



Barriers and Cultural Issues of Land Transaction



URL: [http://dx.doi.org/10.31703/gsr.2017\(I-I\).03](http://dx.doi.org/10.31703/gsr.2017(I-I).03)

DOI: 10.31703/gsr.2017(I-I).03

Shumaila Bano[†] Abid Ghafoor Chaudhry[†]

Abstract

Land is an important part of nature. In Pakistan the main issue is the transaction of land. The researchers heed rare attention towards this sensitive issue. This issue of land has always been considered, alarming for the people of Pakistan. The distribution of property is playing a pivotal role to strengthen and weaken the relationships since long. The lands devoured the old, loved and precious relationships in a moment. The property has been the root of dispute which compelled a son to fight with his father and a brother with brother. Land administration systems are established to eliminate these issues, ...for the native people of Muzaffargarh. A reasonable number of respondents were selected from Muzaffargarh by using the technique of random sampling. Case study method was helpful to contract intensive data.. Other themes were fares allocated by the government for reducing poverty. Related revenue office could play an integral role in land transaction to reduce their land problems.

Key Words: Socio- Cultural Issues, Family Politics, Domestic Victims, Marriage, Tax.

Introduction

Land is the main source of income and food security for the majority of rural households in many nations, Land is a necessary for the progress and development of Queensland (Thackway, 2017). Land is the love of primitive or a farmer. And when it comes to property distribution it is a much complicated in rural societies. Land is the most valuable assets for human of any country. It is natural resource and considered as a measure of wealth, status and power. Patwar system was important because patwari had a cloth bag that called 'Basta' in which patwari kept registers, and land records details include landowner name, seller and buyer name, crop growing conditions, 'Lal Kitaab' in which happening property, disease of animals included. (Mahmood, Shahrukh, Nawaz, & Zafar, 2010).

Due to transactivation land many problems and issues arise in Pakistan. In primitive period, land is considered a precious gift in the form of transaction. The land which is fertile and productive, has much importance in every family or region. All family types are linked to lands whether they are nuclear or joint. Land is always considered as a capital for the next generation. It is a source of economy for a farmer. It can be said that land is the life of any landlord or a farmer. When we enter into the world of land ownership, we come across to two types. First are the Landlords who are known of his land. The person who has more land, is more popular in his community. Some landlords do injustice to their farmers and either occupy their land or make them their slaves, many land-owners transaction of land for property protection as it brings several benefits such as higher level of education, better living style and higher status (Desoto, 2000). On the other hand, farmer is totally dependent on his small piece of land. They consider land as their child, for this they always love and take care of it. Land has social and cultural importance. In Pakistan, mostly people get land and property through inheritance process. Generations after generations one piece of land and it has several owners.

Some people take most interest in land or property. They consider property as a symbol of profit and respect, for that sometimes they exploit the poor people. In Greed of one there lies a painful consequences for other. Land transaction is a primitive or historical concept that never changes. Yet transaction method and its procedure has changed with time. Transaction of land is contaminated by wrong and illegal ways.

[†]MPhil Anthropology, Department of Anthropology, Pir Mehr Ali Shah Arid Agriculture University, Rawalpindi, Punjab, Pakistan. Email: shumailahanif786@gmail.com

[†]Associate Professor, Department of Anthropology, Pir Mehr Ali Shah Arid Agriculture University, Rawalpindi, Punjab, Pakistan.

People like powerful personalities or landlord use different illegal methods of transaction such as deception, barbarism, domestic violence and so on. Grandfather transcends his land to his son and later on the son transfers to the next generation. Now this concept has been changed. In modern period, murder, violence and other concepts to own other's property have generated in society. Kinship system highly influence family relation and land make this bond weak. Love among siblings has been demolished just because of land.

In land transaction patwari plays a vital role. A land administration is the processes of recording and dissemination of information about use of land (UNEP, 2005), wrong suggestions of people big conflict among the families. In some families' female does not have property rights. Brother occupies the sister property and create a horrible environment. Due to transaction, in Pakistan female face issues. At first place she is forced to leave her right, and the ones who stands for their right has been victim of violence or in worst case scenario has been murdered. Now and then she lives as a prisoner in home of four walls. She is deprived of her basic rights. Property relation exist in cultural, social norms and values and social relationship, people secure their right through process, land conflict appear between social and political relation and citizenship (Christian & Lund, 2011). The thought behind all this that mostly girl child is considered as a *praya dhan*. Thus, the forefather property cannot be transferred to other family, if she will be given her property right when she gets married.

