

Redistributive Agricultural Land Reforms in Bangladesh: An Inquiry into Constraints

A Dissertation by

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ID: 08272017

MAGD Batch III

Submitted to the

**Institute of Governance Studies
BRAC UNIVERSITY
DHAKA**

**In Partial fulfillment of the requirement for the degree of MA in
Governance and Development**



**Institute of Governance Studies (IGS)
BRAC UNIVERSITY, DHAKA, BANGLADESH**



October 2009

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October 2009

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Acknowledgement

All the praises and thanks be to Allah Who has enabled me to complete this dissertation. It is almost impossible to repay intellectual debt. The Prophet Muhammad (SM) said that a man gets spiritual benefit even after his death for his intellectual contribution by which other people benefited. Nevertheless, courtesy calls for acknowledgement of intellectual liability.

First I acknowledge my endless debt to Dr. M A Momen under whose active guidance and intensive supervision the dissertation has been accomplished. I am also grateful to all authors from whose books and articles I have taken any sort of assistance and help.

I am immensely thankful to IGS for making all kinds of supports available for me while undergoing this work. I am especially obliged to Barrister Manzoor Hasan, Director of IGS, whose eagerness about the dissertation and inspiration offered much enthusiasm to finish such an awesome work.

I admit my debt to Dr. Rizwan Khair, Academic Coordinator MAGD course and also Dr. Emdadul Haq, Professor & Coordinator MAGD Academic Affairs whose continued supervision and insistence make me to complete the dissertation on time. I am indebted to all resource persons of MAGD course whose sharing of knowledge in the class room and reading materials has helped me to enrich the study.

I am beholden to Mr. Dider -E- Alom Md. Maksud Chowdhury, Revenue Deputy Collector, Satkhira for supplying necessary data for the study. I am thankful to Md. Khorshed Alom for giving continued technical support and to all those who in some way or other involved in MAGD course and in completing the dissertation.

Abstract

The main objective of the study is to examine the role of politicians, bureaucrats and land database while implementing redistributive agricultural land reforms in Bangladesh since 1950. The study finds that the role of politicians in redistributive agricultural land reform caused constraints in supply side: a little amount of agricultural khas land has been acquired as ceiling surplus, a large area of agricultural khas land remains under the possession of illegal occupants and new ceiling law could not have been passed. The role of bureaucrats on the other hand caused constraints in distribution side *i.e.* settlement of agricultural khas land among landless households. Lack of authority, complex, multi-tier and time consuming procedure and political and judicial intervention affects overall performance of land administration in speedy and timely implementation of redistributive agricultural land reforms. Inadequate and poor land data base made an obscure in both supply and distribution channel of agricultural khas land. The study recommends for strong political vision and commitment for recovering agricultural khas land from illegal occupants, all kinds of government property like khas land, vested property, abandoned property, vacant and unutilized land of different government agencies should be brought under the same account for the purpose of redistribution and a ceiling of 25 bighas can be imposed. Administrative practices and procedures regarding settlement of agricultural khas land should be simplified. A computerized and updated data base of agricultural khas land and landless households should be prepared without any delay.

ACRONYMS

AC (Land)	Assistant Commissioner (Land)
ADC (Revenue)	Additional Deputy Commissioner (Revenue)
ADM	Additional District Magistrate
ASO	Settlement Officer
BL& LRO	Block Land & Land Reform Officer
BID	Bangladesh Institute of development Studies
BBS	Bangladesh Bureau of Statistics
CO	Circle Officer
CPM	Communist Party
CS	Cadastral Survey
CPIM	Communist Party of India Marxist
DC	Deputy Commissioner
DLRS	Directorate of Land Record and Survey
EBSATA	East Bengal State Acquisition and Tenancy Act
FAO	Food and Agriculture Organization
GP	Government Pleader
KLIIN	Khas Land Identification Information Network
LRB	Land Reform Board
LAB	Land Appeal Board
LRAP	Land Reform Action Programme
LRB	Land Reforms Board
LFG	Left Front Government
LRA	Land Reform Act
MOL	Ministry of Land
MLJPA	Ministry of Law, Justice and Parliamentary Affairs
NGO	Non Government Organization
NPM	New Public Management
OB	Operation Barga
PO	Presidential Order
PPP	Public Private Partnership

ACRONYMS	
PRSP	Poverty Reduction Strategy Paper
RDC	Revenue Deputy Collector
ROR	Record of Rights
RS	Revisional Settlement
SA	State Acquisition
SICT	Support to ICT
SL&LRO	Sub-division Land & Land Reform Officer
UFG	United Front Government
ULAO	Union Land Assistant Officer
UNDP	United Nations Development Programme
UNO	Upazila Nirbahi Officer
UP	Union Parishad
WBEAA	West Bengal Estate Acquisition Act
WBLRA	West Bengal Land Reform Act
WBSAA	West Bengal State Acquisition Act
ZSO	Zonal Settlement Officer

Introduction

1.1 Background

Bangladesh presents a conflicting scenario of growing population in a land scarcity situation concentrating on agriculture for survival. It is a small but overpopulated country and one of the poorest in the world. The majority of the population and the country's economy are largely dependent on agriculture. Natural calamities like river erosion, flood, cyclone, tidal wave etc. are reducing the total area of land on the one hand and hereditary fragmentation of land holdings and rapid urbanization are decreasing the total area of cultivable land. As a result of socio-economic adverse pressure, small and marginalized poor peasants are being compelled to sell their last piece of land and are becoming landless and poorer. These landless floating people are migrating in a mass towards the capital city Dhaka and other big cities of the country in the quest for their livelihood and eventually lead a sub human life in any slum or beneath the open sky. This is one part of the episode. On the other part, a few people are becoming land lords and wealthier purchasing land from poor farmers. Thus inequitable and unfair distribution of land has a strong correlation with poverty. Fair and equitable redistribution of agricultural land is now considered a must for pro-poor economic growth. Settlement of agricultural Khas (Government owned) land among landless people appears to be an effective tool into land owners and to ensure redistributive justice.

1.2 Problem statement

The programme of half hearted, incomplete and distorted redistributive agricultural land reforms in Bangladesh since 1950 could not halt concentration of agricultural land in the hands of a land hungry few and reduce landlessness which was the core aspiration of Floud Commission, the pioneer commission in the redistributive justice. Three state-

intervened redistributive agricultural land reforms were initiated in Bangladesh, reportedly, in 1950, 1972, and 1984. There remains a blame game between politicians and bureaucrats to hold each other responsible for slow and poor implementation of agricultural land reforms. Politicians charge bureaucrats for being inactive, more process oriented, red-tapists, corrupt, and not pro-poor. Bureaucrats on the other hand, try to evade these allegations saying that they have been only carrying out the directives of their political masters who themselves have been slowing down implementation process by putting undue interference, policy turn in favor of landed elites and politicization of redistributive process. Apart from the actors, land related data and information such as ownership of land, amount of ceiling excess land, amount of land acquired, amount of land distributed, number of beneficiaries etc. are found to be a gray area which infers a gross mismanagement of land data at the time, before or after the formulation and implementation of land reforms. What had been the role of politicians, bureaucrats or land related data while implementing previous agricultural land reforms has not yet been defined which is crucial for advancing redistributive agricultural land reforms.

1.3 Objectives of the study

The main purposes of the study are as follows:

- To analyze different aspects of 'settlement of agricultural khas land', the long-practiced state-intervened mode of redistribution in Bangladesh.
- To examine the role of Politics, Bureaucracy and land database while implementing redistributive agricultural land reforms since 1950.
- To reinvent a pragmatic model to ensure efficient and effective redistribution of agricultural khas land among landless people.

1.4 Rationale

The study tries to address the issues of blame game between politicians and bureaucrats to hold each other responsible for failure in redistributive agricultural land reforms in Bangladesh upon examination of their role played during land reforms. Though a few

research works have been undertaken specially by the academics not so many have been carried out by the practitioners. The work of the academics is not comprehensive and does not reflect the realities in the field. The purpose of the study is to give some practical insights and minimize our knowledge gap on the subject.

1.5 Significance

The study is important for both policy makers and practitioners in the field level land administration, as it is designed to address the problems in both policy making and the implementation regime. The study will be significant for development workers working in the field of khas land distribution. It will be important for academics and researchers giving them a practical insight from a practitioners' point of view. It will also benefit landless poor and marginal peasants to show them a gateway to have easy access to land resources.

1.6 Methodology

The broad objective of the study is to identify the reasons behind failure of the redistributive agricultural land reforms in Bangladesh since 1950. The specific objective of the study is to examine the role of Politics, Bureaucracy and land database while implementing redistributive agricultural land reforms since 1950. For this purpose a qualitative research model has been chosen to identify the problem. Different analytical methods such as content analysis while descriptive, historical, case study and comparative analysis method have been employed to analyze data collected. The study has been conducted in different stages:

- Background study,
- Identification of problem,
- Designing a theoretical framework,
- To set some research questions and to draw a hypothesis,
- Data collection,
- Data analysis,
- Findings & Recommendations

1.6.1 Identification of problem through background study

At this stage, redistributive land policies, laws, rules, regulations, books, articles published in both national and international journals have been reviewed to identify reasons behind failure of redistributive agricultural land reforms in Bangladesh since 1950. From the background study, slow and poor implementation has been identified as the outcome of the action and inaction of the actors behind the screen, either politicians as policy makers or bureaucrats as implementing agents or both. Apart from this, land related data and information such as ownership of land, quantum of land exceeding ceiling, land poorly recorded and arbitrarily acquired and land distributed, number of beneficiaries etc. are found to be area which infers a gross mismanagement of land data at the time, before or after the formulation and implementation of redistributive agricultural land reforms. A search into the problem led to examine the role of politicians and bureaucrats and the condition of land related data while formulating and implementing redistributive agricultural land reform since 1950.

1.6.2 Designing a theoretical framework

At this level different theories of redistributive agricultural land reforms have been explored. Two major streams of land reform approaches like state-intervened land redistribution and market led land reform have been examined in the light of economic arguments of equity, efficiency and productivity. Strengths of theories have been weighed from the success and failures of implementing countries. The lessons learned from the experience of successful countries have been applied in the case of Bangladesh to reasons for failure and find solution to overcome the static situation.

1.6.3 Research question and hypothesis

After the initial background study and intensive reading for theoretical exploration the following research questions have been set:

Central Question

Why did redistributive agricultural land reforms in Bangladesh since 1950 fail?

Supplementary Questions

1. What was the role of politicians at the time of implementing redistributive agricultural land reforms?
2. What was the role of land administration in implementing redistributive agricultural land reforms?
3. What was the condition of land related data and information at the time of implementing redistributive agricultural land reforms?

Hypothesis

The study develops on the hypothesis that “effective administrative system supported by strong political commitment and pre-existing authentic database of agricultural khas land and landless households can ensure effective implementation of a redistributive agricultural land reform in Bangladesh”.

1.6.4 Data collection and data analysis

Mainly, secondary sources have been explored for data collection. Most of the data have been acquired from earlier publications, journals, government reports and statistics, newspaper reports, internet etc. The data have been utilized to examine the role of politicians as well as land administration and the condition of land related data while implementing redistributive agricultural land reforms in Bangladesh since 1950. The content analysis method has been used to analyze redistributive land Policy, Act of Parliament, Rules and Regulations. Observation method and descriptive method have been employed to describe the existing model of agricultural khas land governance in Bangladesh. Historical method has been utilized to assess our past experience of redistributive agricultural land reforms since 1950. Case study method has been applied to investigate the time taken and steps involved in agricultural khas land settlement cases. Two settlement cases have been studied with this end in view. Comparative analysis method has been used to make a comparison between the experience of Bangladesh and

West Bengal in redistributive agricultural land reforms. Different graphs, charts and tables have been used to analyze data.

1.6.5 Findings and Recommendation

Finally from the analysis of data collected some findings have been drawn. A pragmatic model of redistribution of agricultural khas land has been reinvented and finally a set of recommendations have been suggested.

1.6.5 Limitation of the study

1. The study has chosen qualitative model of research rather than quantitative model.
2. In this study only secondary sources have been explored for data collection, primary sources have not been utilized owing to limitation of time and resources.
3. Lack of updated and authentic data has considerably limited the scope of the study.
4. Shortage of literature in the context of Bangladesh has narrowed down the scope for enriching the study any more.
5. Since historical accounts explored from the secondary sources which cannot be claimed to be free from any personal biasness.
6. Two case studies on the basis of settlement cases may not be representative in true sense.
7. Finally limitation of time and scarcity of resources squeezed the opportunity of an extensive and comprehensive research.

CHAPTER

2

Theoretical framework

2.1 Introduction

The chapter focuses on different theories on redistributive agricultural land reform and envisages a theoretical framework for the study. Theories regarding redistributive agricultural land reform stand mainly on attaining three economic goals such as equity, efficiency and productivity. There are arguments and counter arguments among theories regarding the ways and means of achieving these three economic orders. On the issue of equity some argues that in order to achieve equity, assets must be distributed initially but others argue that initial assets distribution is harmful (Kuznets, 1955). They think economic growth at the cost of inequality should be allowed first (let the cake be grow first and then distribute) and growth at the end will promote equity through income distribution. As regards productivity there is a debate whether large farm or small farm is more efficient.

But the recent debates concerning redistributive agricultural land reforms concentrate more on the issue of actors behind the scene i.e. government vs. market: whether government or market is more efficient in achieving redistributive agricultural land reforms (Borras M. & Saturnino J., 2003), (Deininger, K. & Binswanger, H., 1998). Empirical statistics show that the success rate of state-intervened redistributive agricultural land reform is far more than market led reform. But state-intervened redistributive agricultural land reform involves the risk of rent seeking politico-bureaucratic entanglement (Montgomery, 1972). The situation may be more fragile if land related data are mismanaged and manipulated. Taking all the critiques of the state-intervened redistributive agricultural land reform into account, the chapter finally draws a hypothesis that 'effective administrative system supported by strong political

commitment and pre-existing authentic and updated database of agricultural khas land and landless households can ensure efficient and effective implementation of redistributive agricultural land reform in Bangladesh.

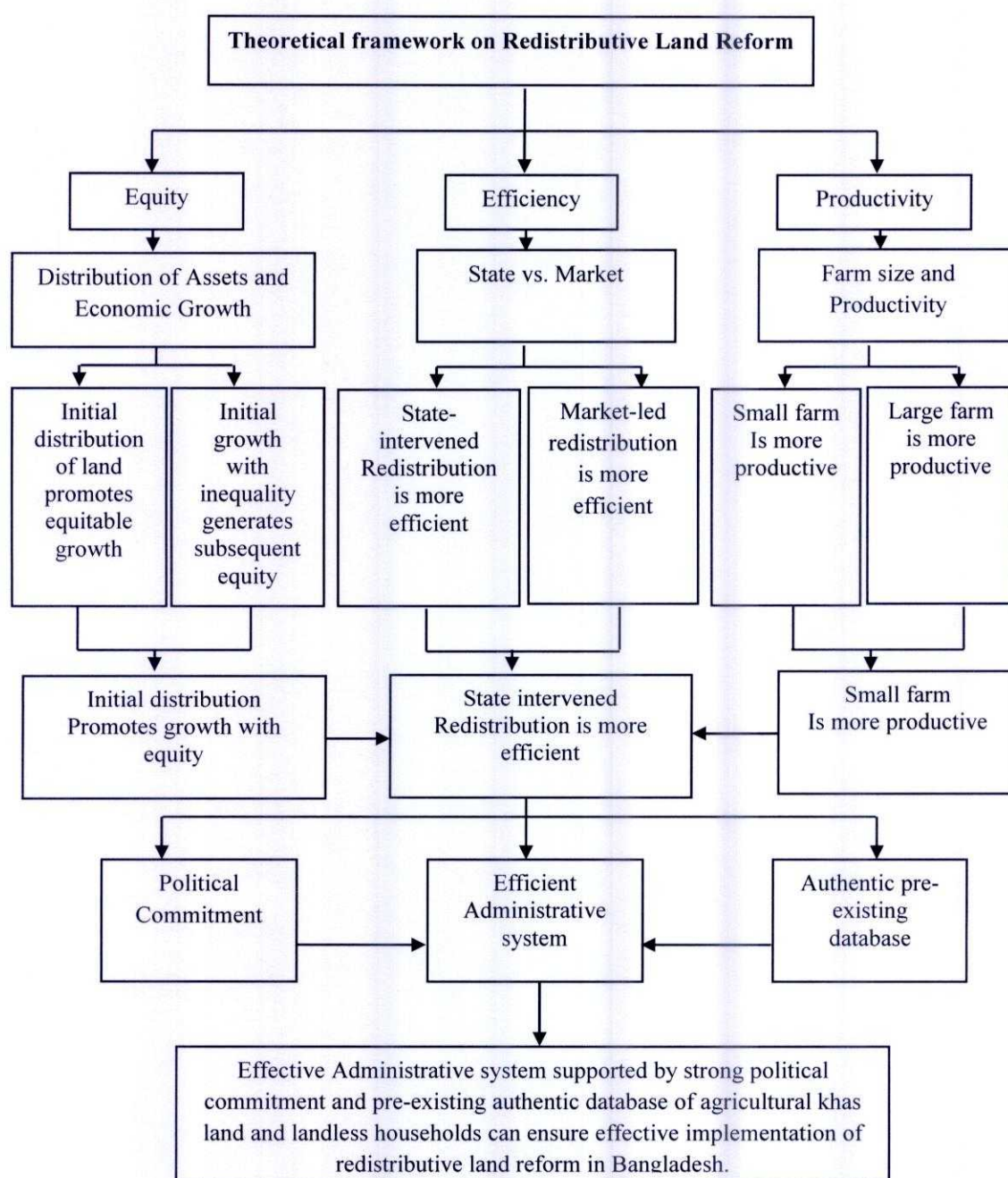


Figure 1: Theoretical framework on Redistributive Agricultural Land Reform

2.2 Theoretical framework of redistributive agricultural land reform

2.2.1 Equity: Growth affects Distribution or Distribution affects Growth

Land is one of the main factors of production. Fair distribution of land has a strong correlation with sound economic growth (Lipton 1993). Although there is a debate whether equal distribution of land affects economic growth or economic growth affects equal distribution of land. Economists recognize a two-way causation between land distribution and growth.

- Growth affects distribution
- Distribution affects growth

2.2.1.1 Growth affects distribution

The belief that growth necessarily leads to rising inequality was based mainly on the empirical studies of Simon Kuznets (Kuznets, 1955). His studies of historical experiences of the developed countries showed that: a concentration of assets is followed by a “natural” deconcentration. As per capita income rises from very low levels, inequality first rises, reaches a peak, and then declines. This is known as the Kuznets’ hypothesis or the inverted-U hypothesis.

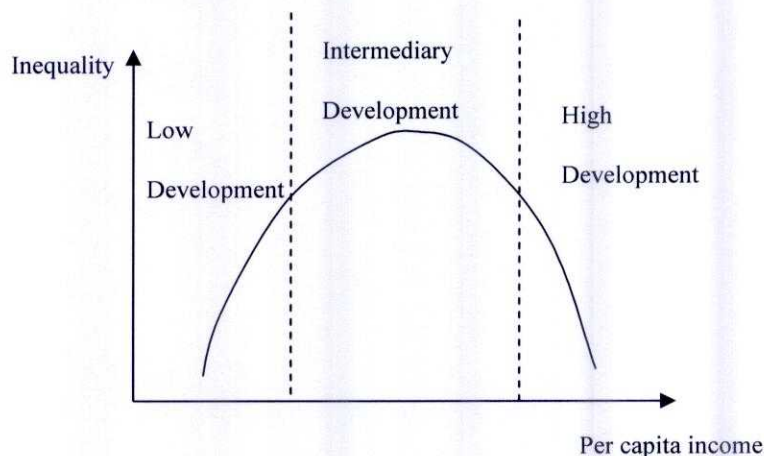


Figure-2: Kuznets Curve

2.2.1.2 Distribution affects growth

Different studies not only refute the idea that growth implies increased inequality, but also argue that high initial inequality impedes growth. Alesina and Perotti (1996), Persson and Tabellini (1994), Alesina and Rodrik (1994) have provided the theoretical basis as well as the empirical evidence of the impact of inequality on growth.

A recent study (World Bank, 2003) of approximately 98 countries conducted by the World Bank has contrasted Kuznets' hypothesis. It was demonstrated that there is no theoretical evidence that a concentration of assets will be followed by a "natural" deconcentration, as stated by Kuznetz. The former chief-economist of the World Bank, Joseph Stiglitz, is of the opinion that, theoretically, it is not admissible to sustain high rates of economic growth without promoting processes of assets' redistribution, pointing to land as one of the main assets in the case of developing economies. (Stiglitz: 1998)

2.2.2 Productivity: whether large farm or small farm is more productive

According to economies of scale and size theory, large farms are more productive because in the large scale farming unit costs can be reduced by spreading fixed-capital costs over a grater output (Herrings 1983). According to Neo-classical and Neo-liberalism theories, large farm is more efficient in terms of productivity (Cousins and Scoones 2009). They do not support expropriation of productive large farms and subdividing them into smaller, less productive farms in the name of redistribution. Marxists also believe in the efficiency of large farms but unlike the former they support expropriation of large farm from private ownership and transform them into collective or cooperative forms of production (*Ibid*, 2009).

Neo institutionalism, Livelihood, Welfarism and Radical Political Economic theory believe that small farms are more efficient than large farms in terms of productivity (*Ibid*, 2009). Small farms are usually cultivated by owner himself with other unpaid family

labours who have higher incentive to give more inputs such as effort, care, and maintenance. Large farms, on the other hands, are cultivated by hired labour or sharecroppers. Both have less incentive for having no further access to crops in the case of the former and having 50 per cent share in crops in the case of the latter. They never utilize their full potentials in production.

Question remains as to how after the expropriation of large farms under ceiling law, the surplus land would be redistributed. Marxists prefer for large scale farming under cooperatives. But recent empirical evidence has established that small farm is more productive (Taslim, 1993). In the context of Bangladesh, small farm has been proved to be more productive (*Ibid*, 1993). Distribution of ceiling surplus land among landless or near landless households breaking large farms into small farms is a better option for increasing productivity.

2.2.3 Efficiency: State-intervened vs. Market-led Redistributive Land Reform

Land reform usually refers to redistribution of land from the rich to the poor (Basu 2007). Land reform, particularly through distribution of land, has been argued as the most essential primary step in addressing the problems of landlessness (Momen 1996). Redistribution of land reforms may either be imposed like traditional state intervened redistribution or it may be voluntary like market led willing buyer and willing seller redistribution.

