



**RESEARCH PAPER**

**Agricultural Land Ownership Disputes and its Effects on Social Structure in Pakhtun Society**

**<sup>1</sup>Muhammad Nisar\* <sup>2</sup>Raham Zaid <sup>3</sup>Fazal Hanan**

1. Assistant Professor, Department of Sociology & Political Science, Bacha Khan University, Charsadda, KP, Pakistan
2. Assistant Professor, Department of Sociology, Abdul Wali Khan University Mardan
3. Assistant Professor, Department of Sociology, FATA University TSD Darra, NMD Kohat KP, Pakistan

PAPER INFO	ABSTRACT
<p><b>Received:</b> February 18, 2022</p> <p><b>Accepted:</b> April 10, 2022</p> <p><b>Online:</b> April 15, 2022</p> <p><b>Keywords:</b> Disputes, Land, Ownership, Social Institutions Social Structure</p> <p><b>*Corresponding Author</b></p> <p><a href="mailto:muhdnisar@bkuc.edu.pk">muhdnisar@bkuc.edu.pk</a></p>	<p>The present study was conducted in District Malakand of Khyber Pakhtunkhwa in order to assess the effects of land ownership disputes on social structure. Multiple Logistic Regression Model was used to determine the relationship between social structure as the dependent variable and the role of formal institutions, informal institutions, social relationships, and land commercialization as independent variables. Using the Mwakaje (2013) technique, a sample size of 128 respondents was selected from 291 respondents from the civil suit/1 record of Tehsil Dargai. The respondents were chosen using convenience sampling as a method. The model was overall significant as the P-value of Chi-square was statistically significant (<math>P=0.000</math>) at the 5 percent significance level. A significant relationship was found between land commercialization and its effects on social structure (<math>P=0.04</math>), which is less than 0.05. However, the other variables had no significant relationship with the dependent variable. It is concluded that land commercialization had more effects on social structure as compared to the other variables in causing disputes of ownership over the land. The study recommended that the computerization of land records and creating awareness in people through sound strategies regarding usurping others' rights in the light of prevalent laws, while taking support from Islamic Sharia are the best solutions to the problem.</p>

**Introduction**

Every Land is a valuable resource, especially in developing nations and for those who are poor. The majority of rural impoverished people rely heavily on agriculture for their survival. Land ownership provides an economic contribution to agricultural output, as well as a source of cash through leasing or trade, and it may be utilised to make profitable investments (Rural Development Institute Report, 2009). Land defines social status and political power in local surroundings, and a symbol of social stature both within and outside the family circle (Khattak, Nazish & Wajiha 2010). Land ownership disputes often causing widespread harmful effects on social growth. This is particularly true in the developing countries, where opportunities for economic growth by unlawful acts are found everywhere and majority of poor people have no access to land. Land disputes can have devastating effects on individuals, groups or even on the whole nations. Numerous disputes which is evidently a conflict often between diverse cultures, are in fact disputes on land and natural resources related to land (Wehrmann, 2008).

## **Literature Review**

Grossman and Mendoza (1998) analyzed that if institutions to describe and implement possession rights to land in such a technique that gives the protection needed for high levels of investment and exchange do not come out, there is substantial capacity for increased levels of dispute that will not just weaken private investment, but can lead to the dissipation of rents, damage of assets and also social unsteadiness. Van Donge (1999) investigated how basic factors such as population pressure, agricultural commercialization, and urbanisation have contributed to an increase in the frequency of land conflicts, but that land tenure institutions may not be well-equipped to resolve such disputes. Fred-Mensah (1999) investigated that numerous studies have thus related and interlinked land disputes to weak and missing official land institutions, and the collapse of existing customary land tenure methods to solve land disputes. Kevane and Gray (1999) analyzed that without full legal recognition, land held under forms of traditional tenure increases the number and time; and often times the impact of land-related disputes. The limited outreach of formal institutions is mainly dangerous for marginal residents, who usually do not contain the proper resources that would be desirable to protect their property rights through substitute means. According to Zongo (2002), rapid population growth combined with a lack of non-agricultural job opportunities or, in certain cases, a growing non-agricultural demand for land is a key factor that drives up land prices, resulting in more competition for a limited amount of land. This usually leads to disagreements between ethnic groups or generation to generation, especially in situations where land is regarded a valuable source of income. Boege (2006) investigated that in several places of the world, indigenous citizens have a very extraordinary attachment to their land. For such like people, land is more important than as a productive or economic asset. It describes home, ties together past, present, future and encompasses their sacred base. Land is especially a complex matter for them. A dispute about it has to be resolved through more comprehensive approach. Customary dispute settlement is, therefore, suitable especially for dealing with such disputes as long as the disputes are within its control. Sultan-I-Rom (2008) found that the lack of proper land resolution on modern lines led to disputes over land ownership after the end of the State in 1969. The social structures started splitting up after the handing over of the last Wali (1949 – 1969), but the question of land ownership still remains unsolved till at present. In fact, there is a dispute over the entitlement to the land among several groups. The disputes started as a result of a period of confusion following the rejection and joining into the Federation of Pakistan. The following regularly changing governments and widespread dishonesty made the Promised Land reforms failed, and so this issue still remains unsolved and delayed further development in the area. Khattak (2010) stated that there is abundance of facts that due to Fazlullah and Taliban movement in Swat in 2009, the redistribution of property occupied in the past played a significant role. The promise of land re-allotment enticed many followers to join Fazlullah's campaign, which began seizing orchards, farms, and other assets belonging to the Khans, local officials, and landowners. This paper is an attempt to unveil the implicit factors, which are responsible for land disputes in this area (Dargai) through the assessment of its nature and effects of land ownership disputes as well as the relationship between social structure and land disputes.

