

# Land Disputes and Efficacy of Revenue and Civil Courts in Pakistan

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## Introduction

Disputes over documentation and possession of property directly impact peaceful existence of societies. Loss of property and possession is deemed as loss of honor and dignity. Social, cultural, and customary peer pressure are major factors that trigger violence. Land has always been considered to a valuable asset and a finite resource. Compromises over land, even when made voluntarily, are considered psychological infringements of fundamental and economic rights. Land disputes exist everywhere. From the global to the local. At the domestic level, factors that play catalytic roles in infusing and promoting land disputes are the same that hamper effectiveness of land administration. These include climate change, food insecurity, unemployment, unplanned urbanization, deforestation, and encroachment of state and private land due to poor enforcement of rights.

Areas now comprising Pakistan have been grappling with these issues since times immemorial. On the other end of the spectrum, there are many countries where technology has been employed in resolving land disputes. Ineffective systems are at significant risk of failure and data loss due to numerous disasters and lack of interoperability.<sup>2</sup> As elsewhere in the world, land-related disputes in Pakistan affect peaceful co-existence of society.<sup>3</sup> Boundary disputes and identification of ownership of land lead to conflicts for which claimants seek intervention of revenue and civil courts. Civil courts have plenary jurisdiction where trial suits are initiated. Notwithstanding delays that exist elsewhere, the situation in Pakistan has deteriorated to the extent that it has now started to undermine the whole legal system.

While effective legal safeguards that ensure protection of property rights for all are in place in developed countries, these are generally absent in Pakistan. In addition to the civil courts, revenue courts starting from the court of Naib Tehsildar to the court of Chief Settlement Commissioner/ Senior Member Board of Revenue (SMBR) operate under the West Pakistan Land Revenue Act, 1967 (WPLRA) for settling land disputes of tenancy, lease, partition, mortgage, correction of record and entries. The provincial governments exercise administrative control over these revenue courts. When it comes

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<sup>2</sup> Tim Hanstad, "Designing Land Registration Systems for Developing Countries," *American University International Law Review* 13, no. 3 (1998): 647-703.

<sup>3</sup> Sheikh Usman Karim ud din, "Jurisdiction of Civil Courts," *Courting the law, Pakistan's 1st Legal News & Analysis Portal* (January 2017), <https://courtingthelaw.com/2017/01/02/commentary/jurisdiction-of-civil-courts/> (accessed July 20, 2021).

to efficacy, the situation in revenue courts is not very different from their counterparts in parallel civil and criminal systems. Instead of expeditious dispensation of justice or adjudication, these ineffective systems tend to prolong the agony of complainants and respondents alike.

Given the fractured and untenable civil judicial system of Pakistan, many revenue cases are also filed in the civil courts on the pretext of collecting evidence and further inquiry.<sup>4</sup> However, aggrieved parties are unable to get the matters decided conclusively. Often decisions are delayed to an extent that the first generation knocks on the door of the court and it is only the subsequent generation that receives remediation, if at all.

Therefore, there is a dire need to conduct research and explore the causes of land disputes in Pakistan. The efficacy of existing revenue and civil courts in resolving cases also needs to be analyzed critically and measures for improving their performance through fair and speedy dispensation of justice need to be proposed.

The scope of this study is vast, yet research constraints have limited it to Punjab province. It is believed that matters relating to revenue administration and courts issues related thereto are more or less similar in nature in the rest of Pakistan. To ascertain efficacy of civil courts, comparison has been drawn between the working of district judiciaries of Punjab and KP, specifically in the context of matters pertaining to land disputes. This paper explores causes of land disputes, role of civil and revenue courts and provides suggestions which, if implemented, would be productive in meeting the ends of justice.

## **Review of Literature**

The term ‘land dispute’ is defined as “a dispute over the right of land use between land users and other organizations or persons in connection with the appropriation or withdrawal of land from the users, with the system of land management, and with the exercising of other functions of disposal and control of the land.”<sup>5</sup> Land disputes between claimants arise due to non-fulfilment of terms and conditions of tenancy or allotment of the state land. Along with this there are multiple other reasons due to which disputes arise, including cancellation of conveyance deeds, fraudulent concealment, etc.

Article 23 of Pakistan’s Constitution grants every citizen the right to procure property anywhere in the country. According to this Article, a person can not only obtain property, but also hold and even give it up at will. Naturally, individuals must exercise this right by adhering to the law and its restrictions.<sup>6</sup> According to Article 24, property

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<sup>4</sup> The Punjab Land Revenue Act, 1967 (Lahore: Official Printers, XVII of 1967).

<sup>5</sup> *The Great Soviet Encyclopedia 1979*, 3<sup>rd</sup> ed., s.v. “Land Disputes”, <https://encyclopedia2.thefreedictionary.com/Land+Disputes> (accessed July 26, 2021).

<sup>6</sup> The Constitution of Pakistan, 1973, Articles 23, 24 (Islamabad: Official Printers, 1971).

shall never be forcefully taken from the owners without the authorities compensating them by specifying an amount and defining the method for compensation.<sup>7</sup>

The Honorable Supreme Court of Pakistan in the case of Liaquat Hussain vs. Federation of Pakistan remarked on the accumulation of backlog in courts at all the levels of judicial hierarchy.<sup>8</sup> Later, in its Report No. 60 *Expediting Trial Proceedings*, the Law and Justice Commission of Pakistan identified a dire need to reduce delays, reform procedures, reduce cost of litigation and ensure implementation of directives issued by the district judiciary. The report also encourages alternative dispute resolution methods to minimize the costs of litigation.<sup>9</sup>

Based on the value of the case, if someone is not satisfied with the decision of a civil judge, an appeal can be filed against it in the district judge's court and even an appeal or revision can be filed in the High Court against the verdict of the district judge's court. Usually, appeals can be filed in the Supreme Court after announcement of verdicts by High Courts.<sup>10</sup>

Public discourse in Pakistan has long identified certain people or groups involved in concerted – and even organized – land grabbing which are collectively referred to as “Land Mafia”. These individuals and groups are involved in unlawfully dispossessing land from real owners by making false claims of ownership of particular parcels of land and following such fraudulent cases through all manner of legal forums, thus using the law for their nefarious purpose. Therefore, a law appropriately titled *Illegal Dispossession Act* was approved in 2004 to deal with this issue; however, this too has proven to be of very little success till now.<sup>11</sup>

Land administration is “the process of recording, accumulating, managing, allocating information of land ownership, its value, use, rules of property transaction ratio of taxes and related legal issue.”<sup>12</sup> With Pakistan's economy being predominantly agriculture based, agricultural revenue assessment system is centuries old. The old system has lost its relevance and lacks effectiveness in meeting contemporary demands. Thus it is imperative to use of technology to digitize land record for minimizing disputes by cutting processing time for land record management, decision-making, strategic planning and predictive modelling. The adoption of these technologies would make land records management efficient and easier.<sup>13</sup>

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<sup>7</sup> Ibid.

<sup>8</sup> Ministry of Law, Justice and Parliamentary Affairs, PLD 1999 SC 504.

<sup>9</sup> Law and Justice Commission of Pakistan, *Expediting Trial Proceedings*, no. 60, <http://www.commonlii.org/pk/other/PKLJC/reports/60.html#fn5> (accessed 14 August 2021).

<sup>10</sup> Asmat Ali and Munir Ahmad, *Analysis of the Barriers to Land Administration in Pakistan*, 15<sup>th</sup> Global Spatial Data Infrastructure Association (GSDI) World Conference, 2016: 1-29.

<sup>11</sup> David Bolt, Independent Chief Inspector of Borders and Immigration, *Annual Report*, (London: Williams Lea Group, April 2016 to March 2017).

<sup>12</sup> United Nations, Economic Commission for Europe, *Land Administration Guidelines*, 1996, <https://digitallibrary.un.org/record/216105?ln=en> (accessed July 20, 2021).

<sup>13</sup> Fawad Raza, Mohammad Almas and Kamran Ahmed, *Land Records Information Management System*, <https://proceedings.esri.com/library/userconf/proc05/papers/pap1279.pdf> (accessed July 23, 2021).

