

e-ISSN:2710-4354 p-ISSN:2076-9660

Received: 17/01/2025 Accepted: 09/04/2025

# EDUCATION AS A TOOL FOR LAND REFORM: UNPACKING THE HISTORICAL BURDEN OF BRITISH LAND REVENUE SYSTEMS IN PAKISTAN

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#### **Abstract**

The core objective of the present study is to analyze the extent to which British land revenue system influences land litigation cases in Pakistan. The data were collected from senior and junior land revenue officers including Additional Commissioners, Deputy Commissioners, Assistant Commissioners, Tehsildars, Naib Tehsildars, Patwaris as well as lawyers who are actively enlisted in resolving land disputes. Based on qualitative content analysis, ten major themes that are responsible for land disputes in the historical context of the British land revenue system were identified. Some of these themes are: resistance to land reforms; complex land revenue assessments; small landholders' marginalization; inconsistent land records; conflicting land titles; the legacy of agricultural tenancy; fragmentation of land holdings; inequitable land distribution; encroachment and unauthorized occupation and impact of partition on land administration. The findings address the gap in understanding the link between colonial era land policy legacies and current land conflicts, and offer important insights for reformation of land governance systems to address long-standing disputes linked to colonial land grants along the zamindari legacy.

Keywords: British Land Revenue System, British Tax System, Land Dispute, and Land Reform

#### 1. Introduction

Land disputes are amongst the most infectious and complex legal problems in Pakistan, causing a severe drain on the judicial system. Almost two-thirds of all civil cases in Pakistan—66%—are land/property disputes (Law and Justice Commission of Pakistan [LJCP], 2021). The conflicts vary from inheritance disputes, to boundary demarcations, to fraudulent transfers of land. The scale of the problem is apparent; the most populated province, Punjab, accounts for over 50% of all recorded cases of land litigation (Punjab Land Records Authority [PLRA] 2022). Not only does judicial backlog impede access to justice, it thwarts investment and deepens social conflict at a time when demographic pressures point to the potential for entrenched violence, particularly in rural areas where land ownership is synonymous with economic power and social standing (World Bank, 2020).

The Pakistan's land disputes find their origin in the land tax systems introduced by British colonial rule, particularly Zamindari, Ryotwari and Mahalwari systems, in the 18th and 19th centuries. This meant that land revenue was standardized through intermediaries, rewarding loyal elites and undermining indigenous or community land tenure (Banerjee & Iyer, 2005). The British administration laid the basis for long-term structural inequalities and verdant ambiguities concerning land entitlements by introducing fixed property titles and individualized forms of ownership in previously collective settings (Ali, 2014). These systems, particularly the

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# EDUCATIONAL RESEARCH AND INNOVATION (ERI)

e-ISSN:2710-4354 p-ISSN:2076-9660

Received: 17/01/2025 Accepted: 09/04/2025

Zamindari model dominant in Punjab and Sindh, either incentivized record tampering and patronage-oriented politics or facilitated the consolidation of land monopolies that sustain litigation in post-colonial Pakistan (Talbot, 2002).

While a considerable amount of literature exists on land reforms and rural inequality, comparatively little scholarly work has explicitly explored the legacy of colonial land tax systems and the way it inhibits or shapes contemporary land conflict in Pakistan. Though scholars have explored the long shadow of British legal institutions (La Porta et al., 2008) and post-independence land reforms (Gazdar, 2009), there are still few integrated studies that engage these colonial land taxation policies with contemporary judicial and bureaucratic battles over land ownership. More specific to the goals of Gun Violence Prevention and Justice Reform, there is little academic work addressing how educational interventions — e.g., legal literacy, civic education and curricular attention to historical injustice — can moderate the adverse effects of these intergenerational systems. This gap limits the ability for policy frameworks to be grounded in historical evidence.

As a result, this study is both timely and significant. Investigating the connections between land tax systems during the colonial era and current land disputes in the country, the research illustrates how historical injustices contribute to present-day legal battles. Greater understanding is important for the designing of effective dispute resolution and land reform strategies (Alavi, 1989) as it informs on the structural roots of land related conflict. Furthermore, with the inclusion of the aspect of education, it presents avenues for civic engagement, legal empowerment, and historical awareness, particularly for marginalized rural communities. Its objective is to recommend practical measures for changes in the field of education as well as land policy bringing together historical perspectives and insights from the field.

