

# Land Reform Monitoring Report 2013: BANGLADESH



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*Prepared for*



**ALRD**  **এএলআরডি**

Association for Land Reform and Development

Dhaka: June 04, 2014

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**ANGOC & ALRD**

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## *Abbreviations and Acronyms*

ALRD	Association for Land Reform and Development
ADR	Alternative Dispute Resolution
ANGOC	Asian NGO Coalition for Agrarian Reform and Rural Development
ARB	Agrarian Reform Budget
BBS	Bangladesh Bureau of Statistics
EPA	Enemy Property Act
FoSHOL	Food Security for Household Livelihood
FY	Financial Year
GDP	Gross Domestic Product
ha	hectare
HDRC	Human Development Research Centre
IP	Indigenous Peoples (Adivashi)
LRD	Land Reform Development
LRDI	Land Reform Development Index
LRM	Land Reform Monitoring
LRMF	Land Reform Monitoring Framework
LRMR	Land Reform Monitoring Report
LRMT	Land Reform Monitoring Tool
m	million
NGO	Non-government Organization
ODA	Overseas Development Assistance
R&D	Research and Development
SHOUHARDO	Strengthening Household Ability to Development Opportunities
Tk.	Taka (Bangladeshi Currency)
VPA	Vested Property Act

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## **A. Introduction**

The first Land Reform Monitoring Report (LRMR) for Bangladesh was prepared in 2011. The 2011 Report (LRMR) was first of its kind across the country and most likely in the Asia region. What is more significant is that the 2011 Report forwarded a Land Reform Monitoring Framework (LRMF), denoted as “Land Reform Development Index” (LRDI), which has been acclaimed by the relevant academia, practitioners, and civil society as an innovative and practical endeavour to track the state of land reform of a country.

This accompanying Bangladesh Land Reform Monitoring Report 2013 contains more recent data/information as compared to that in 2011 Report. However, at the outset, it should be noted that, during the last two years, the value of overall LRDI has remained almost unchanged, except for certain indicators, which actually are the manifestations of the worsening of the status (e.g., issues related to land grabbing and associated indicators, number of people killed per 100,000 populations etc). Here it is methodologically important to note that, although in the last 2 years the absolute number of people, killed due to land litigation over the past 2 years, has increased, it is due to an increase in population size during the period (last 2 years), the relevant index value measured in terms of “number of people killed per 100,000 populations” remains the same or near the same, which actually depends on the rate of the population growth and incidences of death attributable to land dispute.

This work is not of static nature, rather it is a dynamic one; therefore, the Land Reform Development Index has also been constructed (estimated) for the year 2013, which will permit comparison of the same with LRDI 2010.

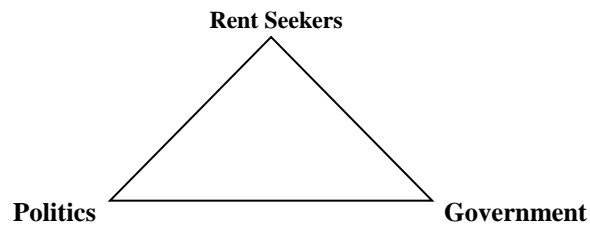
The organization of this report needs to be mentioned. Since the time gap between the first report 2011 and that of 2013 is only two years, and substantive changes have not cropped up in land-reform in the country over the past two years, most of the analyses, this report contains, (except relatively new changes, occurring over the two years that passed) are similar to those of the first report (2011). This report is comprised of 5 major Sections, along with 10 sub-sections. The 1<sup>st</sup> Section provides an Introduction, a particular addition which was not fed into the 2011 report. The 2<sup>nd</sup> Section entitled “An Overview” delineates the setting of the report under the following sub-sections: State of Agrarian and Land Reforms; Conceptual issues related to Agrarian and Land Reforms; purpose; and methodology. The 3<sup>rd</sup> Section entitled “Conceptual Framework” embodies the substantial part in terms of dimensions, delineating the variables and indicators, process, scope, and limitations. The Findings and Analysis pertaining to the Land Reform Monitoring (LRM) and Land Reform Development Index (LRDI) – the nucleus of this Report – are presented in Section 4. Finally, the relevant conclusions and suggestions are presented in Section 5. In addition, the Report contains an Annex and References. It is important to note here that the Annex contributes to the development of one of the most significant dimensions of this report. Because the Annex contains Land Reform Development (LRD) and Land Reform Monitoring (LRM)-related INPUTS and OUTCOMES together with associated variables and indicators, and most importantly provides values/information for each indicator (in total 30 indicators) along with source(s) of data/information and the estimation methodology (with remarks and suggestions). Finally, a useful reference is placed in the Annex, however, as compared to that of the first 2011-Report. This report contains not only a big number of up-to-date references but also references of highest possible utility in further developing Land Reform Monitoring Framework (LRMF) and Land Reform Development Index (LRDI).