This study explores the significance of land records for urban development. It notes the detriments of traditional land records management and its overall impact on economic growth of the country and cost of wasted opportunities. The author is of the view that a paradigm shift in technology is need of the hour so as to bring substantial change in the land records management system.<sup>14</sup>

## **Research Methodology**

This research is exploratory in nature; a mixed methodology of qualitative and quantitative techniques has been used. Both primary and secondary sources have been consulted. In the qualitative part, deeper understanding of the issues has been elicited through several interviews with serving judges of the district judiciary, a retired judge of the higher judiciary, revenue officers up to the rank of Members of the Board of Revenue (BOR) Punjab and eminent practicing lawyers dealing cases of civil nature in different courts were conducted. The quantitative study is based upon the data of Directorate of District Judiciary, Monitoring Unit of LHC, Secretariat of District Judiciary of PHC and BOR, Punjab.

## **1. Land Administration in Pakistan**

Administrating land matters of provincial governments in Pakistan is the primary function of revenue departments. These also handle land of the federal government. Administratively, the land of Pakistan is divided into four provinces and a federal territory. The provinces are further divided into divisions.<sup>15</sup> For instance, the Punjab province has nine revenue divisions. Divisions are divided into districts which are further divided into tehsils that, in turn, comprise Qanoongo and Patwar circles. The fundamental unit of land administration is a village (*mauza*). A group of villages forms a Patwar Circle that is headed by a Patwari. For the smooth running of administrative work, groups of several Patwar circles headed by Qanoongos are constituted. In turn, two to three Qanoongo circles make up the circle or jurisdiction of a revenue officer, the Naib Tehsildar. The tehsil comprises revenue circles where all the records are maintained and is considered the principal unit of revenue administration.<sup>16</sup>

### **1.1 Structure of Revenue Courts Elucidating the Jurisdictional Extent**

The hierarchy of revenue courts in Punjab along with their mandate is explained in the following chart:<sup>17</sup>

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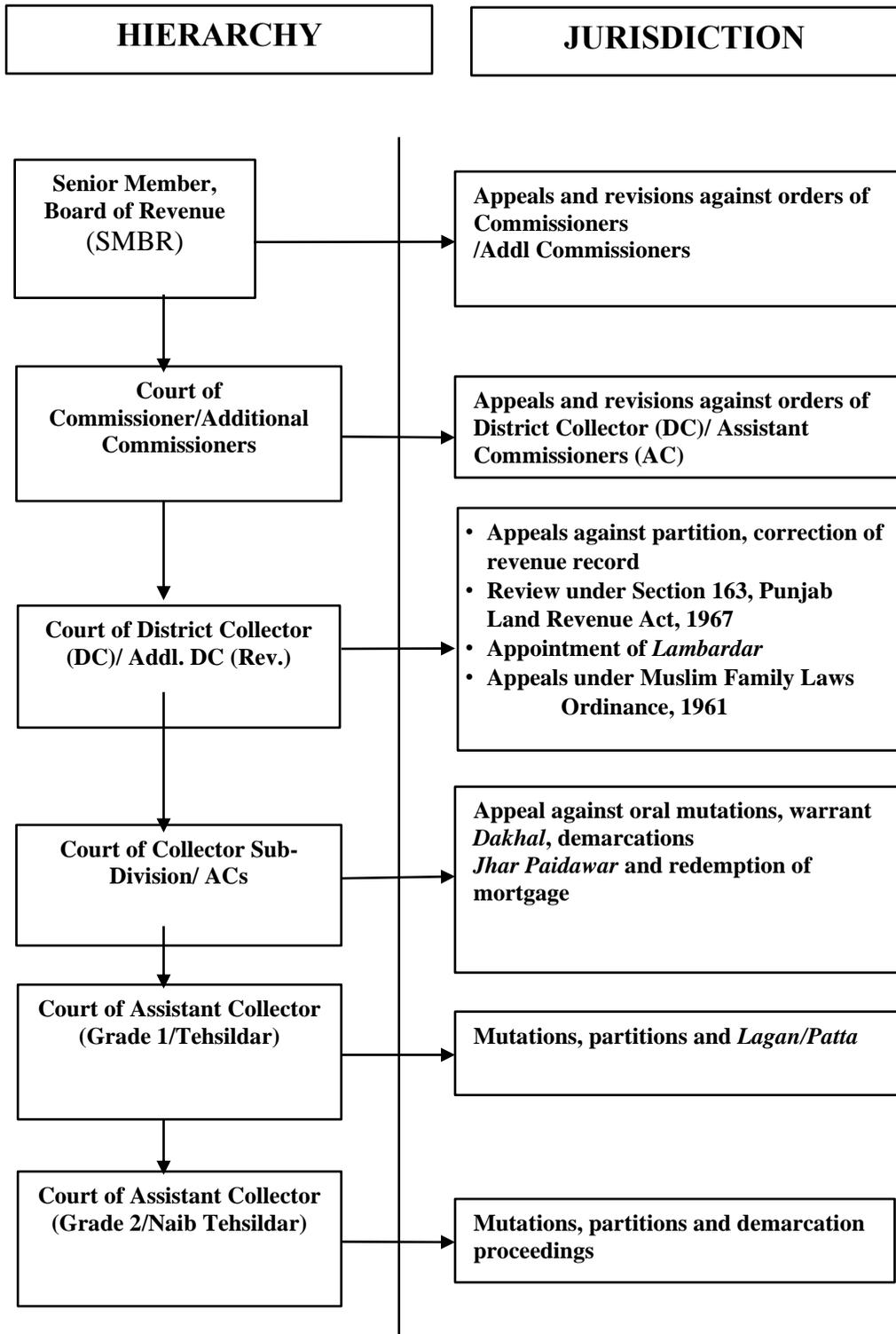
<sup>14</sup> Rashi Gupta, Mona N. Shah and Satya N. Manda, "Emerging paradigm for land records in India," *Emerald Insight*, under "Smart and Sustainable Built Environment 2020,"

<https://www.emerald.com/insight/content/doi/10.1108/SASBE-11-2019-0152/full/html> (accessed July 19, 2021).

<sup>15</sup> The West Pakistan Land Revenue Act, 1967 (Islamabad: Official Printers, XVI of 1967), Chapter II.

<sup>16</sup> *Ibid*, Chapter-III.

<sup>17</sup> Former Deputy Commissioner Saif Anwar Jappa of Gujrat, Government of the Punjab, interview by author, Lahore, 19 July, 2021.



## **1.2 Causes of Land Disputes**

The main causes of land disputes are elaborated in the following paragraphs:

### **1.2.1 Lack of Titling and Land Registry System**

Land disputes mainly emerge due to the absence of strong titling and land registry system with reliable cadastre. The record of rights (*misl-e-haqqyat*) of owners (*haqdaran-e-zameen*) is updated after every four years; this and subsequent periodical record (*girdawri*), confer rights with mere presumption of truth and not necessarily the whole truth. Due to these discrepancies and inherent weaknesses in the title documents, land grabbers (“*qabza mafia*”) exploit the socially and economically weak litigants by involving them in civil and subsequent criminal litigations.<sup>18</sup>

### **1.2.2 Land Disputes between the State and the Tenant**

It has been observed that there are frequent instances of land disputes between the state and tenants.<sup>19</sup> Major reasons have been summarized as under:

- 1) Non-fulfilment of terms and conditions of tenancy or allotment of state land to individuals.
- 2) Identification of improvements made by tenants.
- 3) Conferment of propriety rights.
- 4) Issuance of final conveyance deeds.
- 5) Cancellation of conveyance deeds due to fraud or concealment of facts.
- 6) Lease/instalments and recovery of outstanding dues related to state land.
- 7) Disputes related to illegal occupation or cultivation of state land, eviction and recovery of fines (*tawan*), etc.