The state intervened land redistributive reforms involves: 1. Confiscating large land holdings or fixing a ceiling of highest amount of retainable land and acquiring ceiling surplus land upon payment of compensation and 2. Redistributing the land so confiscated or acquired among landless, near landless, tenants and farm labourer. The market-led model, in true sense is not a genuine redistributive mode of ensuring justice. Large landholders in actuality would not be willing to part with their land and must be willing to sell land, and when they do it at all, they must receive 100 per cent of its market value.

So, they are fully compensated. By contrast, the landless must be willing to assume a liability, namely, a state loan, in order to buy the land.

Now, the core question is what mechanism should be applied, either state or market, for the operation of redistributive land reforms in a country like Bangladesh. The government directed redistribution method presupposes that coercive power is a necessary tool since landed elite will resist such reforms. Market led redistribution on the other hand presupposes that everyone is a rational player in the market. If a small farm is more productive, and a large farm is less productive, then the latter would be better off leasing some land to the former. Similarly, if sharecropping is inefficient compared to owner-cultivation, a landlord should sell the land to the sharecropper to make him an owner-cultivator, and get a share of the resulting productivity gains (Basu, 2007).

Regarding the government intervention and its desired degree, Neo-classical economics, Neo-liberalism and Neo-institutionalism prefer market mechanism to state intervention. They want state to play a minimal role like providing public goods, ensuring tenure security, developing market friendly institutions and infrastructures etc. Welfarism, Radical political economy and Marxist theory welcome state intervention to ensure access of the poor people to farm land on the ground of equity, efficiency and welfare.

Neo classical economists want to leave land redistribution in the hands of market. According to them Parato optimal efficiency outcomes are achieved if market failures and distortions are minimized. Government planning and intervention are viewed as being accompanied by rent seeking behaviour and therefore inefficiency (Cousins and Scoones 2009). The state-led approach expropriates large productive farms and subdivides them into smaller, less productive farm units, (World Bank 2003). Neo-classical economics gives emphasis much on economic efficiency rather than on equity.

Neo liberalism also stresses on getting state out of market to reduce market distortion. Trade liberalization is seen as improving incentives to agriculture through the removal of

trade barriers, tariffs and protections. The state's necessary role in providing public goods is recognized, as is the role of law in underpinning property rights and contracts.

New Institutional economics argues that land reform must be market oriented and 'incentive compatible' (Lipton, 1993). It emphasizes on development of some institutional arrangement such as credit provision, insurance markets, security, technological innovation, processing, marketing, etc. State policies to reduce these imperfections and promote rental markets and secure land rights are recommended. It does not support state led redistribution which often opts for inefficient collective or co-operative farming (Ibid: 1993).

A welfarist land reform aims at social protection and welfare goals like poverty alleviation, household food security by ensuring access to land. For the World Bank, redistributive land reform is required where 'the extremely unequal and often inefficient distribution of land ownership' is the result of 'power relationships and distortionary policies rather than market forces' (Ibid: 1993). Since market forces cannot be expected to lead to land redistribution 'at the rate that would be required to maximize efficiency and welfare outcomes', state interventions are required (ibid: 1993). Asset distribution for population living in poverty situations is the most important premise for their social emancipation (Ricardo: 2004).

Amartya Sen's theory regarding development i.e. expansion of capabilities also supports a strong state intervention for redistribution of land. Since, landless people are less capable of functioning therefore the government should expand their capabilities by providing them access to a viable piece of agricultural land.

2.2.3.1 Criticism of state-intervened redistributive land reforms

The pro-market critiques are the most unsympathetic, but arguably the most systematic, while critiques of state-led approaches to agrarian reform argue from a humane and

economic perspective. Critics have pointed three fundamental weaknesses against state led redistributive land reforms.

First, state led redistribution is ‘supply-driven’: it starts either by first identifying lands for expropriation then looks for possible peasant beneficiaries, or by first identifying potential peasant beneficiaries then seeking lands to be expropriated. This leads to heightened economic inefficiency when: (a) productive large farms are expropriated and subdivided into smaller, less productive farm units, or when environmentally fragile (usually public) lands are distributed by the state; or (b) when peasant households ‘unfit’ to become beneficiaries (i.e. which have no potential to become efficient producers) are given lands to farm (see World Bank, 2003).

Second, State led redistribution distorts the land market. Distortion is caused primarily by prohibitions on land sales and rentals by land reform beneficiaries or by landlords already marked for expropriation. These prohibitions have led to informal land market transactions that, in turn, breed corruption within state agencies and drive land prices upward (see Banerjee 1999). Again, state-led agrarian reforms have been implemented usually without progressive land taxation and without a systematic land titling programme, whose absence contributes to land price increases beyond their proper levels, encourages landlords toward ‘land banking’ or speculation, and leads to complex competing claims over land that again result in land market distortions (Bryant 1996).

Third, state led redistribution in the form of acquisition of ceiling surplus land upon payment of compensation involves high cost for the state. It imposes costs on landowners too since, usual payment to landlords is below the market price and is payable through installments which allows time to erode the real value of the landowners’ money. As a result, large land owners take measures to avoid expropriation by means of corruption and have generated corruption and legal battles which slow down implementation process. Further, rent seeking bureaucrats are unable to respond quickly to the beneficiary demand.

Despite heavy criticism against state led redistributive land reform, historical record shows that state led redistribution has achieved more success than market led redistribution. The following table shows that success rate of state-intervened land redistribution ranges from 7 percent to 80 percent in terms of redistributed land as percentage of total agricultural land and 9 percent to 83.4 percent in terms of number of beneficiaries as percentage of total agricultural households.

Table 1: Land Redistribution Outcomes of State-led Land Reform Programmes in selected countries

Country	Period	Redistributed Land as percentage of total Agricultural Land	Number of beneficiaries as percentage of total Agricultural Households
Cuba	Since 1959	80	75
Bolivia	1952-77	74.5	83.4
Republic of Korea	Since 1945	65	77
Chile	1964-73	Nearly 50	20
Taiwan	1949-53	48	48
Peru	1963-76	42.4	32
Mexico	1970 data	42.9	43.4
Philippines	1972-2005	Nearly half	Two-fifths
Japan	1945 on	One-third	70
Ecuador	1964 -85	34.2	No data
El Salvador	1980s through 1990s	20	12
Venezuela	Up to 1979	19.3	24.4
Egypt	1952-61	10	9
Brazil	1964-2005	7.6	18.5
Costa Rica	1961-79	7.1	13.5

Source: Saturnino, M. et. al. Policy Research Brief No. 2, Nov/2006 International Poverty Centre, United Nations Development Programme.

2.2.3.2 Criticism of Market-led land reforms

The arguments against market led distribution are mainly inefficiency, slow pace and creating limited access for the poor.

First, market led redistribution is inefficient since in the willing buyer and willing seller model landowners will often choose to sell only the most marginal, most remote, and most ecologically fragile and less productive plots that they own.

Second, the poor land buyer purchasing land with heavy debts at high rates of interest with poor and low productive soils will not be able to repay the loan. This can actually deepen poverty and land degradation. Such appears to be the case with the hotly disputed market-led reform in Brazil (Borras, 2003).

Third, free market macroeconomic environment can induce mass sell-offs of land, causing increased landlessness, land concentration, and rural-urban migration.

Fourth, market doesn't respond to poor landless people's needs, market responds to profit and money. Therefore, functioning land markets may lead in many cases to a net shift of land from poor people to wealthier and larger farmers (Rosset: 2002)

The market-led model has had only limited success. Market forces cannot be expected to lead to land redistribution 'at the rate that would be required to maximize efficiency and welfare outcomes. The table shows that the success rate of market led land reform redistribution ranges from 0.22 percent to 16.6 percent in terms of redistributed land as percentage of total agricultural land and 0.03 percent to 5.83 percent in terms of number of beneficiaries as percentage of total agricultural households:

Table 2: Land Redistribution Outcomes of Major Market-led Agrarian Reform Programmes in Several Countries.

Country	Period	Redistributed Land as percentage of total Agricultural Land	Number of beneficiaries as percentage of total Agricultural Households
Brazil	1997-2005	0.4	1.32
Colombia	1994-2001	0.22	0.33
Guatemala	1997-2005	4.0	1.30
Philippines	2000-2005	0.01	0.03
South Africa	1994-2005	1.65	4.1
Zimbabwe	1980-1996	16.6	5.83
Namibia	1990-2005	6.0	0.16

Source: Saturnino, M. et. al. Policy Research Brief No. 2, Nov/2006 International Poverty Centre, United Nations Development Programme.

The above table shows that the success of market led redistribution is very negligible in comparison with the success of state led land redistributive reforms.

2.2.4 Role of Politics, bureaucracy and land data base in redistributive land reforms

Redistributive land reforms in the mid-century in Taiwan, Japan, and South Korea are considered ideal success stories of government managed land reform. Common aspects in Taiwan and Japan contributing to their success are the previous existence of land tenure data, effective bureaucratic systems, and strong governmental enforcement. The proponents of market-led land reform always present politico-bureaucratic entanglement and bureaucratically managed faulty land data as common villains to state-intervened redistributive land reforms (Herrings, 1983).

2.2.4.1 Land reforms and Politics

The conventional-wisdom arguments that “competitive system is less efficacious than the non-competitive in bringing about reforms” (cited in Herring, 1983: 234). Huntington (1968) also maintains that there is a correlation between regime type and success of redistributive land reforms and concentrated power is necessary for reform. He also argues that a basic incompatibility exists between parliament and land reforms. Parliamentary systems are characteristically unable to act quickly, decisively, and consistently. Ceiling legislation is introduced, landlords being concealing land, the final legislation is years in coming, compromised by loopholes, and stayed by courts orders over time the surplus land disappears (Herrings, 1983).

Parliament produces compromises and delays that blunt the potential impact of reform (Huntington, 1968). Herring refutes the concentration of power theory and concludes that it is a balance of political power that determines the extent of reforms (Herring, 1983). He (1983) explains that class interests, regime needs, and world view of those groups or individuals who hold power in interaction with the historical conditions under which they rule are more important than competition or concentration of power per se.

Public choice theory helps to explain why political parties fail to offer clear policy alternatives in election campaigns. According to Public Choice Theory, all political actors seek to maximize their personal benefits in politics as well as in the marketplace. Parties and candidates are not interested in advancing principles rather in winning elections. They formulate their policy positions to win elections; they do not win election to formulate policy. Thus each party and candidate seeks policy position that will attract the greatest number of voters (Downs, 1957).

Recent literature on the political economy of redistribution in developing countries has provided evidence that preferences of elected officials matter (Bardhan & Mookherjee, 2005). This implies that the characteristics of elected officials affect their policy preferences that affect policies chosen.

2.2.4.2 Land Reforms and Bureaucracy

The bureaucrats of third world countries including Bangladesh still practice, sometime with some distortion, Weberian model of classical bureaucracy which is mostly process oriented, more centralized and hierarchical in structure. FAO (2002) observes in many parts of the world, formal land administration procedures are time consuming, bureaucratic, cumbersome, expensive, and are frequently non-transparent, inaccessible to the rural population, and are handled in languages and forms that people do not understand (FAO, 2002).

New Public Management (NPM) was a reaction to perceived weaknesses of the traditional bureaucratic paradigm (O'Flynn, 2005). It criticized the monopolistic service providing role of the government and advocated for market oriented approach to the public management (Stoker, 2006). Since in redistributive land reform the role of the government is central therefore the principles of NPM should not be fully applied to land administration. But some principles are still relevant to ease land administration and provide wider access to stakeholders.

Public value Paradigm has created new hope for state-intervened redistributive land reform. The role of the public manager is central to Public Value approach. Public value has been described as a multi-dimensional construct- a reflection of collectively expressed, politically mediated preferences consumed by citizenry-created not just through outcomes but also processes which may generate trust or fairness (O'Flynn, 2005). Using Public Value Paradigm, efficiency of land administration in promoting fair and equitable redistribution of land among landless households can be increased.

2.2.4.3 Land Reforms and Pre-existing Land related Database

The process of land reform is one in which there requires being a wealth of spatial, legal, economic, and food related information to justify the process before implementation. Specially, in state-intervened redistributive land reforms, a pre-existing, authentic and

updated land information base regarding ownership, surplus land, landless households, land-men relation etc. are necessary. Without land information base achievement of reform cannot be measured. The process of land reform should not proceed until the necessary spatial, legal and demographic information base has been designed and the information collected (Bullard 2001).

2.3 Conclusion

The objective of this chapter was to construct a theoretical frame for the study. Having discussed relevant theories, the chapter has reached the conclusion that state-intervened redistributive land reform is a better option in terms of equity, efficiency and productivity. But in any redistributive land reform, the role of politicians, land administration and land information base are crucial. Theories regarding land reform and politics and bureaucracy and significance of land data base finally have led to draw a hypothesis that 'Effective Administrative system supported by strong political commitment and pre-existing authentic and updated database of agricultural khas land and landless households can ensure an effective implementation of redistributive agricultural land reform in Bangladesh.

CHAPTER

3

**Literature
Review**

‘Land policies are of fundamental importance to sustainable growth, good governance, and the well-being of and the economic opportunities open to rural and urban dwellers particularly poor people’(World Bank, 2003). Land policy is important because ‘the distribution of property rights among people has a tremendous impact on both equity and productivity (EU, 2004). Theories on land redistribution see redistributive land reform as means of achieving equity, efficiency, welfare, social safety, food security, poverty alleviation, rural development, empowerment of the poor, political stability, economic development, good governance and so forth.

Since 1950, there have been three major agricultural land reforms in Bangladesh: the East Bengal State Acquisition and Tenancy Act of 1950, a collection of Presidential Orders promulgated in 1972 including the Bangladesh Landholding Limitation Order (PO/98) and the Bangladesh Land Reforms Ordinance of 1984. After 1984 Ordinance the government finds that a large area of agricultural khas land has still remained under illegal occupation which should immediately be recovered and redistributed among landless households. Two procedural laws have been adopted namely the Land Reforms Action Programme, 1987 and the Agricultural Khas Land Management and Settlement Rules, 1997 were adopted for this purpose.

The major redistributive agricultural land reform was offered in Bangladesh in 1950 through the East Bengal State Acquisition & Tenancy Act, 1950 (enforced from 1951) which abolished all rent receiving interests and prescribed a ceiling of 100 bighas. But this was subsequently raised in 1961 to 375 bighas or an area calculated at the rate of 10 standard bighas for each member of the family, whichever is greater. Under this Act, 443

estates were acquired by March 1956, though the act came into force in 1951. An estimated 730,000 acres of land was to come under the control of the government but due to raising the ceiling only 343113 acres actually vested in the government for redistribution and resettlement (Hossain, 1995). It took more than 8 years to complete the process and even today, some rent receiving interests such as *waqf* and *debottar* estates could not be taken over (Banglapedia, 2003).

The contemporary literatures maintained that incapable administration and mismanaged land data were two dominant factors that obstructed efficient and effective implementation of 1950 land reform. Ali (1986) observes: "the government of the day appeared to have ignored three basic requirements necessary for the implementation of land tenancy reforms envisaged in the EBSATA. These are:

- a) The constitutional position with regard to the inviolability or otherwise of the permanent and heritable rights conferred on the zamindars and other rent receivers.
- b) The need for an updated record of land rights.
- c) The administrative capacity to implement the new and land reform measures".

Wennergren (1986) found that the 1950 land reforms in Bangladesh failed due to inefficient and incapable administrative structure and lack of updated database. The authority on 1950 reforms did not question about the role of politicians of that time.

In 1972, the government adopted almost a radical agrarian reform. All land revenue were waived including arrears and interests due on agricultural land up to April 14, 1972 (which ended 6.0 million certificate cases and the government incurred a loss of Taka 360.00 million), agricultural families with land holding under 25 bighas were exempted from land revenue with effect from April 14, 1972 (which exempted 99 per cent of the agricultural families and the government incurred loss about Taka 68 million annually) and land ceiling was fixed at 100 standard bighas (Mukherji, 1976). Initially it was presumed that 400000 acres of land would be acquired as ceiling surplus. Finally,

families stated declarations show 76412 acres of land to be ceiling surplus. By January 1975 the government could have acquired only 20317 acres of land. The disposal of even this surplus land to the landless has been a very slow due to procedural delay (Ibid, 1976).

Bangladesh probably lost its best opportunity to restructure land tenure immediately after independence under a government enjoying enormous mass support (Momen, 1996). Mukherji (1976) viewed the failure of the 1972 land reforms in terms of lack of political commitment which has been reflected in changing definition of 'family' and extending time for submission of statement of holding from time to time. There had been widespread understatement or no statement on surplus land due mainly to the amendments made by the government on the definition of family and to the frequent shifting of the dates for submission of return of excess lands (Ibid, 1976).

The 1950 and 1972 reforms failed to accomplish their most important objectives (Siddiqui et al 1988, Momen 1996). From 1950 to 1976, 11,30,000 acres of ceiling surplus land was to be acquired but how many acres of land had actually been acquired remains unknown. Through 1976, only 330,000 acres were reportedly distributed (Wennergren 1986). Although the primary objective of the reforms was to benefit landless poor tiller of the soil but "it has been evidenced that land reform benefited the non cultivating refugees in the 1950s, soldiers in the 1960s and political elites in the 1970s while the landless gained little from the state sponsored programmes" (Momen 1996).

The actual amount of land redistributed was minimal, and most of this ended up in the hands of powerful elites who used the policy initiatives to strengthen their own socio-economic and political positions (Siddiqui et al 1988). Attempts therefore to wrestle control of land reform initiatives from the hands of local elites invariably failed as Hossain and Jones (1983) pointed out:

"[n]ational politicians and bureaucrats are often themselves large landowners and even if they are not, they depend on rich peasants both for political support and to ensure that the

countryside remains reasonably tranquil. To attack the interests of this dominant class would be political suicide for any of the political parties”.

Momen (1996) envisaged the outcome of the political intervention:

“[i]n this land-poor country, unutilised public land is soon grabbed by the influential people, and the local authorities either overlook their illegal possession and or help them to consolidate their rights in such land” (Momen 1996: 104).

Wennergren (1986) warns that interposing a major land reform on the present system would be catastrophic. Nevertheless, the government took further initiative through the Land Reforms Ordinance in 1984. Land ceiling was fixed at 60 standard bighas. Although the family already owning 33.33 acres of land is allowed to retain the same, the prohibition applies only to persons owning less than 33.33 acres of agricultural lands, by purchase, inheritance or otherwise. As a result of this ordinance no land was acquired though the diminishing land-man ratio demands for lowering the existing ceiling. The Ordinance also could not bring any positive result.

In 1987 and 1997 two procedural laws have been adopted to identify and recover agricultural khas land and distribute the same among landless households. The Land Reforms Action Programme, 1987 and The Agricultural Khas Land Management and Settlement Rules, 1997 introduced 3 committees at national, district and upazila levels. As a result, the powers and authority shifted from land administration to the committees. It prescribes the settlement and management of agricultural khas land as a joined up task of the committees. The district and upazila land administration are to assist committees to this end.

Barakat et. al. (2003) found that the main obstacles in settlement of agricultural khas land among landless households are corruption of land offices, limited participation scope of the stakeholders and politically patronized land grabbing.

The role of political commitment, bureaucratic system and pre-existing land data base is crucial in implementing agricultural land reform in almost all countries throughout the world. Herring (1983: 38) observes "Most treatments of failures in tenure reforms in South Asia focus on twin villains of lack of political will and failures in implementation (or bureaucratic inertia, lethargy and collusion). Land redistributive reforms in 1950s in Taiwan, Japan, and South Korea are considered ideal success stories of government managed land reform. Common aspects in Taiwan and Japan contributing to their success are the previous existence of land tenure data, effective bureaucratic systems, and strong governmental enforcement.

Despite the obvious and far-reaching political, legal, social, and economic diagnosis of the failure of redistributive agricultural land reform in Bangladesh, there has been a little rigorous analysis to examine the role of politics; bureaucracy and land related data base behind the failure. Although only a few studies like Mukherji (1976), Wennergren (1986), Siddiqui et al 1988) Momen (1996) and Barakat et. al. (2003) made some catchy observation but there is hardly any comprehensive and elaborate analysis regarding the role of politics; bureaucracy and land related data base while implementing land reforms in Bangladesh since 1950. This paper is an attempt to fill up this lacuna throughout the study.

CHAPTER

4

Redistributive Justice in Bangladesh: Settlement of Agricultural khas land

4.1 Introduction

Settlement of agricultural khas land among land less people is a means of ensuring redistributive justice and hence is a part of land reform. The object of this chapter is to give an overview of different aspects and issues relating to agricultural khas land especially the existing administration, procedures and practices prevalent in the management and settlement of agricultural khas land. At the outset, some key concepts have been clarified for better understanding of the issue. Some lights have been given to the previous practices regarding settlement of agricultural khas land since 1950 and their outcome on landlessness. Much emphasis has been given to the current system as has been introduced by the agricultural khas land Management and Settlement Rules, 1997. The loopholes in the existing procedure have been discussed briefly.

4.2 Explanation of key concepts

4.2.1 Khas land

The word 'Khas', in Arabic language, is opposite to the word 'Aam'. 'Aam' means general, public, common etc. and on the opposite, khas means special, not public. Literally, the expression khas land denotes a special class of land not belonged to the general people but to the government. In the medieval period, zamindar used to hold two types of land, "self-cultivated land" (using hired agricultural labourers) and land cultivated by Raiyats for fixed rent. The "self-cultivated" land of zaminder was called khas land,

The East Bengal State Acquisition and Tenancy act, 1950 defines “khas land or land in khas possession in relation to any person, as any land let out together with any building standing thereon and necessary adjuncts thereto, otherwise than in perpetuity” (S. 2(15) of the Act, 1950). The Act also classifies khas land of a rent receiver into two categories, retainable and non retainable khas lands. The retainable khas lands include agricultural land, non agricultural land, grazing land, tanks etc. not exceeding 100 standard bighas which has been raised to 375 standard bighas in 1961 (S. 2(b)(iii) of the Act, 1950). Non retainable khas lands include *cutchary*, hat and bazaar, fishery, forest, ferry, and derelict tea gardens (S. 20(2) of the Act, 1950). After the abolition of zamindari in 1950, all non retainable khas lands and all retainable khas lands beyond 375 standard bighas of a rent receiver were acquired by the government. Moreover, the Act provides certain other lands to be vested in the government, such as:

1. Ceiling surplus land (now in excess of 60 bighas) of the private owner;
2. Land sold by the Government in auction sale;
3. Land acquired under section 92 of The East Bengal State Acquisition and Tenancy Act, 1950 in the following circumstances:
 - (a) When owner of the land dies intestate leaving no heir;
 - (b) When he surrenders his holding;
 - (c) When he voluntarily abandons his residence without paying rent and ceases to cultivate his holding for a period of three successive years; or
 - (d) When such interest has devolved by inheritance, on a person who has not cultivated the land during the period of five years and there is no sufficient cause why he has not so cultivated the land.
4. Land without owner or legal claimant;
5. The portion of the acquired land of any government department or statutory organization which the government has resumed for being unused.

