

Afzal, Aqdas; Khan, Muhammad Ashar

## Article

# The political economic origins and development of land administration institutions in Sindh

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## Kontakt/Contact

ZBW – Leibniz-Informationszentrum Wirtschaft/Leibniz Information Centre for Economics  
Düsternbrooker Weg 120  
24105 Kiel (Germany)  
E-Mail: [rights\[at\]zbw.eu](mailto:rights[at]zbw.eu)  
<https://www.zbw.eu/>

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## RESEARCH NOTES

### THE POLITICAL ECONOMIC ORIGINS AND DEVELOPMENT OF LAND ADMINISTRATION INSTITUTIONS IN SINDH

Aqdas AFZAL\* and Muhammad Ashar KHAN\*\*

#### Abstract

Studies show that strong administrative institutions, backed by democratic and property-oriented regimes, and secure systems of property rights have been found to have a positive association with the rate of economic growth. Furthermore, studies suggest that countries with advanced property rights regimes are also more likely to have an equitable and even distribution of land ownership as a result of institutional arrangements that foster private property, which in turn fosters economic growth. On the other hand, the concentration of land ownership as a result of weak property rights regimes and the prevalence of administrative structure grounded in ideas such as feudalism have proven to be non-conducive to economic development. Research shows that countries which are former colonies might have inefficient institutions, which results in unequal distribution of land ownership, extractive feudalism and landlordism, which ultimately curtails the socioeconomic emancipation of the masses. Thus, to further explore this idea and to contribute to the global body of literature on the evolution of land administration in post-colonial states, this research note attempts to descriptively explicate and underline various historical changes in the land administrative and revenue system in the province of Sindh, Pakistan. It reviews the historical evolution of land administrations from ancient Sindh to the present, along with analysing the contemporary implications of such changes in the system. The findings indicate that while the unequal dynamics of landownership in Sindh are centuries old, the British policies during the 18<sup>th</sup> and 19<sup>th</sup> centuries legitimised and legalised the concentration of land ownership through the establishment of a highly extractive system of land administration. Such policies obliterated the centuries-old customs of the region, which protected the landless peasants and the agrarian classes from perpetual socioeconomic subjugation.

#### I. Introduction

Exclusive, transferable, alienable, and enforceable property rights in general, and land rights in particular, are considered the primary drivers behind economic development [Rosenberg and Birdzell (1987), North (1990) and Besely and Ghatak

\* Program Director and Assistant Professor of Economics, Social Development and Policy Program, Habib University, Karachi, Pakistan, \*\* Research Scholar (Commonwealth), London School of Economics and Political Science, London, England.

(2009)]. Various empirical and highly influential studies have found strong evidence for a positive impact of secure private property rights on economic growth and development using cross-country data [Acemoglu, et al., (2001) and Acemoglu and Johnson (2005)].

As empirically observed by Goldsmith (1995), this is especially true for lower-income or developing economies. Strong institutions, backed by democratic and property-oriented regimes and secure property systems, have been found to have a positive association with the rate of economic growth in the Global South [Goldsmith (1995)]. A recent study by Ho (2021) corroborates Goldsmith's finding; the study finds that the prevalence of private land tenure has a strong positive and significant impact on the level of economic development in countries like Vietnam. Moreover, studies have shown that countries with advanced property rights regimes are more likely to have an equitable and even distribution of land ownership as a result of institutional arrangements that foster private property, which, in turn, fosters economic growth [Azadi, et al., (2020)]. On the other hand, the concentration of land ownership due to weak property rights regimes is proven non-conducive to economic development by empirical studies [Cinnirella and Hornung (2011) and Cipollina (2018)].

However, land security and distribution, and the prevalence of secure property rights, are contingent on various factors, including the historical evolution of land administration systems and institutions which govern them. Countries have different land and property rights systems based on their historical trajectory. Research shows that countries which are former colonies might have inefficient institutions if the rules were transplanted or imposed by their former colonial masters rather than arising indigenously [Djankov, et al., (2003)]. Porta, et al., (1999) argue that this is especially the case with former British dominions. The historical fact of being colonised by the British, rather than any of the other colonial powers, has a strong effect on the legal system of the country, through that, on economic performance [Porta, et al., (1999)]. Banerjee and Iyer (2005) argued that in British India, the land administration involved a class of landlords, commonly known as *zamindars*, which formed the core of the extractive land administrative and revenue system of the British Raj (British Empire). When the British left in 1947, areas where landlords collected the revenue had an elite class that had enjoyed a great deal of economic and political power for over a century, this was especially the case in the province of Sindh, which inherited a land system directly governed through the *zamindari* and *ryotwari*<sup>1</sup> system, which fostered extractive landlordism in the region. Under these systems, the British awarded peasants with ownership of their land, making this a system of peasant-proprietorship [Shahid (2015)]. It had various implications for Sindh post-independence, including a lopsided distribution of land ownership in the province, the most insecure tenurial status for the peasants and an extremely oppressive landlordism [Ahmed (1984)].

