

# **LITIGATION ON LAND DISPUTES AND ITS EFFECTS ON FAMILY HEALTH AND CHILDREN EDUCATION**



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Submitted in partial fulfillment of the requirements for the degree of MS in Sociology at the  
faculty of Social Sciences, International Islamic University, Islamabad.

**Department of Sociology**

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**INTERNATIONAL ISLAMIC UNIVERSITY, ISLAMABAD**  
**FACULTY OF SOCIAL SCIENCES**  
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It is certified that thesis submitted by Ms. Rizwana Shafqat, Reg. No.46-FSS/MSCSOC/F09 titled "*Litigation on land Disputes and its Affects on Family Health and Children Education*" has been evaluated by the following viva voce committee and found that thesis has sufficient material and meets the prescribed standard for the award of Degree of MS in the discipline of Sociology.

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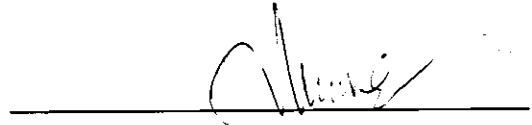
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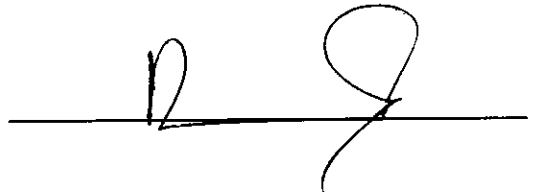
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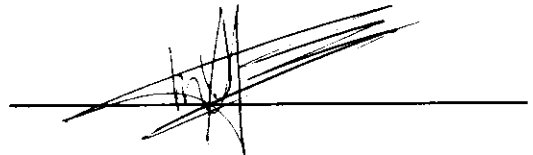
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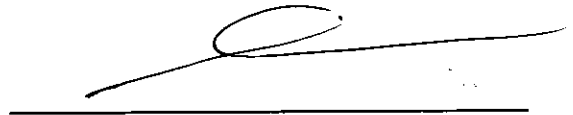
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In the Name of Allah The Most Gracious  
The Most Merciful

# DEDICATION

*I dedicate this study to*

*The Intellectually Challenged Children,*

*My beloved Parents &*

*The Worthy Teachers.*

RIZWANA SHAFQAT

## **ABSTRACT**

Legal litigation on land disputes is a very serious social issue adversely affecting various aspects of family life. A study was conducted to explore the effects of such litigation on family health and children education in four major districts of the Punjab; namely Gujranwala, Hafizabad, Sargodha and Mandi Baha-ud-Din using multistage sampling technique. A random sample of 350 litigants from the four districts on proportionate basis was selected to collect the required information using a pre-designed interview schedule. The findings revealed that mostly illiterate persons were involved in legal litigation. They faced various problems in revenue department, from court staff for the documentation of the case and during proceedings. Patwari in the revenue department and court staff are mainly involved in corrupt practices. Females were not given proper share in property. Results revealed that longer duration of proceeding adversely influences income; saving and expenditure pattern in house-hold. Such land disputes and resulting litigation badly affected the family health and children education and especially, the education of female children. It was suggested that the pattern followed by India, must be practiced by the government of Pakistan may accelerate the process of computerization of land records. Thus court proceedings may be completed within minimum time frame. Females may also be recruited in the revenue department and in court staff in order to minimize the exploitation of the litigants.

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# **CHAPTER ONE**

## **INTRODUCTION**

Land is a limited and finite natural resource with a great commercial, social-cultural, spiritual and aesthetic value. It is an important factor of production with remarkable significance. Its importance lies in the fact that it is an essential factor of production in economics and also a source of survival. Survival and livelihood has always been the issue of mankind since its creation, where land is the oldest associate when man started cultivating for his food requirements. The only way of better productivity for efficient economic production and development is land management and it has always been an issue throughout the world especially in developing countries.

The better land management not only depends on skill and resources but also on land rights and proper production of land rights in case of any conflict on ownership. The attention of farming community has shifted from better management for increased production towards protecting their land rights. It may take years of litigation and wastage of precious time and even resources to seek proper land rights, family health, children education, earning capacities, household assets, which all suffers in case a conflict of land or property right arises.

The requirements of land have increased with the increase in population. Agriculture as a source of livelihood in rural areas further increased the issue of food security and the importance of land. All economic development depends to some degree on the availability of land. Every living being born on earth needs something to eat and a place to sleep, clothes to dress and families require a dwelling in which they can find peace, privacy and certainty. Even animals need to have their living, grazing places which are ought to be on the land. Last but not the least land is required even after death as bodies need to be buried in the land.

**(Dale, 2010)**

Land is 'a unique, valuable, and immovable resource of limited quantity and is a central element in the varied and complex social relations of production and reproduction within which conflict between individuals and groups are bred'. (USAID, 2005)

The cultural and psychological significance of land relate ethnic identity is of similar importance as it connects family and generations. Land is also a sign of power and prestige not only power in the economic sense but also in cultural terms and is exercised by traditional and tribal chiefs under customary law. Evidences suggested that sustainable growth and development will continue to depend largely on the manner in which land and land-related resources are secured, used and manage, and how property-rights system functions. (UNECA, 2009)

Land is a very sensitive issue as it lies at the heart of social, economic and political life, but at the same time there is often a lack of clarity regarding land and property rights. (Huggins & Clover, 2005). Improving smallholder agricultural productivity is crucial for reducing hunger, poverty and food insecurity. If land tenure and usage rights are securely managed and governed, the foster economic efficiency and environmental sustainability, and can also have positive implications for peace in the long run. (Vignon & Lecomte, 2004)

Land issues are, therefore, highly relevant to national and local development strategies, and especially with regard to economic growth, political participation, governance and food security. Access to land is an issue that has been at the root of numerous continued crises and violent conflicts with members of certain groups accumulating land and property to the disadvantage of others. (Chikwanha, 2007).

Lack of political will to implement wide-range changes in land policy and land rights in the last fifty years could partly be attributed to the fact that control over, as well as rights and access to, land is a key source of power which can be maintained and manipulated to ensure political and economic continuity and governmental and elite survival. At the same

time, with the advent of electoral cycles, the political elite realize that any form of reform in land rights and land ownership is a sensitive and dangerous undertaking. In short, therefore, competition over access and rights to land is often, quintessentially, about power, both socioeconomic and political.

### **1.1 Land Disputes**

All land conflicts produce negative consequences not only for individuals but also for the entire society. Many families across the world have lost their small pieces of land ownership due to such disputes. Land conflicts are indeed a widespread phenomenon and can occur at any time or place. Need and greed are the main causes behind it. Many factors lead to such conflicts. They especially, occur when there is a chance to obtain land for free or on nominal rates. Although the most common land conflicts are inheritance related disputes between neighbors, relatives or those possessing ill attention to occupy other's land through legal or illegal measures.

In post-conflict situations when regulatory institution, controls and mechanisms of sanctions are not yet in place or are poor, people eagerly grab land if their position allows for it or forfeit land if they are in a weak position. In Pakistan, land has slowly gained a material value and increasingly becoming private property. Thus, it is easy to keep large holdings. In the absence of taxes and continuous prevalence of the elements of bribes in the relevant departments, people try to accumulate as much land as possible. During colonial times, dominant European nations tried to occupy all the land outside Europe that seemed fertile or rich in minerals. Today, the powerful are mostly national elites and international companies. Poor people are losing their land rights to the powerful. Land conflicts occur in many forms. Some are easy to solve as compared to others. Conflicts between single parties ; for instance boundary conflicts between neighbors, inheritance conflicts between siblings and disputes



over the use of a given piece of land are comparably easy to deal with than those which include several parties such as group invasions or dislodgement of entire settlements.

*“Conflict is an inevitable aspect of human interaction, an unavoidable concomitant of choices and decisions”.*

Conflict can be prevented on some occasions and managed on others, but resolved only if the term is taken to mean the satisfaction of apparent demands rather than the total eradication of underlying sentiments, memories, and interests. Time really resolves conflict, but the wound it heals leave their scars for future reference. But short of such ultimate healing, much can be done to reduce conflict and thereby release needed energies for more productive tasks” (Zartman 1991).

### **1.2 Understanding for land Disputes**

In order to successfully resolve land conflicts, it is important to be aware of many different types of land conflicts that exist as well as the local cultures where conflicts surfaced. One difference is found in the identity of the actors involved, some of them being legitimated to act in the way they do, others may not. Other differences are found with respect of the land itself, whether the conflicts occur on state, private or commonly owned land. Still other differences erupt the complexity of causes of the conflict, as well as how and when these influence and intensify one another. Finally, the dimension of a land conflict on case to case basis varies significantly which makes a major difference for its resolution. To properly understand the specific nature of the land conflict under consideration is a vital step in its eventual resolution.

### **1.3 Causes of land disputes**

Disputes and conflicts are inherent and genuine features of every daily life. Whereas, the disputes arise because of unclear demarcation of land that is due to the various flaws in our revenue department. One major cause of disputes among the siblings is unequal

allocation of inheritance (size /quality of land). Second major important factor is; unequal share of land between sisters and brothers. Mostly sisters are totally ignored. Yet another cause of these disputes among families is the allocation of inheritance after the death of the husband when there is a legal wife and other informal second and third wives (polygamy). In case of the children having same father but different mothers, it too leads to family disputes. The most vulnerable group in these disputes is that of the widows and orphans. Further floods and other such incidents cause problems of land demarcation. Multiple sales/allocations of land (common in Pakistan) and also limited access to land due to discrimination by law, custom or practice are the root cause of these disputes. The Islamic law of inheritance specifies a definite share for son, daughter, wife and other relatives and in case a person is childless. However, in actual practice people hardly follow Islamic teachings and mostly try to deprive female heir from their land rights under the influence of cultural norms and values and to maintain the power and prestige through large size land holdings. Last but not the least cause of these land disputes is political controversies and forcefully occupying land.

For the resolution of the land disputes discussed in the preceding paragraph people use two ways i.e. legal courts and girga system. Now what is girga system? Renowned Scottish philosopher David Hume once said, "Customs are the great guide of human life". The "jirga" system is a cultural staple of essentially Pashtoon society but now prevalent in Pakistan as one such guide. The "Jirga" structure acts as a participatory autonomous system which affords its members a chance to articulate their views on important tribal matters. Most significantly, the "Girga" system acts as a convenient channel for attaining justice quickly. It is a legal instrument in "Pashtoon" society, conferring the authority to its members to enforce punishments for civil and criminal evils loyal by members of "Pashtoon" society. Not only does the "Jirga" system allow the members of Pashtoon society to get to the bottom of their

problems, but it also saves precious time and outmoded expenses that are oftentimes incurred in court cases.

Good or bad, these traditions provide for rapid and cheap justice as compared to with the winding, expensive and time consuming legal system in Pakistan. However, influential and powerful figures and administrators normally exploit and abuse these traditions. The Girga solves the matters of minimal levels, so people like to solve such cases in jirga as it provides quick relief without any expense.

The other option to land dispute settlements is through legal courts set up by the court. In courts the litigants have to hire the lawyers and council and have to prepare and produce documentation to prove their legal rights. For this purpose they mostly remain at the mercy of patwari, it's a long process and takes many time, sometime even decades which causes delay in the proceedings. The revenue department keeps the record of land ownership and patwari, Gardawar, Naib-tehsildar, Tehsildar, Assistant Commissioner and Commissioner are revenue officials at various levels. Although patwari is at lower most tiers and administratively controlled by well educated higher level authorities like Tehsildar, Assistant Commissioner and Deputy Commissioner but surprisingly enough patwari appears to be the most powerful official instrument in revenue department. He possesses control of all sorts of land documents that deal with receipt and issue of land ownership certificates, land demarcation, specification of actual place of ownership involved in land sales and transfer and to translate eventual inheritance share. All these powerful authorities make Patwari, Gardawar and Niab-Tehsildar most influential officials of the revenue department. They oftenly demand bribe without any hesitation and fear what so ever.

The delay in legal proceeding causes many other associate problems for the litigant as well as for his/her family. Sometimes the opponent took a stay order from the court of the disputed land which is the basis of many other socio-economic, health and education

problems. It can be very safely said that in the Girga, the disputes are settled earlier than the legal courts. Thus, the mechanisms for resolving land disputes are available on local as well as on District and Tehsil level in Pakistan. (Taizi, 2007).

#### **1.4 Potential Causes of land Conflict**

- a) Problems of scarcity of land, which forces villagers to occupy land perceived as vacant;
- b) Politically motivated illegal settlements for party vote bank. Such illegal settlements are made on the name of rulers for example Nusrat Bhutto colony, Bilawal colony, Liaquat colony etc.
- c) The choice of communities to dishonor boundaries or agreements in pursuit of their survival strategies.
- d) Marginalization of some social groups, forcing them to defy certain rules and regulations;
- e) Armed conflicts, which often result in the destruction of the environment. Land tenure and land-use conflicts have the potential to undermine both environmental division and fragmentation of land generation after generation reduces the size of land holding. People with influential power try to grab the property of relatives with weak socio-economic status.

#### **1.5 Land and agriculture**

Pakistan is a country mainly dependent on agriculture. The Agriculture sector still continues to play a pivotal role in Pakistan's economy. It is the second largest sector, accounting for over 21 percent of GDP, and remains the largest employer, absorbing 45 percent of the country's total labor force. Nearly 62 percent of the country's population resides in rural areas, and is directly or indirectly linked with agriculture for their livelihood. This sector is a primary supplier of raw materials to cotton industry, contributing substantially to Pakistan's exports, and is a large market for industrial products such as fertilizer, pesticides, tractors and other agricultural implements. (Ministry of Food and Agriculture, 2008)

Since independence there had hardly been any changes in the land management system, therefore, it can be classified as bimodal - divided into smallholder and large scale/ estate agriculture. The small land holders are always exploited by market intermediateness. They hardly get agriculture benefits and concessions, which are offered by the government from time to time; not merely because of government policies but because of practices and multiple formalities involved to draw benefits from such policies/programmes. The access to benefits has always been confined to people who are financially affluent and politically strong. The large land holders who also enjoy political power are always very close to the opportunities and get maximum benefits in each and every government. The policies which are always formulated which favor the big land owners depriving the small holders. Pakistan being agricultural country export quality items such as cotton, rice, fruits leather etc. The best agricultural produce is exported with little of the produce finding its way onto the local market. However, in spite of being agricultural country, Pakistan has often imported wheat, sugar and many other commodities due to lack of planning and mismanagement at the top level. On many occasions sugar is exported on cheaper rates and in the same year again imported for meeting the demand of the country. Such frequent shifts of food and other products from export to import and again in the reverse direction adversely effect the small farmers. It may leads to withdraw them from cultivation and look for other sources of livelihood. The land either remains under cultivated or become barren. The relatives and neighbouring landowners gradually try to take over such land through various tactics leading to land conflicts; litigation and sometimes in the loss of human lives. In agricultural development, resources from public funds such as tractors, laser levelers, modern irrigation system, fertilizers, seed and other benefits with easy terms and conditions are only available for affluent, big land lords and for those with good political connections and not for the poor farmers.

The land-use regulations and planning frameworks, inherited from the colonial era, have always been ideological subjugation tools for the rulers in maintaining the unequal distribution of land and inequitable security of tenure. This research stresses that, in analyzing various forms and types of regulations governing land-use, it is vital important to go beyond the stated rationale and seek to uncover the true origins and value systems implicit in such regulations. The laws and regulations listed below are pre-colonial laws with only simple amendment of titles and change of name from India to Pakistan and majority of them have not been even updated since 1947. (Ghumman, 2007).

#### **1.6. Effect of land litigation on family**

In Agrarian societies, the land disputes sometimes referred to the courts for resolution. Red- tapism in our courts causes delay in the decisions of such cases. This delay of decision affects the socio-economic conditions of the affected family. Eventually the heads of the household cannot focus on the well being of their family members effectively. Due to the lack of attention by the parents, the health and education of the children is affected very badly.

As discussed above, the disputes have to go for court assistance. Whereas in Pakistan there is a high level of red tapism in every department. The affected person faces many problems during this procedure. Due to these delays, they encounter many social, psychological, and economic problems. With reference to the social context, the individuals have to deal with the corrupt people, where they may lose self esteem and prestige because of these disputes. They become weak financially due to the advocacy cost which ultimately leads to anxiety, depression and the elements of tension among the affected family as a whole. The efficiency may suffer a lot If a person fall ill due to the stressful situation during the disputes. He may also become dependent on other dependent member for his care, and the one who is taking care of the ill person cannot earn because he is bound to look after the sick.

As a result, the financial condition of the family gets weaker day by day leading even towards bankruptcy.

On the other hand, when they seek litigation, the high cost of litigation may force the litigant to ask for loans from friends or relatives. When he does not pay back loan then friends or relatives become aggressive which creates problems for the poor litigant resulting stress and social disintegration. Apart from this, these land disputes badly affect the education of the children in litigant's families. The financial crises that erupt from these disputes become the cause of school dropouts, grade repetition and delayed entry into school. Similarly, sometime such families avoid sending their children to schools due to fear of loss of honor and even life from opposite party.

### **1.7. Statement of the Problem**

The study was designed to investigate the Legal litigation on land disputes and its effects on family health and children education

### **1.8. Significance of the study**

People have fought over land since times immemorial. In Pakistan, the courts did not announce the decisions on time due to which many cases regarding land disputes keep on pending in the courts and their number is increasing day by day. Every District and Tehsils courts have a lot many cases of land disputes to resolve but due to multiple factors such as poor system of land record keeping, corrupt court practices, lengthy proceeding of litigation and attitude of court staff have given birth to many socio-economic problems for poor litigants. Thus the social issue of litigation on land disputes is of vital importance, because the whole phenomenon is affecting the family life in particular and communal life. In general family is suffering from social, economic, psychological, educational and health problems and prevents the parents to discharge their social obligations even marginally not to speak of

optimal level. In view of importance of this social issue a study was planned and conducted with the following objectives.

### **1.9. Objectives**

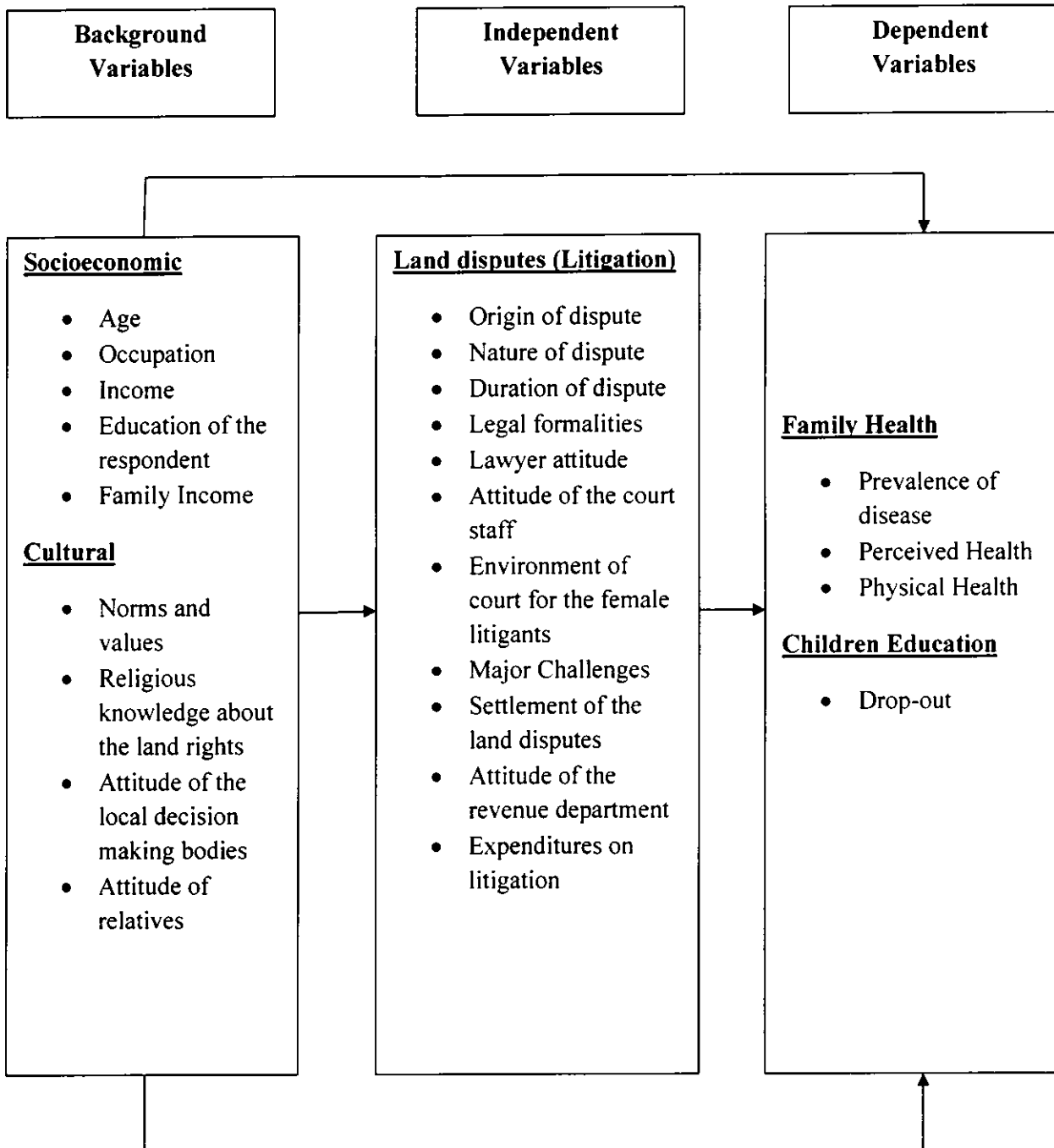
- 1- To study the socio-economic characteristics of the respondents/litigants.
- 2- To explore the nature of litigation on land disputes
- 3- To find out the effects of litigation on their children's education, family health and agricultural produce.
- 4- To suggest suitable ways and means for minimizing litigation and its effect on litigants' families.