In so doing, the research contributes to the academic discussion of colonial legacies by grounding that discussion in actionable educational and legal reforms rather than abstract political critique. It offers useful knowledge for policy makers, legal practitioners, educationists, and development agencies in the country, all of whom are aiming at addressing Pakistan's land dispute crisis from its roots. In addition, through exploring the issue from an education perspective, the article underlines the significance of history education, civic knowledge, and community level awareness for fair and transparent land governance. Therefore, this research represents not only an academic advance, but also a plea to incorporate historically-informed public education and policy design.

The rest of this paper is structured as follows: The next section provides a literature review, examining existing work that discusses the impact of British colonial land taxation systems and the implications for property rights, land governance, and rural power relations in Pakistan. Along with outlining the gap in the current academic discourse on the issue, this section also under pins the lack of touch upon the intersection of historical land policies and the contemporary land disputes, which take place in India. The third section describes the methodology employed for this study, including the qualitative research design, qualitative data collection techniques and methods of analysis used to investigate historical documents and



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contemporary legal cases. The fourth section analyzes the results in-depth and connects the land taxation models used under colonial law and their current day patterns of land litigation. It also applies insights from the legal experts, land record officials, and affected land owners to further bolster the robustness of the findings.

#### 2. Literature Review

The British colonial organization within the Indian subcontinent, counting what is presently Pakistan, executed different arrive income frameworks that on a very basic level modified the scene of arrive possession and administration. These frameworks were planned basically to maximize income for the colonial state but had far-reaching results for arrive residency, social pecking orders, and legitimate debate. The incongruities made by these frameworks have had a enduring affect on arrive relations in Pakistan, contributing to a tall rate of arrive case. This writing audit investigates the chronicled setting, the creation of social and financial incongruities, and the persevering affect of these colonial arrive income frameworks on arrive debate in modern Pakistan (N. G. Ali, 2020).

- **Zamindari Framework:** This framework set up zamindars (proprietors) as middle people who were mindful for collecting arrive income from laborers. The zamindars were allowed proprietorship of endless tracts of arrive, which they regularly overseen with significant independence. This framework driven to the concentration of arrive possession within the hands of many, making a lesson of well off proprietors (Munir & Khalid, 2018).
- ➤ **Ryotwari Framework**: In this framework, arrive income was collected specifically from person cultivators (ryots). The state recognized the ryots as the proprietors of the arrive, and they were burdened based on the land's surveyed esteem. This framework, in spite of the fact that apparently more evenhanded, still set a overwhelming burden on cultivators due to tall tax collection and inflexible evaluation strategies (Ali & Imran, 2021).
- Mahalwari Framework: This framework was a compromise between the zamindari and ryotwari frameworks. Arrive income was surveyed and collected at the village or domain level (mahal), regularly through town headmen. The income request was shared among the whole community, but this framework moreover brought about in unequal arrive conveyance and abuse by neighborhood elites (Akram et al., 2019).

The British arrive income frameworks were essentially outlined to maximize income for the British Realm, with small respect for the social and financial impacts on the nearby populace. The overwhelming tax assessment and the inflexible structures forced by these frameworks driven to broad destitution, landlessness, and social stratification, laying the basis for future arrive debate (Alam et al., 2022). The zamindars were allowed proprietorship rights over endless domains, whereas the genuine cultivators were diminished to inhabitant agriculturists or sharecroppers with constrained or no rights to the arrive they worked. This concentration of arrive proprietorship made a sharp partition between the landowning first class and the landless or land-poor laborers (Awasthi et al., 2021).



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The abberations made by the British arrive income frameworks laid the establishment for numerous legitimate debate over land rights. The need of secure arrive residency for laborers and the concentration of arrive within the hands of a couple of proprietors come about in visit clashes over arrive possession, occupancy rights, and income commitments. As famous, these debate were frequently exacerbated by the colonial lawful framework, which tended to favor the interface of proprietors over those of inhabitants and smallholders (Niaz, 2020). After freedom in 1947, Pakistan acquired the colonial arrive income frameworks and the abberations they had made. Progressivegovernments endeavored to actualize land reforms pointed at redistributing arrive and tending to the imbalances of the colonial time (Islam & Hyakumura, 2019).