<sup>1</sup> Ryotwari system was a land revenue system in British India introduced by Thomas Munro.

In this regard, this research attempts to descriptively explicate and underline various historical changes in the land administration and revenue system in the province of Sindh, from ancient Sindh to the present, along with analysing the contemporary implications of such changes. Similarly, this research aims to understand how the historical legacy of the land administration in the context of the *ryotwari/zamindari* system introduced by the British is responsible for the various institutional and legal failures and the inability of the Pakistani governments to foster secure private property and land tenures conducive for equitable economic growth and development. The note will also review some of the major post-independence land reforms to analyse why national (both civilian and military) governments have consistently failed in reforming the extractive land administration in the province, even after the end of colonial rule. In this way, this research will present a post-colonial critique of British-sponsored landlordism, which will further enrich the scholarship on the subject of economic geography and legacies of colonial land administrative structures and institutions in the Global South. This research aims to answer the following questions:

- a) What are the historical roots of landlordism and feudalism in Sindh, and how has it affected contemporary land administration?
- b) To what extent are the post-independence land administration system and land institutions in the province of Sindh (dis)similar to the landlords-based system institutionalised by the British administration?
- c) In what ways has the colonial legacy of land administration affected the socio-economic potential of the region, and to what extent has it contributed to the economic differential in terms of inequitable land distribution in the province?

## **II. Historical Evolution of Land Administrative Institutions and Land Revenue Systems in Pre Modern Sindh**

### ***1. Ancient Sindh***

In ancient India, in general, and the Sindh region, the population was largely clustered in settlements surrounding the banks of the Indus River. Historical accounts suggest that the flood channels around the Indus River provided a ripe environment for agriculture. The Indus Valley Civilization formed a well-crafted system of agriculture, driven by cultural and social norms, mores and customs, along with a well-functioning land-ownership system for peasants and landed aristocracy [Abbas, et al., (2016)].

During this period, as noted by Ahmed (1984), a highly advanced urban civilisation in regions like *Mohen-jo-Daro* and *Harappa* also emerged as a result of large agricultural surplus products in the hinterlands; they had settled the agriculture system for at least 2000 years prior to maturation is now known as the *Harappan* culture. Some scholars suggest that the *Harappan* system of land ownership was institutionalised

and governed by a semi-slave-owning and semi-patriarchal system, which ensured the stratification of the society into various classes [Bates (2011)]. Ahmed (1984) notes that this was compounded with a system of governance under which surplus transferred from the countryside to the cities not only represents a mere exchange of goods through trade but entails a high degree of coercion, with a unidirectional extraction of the surplus. It also hints towards the possibility of a superior class of residents who lived in cities and extracted surplus from the agricultural hubs of the civilisation. Others, however, contend that a parochial land administration system existed under which extraction of agricultural surplus from peasants was monopolised and administered by priesthoods in temples. The religious strongholds in the region were enough for direct control of the land. Nevertheless, it is safe to predict that a social structure based on social and class segregation existed as a result of flaring agriculture, which ultimately resulted in the formation of an organised, albeit unequal, system of land administration for the distribution of agricultural surplus.

However, between 2000 and 1000 B.C.E., the Indus Valley Civilization slowly started shrinking as a result of incursions from North and North West India and was replaced by migrants from Central Asian Steppes who introduced their own sets of customs and social norms in the region. These 'Aryan' invaders not only transformed the demography of the region but also introduced a complex set of social and institutional arrangements based on novel forms of class arrangements. As Habib (1995) notes, the sacred *Rig Veda*<sup>2</sup> divided Aryans into three distinct classes: the *Brahmanas* (priests), the *Kshatriyas* or *Rajanyas* (warriors/rulers), and the *Vesh* (agriculturalists). According to Jha (1987) and Abbas, et al., (2016), this was the first time when a complex 'feudalistic' and multi-layered structure of land administration was introduced in Sindh for effective land administration. Under the system introduced by the Aryans, the society was clearly segmented into three *Vedic* classes, and the peasantry retained autonomy of production because they had significant control over the land. The agricultural output, nevertheless, remained largely unaffected by the implementation of the new order [Abbas, et al., (2016)]. However, the inferior peasantry (agriculturalists) was bound to pay an exorbitant sum of their earnings through taxes to the landowners (ruler class), who were enjoined to implement any form of taxes under the new social order. Some sums were ultimately given to the king, who was also known as *Bhumi-dah*, the giver of land. [Jha (1987)]. A similar structure based on class differential was adopted by the succeeding Gupta and post-Gupta dynasties in medieval Sindh. According to Ahmed (1984), the Gupta and the post-Gupta times introduced a new (similar) system of the peasantry, whereby new peasants replaced the old ones. It shows that the owner had all rights to do anything according to his will. Then the caste system further enhanced this feudalistic mode of control. The conditions of peasants were improved by providing their shares in the following manner: (a) lease holding, (b) share-