### **1.10. Hypothesis**

- 1- There is an association among the opinion of litigants regarding expenses incurred on suit by duration of case in the court.
- 2- There is an association between duration of case in the court and effect on family health of the respondents.
- 3- There is an association between duration of case in the court and extent of effect on children schooling.
- 4- There is an association between the female children drop-out from schools by duration of case in the court.
- 5- There is an association between total children dropped-out from schools by duration of case in the court.



## CONCEPTUAL FRAMEWORK



## **CHAPTER TWO**

### **REVIEW OF LITERATURE**

Literature review is very important in any research as it illustrates how the present research is interrelated to previous researches. The literature review explains the originality and significance of the research problem, specifically the ongoing research is different from the other researches and also rationalizes the proposed methodology of the research. It reveals the courtesy to complete the research.

Characterized with delayed provision of justice, longer period of litigation, involvement in corrupt practices by bar and court, especially at lower levels, members of the society initially perceived that they will get relief from events through legal system, if someone tried to snatch their right. But unfortunately any person or family compelled to approach legal system for justice; they felt humiliated and even loose whatever they had in their hands. People perceive courts as a place where only wealthy and powerful individuals afford to pay for, and obtain, fair trials. Average citizens often prefer informal dispute resolution mechanisms (punchait) over courts to get their disputes resolved .As, punchait is efficient in decision making regarding family and land disputes in comparison to costs and long delays in the courts. Only if the punchait fails to settle the dispute, then the aggrieved person or family approaches to the legal system. (Business Anti- Corruption Portal (2009) Pakistan Country Profile: Judicial System)

In case a person has been illegally deprived of his land, he/she can invoke for justice under the civil and the criminal law. Under the civil law, the solutions available are provided under Sections 8 and 9 of the Specific Relief Act, 1877 and under the criminal law, the remedies are provided under the Illegal Dispossession Act, 2005, and Chapter XII of the Criminal Procedure Code, 1898. The aggrieved person is deprived illegally from his land, he files a criminal case against his physical dispossession under the Illegal Dispossession Act.

The District and Sessions Courts then decide on the matter of the physical dispossession but not the ownership of the said property. In case if the other party have fake documents to claim for the property in question, then the dispute has to be taken to the civil courts to decide who is the rightful owner of the land, explains Barrister Asad Qayyum. According to Asad, determining the title of property takes quite long and once the court goes into recording the evidence, it became difficult to resolve the matter in ones lifetime because certain individuals consider themselves above the system. (The News, 8 April 2007)

In commercial land disputes, the uncertainty created by the legal position is highly damaging to investment prospects and ordinary commercial dealings. It is reported that contracts generally are dishonored until enforced in court. Land disputes must be dealt in court for resolution in the absence of any land registration system. This makes it necessary for every party to prove their right on land. Estimated court caseload comprised 60 to 80% land cases. These cases are hurdles in the efficiency of court because they are not easy to resolve speedily. While the courts proceed more efficiently in resolving criminal and family cases, the presence of the land cases, which cannot be resolved elsewhere, occupy the great portion of the civil docket, leading lawyers to seek alternative means such as arbitration to resolve commercial and other large civil matters. (United States Agency for International Development (USAID, 2008)

Peters (2002), discussed multiple cases within and between families in rural southern Malawi to mediate an invisible, subterranean process of social differentiation and class formation – a ‘hidden history’. The paper argues that conflict over land underlies most of the disputes, is fundamental to the division of matrilineal families and, in turn, to the process of social differentiation and class formation. The disputes turn family members into ‘strangers’, or those who do not belong to the family land. Family oral histories suggest that the matrilineal groups split up (‘break’ in local metaphor) not only along the cleavages between

sisters' daughters (that is, in the second generation of matrilineal segments) but between sisters. A final rupture of a matrilineal family occurs through increasingly bitter quarrels, often including accusations of witchcraft, and the movement of a group of sisters to a different area, thereby ceding the matri-family's land to those who remain. The paper under discussion concentrates on this 'hidden' process, although it provides a sketch of some of the key past pattern research and present patterns of differentiation in Malawi. The problem in discerning social differentiation and class formation as these take place is precisely that one is observing things as they happen, the gradual 'coming about' of restructured groups. The paper argues that property in land is central to long-term processes of agrarian transformation and class formation; briefly outlines significant historical precedents to the contemporary situation in Malawi; and presents detailed family histories to support the argument.

Ali & Nasir, (2010) states that land disputes are common in rural and urban areas throughout Pakistan. A revenue court system has control over issues regarding land documents, tenancy, land revenue, and land transactions. Disputes are heard at the *tehsil* level (a level of local government similar to a county) by *tehsildar*; the officer responsible for the collection of land revenue and land administration. A Chief Settlement Officer and the provincial-level Board of Revenue are the authorities within the revenue court system. The revenue court system, which is designed to provide a specific, confined and quick decision of disputes, has been criticized by landholders as long, complex, and corrupt. Corruption prevails because land administration offices do not work in a proper way keeping in mind the sensitivity of the issues related to their duty. They do not have a prescribed procedure for bringing a claim and missing documentation of land rights, incomplete and faulty land records are maintained by the local administrators, and land administration officials such as the patwari often do not appear to provide evidence. Cases may take years to resolve.

Pakistan's formal court system also has authority to hear land cases, creating a parallel structure of courts. Land disputes are the most common form of dispute filed with the formal court system, perhaps in part because filing a case may stay a pending revenue court proceeding. About 50% - 75% of the cases filed in the court are land related disputes and by an estimate about one million cases are pending countrywide because of the inefficiency of the courts in result of low pay, poor training and large number of cases. Majority of the causes of land disputes are based on bogus land records, wrong boundary descriptions, and multiple registrations to the same land by different parties. Land cases take 4-10 years to resolve because the parties in possession of land keep on delaying settlement deliberately to avail benefits. (Dowall & Ellis 2007)

Inhabitants of Tribal Area of Pakistan lack access to the High Court and Supreme Court so their land disputes are handled by the traditional jirga; a round-table conference in which leaders or decision makers are selected on the basis of age, reliability, and shrewdness. Decisions must be unanimous and the girga can impose fine for wrong behavior. In Punjab and Sindh local leaders and elected punchait (local governance body) members often hear and resolve land disputes. In most areas, women are not permitted to participate in the girga, and resolutions are based on existing biases against women's land ownership and control according to the norms of that particular region. (Ali and Rehman, 2001-2006).

Soomro, (2010) described land as an important factor of production with ever increasing value and importance. Proper land management could increase productivity for efficient economic production and development. Land is the important source of poverty alleviation and food security. In developing countries, efficient management, administration and production are key issues for successful Production. Land productivity brings prosperity to the society and land management brings certainty and sense of ownership.

Land reforms in Pakistan have never been successful as most of the land aristocracy is dominating in the national politics. Even few efforts taken for land reforms during field Marshal Ayub Khan and Z.A Bhutto era could not be implemented in letter and spirit, till courts declared land reform as un-Islamic. Thus, the need of the hour is proper organization and management in land system, with security of possession to tenants. Particularly women folk should also be recognized as tenant and as the owner in her due share which is even authorized by the religion Islam. This all will lead to prosperity and development.

Land disputes are widespread as an epidemic in many other less developed countries like Uganda, affecting (33% to 50%) of landholders. In Acholiland, land disputes are intense enough to increase violence. Land disputes are denser in Amuru District, where oil has recently been discovered and where the government has given away large tracts of land. (Rugadya, 2009)

A Survey of 500 people in six provinces of Afghanistan shows that the root cause of almost all disputes are poverty, scarce, water and land resources (Oxfam 2008). An Asia Foundation report, "Afghanistan in 2010: A Survey of the Afghan People", re-asserted Oxfam's finding by stating that land was the most common cause of dispute among people. Land disputes were particularly common in the Southeast and the Southwest, accounting for 41% and 31% of dispute resolution cases, respectively. Past Afghan governments have adopted conflicting land policies, a fact which has often resulted in competing claims for the same resource. Megan Bradley, a Canadian government official, asserted in a 2008 paper that powerful people now claim the possession of land which is not their own and mostly it is done by militia commanders after the fall of Taliban in 2001 and early 2002. (USAID, 2009).

According to Yarrisa (1999) women face added risks and deprivations in Africa and South-Asia, especially, they are deprived not only to inherit land and property but also to buy it except through male relative in form of marriage. However it is not the case all over

the world as millions of women in Asia, Africa and Latin America depend critically on land for their livelihood.

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

Social research is the systematic and objective analysis and recording of controlled observations that may lead to the development of generalization, principles or theories resulting in prediction and possibly ultimate control of events in a society. It attempts to answer or solve social problems. “Social research is a systematized investigation to gain new knowledge about social phenomenon and problems” (Moser, 1985).

Young opined, “Social research is a scientific undertaking which by means of logical methods, aim to discover new facts or old facts and to analyze their sequences, interrelationships, casual explanations and natural laws which govern them.” (Young, 1999).

Research in social sciences widens a theory, conceptualization and operationalization of variables (definition and measurement) and exploration on primary data collection to test hypothesis. In view of the nature, scope and requirement of the current research, survey research procedure was adopted to assess and investigate the” litigation on land disputes and its effects on family health and children education”. The procedure was dealt with in this chapter of the study and illustrated details in different steps that were embarked on to conduct the research work, while keeping in mind very keenly the objectives of the research work

#### **3.1. Research Method**

Both quantitative and qualitative research techniques of social science research method were used to collect related and required information.

#### **3.2. Research Instrument**

In view of the objectives of the study, a predesigned interview schedule was built as instrument to collect data from the litigants regarding litigation on land disputes and its effects on family health and children education. The interview schedule comprised open



ended, close ended and matrix questions. The interview schedule included certain aspects related to measurement of socio-economic status like the income of sample group, occupation, education, effects of litigation on the health and on the education of children etc.

### **3.3. Conceptualization and operationalization of variables**

Conceptualization and operationalization of variables is significantly important in social science research when put side by side to the other disciplines because when variables are being operated by different researchers the same concepts are used with different meanings. The need for conceptualization and defining the general concepts with specific and purified is consequently important. Different variables are conceptualized and operationalized in the present research and discussed in the forth coming paragraphs.

#### **a) Age**

Age is the number of years spent in life. It is a period of time which a person lived with his/her active life. In the present research, different categories were made to measure the age of the respondents. At the time of data collection the age was studied in completed years. After that the following categories were made.

- i. Up to 40      ii. 41-45      iii. 46-50      iv. 51-55      v. 56-60      vi. More than 60

#### **b) Education**

Education is the transfer of knowledge, skills and information after which the individuals perceive accurately about the things and then act effectively to get their own pre-determined goals. In the present research different categories were used to measure the education of the respondents. The education of the respondents was measured as completed number of years of schooling.

0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16+
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### **c) Family**

Family is a group of parents and children living together in a household. In the present research three major types of family are studied which are as under:

(i) Nuclear (ii) Joint (iii) Extended

### **d) Caste**

The word caste generally refers to any rigid system of cultural or social distinctions. Different castes were categorized in the present research such as Jutt, Rajpoot, Arian, Malik, Gujjar, Rahmani, Mochi, Butt, Khokhar, Muslim sheikh, Shah, Khan, Tarkhan and sheikh.

### **e) Family Size**

It can be defined as a number of total persons in the family i.e. mother, father, children, grand parents, brother and sisters. The family size was measured by the following categories:

1) Up to 5      2) 6-8      3)9-11      4)12-14      5) More than 14

### **f) Occupation**

Occupation is an important constituent of the social economic status. It is the name which the individuals like due to his/her occupation. Different categories of the occupation used in this research are as under.

Government Service, Private Service, Businessman, Un-employed, House Wife, Self Employed, Labor, Retired, Lawyer, Farmer

#### **3.3.1. Independent variables**

Origin of dispute, Nature of dispute, Duration of dispute, Legal formalities, Lawyer attitude, Attitude of court staff were the independent variables of the present research.

#### **3.3.2. Dependent variables**

**Family Health:** Prevalence of disease, Perceived health, Physical health

**Children Education:** Before Land disputes, after land dispute

### **3.4. Population of the study**

Four districts of the Province Punjab have been selected as population of the study (at least two Tehsils were studied from each district).

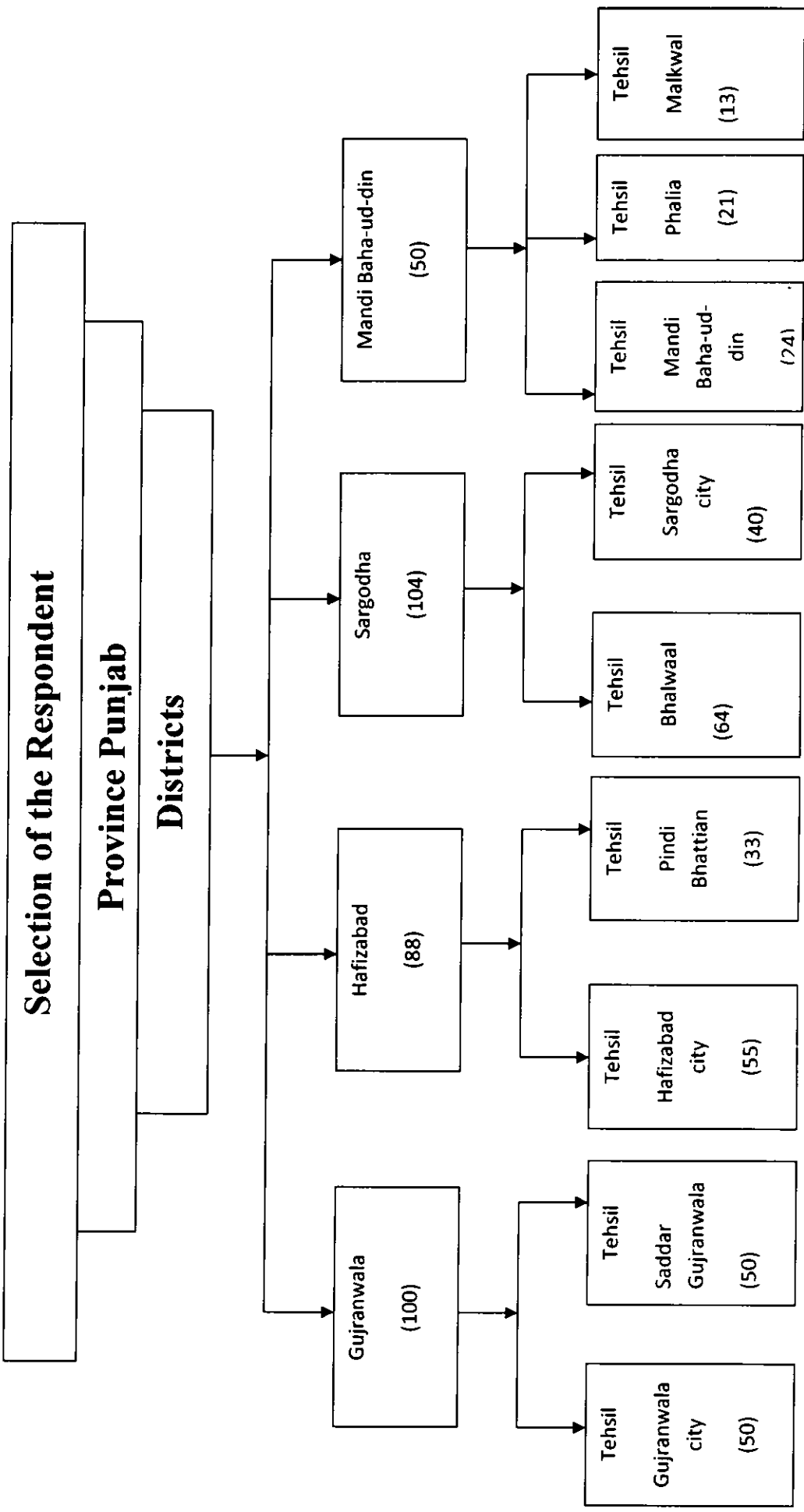
### **3.5. Sampling technique**

Random sampling technique was used during the selection of the sample size.

### **3.6. Sample size**

For studying a social problem, it is difficult to consider whole universe of the problem under study. In such a case, sampling has become commonplace idea. Whereas sampling is a small proportion of a population selected for observation and analysis. It is a collection of items or elements from a population. By observing the characteristics of sample, one can make certain inference about the characteristics of the population from which it is drawn; the act so involved is called sampling.

Sample of the study comprised 350 litigants from four districts on proportionate basis. The sample was drawn by interviewing those litigants who attended court for a land suit. The districts include Gujranwala, Hafizabad Sargodha and Mandi Bah-ud-din. Two tehsils courts were selected from the District Gujranwala because in this district just two tehsil courts (Gujranwala, Wazirabad) were working. The remaining courts of the Gujranwala district were not in practice. In Hafizabad district there are two tehsils (Hafizabad, Pindi Bhatian) and in both tehsils the courts were working so both were selected for the research purpose. Sargodha is a most populated district and also an agricultural zone; from here two largest tehsil courts (Sargodha, Bhalwal) were randomly selected. In Mandi baha-ud-din there are three tehsil courts (Mandi baha-ud-din, Phalia, Malakwal) selected because its not a big district so all the tehsil courts were selected from here for the data collection.



### **Districts, Tehsils and number of villages from where data was collected**

<b>Sr. #</b>	<b>Name of the District</b>	<b>Name of the Tehsil</b>	<b>Number of the villages</b>
i.	Gujranwala	Gujranwala(Sadar)	7
		Wazirabad	9
ii.	Hafizabad	Hafizabad	5
		Pindi Bhattian	6
iii.	Sargodha	Sargodha	9
		Bhalwal	12
iv.	Mandi baha-ud-din	Mandi baha-ud-din	4
		Phalia	5
		Malakwal	1
<b>Total</b>	<b>4</b>	<b>9</b>	<b>58</b>

### **3.7. Unit of analysis**

The unit of analysis is the most important object that is being explored in the study. In social science, research individuals are the basic unit of analysis. In present research the units of analysis are litigants. All the litigants were approached for collecting the needed information through a pre-designed interview schedule.

### **3.8. Pre-testing**

Prior to finalization of interview schedule, 30 interview schedule were filled in for pilot testing .The purpose of pilot testing was to remove any errors and ambiguities from the finalized interview schedule.

### **3.9. Field Work**

Field work is a valid and planned effort to study and analyze a specific organizational situation in hand. It involves the string of well thought and carefully completed activities. It covers the process of enquiry, investigation, inspection and examination. Field work is a prearranged, logical, data-based scientific investigation in a definite situation under taken with the objective of accumulating information that smoothes the progress of the researcher

to gain knowledge with the actual situation and create more knowledge about phenomena under investigation.

It is a very tough, costly and time consuming activity. In social science research, researcher has to face many hurdles related to the respondent's cooperation. The population of the study was very massive. The data for the research was collected through personal visits of the researcher. The researcher had visited chambers of the lawyers and also visited the homes of the litigants to collect the data. The interview schedule included certain aspects related to legal litigation on land disputes, types of disputes i.e. disputes due to family conflicts or cast based.

### **3.10. Editing**

After the completion of the data collection, all the interview schedules were properly checked, numbered and kept district wise in a serial order.

### **3.11. Data Analysis**

Data analysis is a scientific process of examining raw data with the objective of making key point or drawing conclusions about the information. In order to make the study meaningful, data was analyzed and interpreted in the light of the objectives of the study with the help of SPSS 16.0 (Statistical package for Social Sciences). Descriptive analysis was carried out to describe the data while inferential statistical techniques were used to explore relationship between independent and dependent variables. The following types of analysis were used by the researcher in this research.

#### **3.11.1. Uni-variate Analysis**

Uni-variate analysis is the easiest type of quantitative (statistical) analysis. This is carried out with the explanation of a single variable and its elements of the related unit of analysis (Babbie, 2009). Uni-variate analysis was used to describe the general description of various dependent and independent variables.

### **3.11.2. Bi-variate Analysis**

It is the analysis of two variables. Bi-variate analysis was used to test the hypothesis of the current research and investigate the relationship of interrelating variables.

