

Protection of Old Grant Communal Properties of Minorities in Cantonment of Pakistan: Issues and Problems

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Abstract : This paper analyses the issues related to communal properties of minorities in the cantonment area of Pakistan allotted in the mid-eighteenth centuries by the British Government to facilitate soldiers. These properties were old grants on which churches, institutes, hospitals, and residences were built. The ownership of these properties remained with British Government, but after the creation of Pakistan, changes by putting Government of Pakistan as the landlord of the property disturbed the inheritors as they remained as, holder of occupancy. The government of Pakistan issued a policy in 1997 to convert the status of old grant properties to regular lease. However, heavy taxes and high court's decisions made it difficult to solve the issue. The study was conducted on six old grant properties of Edwardes College Peshawar cantonment situated in Khyber Pakhtunkhwa, Pakistan. The paper is descriptive research with a qualitative approach collecting data through government rules, acts, ordinance and decisions of the high courts. The result leads to three aspects; 1) holder of occupancy status of old grant properties in cantonment is similar as allotment of other properties by the government, 2) imposition of heavy taxes on conversion of property from old grant to regular lease restricted inheritors to further construct or transfer, 3) imposition of higher courts ban on conversion of communal properties contradict government policy of conversion. The paper recommends the Government of Pakistan a solution to maintain the status quo for communal properties that fall within the old grant.

Keywords : British Government, communal properties, cantonment, old grant, institutions

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