### **1.2.3 Disputes between Private Parties**

Similarly, there are numerous factors pertaining to disputes between individuals in revenue matters.<sup>20</sup> Most significant are:

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<sup>18</sup> Former Deputy Commissioner Maqbool Ahmad of Jhang, Director Land Records and Secretary Colonies Board of Revenue, Government of Punjab, interview by author, Lahore, July 21, 2021.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

- 1) Title/ownership, right to cultivate, occupy and partition.
- 2) Inheritance.
- 3) Share of produce.
- 4) Ejectment of tenants.
- 5) Right of way/easement rights.
- 6) Improper demarcation of land.

### **1.3 Revenue Courts**

The performance of the revenue and appellate courts of Punjab was analyzed by navigating through factors impacting the process of service delivery. No centralized record was available prior to April 2020 with regards to the institution and disposal of revenue cases at various revenue courts in Punjab. This posed difficulty in carrying out a comparative analysis of preceding years. In April 2020, Revenue Court Case Management System was put in place at the Secretariat of the BOR), Government of the Punjab. As Figure-1 indicates, total cases instituted in the revenue courts in Punjab from April 2020 till June 2021 were 155,332, whereas the disposal reached 58,106.<sup>21</sup> Overall disposal percentage was just 39%. This indicates that 61% of aggrieved persons had to suffer delays in obtaining relief, faced mental anguish and bore economic losses due to protracted litigation. Further analysis revealed that the disposal of revenue cases at the courts of District Collector (DC), Additional DC (Revenue)[ADC(R)] and Assistant Commissioner (AC) was slightly better than courts of Tehsildar and Naib Tehsildar, averaging 47% and 28% respectively.<sup>22</sup>

This suggests that the lower tiers of the revenue courts in Punjab are not efficient in allaying the concerns of the affected individuals. Major factors identified for overall unsatisfactory performance of the revenue courts are greater inclination of office holders towards administrative functions, frequent law and order duties, missing sense of urgency towards court work, absence of proper case management system, norm of illegal gratification, and missing element of empathy towards the needs of citizens.<sup>23</sup>

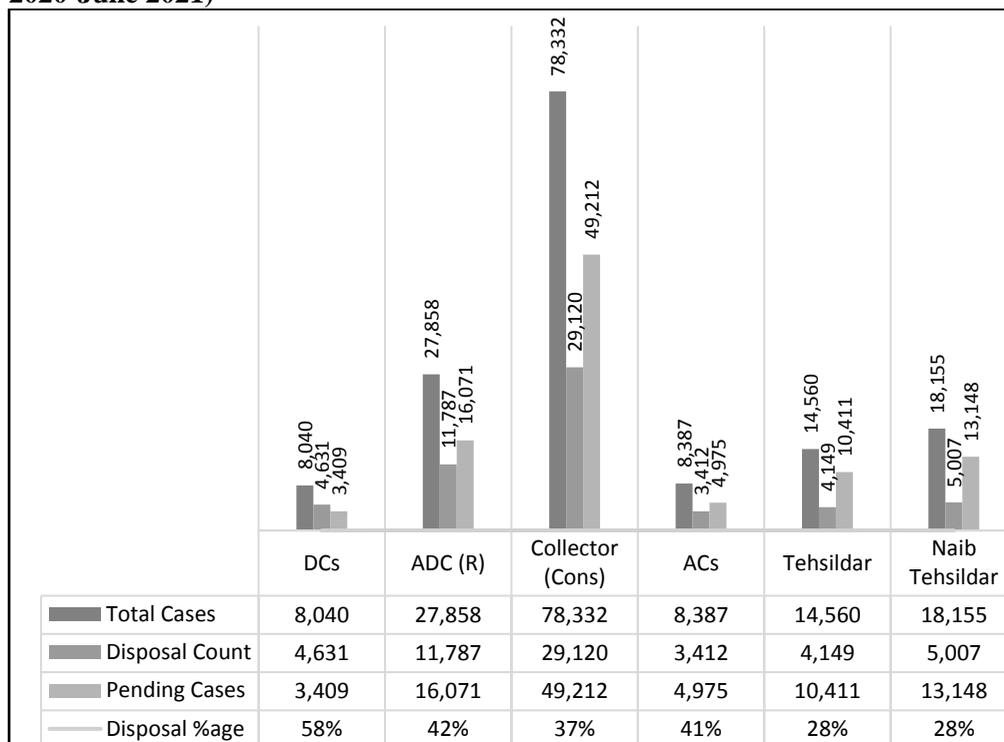
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<sup>21</sup> Secretary Ishfaq Ahmad Chaudhry of Revenue and Establishment at Board of Revenue, Government of the Punjab, interview by author, Lahore, July 22, 2021.

<sup>22</sup> Ibid.

<sup>23</sup> Former Deputy Commissioner Lt. (ret'd) Sohail Ashraf of Gujranwala and Director General PDMA, Government of the Punjab, interview by author, Lahore, July 22, 2021.

**Figure 1: Institution and Disposal of Cases by Revenue Courts in Punjab (April 2020-June 2021)<sup>24</sup>**

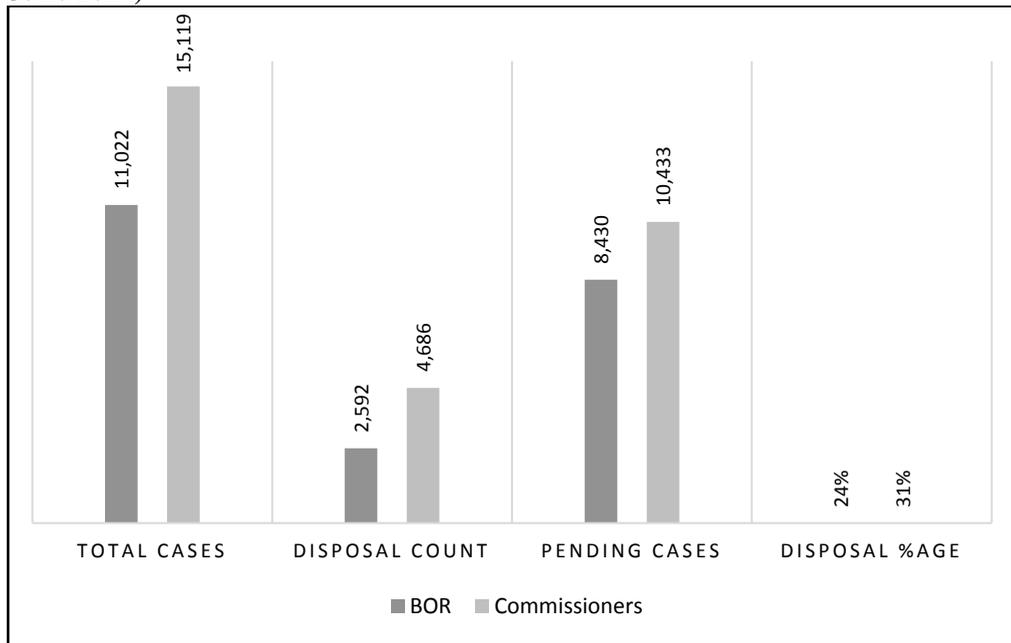


### 1.3.1 Appellate Revenue Courts

The situation is not much different when it comes to efficacy of appellate revenue courts in Punjab. Statistics in Figure-2 below show that only 31% cases were decided at the courts of Commissioners and 24% at the appellate forum of the BOR over the period of 15 months from April 2020 till June 2021.

<sup>24</sup> Office of the Registrar, Board of Revenue, Government of the Punjab (Lahore: Official Printers).