### **3.12. Statistical Techniques**

The statistical techniques were used to analyze or representing statistical data. It is a procedure for calculating a statistics. In this study different statistical techniques i.e. Percentage, Mean, Chi-Square, Standard Deviation, Gamma and lambda were used by using the Statistical Package for Social Sciences (SPSS).

#### **3.12.1. Percentage**

A percentage is a fraction between two quantities articulated in hundredths. It is frequently used to define a portion as a fraction of a whole. It is generally used in statistics to define probability etc. it is measured by the following formula:

$$P = \frac{F}{N} * 100$$

Where P is percentage, F is frequency and N is total number of frequencies.

#### **3.12.2. Mean**

In the present research, mean was used for the scale variables to find out the average. Mean is calculated by the sum of all values divided by all numbers in data.

#### **3.12.3. Chi-Square**

It is used to compare observed data with data the researcher was expecting to obtain result according to the specific hypothesis. It was used to see the significant relationship between the dependent and independent variables. The formula which was used is as under:

$$\text{Chi-Square } (\chi^2) = \sum \left( \frac{O - E}{E} \right)$$

It shows that Chi-Square ( $\chi^2$ ) is the sum of the squared difference between observed frequency in each category (O) and the expected frequency in each category (E) data, divided by the estimated data in all feasible categories. The level of significance of Chi-Square was at 0.01 and 0.05.

#### 4.12.4. Standard Deviation

It is useful in evaluating the “spread-outness” of the data. The standard deviation is used by applying the following formula:

$$s = \sqrt{\frac{\sum_{i=1}^N (X_i - \bar{X})^2}{N - 1}}$$

#### 3.12.5. Gamma

Gamma statistics is used to find out the significant relationship between the independent and dependent variables. The value of gamma can be calculated with the help of the following formula:

$$\gamma = \frac{NS - ND}{NS + ND}$$

#### 3.12.6. Lambda

Lambda is used to measure the strength of the relationship between nominal variables in bi-variate tables. It can also be used to compare one relationship to another. Formula for Lambda is as under:

$$\gamma = \frac{E1 - E2}{E1}$$



## CHAPTER FOUR

### RESULTS AND DISCUSSIONS

Chapter four is quite important wherein discussion mainly focused on the results obtained through analysis of data collected from the study respondents. Two types of analysis have been carried out. First part comprised uni-variate analysis which describes the trends in data. Uni-variate analysis is a method for analyzing data on a single variable at a time. It does not deal with causes or relationships; the major purpose of uni-variate analysis is to describe the trends on various aspects.

The second part of report is composed of bi-variate analysis wherein cross tabulation has been carried out between independent and dependent variables. Bi-variate analysis is a method for analyzing data on two variables working at a time. It deals with causes or relationships; as the major purpose of bi-variate analysis is to explain the relationship between variables. The results of both type of analysis are discussed under each table.

#### 4.1. Uni-Variate Analysis

##### 4.1.1 Distribution of the respondents by the district and tehsil of residence

Sr. No	Name of the District	Number of the Respondents	Percentage
i.	Gujranwala	100	28.6
ii.	Hafizabad	88	25.1
iii.	Sargodha	104	29.7
iv.	Mandi Baha-ud-din	58	16.6
<b>Total</b>		<b>350</b>	<b>100.0</b>
i.	<b>Tehsil of residence</b>		
ii.	Gujranwala (Sadder)	50	14.3
iii.	Wazirabad	50	14.3
iv.	Hafizabad	55	15.7
v.	Pindi Bhattiain	33	9.4
vi.	Bhalwal	64	18.3
vii.	Sargodha	40	11.4
viii.	Mandi Baha-ud-din	24	6.9
ix.	Phalia	21	6.0
x.	Malakwal	13	3.7
<b>Total</b>		<b>350</b>	<b>100.0</b>

Table 4.1.1 describes the district wise and tehsil wise residential chart of the respondents. According to the table 30% of the respondents belong to district Sargodha. Sargodha is a district of Punjab province. It is an agricultural district, where wheat, rice, cotton and sugarcane are the main crops. Sargodha district and region is also famous for citrus fruit; Kino, a newly developed variety. The district has an area of 5,864 km<sup>2</sup>. About 29% of the respondents belongs to district Gujranwala, the rural areas in the region of Gujranwala produce a large variety of agricultural commodities; the main crops grown here are wheat, rice, potato, barley and millet (World Gazetteer, 2010).

Gujranwala is one of the leading wheat producing districts of Punjab province with total wheat production of more than 700,000 tons in 2007-08. Gujranwala district is the largest producer of rice in Punjab province because Larkana is at the No.1 district in wheat production which is producing more than five hundred thousand tons per annum. Farmers have been using tractor, harvesters, threshers, rooters and trawlers etc which is quite common for cultivation and land preparation.

According to the agricultural survey of Gujranwala (2008), most of the farmers (83%) use rented implements, while 17% use their own implements. The Agricultural Extension Shops established by Government of the Punjab are available in most of the villages. In some areas vegetables and fruits are also grown.

Around 25% of the respondents belonged to district Hafiz Abad. This district is having 2,367 square kilometers area, of which 80 percent is used for cultivation. It is not a hilly area but having the plain land. The river Chenab passes through the district of Hafizabad, and 17% of the litigants belonged to Mandi baha-ud-din. It is a fertile agricultural belt, with main crops grown are wheat, maize, sugarcane, Rice, Potatos, Lucerne, Jowar (sorghum) Tobacco and Berseem. It is also a land of two rivers; Jhelum and Chenab. Tobacco

covers the largest proportion of the total cropped areas, followed by wheat and rice. The district has immense potential for growing fruits such as citrus, guava, banana and mango. (Pakistan report, 2011)

According to tehsilwise residential chart, 18% litigants belong to tehsil Bhalwal, 16% litigants belong to tehsil Hafizabad and 14% belong to Gujranwala saddar and 14% from Wazirabad. The remaining (38%) of the litigants belong to Pindi bhatian, Mandi bahudin, Phalia and Malkwal.

**4.1.2. Distribution of the respondents/litigants by gender, age, marital status and age at the time of marriage**

Sr. No		Frequency	Percentage
<b>Gender</b>			
i.	Male	323	92.3
ii.	Female	27	7.7
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Age of the respondents (in completed years)</b>			
i.	Up to 40	40	11.4
ii.	41-45	54	15.4
iii.	46-50	63	18.0
iv.	51-55	51	14.6
v.	56-60	45	12.9
vi.	More than 60	97	27.7
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Mean: 54.66</b>		<b>Standard deviation: 11.95</b>	
<b>Marital Status of the respondents/litigants</b>			
i.	Married	328	93.7
ii.	Widow	17	4.9
iii.	Divorced	5	1.4
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Age of the Respondents at the time of marriage (in completed years)</b>			
i.	Up to 20	54	15.4
ii.	20-25	108	30.9
iii.	26-30	128	36.6
iv.	31-35	47	13.4
v.	More than 35	13	3.7
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Mean: 26.67</b>		<b>Standard deviation: 5.4</b>	
<b>Age of the Respondent's Spouse (in completed years)</b>			
i.	Up to 20	90	25.5
ii.	20-25	155	44.3
iii.	26-30	81	23.1
iv.	31-35	22	6.3
v.	More than 35	2	0.6
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Mean: 24.17</b>		<b>Standard deviation: 4.5</b>	
<b>Family Type</b>			
i.	Joint	210	60.0
ii.	Nuclear	140	40.0
<b>Total</b>		<b>350</b>	<b>100.0</b>

The table 4.1.2 includes the demographic variables which were included in the study.

The data Shows that 92% respondents are male and the remaining are female which means

that male litigants are more in number than that of female litigants. As Pakistani society is male dominated and the distribution of land is mostly inherited to males, so it is commonly practiced in our value system that the land (share in property) which is the inherited right of the females is most of the time given to the brothers. Thus the male owners of the land are more in number than females.

According to the table under discussion 28% respondents belong to the age group of more than 60 years, 18% belonged to the age group of 46 - 50years, 15% to 41 - 45 years, 14% to the age group of 51 -55 years, (11%) to the age group of up to 40 years and (13%) belong to the age group of 56-60 years. Thus the majority of the respondents belonged to the age group of more than 60 years which shows that young people are not mostly involved in land disputes because in our Pakistani society, the distribution of property in a family mostly starts after mid forty when a person become parents/adult. Thus, after the distribution of the property people come to know about their lands and land disputes if it exists and sometimes erupting to a new dispute due to distribution of their property. The mean age of the respondent's was 54.66 and the standard deviation was 11.95.

According to the table, 93% of the respondents were married, 5% respondents were widows and 2% were divorced. The above table also includes the age at the time of marriage of the respondents and shows that 37% belong to the age group of 26 - 30 years, 31% belong to the age group of 20 - 25 years, 15% belong to age group of up to 20 years and remaining (17%) were above 30 years. Hence, majority of the respondents got married during the age of 26 - 30 years, which also shows that in the areas of study mostly parents arranged the marriage of their children before early thirty. The mean of the respondent's age at the time of marriage was 26.67 and standard deviation was 5.4.

Table also includes the spouse's age at the time of marriage. About 44% of the respondent's spouse belong to the age group of 20 - 25 years, 26% were up to 20 years, 23% respondent's spouse were in the age of 26 - 30 years and 7% of the respondent's spouse were above 30 years. The mean age of the respondent's spouse at the time of marriage was 24.17 and the standard deviation is 4.5.

Table further show 4.1.2 data about the family type of the respondents/litigants. About 60% of the respondents of the study belonged to joint family system and remaining (40%) belonged to the nuclear family system. It shows that in the Punjab mostly people are living in joint family system.

**4.1.3. Distribution of the respondents/litigants by educational level, profession, occupation and income.**

SR. No	Education Level	Frequency	Percentage
i.	Illiterate	51	14.6
ii.	Primary (1-5)	43	12.3
iii.	Middle (6-8)	55	15.7
iv.	Matric (9-10)	87	24.9
v.	Inter (11-12)	59	16.9
vi.	Graduation (13-14)	37	10.6
vii.	Above Graduation (14+)	18	5.1
Total		350	100.0
Mean: 8.51		Standard deviation: 4.6	
Profession of the Respondents/litigants			
i.	Agriculture	312	89.1
ii.	Non-Agriculture	38	10.9
Total		350	100.0
Occupation of the Respondents/litigants			
i.	Govt. Service	33	9.4
ii.	Private Service	45	12.9
iii.	Businessman	54	15.4
iv.	Un-employed	15	4.3
v.	House Wife	22	6.3
vi.	Self Employed	29	8.3
vii.	Labor	12	3.4
viii.	Retired	5	1.4
ix.	Lawyer	6	1.7
x.	Farmer	129	36.9
Total		350	100.0
Total Family Income per season			
i.	Up to 50000	12	3.4
ii.	50001-100000	53	15.1
iii.	100001-150000	66	18.9
iv.	150001-200000	55	15.7
v.	More than 200000	164	46.9
Total		350	100.0
Mean: 5400000		Standard deviation: 21000000	
Personal income of the Respondents/litigants per month (Rs.)			
i.	No income	22	6.3
ii.	Up to 20000	104	29.7
iii.	20001-40000	84	24.0
iv.	40001-60000	41	11.7
v.	More than 60000	99	28.3
Total		350	100.0
Mean: 65342		Standard deviation: 110881.7	

Table 4.1.3 documents the economic characteristics of the respondents i.e. educational level of the respondents, occupation, profession of the respondents, total family income and personal income of the respondent. According to **Rao and Rao (2010)** on average we can divide socioeconomic status into three kinds: High SES, Middle SES, and Low SES. We can review a family or individual falling into his particular group on the basis of any or all of the three variables i.e. income, education, and occupation. When we determine the socioeconomic status then wealth can also be considered as the fourth variable. Some statistics have proved that factors like low income and low education are strong predictors of a range of physical and mental health problems, arraying from arthritis, coronary heart disease, hypertension, blood pressure etc. The main aspects which find out the socio-economic status of any individual or family are following:

**Income:** Generally Income includes the range of subsistence sources such as wages, profits, salaries, rents and compensations for the unemployed or workers. There are also many other sources included in income i.e. pension, social security, trusts, royalties, alimony, interests or dividends, or other governmental, public, or family financial assistance. There are two perspectives regarding income.

**Education:** Educational achievements can be analyzed for the assessment of the SES. It plays an important role in the financial status of the individual. According to the Rao and Rao (2010) information which is assembled for the educational institutions shows that with the increase in educational attainments, the median earnings were also increased. This shows that education plays an important role in the earnings of the people.

**Occupation:** Occupation is also another major element of the social economic status i.e. the reputation which one enjoys due to his/her occupation. Occupational esteem encompasses educational attainment and income. The occupation of the individuals show their level of educational achievement that is a pre-requisite for that specific job (position) at



which he/she is working and it also matches the income levels which fluctuate with each job and within different levels of occupations.

### **Wealth:**

Characteristically, wealth is a set of economic possessions which presents a foundation of safety that supplies a general measure of family's capability to meet emergencies, absorb economic shocks or provide the means to live comfortably. Wealth can also be measured as transition which passes from one generation to the other and growth of income and investments. Possession of wealth can be measured on the basis of different aspects such as income, religion, age, occupation, education, marital status, family size etc.

Oliver and Shapiro (1999) opinioned that disparities in savings are because of the unlike rates of incomes, birthright elements, and biasness in the housing market. They stated that savings enhance with increased income.

The table 4.1.3 reveals that 25% litigants had matric level of education, 17% were intermediate, 16% were middle, and 15% litigants were illiterate, the rest of the (27%) litigants fall in primary, graduation and above graduation category correspondingly. The data shows that litigants having matric level education were higher in number but the respondents with graduation and above graduation level of education were fewer. Which shows that the literate persons were fewer in number and they do not involve themselves in these kind of activities. The mean of the educational level of the litigants was 8.51 and the standard deviation was 4.6.

The table explains that 89% litigants were having agriculture profession and just 11% respondents were non-agriculturists which show that agriculturist is a profession of most of the respondents. About 37% litigants were farmers which shows that Farming is the major source of income of most of the litigants, 15% were businessman, 13% were doing their

private jobs, 9% were government employees, 22% were falling in other categories i.e. house wife, self employed, labor, retired persons, lawyers and (4%) were un-employed who were not doing any type of job. Data shows that most of the litigants who are involved in litigation were farmers.

The results of the above table shows that majority (47%) of the respondents/litigants had more than Rs.200000 total family income per season. However, almost 19% respondent's total family income fall in the category of Rs. 100001-150000 while 16% respondents fall in other category ranges from 150001-200000, remaining fall in the categories 50001-100000 and up to 50000. This shows that majority of the respondents belong to the families where total family income per season was more than Rs. 200000. The mean of the total family income per season of the respondents was 540000 and the standard deviation was 2100000.

The table also documents the results about personal monthly income of the respondents. It shows that 30% respondents had up to 20000 rupee as monthly income. However the 2nd majority (28%) of the respondents had more than Rs.60000 per month, 24% had Rs. 20001 - 40000 and rest (18%) fall in other categories in which 6% respondents had no income. The mean of the personal income of the respondent per month was 65342 and the standard deviation was 110881.7.

#### 4.1.4 Distribution of the Respondents/litigants by number of male, female, total children and Caste.

Sr. No.		Frequency	Percentage
	Respondent's number of male children		
i.	No	16	4.6
ii.	One	84	24.0
iii.	Two	124	35.4
iv.	Three	57	16.3
v.	Four	32	9.1
vi.	Above four	37	10.6
Total		350	100.0
Mean: 2.41		Standard deviation: 1.5	
Respondent's number of female children			
i.	No	40	11.4
ii.	One	100	28.6
iii.	Two	88	25.1
iv.	Three	56	16.0
v.	Four	32	9.1
vi.	Above Four	34	9.7
Total		350	100.0
Mean: 2.9		Standard deviation: 1.6	
Respondent's total Number of Children			
i.	1-2	71	20.3
ii.	3-4	124	35.4
iii.	5-6	85	24.3
iv.	6+	70	20
Total		350	100
Caste of the Respondents/litigants			
i.	Jutt	155	44.3
ii.	Rajpoot	80	22.9
iii.	Arian	21	6.0
iv.	Malik	21	6.0
v.	Gujjar	20	5.7
vi.	Rahmani	34	9.7
vii.	Others	19	5.5
Total		350	100.0

Statistics from the table 4.1.4 reveals the number of male, female and total children of the respondents and also about the caste of the respondents to which the litigants belong. The results shows that 5% litigants did not have any male child, 35% were having two male children, the other highest percentage, i.e. 24% were having one male child, and 16% were having three male children, while the remaining (10%) litigants were having four and more

than four male children. The mean number of male children of the respondents was 2.41 and standard deviation was 1.5.

Nearly 11% respondents did not have any female child, 29% respondents were having one female child which shows that greater part of the respondents had one female child, 25% were having two female children, 16% litigants had three and the rest (19%) of the respondents had four and more than four female children. The mean of the female children of the respondents was 2.9 and the standard deviation was 1.6. The respondents who reported that they had 3-4 total children (male & female) were 35% , 24% were those who had 5-6 total children, 20% had 1 and 2 total children and the remaining (20%) had more than 6 total children.

Almost 44% of the litigants belonged to the jutt caste who were involved in land disputes, second highest percentage; 23% belonged to the Rajpoot caste, 10% were from Rahmani caste, 6% each were Arian, and Malik by caste, (11%) were from other castes such as Gujjar, Mochi, Butt, Khokhar, Muslim sheikh, Shah, Khan, Tarkhan and sheikh.

Data in the table shows that majority of the respondents had 2 male children and 1 female child and the other higher percentage shows that the litigants had 1 male child and 2 female children. The Jutt litigants who were involved in land disputes are more in number and after that the Rajpoot were mostly engaged in the agricultural land disputes.

**4.1.5. Distribution of the respondents regarding land and income generated from disputed land and its effects on financial condition of the respondents.**

Sr. No		Frequency	Percentage
	Respondent's land ownership status		
i.	Yes	344	98.3
ii.	No	6	1.7
Total		350	100.0
Land holding size (Acres)			
i.	Up to 5	234	66.9
ii.	6-8	45	12.9
iii.	9-11	46	13.1
iv.	>11	25	7.1
Total		350	100.0
Mean: 6.49		Standard deviation: 5.85	
Respondent's disputed land (Acres)			
i.	Up to 5	249	71.1
ii.	6-8	34	9.7
iii.	9-11	24	6.9
iv.	More than 11	43	12.3
Total		350	100.0
Mean:6.62		Standard deviation:11.06	
Income generated from the disputed land (Rs. Per season)			
i.	Up to 20000	11	3.1
ii.	20001-40000	30	8.6
iii.	40001-60000	41	11.7
iv.	60001-80000	36	10.3
v.	More than 80000	232	66.3
Total		350	100.0
Mean:287000		Standard deviation:597181.6	
Financial condition of the respondents affected during the land dispute			
i.	To great extent	120	34.3
ii.	To some extent	182	52.0
iii.	Not at all	48	13.7
Total		350	100.0

The table 4.1.5 documents the results regarding the land, income generated from disputed land and its effects on financial condition of the respondents. The statistics reveals that an absolute majority 98% of the respondents owned land while small percentage of less than two percent litigants did not hold the land, because they had bought the land but due to the disputes they did not get possession of it.

According to the data 67% respondents reported that they hold up to 5 acre land, 13% were holding land ranges from 6-8 acre land, , while remaining had the land size from 9-11 acre and more than 11 acre respectively. Mean of the size of land of the respondents was 6.49 and the standard deviation was 5.85.

About 71% respondent's size of disputed land was up to 5 acre, the second highest percentage (12%) was of those respondents who had more than 11 acre and the remaining (17%) hold the disputed land size of up to 11 acre. The mean of the size of the disputed land of the litigants was 6.62 acres and the standard deviation was 11.06.

Almost 66% respondents stated that more than Rs. 80000 was generated from the disputed land, 12% responded that Rs. 40001 – 60000 was generated from the disputed land, 10% replied that Rs. 60001 - 80000 was earned from the disputed land while remaining (12%) said that up to Rs.40000 rupees were generated from the disputed land. The mean of the income generated from the disputed land was 287000 and the standard deviation was 597181.6.

The litigants who told that their financial condition was affected during the land dispute to some extent were 52%, 34% replied that their financial condition was affected during the land dispute to a great extent and the remaining responded that the dispute was not affecting their financial condition at all.

The above statistics revealed that majority of the respondents were having their own lands and also most of them (among the 350 respondents 197 respondents) had land size of more than 12 acre. The respondents whose disputed land was up to 5 acre were more in number. Most of the litigants said that they earned more than Rs. 80000 per season from their disputed land. The litigants whose financial condition was affected to some extent were larger in number than those whose financial condition was not affected due to the land dispute,

among these litigants mostly were extra rich and the remaining litigant's dispute's duration was at early stages.

