

PAPER TRAILS AND POWER PLAYS: THE LEGAL AND ADMINISTRATIVE ROOTS OF LAND LITIGATION PROLIFERATION IN PAKISTAN

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ABSTRACT

The primary aim of current study is to investigate the legal and administrative factor of land litigation cases in Pakistan. Senior and junior land revenue officers and judicial officer involved in land litigation are the data sources. The qualitative content analysis identified ten major themes; namely, corruption, complex legal framework, lengthy judicial processes, political interference, resistance to land reforms, bureaucratic delays, lack of legal awareness, conflicting land titles, inconsistent application of land laws, efficient land record system, lack of digitization, inheritance and succession laws, overlapping jurisdictions, inadequate land surveys and demarcations, and weak dispute resolution mechanisms as responsible for land dispute in the context of legal and administrative context. These findings can fill the gap in understanding the link between the legal and administrative issues and will be useful to formalize the policies to minimize the land litigation cases that arise due to legal and administrative issues.

Keywords: *Legal Issues, Administrative Issues, Land Dispute, and Land Litigation.*

1. Introduction

Land disputes are one of the most common types of litigation in Pakistan, where an estimated 60% to 70% of all civil cases under the aegis of Pakistani courts are filed regarding the ownership, inheritance, and boundaries of land (International Crisis Group, 2014). The backlog of such cases is compounded by procedural delays and inefficiencies rife in the judiciary and administrative structures whereby justice is continuously delayed for decades in many cases (Law and Justice Commission of Pakistan [LJCP], 2021). This is particularly intra-judiciary but is characterized by both capacity and transparency issues (Shah, 2022) and the revenue administration (including officers like Commissioner, Additional Commissioner, Deputy Commissioner, Tehsildar and Patwari) is tainted by nepotism, collusion with powerful company and leads to corruption of

officials in land records (Shah, 2022). The lack of digitized land record system has fragmented land records, which could lead to local revenue officials, especially in rural areas, having significant amounts of leverage in terms of documentation and verification, resulting in land being subject to forgery and illegal transfers (Ahmed & Niazi, 2020). These administrative and legal problems exacerbate the amount of litigation over land, aggravate public distrust and cause social instability.'

The origin of these issues dates back to the colonial era British land tax systems, Zamindari and the Ryotwari systems, which enshrined hierarchical land ownership systems and revenue collection models that favored state revenues over social equity (Ali, 1988). The British policy that gave away land to loyal intermediaries transformed them into a powerful class of landholder, who often preyed on peasant cultivators, converting literal land ownership to include ownership of people and land records legitimizing their political and economic power (Banerjee & Iyer, 2005). Moreover, it was during the Patwari system that local administrative power further strengthened its grip over land makings, making tampering with land records the order of the day (Khan, 2021). But even after independence, Pakistan inherited many components of this colonial structure, which still leads to disputes over inheritance, demarcation, and transfer of agricultural land (Shah, 2022). Yet the running of antiquated legal tools and absence of extensive area reforms kept the vestiges of colonialism intact and enabled conflict and litigation to flourish.

Though several studies have focused on the deficiencies of Pakistan's judicial system, land registration and administration separately, there are hardly any studies which highlight legal and administrative reasons producing land litigation in an integrated way (Ahmed & Niazi, 2020; Siddique, 2019). The available literature largely focuses on digitization of land records or judicial reforms but does not engage with the issue in a holistic manner to investigate how colonial legacies, institutional corruption and administrative ambiguities jointly contribute to the prevalence of land disputes (Hussain & Akhtar, 2021). Furthermore, there is limited empirical work on how revenue officials are manipulating records regarding land ownership and translating this into a direct, prolonged litigation. Given that the judiciary—and, in many cases, administrative agencies—will ultimately be called on to resolve (or contribute to the escalation of) such disputes, the gap between the courts' pronouncement and common sense is significant. This study, therefore, aims to bridge this gap by providing a synthesis of the legal and administrative deficiencies that underpin land-related litigation in Pakistan.