All khas land so acquired by and vested in the government were recorded in Khatian No 1 and described in the register No VIII. Register VIII describes khas land in 4 parts, namely:

- I. All lands not suitable for settlement being in the nature of public easement such as, roads, embankments, tanks, well etc.
- II. All lands suitable for settlement cultivable and non cultivable land, *sairat mohal* like *jolmohal*, *hat* and *bazar*, *balu mohal*, *Pathar mohal*, road side land etc.
- III. All land sold and resumed lawfully by the government or belonged to the government being abandoned by the owner.
- IV. All aluvian land.

Now, very precisely, khas land is defined as land under the control of the Land Ministry and which are not belonging to any person, institution or other government departments. Agricultural khas land is a category of khas land. Initially all cultivable khas lands were agricultural khas land. But in 1997, a new definition has been given as only those cultivable khas lands are agricultural khas lands which are located outside metropolitan areas, municipal areas and upazila head quarters.

4.2.2 Settlement of khas land

Settlement of khas land, according to Agricultural khas land Management and Settlement Rules, 1997 includes allocation of agricultural khas land in favor of landless households through kabuliat registration, mutation and transfer of physical possession for 99 years upon the condition of using that land only for agricultural purpose and not subject to transfer in any mode other than inheritance. It is a conditional ownership of land upon the terms and conditions stipulated in the Kabuliat of the settlement.

4.2.3 Landless

Literally the term landless denotes a person or household having no land. But, in the eye of land reforms, it also includes a person or household possessing land less than minimum size of a viable holding. The Land Reform Action Programme, 1987 defined landless household as a household having land less than 0.50 acre of land. The Agricultural Khas Land Management and Settlement Rules, 1997 defined landless house

hold as a household having no land either homestead or cultivable land. But subsequently it was redefined in 1998, by an amendment to the Rules of 1997. Now, in the case of settlement of agricultural khas land the following households are included as landless households:

1. households dependent on agriculture but having no land either homestead or agricultural land and
2. households, dependent on agriculture, having homestead not more than 0.10 acre but no agricultural land.

4.3 Agricultural khas land redistribution in Bangladesh

From 1950 to 1997 Bangladesh adopted four state-intervened redistributive agricultural land reforms. The model of redistributive agricultural land reform in each case followed more or less the same procedure which can be summarized as follows:

- To enact a substantive law for empowering the government to acquire all lands excess to a certain ceiling.
- Promulgating a procedural law or rules for managing or redistributing ceiling surplus land among land poor.
- Selecting landless households, categorizing households as per priority and allocating khas land available among landless household.

The history of land reform in Bangladesh can be divided into two distinct phases taking into consideration the procedure of land redistribution. In the first phases the procedure adopted was “acquisition and distribution” of khas land while in the second phase strategy adopted was “Identification and settlement” of khas land.

4.3.1 Ceiling law supported redistribution (1950-1983)

Before 1947, land ownership was highly concentrated among a few zamindars and jotdars. In its report, Floud Commission found that 74.6 per cent of the households in rural Bengal had holdings below the subsistence level. In order to deconcentrate land

ownership the government passed the State Acquisition & Tenancy Act, 1950 which imposed 100 standard bighas as the highest retainable amount of land. The ceiling was raised to 375 standard bighas in 1961(S. 2(b) (iii) of the Act, 1950). As a result surplus land returned to the rich land holders.

After the independence in 1971, again the ceiling of 100 bighas was restored in 1972 through the Bangladesh Landholding Limitation Order (Presidential Order No 98 of 1972) (S. 3). In order to implement redistributive agricultural land reform offered by substantive law the Government Estate Manual, 1958 was adopted to lay down procedures to be followed continued to be in force till the adoption of the Bhumi Baboysthapan Manual, 1990. During this phase about 1.13 million acre of khas land vested in the government but the government could not take possession of all the land. Through 1976, only 330,000 acres were reportedly distributed (Wennergren 1986)

4.3.2 'Identification and settlement' type of redistribution (1984-onward)

The land reform initiatives taken in the first phase being unsuccessful, landlessness increases again and a large part of khas land went under the illegal possession of land grabbers. Imposition of ceiling law becoming politically chaotic and not feasible, government adopted the policy of identifying khas land and settling them among landless farmers' households. Although in 1984, the Land Reforms Ordinance prescribed 60 standard bighas as ceiling but allowed households owning 100 standard bighas to continue to hold (S. 4 of the Ordinance, 1984). As a result no khas land has been acquired because 100 bigha ceiling was already in force since 1972.

The Land Reforms Action Programme, 1987 was promulgated to provide procedure under the Ordinance of 1984. Finally the Krishi Khas Jomi Babosthyapana O Bandabasta Nitimala, 1997 (hereinafter mentioned as Agricultural Khas Land Management and Settlement Rules, 1997) prescribed a special arrangement for settlement of agricultural khas land. As per statistics provided in the Poverty Reduction Strategy Paper (2005)

during the second phase 93,196 acres khas land have been redistributed among 1,81,495 families.

Table 3: Features of state-intervened redistribution of agricultural khas land in Bangladesh

Subject	Features of land redistribution in the first phase (1950-1983)		Features of land redistribution in the second phase (1984-onward)	
Substantive law	The Estate Acquisition & Tenancy Act, 1950	The Bangladesh Land Holding (Limitation) Order, 1972	Land reforms Ordinance, 1984	No substantive law adopted
Procedural law	The Government Estate Manual, 1958	No procedural Law adopted	The Land Reforms Action Programme, 1987	Agricultural Khas Land Management and Settlement Rules, 1997
Decision Making Authority	Land Administration	Land Administration	3 committees at national, district and upazila levels.	3 committees at national, district and upazila levels.
Implementing Authority	Land Administration	Land Administration	Land Administration	Land Administration
Criteria for landlessness	Having less than 3 acres of land	Having less than 3 acres of land	Having land less than 0.50 acre	Having no cultivable land but homestead not more than 0.10 acre.
Priority in settlement	Diluviated family, Ex-Pakistani army personnel, Refugees	Diluviated family, martyred or crippled freedom fighter's family, widow family abandoned by husband	Diluviated family, martyred or crippled freedom fighter's family, widow family abandoned by husband	Martyred or crippled freedom fighter's family Diluviated family, widow family abandoned by husband
Highest area for settlement	3 acres	3 acres	Maximum 2.0 acres of land	1.0 acre generally and 1.5 acres in the coastal districts
Selami	5 to 10 times the annual rent	Taka 1	Taka 1	Taka 1

Source: The Table has been developed by the Author from the text of The Estate Acquisition & Tenancy Act, 1950, The Bangladesh Land Holding (Limitation) Order, 1972, Land reforms Ordinance, 1984, The Land Reforms Action Programme, 1987 and Agricultural Khas Land Management and Settlement Rules, 1997

4.4 Effect of land reforms on landlessness

4.4.1 Land ownership before 1950

Landed property was highly concentrated in the hands of few people before enactment of the State Acquisition and Tenancy Act, 1950. A sample survey carried out by the Floud Commission in 1938. Five acres of land was considered to be the minimum size of the viable land holding. The Commission found that 74.6 per cent of the households in rural Bengal had holdings below the subsistence level; only 25.4 per cent had more than 5 acres of land.

Table 4: Pattern of Distribution of Landownership in 1944-45

Landownership groups	Percent- age of house -holds	Percent -age of land owned	Percent- age of share of rented out land	Percent- age of share of rented in land	percentage of owned land share- cropped out	percentage of cultivated land share- cropped in
Own only homestead land or landless	29.9	1.6	nil	26.5	nil	97.3
Own up to 1.0 acre	19.5	4.6	2.9	18.7	15.3	54.3
1.01 to 3.0 acres	25.1	18.5	9.0	29.6	11.8	27.3
3.01 to 5.0 acres	10.3	15.0	9.6	12.9	15.7	.1
Over 5.0 acres	15.3	60.316	78.4	12.2	36.1	5.5
All Households	100.0	100.0	100.0	100.0	27.0	21.2

Source: Hossain, 1981 (Table V, p. 19) compiled from Abdullah 1976 Table VI, p. (105)

4.4.2 Land ownership after 1950

The East Bengal State Acquisition and Tenancy Act (EBSATA), 1950 prescribed a ceiling of 100 bighas of land but this was subsequently raised to 375 bighas in 1961(S. 2(b) (iii) of the Act, 1950). As a result, a huge amount of land of zamindars and large farmers became khas as ceiling surplus which was to be distributed among landless people. However, the process of implementation of the Act was insufficient to ensure redistribution of land, so, ultimately concentration of agricultural land remained at the previous level, and in some cases even increased. The following table shows that by

1978, top 10 per cent population held 52 per cent land which was 39 per cent by 1960 whereas the bottom 60 per cent population held only 9 per cent land which was 25 per cent by 1960.

Table 5: Extent of Inequalities in Land Distribution in Bangladesh in the 1960s and 1970s

Fractile groups	1960	1968	1974	1977	1978
Bottom 60 per cent	25	24	19	11	9
Middle 30 per cent	39	40	40	40	39
Top 10 per cent	39	36	38	50	52
Gini ratio of landholding					
(a) Operational	0.49	0.48	0.58	-----	-----
(b) Ownership	----	----	0.59	0.63	0.66

Source: S.R. Osmani and Atiq Rahman, 'A Study on Income Distribution in Bangladesh', (mimeo), BIDS, 1981, p. 24,

4.4.3 Land ownership after 1972

In 1972, the Bangladesh Land Holding (Limitation) Order (vide Presidential Order 98 of 1972) reduced the land ceiling from 375 bighas to 100 bighas (S. 3 of the PO/98, 1972). However, the concentration of agricultural khas land increased and the growth of landlessness also increased simultaneously. In 1977, a national level survey on land occupancy was carried out by the Bangladesh Bureau of Statistics and the USAID. According to the summary report of the 1978 survey, the bottom 75 per cent of the household owned only about a fifth of the total land, while the top 8.5 per cent, who owned land in sizes of more than five acres, owned 48 per cent of the total land.

Table 6: Landlessness among households in rural Bangladesh

Size of Ownership holding (acres)	Category	Percentage	Cumulative percentage
0.00	Owns neither house plot nor land other than house plot	14.7	14.7
0.00	Owns house plot but no other land	14.1	28.8
0.01-0.50		21.3	50.1
0.51-1.00		11.9	62.0

Source: Summary Report of the 1978 Land Occupancy Survey of Rural Bangladesh, Bangladesh Bureau of Statistics, December 1978).

4.4.4 Landownership after 1984

In 1984, land ceiling was fixed at 60 standard bighas by the Land Reforms Ordinance (S. 4 of the Ordinance, 1984). Although a family already owning 33.33 acres of land is allowed to retain the same, the ceiling applies to persons owning less than 60 bighas lands. They are prohibited to own more than 60 bighas by purchase, inheritance or otherwise. The Ordinance could not bring any positive result. The following table shows a comparative picture of the state of landlessness in rural areas of Bangladesh during the last three Household Income and Expenditure Survey in 1995-96, 2000 and 2005

Table 7: Rural household by size of land owned

Land Size (in acre)	1995-96	2000	2005
Owned Land			
Total	100.0	100.0	100.0
landless	5.5	5.6	5.3
0.01-0.49	49.5	60.0	55.2
0.50-0.99	11.8	9.5	12.4
1.00-2.49	19.0	15.4	17.6
2.50-7.49	12.0	8.1	8.7
7.50+	2.2	1.3	1.6

Source: Bangladesh Bureau of Statistics, Report of the Household Income and Expenditure Survey, 2005 p. 10

The table show that the percentage of absolute landless is almost in a stable condition which is on an average 5.5. Here 'landless' denotes a person having no land at all. If the operational definition of landless household given by the Land Management manual, 1990 as a household having less than 0.50 acre of land is accepted, the percentage of landless households on total was 60.5 per cent in 2005.

The recent nationwide survey show that the absolute landlessness has increased to 15.62 percent and agricultural farms having no land of their own has comprised about 50 percent of the total households of Bangladesh.

Farm, Non farm and Landless Households in Bangladesh, 2008

Category	House holds	Farm House holds	Percent -age	Non farm House holds	Percent -age	Absolute Landless	Percent -age
Rural	25355000	14387000	50.18	10968000	49.85	3256000	11.35
Urban	3315000	330000	1.15	2985000	98.85	1221000	4.25
Total	28670000	14716000	51.33	13954000	48.67	4477000	15.62

Source: Bangladesh bureau of Statistics, Agriculture Census (2008)

From the above discussion it has been shown that the previous redistributive agricultural land reforms in Bangladesh especially in 1950, 1972, 1984 and 1997 did not bring any positive outcome. Although the objectives of the laws were to reduce concentration of land in the hands of a few landed rich and establish equity and fairness in land ownership and to return the agricultural land to the tiller of the soil. But unfortunately landlessness increases and agricultural land remains concentrated in the hands of a few people over times since 1950.

4.5 Settlement of agricultural khas land: present scenario

Under the existing state-intervened land redistribution system, settlement of agricultural khas land tends to be a co-production of the land administration and Settlement and Management of Agricultural khas Land Committees at national, district and upazila level.

4.5.1 Committee-driven settlement

Before 1987, land administration was the main actor in discharging with the settlement of agricultural khas land. In 1987, the Land Reforms Action Programme incorporated three committees namely, the National Land Reforms Council, the District Land Reform Implementation Task Force and the Upazila Land Reforms Committee to assist land administration. But in 1997, the Agricultural Khas Land Management and Settlement Rules introduced three committees at national, district and upazila level but the powers

and authority shift from land administration to the committees. It prescribes the settlement and management of agricultural khas land is a joined up task of the committees and the district and upazila land administration. Committees are to take decisions and land administration is to comply with those decisions.

4.5.2 Composition of committees and their jurisdiction

The composition of the Jatiya Krishi Khas Jomi Baboshyapana Nirbahi Committee (hereinafter mentioned as National Agricultural Khas Land Management Executive Committee) has been shown in the following diagram:

National Agricultural Khas Land Management Executive Committee	
1. Minister, Ministry of Land; 2-7. 6 Representatives from 6 Divisions (nominated by the Minister); 8. Secretary Ministry of Land; 9. Secretary Ministry of Agriculture or Representative; 10. Secretary Ministry of Environment and Forest or Representative ; 11. Secretary Ministry of Home Affairs or Representative; 12. Secretary Ministry of Law, Justice and Parliamentary Affairs or Representative;	13. Chairman Land Appeal Board; 14. DG Land Record and Survey; 15. Chairman Land Reform Board; 16-21. Divisional Commissioners from 6 Divisions; 22-23. Representatives from national level farmer association (nominated by Land Secretary); 24. Joint Secretary (Admin) Ministry of Land.

The composition of the Zilla Krishi Khas Jomi Babosthyapana O Bandabasta Committee (hereinafter mentioned as District Agricultural Khas Land Management and Settlement Committee) has been shown in the following diagram:

District Agricultural Khas Land Management and Settlement Committee	
1. Deputy Commissioner;	8-9. Representatives of district farmers association (nominated by Land Secretary);
2. Superintendent of Police;	10. Representative from district farmer cooperative organization (nominated by Land secretary);
3. Additional Deputy Commissioner (Revenue);	11. Representative from district freedom fighter council (nominated by Land Secretary);
4. Divisional Forest Officer;	12. Revenue Deputy Collector.
5. District Agriculture Officer;	
6. District Social Welfare Officer;	
7. Concerned UNO;	

The composition of the Thana Krishi Khas Jomi Babosthyapana O Bandabasta Committee (hereinafter mentioned as Upazila Agricultural Khas Land Management and Settlement Committee) has been shown in the following diagram:

Upazila Agricultural Khas Land Management and Settlement Committee	
1. Upazila Nirbahi Officer;	9. Representative from upazila farmer organization;
2. Upazila Agriculture Officer;	10. A local honest, sincere and respected person (nominated by Divisional Commissioner);
3. Officer in charge of the police station;	11. Head of any local collage or high school;
4. Upazila Cooperative Officer;	12. Representative from upazila freedom fighters organization (nominated by DC);
5. District Social Welfare Officer;	13. Female representative;
6. Chairman UCCA;	14. AC (Land).
7. Concerned UP Chairman;	
8. Representative from cooperative society;	

The power and jurisdiction of the committees under the Agricultural Khas Land Management and Settlement Rules, 1997 may be portrayed in the following diagram:

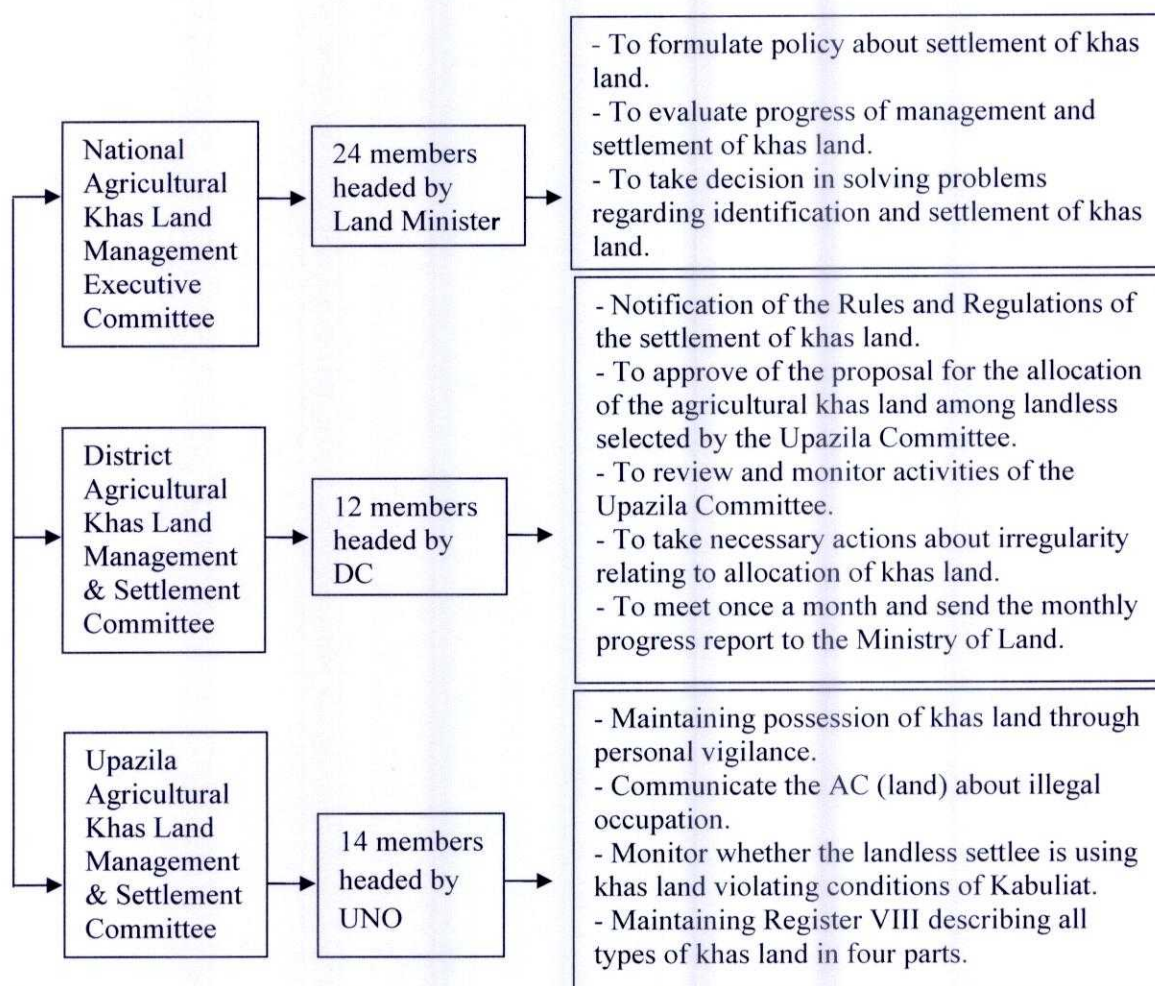


Figure 3: Agricultural Khas Land Settlement and Management Committees and their Jurisdiction

4.5.3 Land administration and its jurisdiction

In Bangladesh, land management and settlement are centrally controlled by the Land Ministry and land registration department is regulated by the Ministry of Law, Justice and Parliamentary Affairs. In the Ministry of Land, there are three separate entities such as Land reforms Board, Directorate of land Records and Surveys and Land Appeal Board. Again the Directorate of land Records and Surveys and Surveys is divided into the office of Director, land Records and the office of Director Land Surveys.