**4.1.6. Distribution of the respondents regarding farming type, nature of dispute, by whom dispute was started and duration of dispute.**

<b>Sr. No</b>		<b>Frequency</b>	<b>Percentage</b>
	<b>Type of land tenure</b>		
i.	Owner Cultivated	231	66.0
ii.	Tenanted	73	20.9
iii.	Share Cropper	6	1.7
iv.	Hired the land but cannot cultivate due to dispute	6	1.7
v.	Owner Cultivated, Tenanted	22	6.3
vi.	Owner Cultivated, Rented	7	2.0
vii.	Others	5	1.5
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Nature of the dispute</b>			
i.	Family inheritance dispute	113	32.3
ii.	Unclear demarcation of land	38	10.9
iii.	Unauthorized disposition	64	18.3
iv.	Dispute over cultivation of crops	8	2.3
v.	Unequal allocation of land	20	5.7
vi.	Suit for declaration	38	10.9
vii.	Pre-emption	43	12.3
viii.	Suit for specific performance	21	6.0
ix.	Hiba	5	1.4
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>By whom the dispute was started</b>			
i.	Relatives	171	48.9
ii.	Community People	105	30.0
iii.	The Neighbours	58	16.6
iv.	Brothers	6	1.7
v.	Spouse	5	1.5
vi.	Govt	5	1.4
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Duration of land dispute (in completed years)</b>			
i.	Up to 5	147	42
ii.	6-10	72	20.6
iii.	11-15	63	18.0
iv.	16-20	24	6.9
v.	More than 20	44	12.6
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Mean: 3.11</b>		<b>Standard deviation:1.6</b>	

The table illustrates the type of land tenure, nature of the dispute in which the respondents were involved, who started the dispute and duration of the land dispute.



According to the data collected during field survey, 66% of the litigants were owner of the land and they cultivate their land, 21% were farmers, while the remaining (13%) were having different other types of land tenure system i.e. share cropper, those who hired the land but could not cultivate it due to the dispute, rented out, husband had occupied the land and in-laws were cultivating it.

Thirty eight percent litigants inherited land disputes from family, 18% had filed the suit of unauthorized disposition from their land, 12% litigants had filed the suit of pre-emption. According to the **Punjab Pre-emption Act, 1913** “The right of pre-emption shall mean the right of a person to acquire agriculture land or village immovable property or urban immovable property in preference to other persons, and it arises in respect of such land in the case of sales and in respect of such property only in the case of sales, or of foreclosures of the right to redeem such property.” Only 1% had filed the suit of hibba; **Hibba** means the gifted land which someone has presented to his/her relatives, friends or someone else as a gift, and the other person(s) had filed suits such as unclear demarcation of land; the unclear demarcation of land is mostly due to the fault of the revenue department, dispute over cultivation of crops, suit for declaration and suit for specific performance. Suit for declaration is that in which the litigant claimed that the other persons are not accepting his right of the land so he wants to file the suit for declaration so that the opposition party accepts his right. Majority (52%) disputes were started by the relatives of the litigants, 30% were started by the community people, and 17% were started by the neighbors of the litigants.

About 42% litigant's duration of land dispute was up to 5 years, 21% litigant's involved in land dispute from the last 6 - 10 years, 18% were engaged in litigation for 11 - 15 years, and remaining (20%) litigant's duration of land dispute was more than 15 years.

The figures in the table reveal that most of the litigants were owner farmer and fewer were engaged in rented land and in some cases husband had occupied the land and in-laws were cultivating and drawing benefits from it. The data also reveals that majority of the suits were filed by the respondent's family and were pursuing the inheritance dispute, the second higher figure was of unauthorized disposition from the land and lesser were of hibba. The figures in the above table reveal that most of the disputes were started by the relative and lesser by the govt. It also illustrates that the litigant's duration of land dispute mostly fall in the category up to 5 years .The mean of the duration of the land dispute was 3.11years and the standard deviation was 1.6.

**4.1.7. Distribution of the respondents by number of male, female, total family member, earners and non- earners in the family**

Sr. No.		Frequency	Percentage
	Number of male members in the family		
i.	Up to 5	263	75.2
ii.	6-8	60	17.1
iii.	9-11	15	4.3
iv.	12-14	8	2.3
v.	More than 14	4	1.1
Total		350	100.0
Mean:4.5		Standard deviation:2.9	
Number of female members in the family			
i.	Up to 5	263	75.1
ii.	6-8	67	19.1
iii.	9-11	16	4.6
iv.	12-14	2	0.6
v.	More than 14	2	0.6
Total		350	100.0
Mean:4.2		Standard deviation:2.6	
Number of Total family members			
i.	Up to 5	105	30
ii.	6-8	102	29.1
iii.	9-11	78	22.3
iv.	12-14	34	9.7
v.	More than 14	31	8.9
Total		350	100.0
Mean:8.57		Standard deviation:4.74	
Number of the earners in the family			
i.	No earner	3	0.9
ii.	One	81	23.1
iii.	Two	117	33.4
iv.	Three	66	18.9
v.	Four	35	10.0
vi.	Above four	48	13.7
Total		350	100.0
Mean: 2.8		Standard deviation:1.9	
Number of the non-earners in the family			
i.	Up to 5	192	54.9
ii.	6-8	102	29.1
iii.	More than 8	56	16.0
iv.	Total	350	100.0
Mean:5.8		Standard deviation:3.4	

The table 4.1.7 comprised number of male and female members in the respondent's family, total family members, earning and non-earning members in the family. The statistics in the table shows that 75% respondents replied that they have up to 5 male members in their families, 17% said 6 - 8 male members in their families and rest (8%) of the respondents had more than 8 male members in their families. The mean male members of the family of the litigants were 4.5 and the standard deviation was 2.9.

Majority of the respondents (75%) had up to 5 female members in the family, 19% had 6 to 8 female members and remaining (6%) respondents were having more than 8 female members in their family. The mean of the female members in family of the respondents was 4.2 and the standard deviation was 2.6.

Majority of the respondents (30%) had total ( male & female) family members up to 5, 29% had 6 - 8, 22% were having total family members in the category of 9 - 11 members and rest (19%) of the respondents were having more than 11 total members in the family. The mean of the total family members of the family of respondents was 8.57 and the standard deviation was 4.74.

The figure in the table reveals the earners in the family, 1% respondents did not have any earner in their family, 33% respondents said that they had 2 earners in the family, 23% responded that there was only 1 earner in the family, 20% answered that they had 3 earners in the family and remaining (23%) told that they had more than 3 earners in their families. The mean of the earner in the family of respondents was 2.8 and the standard deviation was 1.9.

The last portion of the table reveals the statistics about non-earning members in the respondent's family, 55% respondents answered that there were up to 5 non-earners in the family, 29% were having 6 - 8 non-earners and the rest (16%) of the respondents had more

than 8 non-earners in their families. The mean of the non earner in the family of the litigants was 5.8 and the standard deviation was 3.4.

The data reveals that the limit up to 5 members in male and female categories exhibits the equal percentage which is the major percentage among all categories of the male and female members in the family. The respondents having up to 5 total family members were carrying the largest percentage and respondents having more than 14 total family members were fewer in number.

The respondents who were having 2 earners in their families were greater in number and who were having no earner are lesser. Most of the respondents said that they have up to 5 non-earners. Majority (55%) of the non-earners fall in the category of up to 5. Data reveals that most of the family members are not participating in the income generating activities; these family members were dependent on their family heads and other senior members of their families.

**4.1.8. Distribution of the respondents by respondent's status in dispute, suit file by, stay order, stay order managed by and duration of stay order.**

Sr. No.		Frequency	Percentage
<b>Status</b>			
i.	Plaintiff	238	68.0
ii.	Defendant	112	32.0
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Suit file by whom</b>			
i.	Yourself	201	57.4
ii.	Parents	43	12.3
iii.	Relatives	40	11.5
iv.	Community people (Plaintiff)	66	18.9
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Any stay order of the disputed land</b>			
i.	Yes	298	85.1
ii.	No	52	14.9
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Stay order managed by whom</b>			
i.	Plaintiff	241	68.9
ii.	Defendant	57	16.3
iii.	Nobody	52	14.9
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Duration of stay order (in years)</b>			
i.	Less than a Year	68	19.4
ii.	1-5	78	22.3
iii.	6-10	80	22.9
iv.	11-15	44	12.6
v.	16-20	16	4.6
vi.	More than 20	12	3.4
vii.	No stay order	52	14.9
<b>Total</b>		<b>350</b>	<b>100.0</b>

Table 4.1.8 comprised five variables such as respondent's status in dispute, who filed it, status of the stay order, who managed the stay order and duration of the stay order. Most (68%) of the litigants were the plaintiff and rests of them were the defendant in the land dispute cases. Plaintiff is a person who is suing while defendant is that person who is getting sued. According to the data collected from the selected sample, 58% litigants filed the suit by themselves, 19% suites were filed by the community people (plaintiff) against the

respondents, 12% suites were filed by the parents of the respondents against the opponents and rest (11%) of the suits were filed by the relatives of the respondents.

A large part (85%) of the respondents replied that there is a stay order on the disputed land while remaining (15%) litigants responded that there is no stay order on the disputed land. The table also reveals that 69% stay orders were managed by the plaintiff, 16% stay orders were managed by the defendants and remaining (15%) were not managed by anybody because the respondents said that there is no stay order of the disputed land.

About 23% respondents told that the duration of the stay order is from 6 - 10 years, 22% respondents answered that the duration of the stay order is from 1 - 5 years, 19% responded about the duration of the stay order that it is less than a year, 13% respondents said that the duration of the suit in the court is from 11 - 15 years and rest (8%) of them said it is more than 15 years.

Data from the above table reveals that most of the litigants were who plaintiff filed the suit by themselves followed by the community people as plaintiff. The litigants who had the stay order on the disputed land were significant. Most of the stay orders were managed by the plaintiffs and duration of most of the stay orders fell in the categories of 1- 10 years.

**4.1.9. Distribution of the respondents on the basis of difficulties and major challenges faced by the respondents during dispute/court proceedings**

<b>Sr. No.</b>	<b>Type of Difficulties</b>	<b>Frequency</b>	<b>Percentage</b>
i.	Lack of Money	27	7.7
ii.	No male member to pursue the suit	7	2.0
iii.	Problems to access the court	63	18.0
iv.	Threats from the opponents	67	19.1
v.	Hatereted of brothers	15	4.3
vi.	Lack of money, threats from the opponents	45	12.9
vii.	Tension	53	15.1
viii.	Lack of money, No male member to pursue the case	9	2.6
ix.	Lack of money, Tension	17	4.9
x.	No male member to pursue the case, Threats from the opponents	8	2.3
xi.	Time deficiency	17	4.9
xii.	Lack of money, threats from opponents, Problems to access the court	22	6.3
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Major challenges</b>			
i.	Difficult access to law	36	10.3
ii.	No co-operation from the court staff	63	18.0
iii.	Insulting behavior of the relatives	35	10.0
iv.	Contempt by the society	7	2.0
v.	Financial hardships	56	16.0
vi.	Slow court proceeding	37	10.6
vii.	Insulting behavior of the relatives, financial hardships	32	9.1
viii.	Financial hardships, slow court proceeding	23	6.6
ix.	Family bounds break	14	4.0
x.	No co-operation from the court staff, financial hardships, difficult access to law	29	8.3
xi.	Nothing	18	5.1
<b>Total</b>		<b>350</b>	<b>100.0</b>

Table 4.1.9 narrated the difficulties and major challenges faced by the respondents during the land dispute. The table under discussion reveals that 19% respondents were receiving threats from their opponents with whom they had dispute, the second highest percentage of the respondent; 18% faced the difficulty to access the courts for resolving their disputes. Thirdly, 15% of the respondents had suffered tension during land disputes.



Moreover, 13% of the respondents responded that they had faced the difficulty of threats from the opponents as well as suffered for lacking money as court proceedings need the resources while the remaining 35% litigants had faced multi intricacies i.e. lack of money, no male member to pursue the suit, problems to access the court, hatred of brothers and time deficiency.

The table further documents the detail of the major challenges faced by the litigants during land disputes. About 18% litigants replied that they received no cooperation from the court staff while 16% of the respondents had faced the financial hardships. According to the data collected during field survey, 31% of the respondents had faced a lot of problems such as difficult access to court, insulting behavior of the relatives and slow proceeding of the cases by the court staff while 24% of the respondents had identified multiple challenges they encountered during disputes as insulting behavior of the relatives & financial hardships, financial hardships & slow proceedings as well as no cooperation from the court staff, financial hardships & difficult access to law. Rest of the respondents (6%) responded that they had been disregarded by the society and broken family bonds. About 5% of the litigants did not respond.

The data shows that 19% of the litigants were facing the threats from their opponents during the land dispute, whereas 18% faced the problem to access the court for the fair decisions of their suits and just 2% did not have any male members in their families to pursue the suit. Eighteen percent respondents told that major challenge they had to face during the suit is that they did not find any cooperation from the court staff. About 16% responded that due to the land dispute, they were facing financial hardships and just 2% were disregarded by the society.

These results depicting the true picture of the situation in courts/other relevant departments in Pakistan because here litigation is very expensive and the individuals who are

involved in litigation have no other option than to face different major challenges and complications which adversely affect their personal and family affairs. Their financial condition turned out to be weaker and weaker day by day because they had to spend a lot of money and other resources to meet the expenses of the litigation. During the dispute they are threatened by their opponents to the extent that sometimes they have to shift their families to some other places which also affect their family as well as their social life.

People also faced the problems regarding access to the court because of the red tapism in our courts. The court staff i.e. the reader in the court, Munshi in lawyer office, and other members are non-cooperative and use illegal tactics to compel litigants to bow to their demands for bribe. The slow proceeding of the suits is the major reason of tension among the litigants. Due to the land disputes, the individuals have to bump into different challenges i.e. insulting behavior of the relatives, breakdown of the family and contemptness of the society. In short our courts and the court system –testifies the famous notion that justice delayed is justice denied.

#### 4.1.10. Practices and Awareness regarding proper share in property

Sr. No		Frequency	Percentage
<b>How female land rights are allocated</b>			
i.	Proper share given	72	20.6
ii.	Deprived	29	8.3
iii.	Compensated at the time of marriage	187	53.4
iv.	Share given on demand	32	9.1
v.	Given share, Compensated at the time of marriage	30	8.6
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Awareness of the respondents about the share of daughters in property as per Islamic teachings</b>			
i.	1/4 for daughters	341	97.4
ii.	1/3 for daughters	9	2.6
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Awareness of the respondents about the share of sons in property as per Islamic teachings</b>			
i.	1/2 for Sons	341	97.4
ii.	1/5 for Sons	9	2.6
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Awareness of the respondents about the share of Widows in property as per Islamic norms and teachings</b>			
i.	1/8 for Widows	341	97.4
ii.	1/4 for Widows	9	2.6
<b>Total</b>		<b>350</b>	<b>100.0</b>

Table 4.1.10 includes and depicts the practices and awareness regarding the proper share of females in property as per Islamic norms and teachings. Data shows that 53% of the respondents compensated their daughters at the time of marriage rather than giving them share in the property, 21% told that they have given share of property to their daughters, 9% commented that if their daughters demanded the share in property then they give them while rest of females (17%) were deprived.

It also reveals that 97% of the respondents had awareness about the share of daughter, sons and widows. As per Islamic norms and teachings just 3% respondents were aware of it.

As per data, it can be concluded that in the districts of Punjab Province where the study was conducted, mostly people did not give share of property to their daughters; the daughters are rewarded (in the form of Dowry) at the time of their marriage. Although the

people have enough awareness about the female's share in property but they did not like to give the share of daughters to them at all. If the daughters demand for their share then the parents and the brothers become annoyed with them and sisters sometimes up to the extent that they break their relations with them.

#### 4.1.11. Distribution of the respondents by settlement of the land disputes

Sr. No.	Person/agency involved in dispute settlement	Frequency	Percentage
i.	Family elders	64	18.3
ii.	Girga	5	1.4
iii.	Punchiat	98	28.0
iv.	Patwari	6	1.7
v.	Arbitration	6	1.7
vi.	Village Chief	11	3.1
vii.	Court	160	45.7
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>First Settlement Place</b>			
i.	Family elders	85	24.3
ii.	Girga	5	1.4
iii.	Punchiat	103	29.4
iv.	Patwari	9	2.6
v.	Arbitration	14	4.0
vi.	Village Chief	10	2.9
vii.	Court	119	34.0
viii.	Police	5	1.4
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Reasons for bringing the suit to the court</b>			
i.	Girga did not settle the suit	27	7.7
ii.	Out of court Settlement was not possible	250	71.4
iii.	Girga did not settle the suit, Out of court Settlement was not possible	73	20.9
<b>Total</b>		<b>350</b>	<b>100.0</b>

Table 4.1.11 gives information about the settlement of land disputes. According to the data, 46% respondents replied that the disputes were resolved by the court in their area, 28% by the punchait, 18% disputes had been resolved by the elder members of the family, 3% by the village chief just 1% had been resolved by the girga, 2% by the patwari and 2% by the

arbitration. The figures show that the most of the cases have been resolved by the court and followed by punchait.

Secondly the table under discussion depicts information about the first settlement place of their dispute. It shows that 34% respondents placed their confidence in court, 29% on punchait, 24% respondents showed their confidence on family elders, 4% on arbitration 3% each on village chief and patwari while the rest (3%) on girga and police.

Data also reveals that mostly respondents (34%) go for their first settlement to the court, 8% respondents approached the court because their disputes were not settled by the girga. The disputes of 71% respondents were not suitable for out of court settlement. About 30% respondent were consistent on both of the reason i.e. disputes were not settled by the girga and dispute were not suitable for out of court settlement.

The data from the current research amplifies that 46% of the litigant's disputes have been resolved by the court which also shows that the role of Punchait, the age old system in these areas is fastly diminishing. However, people still like this set-up because it is swift, cheap and at their door steps. People also like to settle their disputes at family level. According to the data 73% litigants said that the settlement of the disputes is not possible out of the court.

**4.1.12. Distribution of the respondents by duration of fixing date between successive hearings, duration of suit in court, number of fixings and hiring of lawyer.**

Sr. No.		Frequency	Percentage
	<b>Duration of hearing fixed (in weeks)</b>		
i.	Up to 2	6	1.7
ii.	After 2	111	31.7
iii.	3-4	117	33.4
iv.	5-6	87	24.9
v.	More than 6	29	8.3
<b>Total</b>		<b>350</b>	<b>100.0</b>
	<b>Duration of the Suit in the Court (in years)</b>		
i.	Up to 5	153	43.7
ii.	6-10	93	26.6
iii.	11-15	49	14.0
iv.	16-20	24	6.9
v.	More than 20	31	8.9
<b>Total</b>		<b>350</b>	<b>100.0</b>
	<b>Attendance of the respondents for court hearing</b>		
i.	6-10 Times	16	4.6
ii.	11-15 Times	30	8.6
iii.	16-20 Times	30	8.6
iv.	More than 20 Times	274	78.3
<b>Total</b>		<b>350</b>	<b>100.0</b>
	<b>Respondents hired a lawyer</b>		
i.	Yes	350	100.0
ii.	No	0	0
<b>Total</b>		<b>350</b>	<b>100.0</b>

Mostly litigant (33%) suffered long duration of hearing of 3-4 weeks which is fixed by the court described as per table 4.1.12. About 32% respondents suffered this hectic and tiresome practice of long duration of 2 weeks which is fixed by the court, 25% respondents bare this duration for 3-4 weeks, while rest of the litigants fall under the categories of more than 6 and up to 2 weeks.

About 44% is a sizeable numbers of respondents/litigants who had suffered the hectic and tiresome duration of up to 5 years of their proceedings of suit / case in the court. Subsequently, 26% litigants had spent their up to 6-10 years in court proceedings. Rest of the litigants fall under the categories of 11-15 years, 16-20 years and more than 20 years.

Majority (78%) of the respondents appeared in the courts for more than 20 times for hearing purpose. Rest of the litigants enjoyed their appearance in the court 6-10, 11-15 and 16 – 20 times respectively. All the respondents have hired the lawyers for their suits because the data was collected from those people who are in litigation.

The above table omly that most (33%) of the litigants have to go for the hearing of their suits after 3-4 weeks. This duration is decided by the court staff. Among them, 2% which is the lowest percentage of the respondents said that they have to go to the court for hearing within 2 weeks. This shows that long duration of the hearings is a hindrance in timely disposition of the suits. About 44% respondent's duration is up to 5 years which shows that most of the cases were in the court for up to five years.

