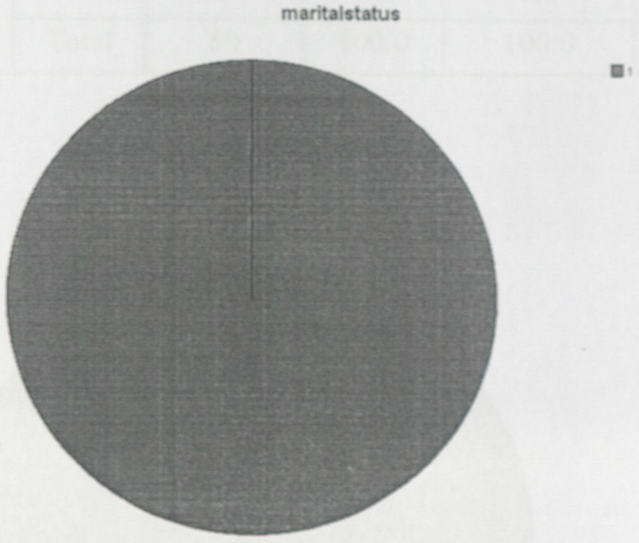


Table and diagram-1 indicates the age of the respondents. Out of the total 50 respondents 8 were in the age of 31-40, 20 were in the age of 41-50, 18 were in the age of 51-60 and 4 were above 60 years of age.

Table and Diagram-2: Marital Status of the Respondents

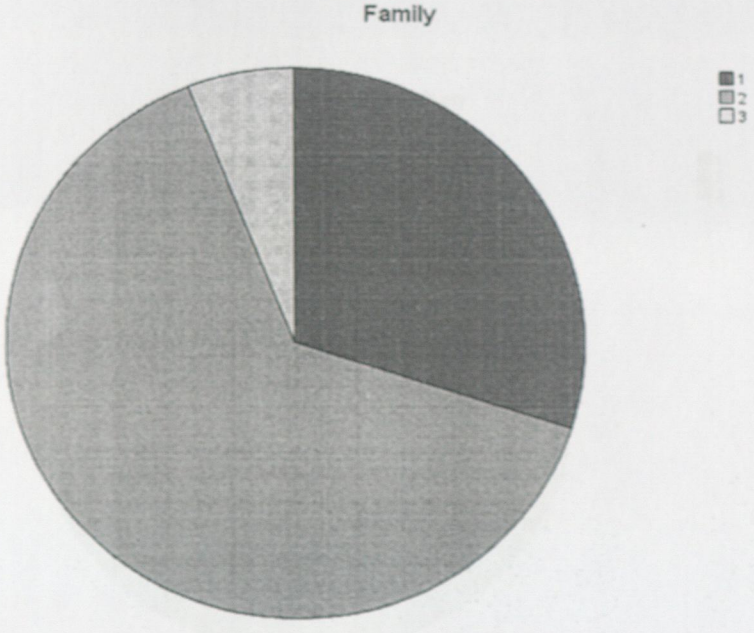
Specification	Frequency	Percent	Valid Percent	Cumulative Percent
Married	50	100.0	100.0	100.0



Description: Table and Diagram-2 indicates the marital statuses of the respondents. 100% of the respondents are married.

Table and Diagram-3: Family Type

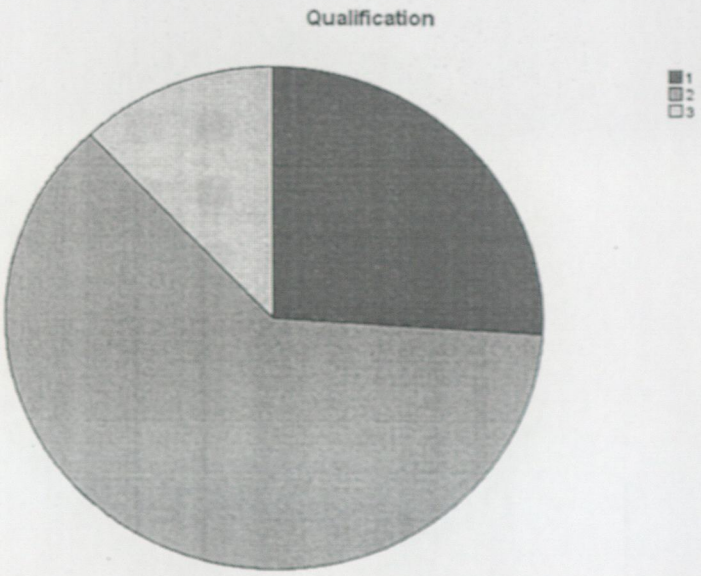
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Joint	15	30.0	30.0	30.0
	Nuclear	32	64.0	64.0	94.0
	Extended	3	6.0	6.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-03 shows family type of the respondents. Out of total 50 respondents, 15 belonged to joint family, 32 were related to nuclear family system while the remaining 03 were living in extended families.

Table and Diagram-4: Qualification

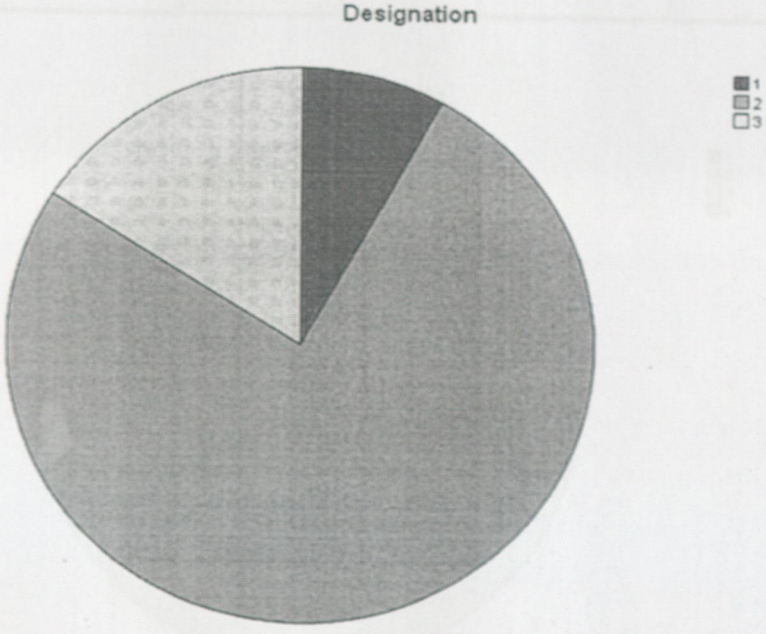
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	BA/BSc &LLB	13	26.0	26.0	26.0
	MA/MSc & LLB	31	62.0	62.0	88.0
	MA/MSc & LLM	6	12.0	12.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-04 indicates that out of total 50 respondents, 13 were educated upto B.A/B.Sc, L.L.B level, 31 upto M.A/M.Sc, L.L.B and 06 upto M.A/M.Sc, L.L.M level.

Table and Diagram-5: Designation

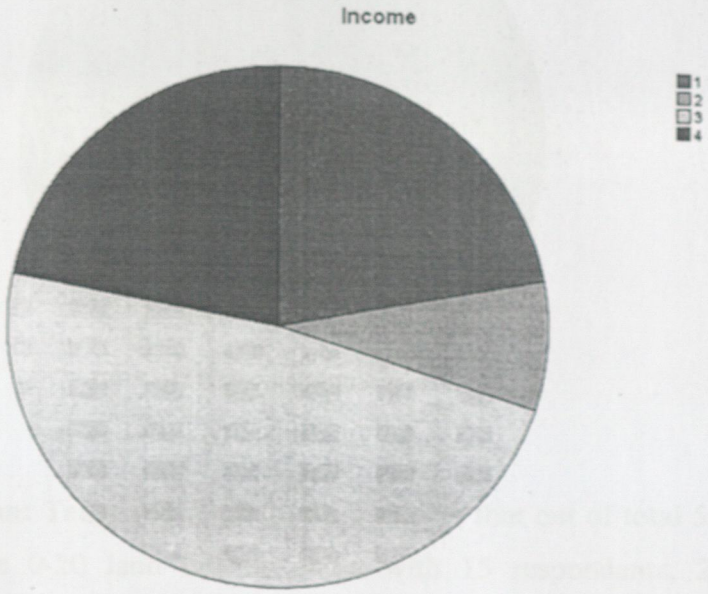
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Civil Judge	5	10.0	10.0	10.0
	Advocate	42	84.0	84.0	84.0
	Land Admin	3	6.0	6.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-05 indicates that out of total 50 respondents, 05 were civil judges, 42 were advocates and 03 were related to land administration department.

Table and Diagram-6: Income of the Respondents

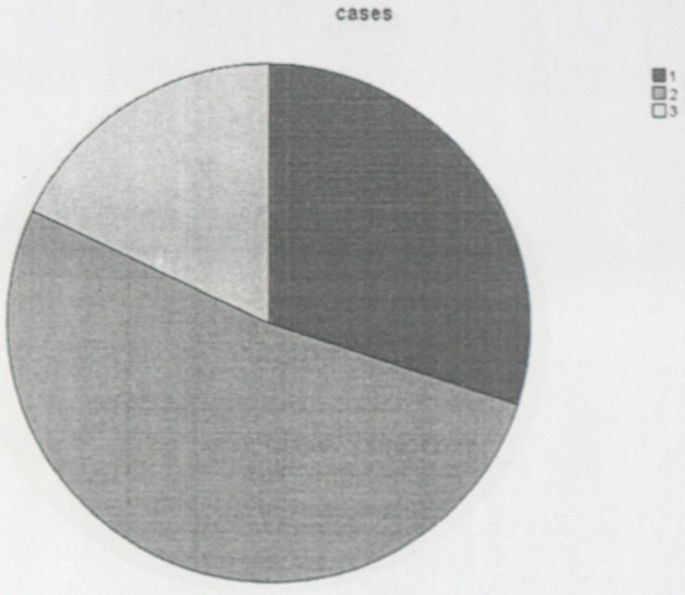
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	50000-70000	11	22.0	22.0	22.0
	70000-90000	4	8.0	8.0	30.0
	90000-100000	24	48.0	48.0	78.0
	Above 100000	11	22.0	22.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-06 shows that out of total 50 respondents, the per month income of 11 respondents were between Rs. 50,000-70,000, the p.m income of 04 respondents was between Rs. 70,000-90,000; 24 respondents' monthly income was between the range of Rs. 90,000-100,000 per month, while 11 respondents monthly income was above Rs. 100,000 per month.

Table and Diagram-7: Cases of Land Disputes

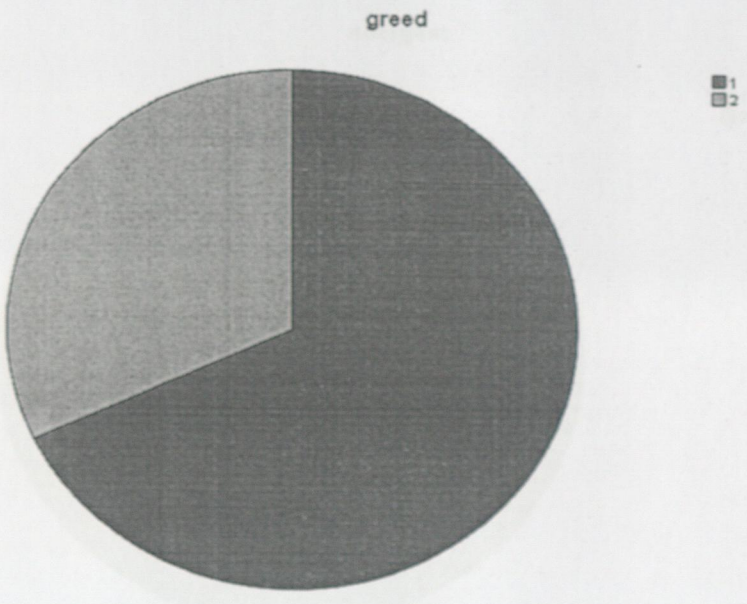
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	0-20	15	30.0	30.0	30.0
	21-40	26	52.0	52.0	82.0
	41-60	9	18.0	18.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-07 indicates that out of total 50 respondents, there were 0-20 land dispute cases with 15 respondents, 21-40 with 26 respondents, 41-60 with 09 respondents.

Table and Diagram-8: Greed as a Contributory Factor of Land Disputes

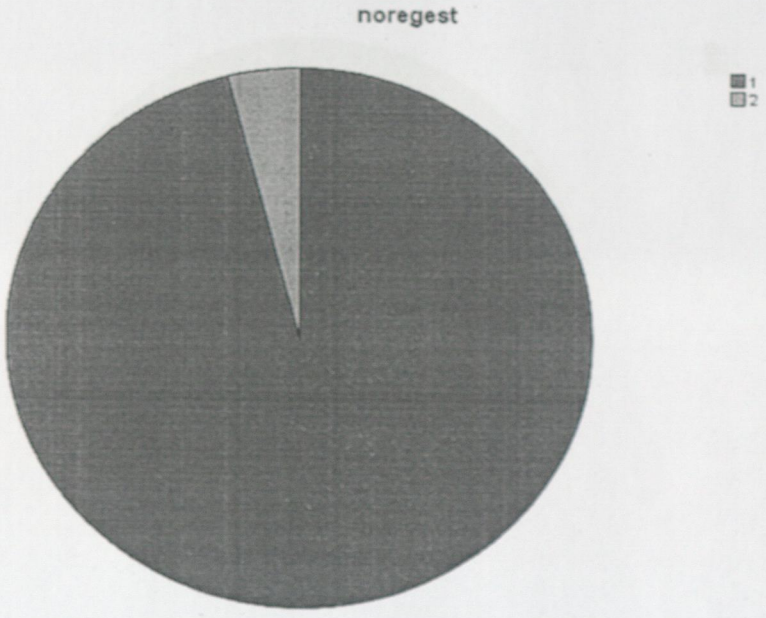
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	34	68.0	68.0	68.0
	No	16	32.0	32.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-08 explains that out of total 50 respondents, 34 were considering greed as a contributory factor of land disputes while 16 respondents did not agree with it.