**Figure 2: Disposal of Revenue Cases by Revenue Appellate Forums (April 2020-June 2021)<sup>25</sup>**



### 1.3.2 Limitation of Revenue Courts in Determining Rights of Parties

An underlying issue that is encountered and goes to the very root of any case is that of factual controversies which require determination of rights in recording of evidence and grounds of fraud. This is a mandate of a civil court and not the revenue authorities under Section 172 of the WPLRA, 1967. It is pertinent to mention that neither the Civil Procedure Code (CPC, 1908) nor the Qanoon-e-Shahadat Order, 1984 is applicable in recording of evidence before revenue courts. Section 172 places exclusivity to the revenue officers in matters of revenue and excludes the jurisdiction of a civil court in its exercise of civil jurisdiction.<sup>26</sup> Matters that have been expressly drafted into the body of Section 172 are more relating to procedure than substance. Due to this inability, the efficacy of the revenue courts is compromised and has following implications:<sup>27</sup>

**1.3.2.1** Matters pending before relevant revenue forum does not proceed further till the factual controversy is decided by the respective civil court. This undoubtedly delays the dispensation of justice besides increasing the cost of litigation.

<sup>25</sup> Ibid.

<sup>26</sup> Practicing lawyer Syed Kamal Ali Haider at the Lahore High Court, Lahore, interview by author, Lahore, August 2, 2021.

<sup>27</sup> Ibid.

**1.3.2.2** Revenue courts remain excluded from any claim based on fraud. Thus, the litigants have to get their rights determined before a civil court. At times when fraud is established, litigants pursue criminal charges against the other party which in turn results in inordinate delays in the originally instituted revenue proceedings.<sup>28</sup>

**1.3.2.3** A decree passed by a civil court is received for implementation before revenue officers. *Prima facie* errors, mistakes, elements of fraud and concealment cannot directly interfere in the implementation process of the decree. This also results in miscarriage of justice.<sup>29</sup>

### **1.3.3 Constitutional Jurisdiction Under Article 199 (Judicial Review) has an Overriding Effect on Revenue Authorities and Orders**

On the revenue side, the hierarchy of courts starts at Naib Tehsildar and goes up to the court of SMBR. Cumbersome as this dispute resolution process is, judicial review under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 enables challenges to the orders/directions of the highest revenue court on substantial grounds of illegality, irrationality, procedural impropriety, proportionality.<sup>30</sup> Besides procedural grounds encapsulated in the body of Article 199 and its sub clauses that encompass classic nature of writ petitions (including mandamus and contextually relevant prohibitions), it has been observed that the honorable High Courts while exercising jurisdiction under Article 199 do not enquire into factual controversies of a dispute; this results in directions being issued to the same member of BOR to retry the dispute and re-adjudicate upon it again. The High Court's inability under Article 199 to conduct proceedings which are inquisitorial in nature throws back the petitioner before the same fora.

Similarly, if the judgment that has been rendered against the act/order/action of the SMBR by the honorable High Court is found to be illegal or without jurisdiction, the honorable Supreme Court acting under Article 185 of the Constitution and exercising power of appeal does not intervene directly into factual controversy(ies) and transmits the matter back to the same forum from which the grievance originated. Thus, such an exercise frustrates the litigant as he is back to square one and there is no *finis litium* (end to litigation). The West Pakistan Board of Revenue Conduct of Appeals and Revision Rules, 1959 govern the conduct and disposal of revenue matters before the BOR but are not exhaustive in nature and do not cover all eventualities. Yet Section 3 addresses presentation of appeals and applications for revisions to the BOR. Section 4 addresses stay of execution of orders in the decrees and Section 4A deals with the disposal of urgent petitions for stay order.

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<sup>28</sup> Ibid, Section 172.

<sup>29</sup> Ibid.

<sup>30</sup> The Constitution of Pakistan, 1973, Article 199 (Islamabad: Official Printers, 1971).

### 1.3.4 Ineffective Law of Possession and Dispossession

Prevailing law of possession of property is primarily represented by Section 8 of the Specific Relief Act, 1877 and Section 9 of the same act. In case of immovable property, the prime distinction between the two sections is that Section 8 covers instances in which a person is entitled to possession of specific immovable property on the basis of a title in the manner provided by the CPC, 1908. Relaxation in terms of limitations on the plaintiff on the basis of possession in the suit is 12 years. Section 9 of the Specific Relief Act has a different approach: the scope of this section provides that any person who is dispossessed of immovable property without his or her consent may file a suit claiming dispossession within a period of six months.<sup>31</sup>

As the aforementioned two sections did not cover all instances of dispossession, in order to accommodate situations involving an element of land grabbing, the Illegal Dispossession Act (IDA), 2005 was enacted to specifically empower a person affected by land grabbing to file a complaint before a District Court. However, IDA could not yield the expected results.<sup>32</sup> This was further highlighted by the honorable Supreme Court of Pakistan in its judgment dated July 19, 2016, with the remarks that, “In terms of the ratio of the second set of cases, not every influential, rich or powerful person, who illegally grabs someone’s property, is amenable to the provisions of the IDA, 2005 unless, as a condition precedent, he possesses the credential and antecedents of ‘land grabber’ or ‘Qabza Group’ or ‘Qabza Mafia’.”<sup>33</sup>

### 1.3.5 Impact of Punjab Land Records Authority (PLRA) on Revenue Courts

Enactment of PLRA on February 13, 2017, was an endeavor by the Government of Punjab to reform and digitalize the old colonial, manual system of land records. This initiative is a step in the right direction. It put into place the long-awaited centralized authority for managing revenue record of the province. The existing legal framework was the major impediment in achieving this target. Accordingly, amendments in WPLRA sections 41-A and 42-B were introduced in tandem with Punjab Land Revenue Rules sections 37-B and 37-C to provide the legal cover for preparing and maintaining computerized land record. Services being offered at PLRA Arazi Record Centers (ARCs) include issuance of copy of Record of Rights (*fard*), mutation attestation, and placement of embargos.<sup>34</sup>

It is expected that computerization will lead to reduction in multiplicity of civil/revenue litigations and manipulation of land record. The system provides secure land rights that

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<sup>31</sup> District and Sessions Judge Jehanzeb Shinwari of Haripur, Government of KP, interview by author, Islamabad, July 31, 2021.

<sup>32</sup> Ibid.

<sup>33</sup> “Illegal Dispossession Act: Illegal Occupants Will Serve a Decade in Jail, says SC,” *Express Tribune*, July 20, 2016.

<sup>34</sup> Director General Moazzam Iqbal Sipra of Punjab Land Revenue Authority, Government of Punjab, interview by author, Lahore, July 30, 2021.

cannot be manipulated, maneuvered or tampered with. Mutation of land is only possible through secure and reliable means of transaction. The seller's biometric verification from NADRA and recording of free consent tendered before the attestation officer in presence of witnesses has started to serve as a major impediment in the process of civil litigation. Moreover, with systemic interventions, the nature of civil suits has also changed, especially in cases where perjury-related transactions were executed with the help of revenue functionaries in the manual system. However, its success would only be fully measured once record of urban areas is digitized throughout Punjab.<sup>35</sup>

### **1.3.6 PULSE Project of the World Bank**

On the request of PLRA, the World Bank has launched a project named 'Punjab Urban Land Systems Enhancement Project (PULSE)' for the creation of a province-wide digital cadastral map, data improvement in urban areas and the scale-up of Land Record Management Information System (LRMIS).<sup>36</sup> The essential part of the project is mapping at the land parcel level with identical boundaries. Mapping through satellite imagery has been slightly successful in the rural areas in identifying land boundaries as compared to the urban centers of Punjab. Urban centers pose difficulties due to dense infrastructure, very small size of units (2 marlas/50 sq. yds. and below, etc.) and regularly changing nature of immovable property.<sup>37</sup>

### **1.3.7 Lack of Standardized Procedures in Private/Cooperative Housing Societies and Authorities**

No uniform procedures for issue of title documents to land owners exist in the private sector/ cooperative housing societies and housing authorities. Due to ineffective regulatory and enforcement regimes of the government, mushroom growth of unregistered private housing societies/institutions has increased. Most of these societies/institutions issue their own allotment letters without any integration with local government bodies. This complexity has provided room for scams, frauds and disputes. The gravity of the situation can be realized from the fact that the Government of Punjab has enlisted 1,753 illegal housing societies in Punjab on its e-Khidmat Markaz portal.<sup>38</sup>

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<sup>35</sup> Ibid.