## **Research Methodology**

### **Study design**

The study was cross-sectional in nature which is an appropriate method/design to study a problem by taking a cross-section of the whole population (Babie, 1989).

### Universe, Sample Size and Sampling Method

The research was carried out in the Dargai Tehsil (District Malakand). The list of respondents was collected from Tehsil Dargai's Civil Suit/1 Register. The respondents were chosen using convenience sampling as a method. Using the Mwakaje (2013) method, a sample size of 128 respondents was chosen from a total of 291 respondents.

### Data Collection

Data was collected by using an interview schedule as a tool of data collection, which was prepared in the light of conceptual framework of the study. Table 2 shows the conceptual framework for collecting primary data for the project. A brief description of the study's rationale was presented to the respondents in order to obtain the correct information. The interview schedule was pre-tested before heading to the field, with additions and deletions made as needed (Kothari, 1975)..

### Results and Discussion

Through the conceptual framework outlined below, the Logistic Regression Model was also employed to examine the validity of associations between various variables.

**Table 1**  
**Conceptual framework of the study**

Independent Variables	Dependent variable
Role of formal institutions	Effects on Social structure
Role of informal institutions	
Social relationships	
Land commercialization	

This model was interpreted as:

$$Y = \alpha + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 + \beta_4 X_4 + e \quad (\text{Gujrati, 1995})$$

While

Y= Effect of land ownership on social structure,  $\alpha$  is Co-efficient constant,  $X_1$ = Effect of formal institutions on social structure,  $X_2$  = Effects of informal institutions on social structure,  $X_3$  = Effects of social relationship on social structure,  $X_4$ = Effects of land commercialization on social structure,  $\beta_1, \beta_2, \beta_3, \beta_4$  = are the slopes of the independent variables and  $e$  = is the Error

### Results and Discussion

Logistic Regression Analysis was conducted to predict the influence of agricultural land ownership disputes on social structure through using failure of formal institutions, failure of informal institutions, social relationship, and land commercialization as predicting variables.

The test of the entire model against the constant alone model was statistically significant, according to the Omnibus test of model coefficient. As a result, the group of predictor factors was able to better separate the variation in social structure effect. The grouping variables and prediction variable indicated a modest relationship between

prediction and grouping variables (Nagelkerke’s  $R^2= 0.210$ ) . Moreover, 15 to 21 percent variations in influence of land ownership disputes on social structure were explained by grouping variables. Only land commercialization has a substantial impact on land ownership conflicts on social structure ( $P=0.004$ ), according to the Wald test. However, the other variables (failure of formal institutions (0.152), failure of informal institutions (0.671), and social relationship (0.247) were non-significant predictors.

The exponential-B value helped interpret the model as; an increase in tendency towards land commercialization increases one time; the risk of land ownership conflicts having an impact on social structure rose by about twofold (EP B = 1.9). Similarly, exponential-B for the formal institutions, informal institutions and social relationships indicate that one time increase in these variables increased their effects on social structure as 0.67, -.233 and 0.58times, respectively. Cotula, Toulmin, and Hesse, (2004) & van Donge (1999) studied in Kenya that population pressure, commercialization of agricultural land, and urbanization, are the key factors which have contributed to the increasing number of land disputes. Michael Stockbridge (2007) supports these findings, stating that comprehending the social implications of agricultural commercialization necessitates a thorough knowledge of the intricate systems of property rights and how they affect access to land. While land has historically been a plentiful resource in Sub-Saharan Africa, fast population expansion has made land scarce, causing land rights to shift and land reforms to cause social conflicts, all of which have enormous social and political implications. New economic possibilities, such as those produced by the commercialization of agriculture, tend to draw migrants from places where opportunities are scarce. A rapid influx of migrants can cause a variety of issues, particularly if local services and resources to support them are insufficient. Zambia has drawn a considerable number of people looking for jobs. As a result, unplanned squatter settlements arose, posing a variety of problematic issues such as crop theft, encroachment on the estate's property, and so on.