Table and Diagram-9: Absence of Land Registration System as a Contributory Factor of Land Disputes

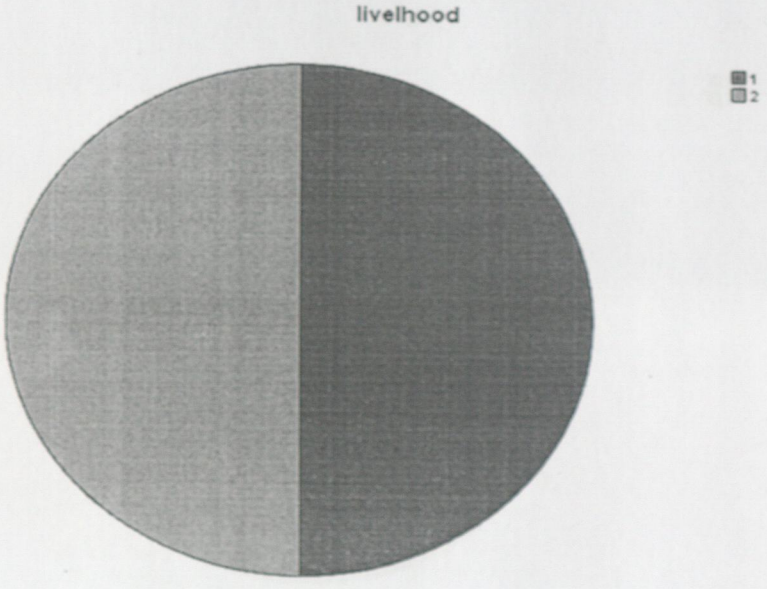
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	48	96.0	96.0	96.0
	No	2	4.0	4.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-09 indicates that out of total 50 respondents, 48 considered absence of land registration as one of the contributory factors of land disputes in the study area. Only 02 did not agree.

Table and Diagram-11: Land as Main Source of Livelihood as a Contributory Factor of Land Disputes

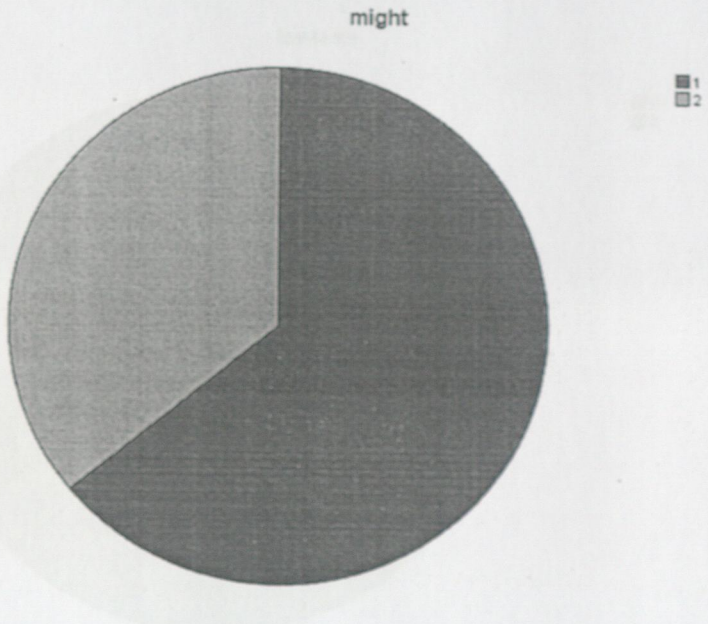
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	25	50.0	50.0	50.0
	No	25	50.0	50.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-11 shows that out of total 50 respondents, 25 were of the view that as land is the main source of livelihood in the study area, therefore it is a contributing factor of land disputes. The remaining 25 respondents did not agree with this view.

Table and Diagram-12: "Might is Right" as a Contributory Factor of Land Disputes

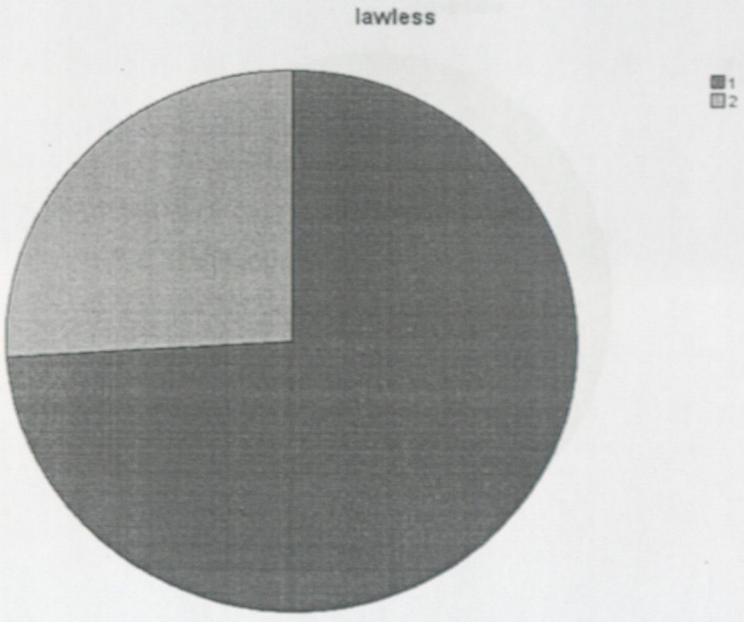
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	32	64.0	64.0	64.0
	No	18	36.0	36.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-12 indicates that out of total 50 respondents, 32 considered "Might is Right" as a contributing factor of land disputes while 18 were against this view.

Table and Diagram-13: Disobedience to Law as a Contributory Factor of Land Disputes

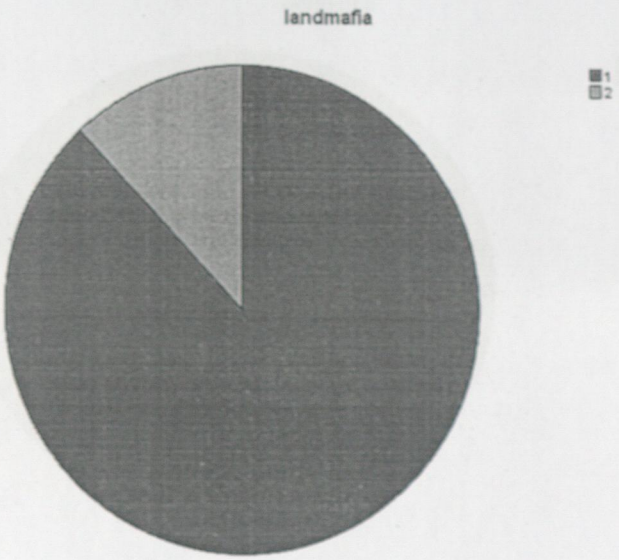
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	37	74.0	74.0	74.0
	No	13	26.0	26.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram- 13 shows that out of total 50 respondents, 37 considered law disobedience as a contributing factor of land disputes while 13 respondents were against the view.

Table and Diagram-14: Land mafia as a Contributory Factor of Land Disputes

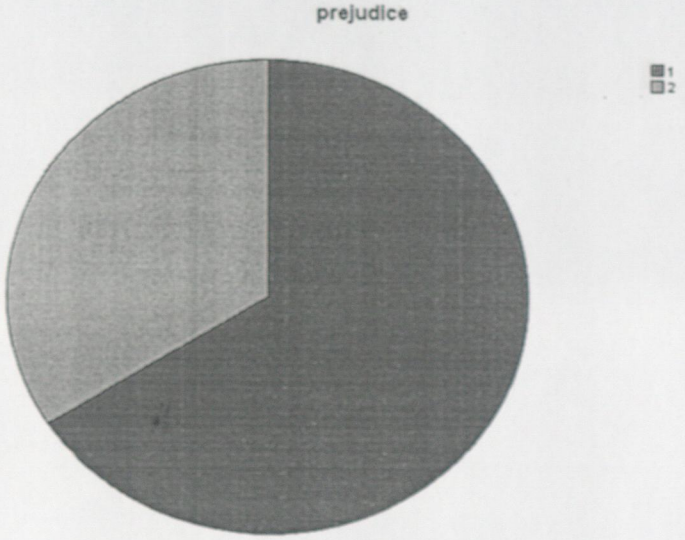
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	44	88.0	88.0	88.0
	No	6	12.0	12.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-14 indicates that according to 44 respondents, land mafia is a contributing factor of land disputes while 06 respondents rejected this view.

Table and Diagram-15: Prejudice to others as a Contributory Factor of Land Disputes

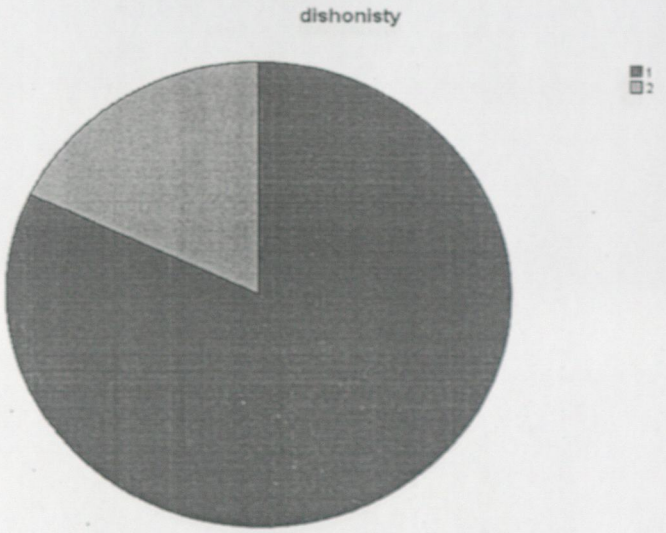
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	33	66.0	66.0	66.0
	No	17	34.0	34.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-15 indicates that out of total 50 respondents, 33 considered prejudice to others as a contributing factor of land disputes while 17 respondents disagreed.

Table and Diagram-16: Dishonesty as a Contributory Factor of Land Disputes

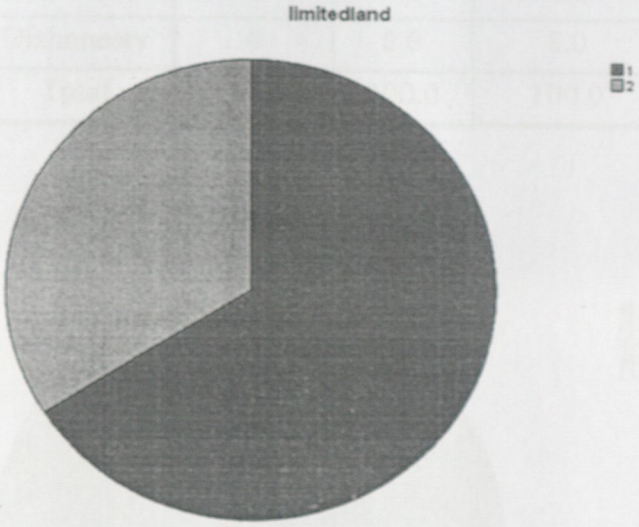
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	41	82.0	82.0	82.0
	No	9	18.0	18.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-16 indicates that out of total 50 respondents, 41 were of the view that dishonesty is one of the contributing factors of land disputes while 09 disagreed with this view.

Table and Diagram-17: Limited Land as a Contributory Factor of Land Disputes

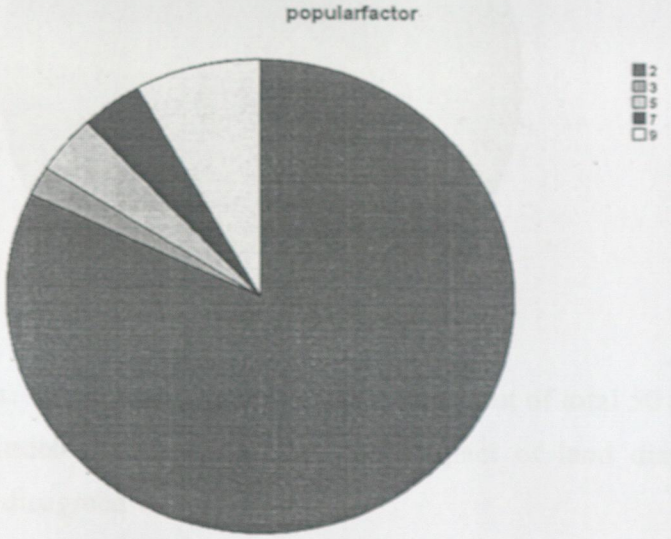
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	33	66.0	66.0	66.0
	No	17	34.0	34.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-17 indicates that out of total 50 respondents, 33 considered limited land as a contributing factor of land disputes while 17 disagreed.