## B. An Overview

### B.1. The Land Issue: State of Agrarian and Land Reforms

Bangladesh seems to be caught in the trap of Rent Seeking System in which government and politics are subordinate to the rent seekers (details see, Barkat, 2014a; also see Figure 1). This rent-seeking trap, that criminalizes the economy and society, is attributable to the legacy of anti-poor political economy and governance crisis. Economic criminalization – a direct outcome of the said unholy vested group’s triangle – has acted as a powerful catalyst to criminalize all spheres of politics and society. A sort of perpetuating exclusion of the excluded situation has emerged. During the past three decades of our development, we are again back to the discriminatory two-economy (with more strength): The One economy is represented by only one million people who are most powerful (in the steering wheel, irrespective of who holds the formal power), and the Other economy is represented by the un-empowered majority, 149 million people -- the excluded, deprived and distressed. Therefore, in understanding the reality of changing dynamics of poor people's access to land and rising inequality in Bangladesh this historical context of politico-economic rent seeking criminalized structure shall be considered.

Figure 1: Triangle of Unholy Alliance of the Rent Seekers, Politics and Government: Sources of Production and Reproduction of Poverty-Disparity-Inequality in Bangladesh



Source: Barkat A, 2014a

Bangladesh has 37.4 million acres of land area with 60% under agricultural use. About 21 million acres of land (56%) is privately owned; 5 million acres are under litigation and the annual numbers of land-related litigation is 3.2 million. Around 10 million acres of land is under government use. The identified amount of total *khas* land (agricultural and non-agricultural) and water bodies is 3.3 million acres. Around one-sixth of all lands comprises of forests. Government became custodian of 2.1 million acres under the Vested Property Act (VPA) and 1.0 million acres under the Abandoned Property Act. A positive development on VPA however, has taken place in 2011-12: Parliament has passed the VPA Repeal Act.

Table 1: Basic Features of Land and Population in Bangladesh, 2010

Land/population	Amount
Total land (million acre)	37.4
Population (in million) (Extrapolated based on Population Census 2001)	150.0
Household (in million) (extrapolated based on Population Census 2001)	30.0
Land under agriculture (million acres)	22.2
Privately owned (rural-urban, disputed, non-identified <i>khas</i> land including community forestry) (million acres)	21.0
Land under government use (rail, port, road, office, industry, educational institutions, health, utility service, etc) (million acres)	10.0
<i>Khas</i> land and <i>khas</i> water bodies (million acres)	5.0
of which, Agricultural <i>Khas</i> land	1.2
Water bodies (closed and open)	1.2
Non-agricultural land	2.6
EPA/VPA (government as custodian) (million acres)	2.1
Abandoned (government as custodian) (million acres)	1.0

Source: Barkat Abul, 2007 and, Barkat A and Pk Roy (2004); Author's estimation based on review, analysis and estimates of relevant official and research documents.