With this study we hope to inform policy and legal reforms towards reducing litigation, ensuring equitable land ownership and restoring public trust in state institutions. The research reveals the urgent need for structural reforms both in the judicial and administrative domains, by exposing the historical roots as well as the contemporary practices that contribute to the land disputes (Shah, 2022; LJCP, 2021). In the specific context of Pakistan, which is in the process of digitizing its land records, and aims to improve judicial efficiency, the study is relevant given that technological solutions as such cannot resolve disputes between the parties in a conflict that are resultants of systemic legal-bureaucratic failures (Ahmed & Niazi, 2020). Moreover, it adds to academic discourse by blending historical analysis and historical geography of institutions with contemporary critiques of their functioning in Pakistan, thereby providing a framework for analyzing the continuity of land disputes in the context of Pakistan's history as a post-colonial entity.

This research can serve the needs of policymakers, lawyers and development practitioners in the fields of land governance and conflict resolution—in concrete terms. For policymakers, it

highlights administrative loopholes and legal ambiguities that require clarification through reform. For lawyers and judges, it exposes the impact of procedural waste and the abuse of the documentation process on justice. The findings offer hope to the practitioners of land governance programs at the center of action—as civil society organizations and international donors—who as part of their work face the barrier of attempting to design interventions more context-sensitive to historical structures and current institutional dynamics. To sum it up, it is a piece of research that not only fulfills an academic vacuum but provides actionable advice addressing one of the most daunting governance challenges in Pakistan.

Rest of the paper consists of; Section 2 describes the literature related to legal and administrative aspects of land disputes in Pakistan. In Section 3, we describe the specific methodology used to conduct this research, including the research design, data collection methods, and analysis techniques employed. Section 4 presents discussion of the main study findings and implications which address the key issues identified. In conclusion, the paper provides recommendations and way forward to mitigate the challenges uncovered.

2. Literature Review

This case can prove to be a big root implanted plumb lines in Pakistan as its widely prevalent recognized legalities. The wasteful mechanisms and ambivalence in this system have made arrive debate raise and difficult to settle, and have added to a strained framework of law. These include theme specific problems such as literally an independent land legal status and lawful clarification, that are not just limited to the land authorization, initiated for that land division (Shafi et al., 2022). The laws are often outdated and not attuned to the contemporary realities of a post-colonial society. The incessancy of these colonial-period rules has resulted in a legal setting, which is complicated, inflexible, and lack of responsiveness to current substances (Abdullah et al., 2020).

Another challenge is the fragmented territorial jurisdictions between various land-use regulations and governing bodies. While different laws and regulations may apply to different regions of Pakistan, and different governmental agencies are often responsible for different aspects of land administration (Cheema, 2018). The upkeep of arrive records in Pakistan is famously destitute, with numerous records being wrong, fragmented, or obsolete. This issue is especially intense in country zones, where arrive records are frequently still kept up physically, driving to blunders and irregularities (Shabbir et al., 2019). The moderate pace of digitization has cleared out numerous landowners without clear or exact documentation of their properties, making it troublesome to resolve debate without turning to case. Moreover, the digitization prepare itself has in some cases driven to modern debate, as blunders in information passage or differences over the precision of advanced records have risen (Setzer & Benjamin, 2020).

Get to arrive records is another basic issue. In numerous cases, arrive records are not effortlessly open to the open, driving to a need of straightforwardness in arrive exchanges. This need of straightforwardness makes openings for extortion and debasement, as landowners and buyers may not have got to the data, they have to be made educated choices (Rauf, 2019). The arrive organization handle in Pakistan is frequently moderate, lumbering, and dark. Arrive enlistment, exchange, and transformation forms can take months or indeed a long time to total, driving to dissatisfaction and debate among landowners. These wasteful aspects regularly result in delays within the determination of arrive debate, driving to drawn out case and an overburdened legal framework (Khan & Xu, 2021).

The degenerate hones, such as bribery, favoritism, and control of arrive records, are common within the arrive organization prepare. These hones weaken the keenness of the

framework and make an environment where debate is more likely to emerge and be delayed. Debasement can lead to the adulteration of arrive records, the illicit exchange of property, and the control of lawful results, all of which contribute to an increment in arrive case (Khaskheli et al., 2023). The well off and politically associated people regularly utilize their impact to control the lawful and authoritative forms to their advantage. This tip top capture can result in out of line results in arrive debate, as conventional citizens maybe incapable to compete with the resources and associations of capable landowners. This inequality in get to to equity compounds the issue of arrive case, as those with less control are more likely to resort to legitimate activity to ensure their rights (Holden, 2019).