Table and Diagram-18: Popular Factors of Land Disputes

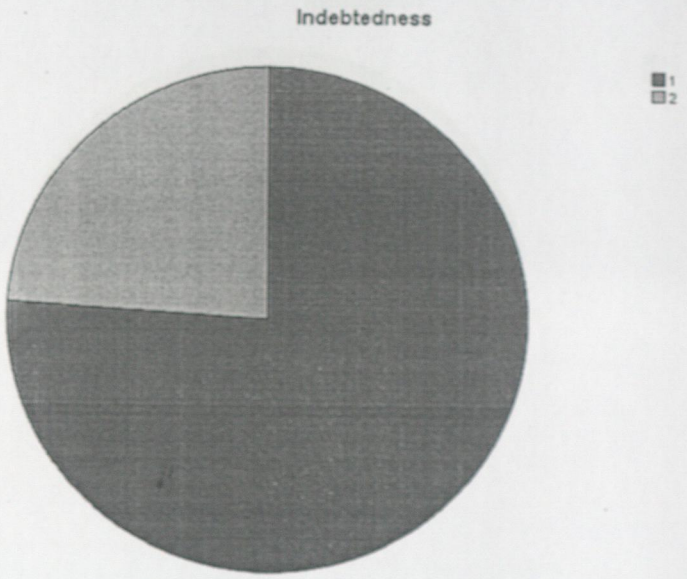
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	No Registration	41	82.0	82.0	82.0
	Increase in Land Value	1	2.0	2.0	84.0
	Might is Right	2	4.0	4.0	88.0
	Land Mafia	2	4.0	4.0	92.0
	Dishonesty	4	8.0	8.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-18 indicates that out of total 50 respondents, 41 considered absence of land registration system in the study area as a main and popular factor of land disputes; 01 respondent, opt for increase in land value as a popular factor; 02 respondents opt for might is right and 02 for land mafia as a popular factor while 04 considered dishonesty as a popular factor of land disputes.

Table and Diagram-19: Indebtedness is an Economic Impact of Land Disputes

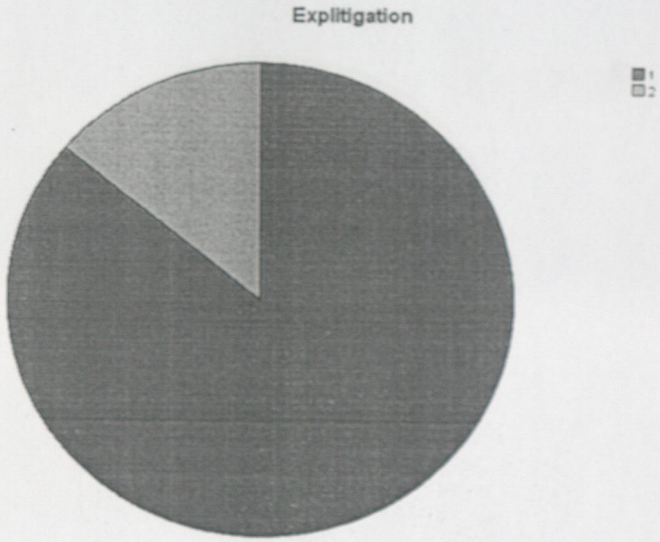
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	38	76.0	76.0	76.0
	No	12	24.0	24.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-19 shows that out of total 50 respondents, 38 considered indebtedness is an economic impact of land disputes while 12 respondents disagreed with this view.

Table and Diagram-20: Expenditures on Litigations as an Economic Impact of Land Disputes

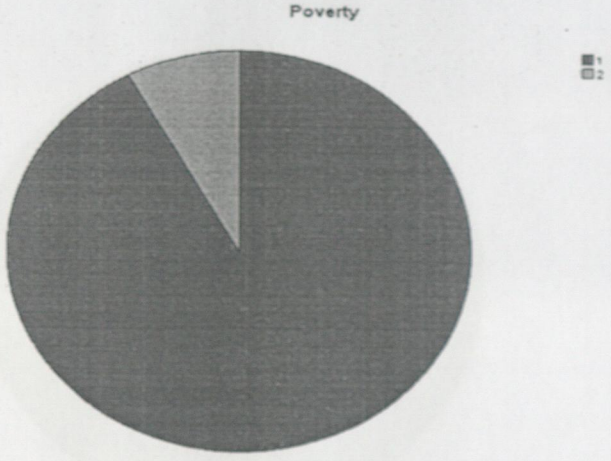
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	43	86.0	86.0	86.0
	No	7	14.0	14.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-20 indicates that out of total 50 respondents, 43 considered expenditure on litigations as an economic impact of land disputes while only 07 disagreed.

Table and Diagram-21: Poverty as an Economic Impact of Land Disputes

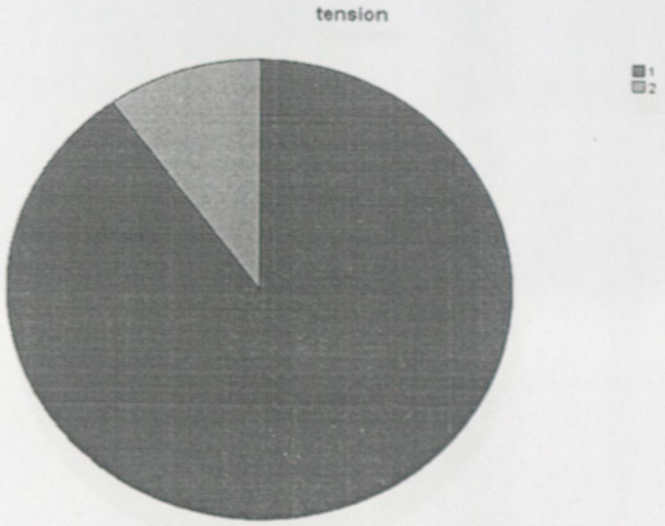
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	46	92.0	92.0	92.0
	No	4	8.0	8.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-21 shows that out of total 50 respondents, 46 considered poverty as an economic impact of land disputes while only 04 disagreed with this view.

Table and Diagram-22: Tension as a Socio-Psychological Impact of Land Disputes

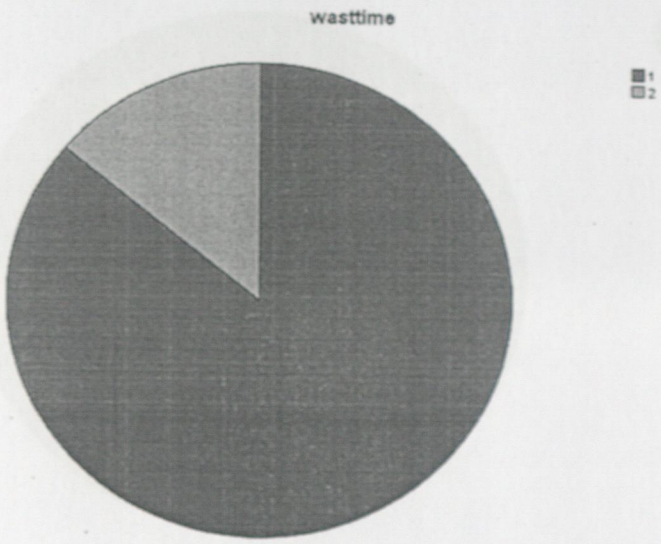
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	45	90.0	90.0	90.0
	No	5	10.0	10.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-22 indicates that out of total 50 respondents, 45 claimed Tension and mental depression as a socio-psychological impact of land disputes while only 05 respondents disagreed.

Table and Diagram-23: Wastage of Time as a Social Impact of Land Disputes

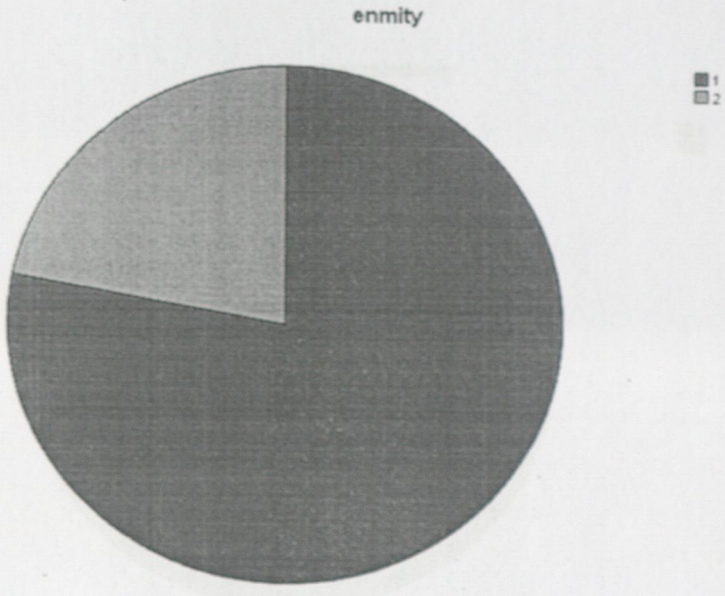
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	43	86.0	86.0	86.0
	No	7	14.0	14.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-23 indicates that out of total 50 respondents, 43 claimed wastage of time as a social impact of land disputes while 07 respondents disagreed.

Table and Diagram-24: Enmity as a Social Impact of Land Disputes

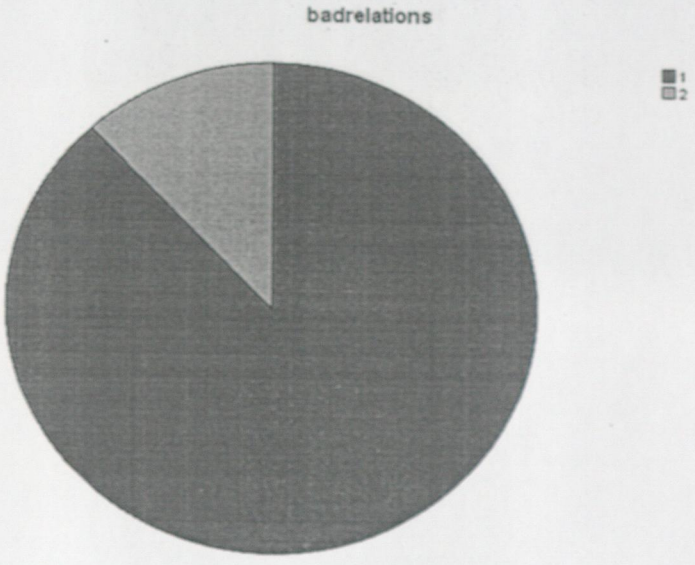
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	39	78.0	78.0	78.0
	No	11	22.0	22.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-24 indicates that out of total 50 respondents, 39 considered enmity as a social impact of land disputes while 11 disagreed.

Table and Diagram-25: Bad Relationship as a Social Impact of Land Disputes

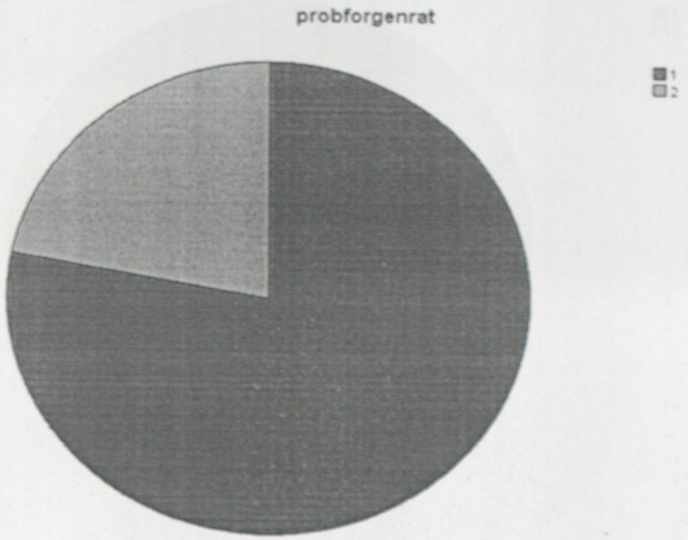
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	44	88.0	88.0	88.0
	No	6	12.0	12.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-25 indicates that out of total 50 respondents, 44 claimed bad relationship as the outcome of land disputes while only 06 were disagreed with the claim.