<sup>36</sup> World Bank, "Project Information Document (PID) – Punjab Urban Land Systems Enhancement Project," Report No. PIDISDSC28292, March 26, 2020, <https://documents1.worldbank.org/curated/en/131221586419652020/text/Concept-Project-Information-Document-PID-Punjab-Urban-Land-Systems-Enhancement-Project-P172945.txt> (accessed August 19, 2021).

<sup>37</sup> Chief Executive Officer Omar Masood of Urban Unit, Government of Punjab, interview by author, Lahore, August 4, 2021.

<sup>38</sup> e-Khidmat Markaz, "List of Approved/Un-approved/Illegal Housing Societies," <https://fc.punjab.gov.pk/HousingSocieties/> (accessed August 13, 2021).

## 2. Civil Courts in Pakistan

Civil courts are courts of plenary jurisdiction which are known as the court of first instance where trial in a suit is initiated. Civil courts entertain cases on the basis of nature of subject matter, value of the subject matter and territorial jurisdiction of the court. Subject matter can be defined as the authority vested in the court to entertain cases of a particular nature and pertaining to particular subject matter. Territorial jurisdiction means that the court can decide upon a dispute within the geographical limits of the court's authority and not beyond those territorial or geographical limits. Pecuniary jurisdiction is related to value in terms of money of the subject matter. Monetary value is further classified into three categories of civil judges of the first, second and third classes where a civil judge first class has unlimited jurisdiction in terms of value of the subject matter. Civil Courts are subordinate to the High Courts and remain under the superintendence and control of the High Court under Article 203 of the Constitution of Islamic Republic of Pakistan 1973. At the district level, the District Judge has control over all civil courts within the local limits of its jurisdiction.<sup>39</sup> The following are the classes of judges formulating the district judiciary:

- 1) The Court of District Judge – Administrative head of the district judiciary.
- 2) The Court of Additional District Judge – Court of appeal and revision.
- 3) The Court of Civil Judge – Hears civil trials.

### 2.1 Efficacy of Civil Courts

Although the problem of delays exists at the global level, the situation in Pakistan has deteriorated to the point that it is undermining the whole legal system. Consequently, public trust in the judiciary has been all but eroded, especially in the realm of civil justice (as opposed to criminal justice).<sup>40</sup> The honorable Supreme Court of Pakistan in the case of Liaqat Hussain vs. Federation of Pakistan remarked on the accumulation of backlog in courts at all the levels of judicial hierarchy.<sup>41</sup>

### 2.2 Comparative Analysis of Pendency of Cases in Civil Courts

A comparative analysis of the pendency of cases pertaining to land disputes in the district judiciary of Punjab and KP is presented in Figure-3 below. This indicates that pending cases in Punjab increased from 33,650 in the year 2018 to 58,154 in the year 2019 with an increase of 42%. Likewise, the load increased from 58,154 cases in the year 2019 to 90,260 cases in the year 2020, an increase of 35% pendency. From the

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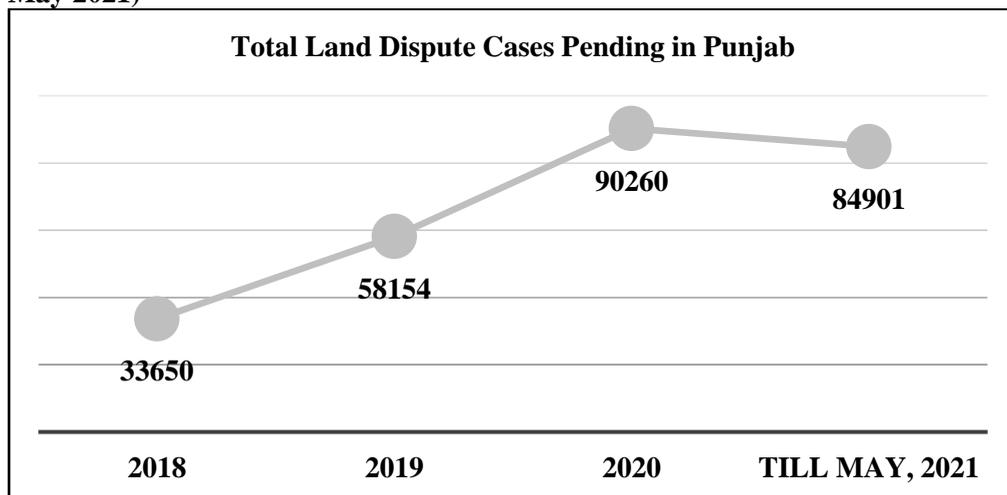
<sup>39</sup> Justice (ret.d.) Ali Akbar Qureshi of Lahore High Court and practicing lawyer of the Supreme Court of Pakistan, interview by author, Lahore, August 8, 2021.

<sup>40</sup> Justice (ret.d.) Javeid Iqbal, "Role of Judiciary as a catalyst of change," *Proceedings of the International Judicial Conference held in Islamabad 2006*, Law and Justice Commission of Pakistan: 18.

<sup>41</sup> *Ibid.*

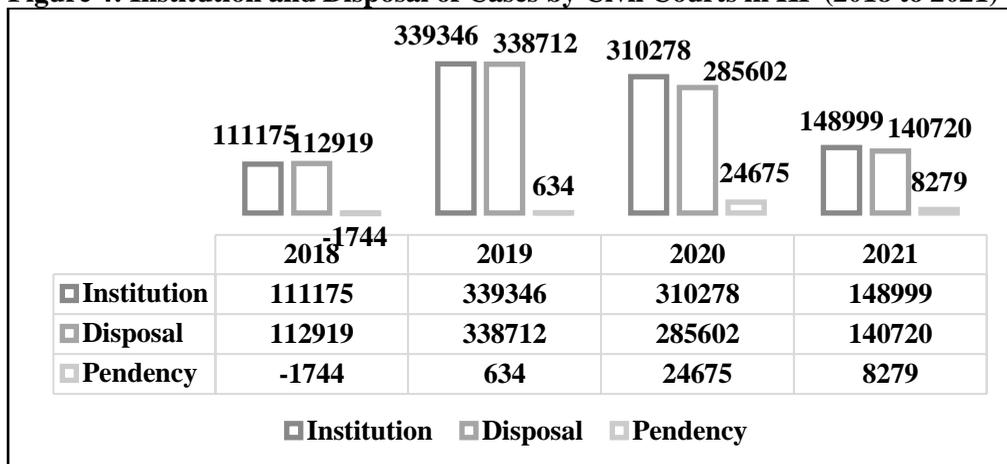
pendency of land dispute cases (84,901) during the first five months of 2021, it can be estimated that pendency would increase to around 55% by the end of 2021.<sup>42</sup>

**Figure 3: Pendency of Land Dispute Cases in the Civil Courts of Punjab (2018 to May 2021)<sup>43</sup>**



According to the data of the last four years of land disputes from 2018 to June 2021, the subordinate judiciary of KP disposed of 112,919 (including pendency of previous years) out of 111,175 cases, 338,712 out of 339,346 cases, 285,606 out of 310,278 cases and 140,720 out of 148,999 cases in the years 2018, 2019, 2020 and 2021 respectively.<sup>44</sup>

**Figure 4: Institution and Disposal of Cases by Civil Courts in KP (2018 to 2021)<sup>45</sup>**



<sup>42</sup> Office of the Directorate of District Judiciary, Lahore High Court, Lahore (Lahore: Official Printers).

<sup>43</sup> Ibid.