The following diagram shows the Organogram of the central land administration of Bangladesh:

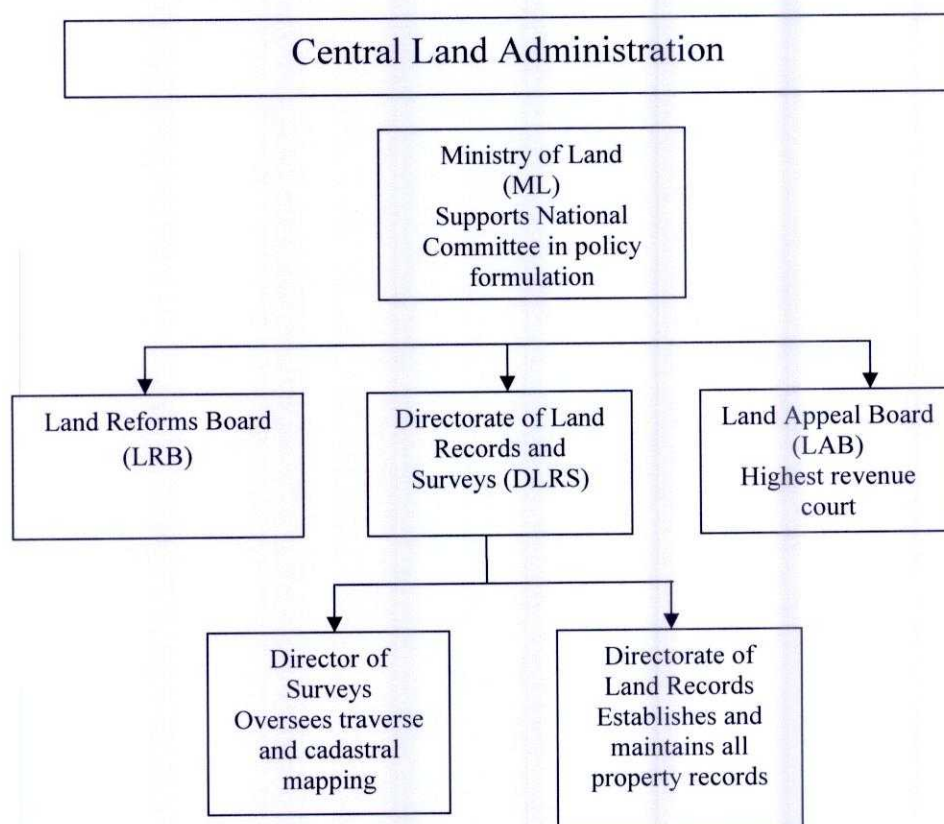


Figure 4: Central Land Administration of Bangladesh

The district and upazila committee are entrusted with the implementation of policies formulated by the National Committee. District land administration supports implementation of management and settlement of agricultural khas land. The district land administration includes collectorate, (the Deputy Commissioner at the head assisted by ADC (Revenue), Revenue and RDC), upazila land office headed by AC (Land) and union land office headed by ULAO. The composition of district administration and the responsibilities of each unit have been shown in the following diagram:

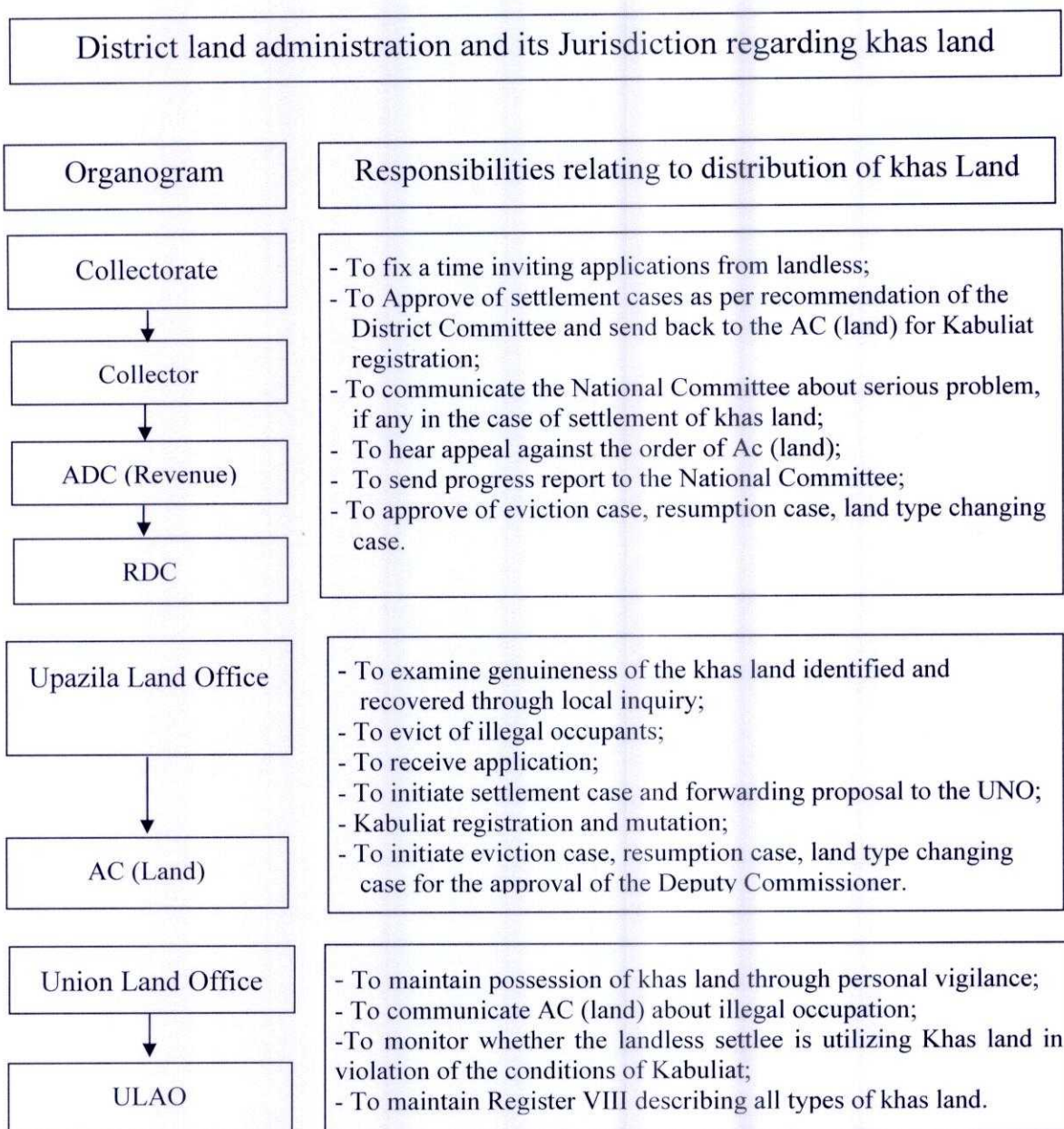


Figure 5: District land administration of Bangladesh and its jurisdiction regarding khas land

4.6. Management of khas land

4.6.1 Identification of khas land

There are two sources of the khas lands: (1) Khas lands appeared through natural process such as, accreted lands from the sea or rivers like char land, (2) Land made khas by the process of law, such as lands vested in the Government as ceiling surplus, land purchased by the Government in auction sales, miscellaneous sources such as surrendered, abandoned or confiscated lands, khas land illegally occupied etc. It is the duty of the land administration to identify khas land.

4.6.2 Recovery of the khas land

As soon as the khas land is found possessed by the illegal occupants immediately the same is to be recovered by the Upazila land office through eviction, if necessary, and enter it into the register viii. If any new char appears because of the accretion from the sea or river, the kanungo and surveyor will conduct a diara survey to bring the land into the account of the government.

4.6.3 Preserving record of khas land

Whenever any land become khas through natural process or by law the concerned AC (land) shall mutate it in the name of the collector and enter the record into Register VIII and send a copy of mutation to the district record room to enter it into khatian No 1 and Register VIII.

4.6.4 Maintaining possession of khas land

The AC (land) will maintain the title and possession of the government over khas land through Union Land Assistant Officers. In order to maintain possession of the government, Upazila land office can lease char land for one year.

4.6.5 Monitoring utilization of the settled khas land

After the settlement of a khas land, it is the duty of the Union Land Assistant Officer to monitor whether the land settled is being utilized by the settlement holder as per terms and conditions stipulated in the kabuliat.

The Agricultural Khas Land Settlement and Management Rules 1997 laid down mainly two sorts of provisions: identification of agricultural khas land and settlement of agricultural khas land. Both the tasks involve multi-tier procedure which can be shown following diagram:

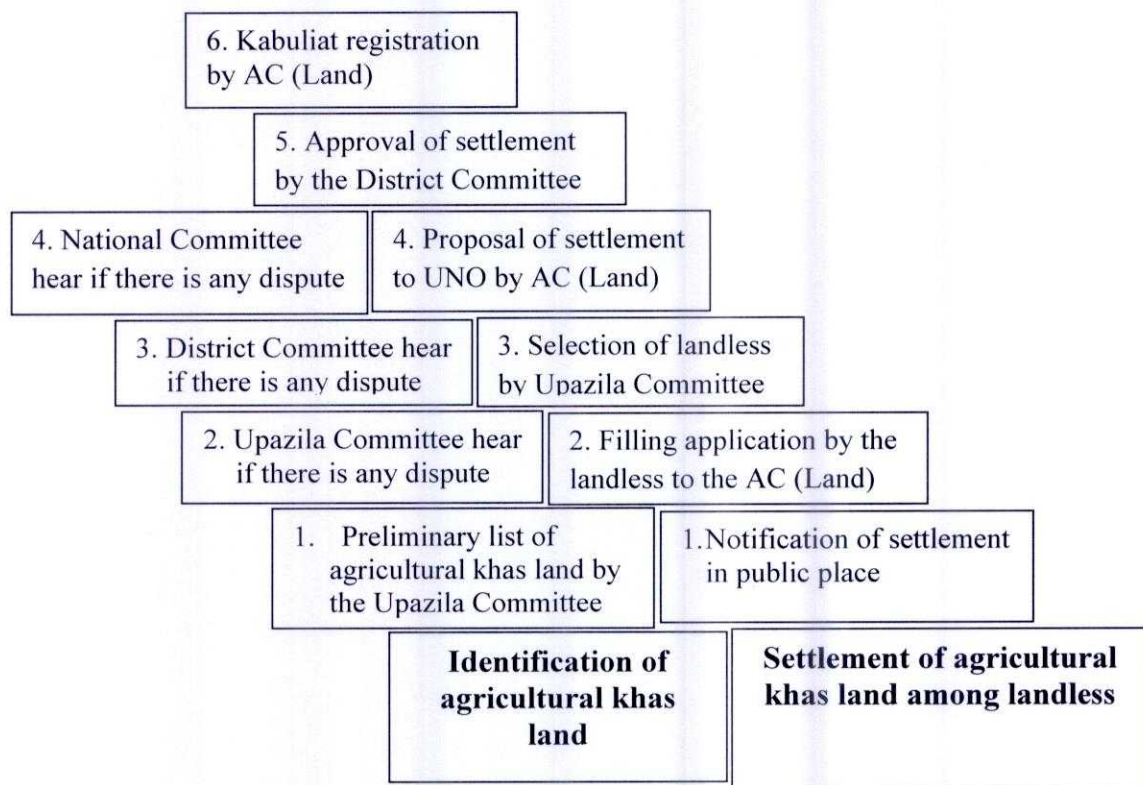


Figure 6: Multi-tiered Agricultural khas land identification and settlement procedure

4.7 Settlement of agricultural khas land under the Rules, 1997

The Rules, 1997 prescribed a time frame for undergoing operation of agricultural khas land as well as settlement among landless households which can be summarized in the following table:

Table 8: Time frame for settlement of agricultural khas land under the Rules, 1997

1.

SL. No.	Steps to be taken	Time limit
1.	Date of enforcement of the Rules, 1997.	16-4-1997
2.	Formation of the committees.	30 days
3.	Identification of agricultural khas land suitable for settlement and publication of preliminary list	30 days
4.	Complaint to the upazila committee	30 days
5.	Decision by the upazila committee & publication of final list	No time specified
6.	Appeal against upazila committee to the district committee	30 days
7.	Appeal hearing and decision by the district committee	15 days
8.	Appeal against district committee to the national committee	15 days
9.	Appeal hearing and decision by the national committee	60 days
10.	Inviting application from landless	30 days
11.	Selection of landless households and determining the amount of khas land for each eligible household.	30 days
12.	Preparation of settlement case by the AC (Land) and sending proposal to the UNO	21 days
13.	Sending Settlement Case from the UNO to the Deputy Commissioner	21 Days
14.	The Deputy Commissioner Introducing the settlement case file before the district committee for approval and sending the approved case back to the AC (Land)	30 Days
15.	Kabuliat registration	15 days
16.	Mutation	15 days

Source: The table has been developed by the Author from the Management and Settlement of Agricultural Khas Land Rules, 1997

4.7.1 Identification of agricultural khas land

The Upazila Agricultural Khas Land Management and Settlement Committee shall identify all agricultural khas land suitable for settlement situated within the periphery of the upazila and publish a preliminary list. If no objection is found the list is final. If any person fills herself or himself aggrieved she or he can lodge a written objection to the

Upazila Committee within 30 days from the publication of the preliminary list. If she or he is dissatisfied, she or he can file an appeal to the District Committee within 15 days from the decision of the Upazila Committee and to the National Committee within 30 days from the decision of the District Committee. The National Committee shall hear the objection and give a final decision upon examining the necessary documents. After the settlement of final dispute the Upazila Committee will publish the final list of the khas land.

4.7.2 Notification for settlement of khas land

Within 30 days from the publication of the final list of khas lands, the District Committee shall fix a schedule inviting applications from landless households. The concerned UNO will take necessary steps to cause wide publicity of the matter of distribution of khas lands in the big markets through microphone and in every village by beating drums. Notices containing the message must be hanged in all government, semi government and private offices as well as *union parishads*.

4.7.3 Filling of application

The landless households having been notified about the distribution of the khas land submit an application to the AC (land) in the prescribed government form in the joint name of husband and wife and annexed therewith two copies of photographs attested by the concerned UP member or Chairman and a copy of nationality certificate by the concerned UP chairman.

4.7.4 Selection of Landless

The AC (land), upon receiving the applications, shall sort out the applications union wise. The Upazila Agricultural Khas Land Management and Settlement Committee shall then meet in every union to examine each applicant whether he or she is a true landless or not. Thus, the committee shall select eligible landless households as per preference criteria and shall fix the area of khas land maximum 1.0 acre (1.5 acre in the case of coastal

district) to be settled in favor of the selected landless households. In distributing khas land of a mouza, the landless of that mouza shall get preference.

4.7.5 Sending proposal to the UNO

The AC (land) shall open a settlement case and therewith attach necessary documents and send the case file to the UNO with a specific proposal within 21 days, fixing the area of khas land to be distributed in favor of the selected landless family. The UNO shall, within 21 days from receiving the proposal, send the case file to the Deputy Commissioner.

4.7.6 Approval by the District Committee

The settlement case shall, then, be introduced by the Deputy Commissioner before the District Agricultural khas Land Management and Settlement Committee for discussion and approval within 30 days from receiving the proposal. If the proposal is approved of by the committee, the Deputy Commissioner shall send it back to the concerned AC (land).

4.7.7 Handing over the possession

Within 15 days of receiving the approval, the AC (land) shall execute kabuliat in favor of the approved landless households in lieu of Tk.= 1/- as salami and open a khatian in his name and hand over the possession.

4.8 Loopholes in the existing Procedure

4.8.1 Process oriented not result oriented

The existing model of the settlement of agricultural khas land distribution is not result or outcome oriented rather process oriented. The rules of 1997 talked much about how to undergo the process of identification of khas land, notification of landless of the matter of upcoming settlement, filing application, selection of applications, selection of landless, and settlement of agricultural khas land among landless households. It said a few about how to achieve expected outcome and benefit the poor landless stake holder. The

following table shows that only 43.5 per cent of the total amount of agricultural khas land has been distributed throughout the years since 1950 and 56.55 per cent has not yet been distributed.

Table 9: State of distributed and not distributed agricultural Khas Land

Amount of Agricultural Khas Land	Acres	per cent of Distribution
Total Amount of Agricultural Khas Land	803308.80	100%
Amount of Agricultural Khas Land distributed	349228.44	43.5%
Amount of Agricultural Khas Land not distributed	454080.36	56.5%
Illegally occupied Agricultural Khas Land	90551	
Amount of Distributable Agricultural Khas Land	78052.53	
Khas land as subject matter civil suit	174120.17	

Source: Barakat et.al. (2003) Political economy of khas land in Bangladesh (ALRD), Dhaka.

4.8.2 Selection of landless is not transparent

In the present system, the whole landless household selection process is not transparent. The real landless households do not know the exact information of the settlement of agricultural khas land programme. Only a few fortunate households gather settlement-related information and can manage the corrupt staffs of the upazila land office at least to put up their applications before the AC (Land) either by bribe or by *tadbir* from some politically influential persons.

4.8.3 Procedural complexity

Distribution of khas land involves a very complex procedure. It is accomplished in seven steps. Each step is time consuming and opening up the scope for corruption. The Information of the tentative distribution of khas land is not notified properly and publicly. Filling up the prescribed form is an awesome task. The selection of landless households is not transparent. Nepotism, corruption, *tadbir* and political consideration often play a

dominant role in the selection of landless households. Settlement cases are not properly examined by the busy members of the District Committee.

4.8.4 Less authoritative land administration

The existing model set by the Rules, 1997 prescribes the management and settlement of agricultural khas land as a joined up task of the committees. The upazila and district land administrations are to assist committees to this end. Under the Land Reforms Action Programme, 1987, there were also three committees but committees were to assist upazila and district land administrations. The powers and authority have shifted from land administration to the committees in the present paradigm.

4.8.5 Lack of accountability of the committees

The Rules could not ensure accountability of khas land management and settlement committees. Most of the members hold their membership in the committees ex officio. The ex officio members are already overburdened with their routine work. There is no provision for the termination of their membership for bad performance. A good number of members do not attend the meeting of settlement of agricultural khas land. They acknowledge their assent to the resolution of the meeting by putting their signature subsequently.

4.8.6 Access to land was not ensured

The Rules of 1997 provided much attention to the distribution of khas land among landless people. Fair distribution does not always tantamount to ensuring access of them in khas land. Due to hardcore poverty, they cannot utilize their khas land in generating their income and eventually become compelled to giving up their rights and titles over the land for name only price. Thus distribution is not enough to ensure viable settlement. The Rules did not incorporate any provision about ensuring viability of the settlement.

4.8.7 Lack of necessary database

There is a paucity of data regarding agricultural khas land in the land offices. The data available is apparently far from reality. Many agricultural khas lands have been encroached, a large part of them are subject matter in civil suits and a vast area has not been recorded properly. The manually managed and paper-based data are always at the risk of manipulation by the vested quarter in alliance with corrupt staffs of land offices. There is no database of landless households. Without proper data all redistributive initiatives have been halfhearted and incomplete.

4.8.8 Lack of land ceiling law

It is evident from the past experience since 1950 that land reform initiative follows a land ceiling laws. For example, the Government Estate Manual, 1958 was followed by the EBSATA, 1950 and the Land Reform Action Programme, 1987 was followed by the Land Reforms Ordinance, 1984. But there was no land ceiling law before the rules of, 1997. As a result, there is a high demand for agricultural khas land among poor landless but land is not available for distribution.

Table 10: Desired ceiling changing with the change of land–man ratio

Law	Ceiling	Time Year	Total Population	cultivable land	Land man Ratio	Desired Ceiling
EBSAT Act,1950	100	-----	4,22,84	22230000	.53	100
EBSAT(amend)Ordinance,1961	375	11	55222,7	19977360	.36	78
PO/98,1972	100	12	71471,0	22252230	.31	56
Land Reforms Ordinance 1984	60	12	95620,0	22318920	.23	43
No ceiling (1984-09)	-----	25	144.5	19809400	.14	30

Source: The table has been compiled by the author from the following sources:

1. <http://www.populstat.info/populhome.html> date 24/3/09
2. <http://www.isid.ac.in/~planning/ConferenceDec07/Papers/TakashiKurosaki.pdf> 24/3/09

4.8.9 Corruption

From the very beginning, corruption is a big challenge for land administration. Multi tiers in the process of distribution of khas land have widened the scope of corruption. Due to corruption, the hard core poor people do not get khas land rather sometimes, landowner and absentee farmer households who have enough money to satisfy corrupt officials and local touts, gets khas land instead. Corruption thus vitiates the ultimate objective of the law.

4.8.10 Bureaucratization and politicization of committees:

There is a very limited scope of participation for the non government stake holders in the existing committee driven settlement programme. All committees are highly dominated by bureaucrats and politicians both in number as well as in authority. There are a few seats for non government members in the committees who are nominated either by the bureaucrat members or by the politician member, therefore they cannot play independent role in the committees. The following table shows that the non government members have only 36.55 per cent scope of participation.

Table 11: Scope of participation for non government members in committees

Committees	Total Members	Bureaucrat Members	Participation Scope (%)	Members nominated by Bureaucrat	Participation Scope (%)
National Committee	24	16	66.66%	8	33.33%
District Committee	12	8	66.66%	4	33.33%
Upazila Committee	14	8	57%	6	43%
Total	50	32	63.44%	18	36.56%

Source: The table has been developed by the author himself

CHAPTER

5

The role of Politics, Bureaucracy and Land database in Land reform

5.1 Introduction

It has been argued that Political commitment, pre-existing database and strong bureaucracy are three fundamental preconditions in any redistributive agricultural land reforms (Ali, 1986). The success of any reform depends on how strongly these three factors working together. Japan, Taiwan and West Bengal are the best examples in this regard. On the opposite, a good land reform initiative may turn in vain if these three factors do not work well. Redistributive agricultural land reforms in Bangladesh since 1950 could not reduce landlessness and failed to achieve the expected outcome which has been established by a number of studies like Mukherji (1976), Wennergren (1986), Siddiqui et al 1988), Momen (1996) and Barakat *et. al.* (2003). The chapter makes an inquiry as to what had been the role of politics, bureaucracy and land related information base while implementing land reforms in Bangladesh since 1950 and also investigates whether there had been any correlation between the failure of land reforms and the role of politics, bureaucracy and land related information base.

5.2 Role of Politics, Bureaucracy and pre-existing database in redistributive agricultural land reforms of Bangladesh since 1950

5.2.1 Role of Politics

The role of politics is very crucial in redistributive agricultural land reform. The state-intervened redistributive agricultural land reform involves expropriation of land from surplus owners who are very powerful strata in the society economically, socially and

politically. Redistributive agricultural land reforms often provoke landlords' resistance. Since in most cases, landed riches take part in party politics, therefore, obstructions first come from inside the party. Landed lobbyists try their best to convince political power to change law in favor of them. If they do not succeed, launch legal battle in order to slow down, if not prevented, the implementation process. To tackle such pressures and impediments, strong political commitment and leadership is essential for the interest of successful implementation of redistributive agricultural land reforms.

5.2.2 Land redistribution and electoral politics

According to Public Choice Theory, all political actors seek to maximize their personal benefits in politics as well as in the marketplace. Public choice theory helps to explain why political parties fail to offer clear policy alternatives in election campaigns. Parties and candidates are not interested in advancing principles but rather in winning elections. They formulate their policy positions to win elections; they do not win election to formulate policy. Thus each party and candidate seeks policy position that will attract the greatest number of voters (Downs, 1957).