Table and Diagram-26: Problems for Coming Generations as Social Impact of Land Disputes

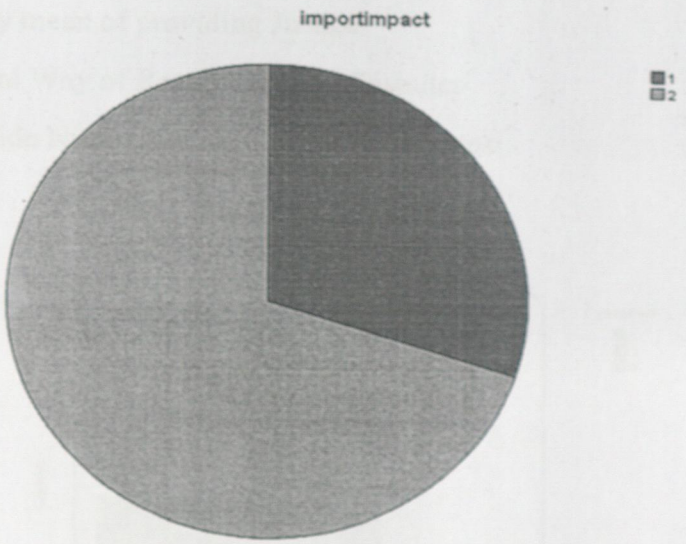
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	39	78.0	78.0	78.0
	No	11	22.0	22.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-26 indicates that out of total 50 respondents, 39 were of the view that land disputes create problems for the coming generation while 11 disagreed.

Table and Diagram-27: Important Impacts of Land Disputes

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Economic	15	30.0	30.0	30.0
	Social	35	70.0	70.0	100.0
	Total	50	100.0	100.0	



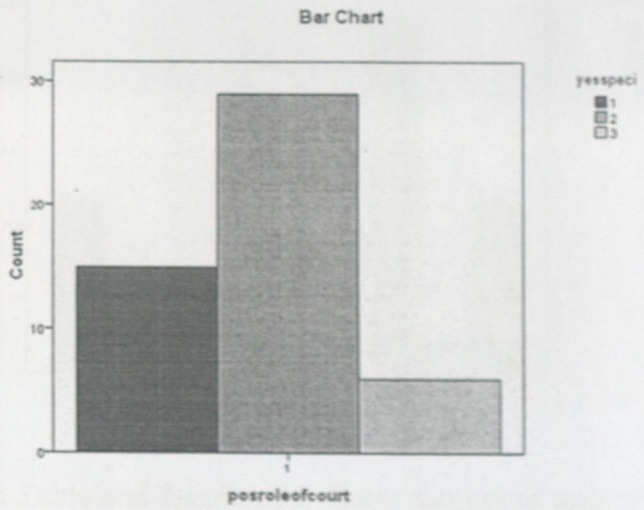
Description: Table and diagram-27 shows that out of total 50 respondents, 15 considered economic impact as an important impact of land disputes while 35 respondents were of the view that social impact is the most important impact of land disputes.

Table and Diagram-28: Positive Role of Courts in Settlement of Land Disputes

Specification	If Yes Specification			Total
	1	2	3	
Yes	15	29	6	50
Total	15	29	6	50

Denotations:

- Only mean of providing Justice
- Legal Way of Resolving Land Disputes
- Decide Numerous cases of Land Disputes



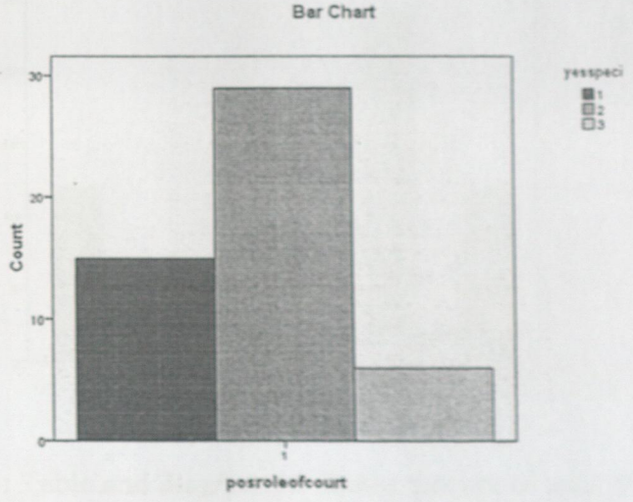
Description: Table and diagram-28 shows that all of 50 respondents agreed that the role of courts is positive in the settlement of land disputes. Out of total 50 respondents, 15 answered that court is the only mean of providing justice, 29 replied that court is a legal way of resolving land disputes, 06 respondents were of the view that the role of courts in resolving land disputes is positive in the sense that it decides numerous cases of land disputes on daily basis.

Table and Diagram-28: Positive Role of Courts in Settlement of Land Disputes

Specification	If Yes Specification			Total
	1	2	3	
Yes	15	29	6	50
Total	15	29	6	50

Denotations:

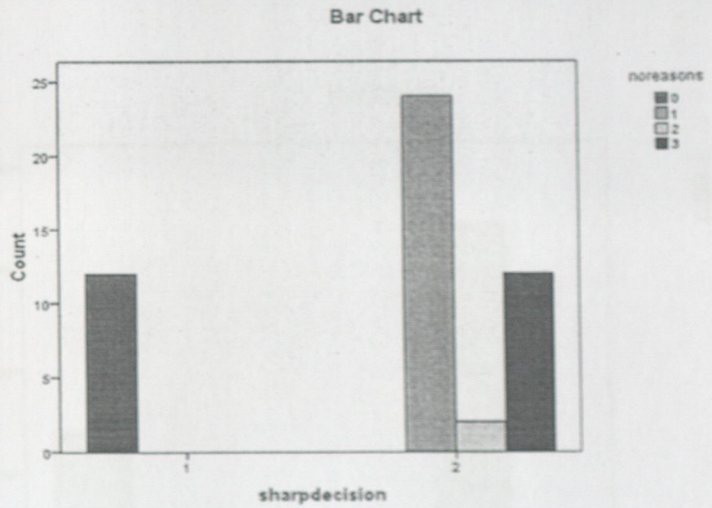
- Only mean of providing Justice
- Legal Way of Resolving Land Disputes
- Decide Numerous cases of Land Disputes



Description: Table and diagram-28 shows that all of 50 respondents agreed that the role of courts is positive in the settlement of land disputes. Out of total 50 respondents, 15 answered that court is the only mean of providing justice, 29 replied that court is a legal way of resolving land disputes, 06 respondents were of the view that the role of courts in resolving land disputes is positive in the sense that it decides numerous cases of land disputes on daily basis.

Table and Diagram-29: Sharp Decision of Courts in Land Dispute Cases

Specification		If No Reasons				
		Nil	Renewal of Date	Absence of Judge / Advocate	Absence of Parties	Total
	Yes	12	0	0	0	12
	No	0	24	2	12	38
Total		12	24	2	12	50

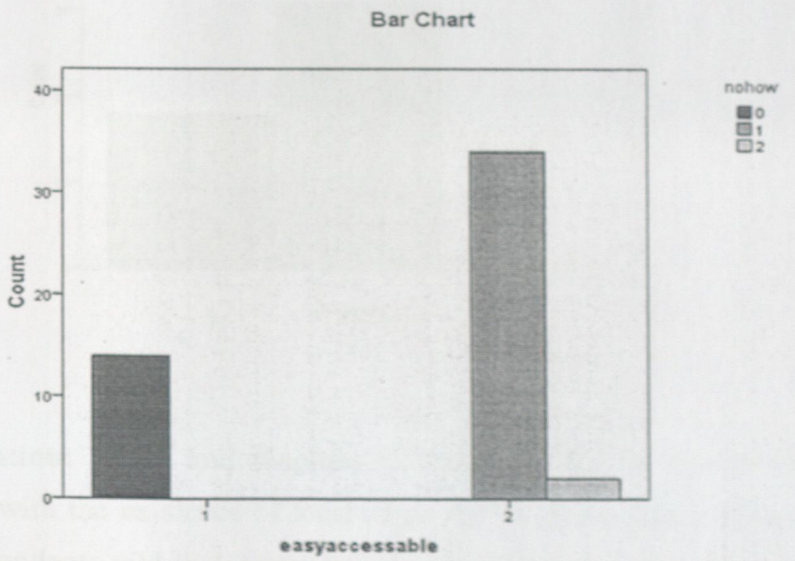


Description: Table and diagram-29 shows that out of total 50 respondents, 12 replied that courts decide land disputes sharply while 38 were of the view that courts use delaying tactics in resolving land disputes.

Further, 24 respondents answered that courts delay the decisions of land disputes by repeated renewal of date of appearance of parties. 02 respondents replied that absence of Judge/Advocate from the date of appearance is the main cause of slow decision process while 12 respondents told that the process of courts' decision in land disputes is slow due to absence of parties from the date of appearance before the court.

Table and Diagram-30: Court Procedure Easy and Accessible

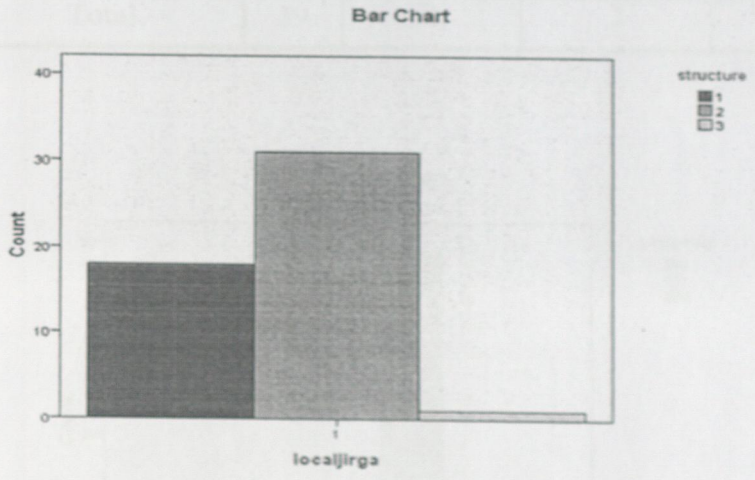
Specification	If No How can we make Accessible			
	Nil	Hiring a Good Advocate	Direct Approach to Judiciary	Total
Yes	14	0	0	14
No	0	34	2	36
Total	14	34	2	50



Description: Table and diagram-30 indicates that out of total 50 respondents, 14 replied that the court procedure in deciding land disputes is easy and accessible while 36 disagreed with this view. Moreover, out of 36 respondents, 34 were of the view that the court procedure can be made easy and accessible by hiring a good advocate and 02 claimed that the court procedure can be made accessible through direct approach to the Judge.

Table and Diagram-31: Existence of Local *Jirga* and its Structure

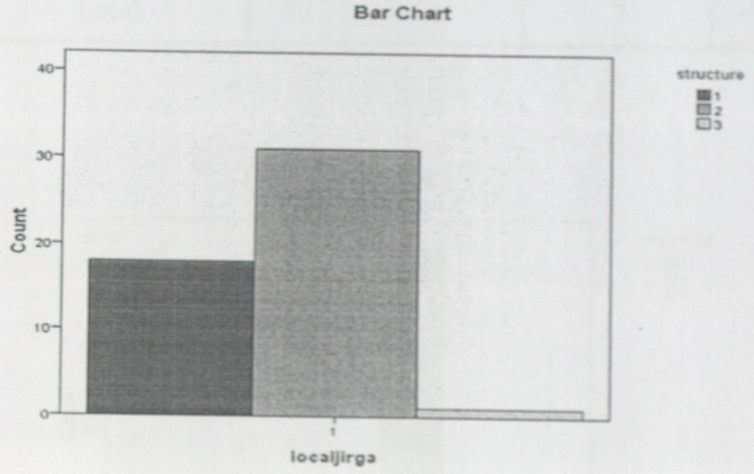
Specification	structure			
	Elders of the Locality	Constituted by Judge	Tribal / Family Heads	Total
Yes	18	31	1	50
Total	18	31	1	50



Description: Table and diagram-31 indicates that all the 50 respondents agreed with the existence of local *Jirga* for resolving land disputes. However 18 respondents told that it consists of elders of the locality, 31 responded that such a *Jirga* is constituted by the concerned judges while only 01 respondent told that the *Jirga* consists of Tribal/Family heads.

Table and Diagram-31: Existence of Local *Jirga* and its Structure

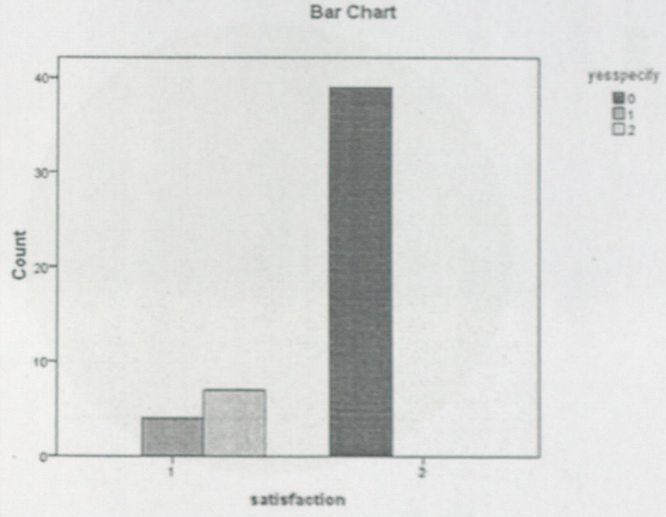
Specification	structure			
	Elders of the Locality	Constituted by Judge	Tribal / Family Heads	Total
Yes	18	31	1	50
Total	18	31	1	50



Description: Table and diagram-31 indicates that all the 50 respondents agreed with the existence of local *Jirga* for resolving land disputes. However 18 respondents told that it consists of elders of the locality, 31 responded that such a *Jirga* is constituted by the concerned judges while only 01 respondent told that the *Jirga* consists of Tribal/Family heads.