<sup>2</sup> Rig Veda is the earliest of the four Vedas and one of the most important texts of the Hindu tradition. It is a large collection of hymns in praise of the gods, which are chanted in various rituals.

cropping, and (c) system of serfdom. The concept was used in medieval times from Buddha to Gupta with different connotations.

The peasant class was known as the *Ksetrika*, or land controllers, responsible for cultivation and agriculture [Jha (1987)]. However, the land ownership remained exclusively under the feudal landlords, and such arrangement perpetually established their superiority over the peasants. This entails that the Indian concept of land ownership has historically remained more or less feudalistic, under which a class of landlords lives alongside a class of peasants [Abbas, et al., (2016)].

## 2. *Sindh under Arabs*

Historical accounts such as the *Chach Nama*,<sup>3</sup> written in the early 7<sup>th</sup> century, suggest that after defeating the Rai Dynasty during the conquest of Sindh in 711 C.E., the Arabs established total control over the greater parts of Sindh and exercised taxes and tributes over the region. As Ahmed (1984) notes, ‘this consolidation of the state presumably came about after centuries of struggle for the establishment of a central state, during which many principalities, headed by *Rajas* and exacting tribute from the subordinate tribes/clans, had come into being and had, at times, paid tribute to outside rulers’. The establishment of a strong centralised state, however, was only possible as a result of the already existing centralised pre-Arab land economy through which communities paid their share of the agricultural surplus to, in Ahmed’s (1984) words, the ‘proto-state’. This suggests that the institutional structure of collecting land revenue and surplus from the village communities by the Arabs was mainly an extension of an already existing system, albeit in a more centralised and extractive manner.

After conquering Sindh, the Arabs also introduced various types of land tributes and taxes, including *Kharaj* (collected from land cultivators) and *Jizya* (collected from non-Muslim citizens) who refused to convert to Islam [Auer (2017)]. According to the *Chach Nama*, Hajaj Bin Yusuf, the Ummayyad Caliph, instructed conqueror Mohammad Bin Qasim to give concessions to cultivators who worked hard and to charge 1/10 of the produce from the peasants who had converted to Islam while requiring the non-Muslim cultivators to pay according to the ‘law of the land’—based on the already existing tax rate before the arrival of the Arabs [Ahmed (1984)]. In the later years, however, the Arabs reformed their land administration system to introduce differential land revenue rates based on agricultural output. For instance, depending on the type of irrigation and crop production, the rates were: 2/5 on wheat and barley crops grown on lands irrigated by public canals; 3/10 on lands irrigated by Persian wheels and other artificial means; 1/4 on unirrigated lands; and 1/10 of the probable produce, plus one dirham per *jareeb* (roughly one-half acre) on uncultivated arable land [Ahmed (1984)].

In addition to this, the *Jizya* tax imposed on non-Muslims was collected by the Arab invaders, and the total revenue collection roughly amounted to 270,000 rupees

<sup>3</sup> *Chach Nama* is one of the main historical sources for the history of Sindh in the seventh to eighth centuries.



[Sorely (1968)]. The Arabs appointed clan chiefs and nobles known as '*Arbab*' to collect revenue from towns and settlements in Sindh [Ahmed (1984)]. The reforms further institutionalised and solidified the feudalistic structure of land administration in the region—essentially fostering a centralised and concentrated land ownership system.

### 3. *Land Administration under the Mughal and Native Rule*

After the occupation of Thatta in 1520 C.E., Sindh fell in the hands of the Arghuns (r. 1520-1555 C.E.), the Tarkhans (r. 1555-1592 C.E.), and the great Mughals in 1591 C.E. respectively, foreigners who migrated from Central Asia and settled in Sindh [Naz (2020)]. While Sindh largely remained on the periphery of the geographically expansive Mughal Empire, the Mughals introduced various land revenue reforms during their rule. According to Naz (2019), it was mainly because the Mughals were exposed to political and economic unrest of the era and were in dire need of generating revenue which could be channelled for funding the royal army and other war-expedition-related expenses.