The need of harmonization between formal and casual lawful frameworks makes lawful ambiguities that are frequently settled through case. For case, standard hones may allow arrive rights based on long-term utilize or community understandings, which may not be recognized by formal courts, driving to debate (Sabir & Torre, 2023). Also, the requirement of court choices can be troublesome when they strife with standard hones or community standards, advance complicating the determination of arrive debate and contributing to an increment in case (Ali & Imran, 2021). The legitimate professionals need the specialized information required to arbitrate arrive cases viably. This need of mastery can lead to conflicting decisions, encourage complicating the determination of debate and contributing to an increment in case. The require for specialized preparing and assets for judges and lawful professionals is fundamental to progressing the legal taking care of arrive debate (Kazmi, 2023).

This need of get to equity regularly comes about in drawn out debate, as people may be incapable to manage legitimate representation or may not get it the legitimate prepare. Moving forward gets to equity, especially for marginalized and powerless populaces, is fundamental to decreasing the frequency of arrive case in Pakistan (Ritter, 2020). The legitimate and regulatory issues encompassing arrive proprietorship and administration in Pakistan have a significant effect on arrive case. Obsolete and complex laws, ineffectively kept up arrive records, bureaucratic wasteful aspects, debasement, and the crossing point of formal and casual lawful frameworks all contribute to a scene where arrive debate are common and troublesome to resolve (Albertus, 2020). Tending to these challenges will require comprehensive legitimate and regulatory changes, counting the modernization of arrive laws, the digitization and regularization of arrive records, and the change of legal capacity and get to justice. Only by handling these issues can Pakistan trust to diminish the burden of arrive case and make a more impartial and proficient framework of arrive organization (Junejo & Dali, 2019).

3. Research Methodology

The current study has adopted qualitative research design that aims to explore actual legal/administration issues behind land litigation in Pakistan. I) Semi-Structured Interviews and Focus Group Discussions (FGDs): These were conducted with key stakeholders directly involved in the land administration and legal processes. This target group included judicial officers, Additional Commissioners, Deputy Commissioners, Assistant Commissioners, Tehsildars, and Patwaris—those who have first-hand experience and institutional memory of system challenges. Participants were selected using a purposive sampling technique everyone interviewed had an appropriate professional background and/or had exposure to land dispute resolution (Creswell & Poth, 2018). The interviews and FGDs were held in local administrative offices and judicial chambers, in accordance with ethical research protocols concerning informed consent, confidentiality, and permission to record the conversations.

The data were analyzed thematically, a well-established method of qualitative research that seeks to identify and interpret patterns across a set of textual data (Braun & Clarke, 2006). The data then were subjected to a systematic process of coding after transcription, which resulted in preliminary themes like “manipulation of land records,” “judicial delays,” “lack of digitization,” and “political interference in administration.” The themes were further distilled and subsumed under broader categories to facilitate conceptual clarity and consistency. Themes were named and defined and the credibility of the findings was ensured through multiple readings and validation by another independent reviewer. It is notable that respondents were also asked to recommend practical and policy-oriented solutions to ameliorate the legal and administrative causes of land disputes, making the study diagnostic and solution-oriented. It allows to provide an overview of the "real world," driven by the everyday life of frontline administrators and judicial officers, which allows the research cutout to incorporate their experiences.