Table and Diagram-32: Satisfaction from the Performance of Local *Jirga*

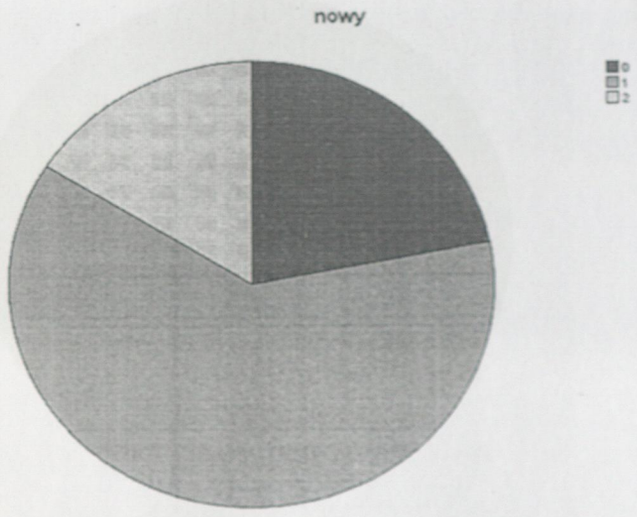
Specification		If Yes Specify			
		Nil	Cold Down the dispute for the time being	Paves the way towards durable settlement	Total
	Yes	0	4	7	11
	No	39	0	0	39
Total		39	4	7	50



Description: Table and diagram-32 shows that out of total 50 respondents, 11 were satisfied from the performance of local *Jirga* in resolving land disputes while 39 respondents were not satisfied with the performance of local *Jirga*. Moreover out of 11 satisfied respondents, 04 were of the view that *Jirga* cools down the dispute for the time being; 07 respondents told that the local *Jirga* paves the way towards durable settlement of land disputes.

Table and Diagram-33: Reasons for No satisfaction from the performance of Local *Jirga*

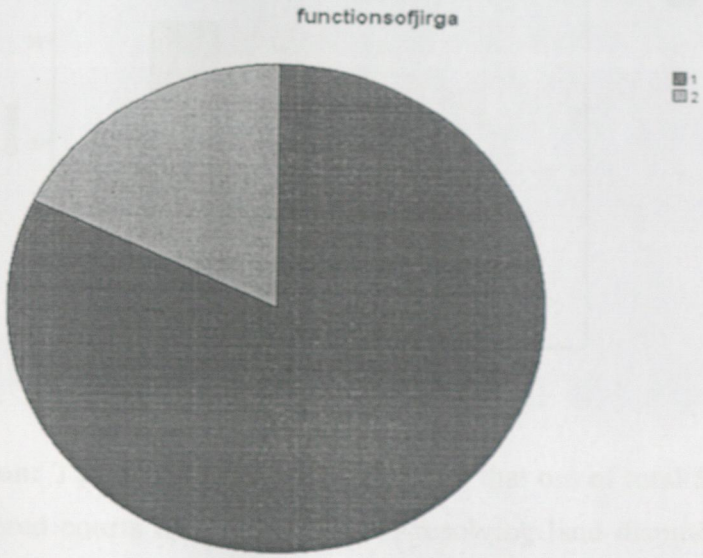
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Nil	11	22.0	22.0	22.0
	Partial Decisions	31	62.0	62.0	84.0
	Temporary Decisions	8	16.0	16.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-33 indicates that out of total 50 respondents, 11 were satisfied from the role of *Jirga*; 39 respondents were not satisfied from the role of *Jirga*; 31 told that it was mostly taking partial and one-sided decisions in resolving land disputes; 08 respondents were of the view that the decisions of the local *Jirga* in resolving land disputes were temporary and unable to settle the land disputes forever.

Table and Diagram-34: Functions of Local *Jirga* in Settlement of Land Disputes

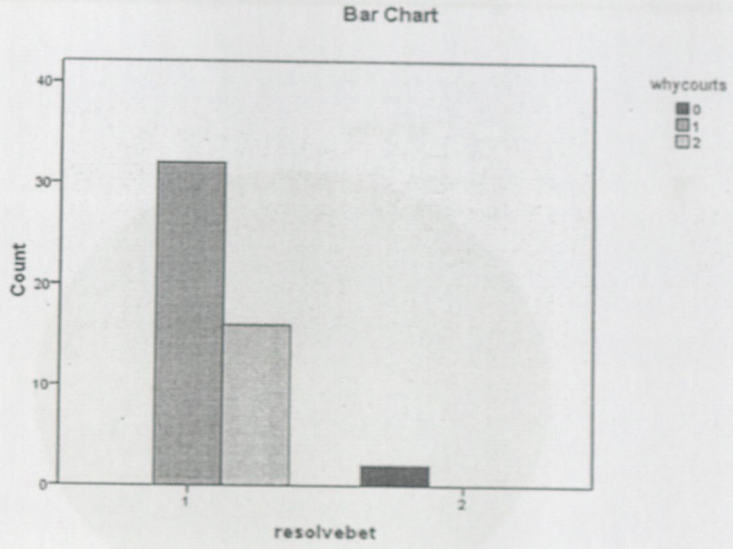
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Resolution	41	82.0	82.0	82.0
	Provide Guidance	9	18.0	18.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-34 indicates that out of total 50 respondents, 41 were of the view that the function of local *Jirga* was to decide land disputes while 09 respondents claimed that local *Jirga* only provide guidance in the settlement of land disputes.

Table and Diagram-35: Better Ways of Resolution of Land Disputes

Specification		Why courts			
		Nil	Proper Way of Resolution	Guarantee Justice	Total
	Courts	0	32	16	48
	Jirga	2	0	0	2
Total		2	32	16	50

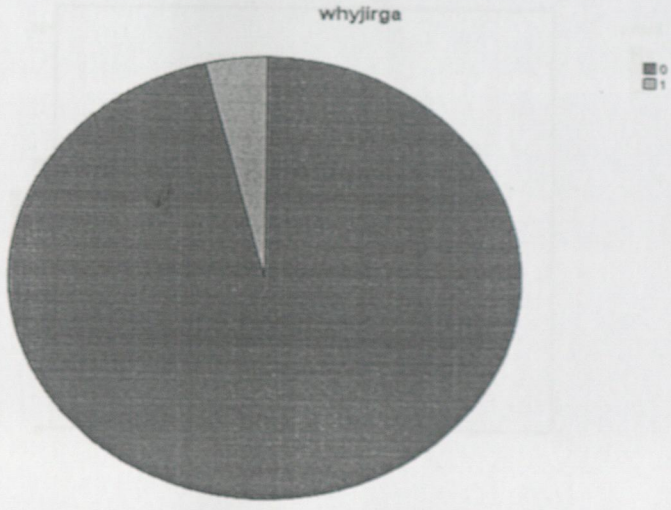


Description: Table and diagram-35 indicates that out of total 50 respondents, 48 considered courts as a better way of resolving land disputes and only 02 considered *Jirga* as a better way of resolving land disputes.

According to 32 respondents, court was a proper way for resolving land disputes and according to 16 respondents, court was the only mean to guarantee justice in resolving land disputes.

Table and Diagram-36: Why *Jirga* a Better Way of Resolution of Land Disputes

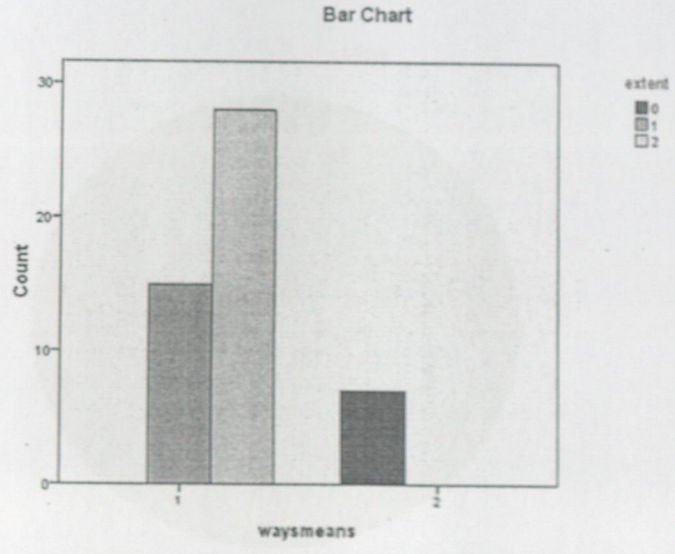
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Nil	48	96.0	96.0	96.0
	Local Custom	2	4.0	4.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-36 indicates that out of total 50 respondents, 02 considered *Jirga* as a better way of land disputes resolution by giving the reason that *Jirga* settles land disputes in the light of local customs and traditions.

Table and Diagram-37: Satisfaction from Ways and Means of Land Disputes

Specification		If Yes Extent			Total
		Nil	More	Less	
	Yes	0	15	28	43
	No	7	0	0	7
Total		7	15	28	50

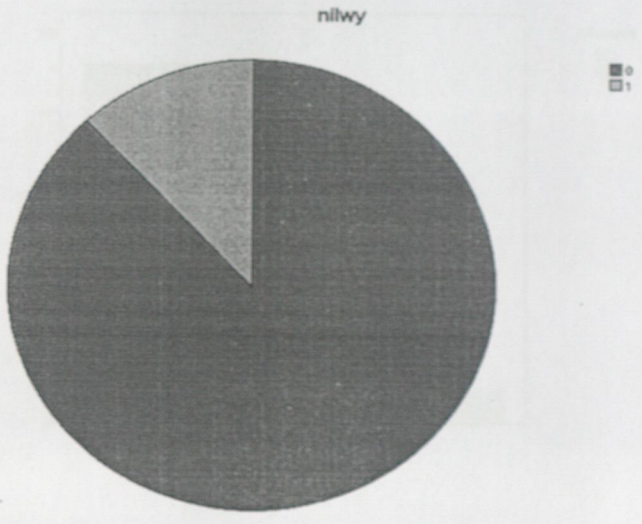


Description: Table and diagram-37 shows that out of total 50 respondents, 43 were satisfied with the ways and means of land disputes resolution and 07 were not satisfied.

Out of 43 satisfied respondents, 15 were more satisfied and 28 were less satisfied.

Table and Diagram-38: Reasons for No Satisfaction from Ways and Means of Land Disputes

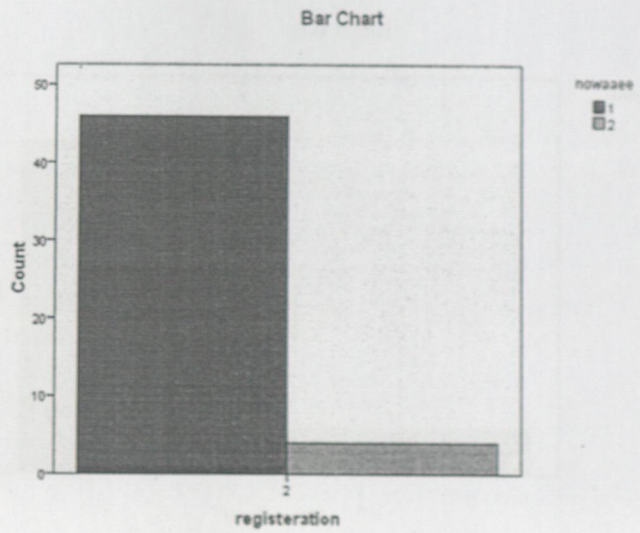
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Nil	43	86.0	86.0	86.0
	Complicated Procedure	7	14.0	14.0	14.0
	Total	50	100.0	100.0	100.0



Description: Table and diagram-38 indicates that all of 07 unsatisfied respondents from the ways and means of resolving land disputes were of the view that the existing procedure of ways and means of land disputes resolution is very complicated.

Table and Diagram-39: Existence of Land Registration System

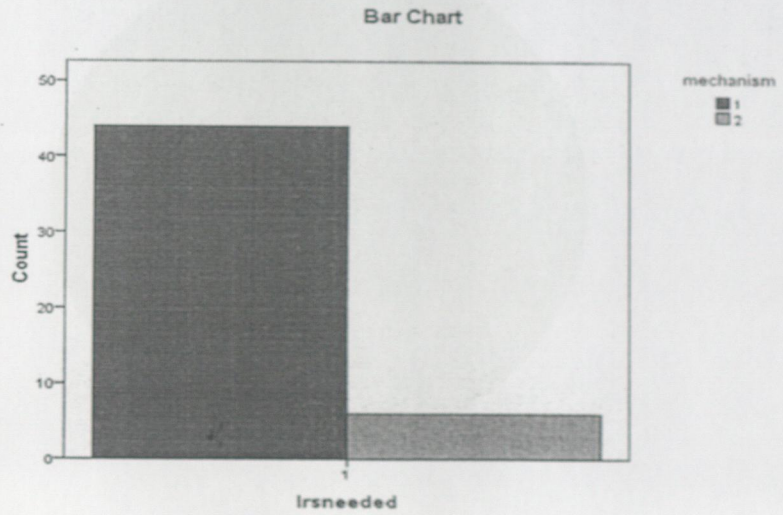
Specification	If not why		
	Not being Implemented	Lack of Interest from Govt. side	Total
No	46	4	50
Total	46	4	50



Description: Table and diagram-39 shows that all the 50 respondents told that Land Registration System (LRS) did not exist in the study area. Moreover according to 46 respondents, the cause of non-existence was no implementation of L.R.S while according to 04 respondents; the non-existence is due to the lack of interest from the government side.