Acquisition of *khas* land and distribution of the same among the landless, limiting land rights of the religious and ethnic minorities, women's in access to land, fishing community's in access to water bodies – all these constitute longstanding and most unresolved issues of Agrarian Reform. A strong network of vested parasitic groups – the land and water grabbers – has emerged. During the last four decades, the number of landless people has increased threefold. A pattern of land ownership structure has evolved, accelerating fragmentation of landholdings and intensifying the process of concentration with few large landowners.

The nature of urbanization in Bangladesh constitutes another significant rising dynamics of poverty and access to land. In view of rapid inflow of rural-push migration due to increasing landlessness and employment contraction of the landless and marginal farmers – the population pressure on urban areas is growing very fast. The consequence, among others, is increasing land price in the urban centers, especially in Dhaka City – a place of residence of about 15 million people (32% of total urban population). Land grabbing in Dhaka city and its periphery has become so acute that even the Parliamentary Standing Committee on Land Ministry addressing the issue have reported that about 10,000 acres of *khas* land in Dhaka and its periphery is illegally occupied by the land grabbers, mostly the rent seeking real estate owners.

The share of landless households has increased from 19% in 1960 to 56% in 1996. On the other hand, while in 1960, 1% large land owning household had command over 4.7% of land, in 1996, it has gone up to 8.2%. The situation has changed in favour of large landowners. This is most likely to be the best example of rent-seeking system as well as rising inequality in Bangladesh.

The dynamics of socio-economic class structure indicates an overall deteriorating situation of the poor and middle class, and concentration of land and other assets among a few rich. Out of 150 million people, 99 million (66%) are poor, 47 million (31.3%) represent middle class, and the rest, 4 million (2.7%) rich (of which 10% are super-duper rich).

During the last 20 years, the total population has increased by 40 million with 31 million incremental poor. About 78% of the total incremental population has increased due to the incremental population in the poor category, and the rest, mostly due to downward shift of the past-lower-middle class. On balance, overall poverty situation has worsened, and there has been a concentration of land and other assets among the rich comprising 2.7% of the total population.

Officially, 32% of the total population in Bangladesh is poor; over four-fifths of them live in the rural areas, and over half of them are directly involved in agriculture. All categories of landless rural households are officially considered as having the socio-economic strata, lying below poverty line. The major portion of earnings of the poor (landless) goes to meet the food expenses (87% of income).

Land ownership status also determines both education and health-divides, and more so the gender-divide. There exists a strong correlation between women's empowerment through literacy and their authoritative status by virtue of the household ownership of land. Access to health facilities (though located in government owned land) is biased to serve the rich (anti-poor). The patients from the richest quintile are more than five times likely to be admitted for inpatient-expensive care than the poorest.

Access to domestic electricity in household has direct relationship with the landownership status: in electrified villages, while over 90% land-rich households possess electricity it is only 21% among the poorest households. Therefore, the lack of ownership of and/or in-access to land and poverty are synonymous in rural Bangladesh.

Although Bangladesh is considered as state of mono race population, 1.2% of the total households in the country are comprised of 32-48 different ethnic minority groups. Grabbing of ethnic minorities land by the vested interest groups is widespread.

The land rights of main religious minority, the Hindus, have been curtailed through a most uncivilized Act - the Enemy Property Act (EPA, enacted during Indo-Pak War in 1965) and its continuation, the Vested Property Act (VPA). The total number of Hindu households, affected by EPA/VPA, would be approximately 1 million who have lost 2.1 million of acres of land. This constitutes one of the most significant rent-seeking areas. Although the law was repealed in 2011, the situation remained unchanged till date. The reasons for enlistment of Hindu property under EPA/VPA are manifold and the mechanisms are complex. The two most important actors were the local influential and the land officials.

One of the key factors, retarding women's development, is related to their unequal right and access to land. The existing laws of inheritance, patriarchal values and social practices – all these are instrumental in perpetuating such discrimination. Women own at best 10% of the agricultural land.