4. Results & Analysis

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

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

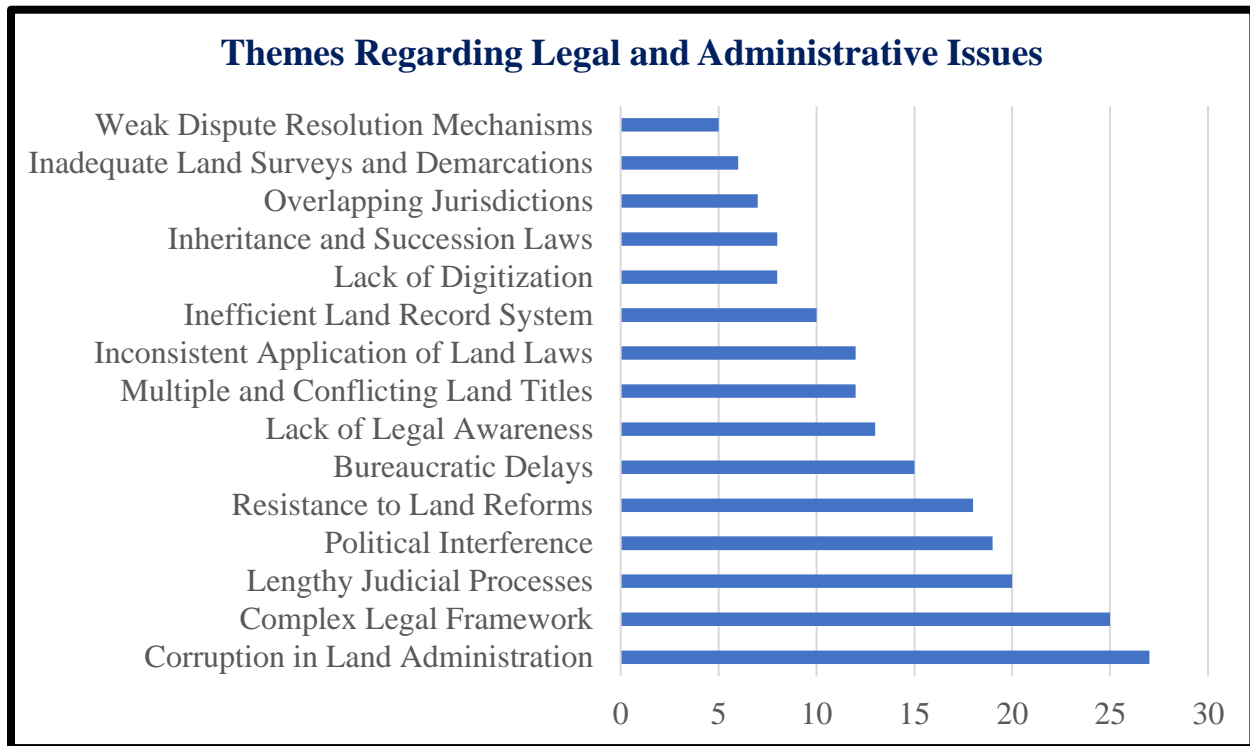
Demographics	Characteristics	Frequency	Percent	Cumulative Percent
Gender	Male	38	88	88
	Female	5	12	12
	Total	43	100	
Age	18-25	4	9	9
	26-35	12	28	37
	36-45	20	47	84
	46-55	5	12	95
	Above 55	2	5	100
	Total	43	100	
Designation	Additional Commissioner	2	5	5
	Deputy Commissioner	2	5	9
	Assistant Commissioner	5	12	16
	Tehsildar	10	23	35
	Naib Tehsildar	10	23	47
	Patwari	10	23	47
	Lawyers	4	9	100
	TOTAL	43	100	
Qualification	Matriculation	5	12	12
	Intermediate	7	16	28
	Graduation	9	21	49
	Master	14	33	81
	MPhil. or above	8	19	100
	TOTAL	43	100	

Experience	1-5 (Years)	4	9	9
	6-10 (Years)	8	19	28
	11-15 (Years)	15	35	63
	15-20 (Years)	7	16	79
	Above 20 (Years)	9	21	100
TOTAL		43	100	

4.2. Categories of Legal and Administrative Issues in the context of Land Litigation and Way Forward: -

The details regarding various themes pertaining to Legal and Administrative Issues and way forward to counter these problems have been given as under.

Sr. #	Themes and Categories of Legal and Administrative Issues	Frequencies
1	Corruption in Land Administration	27
2	Complex Legal Framework	25
3	Lengthy Judicial Processes	20
4	Political Interference	19
5	Resistance to Land Reforms	18
6	Bureaucratic Delays	15
7	Lack of Legal Awareness	13
8	Multiple and Conflicting Land Titles	12
9	Inconsistent Application of Land Laws	12
10	Inefficient Land Record System	10
11	Lack of Digitization	8
12	Inheritance and Succession Laws	8
13	Overlapping Jurisdictions	7
14	Inadequate Land Surveys and Demarcations	6
15	Weak Dispute Resolution Mechanisms	5



4.2.1. Corruption in Land Administration: -

Debasement in arrive organization regularly compounds arrive case by empowering false hones, one-sided choices, and control of arrive records. To counter this issue, it is basic to execute strict anti-corruption measures, counting straightforward arrive enlistment forms and customary reviews of arrive organization hones. Building up autonomous oversight bodies to screen and address debasement, nearby advancing advanced and mechanized frameworks for arrive exchanges, can decrease openings for deceptive hones. Also, cultivating a culture of responsibility and astuteness inside arrive organization teach, combined with open mindfulness and detailing components, can offer assistance combat debasement and minimize its effect on arrive case.