Table and Diagram-40: Need of Land Registration System and its Mechanism

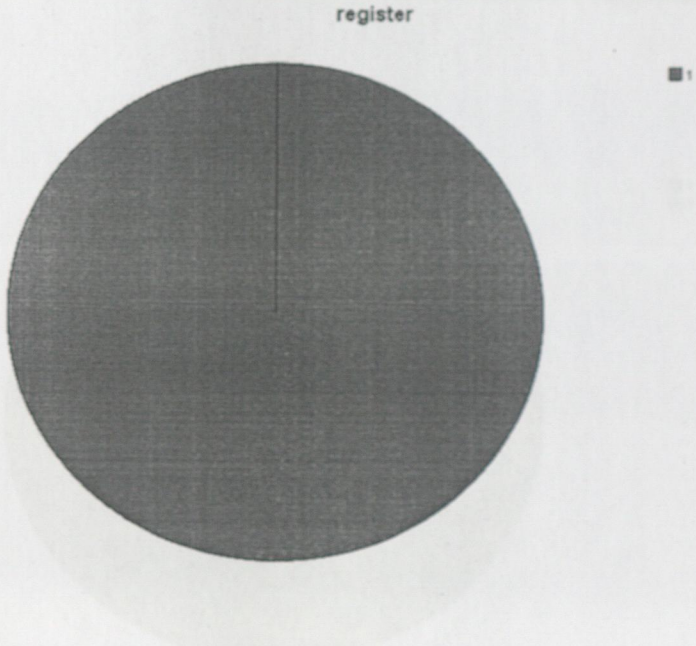
Specification	Mechanism		
	Existing	With Amendments	Total
Yes	44	6	50
Total	44	6	50



Description: Table and diagram-40 indicates that all the 50 respondents were of the view that LRS is needed for minimizing land disputes. Out of them 44 respondents were in favor of implementation of the existing L.R.S. while 06 respondents replied that the existing land registration system may be implemented with some necessary amendments in order to avoid the trend of corruption.

Table and Diagram-41: Land Registration System Needed for the Resolution of Land Disputes

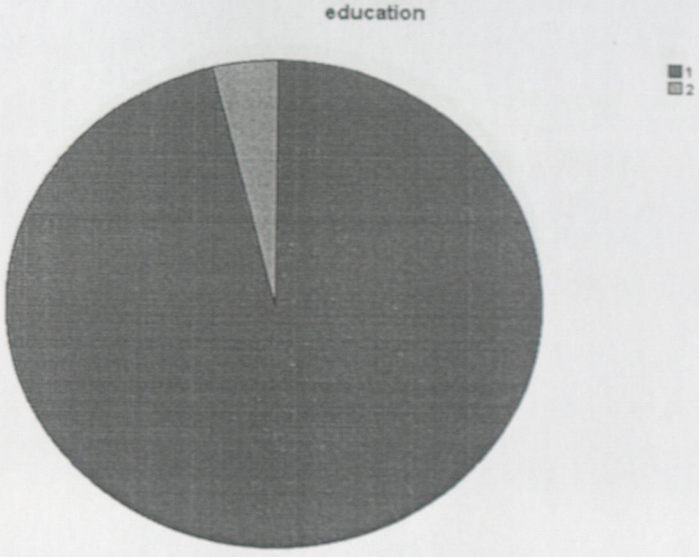
Specification	Frequency	Percent	Valid Percent	Cumulative Percent
Yes	50	100.0	100.0	100.0



Description: Table and diagram-41 indicates that all the 50 respondents were of the view that land registration system is necessary for the resolution of land disputes.

Table and Diagram-42: Education Needed for the Resolution of Land Disputes

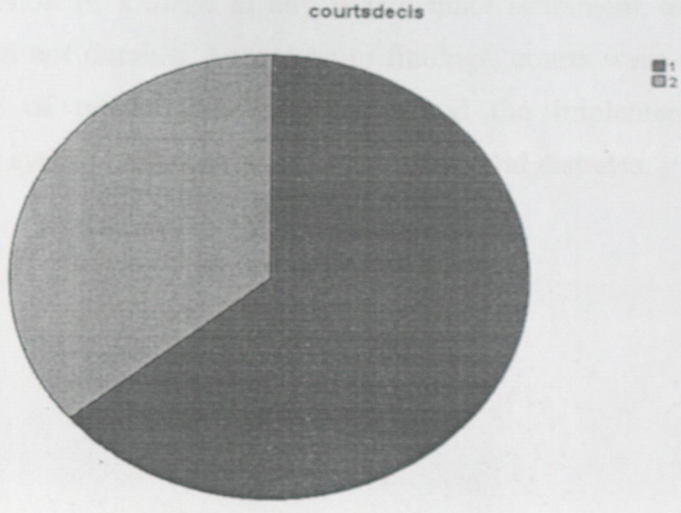
Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	48	96.0	96.0	96.0
	No	2	4.0	4.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-42 shows that out of total 50 respondents, 48 considered the expansion of education for minimizing the increasing trend of land disputes while only 02 respondents were of the view that the expansion of education could not play an effective role in minimizing land disputes in the study area.

Table and Diagram-43: Enhancement in the Number of Courts and Judges Needed for the Resolution of Land Disputes

Specification		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	32	64.0	64.0	64.0
	No	18	36.0	36.0	100.0
	Total	50	100.0	100.0	



Description: Table and diagram-43 indicates that out of total 50 respondents, 32 were in favour of increasing the existing number of judges and courts for sharp resolution of land disputes while 18 respondents considered the existing number of judges and courts were sufficient.

Summary

This section of data analysis consists of findings collected from officers, judges and lawyers dealing with land disputes cases. According to the collected data, absence of land registration system was found as a popular contributing factor of land disputes. Social impact was noted as the most important negative impact of land disputes. The role of courts was found positive and satisfactory with easy and accessible procedure. Majority of the respondents were dissatisfied with the role of *Jirga* in resolving land disputes as the decision of a *Jirga* in any land dispute settlement was a temporary solution and not durable. According to findings, courts were considered as a better way of resolving land disputes and the implementation of land registration system was needed for minimizing land disputes.

4.4 Testing of Hypotheses Applying Chi-Squire Test

The relationship between independent and dependent variables in the light of collected data has been analyzed in this section of the research work. The hypotheses have been verified in the light of data collected from respondents through *chi-square* test, because *chi-square* tests the association between dependent and independent variables of a hypothesis.

Hypothesis-1:

Factors of Land Disputes are positively associated with sociological implications.

The proposed hypothesis-1 of the study reflects the association between the factors of land disputes and its sociological implications. Major sociological implications include loss of life, property, family relations and wastage of money.

Land Disputes Causes Loss of Life

Verification:

Disputes on land and property mostly result in physical conflicts which cause the loss of valuable lives from both sides of the disputant parties. In such a connection, 116 respondents claimed that land disputes cause loss of lives (see table 34: Land Dispute Partners).

In the light of the above mentioned facts and figures derived from the data analysis, it is evident that land disputes cause the loss of lives of the disputant parties.

Land Disputes Cause Loss of Property

Verification:

Disputes and litigation on a piece of land leads to financial crisis and the disputant parties sometimes sell their valuable land to meet the expenses of

litigation. Moreover, in case of fighting over land, one party or both leave the place of residing and the rest of property. Data collected from the land disputants shown that 40 respondents have claimed land disputes as a cause to the loss of property. It is therefore clear from the above facts and figures that land disputes lead to the loss of property of the disputant parties.

Land Disputes Affect Mutual Family Relationship and are a Constant Source of Enmity for Coming Family Members.

Verification:

It has been learnt through the current study that land disputes affect social relationship between the families of the disputant parties. Moreover, it mostly becomes a constant source of enmity for the coming members of disputant's families.

It is evident from the fact that 144 respondents were of the view that land disputes affect mutual relations of the family members of the disputant parties (See Table # 33 Land Disputants), similarly, 158 respondents were claiming land disputes as a problem for coming generations (See table # 37 Land Disputants).

Verification of Hypothesis with *Chi-square* Test Application

***Chi-Square* Tests**

Association b/w Unclear Boundaries and Time Consumption	Value	df	Asymp. Sig. (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson *Chi-Square*	13.042[a]	1	.000		
Continuity Correction[b]	11.895	1	.001		
Likelihood Ratio	13.063	1	.000		
Fisher's Exact Test				.000	.000
Linear-by-Linear Association	12.976	1	.000		
No. of Valid Cases	200				

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 22.88.

***Chi-Square* Tests**

Association b/w No registration and Economic Impact	Value	df	Asymp. Sig. (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	.261[a]	1	.610		
Continuity Correction[b]	.000	1	1.000		
Likelihood Ratio	.500	1	.479		
Fisher's Exact Test				1.000	.779
Linear-by-Linear Association	.259	1	.611		
No. of Valid Cases	200				

a. 2 cells (50.0%) have expected count less than 5. The minimum expected count is .24.

b. Computed only for a 2x2 table

***Chi-Square* Tests**

Association between Power(might is right) and Tension	Value	df	Asymp. Sig. (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	1.573[a]	1	.210		
Continuity Correction[b]	.596	1	.440		
Likelihood Ratio	2.863	1	.091		
Fisher's Exact Test				.366	.240
Linear-by-Linear Association	1.565	1	.211		
No. of Valid Cases	200				

a. 1 cells (25.0%) have expected count less than 5. The minimum expected count is 1.30.

b. Computed only for a 2x2 table

***Chi-Square* Tests**

Association between courts proceedings and satisfaction of respondents	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	1.616[a]	2	.446
Likelihood Ratio	1.589	2	.452
Linear-by-Linear Association	1.607	1	.205
No. of Valid Cases	200		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 5.72.

b. Computed only for a 2x2 table

***Chi-Square* Tests**

Association b/w Illiteracy and Energy Consumption	Value	df	Asymp. Sig. (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	3.106[a]	1	.078		
Continuity Correction[b]	2.563	1	.109		
Likelihood Ratio	3.192	1	.074		
Fisher's Exact Test				.106	.053
Linear-by-Linear Association	3.090	1	.079		
No. of Valid Cases	200				

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 21.46.

b. Computed only for a 2x2 table

***Chi-Square* Tests**

Association b/w Greed and relationship	Value	df	Asymp. Sig. (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	31.791[a]	1	.000		
Continuity Correction[b]	29.944	1	.000		
Likelihood Ratio	30.862	1	.000		
Fisher's Exact Test				.000	.000
Linear-by-Linear Association	31.632	1	.000		
No. of Valid Cases	200				

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 19.04.

b. Computed only for a 2x2 table

Hypothesis-II:

Land Disputes are positively associated with various problems for land disputants

The proposed hypothesis-II of the study reflects the association between the land dispute and various problems for the land disputants. Major problems include economic / poverty, heath, loss of life & property, family relations and wastage of time & money.

Verification: The given hypothesis is tested through Chi-Square test which is evident from the following tables.

Land disputes cause loss of property

Verification:

Disputes and litigation on a piece of lands leads to financial crisis and the disputant parties some time sell their valuable land to meet the expenses of litigation. Moreover, in case of fighting over land, one party or both leave the

place of residing and the remaining property. Data collected from the respondents (Community) shown that 40 (20%) have claimed that land disputes cause loss of property.

It is therefore clear from the above facts and figures that land disputes leads to the loss of property of the disputant parties.

Land disputes affects mutual family relationship and cause a constant source of enmity for coming family members.

Verification:

It has been learnt through the current study that land disputes affect social relationship exist between the families of the disputant parties. Moreover, it mostly becomes a constant source of enmity for the coming members of disputant's families.

It is evident from the fact that 144(72%) respondents were of the view that land dispute affect mutual relations of the family members of the disputant parties (See Table # 33), similarly, 158 respondents (79%) were claiming land disputes as a problem for coming generations (See table # 37). Verification of hypothsis # 1 with Chi-square test application.

Hypothesis – 2 Dispute leads to various problems

Chi-Square Tests			
Association between Dispute and Economic Impact	Value	Df	Asymp. Sig. (2-sided)
Pearson Chi-Square	9.325[a]	3	.025
Likelihood Ratio	13.481	3	.004
Linear-by-Linear Association	.208	1	.648
N of Valid Cases	200		

a. 4 cells (50.0%) have expected count less than 5. The minimum expected count is .96.

Chi-Square Tests

Association between Land Dispute and Economic impact	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	9.325[a]	3	.025
Likelihood Ratio	13.481	3	.004
Linear-by-Linear Association	.208	1	.648
N of Valid Cases	200		

a. 4 cells (50.0%) have expected count less than 5. The minimum expected count is .96.