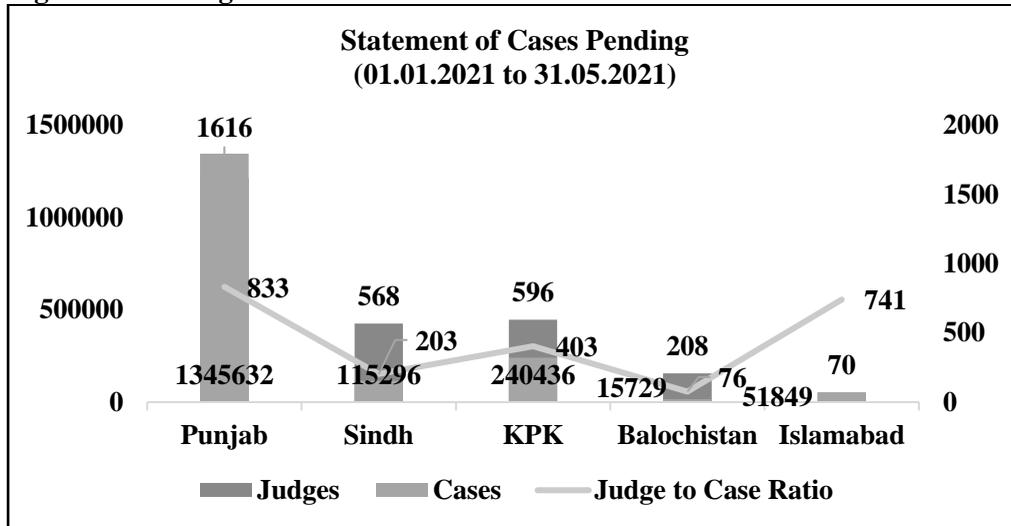
<sup>44</sup> Office of the Secretariat of District Judiciary, Peshawar High Court, Peshawar (Peshawar: Official Printers).

<sup>45</sup> Ibid.

In June 2018, Peshawar High Court introduced the Court Case Management System with the basic intent to keep a check on the pace of litigation by establishing meaningful events, setting scheduled dates and time frames for both pre-trial events and trials. This system has improved disposal rates and reduced backlog of pending cases as evident from Figure-4.<sup>46</sup>

### 2.3 Cases to Judges Ratio in Pakistan

Figure 5: Pending Cases in Pakistani Courts<sup>47</sup>



Disproportionate case load distribution on district judiciaries all across Pakistan has hampered and continues to seriously hamper performance of judges. This has a direct correlation with the misery of litigants who desperately await dispensation of justice. According to the latest statistics of June 2021 released by the Law and Justice Commission of Pakistan (as presented in Figure-5), the cases per judge ratio in Punjab is 833, 568 in Sindh, 596 in KP, 208 in Balochistan and 70 in Islamabad.<sup>48</sup>

### 2.4 No Substantial Amendments in the Existing Laws

The system of civil courts in Pakistan has become obsolete because of lack of amendments in the Civil Procedure Code, 1908 which were mandatorily required to be affected with the changing circumstances particularly in context of notices, summons, procedure of proclamation and misuse of adjournments. Similarly, WPLRA, 1967 requires changes to be made with the efflux of time resulting in multiplicity of

<sup>46</sup> AD and SJ Muhammad Umer Al Farooq Khan of Dir Upper, Government of KP, interview by author, Islamabad, July 31, 2021.

<sup>47</sup> Office of the Law and Justice Commission of Pakistan, Government of Pakistan (Islamabad: Official Printers).

<sup>48</sup> Ibid.

litigations, lack of timely decision in disputes and inability of revenue courts to determine rights in question before them.<sup>49</sup>

## **2.5 Delays in Trial Proceedings**

There are many factors that result in procedural delays in trial which lead to extending litigation time frames. Following are some of the glaring issues:

### **2.5.1 Irregular Attendance and Corrupt Practices**

Irregular attendance, lack of punctuality and corrupt practices in subordinate judiciary have deep and profound impacts on the efficacy of the judicial system of Pakistan. Bar members usually complain that judges are not present in their court on time, nor for the full notified duration. Litigants always express reservations regarding performance of judicial staff.<sup>50</sup>

### **2.5.2 Unnecessary Adjournments by the Judges**

It is believed that the major cause of delay in adjudication of cases in civil courts are unnecessary adjournments. The CPC's Order XVII Rule 1 gives the courts power of discretion to grant an adjournment to the parties if sufficient cause is presented. However, this power of discretion must be exercised in accordance with law.<sup>51</sup>

### **2.5.3 Frequent Shuffling of Judges and Cases**

A major cause that erodes credibility of civil courts and results in unwarranted delays in dispensation of justice is frequent shuffling of judges, both on the basis of complaints as well as on administrative grounds. In many instances, cases are transferred from one judge to another without any valid reason due to extraneous pressure of the district and tehsil bars.<sup>52</sup>

### **2.5.4 Judges Give Relaxation to Process Servers and Non-Attending Parties**

As per CPC, if a judge finds that the summons was properly and timely served on the defendant, the court may proceed *ex parte* in the case. However, judges are wary of being accused of denial of justice and hence prefer to give adjournments rather than resolve cases quickly. Judges' inability or unwillingness to take *ex parte* action against disinterested litigants results in further delay of cases. In civil suits, when a case is filed

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<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> Practicing lawyer Syed Tayyab Mehmood of Lahore High Court, Lahore, interview by author, Lahore, August 16, 2021.

<sup>52</sup> Former President G.A. Khan Tariq of Lahore Bar Association, interview by author, Lahore, August 2, 2021.

by the plaintiff, a summons is issued to the respondent. However, most cases are adjourned on the dates of hearing, leading to delays.

The process service mechanism is flawed and often cases are adjourned due to connivance of process servers with either of the parties and as a result false reports are presented in court. Many a time, summons are issued but the influential party “prevails” upon lower staff to ensure that the defendant is not informed; such corruption is in total disregard to the principles of natural justice.<sup>53</sup>

### **2.5.5 Mismanagement During Evidence Recording**

By and large, the process of recording evidence takes significant time, which could be much longer as compared to the total time taken by all other steps. This is due to one or more witnesses defying the summons and not coming to court, and the court in spite of having powers to implement its orders, still adjourning cases. Furthermore, the rule of continuous hearing at the evidence stage of the suit is consistently not followed, therefore it becomes difficult to recollect what witnesses have said. Adjournments at this stage affect adjudication and fair trial, besides causing inordinate delays.

### **2.5.6 Local Legal Culture**

One of the reasons for delays is the mindset of lawyers and judges in respectively requesting and granting *status quo* (stays) without considering maintainability of cases as a temporary dispensation to litigants. Judges exercise their powers as a customary practice rather than adjudicating on case admissibility. Lawyers usually assure their clients of getting them temporary dispensation that can be prolonged as long as desired by the litigants.<sup>54</sup> Deferral is regularly propagated in the light of the fact that both judicial authorities and legal advisors acknowledge it as the standard, to change which requires altering assumptions and behaviors of individuals who are benefitted by it.

### **2.5.7 Management of the Cases by the Courts**

Due to lack of any case management system in lower courts, litigants have lost confidence in all manner of courts. Lower courts are unable to control the speed of prosecution by building up significant actions, or setting date-wise court agenda by forecasting future events and trials.<sup>55</sup>

### **2.5.8 False and Fabricated Litigation**

People resort to false and frivolous litigations to delay the cases. There is comparatively a very small percentage of genuine litigants in Pakistan whose cases are based on facts.

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<sup>53</sup> Ibid.

<sup>54</sup> Practicing Lawyer Hafiz Naimat Ullah of Lahore High Court, Lahore, interview by author, Lahore, August 16, 2021.

<sup>55</sup> Ibid.

Culturally, in most situations false cases are initiated to settle scores with rivals. Proceedings of a case can be impeded by raising any undeserved claim, concealing any fact, producing forged documents and by denying access to genuine documents. The real plight is that there is no law to effectively discourage this tendency.<sup>56</sup>

### **2.5.9 Non-Cooperation of the Legal Fraternity**

Although influence of the lawyers impeding working of district judiciary and quick disposal of cases has existed for a long time, but with the launching of Lawyers Movement in 2007 during the tenure of President General Musharraf and the restoration of deposed judges of the Supreme Court and High Courts through an executive order a *carte blanche* was given to the elected bodies of the lawyers enabling them to interfere in the smooth working of district judiciaries at will. They now resort to strikes and boycotts, mostly for personal/vested interests to promote demands of their fraternity. These add to the miseries of the hopeless litigants.<sup>57</sup> Former President of Lahore Bar Association, Mr. G.A. Khan Tariq, in an interview with the author, expressed his concerns over the growing violence, non-professional attitude and unbecoming conduct of the majority of young lawyers. He also condemned the attack on the hospital staff of Punjab Institute of Cardiology, Lahore, by lawyers on December 11, 2019, and termed it as a ‘collective shame’ of the legal profession. According to him, 85 strikes were recorded in Lahore Division alone during the same year. If this trend goes unchecked, it will have serious repercussions on the overall credibility of the criminal justice system.