To exercise effective economic control, the Mughals divided parts of Sindh into smaller *Subhas* (Provinces) and *Sarkars* (Autonomous Divisions), including the *Sarkar* of Bakhar, the *Sarkar* of Sehwan, the *Sarkar* of Nasrpur, the *Sarkar* of Chachkan, the *Sarkar* of Thatta and the *Sarkar* of Chakar Hala and Jaun [Akhtar (1983)]. Bakhar, in the north, was headed by a *Faujdar* (Troops Commander); likewise, Sehwan, generally, had the status of a *Sarkar*, but its boundaries and administrative links kept changing [Ahmed (1984)]. Based on the land revenue system inherited from the Delhi Sultanate, the Mughals introduced a *Jagirdari* system, under which the head of a *Sarkar* or *Jagir*, the modern equivalent of a district or sub-district, was usually referred to as the jagirdar of the *sarkar* [Malik (2008)]. Under this system, the *jagirdar* was responsible for collecting taxes for the Mughal treasury, and the tenants were considered to be in the servitude of the *jagirdars* [Qadeer (2009)]. *Jagirdars*, and other imperial officials, such as *Subedars* (provincial governor) and *faujadars* under them, played an important role in institutionalising the *jagirdari* system. As Ahmed (1984) notes, they maintained law and order and ensure the loyalty of the subjects, but they also acted as farmer-Generals of revenue and were required to remit part of the revenue to the imperial treasury. The *jagirs* were further divided into smaller administrative units called *parganas*, which were further divided into *tapas*. The head serves as the chief revenue officer, and the chief law enforcer of a *pargana* was called *sazawar-karl-mukhtiarkar* and the revenue officers for *tapas* were called *kardars*. The assignment of tracts of land was based on rewards for services rendered to the state [Hussain, et al., (2019)].

This marked a departure from the earlier class-based land administration towards a more formalised and centralised state structure in which the state monopolised the means of violence to control its subjects. In other words, a Weberian state that governed land ownership first emerged under the Mughal reign, albeit based on a strong feudal-

istic structure the Mughal inherited and perpetuated, to maintain its control over the revenue streams in the region. As Hussain, et al., (2019) note, ‘the *jagirdars*, were in fact rulers of their regions besides being responsible for the collection of revenue and this *jagirdari* system hence enmeshed Sindh in a feudalistic structure’. The centralised system also enabled trade and commerce to flourish, which led to the emergence of the money economy.

Furthermore, the Mughals bolstered various local institutions as intermediaries to collect land revenue. For example, government functionaries relied on the *zamindars*, or landowners, who directly extracted land revenue from tenant farmers and provisioned it to the *jagirdars*, after deducting their share. Mughal Emperor Akbar established a uniform *Dastoor-e-Amal* system based on average crop rates and average price schedules. The revenue was assessed in cash, and remissions were allowed for crop failures. The *Dastoor* served as a guideline for setting upper and lower limits for administrators in Sindh; however, administrators largely followed their systems of revenue administration. For instance, the government of Thatta under the Mughal established the *Galla-bakhshi* or *Batai* system, under which the state collected its designated share of the crop after each harvest [Ahmed (1984)]. The share was based on the local supply of water through irrigation to the agricultural crops. Similarly, in Sehwan, the local administrators established the Zabt system in lush green and flood-irrigated systems while following the same *Batai* system in artificially irrigated regions of Sehwan.

However, nearing the collapse of the Mughal Empire in India because of various political upheavals, the situation changed significantly. One reason why the collapse of the Mughals unfolded in Sindh much quicker than in other regions was the high-handedness of the emperors in terms of governance. The Mughals sought heavy revenues from the local *jagirdars* to fiscally consolidate the crippling empire, which ultimately manifested in various regional rebellions against the rulers, according to historical sources such as *Tārīkh-i mazhar-i Shāhjahānī* [Akhtar (1983) and Ahmed (1984)], small tribes and clans rebelled against the economic oppression institutionalised by the Mughals through the *jagirdars*. Many peasants had to abandon their land because of heavy revenue extraction, which also affected the agricultural output in Sindh. Against rising conflicts between the locals and the emperor, the local intermediaries like *zamindars* got the opportunity to consolidate their hold over the land and peasantry in Sindh. The death of Emperor Aurangzeb in 1707 further served as a death blow to the already reeling reign of the Mughals in Sindh, as their control slowly imploded in the region. The Mughals’ regional and local appointees grew stronger in the absence of a centralised authority and filled the power vacuum resulting from the collapse of Mughal control. At the same time, powerful local chiefs and *zamindars* vied with one another and with the Mughal administrators/*jagirdars* to extend their domains and get a larger share of the revenue exacted from the peasants. This period saw the rise of the Daudpota and Kalhoros; the latter eventually became rulers of the entire Sindh [Ahmed (1984)].