Fisheries sector affects the livelihood of 38-40 million people in the country, half of them are trapped in poverty with seasonal income uncertainties. The single most problem, causing marginalization of fishermen community, is their lack of access to water bodies– denial of their legal and justiciable rights. Poor people's access to *khas*-water-bodies is highly restricted. At best 5% of the total 830,356 acres of *khas*-water-bodies available have been distributed among the poor, on lease basis.

The fish marketing system in Bangladesh is very complex, normally involving six different intermediaries who exploit the landless fishers and reap huge benefit in the value chains without adding much value. This is one of the many dimensions of rent seeking system, prevailing across the country.

In Bangladesh, 1.5 million persons are involved in shrimp cultivation. The coastal region of the country comprises 3.22 m.ha (cultivable 2.00 m ha). The shrimp culture area has sky rocketed. Introduction of intensive shrimp culture in the decade of 1980s - due to rising price of shrimp in the international market - contributed significantly to the export earnings (10%-12% of the total export), which costs high to the environment and property right of the poor. In fact, the owner of the large Shrimp Farm seized the properties of all other small/marginal farmers in connivance with the land officials, administration and social touts. Many helpless farmers were forced to sign the deed of lease; otherwise they would have been evicted and driven away. On the other hand, due to increasing salinity, the cereal and other household production including livestock and poultry declined significantly – a real threat to the poor people's food security. In these ways, uncontrolled deterioration in households' income stalemates the land uses with debt forces them to migrate or enter in to non-farm activities or leaves them stranded on that wasted land as sub-marginal patch farmers which in turn leads to increase the rate of landlessness and poverty. Thus the property rights including human rights are on the verge of serious threat in the coastal areas. It is concluded that commercial shrimp farming is not only a bad economics; it is ecologically suicidal, socially impoverishing, and economically unjust.

The estimated amount of total identified *khas* land (government owned land) in Bangladesh is 3.3 million acres with 0.8 million acres of agricultural *khas* land, 1.7 million acres of non-agricultural *khas* land, and 0.8 million acres of *khas* water-bodies. This amount of *khas* land suffers from underestimation. Only 11.5% of the agricultural *khas* land has been effectively owned by those for whom the land is meant for, the landless and poor, and 88.5% are illegally occupied by the powerful land grabbers.

Most recipients of *khas* land possess the deed of *khas* land, however, the situation in terms of possession over *khas* land and control over crops is alarming. A significant proportion did not have complete (full) control over *khas* land (by complete control means complete control over deed, land, and harvesting the crop of *khas* land). The 53.7% non-retention rate raises legitimate question about the efficiency and effectiveness of the whole programme within the existing “rent seeking” based criminalized politico-economic structure of Bangladesh.

A landless selected to get *khas* land is liable to pay only Tk.1 per acre as 'salami' (government fees). However, almost all the agents involved in the distribution mechanism take bribe. The rampant corruption indicated through the presence of bribes at various stages of distribution of *khas* land is attributable to various reasons: lack of transparency, weak (mis) governance (emanated from lack of accountability), poor people's ignorance, weak civil society, and weak peasants' movement. The interaction of each of the institutional agents - the state, market, local government and the local influential - with the *khas* land holder is problematic, and reflects a "form of regime", which has particular implications for policy and strategy at different levels and scales of action.

*Khas* land is a blessing due to the fact that even within the present rent seekers dominated socio-political context, about 50% beneficiaries reported improvements in their social and economic status after getting the *khas* land. However, nothing can be ascertained about the sustainability of such improvements.

Over 300 NGOs in Bangladesh are involved in land right activities. The success of local NGOs in accelerating the process of poor people's access to *khas* land is not that effective and not significant, so far. In the working areas of some NGOs, there are about 46,275 acres of *khas* land and water bodies. In those areas the recovery rate of *khas* and being only 5.7% and distribution rate only 4.9%. The rest of the *khas* land and water bodies, 94.2% is with the land grabbers – the powerful rent seekers having link with the highest tier rent seekers along with the government and party-in-power.