Chi-Square Tests

Association between Dispute and Time consuming	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	3.973[a]	3	.264
Likelihood Ratio	4.077	3	.253
Linear-by-Linear Association	1.725	1	.189
N of Valid Cases	200		

a. 1 cells (12.5%) have expected count less than 5. The minimum expected count is 4.16.

Chi-Square Tests

Association between Dispute and Energy loss	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	13.027[a]	3	.005
Likelihood Ratio	12.968	3	.005
Linear-by-Linear Association	6.334	1	.012
N of Valid Cases	200		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 5.92.

Chi-Square Tests

Association between Dispute and relationship	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	11.140[a]	3	.011
Likelihood Ratio	10.000	3	.019
Linear-by-Linear Association	1.713	1	.191
N of Valid Cases	200		

a. 1 cells (12.5%) have expected count less than 5. The minimum expected count is 4.48.

Chi-Square Tests

Association between Dispute and risk of life	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	3.442[a]	3	.328
Likelihood Ratio	3.400	3	.334
Linear-by-Linear Association	1.131	1	.288
N of Valid Cases	200		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 6.72.

Chi-Square Tests

Association between Dispute and tension	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	3.277[a]	3	.351
Likelihood Ratio	4.043	3	.257
Linear-by-Linear Association	.274	1	.601
N of Valid Cases	200		

a. 4 cells (50.0%) have expected count less than 5. The minimum expected count is .80.

Chapter-05

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

5.1 Findings:

A. Data Analysis of Land Disputes Partners (Community)

1. Majority of the respondents i.e. 72 were in the age group of 41-50 years and majority i.e. 162 were married.

2. Majority of the respondents i.e. 104 belonged to Nuclear families and similarly majority of the respondents i.e. 66 were in the range of 6-8 family members.

3. Majority of the respondents i.e. 144 were educated and majority of them i.e. 36 were qualified upto B.A/B.Sc level.

4. Majority of the respondents i.e. 120 were employed and most of them i.e. 66 were attached to private sector jobs.

5. Most of the respondents i.e. 116 had monthly income above 25000.

6. Majority of the respondents i.e. 98 possessed the size of land above 40 *Kanal*s and similarly most of the respondents i.e. 126 used their land for crop producing purposes.

7. Majority of the respondents i.e. 162 had received the land inheritedly.

8. Only 10 respondents had received the land by gift.

9. Majority of the respondents i.e. 54 had dispute on land between the range of 5-10 *Kanal*s.

10. Majority of the respondents i.e. 114 had dispute on crop production land.

11. 38 respondents had dispute on land used for horticulture purposes.

12. Only 48 out 200 respondents had dispute on land used for forest

13. Majority of the respondents i.e. 68 had dispute on land worth above Rs. 400,000.

14. Majority of the respondents i.e. 82 respondents had dispute on the inheritance of land.

15. All of the 200 respondents replied for inheritance as common type of land dispute in the area.

16. Out of 200 respondents, 112 had pointed out mortgage as a common type of land disputes.

17. Majority of the respondents i.e. 152 had pointed out preemption as a common type of land disputes in the study area.

18. Majority of the respondents i.e. 196 had declared encroachment as a common type of land disputes.

19. According to majority of the respondents i.e. 174, dispute on ownership of land is a common type of land disputes.

20. Majority of the respondents i.e. 116 claimed that dispute over the inheritance of land was very popular in the study area.

21. Majority of the respondents i.e. 196 had pointed out absence of land registration due to illiteracy of the masses and corrupt land administration system in the study area as a contributing factor of land disputes.

22. Out of 200 respondents, 112 considered unclear boundaries as a contributing factor of land disputes.

23. Majority of the respondents i.e. 142 considered illiteracy of the masses as a contributing factor of land disputes.

24. Majority of the respondents i.e. 132 considered greed and lust as a contributing factor of land disputes.

25. Out of 200 respondents, only 88 considered "might is right" as a contributing factor of land disputes.

26. Majority of the respondents i.e. 110 had pointed out maladministration as a contributing factor of land disputes.

27. Out of total 200 respondents, only 26 had pointed out power and authority with a group of people as a contributing factor of land disputes.

28. Majority of the respondents i.e. 180 had pointed out increase in land value as a contributing factor of land disputes.

29. Majority of the respondents i.e. 120 considered no land settlement/no land registration system as the most contributing and responsible factor for land disputes.

30. Majority of the respondents i.e. 188 considered economic losses as negative impact of land disputes.

31. Majority of the respondents i.e. 148 pointed out the impact of land disputes as time consuming.

32. Out of 200 respondents only 74 considered the loss of energy as an impact of land disputes.

33. Majority of the respondents i.e. 144 considered that land disputes affect mutual relationship.

34. Majority of the respondents i.e. 116 told that land disputes may cause the risk of life.

35. Only 40 respondents out of 200, responded that land disputes may cause loss of property.

36. Majority of the respondents i.e. 190 told that land disputes are Tension/Depression producing.

37. Majority of the respondents i.e. 158 were of the view that land disputes may cause problem for the coming generations.

38. Out of total 200 respondents, only 96 were of the view that land disputes may cause attraction of corruption for land administration.

39. Majority of the respondents i.e. 68 considered tension/depression as the most important impact of land disputes in the study area.

40. Majority of the respondents i.e. 164 declared the role of courts in the resolution of land disputes as positive.

41. Majority of the respondents i.e. 140 were less satisfied from the role of courts.

42. Majority i.e. 164 were satisfied from the court role in land disputes settlement while 22 were not satisfied from the role of courts in settlement of land disputes.

43. Majority of the respondents i.e. 120 were of the view that courts were not giving proper attention to land dispute cases. Majority of them i.e. 60 told that it is due to work load on courts.

44. Majority of the respondents i.e. 184 responded that courts do not decide land disputes sharply.

45. Majority of the respondents i.e. 110 indicated that the absence of advocates as reason for delay in the land dispute cases.

46. Majority of the respondents i.e. 174 told that court procedure was not easy and accessible and according to the majority of the respondents

i.e. 130, the court procedure can be made easy and accessible through hiring a good advocate.

47. According to majority of the respondents i.e. 144, local *Jirga* was constituted for the resolution of land disputes and majority of the respondents i.e. 78 stated that, local *Jirga* should be constituted by the concerned judge.

48. Majority of the respondents i.e. 156 were not satisfied from the role of *Jirga* in resolution of land disputes.

49. Only 44 replied that *Jirga* settles the local land disputes temporarily

50. 98 replied that *Jirga* is always partial in land disputes decisions

51. Majority of the respondents i.e. 130 respondents replied that local *Jirga's* function was to resolve land disputes.

52. Majority of the respondents i.e. 198 considered courts as the proper way and mean of resolving land disputes.

53. Majority of the respondents i.e. 116 were satisfied from the ways and means of land disputes resolution.

54. Majority of the respondents i.e. 90 were less satisfied from the ways and means of land disputes resolution.

55. Majority of the unsatisfied respondents i.e. 42 replied that the existing procedure of ways and means of resolving land disputes is difficult.

56. Majority of the respondents i.e. (all 200), confirmed the non-existence of land registration system in the study area.

57. All the 200 respondents felt the need of proper land registration system.

58. Majority of the respondents i.e. 186 were demanding the implementation of land registration system.

59. Majority of the respondents i.e. 130 were in favour of increase in courts and judges.

60. Only 50 respondents were of the view that eradication of corruption from land administration department may contribute in minimizing land disputes.

61. Majority of the respondents i.e. 132 were of the view that the expansion of education may prove helpful in minimizing the trend of land disputes.

62. Majority of the respondents i.e. 118 were against the implementation of Islamic land laws which will encourage the women to demand share in landed property.

B. Data Analysis of Officers related to Land Disputes (Judges, Officers and Lawyers)

1. Majority of the respondents i.e. 20 were in the age of 41-50 years.

2. All of 50 respondents were married.

3. Majority of the respondents i.e. 32 were living in nuclear families.

4. Majority of the respondents i.e. 31 were educated upto M.A/M.Sc, L.L.B level.

5. Majority of the respondents i.e. 42 were advocates.

6. Majority of the respondents i.e. 24 monthly income was between Rs. 90,000–1,00000 per month.

7. Majority of the respondents i.e. 26 were dealing with land dispute cases between the range of 21–40.

8. Majority i.e. 34 respondents were of the view that greed is one of the contributing factors of land disputes.

9. Majority of the respondents i.e. 48 considered absence of land registration system as contributing factor of land disputes.

10. Majority of the respondents i.e. 45 considered increase in land value as a contributing factor of land disputes.

11. Half number of the respondents held land as a main source of livelihood as a contributing factor while half number of the respondents rejected this view.

12. Majority of the respondents i.e. 32 considered "might is right" as a contributing factor of land disputes.

13. Majority of the respondents i.e. 37 considered law disobedience as a contributing factor of land disputes.

14. Majority of the respondents i.e. 44 were of the view that land mafia is a contributing factor of land disputes.

15. Majority of the respondents i.e. 33 considered prejudice to others as a contributing factor of land disputes.

16. Majority of the respondents i.e. 41 considered dishonesty as a contributing factor of land disputes.

17. Majority of the respondents i.e. 33 agreed that limited land is a contributing factor of land disputes.

18. Majority of the respondents i.e. 41 opt for absence of land registration system as a popular factor of land disputes.

19. Majority of the respondents i.e. 38 considered indebtedness as an economic impact of land disputes.

20. Majority of the respondents i.e. 43 considered expenditure on litigation as an economic factor of land disputes.

21. Majority of the respondents i.e. 46 considered poverty as an economic impact of land disputes.

22. Majority of the respondents i.e. 45 claimed tension and mental depression as a socio-psychological impact of land disputes.

23. Majority of the respondents i.e. 43 considered wastage of time as a social impact of land disputes.

24. Majority of the respondents i.e. 39 considered enmity as a social impact of land disputes.

25. Majority of the respondents i.e. 44 considered bad relationship as a social impact of land disputes.

26. Majority of the respondents i.e. 39 considered that land disputes cause problems for the coming generations.

27. Majority of the respondents i.e. 35 claimed social impact as the most important impact of land disputes.

28. All the respondents i.e. 50 in number agreed that the role of courts is positive in resolving land disputes. Moreover, majority of the respondents 29 were of the view that court is the legal way of resolving land disputes.

29. Majority of the respondents i.e. 38 were of the view that courts were using delaying tactics while deciding land disputes while a majority of the respondents i.e. 24 claimed that courts were using delaying tactics by repeated renewal of date of appearance before the court.

30. Majority of the respondents i.e. 36 told that court procedure in deciding land disputes is not easy and accessible to a layman. Majority

of respondents i.e. 34 were of the view that the court procedure can be made easy and accessible by hiring a good advocate.

31. Majority of the respondents i.e. all 50 respondents told that local *Jirga* exists for resolving land disputes and majority of the respondents i.e. 31 replied that the local *Jirga* is constituted by the concerned Judge keeping in view the willingness of parties.

32. Majority of the respondents i.e. 39 were not satisfied with the performance of *Jirga* and majority of satisfied respondents i.e. 07 told that local *Jirga* paves the way for durable settlement of land disputes.

33. Majority of the respondents i.e. 39 were not satisfied with the decisions of local *Jirga* in resolving land disputes. Majority of unsatisfied respondents i.e. 31 claimed that the decisions of local *Jirga* were mostly partial and one sided.

34. Majority of the respondents i.e. 41 told that local *Jirga* resolve land disputes.

35. Majority of the respondents i.e. 48 considered court as a better way of resolving land disputes and majority of the respondents i.e. 32 considered court as a proper way of resolving land disputes.

36. Very minimum number of respondents i.e. 02 were in favour of local *Jirga* as a better way of resolving land disputes.

37. Majority of the respondents i.e. 43 were satisfied with the ways and means of land dispute resolution. Majority of 43 satisfied respondents i.e. 28 were less satisfied with the ways and means of land disputes resolution.

38. All of unsatisfied respondents i.e. 07 considered the existing procedure of ways and means of land disputes resolution as complicated.

39. All the respondents i.e. 50 confirmed the non-existence of land registration system in the study area. Majority of the respondents i.e. 46 indicated the cause of non-existence of L.R.S as it was not implemented by the government.

40. All the 50 respondents felt the need of the implementation of L.R.S in the study area. Moreover majority of the respondents i.e. 44 supported the implementation of the existing land registration system.

41. All the respondents favoured the implementation of LRS for resolving land disputes.

42. Majority of the respondents i.e. 48 were of the view that the expantion of education is necessary for minimizing land disputes.

43. Majority of the respondents i.e. 32 favoured the increase in number of judges and courts for quick and on time resolution of land dispute cases.