### III. Sindh under the British Empire

#### 1. *Initial Changes in Land Ownership*

During the early days of their arrival under Charles Napier (September 1842), the British continued the land ownership (*zamindari*) and revenue system elaborated by the Mughals and native rulers of Sindh. It was followed by a repressive policy of subduing the local administrator through forced expulsion and land annexation [Abbas, et al., (2016)]. However, the unsustainable nature of using brute force to subjugate land forced the British to adopt new ways of governing the vast land mass they occupied. Thus, they sought political and social patronage of Mughal-era local elites and landlords to consolidate their control in India in general, particularly in Sindh [Naeemullah (2003)]. As Alvi notes, the patronage system of land administration affected land revenues in several ways: first, the British replicated Anglo-Saxon-style private-property rights in the region, compounded with the pre-British parochial system; second, the British introduced new forms of local governance, including the establishment of local bureaucracy. Similarly, they introduced the legislative system first time in India for effective control over the people [Alvi (2000)]. The new legislative private property was completely alien to traditional rule in the region and resulted in a complete overhaul of the indigenous system of administration forged by former rulers.

This was also followed by a reformed *zamindari* system, along with a new form of revenue collection, under which the British restricted the sharing of the crop as payment to the ruler, and unlike the Mughals, institutionalised the system of revenue collection in the form of cash [Merillat (1970)]. This meant that landowners were, by law, required to extract revenue in the form of cash from the peasants, disregarding the seasonal patterns in agriculture. To this end, they provided proprietary rights to a handful of loyalists who then extracted cash revenue on behalf of the British government based in central India. As Abbas, et al., (2016) note, ‘in Madras and Bombay [including modern Sindh], cultivable land was given to the local Indians for cultivation’, and it was not hereditary’. The *zamindars*, who were responsible for collecting revenue in the form of cash from the state, acted more or less as henchmen of the British government and were appointed through patronage and local influence. The settlements granted to such loyalists ‘was more or less permanent settlement, but the underlying philosophy was to tame the local Indians’ [Abbas, et al., (2016)]. Under the permanent settlement, loyal zamindars and their families were given total private ownership for a permanent period for the first time in India. This also deprived farmers and peasants of their rights to the land they cultivated, which severely compromised social equity across different tiers of Indian societies.

The consolidation of power and effective control in Sindh was further materialised by the introduction of the *ryotwari* system, which was aimed at curtailing the powers of tax farmers, village headmen, moneylenders, local warlords, and other relevant of-

ficers [Gilmartin (1998)]. As Abbas, et al., (2016) note, ‘*ryotwari* and *zamindari* systems both existed on parallel grounds and were basically, a disadvantage for the poor peasants’. The introduction of *ryotwari* marked a long-term footprint on Sindh’s land administration, solidifying social hierarchies and inequalities in the region. This was done deliberately to suppress and subjugate the locals by reforming the land ownership and administrative structure. The reforms perpetually enforced landlordism in Sindh, which even dominated its spatial characteristics after more than 70 years of the end of colonial rule [Naeemullah (2003)].

## **2. *Ryotwari System, Land Reforms and Administration introduced by the British Empire in Sindh***

To systemise property rights and land revenue system in Sindh, the British undertook various land reforms under the pretext of introducing a new system of land revenue administration. The new *ryotwari* system marked a major transition from the customs and mores-based land ownership prevalent in the region towards a more formal form of property rights regime. The primary idea was to allow the government to deal directly with the cultivator, *ryot/riayat*, for revenue collection, along with allowing peasants to cede or acquire new land for cultivation. For this reason, as noted in the Gazetteer of the province of Sindh written in 1876, firstly, the British altered the revenue management by discontinuing the practice of collecting land revenue based on *Rabi* and *Khari* harvest. The revenue collection was fixed to commence from 1st August to 31st July of the following year. This caused a major disruption in agricultural output, considering the sudden transition from the *Rabi/Kharif* seasonal calendar followed by indigenous communities in Sindh. Secondly, under the new administration of J.D. Inverarity, the British identified various forms of land tenures to replace the old tenure system they inherited from the Mughals and native rulers of Sindh. These included a hierarchical identification of (a) large proprietors, or principal *zamindars*, people who collected revenue from their estates, along with directly collecting it from the cultivators; (b) holders of estates of a few hundred acres, also known as minor *zamindars*, or termed as the ‘middle gentry’; (c) a large body of peasant proprietors, or petty *zamindars*, all paying revenue directly to the government; and (d) other smaller agricultural classes such as tenants possessing rights of occupancy and tenants at will.