Land is the most significant resource for the poor. Land is the core of economic development. Islam gave the property right each male and female. The main problem in Pakistan is the transaction of the rights. Pakistan property right system has various anomalies such as *byname* transaction and general power of attorney. Large gaps are found within the system when it comes to the land transaction and ownership. Yet again the same mentality is brought forward of the landlords into the educated people that the more land you have the more powerful you are. This is the symbol of better living style and higher status (Desoto, 2000). Transaction is a property that is transferred to owner to gain advantage. It is usually done by feudal and large landlords to avoid redistribution of land, especially giving name to daughter, niece and other female members. These categories of transfers enhance the difficulties in the record of rights. Policies of securing of property right of people, results in changing habits and believe and individual behavior (Galiani and Schargrotsky, 2004).

Private property and ownership are well recognized in Islam, and greater importance is given towards the property right of female. Due to this right female considered independent but mostly society tries to snatch away their property rights. In Muzaffargarh, the society is male dominated and female has not concept of freedom. Female are considered as a puppet. Child marriage is a truly global problem, but used as a tool to save the girl property transaction. Some villagers make their baby girl to be married with an old person just to save their property. When investigated it is observed that mostly the child marriage is done just to save the land at the expense of child.

materials and Methods

The basic fundamental data were collected from Muzaffargarh that is located in the province of Punjab in Pakistan. The intensive data was collected from the native people of this location. The respondent that were selected was 25 through random sampling technique. Nature of research was qualitative and quantitative. Interview was conducted that relate to the construction of property issues and economic factors. Case study method was used for the collection of descriptive data. The research data collection was conducted was in native language after that researcher translated into English. Researcher made themes and discussed in anthropological way.

Result and Discussion

Cultural Problems of Transformation

Family Relation

The perishing and splitting up of the relationships were realized to be a common practice. A respondent, Uzma, told that all her brothers were living together like a finger of one hand, by sharing each and everything mutually. Then, the property distribution led them to enmity and separation, the love, they all embraced, was changed into the hatred by the greed for the lands. According to Arshad, he claimed that his sisters had the shares in property. First, they refused to take their due shares but after being enticed by their husbands, they went to their brothers to demand for their shares. They got their land rights, but the blood relations ended. The researcher had analyzed carefully that the property used to dismantle the blood relations and

apart the valued relationships. Problems arise in the shape of distribution during land divided equality ([Tolorunleke, 2014](#)). Even by having a complete family system, an individual gets to be a parted from the society. Even that day, if a daughter did not demand for her share, she was loved otherwise she was a stranger.

Domestic Victim

The society is on the verge of a serious issue. Somewhere, the sisters are compelled not to ask for their share and somewhere, the wives were taunted and forced to demand their rightful shares from the brothers. Land conflict in many practices, these conflicts exist between sibling and neighbors ([Wehrmann, 2008](#)) the significant grief and deceit of the society was to give the property to sisters and daughters. When the daughters were given the dowry at their wedding ceremonies, they were instructed by saying that they had been given the dowry, now they don't have rights in the property. 'Land related conflict arise land takings by government that is the threat of stability and economic development of a country, private land owner is illegal in China, Land is the source of farmers and taxes are compulsory on farmers' ([Keilang & Prosterman, 2007](#)).

Marriage

The marriage is also a cultural problem. Due to the property, the life of a wedded girl has been ruined. According to the statements of the respondents, in context and pursuit of the marriage, either the girls were wedded in their early ages or after inordinate delay and such incidents were reported to have been taken place, where the girls that do not get married due to the non-availability of girls' properties. Land affect marriage institutions in both couples married and un married, land conflict is the reason of early marriage and increase the tension and stress ([Titus, Rosenblatt, & Anderson, 1979](#)) A respondent namely Bakhsh, told that his wife was twenty years younger than him. His wife was his paternal uncle's daughter. The lands might have been among the brothers and they could not refuse to it. So, the marriage took place but the lives were ever among the mutual wrangling. He claimed that he was old .but his wife was still a young. .. She showed arrogance and taunted him. She had a lot of lands in her name so she had dominated him. Due to any reason of non-transference of the property, the second marriage was also in practice.