However, these changes were regularly ineffectively actualized and fizzled to essentially change the dug in arrive proprietorship designs. In any case the disappointment of arrive changes to address the root causes of arrive imbalance has sustained the bequest of colonial arrive income frameworks, driving to continuous debate and case (Yousaf, 2019). The disappointment of post-colonial arrive changes to address these abberations has come about in proceeded landlessness and destitution, which in turn has driven to various arrive debate and case. The concentration of arrive within the hands of a couple of effective families has implied that debate over land inheritance, possession, and occupancy are common, with numerous cases mulling within the courts for a long time (Humdullah et al., 2021).

The ambiguities in land proprietorship made by British arrive income frameworks have too contributed to continuous debate over arrive titles and boundaries. The nonattendance of clear division of arrive amid the colonial period, combined with the destitute state of arrive records in numerous parts of Pakistan, has driven to visit debate over arrive boundaries. These debate frequently emerge when arrive is bought, sold, or inherited, with clashing claims leading to litigation (N. G. Ali, 2020). The concentration of arrive within the hands of a couple of first class families, a bequest of the zamindari framework, has too played a noteworthy part in sustaining arrive case in Pakistan. These tip top landowners frequently have noteworthy impact over nearby organization and legal frameworks, permitting them to control lawful forms to their advantage ((Akram et al., 2019).

However disappointment of arrive changes in root cause of arrive disparity are, reason after all discussed in Pakistan before supreme court are still taken place. Many of which are rooted within the colonial arrive income frameworks with which these courts are perennially called on to arbitrate debate over arrive possession, boundaries, and legacy (Ayaz & Mughal, 2023). Those disparities by British arrive pay frameworks have a striking and deep-rooted affect where land case have developed in Pakistan. The clustering of arrival within the hands of a few, the development of real ambiguities, and the failings of post-colonial alterations to handle such issues have made arrival contend and case the standard. Addressing these challenges will need a multifaceted strategy of country reform, regularizing arrive titles, and solidifying the legitimate framework to ensure that all citizens have get to to reasonable and timely equity in all land-related matters (Husain, 2019).

#### 3. Research Methodology



e-ISSN:2710-4354 p-ISSN:2076-9660

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In this study, we use a qualitative research design to investigate how British colonial land tax systems persist in shaping present-day land disputes in Pakistan. Because the research was historical and interpretative in nature, qualitative methods were considered most appropriate since they are capable of capturing transactional views, institutional memory, and social dynamics embedded in land governance (Creswell & Poth, 2018). Data were collected using semi-structured interviews with a purposive sample of stakeholders directly engaged in land revenue and litigation systems. These were in addition to Additional Commissioners, Deputy Commissioners, Assistant Commissioners, Tehsildars, Naib Tehsildars, Patwaris and lawyers handling land dispute cases regularly. Their positions within the legal and bureaucratic framework are crucial in elucidating how historical land policies continue to shape contemporary legal issues. Therefore, to achieve representativeness in the qualitative approach, the stratified sampling method was employed. The target population were categorized as different professions and occupations relevant to the purpose of land administration or legal practice. Within each stratum, random selection was used to select participants for interviews, allowing for a breadth of perspectives to be represented and methodological rigor (Patton, 2002). This strategy was chosen to increase the credibility and transferability of the study to institutions and regions of the land-related litigations in diverse hierarchies.

Additionally, the data were also analyzed according to Braun and Clarke's (2006) IRT framework, in a systematic, multistage process. In the first stage (familiarization), the research team read and re-read the transcripts of interviews to get an in-depth understanding of the data collected. In the second stage, we systematically coded the data by allocating short, informative labels to extracts that responded to the research questions. These were interpreted codes that were descriptive of patterns and concepts toward the research. Initial themes that represented the central narratives emerging from the data were constructed in the third stage through grouping of similar and high-frequency codes. The fourth stage involved considering these themes in relation to the whole data set to check that they cohere together meaningfully and make analytical sense. In the fifth stage, the themes were named and defined to represent the central ideas they contained. In the sixth and final stage, a thematic analysis report was produced summarizing the main findings and interpretations. The report ends with a way ahead which is a culmination of feedback and suggestions from the respondents- about reform in legal education, land record management and dispute resolution mechanisms.