Ahmed (1984) said the revenue rate was initially fixed at a maximum of one-third, and more commonly at one-fourth, of the produce but commuted in cash by Charles Napier, the conqueror of Sindh and the important thing. However, was that a clear legal distinction was now made between ‘revenue’, which was paid to the government by the ‘occupant’ - usually a *zamindar* and a larger ‘rent’, which the *zamindar* collected in kind from the peasant. While claimed to be the replication of the revenue settlements introduced in the Bombay Presidency, this system was essentially the same as the *zamindari* system the British enforced in Punjab.

Ahmed (1984) notes that the British also found that a good portion of Sindh's land was 'alienated' or revenue-free in *jagirs* and other grants or on reduced assessment. Charles Napier required the assignees to come and declare allegiance to the British. Two thousand of them responded, and their assignments were confirmed. The members of the four great Talpur families, who had 1,935,908 *bighas* [ $\frac{1}{3}$  acres] in *jagir*, were given the option of either keeping the entire land for short periods or to surrender one-third as 'uncultivated waste' and retaining the rest in perpetuity. Most opted for the latter and retained 973,949 *bighas* or roughly 500,000 acres. Selected *sardars* (chiefs or warlords) were allowed to retain 106,875 out of 658,502 *bighas* [Ahmed (1984)]. These *jagirs* were in perpetuity and heritable in the male line of descent.

The primary contention behind the restructuring, as noted in the gazetteers, was that the British wanted to replace large *zamindars* with revenue officers who would serve as civil servants with a fixed term - instead of being owners of the land they administered. This would cease the influence enjoyed by large *zamindars* and would provide smaller occupants to reap the advantage of being independent of large proprietors and of having their own rights as landholders fully recognised by the new Government. The aim was to foster the desire for independence and to place all classes of landholders on the same footing in relation to their obligations towards the British Government. However, the plan was quickly abandoned in favour of a re-modelled version of *zamindari*, possibly alluding to the incompatibility of the system with the traditional customs of Sindhi society.

According to Hussain, et al., (2019), Sir George Clerk, who took over as the new Governor of Bombay, was of the view that the government had involved itself too much in the minute affairs of the province, which could be easily dispensed by *zamindars* and *jagirdars*, freeing the government functionaries to pay due attention to the important matters of the state. Thus, it was decided to chat about population distribution, land tenure and revenue collection to restructure the existing system. Instead, the government accorded privileges to larger landholders as intermediaries by promulgating leases in very favourable terms and treating them as enjoying the status of large *zamindars*, much like in Punjab and the rest of India. These actions, in reality, obliterated the centuries-old customs of the region under which peasants, along with the *zamindars*, had the right to share, clear and settle in a new land. Under the British, this way of treating land as commons was deemed an illegal settlement. This further signified the strengthening of landlordism and the concentration of land in the hands of a few while placing enormous resources in the hands of the British administration. Likewise, for *zamindars*, British policies served as an incentive to subvert old customs, disregarding the traditional rights of peasants and ultimately led to the marginalisation of the masses at the behest of a small number of the landed bourgeoisie.

Furthermore, while such reforms did raise land revenue, the increase can be attributed to the *commodification* of land itself during British rule. With the implementation of the alienable property rights, money lent to cultivators by *Hindu Baniyas*,

and local usurers, increased dramatically. Following these changes, the mortgaging of lands became common, and money lenders began to acquire large amounts of land. For instance, while there were only a handful of Hindu landlords prior to the British conquest, by 1892, there were almost 1,771 Hindus who ranked among the large landowners, owning 200 acres or more each [Sorely (1968) and Ahmed (1984)]. This further reinforced and legitimised the feudalistic superstructure of landowning in the province.