4.2.2. Complex Legal Framework: -

A complex legitimate system frequently contributes to arrive case by making perplexity and trouble in exploring arrive laws and controls. To counter this issue, it is vital to rearrange and streamline the legitimate system administering arrive possession and exchanges. Solidifying and upgrading arrive laws to create them more available and user-friendly can offer assistance diminish disarray and mistakes. Providing clear directions also professional education services, educational programs and easy-to-use resources can be good options for helping individuals understand also comply with land regulations. In addition, establishing dedicated courts or tribunals for land disputes could improve the efficiency and clarity of case resolution.

4.2.3. Lengthy Judicial Processes: -

Piling long legal types lead to case by postponing goals and parasitizing the burden of parties complicated. Streamlining legal methods and executing assisted case administration frameworks can offer assistance quicken the determination of arrive debate to address this issue. Proposing focused on arrive courts or tribunals with skill in property law can offer help to cases. In addition, empowering elements of elective question determination, such as mediation and control, can give

swifter and more productive arrangements than conventional court continuing and decrease the all-encompassing time and fetched of arrive case.

4.2.4. Political Interference: -

Political obstacles often add to land conflict by influencing legal outcomes and biasing land disputes in favor of the well-connected. To combat this problem, it is essential to strengthen the independence of the judicial and arrive organization bodies to shield them from political pressure. Political obstacles can be mitigated by ensuring simplicity in arriving dealings and decision-making forms. Moreover, realizing strict challenge-cash controls and encouraging duty through vision to the public-eye and announcing components can inoculate the require of a question and minimize suit motivated by political alignments.

4.2.5. Resistance to Land Reforms: -

Resistance to arrival changes can worsen arrival cases by making deterrents to actualizing evenhanded and successful arrival administration hones. To address this issue, it is imperative to lock in partners within the change handle through straightforward exchanges and meetings to construct agreement and diminish restrictions. Slow usage of changes, coupled with clear communication of the benefits and compensatory measures for those influenced, can offer assistance to ease resistance. Moreover, giving lawful and specialized bolster to encourage the move can make strides in acknowledgment and compliance, eventually lessening the rate of causes related to arrive changes.

4.2.6. Bureaucratic Delays: -

Bureaucratic delays can altogether contribute to arrive case by drawing out the determination of arrive debate and ruining convenient arrive exchanges. To address this issue, streamlining bureaucratic forms and actualizing productive, technology-driven arrangements for arrive administration can offer assistance diminish delays. Digitizing arrives records and exchanges, alongside setting up clear timelines and responsibility for regulatory assignments, can quicken handling. Furthermore, preparing and capacity-building for bureaucratic staff can make strides productivity and responsiveness, making a difference to avoid debate from heightening into delayed case due to authoritative hold-ups.

4.2.7. Lack of Legal Awareness: -

Need of lawful mindfulness frequently compounds arrive case by clearing out people uninformed of their rights and commitments, driving to preventable debate. To counter this issue, it is fundamental to execute far reaching legitimate instruction and mindfulness campaigns that advise the open almost arrive laws, their rights, and accessible legitimate assets. Giving open legitimate counsel through community outreach programs, workshops, and online stages can enable people to get it and explore land-related issues more viably. Also, consolidating arrive rights instruction into school educational module and open benefit declarations can advance a better-informed mass, diminishing the frequency of case stemming from legitimate numbness.

4.2.8. Multiple and Conflicting Land Titles: -

Different and clashing arrive titles regularly lead to arrive case by making debate over legitimate proprietorship and arrive utilize. To address this issue, it is significant to set up a centralized and straightforward arrive enrollment framework that solidifies and confirms all arrive titles. Executing thorough strategies for title verification and strife determination, at the side normal upgrades and reviews of arrive records, can offer assistance kill errors. Moreover, giving a clear handle for settling clashing titles through committed arrive debate determination bodies can

encourage speedier and more pleasant resolutions, subsequently diminishing the recurrence and complexity of related case.