#### 4. Results & Analysis

#### 4.1. Demographics and Socio-Economics Characteristics of the Respondents: -

**Table-I: - Demographic & Socio-Economic Characteristics Participants** 

Demographics	Characteristics	Frequency	Percent	Cumulative Percent
Gender	Male	38	88	88



e-ISSN:2710-4354 p-ISSN:2076-9660 Received: 17/01/2025 Accepted: 09/04/2025

	Female	5	12	12
	Total	43	100	
	18-25	4	9	9
	26-35	12	28	37
Age	36-45	20	47	84
	46-55	5	12	95
	Above 55	2	5	100
	Total	43	100	
Designation	Additional Commissioner	2	5	5
	Deputy Commissioner	2	5	9
	Assistant Commissioner	5	12	16
	Tehsildar	10	23	35
	Naib Tehsildar	10	23	47
	Patwari	10	23	47
	Lawyers	4	9	100
	TOTAL	43	100	
	Matriculation	5	12	12
Qualification	Intermediate	7	16	28
	Graduation	9	21	49
	Master	14	33	81
	MPhil. or above	8	19	100
	TOTAL	43	100	
Experience	1-5 (Years)	4	9	9
	6-10 (Years)	8	19	28
	11-15 (Years)	15	35	63
	15-20 (Years)	7	16	79
	Above 20 (Years)	9	21	100
	TOTAL	43	100	



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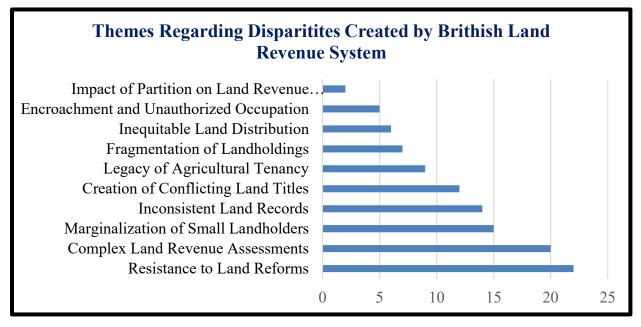
# 4.2. Categories of Disparities Created by British Land Revenue System in the context of Land Litigation and Way Forward: -

The details regarding various themes pertaining to Disparities Created by British Land Revenue System and way forward to counter these problems have been given as under.

Sr. #	Themes and Categories of Disparities Created by British Land Revenue System	Frequencies
1	Resistance to Land Reforms	22
2	Complex Land Revenue Assessments	20
3	Marginalization of Small Landholders	15
4	Inconsistent Land Records	14
5	Creation of Conflicting Land Titles	12
6	Legacy of Agricultural Tenancy	9
7	Fragmentation of Landholdings	7
8	Inequitable Land Distribution	6
9	Encroachment and Unauthorized Occupation	5
10	Impact of Partition on Land Revenue System	2



e-ISSN:2710-4354 p-ISSN:2076-9660 Received: 17/01/2025 Accepted: 09/04/2025



#### 4.2.1. Resistance to Land Reforms: -

Resistance to arrival changes regularly powers arrival cases by making deterrents to actualizing evenhanded arrival conveyance and administration hones. To counter this, it is fundamental to construct a broad-based back for arriving changes through comprehensive partner interviews and straightforward communication approximately the benefits of change. Progressive execution techniques, combined with reasonable remuneration and choices for those influenced, can offer assistance relieve resistance. Also, fortifying legitimate systems to uphold changes and giving instructive assets to both landowners and the open almost the significance and benefits of these changes can encourage smoother selection and diminish the rate of related case.

#### 4.2.2. Complex Land Revenue Assessments: -

Complex arrive income appraisals regularly contribute to arrive case by making disarray and debate over charge commitments and property valuations. To address this issue, it is pivotal to rearrange and standardize arrive income appraisal forms, guaranteeing that they are straightforward and effortlessly reasonable. Actualizing advanced frameworks for property valuation and charge calculations can diminish blunders and errors. Giving preparing for both landowners and income authorities on the reexamined appraisal methods can too offer assistance avoid debate. Also, setting up clear grievance redressal instruments can permit for provoke determination of any issues that emerge, in this manner diminishing the potential for the case.

#### 4.2.3. Marginalization of Small Landholders: -

Marginalization of little landholders' compounds arrives case by taking off these people defenseless to debate over arrival rights and get to. To counter this issue, it is fundamental to upgrade lawful assurances for little landholders and guarantee they have secure and formalized



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e-ISSN:2710-4354 p-ISSN:2076-9660

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arrival residency. Executing arrangements that give budgetary and specialized back for smallholders can offer assistance to them way better oversee and protect their arrival rights. Moreover, disentangling the arrival enlistment handle and advertising legitimate help administrations to help little landholders in settling debate can assist decrease cases and secure their interface.