Moreover, the British enforced a strict administrative division of labour, previously unknown to the Sindhi society. This was the first time a capitalist model of production, compounded with the reinvention of historical customs and was introduced in any region. To expand the land revenue and to multiply production to meet the demand, the British adopted intensive cultivation and undertook the construction of major irrigation networks at the state level. This further strengthened the grip of the landlords in two major ways: (a) It helped them strengthen their hold and develop a direct interest in colonial domination, which in turn favoured a system of concentrated land ownership fostering class segregation and inequality; (b) Favoured the settlement of farmers from outside the province in order circumvent the traditional rules and local customs, which required the *zamindars* to share the land with the peasant class. Furthermore, the landlords loyal to the crown were granted amenities, and the British ensured that they remained the sole proprietor of the land, ultimately making them the landed aristocratic class within the British imperial order. Because of these measures, a complex and inefficient stratification of society into landed aristocracy and a class of untenured peasantry, vis a vis a structured bureaucracy, greatly accelerated in Sindh. Nonetheless, as Ahmed (1984) notes, the harshness of feudal-type oppression continued unmitigated, despite a legal ban on many of the *abwabs* (tax) and services demanded of the peasants.

#### IV. Sindh after Pakistan

##### 1. *Changes during the Initial Years of Independence*

Independence from the British Raj in August 1947, and the creation of a new independent Muslim state, marked an unprecedented footprint on the history of Sindh. This was a golden opportunity to reform the extractive institutions formed under colonial rule. However, this opportunity was marred by the political dominance of feudal landlords in the Muslim League, who emerged as the new political and intellectual elite in Pakistan. This was further complicated by the landlord-tenancy relations, social and class structures, and state policies inherited by the new state from colonial rule. The Hindu elite left around 1.3 million acres of land, which was later occupied by the powerful Muslim landlords who then acquired the echelons of power in the province. Initially concerned with the concentration of land in the hands of a few landlords, the Government of Pakistan initiated the Hari Inquiry Committee to evaluate land tenures

in Sindh. However, the committee failed to put forward any regulatory framework, mainly because of the political influence of powerful landlords in Sindh.

To curb the rise of a feudalistic structure through which influential landlords slowly assimilated most of the land without limits to purchasing land, the government passed the Sindh Tenancy Act in 1950. It marked the difference between four different share-croppers: permanent *hari* (one who cultivates at least four acres of land for the same landlord for at least three years), temporary *hari* (one who is rotated between landlords on a seasonal basis), seasonal *hari* (one who works on a farm for only one season), and share labourer (one who is employed in a rush, or as a backup). It accorded permanent *haris* with a lifelong right to cultivation on the condition that the *hari* had to be cultivating the same piece of land (of at least 4 acres) for the same landlord for three continuous years prior to the enactment of the act [Hussain, et al., (2019)]. Under the act, permanent peasants (working for more than three years on a farm) could only be expelled if they failed to meet the regulatory obligations or if the landlord wished to self-cultivate their land through the use of modern technology. In that case, the peasants were to be provided alternative tracts of land for cultivation. However, these policies failed to materialise as the peasants were usually expelled before the completion of three years as a condition for qualifying for permanent settlement. In 1953, a report from the Agricultural Commission noted that nearly 79 per cent of the total population of Sindh was composed of around 260,000 landless peasants. This further indicated a strong foothold of *zamindars* and *jagirdars* (big landlords) in the province, ultimately reflecting inherent land inequality widely prevalent in the region. Nevertheless, the period from around 1945 through the 1950s still saw some breakthroughs in light of the debates among political and policy circles on land reforms, culminating in the West Pakistan Land Reforms Regulation in February 1959 under General Ayub Khan's administration [Gazdar (2009)].

## **2. Major Land Reforms Post-1950s**

### **a) The Land Reforms of 1959**

As underlined above, one of the major land reforms that took place after partition was in the West Pakistan Land Reforms Regulation in February 1959 under the military government of General Ayub Khan. These reforms were followed by an executive order by the Government of Pakistan, which, at least on paper, abolished *jagirs* and other revenue-free grants and called on the *jagirdars* to pay land revenue. The reforms were promulgated by presidential orders in the form of Martial Law Regulation 64. They established the basic ceiling on land holdings of 500 acres of irrigated or 1000 acres of unirrigated land or an area equivalent to 36,000 Produce Index Units (PIU) per individual [Hussain (1984)]. Under the reforms, landowners were required to surrender the excess land in exchange for monetary compensation provided by the government. How-

ever, out of 401 people who surrendered their lands, only 967,000 acres were free of encumbrances [Hussain, et al., (2019)], while around 2,000,000 acres were allowed to be retained by the landlords. The government claimed that most of the land was allotted to landless peasants because the wealthy landlords never relinquished their control, even if the land was registered on the former's name in the government records.