4.2.9. Inconsistent Application of Land Laws: -

Conflicting application of arrive laws can worsen arrive case by making disarray and unequal requirement over distinctive locales or cases. To address this issue, it is basic to standardize and harmonize arrive laws and their usage over purviews. Creating clear rules and preparing for lawful experts and arrive directors can guarantee uniform application of laws. Furthermore, building up oversight bodies to screen and address irregularities can advance decency and responsibility. Giving normal overhauls and available data around legitimate benchmarks can offer assistance partners explore arrive issues more viably and diminish debate emerging from uneven law application.

4.2.10. Inefficient Land Record System: -

A wasteful arrive record framework regularly leads to arrive case by causing blunders, delays, and disarray over possession and boundaries. To counter this issue, it is basic to modernize the arrive record framework through digitization and mechanization. Actualizing a comprehensive and open computerized arrive registry can move forward exactness, streamline record-keeping, and encourage less demanding get to to up-to-date data. Customary reviews and upgrades of the records, combined with user-friendly interfacing for both landowners and authorities, can encourage upgrade the system's proficiency and unwavering quality, subsequently decreasing the rate of debate and case.

4.2.11. Lack of Digitization: -

The need of digitization in arrive records contributes to arrive case by causing wasteful aspects, mistakes, and challenges in getting to and overseeing property data. To address this issue, it is pivotal to prioritize the digitization of arrive records and set up a comprehensive, centralized computerized arrive registry. This would progress the precision and availability of arrive data, streamline exchanges, and diminish the chance of mistakes and debate. Contributing in present day innovation and preparing for arrive organization staff can moreover upgrade the adequacy of the digitization prepare. By transitioning to a advanced framework, the administration of arrive records can get to be more straightforward and productive, subsequently minimizing the potential for case.

4.2.12. Inheritance and Succession Laws: -

Legacy and progression laws frequently lead to arrive case due to debate over the division of property among beneficiaries and vague lawful systems. To counter this issue, it is vital to overhaul and streamline legacy laws to guarantee they are clear and impartial. Empowering the utilize of lawfully authoritative wills and progression arranging can offer assistance anticipate debate by clearly sketching out the dissemination of property. Also, giving instruction and lawful help on legacy things can offer assistance people get it and explore the legitimate forms included. Actualizing effective lawful methods for dealing with progression cases and advancing intervention can assist decrease the frequency of case related to legacy issues.

4.2.13. Overlapping Jurisdictions: -

Covering locales frequently contribute to arrive case by making disarray and clashes over specialist in arrive debate. To address this issue, it is fundamental to clearly characterize and portray the wards of different arrive organization and legitimate bodies to avoid cover and jurisdictional clashes. Actualizing a bound together and facilitated approach to arrive administration and debate

determination, alongside building up clear rules for jurisdictional boundaries, can offer assistance to diminish uncertainty. Also, cultivating collaboration between distinctive specialists and giving a centralized stage for arriving debate can streamline forms and minimize the chance of cases emerging from covering purviews.

4.2.14. Inadequate Land Surveys and Demarcations: -

Insufficient arrive overviews and divisions can altogether contribute to arrive case by causing debate over property boundaries and possession. To counter this issue, it is vital to contribute in comprehensive and precise arrive overviews utilizing cutting edge innovation such as GIS (Geographic Data Frameworks) and GPS (Worldwide Situating Framework). Standard upgrades and exact boundaries of arrive boundaries can offer assistance guarantee clarity and avoid clashes. Moreover, setting up standardized methods for arrive studying and giving preparing for surveyors can make strides the quality and consistency of arrive estimations, in this manner decreasing the potential for debate and case.

4.2.15. Weak Dispute Resolution Mechanisms: -

Frail debate determination instruments can compound arrive case by falling flat to supply convenient and reasonable arrangements to arrive clashes. To address this issue, it is basic to reinforce and streamline debate determination forms by building up committed arrive tribunals or specialized courts with skill in property things. Actualizing elective debate determination strategies, such as intervention and intervention, can offer speedier and more adaptable resolutions compared to conventional court procedures. Furthermore, making strides availability to legitimate back and giving clear rules for debate determination can improve the adequacy of these instruments and decrease the rate of delayed case.

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