The regression equation based on its calculated coefficients for the model is as:

$$Y= a+b_1X_1+ b_2X_2+b_3X_3+b_4X_4$$

Effects on social structure = -4.082 + .671 (formal institutions) + -.233 (informal institutions) + 0.582 (social relationships) + 1.910 (land commercialization)

**Table 2**  
**Influence of independent variables on social structure**

Independent variables	Unstandardized coefficient		EαP (B)	Wald test value	Sig	Omnibus test of model coefficients		Model summary	
	B	Std error				Chi-Square	Sig	Cox & Snell R Square	Nagelkerke R Square
Formal institutions	.671	.468	1.957	2.055	.152	21.266	0.000	0.153	0.210
Informal institutions	-.233	.547	.792	.181	.671				
Social relationships	0.582	.503	1.790	1.341	.247				
Land commercialization	1.910	.657	6.750	8.461	.004				
Constant	-4.082	.982	.017	17.268	.000				

**Conclusions**

The lack of formal registration system, political interruption, lack of patwaris' cooperation and prolonged cases in judiciary were the major factors, which contributed to land ownership disputes. The Jirga is no more reliable, because its members became corrupt and taking bribes from the stronger party and giving decision in their favor. The women are not considering in giving the due shares in property. The landowner does not divide the land in his/her life among his/her legal heirs, which usually create problems after his/her death. The urbanization and land commercialization were further major factors in the emergence of land disputes. These disputes affected social stability negatively. It forced the people to leave their motherland by taking refuge in other area especially where the writ of the state had no roots. People were involved in malpractices like murder, looting, stealing, and burning of opponent properties etc. It created mistrust among the family members and supported rebellious movements like Kisani Movement.

**Recommendations**

Computerization of land, vibrant role of media, involvement of non-governmental stakeholders and religious leaders in mitigation of this issue through proper propagation of their relative visions were some of the necessary recommendations in the light of the study.

## **References**

- Boege, V. (2006). *Traditional Approaches to Conflict Transformation: Potentials and Limits*. Berghof Research Centre for Constructive Conflict Management. Berlin.
- Cotula, L., C. Toulmin, and C. Hesse. (2004). *Land Tenure and Administration in Africa: Lessons of Experience and Emerging Issues*, International Institute for Environment and Development, London.
- Khattak, D. K. (2010). *The Battle for Pakistan: Militancy and Conflict in Swat Valley*, New America Foundation, Washington, P.5
- Fred-Mensah, B. K. (1999). Capturing Ambiguities: Communal Conflict Management Alternative in Ghana. *World Development* 27 (6): 951-65.
- Grossman, H. I. and J. Mendoza. (1998). *Scarcity, Abundance, and Appropriative Conflict*. Brown University, Department of Economics Working Paper: 98/12.
- Gujrati, N. D. (1995). *Basic Econometrics*. Int'l. ed, McGraw Hill. New York.
- Kevane, M. and L. C. Gray. (1999). A Woman's Field Is Made at Night: Gendered Land Rights and Norms in Burkina Faso. *Feminist Economics* 5 (3): 1-26.
- Khattak, S. G., N. Brohi & W. Anwar. (2010). *Women's Right to Land in Pakistan: Funded by The International Development Center (IDRC), International Fund for Agricultural Development (IFAD) and Action Aid*.
- Kuran, T. (1993). *Sparks and Prairie Fires: A Theory of Unanticipated Political Revolution*. 273-306 Witt, Ulrich.
- Rural Development Institute Report on Foreign Aid and Development for the World Justice Project. (2009). *Women's Inheritance Rightsto Land and Property in South Asia: A Study of Afghanistan, Bangladesh, India, Nepal, Pakistan, and Sri Lanka*
- Stockbridge, M. (2007). *COMPETITIVE COMMERCIAL AGRICULTURE IN AFRICA: SOCIAL IMPACTS* Background paper for the Competitive Commercial Agriculture in Sub-Saharan Africa(CCAA) Study.
- Sultan-i-Rome. (2008). *Swat State (1915-1969): From Genesis to Merger, An Analysis of Political, Administrative, Socio-Political and Economic Developments*. Karachi: Oxford University Press.
- Van Donge, J. K. (1999). Law and Order as a Development Issue: Land Conflicts and the Creation of Social Order in Southern Malawi. *Journal of Development Studies* 36 (2): 48-70.
- Wehrmann, B. (2008). *Land conflicts: A practical guide to dealing with land disputes*. Eschborn: GTZ.
- Zongo, M. (2002). *Land Conflict*. World Bank Regional Land Workshop in Kampala, Uganda.