The 1950 land reform was an outcome of electoral politics of the then Bengal province of British India. The Government of India Act, 1935 committed a general election to be held in 1937. As a result the poor peasants of Bangladesh got political power. A K Fazlul Huq established Krishak Praja Party (KPP) at Dhaka in July 1936 targeting the general election. Since majority voters of the Muslim community and scheduled castes were peasants, therefore, pro-peasant manifesto of KPP including abolition of the zamindari system could attract the majority voters' supports. KPP formed a coalition government with the support and participation of the Muslim League and some other smaller groups and independent members. In 1946 general election, the Muslim League under the leadership of Huseyn Shaheed Suhrawardy, brought the issue of abolition of zamindari system before the Muslim voters and achieved a comprehensive victory capturing 97 per cent of the Muslim seats and formed provincial government.

The two successive peasant-supported governments could not abolish zamindari system as they committed to the voters before elections. The only development was that soon after the Election in 1937, the Huq Ministry formed a committee called Land Revenue Commission (generally known as Floud Commission after the name of its chairman Francis Floud) with specific terms of reference concerning the end of the permanent settlement. The Floud Commission, which submitted its report in 1940, found the zamindari system untenable under the changed circumstances and recommended for its immediate abolition including all intermediate rent receiving interests.

‘Abolition of Zamindar system’, ‘redistributive agricultural land reform’ and ‘land to the tiller’ were popular slogans to the politicians in the election campaign to attract voter’s sympathy since 1937 and has recurrently been used to be so even today. The politicians did not have any detailed policy plan before presenting it to the voters. Abolition of zamindari system was committed in 1937 but till 1947, there had been a little progress in this regard. The termination of zamindari system subsequently got effect in 1951 was an outcome of the Partition in 1947. Rahman (1986) maintained “the zamindari system more or less collapsed in the years immediately preceding the partition of India in 1947. The departure of almost all Hindu zamindars and rich raiyats for India after 1947 created opportunities for rich Muslim peasants to expropriate the land vacated by them. To legalize the de facto expropriation of land by Muslim jotdar and rich peasants, the East Bengal Legislative Assembly passed the EBSATA on February, 1950.”

5.2.3 Regime type and land redistribution

Huntington (1968) found that there is a correlation between regime type and land reforms, ‘concentrated power is necessary for land reform’ and ‘there is a basic incompatibility that exists between parliaments and land reform’. Herrings (1983) also maintained that the South Asian experience demonstrates specific constraints of parliamentary systems. Parliamentary systems are characteristically unable to act quickly, decisively, and consistently. In the south Asian context the fate of ceiling legislation is that when it is introduced, land lords being concealing land, the final legislation is years

in coming, compromised by loopholes, and stayed by court orders over time the surplus land disappears (Herring, 1983).

In Bangladesh, the 1950 and 1972 reforms have been initiated by the parliamentary type of government. The 1984 reform was taken by the presidential form of government. From observation, it is found that a large part of the khas land has been illegally occupied by political party-loyal when political party is in power. During the last Non-party Care-taker Government (2006-2008) more khas land under illegal occupation has been recovered. Daily Bangladesh News (Sunday, March 18th, 2007) reports that the caretaker government recovered over 6,000 acres of khas land from grabbers only in January, 2007. Many land officials said that they could have discharged their duties properly and without fear and favor especially in evicting illegal grabbers and taking action against them during the last Non-party Care-taker Government (2006-2008). Neither the presidential regime nor parliamentary regime has been more successful than the care-taker government in recovering khas land from illegal occupation.

5.2.4 Political Commitment

Herring (1983: 38) observes “Most treatments of failures in tenure reforms in South Asia focus on twin villains of lack of political will and failures in implementation (or bureaucratic inertia, lethargy and collusion).

1. Abolition of zamindari system and redistributive agricultural land reforms was committed first in 1937 on the eve of general election of the Member of Bengal Legislative Assembly, but it took almost ten years to implement this political commitment. Why was this delay? Downsian theory (1957) found that each party and candidate seeks policy position that will attract the greatest number of voters. They formulate their policy positions to win elections; they do not win election to formulate policy. The politician of that time was not ready to fulfill their commitment immediately; they had lack of political commitment. Rahman (1986) went saying that it is the Partition in 1947 which accelerated de facto abolition of zamindari system with the departure of

almost all Hindu zamindars to India. The de jure abolition came into effect with the enforcement of EBSATA, 1950.

2. After the adoption of the EBSATA, The government started state acquisition operations to prepare the final compensation assessment roll which was completed by the end of 1962. An estimated 730,000 acres of land was to come under the control of the government for redistribution and resettlement. But it was the political irony that in 1961, Ayub Khan raised land ceiling from 100 bighas to 375 bighas which vitiated the possible pro peasant outcome of the EBSATA, 1950. It appears from the statement 7 appended to the Report of the East Pakistan Land Revenue Commission, 1959 that a total area of 343113 acres of ceiling surplus khas land actually vested in the government. But with the increase in the ceiling of retainable khas land from 100 bighas to 375 bighas, the total area of khas land vested in the government came down considerably (Hussain 1995).

3. The post-independence government promulgated the Bangladesh Land Holding limitation Order, 1972 and restored 100 bighas ceiling. Under the Order, the definition of 'family' has been broadly framed as "such person and his wife, son, unmarried daughter, son's wife son's son and son's unmarried daughter" so as to prevent the transfer of land among members of the family with a view to avoiding surrender of surplus land. The original text sought to provide retrospective effect to the Order from December 16, 1971, the victory day of liberation. But later on, the definition of 'family' has been changed frequently and the deadline for submitting statement of holdings has been shifted from time to time.

Under the second amendment to the Order, Revenue Officers would accept the son's claim to be the head of a separate family, while his father was alive, if he is found, on verification, that the son was an adult and married with independent means of livelihood since before the 20th February, 1972. The fourth amendment to the Order 1972 added an additional clause to the original definition of family which was- "Provided further that an adult and a married son living in the separate mess independently of his parents

continuously since five years before the sixteenth day of December, 1971 and his wife, son and unmarried daughter shall be deemed to constitute a separate family.” The fourth amendment had provided further relax to the second amendment (Mukherji 1976)

The outcome of these frequent changes in the definition of family was devastating. Changing in the definition of family allowed surplus land owners to submit either no statement or understatement of their property to the Revenue Officers (*Ibid*, 1976). A May 1972 statement of the Land Reforms and Administration Minister estimated that 1.2 million acres of surplus land would result from the imposition of a 100 bigha ceiling but families submitted declarations showing 76412 acres of excess land and by January, 1975 the government had acquired only 20317 acres of land from families owning excess land.

The original text sought to provide retrospective effect to the Order from December 16, 1971, the victory day of liberation. The amendments made the date for the statement of holdings by February 20, 1972. As a result many land holders transferred their ceiling surplus land in the interim period anticipating government’s drive and thus bypassed the legislation. Under the original Order the access land was to be surrendered by October 15, 1972 but by the subsequent amendments the time limit for the submission of the statements was first extended up to January 31, 1973 and then to March 31, 1973 (*Ibid* 1976). Frequent shifting of the deadline fixed by the Order 1972 slowed down the effective implementation of the ceiling law meant for redistribution. “Bangladesh probably lost its best opportunity to restructure land tenure immediately after independence under a government enjoying enormous mass support (Momen, 1996). The proclaimed success of land reform was in fact nothing more than minor readjustment of the asymmetrical relation on the land (Khan 1991: xviii).

Due to lack of political commitment, the amount of land actually acquired was less in comparison with the amount of land expected to be acquired. The following table illustrates the fact:

Table 12: Outcome of the ceiling laws since 1950

Ceiling law	Ceiling	Land expected to acquire	Land actually acquired	Factors affecting implementation
EBSATA, 1950	100 bighas	730,000 acres	343113 acres	EBSATA Amendment Act, 1961 raising ceiling to 375 bighas
PO/98	100 bighas	400000 acres	20317 acres	Amendment to PO/98 changing definition of family and extending time for submission of return
LRO, 1984	60 bighas	-----	No land acquired	Ceiling was provided for the new owners not the existing owner

Source: Banglapedia (2003) Asiatic Society, Dhaka

4. In 1984, the Land Reforms Ordinance prescribed 60 standard bighas as ceiling and allowed households owning 100 standard bighas to continue to hold. As a result of this Ordinance, no land was acquired though the diminishing land-man ratio demands for lowering the existing ceiling. The Land Reform Action Programme, 1987 and Agricultural Khas Land Management and Settlement Rules, 1997 did not incorporate any land ceiling rather they offered redistribution on the basis of identification of khas land. The diminishing land-man ratio demands for lowering of land ceiling as soon as possible. Table 11 signifies that at present the *per capita* land is around .14 acres. The desired ceiling should be 30-25 bighas of land maximum. But lack of strong political commitment and fear for land elites' upheaval deter ruling power to take such a bold decision.

Political commitment is a driving force which can speed up the pace of implementation redistributive agricultural land reform. For example, soon after taking power, the present government laid down to settle agricultural khas land in favor of at least 20 landless households in each upazila by June 30, 2009. The programme has been so successfully implemented that it has exceeded the target of the government.

Table 13: Outcome of the piecemeal agricultural khas land redistribution programme offered by the present government in June 2009

Division	Total upazila	Targeted number of beneficiary Households	achieved number of beneficiary Households	Total area of Undisputed agricultural khas land	Amount of khas land settled
Dhaka	109	2180	3295	63419.2231	958.2102
Chittagong	70	1400	2415	50129.29	1326.355
Rajshahi	122	2440	3055	27519.0024	678.614
Khulna	58	1160	1662	6455.911	437.6263
Barisal	40	800	1225	16853.3185	671.6958
Sylhet	37	740	1102	13530.2600	599.94
Total	436	8720	12754	177907.005	4672.4412

Source: Ministry of Land, (2009) Report on settlement of agricultural khas land for twenty landless households in each upazila,

It is, however, agreed that the success came through activating the machineries not functioning properly. The political commitment will face the actual test when appropriation of land from power elites comes to the forefront.

5.2.5 Land reforms and personal interest of the politicians

Recent literature on the political economy of redistribution in developing countries has provided evidence that preferences of elected officials matter (Bardhan & Mookherjee, 2005). This implies that the characteristics of elected officials affect their policy preferences that affect policies chosen. Ghimire (1999:4) observes that in Bangladesh, MPs possess an average of 15 hectares, while nearly half of the population has no land, and another 11 million possess as little as 0.02 hectares per household. The accumulation of land in the hands of a few and the class composition of the ruling elite have curtailed the interests of small farmers, who are unable to constitute a powerful lobby that could effectively pressure the governments. The endless hunger of political elites for more land is one of the main reasons behind failure of redistributive agricultural land reforms in Bangladesh.

5.2.6 Findings

1. Politicians committed 'Redistributive agricultural land reform' in Bangladesh just to attract voter's support in the upcoming election since 1937, they did not have detail policy plan for their implementation.
2. Politically influential persons are from landed rich class and they have personal interests in land concentration
3. Due to lack of political commitment as reflected in the subsequent amendment to the legislation:
 - A little amount of land has been acquired as ceiling surplus
 - New ceiling law could not have been imposed despite heavy population pressure on land
 - Political regimes could not recover government khas land from the illegal possession of politically influential persons.

5.3 Role of Bureaucracy

The state-intervened redistributive agricultural land reforms rely heavily on the central government and its bureaucracy for their implementation. FAO (2002) observes in many parts of the world, formal land administration procedures are time consuming, bureaucratic, cumbersome, expensive, and are frequently non-transparent, inaccessible to the rural population, and are handled in languages and forms that people do not understand (FAO, 2002). Delay in implementing ceiling law encourages surplus-owner to transfer their surplus land or launch legal battle and land grabbers to encroach undistributed vacant land. If bureaucracy is not strong enough, the whole process of implementation can be slowed down which vitiates the objectives of redistributive agricultural land reform. Therefore, it is equally important to review the existing administrative structure, process, practice and procedure and to bring necessary innovations and reinvention before initiating any land reforms.

5.3.1 Role of Bureaucracy while implementing EBSATA

5.3.1.1 Scope of Land Administration Before 1950

The scope of the function of land administration was very limited before 1950. The current administrative structure of Bangladesh is a legacy of the British land tax collection system that evolved from pre-independence years when the main function of the government was to collect land taxes under the Zamindar system of land ownership (Wennergren, 1986). Before the EBSATA, the function of the land administration was limited. The land area of the total province at that time could be divided into three categories; about 91 per cent of the total area was under permanent settlement held by zamindars under the government for revenue fixed in perpetuity. Another 3.5 per cent of the total area was temporarily settled with private persons for a specific period and the revenue payable by them to the government was subject to revision and enhancement after that period. The rest 5.5 per cent of the total area was held by tenants directly under the government which was called crown's estate or government estate. The land administration was much in picture in respect of government estates while in the cases of other two categories it had very limited functions (Hussain, 1995:89).

5.3.1.2 Administrative vacuum after Partition

Before 1947, the land administration had a very small work force and office infrastructure. After the partition in 1947 many Hindu officials left Bangladesh for India. In order to fulfill the vacuum, Kacharies of former zamindar had been arranged as tahsil offices and the oppressive naeb of zamindars had been appointed as Tahsildar, the root level official of the Land Administration. Tahsildars were corrupt and would bear anti people attitude. They were loyal to their former masters and used to act in favor of them. Most of the staff did not have necessary training and motivation.

5.3.1.3 Land Information Base

After the enactment of the EBSATA, the government had to undertake three gigantic tasks: to prepare compensation assessment roll in favor of the ex-rent receivers and large farmers whose surplus land have been acquired and redistributing land, so acquired, among landless households. In order to support such an enormous act, the government had to depend on two sorts of records: about 30 to 40 year old Cadastral Survey (CS) record of rights and rent collection paper of the former zamindars. Although the CS Record of Rights was accurate at the time it was prepared. But after 30 to 40 years, it lost its accuracy for not updating fragmentations and changes brought in the old holdings due to mounting pressure of population on land. On the other hand rent collection papers of the former zamindars were also not reliable because many Hindu zamindars left the then East Bengal for the West Bengal along with important land documents, deeds, collection papers etc which could not be recovered. Moreover, due to non cooperation of the big landlords the government could not come into possession of the available papers of the acquired estates (Hussain 1995).

5.3.1.4 Legal Battle

On 13 April 1956, eighty-three petitions were moved against the government in Dhaka High Court for Writ of Mandamus, mainly on the ground that the notification issued earlier by the government in regard to wholesale acquisition were ultravires of the Constitution. Fourteen petitions were in respect to estates claiming to be Wakf and four were in respect to estates claiming to be debottar (Banglapedia, 2003). The government took over possession of all rent-receiving interests and non-retainable excess lands included in the notification except those covered by the writ petitions. On 7 August 1956, the High Court dismissed all the petitions. Appeals were immediately filed before the Supreme Court. On 17 June 1957, the Supreme Court delivered its judgment, dismissing all appeals with respect to acquisition of all secular rent-receiving interests (Banglapedia, 2003).

5.3.1.5 Implementation of EBSATA: A Herculean Task

The EBSATA, 1950 imposed a huge burden of work upon the newly constructed land administration such as (1) preparation of Compensation Assessment Roll in favor of former rent-receivers and owners of ceiling surplus land, (2) acquisition of all rent receiving interests as well as ceiling surplus land and (3) distribution of ceiling surplus khas land among landless peasants (4) Assessment of rent of thousands of newly created holdings and collection of them which would have been done by the zamindars before abolition of intermediary system. The government followed a summary procedure as has been laid down in chapter II of the EBSATA, 1950 to acquire all rent receiving interests which are as follows:

1. Notification in the official Gazette empowering the government for acquisition of the interest of certain rent-receivers.
2. Service of notice to furnish returns etc to the Revenue-officer Determination of rent of khas lands of rent receivers.
3. Determination of rent of khas lands of rent receivers.
4. Ad interim payment on the basis of rent.
5. Appeal from order of the Revenue-officer to the superior Revenue Authority.

For these gigantic tasks, the land administration did of not have sufficient staff, logistics, updated land records and other administrative arrangements. Most of the staff did not have necessary training and motivation.

5.3.1.6 Political Intervention

After the adoption of the EBSATA, the government started state acquisition operations to prepare the final compensation assessment roll which was completed by the end of 1962. An estimated 730,000 acres of land came under the control of the government for redistribution and resettlement. But it was the political irony in 1961, Ayub Khan raised land ceiling from 100 bighas to 375 bighas which vitiated the potential pro peasant outcome of the EBSATA, 1950. It appears from the statement 7 appended to the Report

of the East Pakistan Land Revenue Commission, 1959 that a total area of 343113 acres of ceiling surplus khas land actually vested in the government. But with the increase in the ceiling of retainable khas land from 100 bighas to 375 bighas, the total area of khas land vested in the government came down considerably (Hussain 1995). Thus the political intervention vitiated the expected result.

5.3.2 Role of Bureaucracy while implementing PO/98

After the independence in 1971, the administrative structure remained at the previous level. The whole land record system was based on faulty SA records. The government hurriedly declared 100 bigha as new ceiling under the Bangladesh Land Holding Limitation Order, 1972. Initially the government was bold enough to incorporate pro-peasant provision in the Order but very soon it brought subsequent amendments on the definition of family and frequently shifted dates for submission of the statement of holdings in response to demands from pressure groups. Taking the opportunity created as a result of the indecisive and hesitant role of the government many families made understatement or no statement on their surplus land (Mukherji, 1976).

A May 1972 statement of the Land reforms and administration Ministration estimated that 1.2 million acres of surplus land would result from the imposition of a 100 bigha ceiling per family on land but families submitted declarations showing 76412 acres of excess land and by January, 1975 the government had acquired only 20317 acres of land from families owning excess land. The disposal of even this surplus land to the landless has been a very slow process. Since the lands rendered surplus under the ceiling are not promptly disposed of, they tend to become “no man’s land” in a land hungry country (Mukherji, 1976). A large part of such no-man’s land has been filled up by the illegal occupiers. Barakat (2003) showed that 90551 acres of khas land are still under the possession of the illegal occupiers.

5.3.3 Weakening Land Administration: Present Practice

In 1984, the government took further land reform initiatives and passed the Land Reforms Ordinance. Since, a large amount of agricultural khas land remained undistributed, the government decided to identify those agricultural khas land and redistribute them among landless households instead of declaring new ceiling law. A procedural law, the Land Reforms Action Programme, 1987 also followed the Ordinance with an aim to ensure fair and equitable distribution of agricultural khas land among landless cultivators. This detailed programme incorporated three bodies, namely the Council, the Task Force and the Committee at national, district and upazila level respectively. The National Reforms Council was to formulate policies relating to land reforms, review the progress of implementation by the field level land administration. The District Land Reform Implementation Task Force and the Upazila Land Reforms Committee were formed to assist district land administration in implementing the policy programme, such as recovering khas land and distributing the same among landless households.

In 1997, Agricultural Khas Land Management and Settlement Rules was adopted. It also introduced 3 committees at national, district and upazila levels. Now, the powers and authority shifted from land administration to the committees. It prescribed the settlement and management of agricultural khas land as a joined up task of the committees. The district and upazila land administrations were to assist committees to this end. It tried to make committees more participatory but could not get out of the traditional box. There were a few seats for non government stake holders in the committees but their nomination was made dependant on the will of the government members.

Although it was expected that the committees' supervision will make land administration more efficient, transparent and accountable but in true sense, the top-heavy committee have slowed down the decision making and implementation process. The committee system has also narrowed down the scope for accountability especially in the district and upazila level. The administrative head of both district and upazila, the Deputy

Commissioner and the UNO, have also been made as the *ex-officio* head of the district and upazila committees respectively.

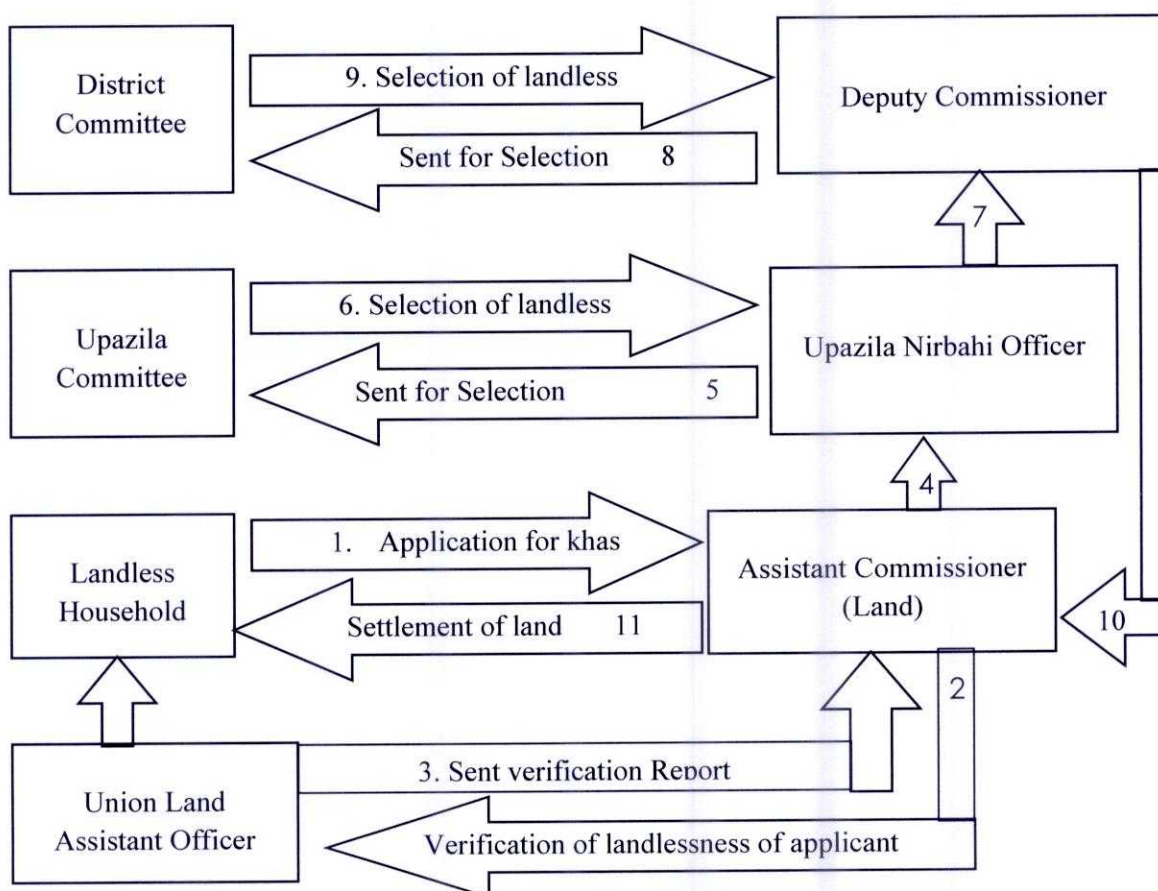
5.3.4 Time consuming procedure of redistribution

5.3.4.1 Ongoing practice in the settlement of agricultural khas land

The present time-consuming multi-tier procedure of settlement of agricultural khas land involves 11 steps to be taken to complete the formalities from filing of application to kabuliat registration in favor of the landless households qualified for obtaining khas land.