#### 4.1.13. Distribution of the respondents by the total expenditure spend on the dispute

Sr. No.		Frequency	Percentage
	Total expenditure (Rs.)		
i.	Up to 20000	49	14.0
ii.	20001-40000	96	27.4
iii.	40001-60000	54	15.4
iv.	60001-80000	36	10.3
v.	Above 80000	115	32.9
Total		350	100.0
Mean:107000		Standard deviation:175031.4	
Total Lawyers Fee (Rs.)			
i.	No fee	4	1.1
ii.	Up to 20000	77	22.0
iii.	20001-40000	107	30.6
iv.	40001-60000	57	16.3
v.	60001-80000	34	9.7
vi.	Above 80000	71	20.3
Total		350	100.0
Mean:82834		Standard deviation:147901.7	
Expenditures on transport (Rs.)			
i.	Up to 2000	87	24.9
ii.	2001-4000	50	14.3
iii.	4001-6000	38	10.9
iv.	6001-8000	30	8.6
v.	8001-10000	37	10.6
vi.	Above 10000	108	30.9
Total		350	100.0
Mean:142000		Standard deviation:32775.14	
Expenditures incurred on witness (Rs.)			
i.	No	54	15.4
ii.	Up to 2000	112	32.0
iii.	2001-4000	24	6.9
iv.	4001-6000	43	12.3
v.	6001-8000	15	4.3
vi.	More than 8000	102	29.1
Total		350	100.0
Mean:7478.43		Standard deviation:12537.17	

Table 4.1.13 describes the financial expenses of the litigants incurred during proceeding of suit in court. Above 33% of the litigants afford the expenses above Rs. 80,000/-, 27% bare the expenses in the range of Rs. 20,001 - 40,000/- while remaining litigants fall under the categories of up to Rs. 20,000/- , 40,001 - 60,000/- and 60,001/ -



80,000/- respectively. Mean of the total expenditures of the litigants was 107000 and the standard deviation was 175031.4.

Regarding the lawyer's fee as told by the litigants is that 31% litigants had paid lawyer's fee in the range of Rs. 20,001 - 40,000/-, 22% had bare these unavoidable expenses up to Rs. 20,000/-, 20% had paid above 80,000/-, rest of the litigants enjoyed these expenses under the categories of no fee, 40,001/- 60,000/- and 60,001/ - 80,000/. Mean of the total lawyer's fee of the litigants was 82834 and the standard deviation was 147901.7.

Transportation cost bare by 31% litigants for these sessions was above 10,000/- , 25% had incurred these expenses up to 2,000/-, 14% of the litigants fall under the category of 2,001/- 4,000/- and rest of the litigants bare these expenditures under the categories of 4,001/- 6,000/- and 6,001/- 8,000/-. The mean of the transportation cost incurred during the dispute of the litigants was 142000 and the standard deviation as 32775.14.

Litigants who bore financial expenses on witnesses were; 32% of the litigants bore up to 2,000/-, 29% of the litigants bore the expenses on witnesses and it costs them above than 8,000/- 15% reported that they had not spent a single penny on witness, while the rest of the litigants fall under the categories of 2,001/- 4,000/-, 4,001- 6,000/- and 6,001 to 8,000/-. Mean of the witness cost incurred during the land dispute of the litigants was 7478.43 and the standard deviation was 12537.17.

The data reveals that the expenses on the litigation (including lawyer's fee, transport and witness) were very high. The largest part of litigants had spent more than Rs.80000 PKR. on the suit. Majority of the people are poor in our country while the data testifies that the litigation is very costly so the individuals who are in litigation becoming poorer day by day. The litigants had to pay the witnesses money for different obsessions i.e. on their food, transport etc.

**4.1.14. Distribution of the respondents by change of lawyer, language used, understanding of the respondents, attitude of the judge during the proceeding, satisfaction and worth-fullness of the court to decrease the respondents troubles**

<b>Sr. No.</b>		<b>Frequency</b>	<b>Percentage</b>
<b>Changing of Lawyer</b>			
i.	No change	247	70.6
ii.	Once	56	16.0
iii.	Twice	22	6.3
iv.	Thrice	25	7.1
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Language used during the proceeding of the suit</b>			
i.	All in local language	140	40.0
ii.	All in English	21	6.0
iii.	Combination of English and Urdu	99	28.3
iv.	Urdu	90	25.7
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Understanding of the respondents about procedural formalities during proceeding</b>			
i.	To great extent	190	54.3
ii.	To some extent	122	34.9
iii.	Not at all	38	10.9
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Attitude of the judge during hearing of the Suit</b>			
i.	Truthful	110	31.4
ii.	Unhelpful	54	15.4
iii.	Harsh/Strict	56	16.0
iv.	Patient	36	10.3
v.	Hostile/Unpleasant	12	3.4
vi.	Helpful	58	16.6
vii.	Biased	24	6.9
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Satisfaction of the respondents on proceedings in court</b>			
i.	To great extent	134	38.3
ii.	To some extent	193	55.1
iii.	Not at all	23	6.6
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Worth fullness of the court in reducing the respondents troubles</b>			
i.	To great extent	122	34.9
ii.	To some extent	197	56.3
iii.	Not at all	31	8.9
<b>Total</b>		<b>350</b>	<b>100.0</b>

The statistics in above table reveals that 71% of the litigants showed their satisfaction on their lawyer / legal advisor and did not avoid from the services of their legal advisor as per data in table 4.1.14. Nearly 16% of the respondents changed their lawyer once for better

services. Rests of the respondents 6% and 7% changed their lawyer twice or thrice during the proceedings of court respectively.

Table 4.13 shows that court has conducted the proceeding in the local language for better communication and understanding (40% of respondents). About 28% litigants heard the proceedings in combined (Urdu+English) language. Whereas 26% enjoyed the Urdu language during their proceeding and only (6%) litigants listened to the English language. Due to professional skills of lawyers, mostly (54%) of the litigants had understandings up to great extent of the court procedure, 35% litigants had understanding up to some extent, whereas only 11% litigants told that they have no understanding of court procedure till yet.

About 31% of respondents feel the judges as truthful whereas 17% said them helpful and 16% of the respondents feel the judges harsh, 15% responded them unhelpful and rest of them fall in categories of patient, hostile and biased. Majority (55%) of the respondents shows their satisfaction on the proceedings in courts to some extent whereas 38% showed full confidence or to a great extent, only 7% didn't show confidence on their proceedings yet.

Major part (56%) of the respondents feel the court's worth-fullness in reducing their problems in the court to some extent. 35% respondent showed confidence on the worth-fullness of the court to a great extent, whereas only 9% did not feel worth-fullness of the court.

The data shows that majority of the litigants in land dispute cases normally did not change their lawyers. During the data collection, the respondents told that in "Dewani Cases" (land suits) they did not like to change the lawyer until the lawyer creates problem for them or any other problem crop up (as in some cases the death of the lawyer). According to the data in courts the court staff uses the local language for the convenience of the litigants

although the official language of the courts is Urdu and English. So most of the litigants said that they can easily understand the language of the court.

The data also divulges that the attitude of the judges towards their clients/litigants is truthful; some said that it is non-cooperative, harsh, hostile and biased. Those judges who show non-cooperative attitude are thought to be corrupt. After bringing the suits in the courts, people are much satisfied and said that it is worth full for decreasing their troubles.

#### **4.1.15. Distribution of the respondents by cross-examination during case proceeding and decision of the panel during proceeding**

<b>Sr. No.</b>	<b>Who Cross-examined the respondents</b>	<b>Frequency</b>	<b>Percentage</b>
i.	Member of the panel	80	22.9
ii.	Council of the other party	108	30.9
iii.	Member of the panel, Council of other party	117	33.4
iv.	None of them	45	12.9
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Decision made by the Judge</b>			
i.	Immediately while you were present	51	14.6
ii.	Hold the decision to announce latter	141	40.3
iii.	Asked to wait while they talk in their private chamber	79	22.6
iv.	Written statement	51	14.6
v.	Immediately while you were present, Hold the decision to announce latter	28	8.0
<b>Total</b>		<b>350</b>	<b>100.0</b>

As per table 4.1.15 cross examination of (33%) of the respondents was made by the member of the panel and council of the party, 31% respondent's cross examination was made by the council of the other party, 21% respondents were trialed by the member of the panel. No cross examination was faced by 13% of the litigants.

The other information in the table is about the decision made by the panel. About 40% of the respondents reported that court hold the decisions and announced it later, 23% litigants

reported that the judge asked them to wait while the judge talk privately with the panel, 15% litigants stated that the decision was announced on the spot and also 15% got the written statement of decision as well while 8% of the litigants said that the judge made the decisions immediately and sometimes hold the decision for later announcement.

One hundred and seventeen out of 350 respondents of the current study revealed that they were cross-examined by the member of the panel and also by the council of other party during the court proceeding. Just 45 respondents said that they were not cross-examined during the proceeding because till now the judge did not give them the date for hearing of the suit. It is also practiced in our courts that the panel holds the decisions to announce later which also provides the grounds for the delay in proceeding.

**4.1.16. Distribution of the respondents by the problems faced, demand of unfair means for completion of formalities to file the suit for the documents, authorities involved in corrupt practices during the proceeding of suit and extent of trust in the local authorities concerned with suit.**

<b>Sr. No.</b>	<b>Problems faced by the respondents from officers of the revenue department</b>	<b>Frequency</b>	<b>Percentage</b>
i.	Patwari	213	60.9
ii.	Numberdar	16	4.6
iii.	Gardawar	14	4.0
iv.	Naib Tehsildar	11	3.1
v.	Patwari, Gardawar, Tehsildar	24	6.9
vi.	All above	55	15.7
vii.	No	17	4.9
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Demand of unfair means for the documents by Authorities</b>			
i.	Yes	309	88.3
ii.	No	41	11.7
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Authorities involved in corrupt practices during the proceeding of suit</b>			
i.	Lamberdar	11	3.1
ii.	Patwari	41	11.7
iii.	Gardawar	5	1.4
iv.	Naib Tehsildar	5	1.4
v.	Judge	5	1.4
vi.	Court Staff	14	4.0
vii.	Court Reader	37	10.6
viii.	Munshi in lawyer office	17	4.9
ix.	Patwari, Court reader, Munshi in lawyer office, steno	106	30.3
x.	Above all	68	19.4
xi.	None of them	41	11.7
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Trust in the local authorities taking care of the matter at different stages</b>			
i.	To great extent	36	10.3
ii.	To some extent	200	57.1
iii.	Not at all	114	32.6
<b>Total</b>		<b>350</b>	<b>100.0</b>

According to the table 4.1.16, respondents faced multiple problems during accumulation and preparation of the documents by authorities at different levels. Majority (61%) respondents faced problems by the patwari, 16% litigants faced problems from

patwari, Gardawar, numberdar, Niab Tehsildar and Tehsildar as well, 7% of the respondents complained about patwari, Gardawar and Tehsildar in this regard. The few lucky 5% respondents had never faced any problems from any of the above authorities. Around 13% of the respondents faced problems during the accumulation of record / documentation by the patwari, numberdar and Gardawar.

According to 88% of the responded that authorities have demanded unfair means for the documentation purpose, 12% respondents deny that no one demanded unfair means for the documentation purpose. In the court proceedings 30% respondents revealed that patwari, reader of the judge, Munshi in lawyer office and the steno were involved in the corrupt practices, 19% litigants insisted that all of the authorities were involved in corrupt practices during court proceedings. Almost 12% reported the patwari for corruption, 11% respondents reported no evidences of corruption during the court proceedings of any authorities. Rest of the litigants reported Numberdar, Niab Tehsildar, court staff and court reader for corruption during the proceedings.

The data in the table under discussion identified that in the litigation personnel from revenue department (Patwari, numberdar, Gardawar and Niab Tehsildar) were mostly involved in corrupt practices and they demanded money from the litigants for the completion of the documentation formalities. However, they did not demand bribe from their friends or the political personals. Patwari was identified as the most corrupt person in the revenue department. Similarly court reader, Munshi in lawyer office and steno also behave in similar way. Money is demanded by all for their tasks as; Patwari demands in the documentation process, court reader in fixing date for the litigants for next hearing in the court, munshi on every hearing and steno in the name of record maintenance and documentation. It was also noticed during data collection that when the litigants did not want to attend the court on the fixed hearing date then the Munshi in the lawyer office go over there and fix the new date for

next hearing instead of the lawyer just to get money from the litigants. This shows that Munshi in the lawyer office has significant importance. The litigants also had trusted on the local bodies for taking care of the matter (suit).

**4.1.17. Distribution of the respondents by the attitude of the relatives and court staff during the dispute.**

<b>Sr. No.</b>	<b>Relative's Attitude</b>	<b>Frequency</b>	<b>Percentage</b>
i.	Co-operative	137	39.1
ii.	Insulting	123	35.1
iii.	Friendly	28	8.0
iv.	Jelous	62	17.7
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Court staff Attitude</b>			
i.	Co-operative	161	46.0
ii.	Insulting	86	24.6
iii.	Friendly	23	6.6
iv.	Normal	29	8.3
v.	Corrupt	51	14.6
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Is environment of the court staff suitable for women</b>			
i.	To great extent	55	15.7
ii.	To some extent	168	48.0
iii.	Not at all	127	36.3
<b>Total</b>		<b>350</b>	<b>100.0</b>

Table 4.1.17 depicts the social manners / attitude of relatives with the litigants. As per data 39% of the litigants reported that relatives remain cooperative after the filing of suit. 35% litigants experienced insulting behavior of relatives, whereas 18% litigants experienced jealousy from relatives. About 8% of the litigants feel pleasant behavior.

Behavior of the court staff was helpful with 46% of the litigants. Nearly 25% litigants experienced negative behavior of court staff, about 15% reported the corrupt attitude of the court staff and rest of the litigants feels the attitude of the court staff friendly and normal.



About 48% of the litigants who feel that environment of the court are conducive for women. About 36% feel that it is not proper whereas (16%) feel that environment is suitable for women.

The data shows that when the respondents have a dispute over land with their relatives, they have to face behavioral problems from the relatives and it becomes insulting and jealousing. This insulting and jealous behavior destroys the relationship within the families. If the dispute is started from the wife's relatives then the wife has to suffer from both sides. In some cases, when the dispute is not with the relatives then the behavior of the relatives is very cooperative and friendly.

Most of the litigants said that the court environment is suitable for the female litigants. Those who were contrary to this statement argued that the behavior of the Munshi and reader is not so good with the female litigants. Sometime these people start abusing the litigants and at that moment if the litigant is female then it become so embarrassing.

**4.1.18. Distribution of the respondents by lawyer fee, additional fee charged and provokes to file additional case**

Sr. No.		Frequency	Percentage
	Fees decided by lawyer		
i.	No fee	4	1.1
ii.	Up to 20000	157	44.9
iii.	20001-40000	109	31.1
iv.	40001-60000	54	15.4
v.	60001-80000	11	3.1
vi.	More than 80000	15	4.3
Total		350	100.0
Mean:33908.9		Standard deviation:443910.3	
i.	Additional fee paid by the respondents to the lawyer		
ii.	No	133	38.0
iii.	Up to 20000	111	31.7
iv.	20001-40000	41	11.7
v.	40001-60000	14	4.0
vi.	60001-80000	7	2.0
vii.	More than 80000	44	12.6
Total		350	100.0
Mean:52181.14		Standard deviation:142922.78	
i.	Lawyer ask the respondents to file additional case		
ii.	Yes	138	39.4
iii.	No	212	60.6
Total		350	100.0

At the time of submission of the case, fee is generally decided between lawyer and the respondents. The study reported that 45% of the respondents paid up to Rs. 20,000/- About 31% respondents were asked to pay lawyer fee ranging between Rs. 20,001/- 40,000/- and 15% decided Rs. 40,001/- 60,000/-. The mean fee decided by the lawyer at the start of the case was 33908.9 and the standard deviation was 443910.3.

Regarding additional fees, 38% respondents paid no additional fee to the lawyer, 32% litigants paid the additional fee to lawyer up to 20,000/- whereas 12%, 4%, 2% and 13% respondents paid extra fee to the lawyer as Rs.20, 001/- 40,000/- , Rs.40,001/- 60,000/- Rs. 60,001/- 80,000/- and above 80,000/- respectively. The mean additional fee paid to the lawyer was 52181.14 and the standard deviation was 142922.8. The lawyer of 61% litigants

didn't ask about the filing of further cases whereas the lawyers of 40% litigants asked about the filing of additional cases.

Data collected from the litigants shows that mostly lawyers ask for additional fees from the litigants although it is said that in the land dispute cases lawyers fix the fee at the start of filing the suit and not after that. Mostly lawyers did not ask the litigants to file an additional case in the court. The lawyers who asked their litigants to file additional case in the court argued that the suit which the litigants had filed is weak and thus for supporting the suit the litigants should file an additional case also. Sometimes, it is true and sometime the lawyer wants to grab extra money from their clients.

#### 4.1.19. Distribution of the respondents regarding health issues

Sr. No.	Health Problem	Number	Percentage
i.	Yes	321	91.7
ii.	No	29	8.3
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Respondent's perceived health status</b>			
i.	Very good	77	22.0
ii.	Fair	196	56.0
iii.	Poor	66	18.9
iv.	Very Poor	11	3.1
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Where the respondents prefer to go for treatment</b>			
i.	Self Medication	8	2.3
ii.	Dispenser	66	18.9
iii.	Hakeem	32	9.1
iv.	Doctor	231	66.0
v.	Homeo Pathic	13	3.7
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Money spent on the treatment of the family</b>			
i.	Less than 1000	23	6.6
ii.	1001-2000	41	11.7
iii.	2001-3000	31	8.9
iv.	3001-4000	50	14.3
v.	Above 4000	205	58.6
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Dispute affects the health of the respondents family</b>			
i.	Yes	262	74.9
ii.	No	88	25.1
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Interviewer perception about the health of the respondents</b>			
i.	Very good	106	30.0
ii.	Fair	188	53.7
iii.	Poor	46	13.1
iv.	Very good	10	2.9
<b>Total</b>		<b>350</b>	<b>100.0</b>

The table documents that 92% of the respondents were suffering from health problems after filing the land dispute, 8% were not affected by any problem of health after the case, 56% respondents perceived their health as fair. About 22% respondents were blessed with very good physical condition, 19% were having poor health whereas 3% respondents had very poor health phase.

Nearly 66% respondents preferred to seek doctor for better treatment, 19% approached dispenser for their treatment, rest of the respondents liked to consult hakeem, homeopathic doctor or go for self medication. Majority 59% of the respondents make an expense of above Rs. 4,000/- for this purpose. About 14% done medical expenses ranging 3,000/- 4,000/-, rest of the litigants done expenses in the range of 1,001/- 2,000/-, 2,001/- 3,000/- and less than 1,000/-.

About 75% of the respondent's families were affected by various health problems after filing of suit whereas 25% families of the respondents did not suffer any health problem. In the personal observation of interviewer, 54% respondent's health was fair, 30% respondents were blessed by very good health and 13% were in a very poor health state.

After indulging in litigation, 54% respondents were suffering from health issues. Most of them rank their health status fair. Usually the litigants go to the doctors for their treatment. Among this, majority are rich and can afford doctor's fee and those who are poor go to the dispensers, Hakeem, homeopathic and do self medication. Most of the litigants had spent above Rs. 4000 on their treatment. The dispute not only affects the health of the respondents but affects the health of their families as well.

**4.1.20. Distribution of the respondents by health problems faced by the respondents currently and in the last one year**

Sr.	Topic	Current		Last one year	
		Yes (%, Fre.)	No (%, Fre.)	Yes (%, Fre.)	No (%, Fre.)
i.	Anemia	4.0 (14)	96.0 (336)	9.1 (32)	90.9 (318)
ii.	Headache	4.6 (16)	95.4 (334)	13.1 (46)	86.9 (304)
iii.	Backaches	6.9 (24)	93.1 (326)	11.7 (41)	88.3 (309)
iv.	Weakness	9.4 (33)	90.6 (317)	13.7 (48)	86.3 (302)
v.	Blood Pressure	10.9 (38)	89.1 (312)	41.4 (145)	58.6 (205)
vi.	Weight loss	3.7 (13)	96.3 (337)	7.1 (25)	92.9 (325)
vii.	Hepatitis	5.1 (18)	94.9 (332)	13.7 (48)	86.3 (302)
viii.	Hypertension	13.4 (47)	86.6 (303)	32.0 (112)	68.0 (238)
ix.	Mental Disorder	2.6 (9)	97.4 (341)	8.3 (29)	91.7 (321)
x.	Heart attack	5.4 (19)	94.6 (331)	9.1 (32)	90.9 (318)
xi.	Diabetes	4.3 (15)	95.7 (335)	7.7 (27)	92.3 (323)
xii.	Arthritis	4.3 (15)	95.7 (335)	10.9 (38)	89.1 (312)

The individual and his family may face health problems, on confronting any socio-economic issue or become victims of any unexpected situation or incident. In such pathetic situations, the financial resources as well as elder's attention is diverted to tackle the situation, having very little time or no care for food, health and educational requirements of their children. In order to ascertain the real picture, data was also collected during field survey on health problems currently faced by the respondents as well as during the last one year. The major health problems included in the questions were Anemia, Headache, Backache, Weakness, blood Pressure, weight loss, Hepatitis, Hypertension, Mental Disorder, Heart Attack, Diabetes and Arthritis.

The study revealed that 4% and 9% were anemic currently and in the last year respectively. Regarding headache 5% and 13% became victim of it currently and during the last one year respectively. About 7%, 9% and 11% were currently suffering from backache, weakness and blood pressure, whereas 12%, 14% and 41% were victims of these diseases during the last one year. There were 5% hepatitis patients among the respondents while this figure was 14% during the last one year. The problems of hypertension, heart attack, mental disorder, diabetes and arthritis were also found among the respondents both currently and during the last one year.