### **2.5.10 Covid-19 Crises**

The world has adapted to online virtual systems in the course of the Covid-19 pandemic, but many developed societies had already developed mature legal systems in which laws are continuously updated. Consequently, the shift to online courts was perceivable and achievable. However, both the bench and the bar in Pakistan have not managed to shift to online trial mode due to a conventional thought process, poor administrative resources, and lack of training. Therefore, litigants continue to suffer inordinate delays in trial proceedings in civil courts.<sup>58</sup>

## **3. Best Practices: World Justice Project (WJP) Rule of Law Index**

There are several globally recognized forums which provide insights into the working of various legal systems which universally accept the principle of rule of law. These organizations have set forth basic standards and monitoring mechanisms to measure

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<sup>56</sup> Former Secretary General Rehan Ahmed Khan of Lahore Bar Association, interview by author, Lahore, August 2, 2021.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

efficacy of judicial systems in various countries. Amongst these organizations, World Justice Project Rule of Law Index is a reliable and independent source of data collection that covers 128 states. Eight parameters are relied upon while formulating the index. These include efficacy of criminal and civil justice systems, limitation on governments to exercise their powers, rate of corruption, openness of governments, fundamental rights, order and security, and regulatory framework.<sup>59</sup> According to the WJP Index of 2020, Denmark is at number one amongst the top ten ranking countries followed by Norway, Finland, Sweden, the Netherlands, Germany, New Zealand, Austria, Canada, and Estonia.

**Table 1: WJP Rule of Law Index – Top Performers**

Sr.#	Country/ Jurisdiction	Overall Score	Score Change	% Score Change	Global Rank	Global Rank Change
1	Denmark	0.90	0.00	0.0%	1	0
2	Norway	0.89	0.00	0.1%	2	0
3	Finland	0.87	0.00	-0.1%	3	0
4	Sweden	0.86	0.00	0.2%	4	0
5	Netherland	0.84	0.00	-0.5%	5	0
6	Germany	0.84	0.00	0.1%	6	0
7	New Zealand	0.83	0.00	0.3%	7	1▲
8	Austria	0.82	-0.01	-0.6%	8	1▼
9	Canada	0.81	0.00	-0.2%	9	0
10	Estonia	0.81	0.00	0.0%	10	0

Pakistan is amongst the bottom performers, standing at 120 out of 128 countries. Afghanistan is the only country in South Asia which stands below Pakistan at 122. It is pertinent to mention here that Pakistan's standing in the world index had lowered by another point in 2020 as in 2019 it was ranked 119. This indicates that internationally accepted standards of rule of law are lacking in the country, thus jeopardizing the efficacy of dispensation of justice.<sup>60</sup>

**Table 2: WJP Rule of Law Index – Bottom Performers**

Sr.#	Country/ Jurisdiction	Overall Score	Score Change	% Score Change	Global Rank	Global Rank Change
1	Zimbabwe	0.39	-0.01	1.5%	119	1▼
2	Pakistan	0.39	0.00	-0.7%	120	1▼
3	Bolivia	0.38	0.00	0.3%	121	0
4	Afghanistan	0.36	0.02	4.3%	122	3▲

<sup>59</sup> Nomad Research Team, "The 5 Best Countries for Judicial Independence and Rule of Law," *Nomad Capitalists*, (August 2021), under Rule of Law Index, <https://nomadcapitalist.com/global-citizen/best-countries-rule-of-law/> (accessed on August 16, 2021).

<sup>60</sup> Ibid.

5	Mauritania	0.36	0.01	4.0%	123	1▲
6	Cameroon	0.36	-0.02	-4.4%	124	2▼
7	Egypt	0.36	0.00	0.1%	125	2▼
8	Congo, Dem. Rep.	0.34	0.01	2.6%	126	0
9	Cambodia	0.33	0.00	0.7%	127	0
10	Venezuela, RB	0.27	-0.01	-2.6%	128	0

### **3.1 Cadastre System of Survey and Mapping**

The cadastral systems were designed earlier to collect revenue through collection of taxes on property. The cadastral surveys are significant as they are linked with ownership of the property. These supplement legal ownership of the land, depict geographical factors including areas and parcel boundaries.

#### **3.1.1 Cadastre System in the Modern World**

Many countries in Europe and North America have realized the importance of converting outdated manual land record systems of registration into modern cadastral systems initially and have further upgraded their systems by incorporating Geographical Information System (GIS) technology. One such successful model worth citing is Denmark which is ranked at number one in the global rankings of Rule of Law Index of WJP. It introduced a cadastral information infrastructure accessible to all users, and tailored it for efficient interaction with other land data systems. The cadastral register was computerized during a period of four years from 1985 to 1989. It involved digitization of nearly 15,000 analogue cadastral maps, comprising about 2.5 million land parcels, and was completed in 1997.<sup>61</sup> The transition towards the cadastral system in the modern world has curtailed unnecessary land disputes and litigations due to precision of identified boundaries of land owners.

#### **3.1.2 Cadastral System and Certification of Titles Act, 2016, India**

India has enacted the Rajasthan Urban Land (Certification of Titles) Act, 2016 to reduce the trend of rising land disputes by putting in place an effective cadastral system under a centralized Urban Title Certification Authority.<sup>62</sup> This act is unique in so far as being the first such attempt in India to curb fraudulent practices in sale and purchase of non-agricultural land in urban areas by issuing a certificate of ownership for a nominal fee. Moreover, relying upon its success, the Government of India has mandated to upgrade their colonial maps and land registers by merging these through GIS-based cadastral system.

<sup>61</sup> Stig Enemark and Pia Dahl Højgaard, "Transforming Society – The Story of the Danish Cadastre from late 1700s," in Fig Working Week, Helsinki, Finland, 2017.

<sup>62</sup> Rajasthan Urban Land (Certification of Titles) Act, 2016, (Jaipur: Official Printers).

## 3.2 Alternate Dispute Resolution Systems (ADRS)

ADRS have officially been introduced in India, Bangladesh and various Latin American and African states in recent years. These are primarily seen as a method of relieving the crisis of overburdened state courts facing impossible backlogs of unresolved cases. The aim of ADRS has been described amongst other as relieving court congestion, reducing undue costs and delays, enhancing community involvement in dispute resolution process, facilitating access to justice and providing a more effective resolution of disputes. More positively these are also advocated as offering a cheaper, faster and more accessible justice for ordinary citizens, particularly the poor who do not have access to the state justice either because of dearth of resources, social exclusion or lack of physical access.<sup>63</sup>

## 3.3 Malaysian Law Reforms and Introduction of Court Case Management System

Malaysia introduced judicial reforms by amending civil procedural law and enacted the new Rules of Court, 2012. Major changes included a more systematic and proactive system of court case management. The new model proved to be highly efficient and practical in facilitating parties in getting the matters swiftly adjudicated by the courts. It further aided in reducing delays and accumulated cases in civil courts. Due to this innovation, confidence of the general public was restored in the judicial system of Malaysia.<sup>64</sup> The Singapore judicial system has also successfully rolled out a case management system that has gained recognition worldwide.