At first, a landless household applies to the AC (Land) of the concerned upazila for obtaining settlement of a piece of agricultural khas land. The AC (Land) then assigns the concerned Union Land Assistant Officer (ULAO) to verify whether the applicant household is a true landless or not. The ULAO sends verification report to the AC (Land).

The AC (Land) puts up the applications of the verified landless households before the monthly meeting of the Upazila Agricultural khas Land Settlement and Management Committee. The Committee if agrees, select landless households eligible for obtaining settlement upon consideration of the documents and reports attached to the application. The AC (Land) then construct a settlement case and sends it to the concerned UNO along with a specific proposal describing the selected landless households, amount of agricultural khas land to be settled with its location (mouza, khatian and plot Nos.) and a draft map in which the proposed plot has been earmarked. The UNO sends it to the Deputy Commissioner.

Figure: 2 Existing Process of Agricultural Khas Land Settlement**Figure 7:** The ongoing administrative practice khas land redistribution

The Deputy Commissioner opens it for discussion in the meeting before the District Agricultural Khas Land Settlement and Management Committee. The District Committee if approves of the proposed settlement, the Deputy Commissioner sends the settlement case back to the AC (Land). The AC (Land) then takes initiatives of registering kabuliat and opens a new khatian for the allotted landless households and hands over the possession of the land so allotted. Thus the settlement process is accomplished.

5.3.4.2 Case study

Two individual settlement cases have been studied from the respective case records. The first case has been disposed of under the Land reform Action Programme, 1987 and the Second case has been disposed of very recently under the Agricultural Khas land Management and Settlement Rules, 1997. The case study of Settlement Case No 263/ 1986-87 and Settlement Case No 67/ 2008-09 shows that it took four years in the case of the former and 8 years in the case of the latter.

5.3.4.2.1 Settlement Case No 263/ 1986-87

SL. No.	Steps taken in settle case No 263/1986-87	Date	Remarks
1	Date of filing Application	11/6/1986	CO Office took 5 .5 months for preparing settlement case sending it for the approval of the DC
2	Application sent to ULAO for verification	11/6/1986	
3	Verification report sent to Circle Officer (Revenue)	23/11/1986	
4	Sending application to the UNO	29/11/1986	
5	Forwarding settlement case to the Deputy Commission	29/11/86	DC Office took 9 months to send back the case to the CO for further verification
6	Sent back to CO office for further verification	23/8/1987	CO office took 9 months for holding meeting and send resolution to the DC
7	Meeting of the Upazila Land Reform Committee	2/6/1988	
8	Sending further proposal to the DC office	25/6/1988	DC office took 5 months to send back the case to the CO upon approval
9	Approval of the DC	29/9/1988	
10	Sending approval to the AC (Land)	21/1/1989	1 year and 6 months for kabuliat acceptance
11	Sending kabuliat deed for signature of the DC	Not found	
12	Kabuliat deed accepted	14/6/1990	
13	Mutation	Not found	

Sri Narayan Haldar son of late Shylendra Haldar, Village: Jagannathpur, PS Debhta and District: Satkhira is a poor landless agricultural labour. He has a wife two sons and a daughter. He did not have any ancestral property. He used to live in a government property, plot No 2504 area of land .66 acres, of Bilan class of land. He applied for obtaining the said plot on 11/6/1986 to the Circle Officer (Revenue), Upazila- Debhata.

Upon receiving his application the Circle Officer (Revenue), Upazila-Debhata started a settlement case (No 263/1986-87) on 11/4/1986 and sent it to the Tahsildar, Noapara to submit inspection report on the matter of the application. On 15/6/1986 Tahsildar sent report to the Circle Officer supporting the eligibility of the applicant for getting settlement of the piece of land applied for. On 23/11/1986 the Circle officer sent proposal to the Upazila Nirbahi officer, Debhata recommending the approval of the settlement case in favor of the landless applicant. On 29/11/1986 the Upazila Nirbahi officer, Debhata forwarded the settlement case to the Deputy Commissioner, Satkhira for approval. On 29/9/1988 the Deputy Commissioner, Satkhira assent his approval on proposal. On 14/6/1990 the Deputy Commissioner signed the Kabuliat (Lease Deed). But there is no evidence in the case file when the mutation of the settled land was done.

5.3.4.2.2 Settlement Case No 67/ 2008-09

Sl. No.	Steps taken in settlement case No 263/1986-87	Date	Remarks
1	Date of filing application	Not found	From the remarks of the ULAO on 30/12/2000 it may be presumed that application might have been filed before 30/12/2008. If it is so the applicant took about 8 years to get primary selection by the Upazila Committee. No information is found available in the settlement case record regarding kabuliat registration and mutation
2	Application sent to ULAO for verification	Not found	
3	Verification report sent to AC (Land)	30/12/2000	
4	Selection of landless and define the amount to be settled in the upazila meeting	18/8/2008	
5	Sending application to the UNO	26/08/2008	
6	Forwarding settlement case to the Deputy Commission	26/08/2008	
7	Decision in the meeting of the District Committee	27/08/2008	
8	Approval of the Deputy Commissioner	28/08/2008	
9	Sending case file for kabuliat registration	Not found	
10	Mutation	Not found	

Hamida Khatun, widow of late Shahar Ali Sardar , Village- Baintala, Upazila Shyamnagar, district Satkhira having a son and two daughters applied for obtaining settlement of 1 acre of agricultural khas land in mouza jhapa, plot Nos. 1118 and 865 under khatian No 1.

On 30/12/2000 Tahsildar of Gorkumarpur under Shyamnagar upazila sent a proposal in favor of the applicant. The applicant got primary selection of the upazila agricultural khas land management and settlement committee in its meeting on 18/8/2008. On 26/08/08 AC land, Shyamnagar, sent the settlement case to the UNO, Syamnagar with his recommendation in favour of the settlement of khas land in favour of the applicant. The UNO sent it to the Deputy Commissioner on the same day. The proposal was discussed in the meeting of the District Agricultural Khas Land Management and Settlement Committee on 27/8/2008 and was accepted.

On 28/8/2008 the Deputy Commissioner approved of the proposal for settlement of the said khas land in the name of the applicant. No information is found available in the Settlement Case Record regarding kabuliat registration and Mutation

5.3.5 Influence of Political and judicial intervention and poor land record base on bureaucratic implementation

Political and judicial intervention and poor land record base can cause delay in the implementation of the redistributive agricultural land reform. From the previous discussion it has been clear that whimsical declaration of land reform to survive in the electoral politics took ten years in abeyance in abolishing zamindary system and it took more time if Partition did not took place in 1947. Frequent change in the definition of 'family' and recurrent shifting the date for submitting return served the purpose of landed elite in 1972 and made the process of implementation slower.

Judicial intervention also deters speedy and timely implementation by the land administration. Interlocutory orders pending suits like temporary or permanent injunction, stay order, order to maintain status quo, order appointing receiver etc. slow

down implementation of redistributive agricultural land reform. For example, after the enactment of the EBSATA, 1950, many civil suits had been lodged which later on turned into appeals to the High Court and then to the Supreme Court. On 17 June 1957, the Supreme Court delivered its judgment, dismissing all appeals with respect to acquisition of all secular rent-receiving interests (Banglapdia, 2003). Thus it took seven years to remove legal barrier.

Poor and back dated land record and data always render implementation incomplete because without necessary data the implementing agencies cannot acquire land of those ceiling surplus holdings of which they don't have any information.

5.3.6 Findings:

1. The existing procedure and practice of settlement of agricultural khas land is complex, multi-tier and time consuming.
2. Political and judicial intervention and poor land record base affects functions of land administration in speedy and timely implementation of redistributive agricultural land reforms in Bangladesh.
3. Land administration suffers from incapability and lack of authority which slow down implementation of settlement of agricultural khas land.

5.4 Condition of data base while implementing redistributive agricultural land reforms in Bangladesh:

Pre-existing authentic and updated land records and database is also very important for implementing ceiling law and distribution of surplus land. Before imposing ceiling law, the government must know who own how much land, who are surplus owners, how much land shall vest in the government as result of ceiling law, how many landless households are there in the country, what amount of land can be distributed per landless household. If the government doesn't have such database, there exists a gray area in the process of implementation. The implementing agency cannot know what its target to achieve is and

at what rate it is being achieved in the passage of time. The process of land reform should not proceed until the necessary spatial, legal and demographic information base has been designed and the information collected (Bullard 2001). An updated record of rights was necessary for two reasons: First, without updated land records there was no means of knowing who owned how much land. Second, it was not possible to determine the number of rent receiving interest. (Ali 1986: 218)

5.4.1 Land information base while implementing EBSATA

Bangladesh has experienced with three ceiling laws in 1950, 1972 and 1984 but the former two legislations imposed ceiling law in true sense. The opportunity created by both the laws has so far been frustrated owing to the absence of pre-existing authentic and updated land records. After the enactment of the EBSATA, 1950 the government had to undertake three gigantic tasks: to prepare Compensation Assessment Roll in favor of the ex-rent receivers and large farmers whose rent receiving interest and surplus land have been acquired, redistributing land so acquired among landless households and to determine rent for all owners of land. In order to support such an enormous act, the government had to depend on two sorts of records: about 30 to 40 year old Cadastral Survey (CS) record of rights and rent collection paper of the former zamindars.

Although the CS record of rights was accurate at the time it was prepared. But after 30 to 40 years, it lost its accuracy for not updating fragmentations and changes brought in the old holdings due to mounting pressure of population on land. On the other hand rent collection papers of the former zamindars were also not available because many Hindu zamindars left the then East Bengal for the West Bengal along with important land documents, deeds, collection papers etc. which could not be recovered. Moreover, due to non cooperation of the big landlords the government could not come into possession of the available papers of the acquired estates (Hussain 1995).

In order to cope with the problem, the question of first completing the revisional settlement operation came up as a necessary precondition to the abolition of the

zamindari system. Since, the revisional settlement operation was likely to take 5 to 7 years in a district, therefore the government feared that waiting for the completion of the revisional settlement operation might result in no abolition of zamindari system at all. The Government initiated for acquiring, in a summary procedure as laid down in Chapter II of the Act, the interests of proprietors of big estates on the basis of collection papers available from the concerned zamindars' kacharies (offices). Similar action was taken in respect of the court of wards estates. In this process, 443 big estates with a total annual income of Rs 47,427,207 were acquired straightway (Banglapedia, 2003). At the same time, the government started SA operation and accordingly SA survey had been conducted between 1956 and 1962. Based on earlier CS records, hand-written khatians had been prepared in the name of tenants.

Report on Land Record and Survey, (MOL, 1989, p.14) admitted that as the SA land survey was done in haste, it lacked accuracy and authenticity. Moreover since it was hand written, many unauthorized changes and overwriting are now found on the SA khatians which has reduced the value and authenticity of the SA land records.

Miah (2003) pointed out that the SA land records suffer from the following irregularities:

- a) In many khatians the share of each raiyat has not been specified.
- b) The name of many lawful sharers has not even been recorded.
- c) Many private lands have been recorded as khas land and many khas land has been recorded in the name of private owners.
- d) Many public and private lands remained outside the record under SA operation.

5.4.2 Land information base while implementing PO/98

When the PO/98 was promulgated, the faulty and hand written SA record was the only information base at hand. Although the CS record was to be dormant after the SA records come into operation, but due to lack of credibility of the SA records 50 to 60 years old CS records had been in use. Moreover, after the final publication of the SA ROR in 1962, a considerable change occurred during and after the Indo-Pak War in 1965. A lot of

Hindu families left the then East Pakistan and exchanged their properties with Muslim families migrating from India to East Pakistan. Land registration was postponed in the East Pakistan consequently, these exchanges has not been updated duly in the land record. In addition to that, the properties of the Hindu migrants were expropriated and declared by the government of Pakistan as enemy properties. During the war of Independence in 1971, many Bihari Pakistani left Bangladesh for Pakistan whose landed properties have been declared by the government as abandoned properties. Furthermore, many sub-registry offices and land offices were burned by the Pakistani army; as a result, some land data have been lost. Thus there was a total disorder in the land record and data management at the time when the implementation of PO/98 was in question

Due to lack of pre-existing data base contradictory statements from the government side as to the amount of ceiling surplus land after the enforcement of PO/98 in 1972 were given. A May 1972 statement of the Land Reforms and Administration Minister estimated 1.2 million acres of surplus land would result from the imposition of a 100 bigha ceiling per family on land. In a subsequent statement made by the Minister at a press conference in August 1972 this was reduced to 800000. According to another publication, only 200000 acres of land were expected to become available as excess land. Mukherji (1976) on the basis of the 1960 World Agricultural Census Report and taking into consideration of the possible land fragmentation due to mounting pressure of population on land assumed that an estimate of only 300000 to 400000 surplus acres is nearer to the reality.

5.4.3 Present land information system

In the present system, land record is updated in three ways: survey operation, diara settlement and mutation.

5.4.3.1 Survey Operation

At present, there are about 40 million land holdings in the country to be represented in khatians accommodating about 100 million plots. About 80000 mauza maps are to be

maintained, mostly of a scale 16"= 1 mile (larger scale in urban areas). After the CS and SA operations Revisional Settlement (RS) was undertaken in 1965. The RS survey operation consists of eleven steps namely: traverse survey; kistowar (plot to plot survey); demarcation of boundary; khanapuri (preliminary record writing); bujharat (local explanation); tasdik (attestation); draft publication of khatians; hearing objections; appeal; final junch (checking) and publication of khatians. Since commencement of RS operation in 1965 only 6,121,885 khatians have finally been published up to 30 June, 2002, which is only 21 per cent of the ongoing programme and 15 per cent of the total work of the country. At this rate it would take 22 years to update remaining maps and khatians of the country. But by that time products would become obsolete and useless due to topographical and ownership changes (Aziz: 2003).

5.4.3.2 Diara settlement

Bangladesh being a riverine country and having a long coastline (750 km), loss of land by diluvion and formation of land-mass by alluvion (accretion) are very common phenomena. The word "diara" is derived from the persian word "daria" meaning sea. Diara settlement is specifically established since 1963 to cater to urgent surveying of alluviated land.

5.4.3.3 Mutation

Mutation is meant for keeping ROR updated by AC (Land) during the intervening period of two consecutive regular survey operations. The process starts in the case of transfer on receipt of land transfer (LT) notice and in all other cases with applications from the tenants or proposals from ULAO. AC (Land) initiates a mutation proceeding and sends the proposal to the concerned ULAO for inquiry. ULAO verifies the genuineness of ownership and possession of the transferor and determines whether any pubic demand is due or any certificate case is pending on the land and whether the proposed land is in excess to the ceiling (60 bighas) of the holder. On verification, if the land is found not to be under the category of khas, abandoned and vested property, AC (Land) passes order for mutation. Accordingly, ROR and relevant registers are updated.

5.4.3.4 Record Management

Preparation and maintenance of ROR is based upon an archaic system which is not only time-consuming but also involve the risk of tampering and distortion. Maintenance of records in record rooms is not planned and systematic. Some record rooms do not keenly adhere to security norms. Many part-timers are allowed to make copies when regular copyists fail to cope with workloads. They in connivance with corrupt officials, sometimes tamper ownership records. Delay, non-transparency and corruption are familiar features of the existing mutation and maintenance systems depriving many tenants of timely procuring and updating their land records. In 1998, the government took a pilot project in three districts, namely, Dhaka, Manikganj and Gzipur under the Support to ICT (SICT) Project to digitize all land records. The whole Bangladesh should be brought under the coverage of Support to ICT (SICT) Project.

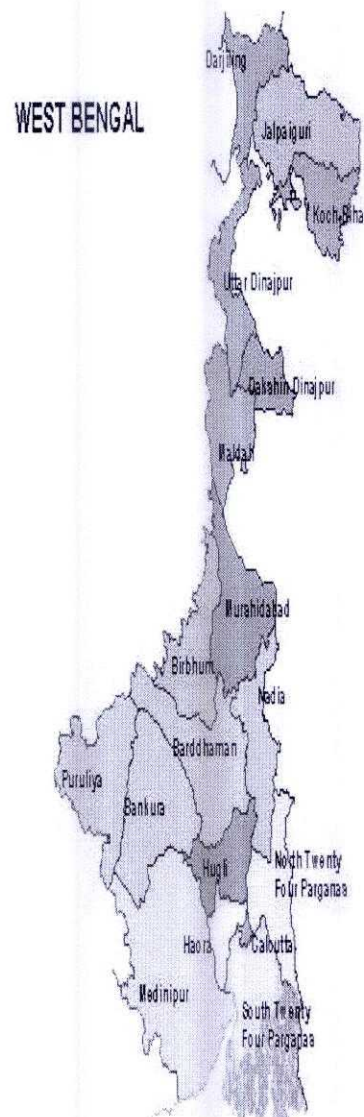
Since 1950, the government distributed agricultural khas land among households but hardly maintained records of land redistributed and households benefitted. Wennergren (1986) remarks that “since 1976, a period when the administrative structure of Bangladesh not Pakistan was responsible, there has been practically no recorded land redistribution. He (1976) also said: “a major deterrent to past and future redistribution is the highly inadequate data base, particularly the identification of individual ownership status.

5.4.4 Findings

- Inadequate land data base, Poor land data updation system and vulnerable land record management system affects both land acquisition and land redistribution

5.5 Land Reform in West Bengal

Since Independence in 1947, West Bengal's land reform progress can be divided into three phases. The first phase (1947-1966) saw the adoption of the basic legislation, little progress in redistribution of ceiling-surplus land, and deterioration in the protection of *bargadars*. In the second phase (1967-1976) West Bengal made most of the overall achievements in ceiling surplus land redistribution, but made little progress in protecting the rights of *bargadars*. In the third phase (1977-present) tremendous progress was made in recording and protecting the rights of *bargadars*, and the redistribution of ceiling-surplus land continued, but at a slower pace.



5.5.1 Phase I (1947-1966)

Two major land reform Acts were passed in West Bengal in the 1950s. The first, the West Bengal Estate Acquisition Act of 1953 (WBEEA) aimed to eliminate the interests of intermediaries (zamindars and jotedars). Two years later the state parliament enacted the second land reform law, the West Bengal Land Reforms Act, 1955 (W.B.L.R. Act,

1955) imposed land ceiling upon the family. A raiyat's family consisting of single member can hold land up to 2.50 standard hectares, a raiyat's family consisting of 2–5 members can hold 5.00 standard hectares of land. For more than 5 members, 0.50 standard hectare per member is allowed with a maximum limit of 7.00 standard hectares per family [1 standard hectare = 1 hectare in the case of irrigated land & 1.40 hectare in the case of non-irrigated land as well as other land]. During this first-phase, 300,000 acres of ceiling- surplus land was redistributed, a little less than 3 per cent of the cropped land in the state. However, much ceiling surplus land was retained by intermediaries through evasive transfers to relatives, friends or fictitious persons (benami transactions).

5.5.2 Phase II (1967-1977)

In 1967, left-wing and centrist parties formed a coalition government known as the United Front. Significant success was achieved in redistributing ceiling-surplus land. Between 1967 and 1970, an additional 600,000 acres of such land was redistributed. When the United Front government collapsed in 1970, President's rule was introduced. In 1975, West Bengal adopted the West Bengal Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fishermen Act. The Act called for the allocation of ownership over a home plot of up to 0.08 acre for poor and landless agricultural labourers, artisans, and fishermen.

5.5.3 Phase III (1977-Present)

The Left Front Government (LFG), led by the Communist Party of India–Marxist (CPIM), came to power in 1977 on the promise of extensive agrarian and political reform. The government has achieved some incremental progress in redistributing ceiling-surplus land during this period, but it's most notable success has been in launching Operation Barga (OB), under which government functionaries recorded the names of bargadars in order to provide them with greater tenure security. By recording their status, bargadars were finally able to avail themselves of the protections of the LRA without fear of eviction.

5.5.4 Political commitment

Before 1947, the peasants of the undivided Bengal gave mandate to the politicians for abolition of zamindari system. Abolition of zamindari system was a prime issue in the manifesto of major political parties in 1937 and 1946 general elections. Floud Commission was formed by the Haq Ministry to study the feasibility of abolition of zamindari system. The Commission recommended for the abolition of zamindari system in 1940. Soon after the election in 1946, Sohrawardi Ministry prepared the draft of the Estate Acquisition Bill. This was the basis for both East and West wings of Bengal province to start land reform initiative after partition in 1947.

The political history of West Bengal can broadly be divided in to two eras, The era of congress, president's rule and emergency lasted from 1947 to 1976 except a short priod in 1967 and 1969-70 when the United Front Government (UFG) led by the Communist Party of India (Marxist) popularly known as CPM came to the power through electoral victory. The second era started from 1977 when the United Front Government came to the power and till today it has been ruling West Bengal through massive victory in seven successive elections to the Bidhan Shava.

5.5.4.1 Congress government (1947-1976)

After the independence in 1947, the congress government took the first initiative to abolish zamindari system and to this effect passed the WBEAA in 1953. It fixed 25 acres of agricultural land and 20 acres of non agricultural land as individual land ceiling. Two years' later it passed the West Bengal Land reforms Act, 1955. A family consisting of single member can hold land up to 2.50 standard Hectare, a family consisting of 2 –5 members can hold 5.00 standard hectare of land. For more than 5 members, 0.50 standard hectares per member is allowed with a maximum limit of 7.00 standard hectares per family. West Bengal Land Reforms Act was passed in 1971 which fixed a ceiling of 5 'standard' hectares of irrigated land (equal to 7 hectares of unirrigated land) for a family of up to five members, plus ½ hectare per additional family member, up to a maximum of

7 hectares for each family. Gosh and Nagraj (1978) summarized the achievement of land reforms in West Bengal in the following table:

Table 14: Area declared surplus, taken possession of & area distributed (in lakh acres)

Period	Agri. Land vested	Area taken possession of	Area distributed	Number of families which got land	Source
Up to 1967	3.37	NA	NA	NA	A
1967-1970	3.43	NA	2.32	2.38	AB
Up to May 1972	9.25	7.02	3.67	NA	C
1972 to Jan 1976	0.47	0.32	0.21	NA	D
Up to April 1976	10.25	8.56	6.20	8.47	E

NOTE: NA - not available

Source: A) Ranjit Lahiri, "Land Reforms in West Bengal" (a Bengali pamphlet), Manisha, Calcutta, 1975.