One of the reasons, was of non-existence of the child, especially the boy child. In fact, they needed an heir and successor. Some of the respondents were facing the problems that their fathers had married for twice. Sometimes, soon after the death of the father, the unknown brothers and sisters .suddenly appear, at the time of . sharing of the lands, so that they can receive their shares. Even so many unheard and new shareholders had appeared for the petty lands. Where due to the sharing of the lands, the new relationships were developed, then certain relationships were dismantled too. According to the respondent, she was the only sister of her brothers. Despite her husband's insistence and force, she did not demand her share from her brothers. She did not want to demand for any share in her brothers' love, so she was divorced.

Economically

Tax

In context of the prevailing problems, during the process of transferring of the lands in anyone's name, the pricier act was the paying of the taxes. Every tax payer had to face this difficult process. Due to these taxes they did not use to transfer the lands because they had no enough money for them. Suppose Rasheed had the lands of 9 *Began* but the tax fixed to pay for those lands, could not be paid. His sister had died. When her children were given their shares, some portions were sold out to pay its outstanding taxes in the process of transference, but Rasheed had to pay the double amounts of taxes in the transferring after a selling some share of the lands. Mostly the farmers are not in good financial condition that they could afford all of these expenses.

Loan

There were some respondents who were compelled to take the loans for the purpose of the transference of the property. They transferred the property by taking the loans. But these loans become another problem, as per the return rate and later the interest rate they had to pay which becomes almost double of the actual amount, needed to transfer the property. Another financial hurdle for a poor person.

Daily Wages

In connection with the Land Transference, they used to visit the office for days. It meant that they had to give up their daily wages by visiting the office for the transference of lands. They had to be deprived from the earnings for many days.

Fare

Apparently, it seemed to be a common problem but it was a serious issue for the investigator. They used to come from the far-flung areas of the little towns. They used to stand in a row and had to spend the fare expenses and spare their precious time. According to the Shemaiah, the everyday expenses were likely to kill them more than the taxes of the lands. The property was lesser than the fare expenses. A lot of money for the photocopies and the litigation. They had to run after the *Patwaris*. Wherever they called them, they rushed to them blindly. Now, due to the Revenue office going off or due to the malfunctioning of the system, they had to visit them on the next day, for which we were compelled to spend more fares and money. A poor laborer who used to earn 3 or 4 per day, perhaps they spent 5 hundred rupees.

Poverty

There were few respondents who were the owners of the lands ranging from 8 to 15 *Marla* where they used to do the cultivation, it was there a means of their livelihood and total financial support. Some case studies were received to be heard that small lands were going to be transferred as inheritances. Now, the modern era had attempted to possess their hereditary lands. The sharing process was not done for having the love of brotherhood. They had nothing except the sharing. They had no money to get the small land in their name. They had nothing to pay the fees for getting the lands in their names nor could they pay the fees of the offices. Here, the researcher had analyzed the point that the lands of the poor ones, might be transferred in their names. Neither such poor people had the knowledge nor did they have the enough money. The strong relatives, by using their stamina, along with getting their names, they were trying to grab the lands in their names. The government should establish a platform.

References

- Christian, & Lund. (2011). Property and citizenship: Conceptually Land Rights and Belonged in Africa, in Africa Spectrum. *Africa Spectrum*, 72-73.
- Keilang , Z., & Prosterman, R. (2007). Securing Land Rights for Chinese Farmers. *Center for Global Liberty & Prosperity*, 3, 2-9.
- Mahmood, S., Shahrukh, Nawaz, A., & Zafar, D. M. (2010). Emerging Role of Technology for Good Governance in Land Management in Development countries. *Patura World trade Center*, [p. 2].
- Thackway, R. (Ed.). (2017). *Land Use in Australia*. Australia: ANU Press.
- Titus, S. L., Rosenblatt, P. C., & Anderson, R. M. (1979). Family Conflict Over Inheritance of property. *The Family Coordinator*, 14.
- Tolorunleke, C. A. (2014). Causes of Martial Conflict Amongst Couples in Nigeria: Implication for Counseling psychologists. *Social and Behavior Sciences*, 22-26.
- (2005). *UNECE*. New York and Geneva: United Nations.
- Wehrmann, B. (2008). *Land Conflicts a Practical Guide to Dealing with Land Disputes*. Eschborn: Deutsche Gesellschaft fur.