Thus, the reforms of 1959 largely failed to recalibrate the unequal land dynamics and instead reinforced the feudalistic superstructure by providing legal legitimacy to hold large acres of land. The amount of land acquired also proved to be a net loss for the government, and only further enriched the economic positions of the landlords. The government of Pakistan paid roughly Rs. 40 Million as compensation for the 'uncultivated' land surrendered by the landowners [Khan (1981)]. During this period, the land allotted to peasants increased from 115,454 to 165,000 acres, while the number of landowners owning more than 500 acres increased from 3,045 to 3,750 by 1963 [Hussain, et al., (2019)].

#### ***b) The Land Reforms of 1972***

The land reforms of 1972 were more or less an extension of land reforms introduced in 1959. The reforms became effective in 1973 and were designed with the contention of reducing socioeconomic disparity owing to the unequal distribution of land across Pakistan, especially in the province of Sindh and Punjab. Through the reforms, Zulfikar Ali Bhutto's government further reduced and fixed the ceiling for individual holdings, provided protection to sharecropping tenants and reserved state land for the landless elite [Hussain (1984) and Hussain, et al., (2019)]. Individual ownership was brought down to 150 acres, against 500 acres during Ayub Khan's period, and 300 acres for non-irrigated land with no exemptions for spaces like gardens and trees. The 1972 land reforms allowed an area equivalent to 12,000 PIUs (with a bonus of 2000 PIUs to owners of tractors or tube wells), which made possible a *de facto* ceiling on individual ownership far above the ceiling [Hussain (1984)]. Initially, these efforts proved to be beneficial for the landless peasant class in Sindh, as excess land from the landed elite was redistributed to the poor peasant class. However, because of the inefficient bureaucratic procedures, the government officials did not follow up with the beneficiaries, and many landlords used such loopholes to circumvent the process. This was done mainly through *benami* (unnamed) transfers to loyalists and sycophants.

### **V. Discussion and Conclusion**

The historical evolution of land administration in Sindh across different phases has one thing in common: the existence of a powerful feudal superstructure, albeit with varying norms, mores and customs that have changed over time. The roots of the feudal structure that has survived throughout history can be traced back to various in-



cursions that have happened throughout the history of Sindh, since the age of the great Indus Valley Civilization, up until the natives ruler of Sindh were uprooted by the British colonisers. Consistent with the findings of Acemoglu, et al., (2001), the historical account of Sindh suggests that being at the periphery of the Indian Subcontinent, it has always been in the interest of different empires, including the Mughals, to establish extractive land systems that perpetuated class and power differentials for enabling social subjugation of the masses. This has provided various rulers with an opportunity to exploit land resources from Sindh without, essentially, worrying about the fate of its people.

However, it is important to underline that even with a polarised class structure, pre-British societies ensured some form of security for the poor agrarian classes through customs and traditions. This radically changed when the British formalised class hierarchies into law, which not only constitutionalised the exploitation of the sub-altern classes such as the *haris*, but also solidified the feudal structure and land ownership concentration in Sindh. The historical account of the British era, as discussed, is consistent with Banerjee and Iyer (2005) findings which conclude that the colonial land administration and property rights institutions set up by the British have played a major role in sustaining differences in economic outcomes across different strata of societies across different regions.

Moreover, the patronage system of land administration established by the British Empire, which enabled the closely-knitted system of land distribution at will, largely curtailed the possibility of establishing socioeconomic equality in the region. This is widely evident that even after independence, successive governments have consistently failed at restructuring the power dynamics vis-a-vis the distribution of land in Pakistan. This is mainly because the powerful landed elite, across various pillars of society, including the policy, bureaucracy, and the military, dominates the decision-making related to the issue of land redistribution. Various reform committees, such as the *Hari Inquiry Committee*, have largely failed to promulgate land reforms that can truly recalibrate the unequal land dynamics of the province. This had various implications for economic growth and regional development. Consistent with the findings of Cinnirella and Hornung (2016) and Azadi, et al., (2020), who have established strong links between the concentration of landownership and poor socioeconomic indicators, Sindh has consistently performed worse than Punjab and other provinces in various indicators, including health and education [GoP (2021)].

There is a strong need to initiate redistributive land reforms to establish land parity across Sindh. Empirical evidence from India, as Besley and Burgess (2000) suggests that strong and consistent land reforms can significantly mitigate inequality, especially in rural areas. Redistributive land reforms also tend to curtail poverty. As observed by Banerjee and Iyer (2005), regions with evenly distributed land tend to perform better in terms of economic indicators than regions with a concentration of land in the hands of a few people.

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