B) Harekrishna Konar: "Co-operation of Peasant Movement alone can Assure the Success of Land Reforms" Yojana, Vol XIII, INo 23, 1968.

C) "Land Utilization and Reform", a report by Land & Land Revenue Dept., Govt. of West Bengal, 1972.

D) Bangladesh, (a Bengali Weekly) Calcutta, July 2, 1976.

E) Anand Bazar Patrika (a Bengali daily), Calcutta, May 24, 1976.

5.5.4.2 United Front government (1977-)

After the Left Front Government came to power in 1977, it pursued the programme of land redistribution to a much more significant extent. In the first few years after 1977, several important steps were taken in this direction:

1. An outright redistribution of ceiling surplus land among the landless and land-poor.
2. Large scale tenancy reforms, entitled Operation Barga (OB) whereby sharecroppers were officially registered by the state and given legal permanent right of cultivation. It also enabled the sharecroppers to increase their share in the total produce vis-à-vis the landlord.

According to the latest official data available (covering the period up to September, 2003), 439,585 hectares of land have been redistributed and 452,370 hectares of land have been recorded under the OB programme. They amount to 8.21 percent and 8.45 percent of the net sown area of the state respectively. Thus the total coverage in terms of area is a significant but modest 16.66 percent. In terms of the number of beneficiaries, in the same time period, 21.16 percent of the agricultural population (cultivators and agricultural labourers), in 2001, had received land due to the land redistribution programme while 11.68 percent have registered themselves as Bargadars as part of the OB. Thus together a substantial 32.84 percent of the agricultural population has been beneficiaries of the reform programmes in the state

Table 15: Implementation of Land Ceiling Laws in West Bengal

	Up to 1977	Between 1977 & 1983	Between 1983 & 1991	Between 1991 & 2003	Between 1977 & 2003	Up to 2003
No. of Beneficiary Households	984,032	472,443	537,141	750,799	1,760,383	2,744,415
Cropped Area Redistributed (in Hectares)	253,556	56,849	59,388	69,792	186,029	439,585
Land Redistributed/ Beneficiary (in Hectares)	0.26	0.12	0.11	0.09	0.11	0.16

Source: Calculated using Gazder and Sengupta (1997) and Economic Review, 2003-04. Govt. of West Bengal Note: The exact time periods after 1977 are of unequal length and are chosen on the basis of data availability

The statistics shows that though the initial redistributive agricultural land reform was initiated by the congress but the major success in land reforms came in the hands of the United Front Government. The reason behind was as follows:

- a) CPM led United Front Government strongly believes in the emancipation of farmer and worker as pre-condition to the economic development. So they were committed to the entitlement of farmers in agricultural land.
- b) Political stability and continuance of regime encouraged UFG to have a stern drive for acquisition of vested land from surplus land holders and to establish tenure security of the sharecroppers through Operation Barga.
- c) Public demand and support also accelerated government led land reform policy in West Bengal. Bardhan and Mookherjee (2005) found that redistributive agricultural land reform and operation Barga have been more successfully implemented in those areas where UFG got majority vote in the general election.

5.5.4.3 Administrative structure and practice: A comparative analysis

5.5.4.3.1 Structure of land administration

Bangladesh and West Bengal, now a state of India were once part of the single administration under the greater Bengal province of the British India. In 1947 they came under different administrative identity but started their journey from similar platform. Regarding land management and reforms they inherited the same legal and administrative legacy from colonial ruler. Initially land revenue collection was of prime importance. Board of Revenue, Directorate of Land Record and Survey were at the central level and Collector and Sub divisional officer were at the district and sub division level respectively. Land management and settlement were isolated and there was hardly any meaningful coordination and cooperation between these two wings. The isolation is still continuing in Bangladesh. In 1988 West Bengal integrated both management and settlement under the umbrella of land reforms department.

The integrated revenue administration of West Bengal has been portrayed in the following diagram:

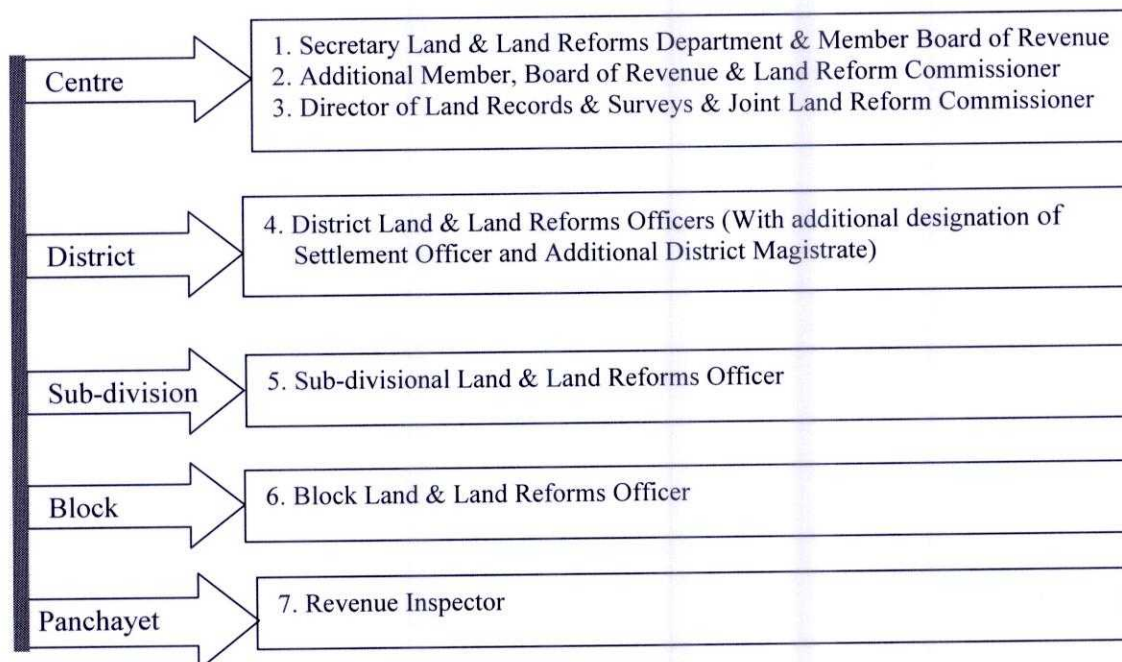


Figure 8: Integrated land and land reforms Department in West Bengal

In the upper strata of the revenue administration, there is an excellent coordination and integration. Secretary of the Land and Land Reforms Department is at the same time Member, Board of Revenue. The Additional Member, Board of Revenue is also Land Reform Commissioner. The Director of Land Records and Surveys is the Joint Land Reforms Commissioner. Among the senior officials there is an effective bond and coordination in West Bengal.

In Bangladesh, land management and settlement are centrally controlled by the Ministry of Land and land registration department is regulated by the Ministry of Law, Justice and Parliamentary Affairs. In the Ministry of Land there are three separate entities such as Land Reforms Board, Directorate of Land Records and Surveys and Land Appeal Board. Again, the Directorate of land Records and Surveys is divided into the office of Director, Land Records and the office of Director, Land Surveys.

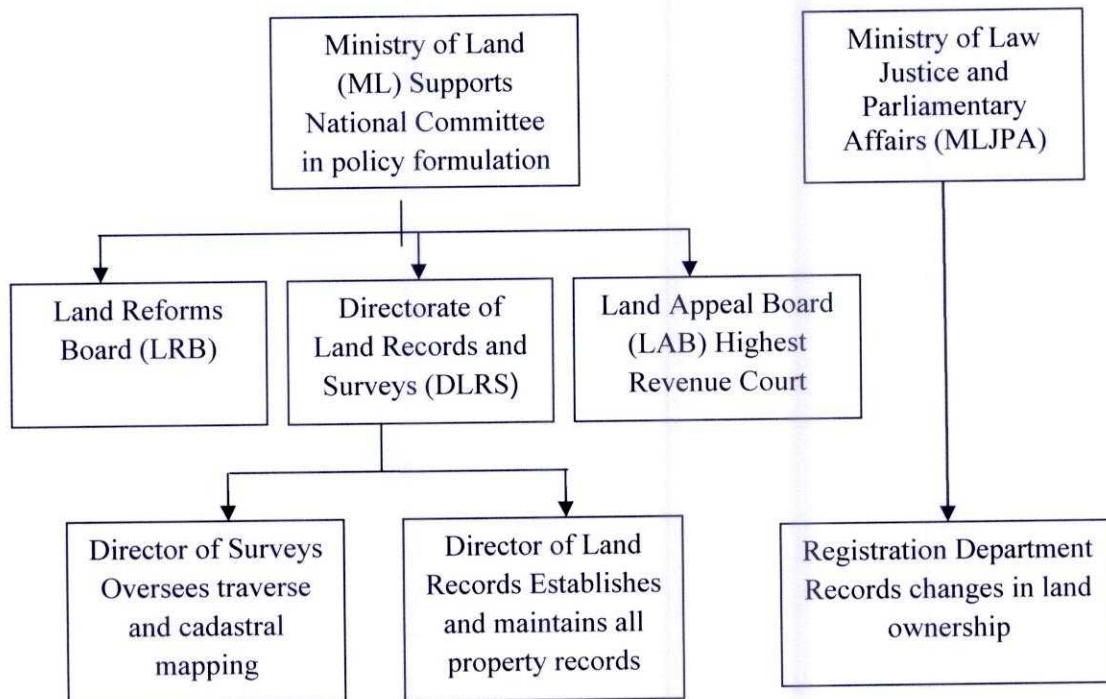


Figure 9: Disintegrated Central Land Administration

The division and isolation is more visible in the field administration than that in central administration. At the land revenue administration, Divisional Commissioner is the highest supervising authority over the districts in a particular division. Deputy Commissioner or Collector is the chief authority in the district for land management and land revenue collection. Generally, the Additional Deputy Commissioner (Revenue) exercises the power of the DC. At the upazila level there is Assistant Commissioner (Land) and at the union level there is Union Land Assistant Officer (Tahsildar). A Zonal Settlement Officer (ZSO) holds a separate office in each old greater district. Assistant Settlement Officers work in each upazila under the supervision of the ZSO. The District Registrar is the chief registering officer of land transfer in the district. Sub registrar works in each upazila for the same purpose.

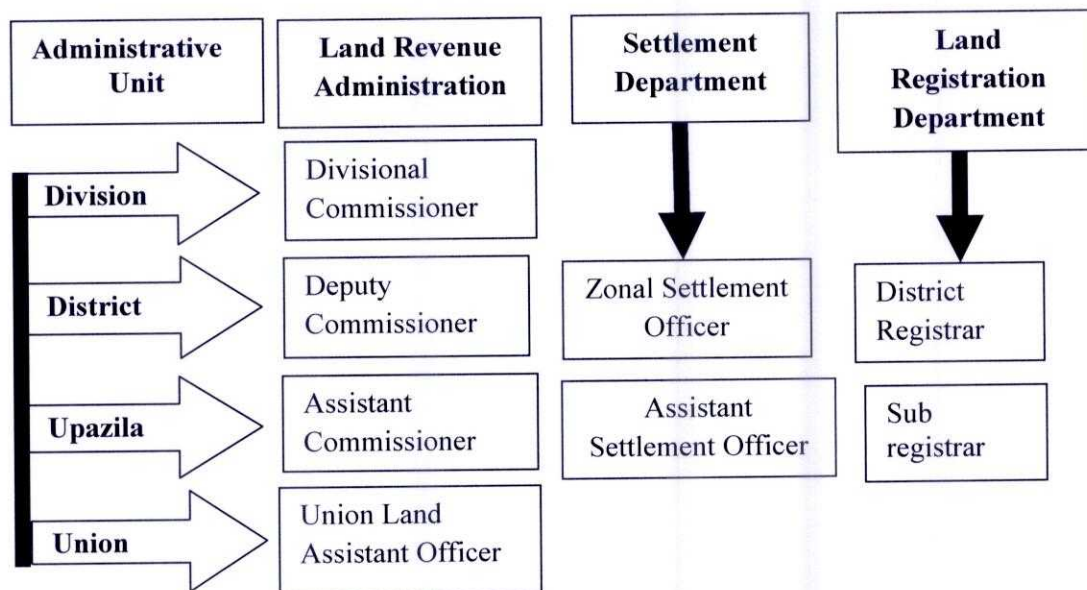


Figure 10: Disintegrated Field level Land Administration in Bangladesh

5.5.4.3.2 Procedure of land redistribution

As per provision of Section 49 of W.B.L.R. Act, 1955, the Vested Agricultural lands are distributed to the landless cultivators who along with their family members hold no land or hold below one acre of land for agricultural purpose.

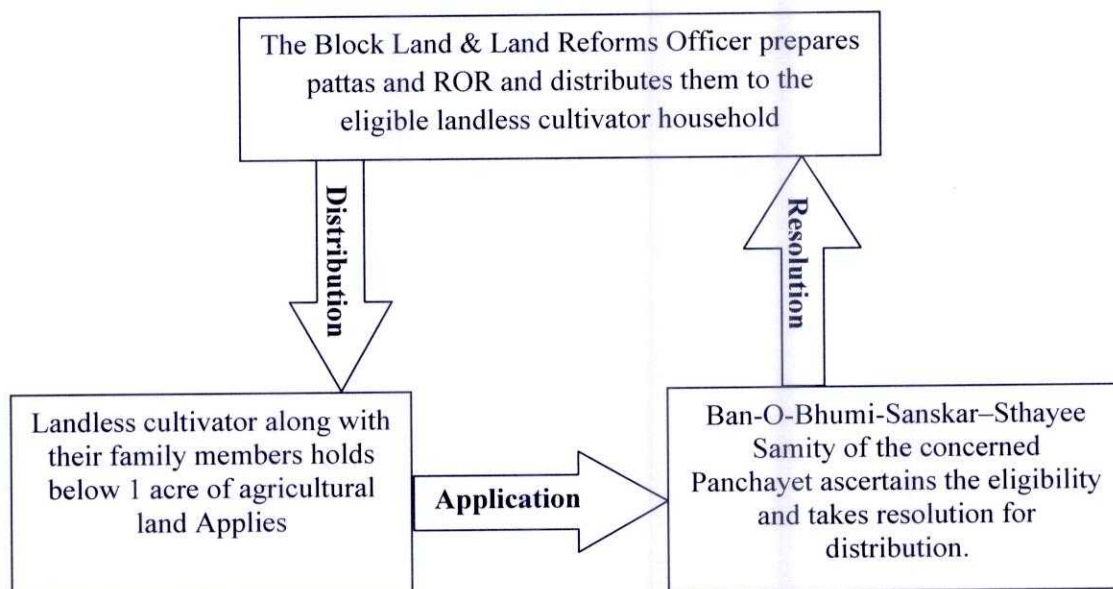
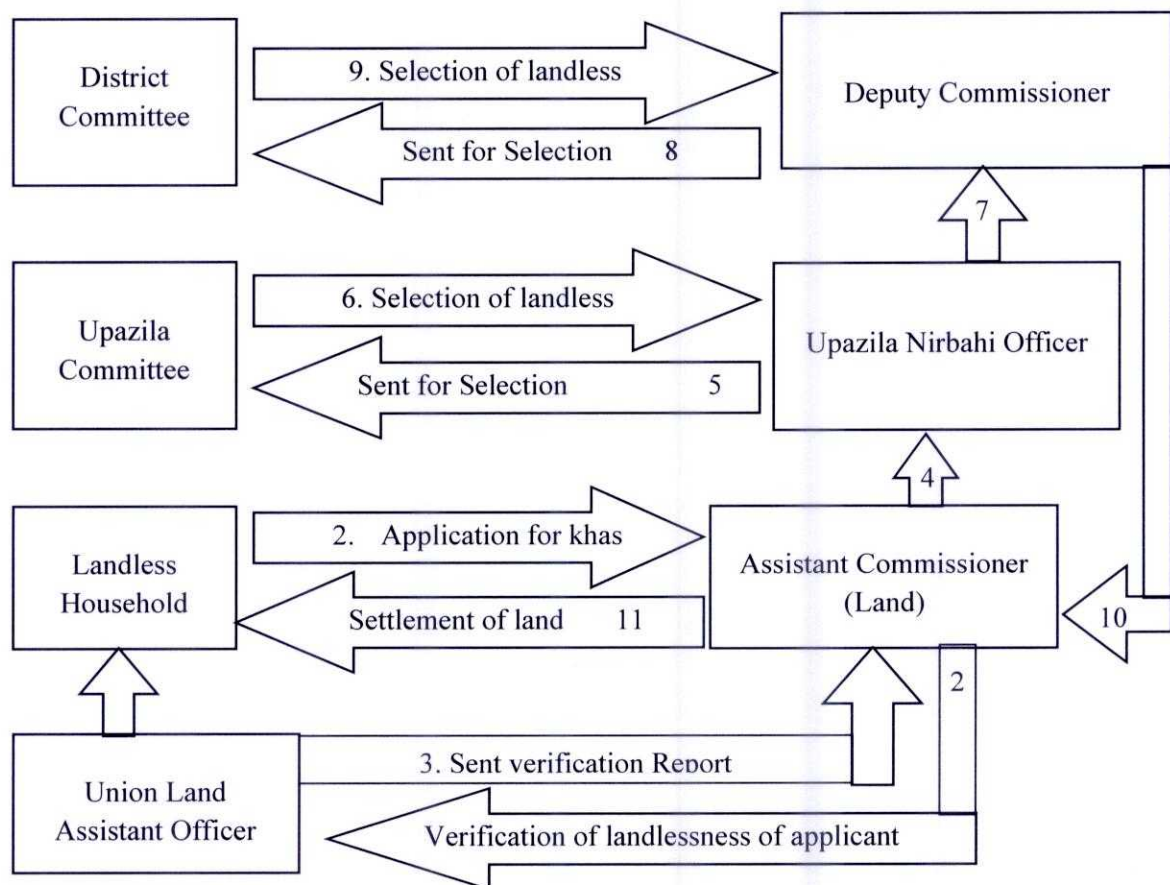


Figure 11: Agricultural khas land redistribution Procedure in West Bengal

On receipt of application from the cultivators, Ban-O-Bhumi-Sanskar–Sthayee Samity of the concerned Panchayet Samity ascertains the eligibility of the cultivators after the field survey, takes resolution for distribution. The B.L. & L.R.O. concerned with due approval of the appropriate authority prepares pattas and distributes them to the eligible allottees of patta. Patta right is hereditary and not transferable excepting some conditions as let down in Sec 49(1A). The name of the pattadar is featured in the R.O.R. on application from him. At present recording of the name of pattadar in the R.O.R. is being made and copy of the R.O.R. is also being handed over to the Pattadar at the time of patta distribution.



The value chain in settlement of agricultural khas land in Bangladesh has been explained earlier. Figure: 7 shows that the redistribution procedure in Bangladesh is very complex, multi-tiered and time consuming. Land administration is less powerful in Bangladesh for

committees enjoy decision making authority. Moreover, the top-heavy committees slow down implementation of redistributive agricultural land reforms in Bangladesh.

5.5.4.3.3 Land record system

The existing system of land record in Bangladesh has already been contrasted with that of West Bengal. Though both the systems originated from same streams, substantial changes have been brought about in West Bengal to rectify many problems and limitations. The land record system of Bangladesh and West Bengal has been compared in the following table:

Features	West Bengal	Bangladesh
Mode of surveying and mapping.	Deconcentrated at panchayet level with supervision of district and central functionaries.	Centralized at DLRS with deconcentration at zone (old district) level.
Nature of surveying.	Regular and continuous.	Periodic and seasonal.
Composition of a survey team.	Permanent employees headed by a kanungo.	Mostly seasonal temporary employees headed by a Surveyor.
Updating records.	Continuous updating.	Periodic updating and lengthy mutation.
Access to information.	Computerized with data based information.	Manual and time-consuming.
Ownership rights.	Khatian, deed and mutated documents are together determinants of ownership.	Khatian, deed and mutated documents are together determinants of ownership.
Character of record.	Single or joint ownership based khatian.	Family based khatian.
Overall system.	Settlement and management streams are unified.	Settlement, management and registration are three disjointed streams.

Source: Aziz (2003) *Land Record System in Bangladesh: An Analysis of Problems and Possible Solution*

The above table shows that land record updating and land record management system in West Bengal is better than what is being practiced in Bangladesh. Moreover, there is bargadar registration system in West Bengal which supplies the government necessary information about landless households.

5.5.5 Conclusion

This chapter examines the role of politicians, bureaucrats and land data base in the redistributive agricultural land reforms in Bangladesh since 1950. The role of each factor has been discussed separately and findings have been drawn distinctly. Lack of political commitment incapability of land administration and poor land record management have been found to have slowed down implementation of settlement of agricultural khas land in Bangladesh since 1950. A comparative analysis of redistributive agricultural land reforms in Bangladesh and West Bengal shows that political commitment, strong bureaucracy and well managed land data base acted as the key factors in the successful implementation of redistributive agricultural land reforms in West Bengal. The chapter in turn establishes the hypothesis of the study drawn in the first chapter that effective administrative system supported by strong political commitment and pre-existing authentic database of agricultural khas land and landless households can ensure effective implementation of redistributive agricultural land reform in Bangladesh.

CHAPTER

6

Reinventing a model for Settlement of Agricultural khas land

6.1 Introduction

The Chapter proposes a reinvented model of settlement of agricultural khas land among landless households in Bangladesh. Emphasis has been given to make the process of settlement of agricultural khas land easier and effective. The reinvented model has been designed keeping ahead a vision to provide all absolute landless households with one acre of agricultural khas land by the year 2015 and a strategic planning to achieve the vision. The model proposes a five year plan starting from 2011 to 2015. By the first three years, a country wide operation will be carried out to identify all khas lands and to register all landless households of Bangladesh. A detail database of khas land and landless households shall be prepared, maintained and updated by the upazila land office. As per availability of the khas land, upazila land office shall prepare kabuliat and ROR in the name of each registered landless household and shall provide with one acre of agricultural khas land.

6.2 Strategic vision and planning for distribution of agricultural khas land

According to Agricultural Census Report (2008), out of 25.35 million households living in the rural Bangladesh, 3.25 million households (11.35 per cent) are absolutely landless and 7.71 million people are relatively landless (38.50 per cent). The total number of both category landless households is 10.968 million and comprises 49.85 per cent of the total households of the rural area.