The above discussion revealed that the respondents (litigants) suffered from backache, blood pressure, hepatitis, heart attack, arthritis and weakness. Some also reported prevalence of anemia. It is quite possible that litigants remained under pressure while attending court proceedings and faced financial hardships, paying more attention to dispute settlement and little on their health. This may lead to their health complications.

Some statistics have proved that factors like low income and little education are strong predictors of a range of physical and mental health problems, arraying from arthritis, coronary heart disease, hypertension, blood pressure etc.

#### 4.1.21. Opinions of the respondents about the affects of litigation on the family health

Strongly Agree: SA Agree: A No Opinion: NO Disagree: D Strongly Disagree: SD

S.#	Statement	SA (%, Fre.)	A (%, Fre.)	NO (%, Fre.)	D (%, Fre.)	SD (%, Fre.)
i.	Dispute adversely influence the family health	28.0 (98)	51.4 (180)	2.3 (8)	15.7 (55)	2.6 (9)
ii.	Dispute lowers individual's performance in household activities	35.5 (125)	51.1 (179)	4.3 (15)	8.9 (31)	0
iii.	During dispute health expenditures increase sufficiently	22.3 (78)	50.3 (176)	9.7 (34)	17.7 (62)	0
iv.	It badly affects the social relationships within the family	28.0 (98)	31.1 (109)	10.9 (38)	28.6 (100)	1.4 (5)
v.	Expenditures on land disputes may lead to cut expenditures on food items	22.3 (78)	30.9 (108)	16.6 (58)	28.9 (101)	1.4 (5)
vi.	Involvement in disputes leaves no time for personal care	34.9 (122)	50.3 (176)	8.9 (31)	6.0(21 )	0
vii.	Health problems caused by engagement in the land dispute affect the welfare of family members	29.1 (102)	54.3 (190)	6.0 (21)	10.6 (37)	0
viii.	Dispute influences your relationship with the close relatives	39.1 (137)	29.4 (103)	7.4 (26)	20.6 (72)	3.4 (12)
ix.	Allocation of resources during land disputes leave the little priority to health	27.1 (95)	57.4 (201)	10.0 (35)	5.4 (19)	0
x.	Poor financial condition cause by land dispute may lead to self-medication during health problems	23.1 (81)	39.4 (138)	20.3 (71)	15.4 (54)	1.7 (6)
xi.	Families involved in land disputes mostly depend upon traditional wisdom for curing illness	25.1 (88)	36.9 (129)	22.9 (80)	13.1 (46)	2.0 (7)

Table 4.1.21 reveals the opinions of the respondents about the affects of litigation on the family health. The data collected gives the results that litigation adversely influences family health. Majority (79%) of the respondents responded that they agree with the statement. Besides, out of 79% respondents 28% strongly agreed while 51% of them agreed. About 19% of the litigants disagreed and out of those 19% respondents 16% were disagreed whereas 3% were strongly disagreed. About 2% did not give any opinion.

The table further depicts that dispute lowers the individual's performance in household activities. Around 87% of the litigants agreed with the statement, out of 87%, 36% strongly agreed with the statement that dispute negatively affects the individual's



performance in household tasks, whereas 51% of them agreed to it. In addition 9% of them disagreed while 4% did not give any opinion.

The under discussion table further shows results of increase in health expenditures. Seventy three percent of the respondents retorted that they agree that health expenditures are increased significantly during the land dispute. Out of 73% respondents, 23% strongly agreed although 50% of them were agreed. As propos 18% of the litigants disagreed, and about 10% did not respond.

The under discussion table documents the results of the affect on the social relationship due to land disputes within the family. About 59% of the respondents agreed that land disputes badly affect their social relationships within the family; Besides out of 59% respondents, 31% strongly agreed although 28% of them agreed to it. As 30% of the litigants disagreed out of which 29% disagreed whereas 1% were strongly disagreed. About 11% did not respond.

The table also divulges the outcomes about the negative effect of expenditures utilized during land disputes or expenditure on food items. About 53% of the respondents agreed that land disputes badly affect the expenditure on food. Besides out of 53% respondents 22% strongly agreed although 31% of them agreed. Thirty percent of the litigants disagreed out of which 29% disagreed whereas 1% strongly disagreed. About 17% did not respond.

The above table also shows the opinions of the litigants about the affects of disputes upon the personal care of the litigants. The greater portion (85%) of the respondents agreed that land disputes sloppily did not give time to the litigants to take care of themselves. Out of 85% respondents 35% strongly agreed while 50% of them agreed. About 9% of the litigants disagreed and 6% did not respond.

The above table also shows the opinions of the litigants about the statement that Health problems caused by engagement in the land dispute affect the welfare of family members in terms of strongly agree, disagree, no opinion, disagree and strongly disagree. Almost 83% respondents agreed with the statement; out of 83% respondents 29% were strongly agree although 54% were agreed. Around 11% of the respondents were disagreed with the statement. While 6% respondents did not give any opinion.

The table further shows the opinions of the litigants about the statement that Dispute influences the relationship of the litigants with the close relatives in terms of strongly agree, disagree, no opinion, disagree and strongly disagree. Majority (69%) respondents agreed with the statement. Moreover out of 69% respondents 39% strongly agreed although 30% of them agreed to it. About 24% of the respondents were disagree with the statement. Whereas among 24% respondents 3% strongly disagreed with the statement. While 7% respondents did not give any opinion.

The table supports the opinions of the litigants about the statement that 'Allocation of resources during land disputes leave the little priority to health' in terms of strongly agree, disagree, no opinion, disagree and strongly disagree. Majority 85% litigants agreed with the opinions. Additionally out of 85% litigants 27% strongly agreed and other 58% just agreed. Five percent of the respondents disagreed with the statement. While 10% respondents did not give any opinion regarding the statement.

The litigants also gave their opinions about the statement that 'Poor financial condition caused by land dispute may lead to self-medication during health problems'. Majority (63%) of the respondents agreed with it, out of which 23% strongly agree and 40% agreed. Nearly 17% litigants said that they disagree with the statement because the poor financial condition which is the outcome of the dispute did not lead them towards the self-

medication. Among these 17% litigants 15% were just opposing it while 2% were strongly disagree with the statement, 20% did not give any opinions.

Last but not the least, in this table the litigants also gave their opinions about the statement that ‘Families involved in land disputes mostly depend upon traditional wisdom for curing illnesses. Major portion (62%) of the respondents agreed with it out of which 25% strongly and 37% agreed. About 15% litigants said that they disagreed with the statement. Among these 15% litigants, 13% were disagreeing while the 2% strongly disagree with the statement. While 23% did not give any opinion regarding the statement.

#### **4.1.22. Influence of land dispute on inter-spousal relationship**

<b>Sr. No.</b>	<b>Dispute influences spousal relationship</b>	<b>Numbers</b>	<b>Percentage</b>
i.	To great extent	36	10.3
ii.	To some extent	185	52.9
iii.	Not at all	129	36.9
<b>Total</b>		<b>350</b>	<b>100.0</b>

According to table 4.1.22, 53% of the litigants were bearing the influence on inter spousal relationship to the level of some extent while 37% were feeling no influence of the land dispute on their inter-spousal association. About 10% litigants were feeling adverse influence on their inter-spousal affiliation. This relationship was affected due to involvement of the spouses in the litigation. The litigant has to go to the courts for hearings stay there for many hours, face many awkward situations which may prolong for many years due to this the litigant get hyper and on returning home may start shouting which adversely affect the relationship between the spouses. Sometime it happens that the opposition party may belong to the wife’s relatives and it also creates the conflicts among the husband and wife miserably disturbing their family lives.

**4.1.23. Distribution of the respondents by male, female children who were going to school (public & private) before the respondents filed the suit**

Sr. No.		Frequency	Percentage
Male children going to school before the respondents filed the suit			
i.	None	28	8.0
ii.	1-2	259	74.0
iii.	3-4	53	15.1
iv.	More than 4	10	2.9
Total		350	100.0
Mean:1.8		Standard deviation:1.2	
Female children going to school before the respondents filed the suit			
i.	None	67	19.1
ii.	1-2	229	65.4
iii.	3-4	44	12.6
iv.	More than 4	10	2.9
Total		350	100.0
Mean:1.5		Standard deviation:1.2	
Male children attending public schools before the respondents filed the suit			
i.	No	177	50.6
ii.	1-2	149	42.6
iii.	3-4	24	6.9
Total		350	100.0
Mean:1.6		Standard deviation:0.64	
Female children attending public schools before the respondents filed the suit			
i.	None	195	55.7
ii.	1-2	132	37.7
iii.	3-4	17	4.9
iv.	4+	6	1.7
Total		350	100.0
Mean:1.53		Standard deviation:0.67	
Male children attending private schools before the respondents filed the suit			
i.	None	169	48.3
ii.	1-2	153	43.7
iii.	3-4	23	6.6
iv.	More than 4	5	1.4
Total		350	100.0
Mean:1.61		Standard deviation:0.67	
Female children were going to private schools before the respondents filed the suit			
i.	No	209	59.7
ii.	1-2	118	33.7
iii.	3-4	23	6.6
Total		350	100.0
Mean:1.48		Standard deviation:0.65	

The above data reveals that 74% of the litigants were having the male kids in the range of 1-2 who were attending the school; about 15% fall in the range of 3-4, 3% male kids fall in the category of more than 4 of the respondent's family. Rest of the respondents had no male children (who may not be in the age of school or may be that the respondents did not have male kids). Mean of the school going male children was 1.8 and the standard deviation was 1.2.

In the families of 65% of the litigants female children going to school were in the category of 1-2 before they filed the suit. Female children of 19% litigants were not introduced to school before filing of suit. Female children of 17% and 3% of the litigants were going to school in the group of 3-4 and more than 4 respectively. Mean of the girls going to the school was 1.5 and the standard deviation was 1.2.

Male children of 51% of the litigants were not attending public school before the dispute started. Male children of the 43% litigants were attending public school in the range of 1-2. About 7% of the litigant's children were studying in public schools in the category of 3-4 males. Mean of the male children attending the public schools before the respondents filed the suit was 1.6 and the standard deviation as 0.64.

No female children were attending public school of 56% of the respondents before the filing of the suit. 1- 2 female children of the 38% of the litigants were attending public schools before the start of dispute. Female children in the category of 3-4 and more than 4 were attending public school before the filing of suit of the (5%) and (2%) of the respondents subsequently. Mean of female children going public school before filing of suit was 1.53 and the standard deviation was 0.67. No male children of 48% of the litigants were attending the private school before filing of suit. Male children of the 44% of the respondent were attending the private school before the filing of suit in the range of 1-2. Children of the

remaining litigants were studying in the private school in the array of 3-4 and more than 4 before the filing of the case. Mean of the male children going to private school before filing of suit was 1.61 and the standard deviation was 0.67.

Female children of 60% of the litigants were not attending the private school before filing of suit. Female children of the 34% and 7% of the litigants were attending the private school before the filing of suit in the series of 1-2 and 3-4 subsequently. Mean of the female children going to private schools before filing of suit was 1.48 and the standard deviation was 0.65.

The data collected from the sampled litigants shows that the involvement of the family in land disputes badly affects the schooling of the children. Long proceeding of courts causes the financial problems for the litigants so in some cases they have to move their children from private schools to government schools.

**4.1.24. Distribution of the respondents by Male and female children who have been dropped-out, moved to public schools due to involvement in the land disputes.**

Sr. No.		Frequency	Percentage
	Male children dropped-out due to involvement in the land dispute		
i.	No	303	86.6
ii.	1-2	45	12.9
iii.	3-4	2	0.6
Total		350	100.0
Mean:1.14		Standard deviation:0.38	
Female children dropped-out due to involvement in the land dispute			
i.	No	319	91.1
ii.	1-2	24	6.9
iii.	3-4	7	2.0
Total		350	100.0
Mean:1.1		Standard deviation:0.4	
Male children moved from private sector to public sectors schools			
i.	No	321	91.7
ii.	1-2	25	7.1
iii.	3-4	4	1.1
Total		350	100.0
Mean:1.09		Standard deviation:0.33	
Female children moved from private sector to public sectors schools			
i.	No	319	91.1
ii.	1-2	25	7.1
iii.	3-4	6	1.7
Total		350	100.0
Mean: 1.11		Standard deviation:0.37	

Male children of 87% of the litigants had not been dropped out from the school after their involvement in land dispute according to table 4.1.23. About 13% of the litigants had 1-2 male children dropped out from the school. Mean number of the male children drop out due to involvement in dispute was 1.14 and the standard deviation was 0.38.

About 91% of the litigant didn't drop their female children after taking part in land clash. About 7% and 2% of the litigants dropped their female children after the involvement of land quarrel in the category of 1-2 and 3-4 respectively. Mean number of the female children drop out from the schools was 1.1 and the standard deviation was 0.4.

There were 92% of the litigants who didn't shift their male children from the private

sectors to public sectors school. However 7% and 1% of the litigants shift their male children from private schools to community sectors school in the string of 1-2 and 3-4 respectively. Mean of the male children moved from private schools to public schools of the litigants was

1.09 and the standard deviation was 0.33.

Nearly 91% of the litigants didn't move their female children from private schools to public sectors schools. Remaining litigants move their female children in the progression of 1-2 and 3-4. Mean of the female children move from private sectors schools to public sectors school was 1.11 and the standard deviation was 0.37.

The data reveals that involvement in the land disputes causes the drop-out of the children who are studying in the school. Mostly, female children were dropped out from the schools because people are of the opinion that it is necessary to teach the male children rather than the female children.

#### 4.1.25. Schooling of children is affected by the land dispute

Sr. No.	Schooling of children is affected	Frequency	Percentage
i.	To great extent	96	27.4
ii.	To some extent	204	58.3
iii.	Not at all	50	14.3
Total		350	100.0

The education of the children the bulk (58%) of litigants had been affected by the involvement in land disputes to degree of some extent (4.1.25). whereas schooling of the children was affected to a great extent in case of 27% of the litigants while 14% of the litigants suffered the situation but these compelling circumstances didn't affect the education of their beloved children.



**4.1.26. Opinions of the respondents about the affects of litigation on the children education**  
**Strongly Agree: SA Agree: A No Opinion: NO Disagree: D Strongly Disagree: SD**

S. #	Statement	SA (%)	A (%)	NO (%)	D (%)	SD (%)
i	Litigation on land disputes leave little time to care for children education	33.4 (117)	54.3 (190)	3.4 (12)	6.9 (24)	2.0 (7)
ii	Allocation of resources during the land dispute leave little resources of children education	28.0 (98)	38.6 (135)	9.1 (32)	20.9 (73)	3.4 (12)
iii	Involvement of family in disputes negatively affects performance of children in education	27.4 (96)	38.6 (135)	12.9 (45)	17.4 (61)	3.7 (13)
iv	Litigation on land dispute lowers the study of children at home	28.3 (99)	34.3 (120)	14.3 (50)	18.6 (65)	4.6 (16)
v	Involvement of family in land dispute affect the regularity of children in schools	30.3 (106)	44.0 (154)	10.9 (38)	12.9 (45)	2.0 (7)
vi	Litigation on land dispute negatively affect the performance of children in Exams	27.1 (95)	36.9 (129)	16.0 (56)	16.3 (57)	3.7 (13)
vii	Mostly male children dropped-out from school due to the involvement of family in land dispute	26.6 (93)	27.7 (97)	21.1 (74)	20.6 (72)	4.0 (14)
viii	Mostly female children dropped-out from school due to the involvement of family in land dispute	23.4 (82)	23.7 (83)	27.4 (96)	21.1 (74)	4.3 (15)

Table 4.1.26 demonstrates the opinions of the litigants about the affects of litigation on the children education. The data collected give the results that litigation on land disputes leave little time to care for children education. Major portion (88%) of the respondents said that they agree with the statement. In addition out of 88% respondents 34% strongly agreed while 55% of them agreed. About 9% of the litigants were disagreed and out of those 9% respondents 7% disagreed whereas 2% strongly disagreed. About 3% did not give any opinion.

The table additionally portrays that dispute lowers the resources for children

education. More or less 67% of the litigants agreed that land disputes leave little resources for education of the children, out of 67% litigants, 28% strongly agreed with the statement that dispute negatively affects the resources of children education, whereas 39% of them agreed. In addition 24% of them disagreed and were not in the favore that dispute lowers the resources for children education. Among these 24% respondents 21% disagreed with the statement and 3% strongly disagreed, while 9% did not give any opinion.

Furthermore the litigants gave their opinion about the statement that 'Involvement of family in disputes negatively affects performance of children in education'. About 66% of the litigants were agreed with the statement. Among these 66% respondents, 27% were strongly agreed and 39% were just agreed. The litigants who agreed that land disputes did not affect the performance of children were 21%, while 17% strongly disagreed and 4% were just opposed the statement. Nearly 13% respondents did not respond.

The data also reveals that litigation on land disputes lowers the study of the children at home. The litigants who were in the favor of the statement were 63%, among this percentage 28% were strongly agreed with the statement while 35% agreed. About 23% of the litigants did not favor the statement. Around 19% of the litigants strongly disagreed and 4% just opposed the statement. The litigants who were neutral in their opinions regarding the statement were 14%.

The table under discussion documented the results of the affects of litigation on the regularity of the children in school. As 74% of the respondents said they agree that land disputes badly affect the regularity of the children in school. Besides, out of 74% respondents 30% strongly agreed although 44% of them were agreed. As 15% of the litigants were

disagreed out of which 13% disagreed whereas 2% were strongly disagreed. Eleven percent

did not respond.

The table also gives away the outcomes about the negative effect of land disputes on the performance of children in exams. The majority (64%) of the respondents spontaneously said that they agree that land disputes badly affect the performance of children during the exams. Moreover out of 64% respondents 27% strongly agreed although 37% of them agreed. At the same time 20% of the litigants disagreed out of which 16% disagreed whereas 4% strongly disagreed. While 16% did not respond.

The table also illustrates about the drop-out of the male children due to the involvement in the litigation. About 54% respondents said that they agree that mostly the male children were dropped-out from the school due to the dispute, out of which 27% were strongly agreed and 27 just agreed. The litigants who said that the litigation did not have any impact on the drop-out of the children were 25% in which 21% strongly disagreed with the statement and 4% disagreed. About 21% litigants were neutral regarding the statement.

The table also exemplifies about the drop-out of the female children due to the involvement in the litigation. 47% respondents said that they agree that mostly the female children were dropped-out from the school due to the dispute. Out of which 23% were strongly agreed and 24 just agreed. The litigants who said that the litigation did not have any impact on the drop-out of the female children were 25%, out of which 21% strongly disagreed with the statement and 4% disagreed. While 27% litigants were neutral regarding the statement.

4.1.27. Distribution of the respondents whose assets have been sold to meet the expenses incurred for the land dispute

Sr.	No.	Assets Sold		Frequency	Percentage
i.		Live stock	37		10.6
ii.		Vehicle	34		9.7
iii.		Gold	100		28.6
iv.		Land	20		5.7
v.		Live stock, Gold	18		5.1
vi.		Above all	9		2.6
vii.		Live stock, Vehicle	6		1.7
viii.		Nothing	121		34.6
ix.		Trees	5		1.4
Total			350		100.0
The items the respondents have before the land dispute					
i.		Car	9		2.6
ii.		Motorbike	61		17.4
iii.		Tractor	38		10.9
iv.		Refrigerator	20		5.7
v.		Deep freezer	6		1.7
vi.		Motor bike, Tractor	82		23.4
vii.		Car, Tractor, Refrigerator,	39		11.1
viii.		Air condition			
viii.		Above all	90		25.7
ix.		None of them	5		1.4
Total			350		100.0
The items the respondents have after the land dispute					
i.		Car	6		1.7
ii.		Motorbike	60		17.1
iii.		Tractor	34		9.7
iv.		Refrigerator	18		5.1
v.		Deep freezer	6		1.7
vi.		Motor bike, Tractor	75		21.4
vii.		Car, Tractor, Refrigerator,	42		12.0
viii.		Air condition			
viii.		Above all	89		25.4
ix.		None of them	20		5.7
Total			350		100.0

Statistics in the above table shows that 35% of the litigants bare the unstopable expenses during the land dispute but they didn't sell their assets to meet litigation expenses. About 29% of the litigants sold out the gold to meet the expenses incurred during the land

dispute. Rests of the litigants also sold their assets such as sell live stock, vehicle, land and

trees.

The assets sold included car, motorbike, tractor, refrigerator, and deep freezer as shown in the wealth statement of the 26% of the litigants before the land dispute. Motorbike and tractor were owned by 23% of the litigants. Almost 17% of the litigants show their holding on motorbike before the land dispute. Car, tractor, refrigerator and air conditioner were in the custody of 11% of the litigants and also 11% showed their holding only on tractor. Rest of the litigants showed their holding on car, refrigerator and deep freezers. Only (1%) of the litigants didn't show their holding of all items given above.

After the land dispute, 25% of the litigants who having the assets; motorbike, tractor, refrigerator, and deep freezer in their wealth statement. Motorbike and tractor were in the possession of 21% of the litigants after the land dispute. 17% showed the holding of motorbike after the dispute of land. 12% of the respondents showed the holding of car, tractor, refrigerator and air condition. Rest of the litigants shows their holding on car, refrigerator and deep freezer. Only (6%) of the litigants didn't show any assets given above.