#### 4.2.4. Inconsistent Land Records: -

Conflicting arrive records regularly lead to debate and case due to errors in proprietorship documentation and arrive boundaries. To counter this issue, it is vital to modernize and digitize arrived records, guaranteeing exactness and consistency of overall documentation. Actualizing a centralized, tamper-proof advanced registry can give a dependable source of data and decrease mistakes. Customary reviews and upgrades of arrival records, at the side available rectification instruments for tending to inconsistencies, will advance and improve the unwavering quality of arrival data and offer assistance to minimize cases emerging from record irregularities.

#### 4.2.5. Creation of Conflicting Land Titles: -

The creation of clashing arrive titles can lead to critical arrive case by causing debate over the legitimate proprietorship of properties. To address this issue, it is fundamental to execute a thorough prepare for confirming and solidifying arrive titles to avoid clashes from emerging. Setting up a comprehensive arrive enlistment framework with clear, exact, and up-to-date records can offer assistance dispose of inconsistencies. Furthermore, settling covering claims through assisted lawful forms and giving a straightforward debate determination instrument can offer assistance settle clashes more productively and decrease the probability of extended case.

#### 4.2.6. Legacy of Agricultural Tenancy: -

The bequest of agrarian occupancy can worsen arrival case by making debate over tenure rights, arrival utilization, and proprietorship claims. To counter this issue, it is significant to formalize occupancy assertions through lawful documentation and enlistment, guaranteeing clarity of rights and obligations for both proprietors and inhabitants. Executing arrangements that secure the interface of inhabitants, such as giving secure residency and reasonable remuneration, can offer assistance and diminish debate. Moreover, building up straightforward instruments for settling tenure clashes and overhauling obsolete tenure laws to reflect current substances can advance and moderate the hazard of causes related to rural tenure.

### 4.2.7. Fragmentation of Landholdings: -

Fracture of landholdings frequently leads to arrive cases due to debate over possession, boundaries, and utilization rights of progressively little and divided plots. To address this issue, executing arrive solidification programs can offer assistance by combining little, divided bundles into bigger, more sensible units. Empowering landowners to take part in intentional solidification assertions and giving motivating forces for effective arrival utilization can diminish fracture. Moreover, moving forward arrive enlistment frameworks to precisely reflect current arrival



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e-ISSN:2710-4354 p-ISSN:2076-9660

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divisions and building up clear debate determination instruments can help avoid and resolving clashes emerging from divided landholdings.

#### 4.2.8. Inequitable Land Distribution: -

Biased arrive dissemination regularly fills arrive case by making incongruities in arrive possession and get to, driving to debate between landowners and marginalized communities. To counter this issue, actualizing comprehensive arrive changes that advance reasonable and evenhanded conveyance of arrive is basic. Approaches ought to center on redistributing arrive to those who need satisfactory get to, guaranteeing secure arrive residency for all, and tending to verifiable shameful acts. Also, giving back for marginalized bunches through legitimate help and backing can offer assistance them state their arrive rights successfully, diminishing clashes and case related to biased arrive conveyance.

#### 4.2.9. Encroachment and Unauthorized Occupation: -

Infringement and unauthorized occupation can altogether drive arrive case, as debate emerge over the lawfulness of arrive utilize and possession. To counter this issue, it is fundamental to improve reconnaissance and requirement components to anticipate unlawful infringements. Building up clear, available strategies for arrive enlistment and claims can offer assistance formalize possession and anticipate unauthorized occupation. Standard checking and quick lawful activity against infringements, combined with open mindfulness campaigns around property rights and lawful arrive utilize, can assist decrease debate and advance compliance with arrive controls.

#### 4.2.10. Impact of Partition on Land Revenue System: -

The effect of Parcel on the arrive income framework has driven to various arrive case issues due to the disturbance of arrive records and hazy proprietorship coming about from mass movements and regional changes. To address this, it is vital to overhaul and standardize arrive income records to reflect post-Partition substances precisely. Actualizing comprehensive arrive studies and reviews to accommodate inconsistencies, together with making devoted legitimate instruments to resolve Partition-related arrive debate, can offer assistance clarify possession and decrease case. Also, giving lawful bolster and intercession administrations for influenced people can encourage the determination of debate and back a steadier arrive residency framework.

#### 5. References



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e-ISSN:2710-4354 p-ISSN:2076-9660 Received: 17/01/2025 Accepted: 09/04/2025

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