Table 16: Farm, Nonfarm and Landless Households in Bangladesh

Category	House holds	Farm House holds	per cent	Non farm House holds	per cent	Absolute Landless	per cent
Rural	25355000	14387000	50.18	10968000	49.85	3256000	11.35
Urban	3315000	330000	1.15	2985000	98.85	1221000	4.25
Total	28670000	14716000	51.33	13954000	48.67	4477000	15.62

Source: Bangladesh bureau of Statistics, Agriculture Census (2008)

Note: (1) Absolute landless households are those having no land either homesteads or agricultural land. (2) Relatively landless households are those who have both homestead and agricultural land but not more than 0.50 acre.

According to the statement of the land minister in the question-answer session of the parliament on 14th July, 2009, there are 20682515.0442 acres of agricultural khas land in Bangladesh. Another report based on data from field level land administration shows that a total area of 173234.5638 acres of undisputed agricultural khas land, suitable for settlement, is available for distribution. Barakat et al (2003) find that a total area of 90551 acre of agricultural khas land is under illegal occupation and another 174120.17 acres of agricultural khas land are subject matter in civil suits. If all such land can be recovered, all absolute landless households can be provided with one acre of land. Taking into consideration the given statistics we can set a vision for Bangladesh Government “to give one acre of Agricultural land for 3.25 million absolute households (11.35 per cent) by 2015.”

6.3 Strategic planning to achieve the vision

In order to achieve this vision, a strategic planning should be prepared as follows:

- By 2012 a data base of union wise landless households will be prepared.
- By 2014 a database of all agricultural khas land available in each upazila and suitable for settlement will be prepared.

- By 2015, each absolute landless household will be allotted with 1 acre of agricultural khas land.

6.4 Channelizing supply of agricultural khas land

At present there is a huge gap between demand for and supply of agricultural khas land. There will be no added supply of khas land if illegal occupants are not thrown out or further ceiling is introduced. The State Acquisition and Tenancy Act, 1950 prescribes some continuous sources of agricultural khas land. Land may be khas naturally through accretion of land in the sea or river such as char or island or by operation of law in the following ways:

1. ceiling surplus land (now in excess of 60 bighas) of private owners;
2. land sold by the Government in auction sale;
3. land acquired under section 92 of The EBSATA, 1950 in the following circumstances:
 - (a) When owner of the land dies intestate leaving no heir;
 - (b) When he surrenders his holding;
 - (c) When he voluntarily abandons his residence without paying rent and ceases to cultivate his holding for a period of three successive years; or
 - (d) When such interest has devolved by inheritance, on a person who has not cultivated the land during the period of five years and there is no sufficient cause why he has not so cultivated the land.
4. Land without owner or legal claimant.
5. The portion of the acquired land of any government department or statutory organization which the government has resumed for being unutilized.

All sorts of government owned lands located in the rural areas, cultivable in nature and suitable for settlement may be defined as agricultural khas land. Apart from the existing agricultural khas lands, the following government controlled land if falls under the above category should be treated as agricultural khas land for the purpose of redistribution:

- a. Vested Property.

- b. All vacant and unutilized land acquired in favor of the Railway, Roads and Highways, Water Development Board and other government and non government organizations. Such departments and bodies may be required to submit statement of properties within a specific time frame.
- c. Abundant Property.
- d. Land held in the name of *benamy* person, land possessed personally under the ownership in disguise in the name of *wakf*, deity, cooperative, trust etc.
- e. All agricultural khas land occupied by illegal grabbers’.
- f. All agricultural khas land subject matter under trial in the civil court.

Special land court may be established under the land Appeal Board and all civil suits dealing with agricultural khas land should be transferred in the land court. A speedy trial procedure should be followed by the land court targeting the final disposal of all cases by two years (2011-12).

6.5 Identification of khas land

All concerned agencies having information of khas land should be networked together and upazila land office will be acting as information hub. The Upazila Settlement Office, Sub-registry Office should be integrated under the umbrella of Upazila Land Office. The upazila Land office shall collect primary data from the proposed Khas Land Identification Information Network (KLIIN) and compare them with the data available in the existing land records. The settlement office under the supervision of the upazila land office will make a field survey. The Upazila Land Office will prepare a computerized database of all sorts of khas land including agricultural khas land. The concerned department in the KLIIN will send a periodic report regarding khas land to the Upazila Land Office and Upazila Land Office shall be updating data in the data base.

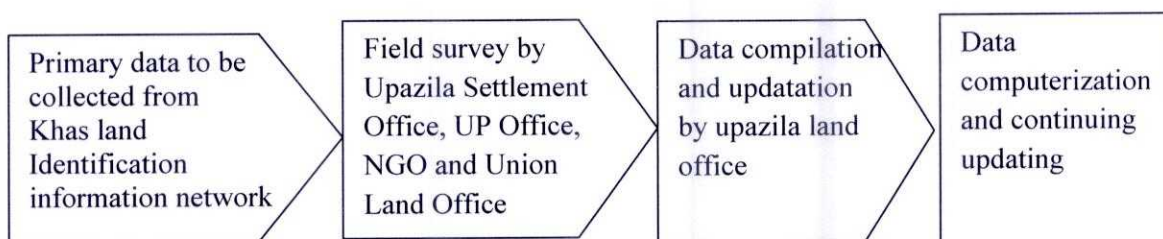


Figure 12: Formulation of Database

The composition of the proposed Khas Land Identification Information Network (KLIIN) may as follows:

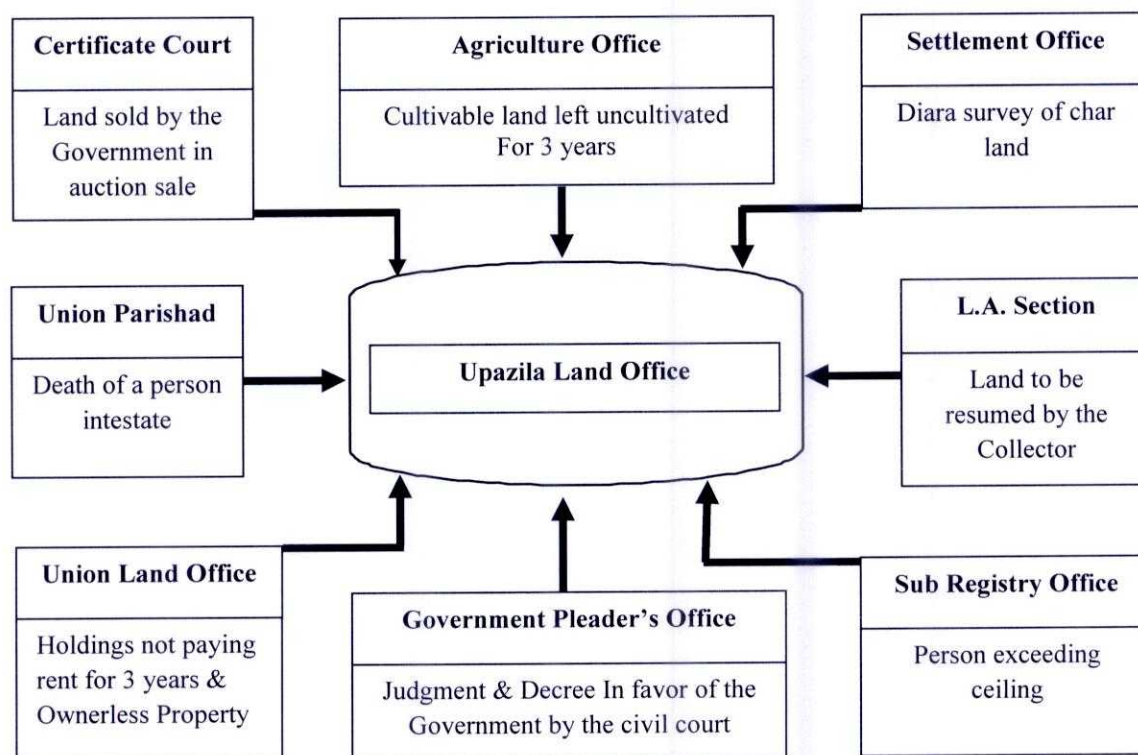


Figure 13: Khas Land Identification Information Network

6.6 Landless registration

All households fall under the category of absolute landless' shall be registered. A team participated by the concerned union parishad, NGO and Union Land Assistant Officer

(ULAO) shall be constituted for the registration of landless households living in the union. A computerized database of all absolute landless households shall be prepared, maintained and updated by the union land office.

6.7 Reinvented model of the Settlement of Agricultural khas Land

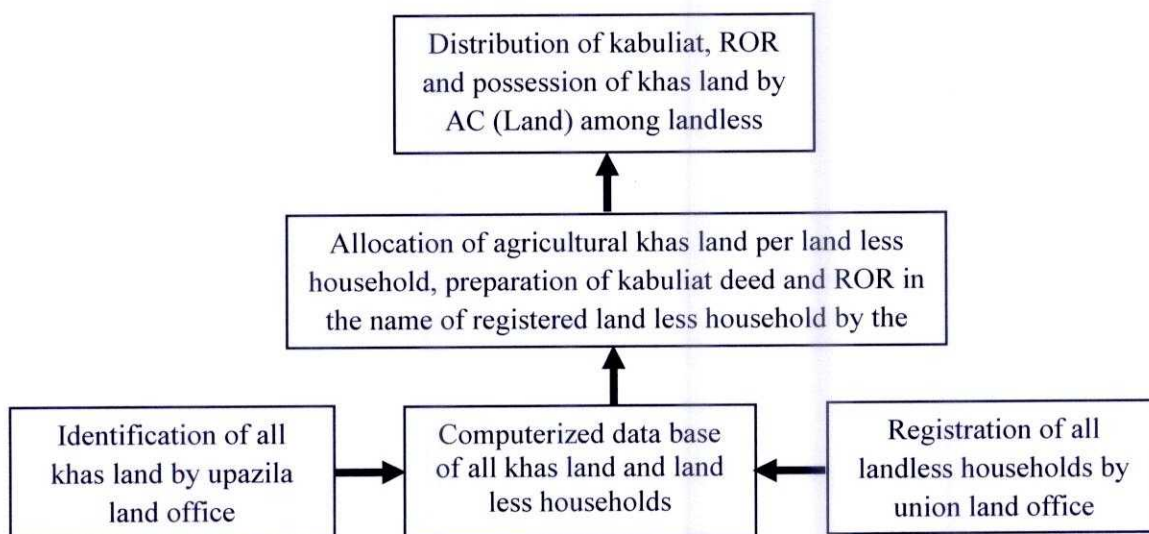


Figure 14: Reinvented model of the Settlement of Agricultural khas Land

Under the reinvented model of settlement of agricultural khas land upazila land office shall identify all types of khas land and prepare a database of khas land. On the other hand Union land office shall register all landless households and send the list to the upazila land office. The upazila land office shall compile all data and prepare a database of all registered landless households in the upazila. The upazila land office shall allot one acre of khas land in the name of registered landless households, prepare kabuliat deeds and RORs and distribute them among landless households. The name of the households receiving khas land and the khas land so distributed shall be subtracted from the database and newly registered landless households and khas land identified subsequently shall be entered into the database and thus it will be updating.

6.8 Resources utilized

The proposed reinvented model of agricultural khas land will involve a fixed cost of installing at least four computers in each upazila land office. At least four personnel from upazila land office should be given a basic training on computer and software should be designed for data computation, storage, updating and security. Other personnel from union land offices, union parishad and NGOs should be given short term basic training on land record, survey and relevant land laws.

6.9 Conclusion

The findings of the study demand for a substantial reinvention and innovation to transform the structure of land administration, the process and procedure it is practicing and the attitude of the bureaucrats into pro-poor and user friendly. The land record and data should be digitized and auto-updated. A reinvented model of settlement of agricultural khas land has been proposed with an objective to eradicate absolute landlessness from Bangladesh by 2015 and for this purpose a five year plan has been chalked out in the light of strategic management, e-governance, New Public Management (NPM), Public Value paradigm and Public Private Partnership (PPP). But again, for the successful implementation of this reinvented plan a strong visionary political leadership, a strong professional bureaucracy and an updated and authentic database of khas land and landless households are needed.

CHAPTER

7

Conclusion

The objectives of the study are three fold: (1) to analyze different aspects of 'settlement of agricultural khas land', the long-practiced state-intervened mode of redistribution in Bangladesh; (2) to examine the role of Politics, Bureaucracy and land database while implementing redistributive agricultural land reforms since 1950 and (3) to reinvent a pragmatic model to ensure efficient and effective redistribution of agricultural khas land among landless people. The dissertation comprises of seven chapters. The first three (1-3) chapters lay down the theoretical construction of the study. The next three (4-6) chapters focus on three objectives of the study respectively. Chapter seven is the final and concluding chapter.

Chapter one describes introductory matters like problem statement, objectives, rationale, significance, methodology and limitations of the study. Chapter two builds the theoretical construction of the study which logically reaches upon a conclusion that 'an effective administrative system supported by a strong political commitment and a pre-existing authentic database of agricultural khas land and landless households can ensure efficient and effective implementation of redistributive agricultural land reform in Bangladesh'. Chapter three reviews the relevant literatures on the issue of redistributive agricultural land reforms in Bangladesh. Chapter four gives an overview of different aspects and issues relating to agricultural khas land especially the existing administration and the procedure and practice prevalent in the management and settlement of agricultural khas land. Chapter five examines the role of politics, bureaucracy and land database while implementing redistributive agricultural land reforms since 1950 and shows how lack of political commitment, absence of updated land database and weak administrative structure frustrated early redistributive agricultural land reform initiatives in Bangladesh,

Chapter six proposes a reinvented model of settlement of agricultural khas land setting a visionary political commitment, strengthening land administration, making the process easier and developing a data-base of khas land and landless households. Chapter seven draws a conclusion and prescribes some recommendations to resolve problems on going for decades.

Political commitment, strong administrative structure and pre-existing land database are three imperative preconditions for successful implementation of redistributive agricultural land reforms. Although each of these three factors can individually influence implementation process positively but their aggregate and added force is more stimulus. West Bengal is an apt illustration in this regard. Conversely, lack of political commitment, absence of pre-existing updated land database and incapable land administration can spoil redistributive agricultural land reforms. Bangladesh is an appropriate example in this respect. The findings of the study are as follows:

As regards Politics

1. Politicians committed 'Redistributive agricultural land reform' in Bangladesh just to attract voter's support but they did not have detail policy plan for their implementation.
2. Politically influential persons are from landed rich class and they have personal interests in land concentration.
3. Due to lack of political commitment:
 - A little amount of land has been acquired as ceiling surplus
 - Political regimes could not recover government khas land from the illegal possession of politically influential persons.

As regards Bureaucracy

4. Land administration suffers from incapability and lack of authority which slow down implementation of settlement of agricultural khas land.

5. The existing procedure and practice of settlement of agricultural khas land is complex, multi-tier and time consuming.
6. Political and judicial intervention and poor land record base affects overall functions of land administration in speedy and timely implementation of redistributive agricultural land reforms in Bangladesh.

As regards Land database

7. Inadequate land data base, poor land data updating system and vulnerable land record management affects both land acquisition and land redistribution.

The findings of the study asks for a massive correctional measures to transform the structure of land administration, the process and procedure it is practicing and reorientation of bureaucrats to be pro-poor and user friendly. The land record and data should be digitized and auto-updating. A reinvented model of settlement of agricultural khas land has been proposed with an objective to eliminate absolute landlessness from Bangladesh by 2015 and for this purpose a five year plan has been chalked out in the light of strategic management, e-governance, New Public Management, Public Value paradigm and Public Private Partnership. But again for the successful implementation of this reinvented plan a strong visionary political leadership, a strong professional bureaucracy and an updated and authentic database of khas land and landless households are needed.

Recommendations

As regards Politics

1. Strong political vision and commitment for:
 - a) recovering agricultural khas land from illegal occupiers and distributing the same among the real landless households;

- b) establishing special land court with speedy trial procedure under the supervision of Land Appeal Board to release khas land under procrastinating trial in the civil Court.
- c) All kind of government properties like khas land, vested property, abandoned property, vacant and unutilized land of different government agencies should be brought under the same account for the purpose of redistribution.
- d) A ceiling of 40 bighas of land for households of Bangladesh may be imposed so that no household can acquire land beyond that ceiling. Households already holding land up to 60 bighas may be allowed to hold up to that ceiling

As regards Bureaucracy

- 2. Simplification of land laws, administrative practices and procedures regarding settlement of agricultural khas land ;
- 3. Land administration should be reorganized according to the principle of 'New Public Management', 'Public Value Creation' and 'Performance Appraisal system'.
- 4. Integrating registration and settlement department under the umbrella of land administration.

As regards Land database

- 5. To prepare a computerized and updated data base of agricultural khas land and landless households.

Glossary

Access: The ability to use land and other natural resources, to control the resources and to transfer rights to the land to take advantage of other opportunities.

Alluvion: Accretion of land by movement of water.

Barga: Share-cropping.

Bargadar: Share-cropper.

Benami: Land property purchased and recorded in the name of a person who is not the true owner.

Char: Alluvial land or land thrown up from river.

Collector: the Deputy Commissioner, head of the district land administration, responsible for collection of land revenue and management of government land in the district.

Data: A raw collection of facts.

Database: An organised, integrated collection of data.

Database management system (DBMS): A set of computer programmes for managing a database.

Diara: Riverine areas where alluvion and diluvion occur. Settlement operation in char or alluvial area.

Digitizing: The process of converting graphic maps into digital form.

Diluvion: Loss of land by erosion of river or sea.

Efficiency: Getting the most out of the resources used.

Economies of scale: Economies of scale occur when larger firms are able to lower their unit costs. This may happen for a variety of reasons. A larger firm may be able to buy in bulk, it may be able to organise production more efficiently, it may be able to raise capital cheaper and more efficiently. All of these represent economies of scale.

Encroachment: The illegal occupation or use of portion of the land holdings of another.

Equity: Fairness, dividing up the economic pie. how the gains from economic activity are distributed through society.

Estate: In legal terms, an interest in land. The term is also used to refer to the physical land and property to which that interest relates.

Expropriation: The compulsory depriving of an owner of property in return for compensation.

Factors of production: The factors of production are the resources that are necessary for production. They are usually classified into 4 different groups:

1. Land - all natural resources (minerals and other raw materials)
2. Labour - all human resources
3. Capital - all man-made aids to production (machinery, equipment and so on)
4. Enterprise - entrepreneurial ability

Fixed Cost: Contrast with variable cost. Production costs that do not change when the quantity of output produced changes, for instance, the cost of renting an office or factory space.

Fragmentation: The division of land units too small for rational exploitation, usually as a result of the system of inheritance. The process may lead to a multiplicity of parcels for one owner or a multiplicity of owners of one parcel.

Information: Data transformed into a form suitable for the user

Institutional Economics: A Darwinian approach to Economics. It views the economy as an evolving system and places a strong emphasis on dynamics, changing structures (including technologies, institutions, beliefs and behaviour) and disequilibrium processes (such as innovation, selection and imitation).

Kabuliat: Deed of settlement containing terms and conditions

Kanungo: Sub-assistant settlement officer. A revenue position junior to AC (Land)

Khas: State land under administration of MOL arising either from new formation or seizures in excess of 33.3 acres ceiling under land reform legislation

Khatian: Cadastre

Land: The surface of the Earth, the materials beneath, the air above and all things fixed to the soil.

Land administration: The processes of determining, recording and disseminating information about the ownership, value and use of land when implementing land management policies.

Land information management: The managing of information about land.

Land information system (LIS): A system for acquiring, processing, storing and distributing information about land.

Land management: The activities associated with the management of land as a resource from both an environmental and an economic perspective.

Land reform: The redistribution of land to the rural poor for equity and agricultural efficiency purposes.

Land registration: The recording of rights to land in some form of public register. It includes information on the rights, their location, and their holders. In title registration, ownership is transferred upon registration.

Land tenure: The relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land and associated natural resources (water, trees, minerals, wildlife, etc.). Land tenure systems determine who can use what resources for how long, and under what conditions.

Mouza: Revenue village

Mutation: Correction of record of rights by replacing new owners in place of the previous owner

Neo-liberalism: A policy of promoting liberal economics by limiting the role of government to the things it can do to help the market economy work efficiently. This can include privatization and deregulation.

Neo-classical Economist: The school of economics that developed the free-market ideas of classical economics into a full-scale model of how an economy works. Neo-classical thinking mostly assumes that markets tend towards equilibrium.

Ownership: The rights to land that are, in everyday language, associated with the ability to use, control, transfer, or otherwise enjoy a land parcel as long as those activities are allowed by law.

Pareto Efficiency: Named after Vilfredo Pareto (1843–1923), an Italian economist. It signifies a situation in which nobody can be made better off without making somebody else worse off.

Productivity: The relationship between inputs and outputs, which can be applied to individual factors of production or collectively. Labour productivity is the most widely used measure and is usually calculated by dividing total output by the number of workers or the number of hours worked. Total factor productivity attempts to measure the overall productivity of the inputs used by a firm or a country.

Public goods

Public goods are goods that would not be provided in a pure free-market system. This is because they are goods that display two particular characteristics:

1. Non-rivalry - consumption by one person does not reduce the amount available for others.
2. Non-excludability - once the good is provided it is impossible to stop people consuming it even if they haven't paid.

Examples – defense, street light.

Rent: The income from hiring out land or other durable goods.

Rent-seeking: Trying to make more money without producing more for customers. For example, lobbying the government policies that benefit the lobbyists at the expense of taxpayers. Whether legal or illegal, as they do not create any value, rent-seeking activities can impose large costs on an economy.

Settlement: Major survey and establishment of land ownership.

Socialism: The exact meaning of socialism is much debated, but in theory it includes some collective ownership of the means of production and a strong emphasis on equality, of some sort.

Tenure: The method whereby land rights are held.

Tebhaga: Sharecrop system where one third of proceeds goes to the land owner and two-thirds to the cultivator to cover labour and material inputs.

Tahsil: Lowest union-level revenue office unit comprising several mouza now renamed as 'Union Land Office'.

Tahsildar: Local revenue collector now Union Land Assistant Officer (ULAO).

Welfare Economist: Economics with a heart. The study of how different forms of economic activity and different methods of allocating scarce resources affect the well being of different individuals or countries. Welfare economics focuses on questions about equity as well as efficiency.

Zamindar: Large landed proprietor from Mughal period with ultimate tax collection and extraction rights. Position modified under colonial Permanent Settlement Act of 1793.

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