**4.1.28. Distribution of the respondents by loan and sources of loan during the land dispute.**

<b>Sr. No.</b>		<b>Frequency</b>	<b>Percentage</b>
	<b>Respondents taken loan</b>		
i.	Yes	199	56.9
ii.	No	151	43.1
<b>Total</b>		<b>350</b>	<b>100.0</b>
<b>Sources of loan</b>			
i.	Relatives	20	5.7
ii.	Bank	77	22.0
iii.	Shopkeeper	19	5.4
iv.	Pledge your assets	26	7.4
v.	Friends	43	12.3
vi.	Colleagues	8	2.6
vii.	Kashaf Foundation	6	1.7
viii.	No/None of them	151	43.1
<b>Total</b>		<b>350</b>	<b>100.0</b>

Litigation adversely affects the financial condition of the respondent's family. The litigants prefer to meet the litigation expenses and sometime sacrifice personal as well as family needs. Data also suggested heavy burden of loan involved in land dispute.

The table 4.1.28 comprised two variables i.e. yes and no, 57% of the litigants had taken and 43% of the litigants had not taken the loans during the tenure of the land dispute. (22%) of the respondents had taken the loan from the bank. (22%) of the litigants had been helped out by the friends. (12%) of the litigants pledged their property for credit. Rest of the respondents took the loan from shopkeeper, relatives, colleagues and kashf foundation. (43%) of the respondents didn't take the loan as discussed earlier.

Table 4.28 also documents the respondent's information about the loan taken to fulfill their needs and sources of loan. About 57% respondents had taken the loan during the land dispute to meet their expenditure and remaining had not taken. About 43% of the respondents had not taken any loan from anybody, (22%) respondents had availed the facility of bank for loans to meet their expenditures, (12%) had taken loans from their friends and rest of them

had taken loan from their relatives, shopkeeper, pledged their assets, colleagues and Kashaf Foundation.

## 4.2. Bi-Variate Analysis

The bi-variate analysis was conducted to test the hypothesis framed for the current research and to investigate the relationship between variables. Different tests were applied in the bi-variate analysis i.e. Chi-Square, gamma and lambda to see the nature of relationship between different independent and dependent variables which were used in the current research.

**Hypothesis #1. There is an association among the opinion of litigants regarding expenses incurred on suit by duration of case in the court**

**Table: 4.2.1 Expenses incurred on suit by duration of case in the court**

Duration of case in court (years)	Expenses incurred by on the suit (Rs)			
	Up to 20000	20001-40000	Above 40000	Total
Up to 5	20.3(31)	33.3(51)	46.4(71)	43.7(153)
6-10	16.1(15)	28.0(26)	55.9(52)	26.6(93)
Above 10	2.9(3)	18.3(19)	78.8(82)	29.7(104)
Total	14.0(49)	27.4(96)	58.6(205)	100.0(350)
Chi Square: 30.18		df:4		Significance level: 0.000
Gamma: 0.416				Significance level: 0.000

Duration of case in the court (litigation) is quite important variable. It influences social, health, educational, financial and demographic factors of the family. Longer duration adversely influences the income, saving and expenditure pattern on different sectors within a house hold.

A cross tabulation has been carried out between two variables i.e. duration of suit in court and about expenditures made from family income. Table 4.2.1 shows that 44% of respondents were those who are in court up to 5 years, 26%, 30% were pursuing their land cases in court for 6-10 and above 10 years respectively. The cross tabulation also shows that 14% litigants had spent up to 20000(Rs) on the suit, 27% and 59% had spent 2000-40000 and more than 40000 (Rs) on their suit. These expenses include the lawyer's fee, witness fee



and the expenditures on the transport which the respondents used to attend in the court for hearing or for other legal procedures.

The above cross tabulation shows that the long duration of court affects the financial condition of the respondents as with the prolonged duration of expenses on the transport, witness and lawyer's fee increases.

From the statistical analysis, the above table explains that the Chi Square  $\chi^2 = 59.07$  and the corresponding P-value is 0.000 ( $p = .000 < 0.05$  at  $\alpha = 0.05$ ). Therefore from the statistical analysis of the result it is evident that alternative hypothesis is accepted and it can be concluded that there exists a high significant association between the opinion of respondents regarding expenses incurred on suit by duration of case in the court and the same result was confirmed through the value of Gamma = 0.416, P-value is 0.000 ( $p = 0.000 < 0.05$  at  $\alpha = 0.05$ ) which is less than 0.05.

**Hypothesis #2. There is an association between duration of land dispute and effect on family health of the respondents.**

**Table: 4.2.2 Health of the respondent's family is affected by the duration of case in the court**

Duration of case in court (years)	Dispute affect the health of the respondent's family		
	No	Yes	Total
Up to 5	32.0(49)	68.0(104)	43.7(153)
6-10	22.6(21)	77.4(72)	26.6(93)
Above 10	17.3(18)	82.7(86)	29.7(104)
Total	25.1(88)	74.9(262)	100.0(350)
Chi Square: 7.568			Significance level: 0.023
Gamma: -0.282			Significance level: 0.005

Table 4.2.2 describes the nature of relationship between the independent variable (Duration of case in court) and dependent variable (effect of dispute on the health of the respondent's family). Forty four percent of the respondents were those who are in the court up to 5 years, 26%, 30% were following their land cases in court for 6-10 and above 10 years, respectively. The table shows that as the duration of the suit in the court increases, the respondent's family health was affected severely. In the duration of up to 5 years of the suit in the court, the respondents responded that their health was affecting were in low percentage but as the duration increases the respondents who responded that their family's health is affecting were in high percentage. About 75% respondents said that the family health is affecting due to the land dispute while remaining 25% said that the dispute is not affecting the family health.

From the statistical analysis the above table explains that the value of Chi Square  $\chi^2=7.568$  and the corresponding P-value is 0.02 ( $p=0.000 < 0.05$  at  $\alpha = 0.05$ ). Therefore, from the statistical analysis of the result it is evident that alternative hypothesis is accepted and it can be concluded that there exists a high significant association between the duration of land dispute and its effect on health of the respondent's family and the same result was confirmed

through the value of Gamma= -0.282, P-value is 0.00 ( $p = .000 < 0.05$  at  $\alpha = 0.05$  &  $df = 12$ ,  $n=350$ ) which is less than 0.05.

**Hypothesis #3. There is an association between the female children dropped-out from the school by duration of case in the court**

**Table: 4.2.3 Female children dropped-out from the school by duration of case in the court**

Duration of case in court (years)	Female children dropped-out from the school			
	No Dropped-out	1-2	2+	Total
Up to 5	95.4(146)	3.9(6)	0.7(1)	43.7(153)
6-10	91.4(85)	7.5(7)	1.1(1)	26.6(93)
Above 10	84.6(88)	10.6(11)	4.8(5)	29.7(104)
Total	91.1(319)	6.9(24)	2.0(7)	100.0(350)
Chi Square: 10.761		df:4		Significance level: 0.029
Gamma: 0.435				Significance level:0.005
Lambda: 0.039				Significance level:0.059

Table 4.2.3 explains the effect of an independent variable (duration of case in the court) on dependent variable (Female children dropped-out from the school). The table shows that 44, 26, 30 % were up to 5, 6-10, and above 10 years in litigation respectively. About 91, 7, and 2 % female children's dropped out rate was 0, 1-2 and above 2 from the school during the land dispute. This clearly shows that the increase in duration of land dispute increases female dropout from school. From the statistical analysis the above table explains that the Chi Square is  $\chi^2 = 10.761$  and the corresponding P-value is 0.02 ( $p = 0.000 < 0.05$  at  $\alpha = 0.05$ ). Therefore, from the statistical analysis of the result it is evident that alternative hypothesis is accepted and it can be concluded that there exists high significant association between the female children dropped-out from the school by duration of case in the court.

The cross tabulation of the data shows that mostly female children were dropped- out from the school during the litigation process as the duration of the suit prolonged, the drop-out of the female children increased than the male children.

**Hypothesis #4. There is an association between total children dropped-out from schools by duration of case in the court.**

**Table: 4.2.4 Total children dropped-out from schools by duration of case in the court**

Duration of case in court (years)	Total children dropped-out from schools			
	No Dropped-out	1-2	2	Total
Up to 5	90.8(139)	6.5(10)	2.6(4)	43.7(153)
6-10	80.6(75)	15.1(14)	4.3(4)	26.6(93)
Above 10	77.9(81)	10.6(11)	11.5(12)	29.7(104)
Total	84.3(295)	10.0(35)	5.7(20)	100.0(350)
Chi Square: 14.751		df:4		Significance level: 0.005
Gamma: 0.344				Significance level:0.002
Lambda: 0.048				Significance level:0.056

Table 4.2.4 shows the nature of significant relationship between an independent variable (duration of case in the court) and dependent variable (Total children dropped-out from schools) by applying Chi-Square, Gamma and Lambda statistical tests. The table shows that 44, 26, 30 % were up to 5, 6-10, and above 10 years were in litigation respectively. About 84, 10 and 6 % total children's drop-out rate was 0, 1-2 and Above 2 from the school during the land dispute. The data in the table shows that the duration of the suit in the court affected on the drop-out of the children from the school. The data also reveals that when the duration of the suit was up to 5 years then the drop-out was low but as the duration increased, school drop-out also increased it affected the schooling of the children and drop-out of the children.

From the statistical analysis the above table explains that the Chi Square is  $\chi^2=14.751$  and the corresponding P-value is 0.00 ( $p=0.000 < 0.05$  at  $\alpha = 0.05$ ). Therefore from the statistical analysis of the result it is evident that alternative hypothesis is accepted and it can be concluded that there exists a high significant association between total children dropped-out from schools by duration of case in the court.

**Hypothesis #5. There is an association between duration of land dispute and extent of effect on children schooling.**

**Table: 4.2.5 extent of effect on children schooling by duration of land dispute case in the court**

Duration of case in court (years)	Schooling of children is affected by the land dispute			
	Not at all	To Some Extent	To Great Extent	Total
Up to 5	19.6(30)	62.1(95)	18.3(28)	43.7(153)
6-10	12.9(12)	52.7(49)	34.4(32)	26.6(93)
Above 10	7.7(8)	57.7(60)	34.6(36)	29.7(104)
Total	14.3(50)	58.3(204)	27.4(96)	100.0(350)
Chi Square: 15.467		df:4	Significance level: 0.004	
Gamma: -0.290			Significance level:0.000	

The above table illustrates the cause and effect relationship of independent and dependant variables. Whereas 44% respondent's suit was in the court for the duration of up to 5 years, 26 and 30 % litigant's duration of suit in the court was 6-10 and above 10 years respectively. About 28, 58 and 14% litigants responded about the extent of effect on schooling of children to great extent, to some extent and not at all respectively. The data shows that as the duration prolonged the litigant's children schooling is affected more. Hence it has been supported by the data analysis that long proceeding of the suit had negative effect on schooling of the respondent's children.

From the statistical analysis the above table explains that the Chi Square is  $\chi^2 = 14.751$  and the corresponding P-value is 0.00 ( $p = 0.000 < 0.05$  at  $\alpha = 0.01$ ). Therefore, from the statistical analysis of the result it is evident that alternative hypothesis is accepted and it can be concluded that there exists a high significant association between schooling of children affected due to the land dispute and the duration of case in the court.

## **CHAPTER FIVE**

### **FINDINGS, CONCLUSION AND RECOMMENDATIONS**

People have fought over land since the time immemorial of recorded history. In Pakistan the courts do not settle the case on time due to which many cases including land disputes are pending in the courts. The whole phenomena of land dispute and its resulting litigation are affecting the family and communal life. The family is suffering from social, economic, educational and health problems. In order to meet the requirements of litigation, litigants have no choice than to alter or delay their social obligations.

The study was aspired to travel around the nature of litigation among rural people on land disputes and its influence on their children's education and family health. The research also endeavored to find out the causes of land disputes, how the disputes started, who had started the dispute, duration of dispute and the challenges faced by the litigants during the tenure of land dispute. After a comprehensive and all-embracing analysis along with meticulous interpretation in chapter four, the general findings of the research study are given below.

#### **5.1. Major Findings**

- Majority of the respondents (92%) were male and 8% were female.
- Twenty eight percentage litigants were above 60 years of age; however 11% respondents were 40 years old. Rest of the respondents was in the age category of 41-60 years.
- A significant part of the litigants (94%) was married, 5% were widows and just 1% divorced.

- Most of the respondents (60%) were living in joint family system while 40% were living in nuclear families.
- About 28% were under matric, 25% of the litigants were matric whereas just 5% were having more than graduation level qualification.
- Majority (89%) of the litigants was involved in agriculture and rest of them (11%) was non-agriculturist.
- Thirty seven percent respondents were farmers, 15% were businessman and 2% were retired and lawyers respectively.
- A significant majority (47%) of the respondents had more than Rs.200000 total family income per season from agriculture.
- Thirty percent respondents had up to 20000 rupee as monthly income. However the 2<sup>nd</sup> largest number (28%) of the respondents had more than Rs.60000 per month.
- Majority of the respondents (44%) who belonged to Jutt caste were involved in land disputes. After that Rajpoot were in high percentage i.e. 23%.
- Absolute majorities (98%) were having their own land and 2% were those litigants who had hired the land but cannot cultivate it due to the disputes.
- Major portion of the litigants 67% had land size up to 5 acre and 7%% respondents were having the more than 11 acre.
- Seventy one percent respondents were having disputed land up to 5 acre.
- Most of the litigants (66%) earned more than Rs. 80000 from their disputed land.
- Majority of the respondent (52%) responded that their financial condition had been affected due to land dispute to some extent and 34% responded that their financial condition had been affected because of the land dispute to great extent.

- Fifty percent of the litigants filed the suits of family inheritance disputes and unauthorized disposition in the court, rest of the respondents filed different types of disputes i.e. unclear demarcation of land, hibba, pre-emption etc.
- Forty nine percent of the respondents told that land dispute was started by the relatives of the litigants, secondly (30%) by the community people and less than (1%) by the govt.
- The findings of this study revealed that 68% litigants were plaintiff. The data also shows that 57% litigants had managed the suit by themselves.
- Major portion of the litigants (85%) had taken the stay order from the court. Whereas 69% of the stay orders were supervised by the plaintiffs and duration of most of the stay orders were in the category of 1- 10 years.
- Nineteen percent litigants had a problem of threats from their opponent party after this the respondents 18% had faced the difficulty to access the courts for resolving their disputes.
- About (18%) litigants had faced the challenge in the form of non cooperation from the court staff whereas (16%) of the litigants had faced the financial hardships.
- Forty six percent of the respondent's disputes had been resolved by the court and lesser by the Patwari and arbitration.
- The larger part of the respondents (71%) responded that the settlement of the dispute was not possible out of the court.
- About thirty three percent litigant's duration of hearing was fixed after 3-4 weeks. Just 2% respondents responded that the court fixed the hearing date up to 2 weeks.
- Majority of respondents (44%) had gone through the frantic duration of up to 5 years of their trial of suit / case in the court. Afterward 26% litigants had depleted 6-10 years in these practices of proceeding of the courts.



- Majority (78%) of the litigants appeared in the court more than 20 times for hearing purpose.
- About (32%) of the litigants paid for the expenses more than Rs.80,000/- PKR, there were just 10% litigants who told that the total expenses which they spent on litigation were ranging in between Rs. 60001-80000/- PKR
- About 71% of the litigants confirmed their contentment on their lawyer / legal advisor and did not turn away from services of their legal consultant. They did not change their lawyer even once. Just 6% litigants had changed their legal advisors twice.
- The majority (54%) of the litigants responded that due to the professional skills of lawyers their understanding during the proceeding was of great extent. Whereas 11% litigants confessed that they had no understanding of court procedure till yet.
- Majority (55%) of the respondents told that they were satisfied from the proceedings in courts to some extent whereas only (7%) did not show their confidence on the proceedings up till now.
- Litigants had faced the problems during gathering and grounding of the documents by the top level and the local authorities. Majority (61%) respondents have faced the problems by the patwari who is involved in the documentation of the land regarding records; lucky 5% respondents never faced any problems from various authorities involved in the proceedings.
- About 88% of the respondent responded that the authorities had set unfair means for the documentation purpose, 12% respondents disprove that no one demanded unfair means for the documentation purpose.
- The respondent who told that patwari, reader of the judge, Munshi in lawyer office and the steno were involved in the corrupt practices during the proceeding were in

greater number i.e. 30%, there were just 11% respondents who got no facts of corruption during the court proceedings of any authorities.

- About 57% litigants responded that they trusted the local authorities to some extent which shows that majority of the litigants are not against the local authorities, 33% of the respondents responded that they did not trust in local authorities at any cost.
- Thirty nine percent of the litigants said that after the filing of suit the attitude of their relatives remain co-operative.
- Behavior of the court staff was helpful with 46% of the litigants. 24% litigants feel offensive behavior of court staff.
- The 38% respondents were not asked for additional fee from their lawyer, while 62% were asked for the additional fee.
- The lawyer of 61% litigants didn't ask about the filing of further cases whereas the lawyers of 40% litigants ask about the filing of additional cases.
- Almost 92% of the respondents were suffering the health tribulations after the filing of suit.
- Present health status of 56% respondents was fair. About 22% respondent said that they were blessed by very good physical condition.
- About 75% of the respondents said that their families were affected by some kind of health problems after the filing of suit.
- In the personal observation of interviewer 54% respondent's health was fair.
- About (13%) of the respondents were suffering from hypertension at present and 41% of the respondents suffering from blood pressure since the last 1 year.
- Litigation harmfully influences the family health. Majority (79%) of the respondents agreed with the statement.

- Around 87% of the litigants said that dispute lowers the individual's performance in household activities.
- A larger part (73%) of the respondents agreed that health expenditures are increased sufficiently during the land dispute.
- Fifty nine percent of the respondents agreed with the statement that land disputes badly affect their social relationships within the family.
- Fifty three percent of the respondents agreed that land disputes adversely affected the expenditures meant for food which in turn are used for suing the court case.
- The major part (85%) of the respondents agreed that land disputes did not give time to the litigants to take care of themselves.
- Almost 83% respondents agreed with the statement that health problems caused by the engagement in the land dispute affected the welfare of family.
- Sixty nine percent confirmed that dispute influences the relationship of the litigants with the close relatives.
- With reference to the statement that Allocation of resources during land disputes leave little priority to health, nearly 85% respondents agreed to it.
- Sixty three percent litigants agreed that "Poor financial condition caused by land dispute may lead to self-medication during health problem.
- Around 63% of the litigants responded that dispute had influenced the inter-spousal relationship.
- The major part (74%) of the litigants having the male kids in the array of 1-2 were attending the school. While 65% of the litigant's female children were going to school in the series of 1-2 before filing of suit.

- In the category of litigant's male children 51% of the litigants were not attending the public school before the start of the dispute while 56% female children were not attending the public school before the filing of the suit.
- About 48% of the litigant's male children falls in the category of 1-2 were attending private schools before the filing of the suit and female children in this category were 34%.
- The education of the children of 58% litigants had been affected by the land dispute. Fourteen percent did not face any difficulty in this regard
- Mostly (88%) of the respondents agreed with the statement that 'Litigation on land disputes leaves little time to care for children education'.
- Majority 67% of the litigants agreed that land disputes leave little resources of children education.
- About 66% of the litigants agreed with the statement that land disputes negatively affect the performance of children in education.
- Sixty three percent litigants confirmed that land disputes lower the study of children.
- The major portion (74%) of the respondents agreed that land disputes badly affect the regularity of the children in school.
- Sixty four percent of the respondents agreed that land disputes badly affect the performance of their children during examinations.
- About 54% respondents agreed that most of the male children were dropped-out from the school due to the land disputes.
- About 47% respondents agreed that most of the female children were dropped-out from the school due to the land disputes

- Thirty five percent of the litigants suffered the unseen but unavoidable expenses during the clash of land but they didn't sale their assets for litigation. 29% of the litigants sold out the gold to arrange the expenses incurred during the land dispute.
- Before the land dispute 25% litigants were having motor bike and tractor but after the land dispute 21% were not having these, which shows that the economic condition of the respondents was affected due to the dispute.
- Fifty seven percent of the litigants had taken the loans during the tenure of the land dispute. Twenty two percent of the respondents have taken the finance by the bank.

## **5.2. Conclusion:**

It can be safely concluded from the finding of the present study that mostly illiterate or less educated people are involved in litigation and well qualified ones tried to avoid from such type of litigations. Majority of the litigants were male because mostly the share in property is not given to the females. Females are sometime compensated at the time of their marriages in the form of dowry. Very small percentage of female received their proper share of property. Most of the litigants were aware about the share of daughter, sons and widows as prescribed by Islamic teachings.

The litigants faced problems initially at the time of completion of legal formalities for documentation to file the suit and subsequently during the proceeding of case. Patwari in the revenue department and court staff are mainly involved in corrupt practices.