## 3.4 Existing Best Practices in Pakistan

### 3.4.1 Land Information and Cadastre System

In 2006, Defence Housing Authority (DHA) Islamabad was among the pioneers to effectively implement the internationally tested cadastral system. The prime objective was to eliminate frivolous land disputes and curtail illegal encroachments by *qabza* groups (land grabbers). Learning from the positive outcome of the newly placed system, DHA Lahore adopted it in a more effective manner by using remote sensing/GIS in 2011.<sup>65</sup> Implementation of a cadastral system by DHA has reduced the number of disputes pertaining to entitlement, partition and demarcation of property. Resultantly, the number of land related litigations have been reduced considerably as

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<sup>63</sup> Gertrude Sackey, "Investigating Justice Systems in Land Conflict Resolution: A Case Study of Kinondoni Municipality," Tanzania, 2010, [https://webapps.itc.utwente.nl/librarywww/papers\\_2010/msc/la/sackey.pdf](https://webapps.itc.utwente.nl/librarywww/papers_2010/msc/la/sackey.pdf), (accessed August 10, 2021).

<sup>64</sup> Shahrul Mizan Ismail, "Case Management for Civil Trials in Malaysia: Rationale & Process," Research Gate (September 2016) under Civil Procedure in Malaysia, <file:///C:/Users/IT-Section/Downloads/ArticleforCLJOnlineJournal-ShahrulMizanIsmail.pdf> (accessed August 17, 2021).

<sup>65</sup> Former Additional Director Aamer Maqsood of GIS at Land Acquisition Branch, DHA Lahore, interview by author, Lahore, August 8, 2021.

compared to government-owned agencies like Lahore Development Authority (LDA) and Metropolitan Corporation Lahore (MCL) as well as private societies which still rely on the old traditional system.<sup>66</sup>

### **3.4.2 Expeditious Justice Initiative**

National Judicial Policy Making Committee (NJPMC) approved and launched the Expeditious Justice Initiative (EJI) which has worked wonders in the field.<sup>67</sup> This initiative was launched in March 2019 and included setting up of model criminal trial courts in all the districts of Pakistan. The main purpose of these courts was to introduce a time-bound criminal trial regime and improve service delivery of the criminal justice system while remaining within the existing resources and adoption of synergetic approach with various stakeholders. This mechanism involves day-to-day hearings and an improved process service mechanism and production of witnesses. This successful model was later replicated at the Model Civil Appellate Courts (family and rent cases) and Model Trial Magistrates Courts throughout the country. However, there is a dire need to carry out a similar exercise in the civil trial courts in order to conclude outstanding litigations involving land disputes.<sup>68</sup> The performance of these model courts until August 17, 2021, is indicated in Table-3.

**Table 3: Performance of Model Trial Courts in Pakistan**<sup>69</sup>

<b>Sr.#</b>	<b>Name of Court</b>	<b>Date of Establishment</b>	<b>No. of Working Days</b>	<b>No. of Courts</b>	<b>Witnesses Recorded</b>	<b>Total Cases Decided</b>
1	Criminal Trial Courts	01.04.2019	705	171	229,237	52,177
2	Trial Magistrate Courts	13.12.2019	612	149	148,208	91,719
3	Civil Appellate Courts	13.12.2019	612	117	66,736	66,736
<b>Total</b>				<b>437</b>	<b>444,181</b>	<b>210,632</b>

## **Conclusion**

Land disputes are a frequent occurrence in Pakistan. While weak administration and poor land record management are factors that lead to land disputes, the situation is made worse due to the inability of the redressal system at revenue and civil courts to provide satisfactory resolution of such matters. Repeated adjournments, delays,

<sup>66</sup> Advocate/Practicing Lawyer Hafiz Naimat Ullah of Lahore High Court, Lahore, interview by author, Lahore, August 16, 2021.

<sup>67</sup> Supreme Court of Pakistan, Annual Report, June 2018-May 2019 (Islamabad: Official Printers, 2019).

<sup>68</sup> ASJ/Director Raja Jahanzaib Akhtar of Model Courts of Pakistan, Islamabad, Government of Pakistan, interview by author, Islamabad, August 22, 2021.

<sup>69</sup> Ibid.

increasing pendency, and prolonged durations in conclusion of cases poorly reflects on the performance and effectiveness of the revenue and civil courts. As a result, the public is losing – or has already lost – trust and confidence in Pakistan’s criminal justice system in general, and in its courts in particular.

Therefore, there is an urgent need to direct efforts to address the gaps identified in our land management system(s) and in the working of revenue and civil courts in Pakistan. A direct correlation exists between the number of land disputes and the work load of the courts. Hence, any intervention in the revenue and civil courts alone would be futile without removing the weaknesses in the existing land records administration and titling system. Reduction in the number of land disputes will lessen the case load and enable revenue and civil courts to effectively decide the same. Moreover, proven best practices, both from Pakistan and abroad, can be appropriately customized according to ground realities of various provinces and implemented to ensure effective, transparent, and speedy dispensation of justice by revenue and civil courts in Pakistan.

## **Recommendations**

In light of the forgoing discussion, following recommendations are given to increase the efficacy of our revenue and civil courts and ensure fair and speedy dispensation of justice in land disputes:

### **1) Revenue Courts**

- a.** Revenue Court Management System on the pattern of BOR Punjab should be enforced across the country to ensure time scheduling of cases and reduce pendency.
- b.** Court staff should be provided online access to authentic revenue record for disposal of minor record corrections. An online revenue case interface can be extended to applicants for keeping themselves aware of the dates of hearing and status of their cases.
- c.** Revenue cases can be categorized according to their complexities (simple and complex) and nature (state land, urban and rural property), etc. with assigned time lines for effective disposal and to reduce backlog.
- d.** Dedicated revenue officers be deputed for revenue courts; they should not be entrusted with routine administrative work. This would improve disposal rate and increase efficiency.
- e.** Amendment in respective Land Revenue Acts is needed to empower the revenue courts to record evidence using provisions of CPC, 1908 and QSO, 1984.

## 2) Civil Courts

The huge backlog of cases and burden on the judges can be reduced by increasing the number of judges in civil courts. It will resultantly increase the disposal of cases and provide much needed relief to the litigants.

- 3) High Courts need to put in place necessary implementation and monitoring mechanisms to ensure that civil courts adhere to the following measures aimed at speedy dispensation of justice:
  - a. Blanket approval of adjournments by the judges should be discouraged by supplementing the same with the imposition of heavy costs on litigants in the absence of sufficient cause so as to expedite the process of trial.
  - b. Judges must not hesitate to pass *ex parte* decrees in cases with non-attending parties.
  - c. Antiquated and intricate procedures should be updated and simplified to expedite the court proceedings.
  - d. The rule of continuous hearing at the evidence stage of the suit must be followed.
  - e. Reversion to electronic means of recording evidence (e.g. Skype and WhatsApp applications) must be encouraged for the continuity of trials.
- 4) Keeping in view the success of the Model Criminal Trial/Appellate Civil Courts under the Expeditious Justice Initiative of the honorable Supreme Court of Pakistan, Model Civil Trial Courts may also be introduced to complete the trials within stipulated timeframes and to proceed on day-to-day basis. A restriction may be imposed on filing miscellaneous applications at the inception of the suit, i.e. before recording of the evidence and not otherwise.
- 5) There is a need to roll-out an effective court case management system in civil courts/ subordinate judiciary all across Pakistan. Pre-trial stage mechanisms should be introduced to curtail frivolous and fictitious claims at the very outset of trial. Conversion of manual record of disposed cases should be centralized electronically to prevent decided cases being re-adjudicated to curtail the tendency of filing frivolous cases.
- 6) Legislation is direly needed to set up a centralized land records authority at provincial and federal levels to standardize issuance of title documents to the land owners. At a later stage, all government/private housing authorities and cooperative societies must be brought within the ambit of this central land authority with defined uniformed procedures to limit land disputes. Operational capacity of

the Punjab Land Records Authority should be increased to complete its mandate in the remaining rural and urban areas of Punjab. A similar exercise of computerization of land records along with required features should be replicated in all other provinces to reduce multiplicity of civil/revenue litigations and land record manipulation.

- 7) A holistic land management approach is required to reduce land disputes/litigations and lessen the burden on revenue and civil courts by implementing a three-phased plan with computerization of land record (rural and urban) in the short-term, introduction of cadastral system for survey and mapping in the medium-term and upgradation of cadastral system to RS (remote sensing)/GIS as a long-term measure.

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