5.2 Conclusion:

The study concludes that the respondents had size of land holding above 40 *Kanals* and most of the land was used for crops production. The common source of receiving land was inheritance from forefathers. The common size of disputed land was 5-10 *Kanals* and it was mostly crop producing. It was found that the common value of disputed land was above Rs. 400,000/- and majority of the respondents had dispute over the inheritance of land. It was observed that the most contributing factor of land disputes was the absence of proper land registration system in the study area. Many economic and social impacts of land disputes were indicated by the respondents such as heavy expenditure on litigations, indebtedness, economic instability, poverty, loss of property, negative impacts on mutual relations and source of enmity for coming generations, loss of energy and wastage of time, attraction of corruption for

land administrators. But the most affecting impact of land disputes was Tension and state of Depression as reported by majority of the respondents. The overall role of courts in land disputes resolution was found as positive and courts were proper ways and means of resolving land disputes. But it was also reported by majority of the respondents that the court procedure was very complicated and time consuming. Thus the courts were unable to decide land disputes sharply and therefore majority of the respondents were less satisfied with the performance and role of courts while resolving land disputes. The major cause of delay in land disputes resolution was noted as the repeated absence of advocates from appearing before the courts and consequently cause delay in the disposal of land dispute cases. Another source of land disputes resolution was the constitution of *Jirga* subject to the consent of the disputant parties but the role of *Jirga* was condemned by majority of the respondents due to its notorious and biased based decisions. Some remedial steps for minimizing land disputes were also suggested by the respondents which include eradication of corruption from land administration department, increase in the existing courts and judges, expansion of education, implementation of Islamic laws of inheritance but a huge majority of the respondents demanded the immediate implementation of land registration system in the study area as it exist and functioning in other districts of Khyber Pakhtunkhwa province. For the land disputes resolution three modalities are available in the area i.e. official courts, *Jirga* system and *Sharia* courts. It is up to disputant parties to which modality they prefer.

5.3 Recommendations:

1. The study depicts that most of the courts decisions are delayed due to complicated procedures. In this regard it is suggested that the court decisions may be expedited to save the time and finances of the land disputants.

2. Due to over burden of land dispute cases on the existing courts, it is recommended that the Number of courts and Judges may be raised to deal with the increasing volume of litigation. More over vacant posts of Judges may be filled and appropriate budget allocation for Judiciary is needed.

3. *Jirga* a customary court of Tribal society need improvement in its structure as well as functions. Appropriate members selection, in time meeting and decision, transparency and justice oriented quick decision of disputes are needed to improve the *Jirga* system in the area.

4. Lawyers and judges are taking low interest in the resolution of land disputes cases. Therefore it is recommended that the lawyers and judges may be motivated to take interest in the settlement of land disputes.

5. Special land settlement courts should be established throughout the country.

6. Absence of Lawyers, witnesses and land dispute partners is also a factor that contributes to delay in verdicts. They may be motivated to ensure their presence on each hearing.

7. Besides courts, formal committees of well reputed elders of each locality must be constituted for the resolution of land disputes and long life enmities between land disputants.

8. The existing *Patwar* System is notorious for its corruption during land registration/ land settlement process. The *Patwaries* take bribe from either party and then they vanish the whole record of land which cause increase in land disputes. So, the trend of corruption and dishonesty must be discouraged by taking serious steps against such corrupt employees of land management.

9. There are numerous Land Mafia groups patronized by important personalities. The Government must take notice of these groups by establishing anti-encroachment cells throughout the country.

10. Land registration is very important for disputes prevention. Therefore registration of the entire land i.e. Trust Land, private land and public land must be carried out to protect the ownership of land and minimize the increasing ratio of land disputes especially boundary disputes.

11. Deliberate efforts should be made to create and develop cooperative attitude, mutual understanding, re-establishing respect and trust between the disputant parties.

12. The causes of many land disputes may be predicted before the occurrences. It is therefore crucial to be aware of such occurrences. Such possible land disputes may be immediately communicated to the responsible land management experts in order to avoid the occurrence of dispute in time.

13. Good land governance may be promoted for the prevention of land disputes. It requires the honest and serious application of certain principles to land policy, land related legislation, state land management, land administration, land management, land reforms and land disputes resolution etc. These principles include equity, accountability, transparency, effectiveness, efficiency, rule of law and legal security etc.

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Annexure-A

A Sociological Analysis of Land Disputes: A Case Study of Lower Dir

Interview Schedule (For the Land Dispute Partners)

1. Name of Respondent. _____
2. Age.
    a) 21_____30
    b) 31_____40
    c) 41_____50
    d) Above fifty.
3. Marital status
    a) Married
    b) Unmarried
    c) Engaged
    d) Divorced
    e) Widower/Widow
4. Family type
    a) Joint family system
    b) Nuclear family system
    c) Extended family system
5. Number of family members
    a) 2_____5
    b) 6_____8
    c) 9_____11
    d) 12_____14
    e) 15 and above
6. Educational status of the respondent
    a) Literate
    b) Illiterate

7. If literate, qualification
   a) Under metric
   b) Metric
   c) F.A/F.Sc
   d) B.A/B.Sc
   e) M.A/M.Sc
   f) Any Other_____
8. Employment status
   a) Employed
   b) Unemployed
9. If, employed, field of employment
   a) Health
   b) Education
   c) Administration
   d) Any other_____
10. What is your monthly income from all the resources?(in Rs)
   a) 5000_____10000
   b) 10001_____15000
   c) 15001_____20000
   d) 20001_____25000
   e) Above 25000
11. Size of total land holding (In *Kanals*)
   a) 0_____10 (*Kanals*)
   b) 10_____20 (*Kanals*)
   c) 20_____30 (*Kanals*)
   d) 30_____40 (*Kanals*)
   e) Above 40 *Kanals*
12. Use of land
   a) Commercial
   b) Crop producing
   c) Horticulture
   d) Any other_____

13. How you have received the land?

a) Inherited

b) Purchased

c) Gifted

d) Any other_____

14. size of disputed land (in *Kanals*)

a) 0_____5 (*Kanals*)

b) 5_____10 (*Kanals*)

c) 10_____15 (*Kanals*)

d) 15_____20 (*Kanals*)

e) Above 20 *Kanals*.

15. Use of disputed land

a) Crop producing

b) Horticulture

c) Forest

d) Any other_____

16. Market value of disputed land (In Rs :)

a) 50000_____100000

b) 100001_____ 200000

c) 200001_____ 300000

d) 300001_____400000

e) Above 400000.

17. Nature of dispute

a) Encroachment by the second party

b) Dispute on demarcation of land

c) Dispute on inheritance of land

d) Any other_____

18. What are the common types of land dispute in the area?

a) Inheritance

b) Mortgage

c) Pre-emption

d) Encroachment

e) Any other_____

19. Which type of land dispute is very popular? _____

20. What are the contributing factors of land disputes?

a) No registration system

b) Unclear boundaries

c) Illiteracy and ignorance from human rights

d) Greed and lust

e) Might is right

f) Maladministration

g) Power and authority with a group of people

h) Increase in land value

i) Low process of decision in land dispute cases.

j) Any other_____

21. What factor is more contributing? _____

22. Specify the impacts of land disputes.

a) Economic

b) Time consuming

c) Loss of energy

d) Affect mutual relationship

e) Risk of life

f) Loss of property

g) Tension/Depression producing

h) Problem for coming generations

i) Attraction of corruption for land administrators

j) Any other_____

23. What is the most important impact of land dispute?_____

24. Is there any positive role of courts in the resolution of land dispute cases?

a) Yes

b) No

25. If Yes, How much you are satisfied with the role of courts?

a) More

b) Less

26. If No, specify

i. Not satisfied

ii. Need amendment

iii. Need approach

iv. Any other_____

27. Is court give proper attention and time to land dispute cases?

a) Yes

b) NO

28. If No, specify the reason?

i. Work load on courts

ii. Lack of judges in Courts

iii. Any other_____

29. Is Court decide land dispute cases sharply/in time?

a) Yes

b) No

30. If No, What are the tactics of delay in land dispute cases by courts?

a) Renewal of date of appearance

b) Absence of advocate/judge

c) Absence of parties

d) Any other_____

31. Is the court proceeding easy and accessible for a lay man?

a) Yes

b) No

32. If NO, How can have access?

a) By hiring a good advocate

b) Direct access to judge

c) Any other_____

33. Is there any community based organization/non governmental organization to help in Land disputes resolution?

a) Yes

b) No

34. If Yes, specify

a) Community based organization

b) Non-governmental organization

c) Any Other_____

35. Are you satisfied from the role of CBO/NGO working for the resolution of land disputes?

a) Yes

b) NO

36. If Yes, to what extent?

a) More

b) Less

37. If **No**, specify _____

38. Is there any local *Jirga*/punchayat for the resolution of land disputes?

a) Yes

b) No

39. If Yes, specify the structure of *Jirga*/punchayat.

a) Malak, khan, Nawab, Maulana, Nazim and Elders of the area

b) Tribal Heads/Family Heads

c) *Jirga* constituted by Judge

d) Any other_____

40. Are you satisfied with the function/ role of *Jirga* in the resolution of land dispute cases?

a) Yes

b) No

41. If Yes, specify _____

42. If No, why? _____

43. Specify the function of local *Jirga*?

a) Land disputes resolution

b) Provide Guidance in land dispute cases

c) Any other_____

44. Is there any proper way and mean of resolving the land dispute cases?

a) Yes

b) No

45. If Yes, Specify_____

46. If NO, Why?_____

47. Are you satisfied with ways/ means of land disputes resolution?

a) Yes

b) NO

48. If Yes, to what extent?

a) More (b) less

49. If No, why?

a) Difficult procedure

b) Expensive

c) Time consuming

d) Leads to more trouble

e) Any other_____

50. Is there any proper land registration system in your area?

a) Yes

b) NO

51. If Yes, specify

a) Traditional *Patwar* system

b) Computerized land Registration system

c) Any other_____

52. If No, why?

a) No proper mechanism of land registration

b) Old pattern of registration, not clear to lay man

c) Any other_____

53. Are you satisfied with the existing land registration system?

a) Yes.

b) NO

54. If Yes, to what extent?

a) More

b) Less

55. If No, why?_____

56. Is there any role of L.R.S in the resolution of Land dispute cases?

a) Yes

b) NO

57. If Yes, then why land disputes exist?

a) No proper land Record system

b) Administration oriented land Registration system

c) Unclear L.R.S

d) Any other_____

58. If NO, why?_____

59. Is proper land Registration system needed for the resolution and elimination of land disputes?

a) Yes

b) NO

60. If Yes, suggest the mechanism?

1) _____

2) _____

3) _____

61. Give your suggestions for the resolution of land dispute cases in your area.

1) _____

2) _____

3) _____

Annexure-B

A Sociological Analysis of Land Disputes: A Case Study of Lower Dir

Questionnaire (For Judges, Lawyers, Land Administrators)

1) Respondent Name (Optional) _____
2) Age _____
3) Marital status _____
4) Family type _____
5) Educational qualification _____
6) Designation/ Job description _____
7) Monthly income from all the resources Rs. _____ P.M
8) How many cases of land disputes you deal with currently? _____
9) What are the contributing factors for land disputes in lower Dir?

   1_____2_____3_____4_____5_____

10) Which one of the above factors is more contributing to land disputes

    _____

11) What are the impacts of land disputes?

    1) Economic Impacts

       1_____2_____3_____4_____5_____

    2) Social impacts

       1_____2_____3_____4_____5_____

12) Which one of the above is most important impact of land disputes?

A) Economic impact

B) Social impact

13) Is there any positive role of courts in the resolution of land dispute cases?

    Yes _____No _____

14) If yes, specify _____

15) Is court deciding land dispute cases sharply?

    Yes _____ No_____

16) If no, what are the reasons of delay in the resolution of land dispute cases by courts?

1_____2_____3_____4_____5_____

17) Is the court procedure easy and accessible for a lay man?

Yes _____ No._____

18) If No, How it can be made accessible? _____

19) Are there any community Based organizations / Non-Governmental organizations helping in land dispute cases?

Yes _____ No _____

20) If yes, specify _____

21) Are you satisfied from the role of CBO/ NGO working for the resolution of land dispute cases? Yes _____ NO _____

22) If Yes, to what extent _____

23) If no, why _____

24) Is there any local *Jirga*/ punchayat for the resolution of land disputes?

Yes _____ No_____

25) If Yes, Specify the structure of *Jirga*/ Punchayat constituted for the resolution of land disputes._____

26) Are you satisfied with the performance of *Jirga* in the resolution of L.D cases?

Yes_____ No_____

27) If yes, Specify

_____

28) If NO, why _____

29) Specify the functions of *Jirga* in the resolution of land disputes

_____

30) How land disputes can be resolved bitterly?

(A) Through Courts (B) Trough *Jirga* (C) any other _____

31) Why Courts? _____

32) Why *Jirga*? _____

33) Are you satisfied with the ways/ Means of resolution of land disputes in Dir Lower?

Yes _____ No _____

34) If yes, to what extent _____

35) If No, why _____

36) Is there any proper Land Registration/Land Settlement system in the area?

Yes._____ No._____

37) If yes, Specify _____

38) If no, why _____

39) Are you satisfied from the existing LRS/Land settlement system?

Yes._____ No _____

40) If yes, to what extent_____

41) If No, why _____

42) Is there any role of LRS in resolution of L.D

Yes. _____No _____

43) If Yes, then why L.D exists _____

44) If No, why _____

45) Is proper L.R.S needed for the resolution and elimination of L.D?

Yes _____ NO _____

46) If Yes, suggest the mechanism

A) _____B) _____C) _____

47) If no, what is alternate?

A) _____B) _____C) _____

48) What are your suggestions for the resolution of L.D in the area?

A)_____B) _____C) _____