In the present research, the duration of case in the court (litigation) is an important variable. It adversely influenced social, health, educational and financial condition of the victim family. Longer duration of proceeding adversely influences the income, savings and expenditure pattern, as the duration prolongs the expenses on the transport, witness and lawyer's fee increases adversely affecting the respondent as well as his family's health. The

study also reveals that land dispute litigation badly affected children education and especially the education of female children.

### **5.3. Recommendations:**

In the light of the major findings and conclusion of the study, the researcher would give the following recommendations:

- Property rights should be given to both male and female children by proper formulation and implementation of laws.
- Laws should be framed to complete court proceedings with minimum time as long period of litigation leads to multi-various problems for litigants as well as for society as a whole.
- There should be proper check and balance on the revenue department especially on the i.e. Patwari, Gardawar and court staff to cure the menace of bribery.
- Committees comprising legal experts, revenue officers and public representatives should be constituted to guide the individuals in case a land dispute arises.
- There is a dire need to computerize the land records to minimize the elements of corruption in the revenue department and to stop manipulation of land records.
- In some countries lawyers charge the fee at the end of the decision so it should be implemented in Pakistan too because it minimizes the exploitation of litigants.
- Females may also be recruited on various positions in revenue department. This will provide relief to female in particular and other in general as they are thought to be less involved in corruption.
- It is suggested that more comprehensive studies may be conducted covering large scale population survey, extending it to different rural areas of Pakistan to formulate a comprehensive policy for the country.

## REFERENCES

- Agricultural Survey of Gujranwala, (20008). *Exploring District's Rural Economy*. Published By State Bank of Pakistan, Development Finance Support Department
- Ali.Z. & Nasir.A (2010). *Land administration system in Pakistan – Current Situation and Stakeholders' Perception*. A paper presented at FIG Congress , Facing the Challenges – Building the Capacity. Sydney, Australia.
- Babbie, E. R. (2009). *The Practice of Social Research*", 12th edition, Wadsworth Publishing, ISBN 0-495-59841-0, p. 426-433
- Business Anti-Corruption Portal, (2009). Pakistan country profile. Published by Judicial System, Pakistan. <http://www.business-anti-corruption.com/country-profiles/southasia/pakistan/corruption-levels/judicial-system/> (Accessed 14 January 2012)
- Chikwanha, A. (2007). *The Anatomy of conflicts in the East African Community keynote speech*, Published by Institute for security studies. Available at <http://www.iss.co.za/uploads/EACANNIE.PDF>
- Dale . P. (2010). *Land markets and the modern economy*. Published by International Trade & Academic Research Conference.
- Dowall, D. & Ellis.P 2007. *Urban land and housing markets in the Punjab, Pakistan*. University of California Berkeley Institute of Urban and Regional Development (IURD) Working Paper. Berkeley: IURD
- Ghumman, K. (2007). *Pressure groups blamed for sugar crisis*, <http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/12-pressure+groups+blamed+for+sugar+crisis--bi-07>
- Huggins.C. & Clover.J (2005). From the ground up: *Land rights*, conflict and peace in Sub-Saharan Africa.<http://www.iss.co.za/pubs/Books/GroundUp/Contents.htm>
- Ministry of Food and Agriculture (2008) available at: [http://www.finance.gov.pk/survey/chapter\\_10/02\\_Agriculture.pdf](http://www.finance.gov.pk/survey/chapter_10/02_Agriculture.pdf) Retrived at 13-05-2012

- Moser, C.A. & G.Kalton (1985). *Survey Methods in Social Investigation*. Published by London school of economics,UK.
- Oliver, M .& Shapiro, T. (1999). *Black wealth/white wealth*. Black enterprise .29 West New York, USA
- Peters, E. P. (2002). *Bewitching Land: The Role of Land Disputes in converting Kin to Strangers and in class formation in Malawi*. published by Carfax publishing house USA
- Rao, M. S. & Lakshmana Rao (2010). *Factors Influencing socio-economic status of the primitive*. World Applied Sciences Journal 11 (2): 235-244, ISSN 1818-495
- Rugadya, (2009). *Escalating Land Conflicts in Uganda: A Review of Evidence from Recent Studies and Surveys*.
- Soomro, R, (2010). *Globalization of Land markets - its impacts on development with specific reference to Pakistan*. Published by Birkbeck, University of London.
- Taizi, dr. S. (2007). *Girga system in tribal life*. The booklet was published by Area Study Centre (Russia, China and Central Asia), University of Peshawar
- The News ,(8 April 2007). *Special Report*. <http://www.jang.com.pk/thenews/apr2007-weekly/nos-08-04-2007/spr.htm#1>(Accessed 15 January 2012)
- The Punjab Pre-emption Act*. (1913) <http://punjabrevenue.nic.in/cust76.htm>
- US Agency for International Development (USAID). (2005). *Toolkit on land and violent conflict*. Available at [http://www.usaid.gov/our\\_work/crosscutting\\_programs/conflict/publications/toolkits.html](http://www.usaid.gov/our_work/crosscutting_programs/conflict/publications/toolkits.html)
- USAID, (2005). *The Anatomy of conflicts in the East African Community keynote speech*, Published by Institute for security studies. Available at <http://www.iss.co.za/uploads/EACANNIE.PDF>
- UNECA (2009). *Framework and guidelines on land policy in Africa – Draft 5’*. p.64.



United States Agency for International Development, (November 2008), *Pakistan Rule of Law Assessment Final Report*. Published by USAID

Vignon, N. P. & Lecomte. H. (2004). *Land, violent conflict and development*. OECD Development Centre Working Paper, No. 233, France. p.13.

World Gazetteer, (2010). *Pakistan largest cities and towns and statistics of their population*. Retrieved 11 December 2010.

Yarissa.R. (1999). *Effect of Tribal Land Tenure Systems on Urban Development*: Case Study of Shillong, north-east India, paper presented at Seminar on Tenure Security Policies, Johannesburg.

Young, P. V. 1999) retrieved from [www.jayaram.com.np](http://www.jayaram.com.np)

Zartman. I. M, (1991). *Conflict Reduction: Prevention, Management, and Resolution*. Published by Conflict Resolution in Africa, Washington.

## INTERVIEW SCHEDULE

### Litigation on land disputes and its effects on family health and Children education

Code No.	Dated	Day	Month	Year

District: \_\_\_\_\_ Tehsil: \_\_\_\_\_ Village: \_\_\_\_\_

#### To Study the socio-economic characteristics of the respondents

- 1- What is your current age (In completed years)? \_\_\_\_\_
2. What is your marital status? Single (ii) Married (iii) Widowed (iv) Divorced  
(v) Separated
3. How many children do you have? (i) Male \_\_\_\_\_ (ii) Female \_\_\_\_\_
4. What is your educational level? (No. of classes passed)  

0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16+
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5. What is the type of family you are living in? (i) Nuclear (ii) Joint (iii) Extended
6. What was your age at the time of marriage? \_\_\_\_\_
7. What was your spouse's age at the time of marriage? \_\_\_\_\_
8. What is your caste? (i) Jutt (ii) Rajpoot (iii) Arian (iv) Malik (v) other  
(Specify) \_\_\_\_\_
9. Which of the following professions you are engaged?

(i) Agriculturist (ii) Non- Agriculturist (If Agriculturist then → Q 11)

10. Which of the following occupations you are engaged?

(i) Govt. Service (ii) Private Service (iii) Businessman (iv) Unemployed (v) House wife  
(vi) Self employed (vii) Labor (viii) Any other (Specify) \_\_\_\_\_

11. Do you own any land? Yes \_\_\_\_\_ No \_\_\_\_\_

12. What is size of that land holding (Acres)? \_\_\_\_\_

13. What is the type of farming you are engaged?

(i) Owner cultivated (ii) Tenanted (iii) Share cropper (iv) Rented land

(v) Any other (please Specify) \_\_\_\_\_

14. How many family members are there in your family? Male: \_\_\_\_\_ Female: \_\_\_\_\_

15. What is the size of the disputed land (Acres)? \_\_\_\_\_

16. How many income earners and non- earners are there in your family?

(i) Earners \_\_ (ii) Non-earners \_\_

17. What is your family income from all sources per season? \_\_\_\_\_

18. What is your personal income (Rs. Per month)? \_\_\_\_\_

19. What is the nature of your dispute?

(i) Family Inheritance Dispute (ii) Unclear Demarcation of land (iii) Unauthorized disposition (iv) Merger of land due to natural disasters i.e. (floods, earth quake)

(v) Dispute over cultivation/Crops (vi) Un-equal allocation of land (vii) Others (specify) \_\_\_\_\_

20. By whom the dispute of your land started?

(i) By relatives (ii) By Community People (iii) By the neighbors

(iv) Others (Specify) \_\_\_\_\_

21. What is the duration of land Dispute (Years)?

(i) Up to 5 Years (ii) 6-10 Years (iii) 11-15 Years (iv) 16-20 Years (v) >20 Years

22. What is your Status in the dispute? (i) The Plaintiff (ii) Defendant

23. Who filed the case/suit in the court for litigation?

(i) Yourself go to the court (ii) Parents (iii) Relatives (iv) Any other \_\_\_\_\_

24. What type of difficulties you are facing during this land dispute?

(i) No money (ii) No male member to pursue the case

(iii) Face problems to access the court (iv) Threats from opponents

(v) Others (specify) \_\_\_\_\_

25. Is there any stay order of the disputed land? (i) Yes (ii) No

26. Who has managed to get stay order? (i) Plaintiff (ii) Defendant

27. What is the duration of stay order (Years)? (i) < a Year (ii) 1-5 Years (iii) 6-10 Years (iv) 11-15 Years (v) 16-20 Years (vi) > 20 Years

28. How much (on average) income was generated per year from the disputed land? \_\_\_\_\_

29. Up to what extent your income (financial condition) has been affected during the land dispute? (i) To great extent (ii) To some extent (iii) Not at all \_\_\_\_\_

30. What are the practices in your family about the proper share of daughters in property?

(i) Daughter are given share (ii) Deprived of share (iii) Compensated at the time of marriage (iv) Any other (please specify) \_\_\_\_\_

31. Do you know that the Quran has specified shares of females in Islam?

Share for daughters	1/4	1/3
Share for Widows	1/8	1/4
Share of son	1/2	1/5

32. How the land disputes are settled in your area?

(i) Family elders (ii) Girga (iii) Panchiat (iv) Patwari (v) Arbitration

(vi) Village chief (vii) Court (viii) Agric Dept. Officer (ix) Police

(x) Local Administration (AC, DC, Commissioners)

33. To which dispute settling place you FIRST approached regarding your suit/case?

(i) Family elders (ii) Girga (iii) Punchiat (iv) Patwari (v) Arbitration

(vi) Village chief (vii) Court (viii) Agric Dept. Officer (ix) Police

(x) Local Administration (AC, DC, Commissioners)

34. Why did you choose to bring your suit/case to the court?

(i) Girga did not settle the case (ii) out of court settlement was not possible

35. Would you please tell me after how many weeks the court fixes your suit/case for hearing?

(i) < Two Weeks (ii) After two weeks (iii) 3-4 weeks (iv) 5-6 weeks

(v) > 6 weeks

36. How long has your case been in the court (years)?

(i) Up to 5 years (ii) 6-10 (iii) 11-15 (iv) 16-20 (v) > 20 years

(vi) Others (specify) \_\_\_\_\_

37. How many times have you had to attend this court for a hearing?

(i) < 5 times (ii) 6-10 times (iii) 11-15 times (iv) 15-20 times (v) > 20 times

(vi) Others (specify) \_\_\_\_\_

38. Have you hired a lawyer? (i) Yes (ii) No

39. How much money do you think you have spent on the suit/case up to now?

*Interviewer prompts if necessary]:*

Lawyer's fees	Transport	Witnesses

40. How many times you have changed the lawyer during your suit/case?

- (i) Once      (ii) Twice      (iii) Thrice      (iv) None

41. What language was/is used during the proceeding of court?

- (i) All in local language      (ii) all in English      (iii) Combination of English and Urdu  
(iv) Urdu

41. Do you understand clearly what was going during the proceeding?

- (i) To great Extent      (ii) To some extent      (iii) Not at all

42. During the hearings, what was the Attitude of the concerned judge(s)?

- (i) Truthful      (ii) Unhelpful      (iii) Harsh/ strict      (iv) Patient  
(v) Hostile/unpleasant      (vi) Helpful      (vii) Biased

43. Are you satisfied that all the facts of the suit are/were heard properly?

- (i) To great extent      (ii) To some extent      (iii) Not at all

44. Do you think taking your suit to court is worth all the troubles you faced?

- (i) To great extent      (ii) To some extent      (iii) not at all

45. During the hearing, were you cross-examined (asked questions) by:

- (i) Member of the panel      (ii) Council of other party      (iii) Not at all

46. How the judges make their decision?

- (i) Immediately, while you were present      (ii) Hold the decision to announce later  
(iii) Asked you to wait while they talked in their private chamber  
(iv) Some other method (specify)

47. Have you faced any problems in the completion of documentation from the following authorities?
- (i) Patwari      (ii) Lamberdar      (iii) Gardawar      (iv) Naib  
(v) Tehsildar
48. Did any of the local authorities ask you for unfair means for the documentations?
- (i) Yes      (ii) No
49. Can you tell me which authorities are more involved in corrupt practices during the proceeding of your suit?
- (i) Namberdar      (ii) Patwari      (iii) Gardawar      (iv) Naib tehsildar      (v) judge  
(vi) Court Staff      (vii) Court reader      (viii) Munshi in lawyer office  
(ix) Deputy District Officer Revenue
50. Up to what extent do you have trust in the Local Authorities taking care of the matter?
- (i) To great extent      (ii) To some extent      (iii) Not at all
51. What are/ were the major challenges the people faced regarding their land disputes?
- (i) Difficult access to law      (ii) No co-operation from the court staff      (iii) Insulting behavior of the relatives      (iv) Contempt by the society      (v) Financial Hardships  
(iv) Any other (specify) \_\_\_\_
52. What is the attitude of your relatives after the land dispute?
- (i) Co-operative      (ii) Insulting      (iii) Friendly      (iv) Jealous      (v) Others (specify) \_\_\_\_
53. What is the attitude of the court staff with you?
- (i) Co-operative      (ii) Insulting      (iii) Friendly      (iv) Others (specify) \_\_\_\_

54. Up to what extent do you think that the environment of the court is suitable for the female litigants?

(i) To great extent (ii) To some extent (iii) Not at all

55. How much fees was decided by the lawyer at the start of the case? Rs. \_\_\_\_\_

56. How much additional fee you paid to the lawyer? Rs. \_\_\_\_\_

57. Did the lawyer ask you to file any additional case? (i) Yes (ii) No

**Affects on family Health and Children Education**

58. Are you suffering from any health problems? (i) Yes (ii) No

59. How do you rank your current health status?

(i) Very Good (ii) Fair (iii) Poor (iv) Very Poor

60. When you are not feeling well where do you prefer to go?

(i) Self Medication (ii) Dispenser (iii) Hakeem (iv) Doctor (v) Any other

61. Now I want to know what problems/illness did you face currently? (Tick Relevant)

Sr.	Topic	Current		Last one year	
		Yes	No	Yes	No
i.	Anemia				
ii.	Headache				
iii.	Backaches				
iv.	Weakness				
v.	Blood Pressure				
vi.	Weight loss				
vii.	Hepatitis				
viii.	Hypertension				
ix.	Mental Disorder				
x.	Heart attack				
xi.	Any other				

62. How much you spent in (Rs.) on the treatment of your family in the last six months?

(i) Less than 1000 (ii) 1000-2000 (iii) 2001-3000 (iv) 3001-4000 (v) Above 4000

63. Does the land Dispute affect the health of your family? (i) Yes (ii) No

64. How the interviewer perceive about the respondents health?

(i) Very Good (ii) Fair (iii) Poor (iv) Very Poor



65. I would like to know the affects of litigation on the family health in terms of the following statements:

Sr	Statement	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree
i.	Dispute adversely influence the family health					
ii.	Dispute lowers individual's performance in household activities					
iii.	During dispute health expenditures increase sufficiently					
iv.	It badly affects the social relationships within the family					
v.	Expenditures on land disputes may lead to cut expenditures on food items					
vi.	Involvement in disputes leaves no time for personal care					
vii.	Health problems caused by engagement in the land dispute affect the welfare of family members					
viii.	Dispute influences your relationship with the close relatives					
ix.	Allocation of resources during land disputes leave the little priority to health					
x.	Poor financial condition cause by land dispute may lead to self-medication during health problems					
xi.	Families involved in land disputes mostly depend upon traditional wisdom for curing illness					

66. Up to what extent the land dispute influenced inter- spousal relationship?

(i) To great extent      (ii) To some extent      (iii) Not at all

67. How many children were going to the school before you filed case in court?

(i) Male \_\_\_\_\_ (ii) Female \_\_\_\_\_

68. How many children were going to Public Schools before you filed your case in the court?

(i) Male \_\_\_\_\_ (ii) Female \_\_\_\_\_

69. How many children were going to Private Schools before you filed your case in the court?

(i) Male \_\_\_\_\_ (ii) Female \_\_\_\_\_

70. How many children have been dropped-out from school in the early six months of dispute?

(i) Male \_\_\_\_ (ii) Female \_\_\_\_

71. How many children have moved from private sector to public sectors schools?

i. Male \_\_\_\_\_ ii. Female \_\_\_\_\_

72. Up to what extent the schooling of your children is affected by the land dispute?

(i) To great extent (ii) To some extent (iii) Not at all

73. I would like to know the affects of litigation on the children education in terms of the following statements:

Sr.	Statement	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree
i.	Litigation on land disputes leave little time to care for children education					
ii.	Allocation of resources during the land dispute leave little resources of children education					
iii.	Involvement of family in disputes negatively affects performance of children in education					
iv.	Litigation on land dispute lowers the study of children at home					
v.	Involvement of family in land dispute affect the regularity of children in schools					
vi.	Litigation on land dispute negatively affect the performance of children in Exams					
vii.	Mostly male children dropped-out from school due to the involvement of family in land dispute					
viii.	Mostly female children dropped-out from school due to the involvement of family in land dispute					

74. What types of assets have been sold to meet the expenses incurred for the land dispute?

(i) Live Stock (ii) Vehicle (iii) Gold (iv) Land (v) Any Other \_\_\_\_\_

75. Which of the following items you have before the land dispute?

(i) Motorbike (ii) Car (iii) Pickup (iv) Tractor (v) Refrigerator (vi) Air-condition (vii) deep freezer (viii) Generator

76. Which of the following items you have after the land dispute?

- (i) Motorbike      (ii) Car      (iii) Pickup      (iv) Tractor      (v) Refrigerator      (vi)  
Air-condition      (vii) deep freezer      (viii) Generator

77. Have you taken any loan during the land dispute?      (i) Yes      (ii) No

78. From whom you have taken the loan?

- (i)Relative      (ii) Bank      (iii) Shopkeeper      (iv) Pledged your assets  
(v) Friends      (vii) Colleagues

**For Interviewer:**

1- How much time the interviewer has taken in conducting this interview?

- (i)Hours \_\_\_\_ (ii) Minutes \_\_\_\_

2- Please rank the attitude of the respondents?

- (i)Very Cooperative      (ii) Normal      (iii) Non-cooperative

**Thank you very much for cooperation. I assure you that the information will be kept confidential and exclusively used for research purposes.**

**I wish you happy life. Thank you again.**

**Name of the Enumerator \_\_\_\_\_ Signature \_\_\_\_\_**

## LIST OF THE VILLAGES FROM WHERE DATA WAS COLLECTED DURING FIELD RESEARCH

Sr. No.	Village names	Sr. No.	Village names
<b>District Gujranwala</b>		30	Bhabra
1	Amin Abad	31	Bhalwal
2	Aroop Town	32	Bola
3	Attawa	33	Chack 9
4	Chacho ki	34	Chack 13
5	Checharwali	35	Chack 24
6	Ferozwala	36	Chack 25
7	Ghakhar	37	Chack 27
8	Khabeki	38	Cack 55
9	Mari Bhindran	39	Chack 84 NB
10	Ojla	40	Chack 95 NB
11	Pakray wali	41	Haider Abad
12	Papnakha	42	Kaman Wali
13	Qila Dedar Singh	43	Kot Joya
14	Saro ki	44	Laliani
15	Trigri	45	Mozim Abad
16	Ugu Chack	46	RasulAbad
17	Vani Walla	47	Shaho Wali
<b>Hafizabad</b>		48	Tatri
18	Ali Abad	49	Uppi Rawana
19	Aswan Bhattian	<b>Mandi Baha-ud-din</b>	
20	Bhaka Bhattian	50	Khai
21	Burj Dara	51	Mangat
22	Dinga Shamir	52	Mano Chack
23	Ghanoki	53	Murrala
24	Ghari Awan	54	Nora Pindi
25	Jalal Pur Bhattian	55	Rammal Sharif
26	Kaley ki Mandi	56	Sahan Pal
27	Kolo Tarar	57	Sarang
28	Pindi Bhattian	58	Malak wal
<b>Sargodha</b>			
29	Ajnala		