As to the reasons for insignificant rate and slow pace of establishing poor people's rights to land, NGOs reported the following: harassment by corrupt administration; opposition from land grabbers, local hoodlums, and the influential; financial constraint; lack of moral support; fear of life and property. They accused the unholy alliance of the land grabbers with the ruling party and the local government.

The basic functions of current Land Administration and Land Management are three folds: (1) record keeping, (2) registration, and (3) settlement. The key problem here is the multiplicity of documents or records of rights maintained in different offices under different un-coordinated Ministries. This system is inefficient; non transparent; responsible for dual ownership; forms the basis for fictitious records, disputes and litigations; acts as a disincentive for production; and helps the land grabbers; also forms the basis for land-related corruption.

The evolution of the land-related laws gives an impression that things were made difficult-to-understand, consciously, reasons for which are best known to the colonial and para-colonial law makers. The land-related laws are made to serve the rich, not the poor. However, a piece of good news is in order. After the 1<sup>st</sup> report was published, an in-depth research study on land laws with rights-based analysis together with suggested changes in the relevant laws and required amendments, has been conducted, keeping in mind the interest of the poor, marginalized people, and women (during 2011-2014) for the first time in Bangladesh (Barkat et.al, 2014c). The study contains 22 volumes, namely Introduction and Methodology's (vol. 1), Abandoned Property (vol. 2), Acquisition and Requisition of Land (vol. 3), Administration of Land Management (vol. 4), Agricultural Khas Land (vol.5), Balu (sand) Mahal (vol. 6), Char Land (vol. 7), Chingri (Shrimp) Mahal (vol. 8), Debuttar Property (vol. 9), Indigenous People's Land (including forest land) (vol. 10), Jal (water) Mahal (vol. 11), Non-agricultural Khas Land (vol. 12), Pathar (stone) Mahal (vol. 13), Land Reform (vol. 14), Land Registration (vol. 15), Land Survey (vol. 16), Tea Land (vol. 17), Trust Land (vol. 18), Land Use (vol. 19), Vested Property (vol. 20), Waqf (religions) Estate (vol. 21), and Key Learning (vol. 22). This herculean study on rights-based land laws has been the first of its kind in the whole region. The outcomes of this study have been disseminated among the Parliamentarians and in the civil society. The study outcomes have to be discussed in the National Parliament (before that in the relevant Standing Committees of the Parliament), and necessary pro-poor, pro-women, pro-marginalized people Laws and Acts have to be enacted, and more so have to be implemented to improve the Land Reform Situation in Bangladesh in which the civil society has to play significant role.

There is no denial the fact that if these ‘new’ land- related laws are enacted and properly implemented the Land Reform Development Index will significantly improve.

The possible active role of the civil society including the peasants' organizations, NGOs and other organizations has never been fully recognized in the government policies. In this regard the necessary coordination is not only poor but also may be termed basically “non-existent.”

The legal flaw in the settlement of disputes, among others, lies in the fact that the provision for settlement at the local level does not work, and the provision for settlement at the higher levels is non-affordable by the landless poor.

Although there is a provision in the law to form cooperatives on large compact blocks of *khas* land, this did not work in the past. The main reason is illegal occupation of large blocks by influential.

Agrarian and land reform should be treated as one of the most effective pathways towards eradication of poverty, sustainably improving living standard of the poor and marginalized people, improving productivity, increasing efficiency, accelerating reduction in inequality, ensuring social justice, ensuring food security, and forming the real foundation for humane development. The task is daunting requiring highest level of political will and commitment. In order to create an enabling environment for the inequality reducing pro-poor agrarian and land reform, the following preconditions should be fulfilled:

1. The government should acknowledge that there exists a rent seeking unholy vested group who amassed their fortune by grabbing land and water bodies - *khas*, vested property, abandoned property, indigenous people's land and other resources (e.g; land rent, quota rent etc.). This vested interest group stands in the way of poor people's ownership and access to land.
2. The government should recognize that a large number of land grabbers always belong to the 'present party in power'.
3. The government should realize that the mass poverty, marginalization and inequality could be brought down to a minimum level if the landless are distributed with *khas* land, poor fishers with water bodies, religious minorities and indigenous peoples own their own land, and supported with asset building efforts for sustainable livelihood.
4. A special session of the Parliament should be devoted to discuss the whole range of issues pertaining to the poor and deprived people's ownership and access to land and water.
5. Each and every political party should clearly clarify their positions in their party's vision and manifesto about the whole range of issues pertaining to the poor people's ownership and access to land and water bodies.
6. All the peasants' organizations should be united on the question of poor people's right over *khas* land, and launch movement against corrupt practices and inefficiencies of the government in ensuring poor people's legal and justiciable rights over land and water bodies.
7. The local and upazila (sub-district) level civil society organizations should raise their voice for a free and fair distribution of relevant land and water bodies to the poor and marginalized with emphasis to female-headed poor women.

## **B.2. Agrarian and Land Reform: Conceptual Issues**

Agrarian reform pre-supposes changes in the agrarian structure implying changes in the agrarian production relations (ownership relationships) to accelerate the process of objective development in the productive forces (Barkat, Zaman, Raihan 2001). This structural change implies changes in the agrarian class structure. Land reform is an integral part (or can be seen as sub-set) of agrarian reform. Land reform can be seen as agrarian reform in a narrow sense of the term. Usually, land reform entails distribution and settlement of government owned land (khas land) to the poor-landless-marginalized farmers, addressing issues related to ensuring rights of the tenant farmers (sharecroppers, day labourers etc.).

The integral components of agrarian reform are land reform (as mentioned above) including the changes in land ownership; changes in the ownership of absentee landlords; distribution of ceiling surplus land; changes in various tenurial systems; changes in relevant laws; relevant institutional transformations; reducing colossal wastages due to land disputes and litigations; changes in land record, registration and administration systems; addressing the issues of market access, value chain, wage, environment-friendly agriculture (sustainable agriculture); changes towards ensuring food security; changes in land use policy; recognition of female workers contribution to agriculture; addressing technological aspects; changes in input market including credit and subsidy; changes in the pro-farmer policies and strategies in a globalized world, and so on. Therefore, conceptually speaking, agrarian reform is a much broader (wider) concept than land reform. Agrarian reform is a subject of relevant radical change requiring political will and commitment at the highest level coupled with people's proactive participation in the process.

## **B.3. Purpose**

This report purports to design Land Reform Development Index (LRDI) and forward a Land Reform Monitoring Framework (LRMF) for Bangladesh. The framework forwarded is first of its kind in Bangladesh. This is the 2<sup>nd</sup> Bangladesh report on the subject (1<sup>st</sup> one was of 2011); and therefore, relevant changes, as compared to the 1<sup>st</sup> report has been delineated, to the extent possible.

## **B.4. Methodology**

The key broad components of the methodology adopted in designing the Land Reform Monitoring Framework for Bangladesh include the following:

1. A conceptual framework containing relevant variables and indicators;
2. Review of all pertinent literature including data/information to fit in to the framework (by variables and indicators); and
3. Meetings with relevant experts.

## **C. Conceptual Framework**

### **C.1. Selected Variables and Indicators**

At the outset, an expert group meeting was organized by the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC), aiming ultimately at designing a common methodology towards construction of a Land Reform Development Index (LRDI). The purpose was to devise a set of variables with associated indicators which

will satisfy two objectives, namely, first, provide uniformity to permit comparison across countries, and second, will serve the purpose of monitoring the development of agrarian-land reform status of each country. Keeping these two-pronged purposes, a common methodological framework with relevant variables and associated indicators has been agreed upon. However, it was also decided that due to contextual variations country-specific indicators may be devised and measured. The set of common variables and associated indicators for each variable towards monitoring the input and outcomes of land reform is shown in Figure 2:

Figure 2: Components of Land Reform (Development) Monitoring Framework

Broad components of land reform monitoring framework

INPUT		OUTCOMES	
Variables	Indicators	Variables	Indicators
<b>1. <u>BUDGET</u></b>	1.1 Agrarian reform budget 1.2. R&D expenditure in agriculture 1.3. R&D expenditure in agriculture as % of total agricultural budget 1.4. R&D expenditure as % of agricultural GDP 1.5. ODA share in agriculture	<b>1. <u>LAND TENURE</u></b>	1.1. # people killed/100,00 population 1.2. # people detained/100,000 population 1.3. # people harassed/100,000 population 1.4. #cases received/100,000 population 1.5. # cases investigated/100,000 population 1.6. # cases adjudicated/100,000 population 1.7. # cases of land grabbing/year 1.8. % area of land grabbed 1.9. Average time in years for dispute resolutions 1.10 Annual loss of time due to disputes 1.11. Annual monetary loss associated with land dispute/litigation 1.12. Annual loss of asset due to land litigation
2. (Laws and Policies)	2.1 Land use policy 2.2. Policies for marginalized groups 2.3 Policies or guidelines on foreign investment in land	2. Evictions	2.1 # households evicted/displaced from farms/100,000 population 2.2. # households becoming totally homeless due to eviction
<b><u>LAND POLICIES</u></b>		<b>2. <u>ACCESS TO LAND</u></b>	
		1. Ownership	1.1. Ownership by category according to size of landholdings and according to incomes 1.2. % farmers having effective ownership of government distributed khas land 1.3. % total khas land distributed among landless farmers (cultivators; peasants)
		2. Land Tenancy	2.1 # share croppers 2.2. % sharecroppers with legal documents 2.3. % of contract farmers' area in relation to total agricultural area
		3. Landlessness	3.1. Gini-coefficient/bottom-to-top ratios

## C.2. Process, Scope and Limitations

The issue of land reform has been envisaged in two broad blocks, namely (1) input block, (2) outcome block. The input block comprises budget and land policies, whereas the outcome block broadly comprises land tenure and access to land. Data/information pertaining to the input block has been obtained from government official sources – in some cases directly, and in some cases estimated. Data/information for outcome block was obtained mostly from relevant research studies. In some instances data from secondary sources were re-estimated to suit the purpose of the indicator; in some other cases, due to non-availability of relevant data, expert judgment was sought. Some limitations were identified for which the need for further research has been suggested.

## D. Analysis and Findings

This section provides details of the relevant analysis and findings towards construction of the Land Reform Development Index. The values for each indicator along with sources of data /information and estimation methodology (and relevant remarks) are presented in Annex.

### D.1. Input Variables and Indicators

The input component (block) of land reform consists of two broad variables, namely the budget and land policies (see Figure 2). The budget variable has five indicators and the policy variable three indicators (Figure 2). The analysis and findings of input component- related variables and associated indicators are presented below.

#### D.1.1. Budget Indicators

##### *a. Agrarian reform budget*

There is no such budgetary head as ‘agrarian reform budget’ (ARB) in Bangladesh. The precise amount of ARB is not available – neither in revenue nor in development budget. However, the national budget of the financial year FY 2010-11 has declared – for the first time in the history of Bangladesh – that 5,534 acres (2,250 hectares) of khas land (government owned land) will be distributed among 34,352 landless households during the year. The FY2011-12 budget made not much change on this. In both the budgets, there is no mention of financial allocation, needed to implement such re-distributive land reform. Therefore, at the moment, it is not possible to put any money value against ARB. More so, redistributive land reform is just one of the eight input components of land reform (see, Figure 2). Therefore, in obtaining data on ARB, it is suggested to hold discussion meeting with relevant persons of Land Ministry and Ministry of Finance. In doing so, it would be appropriate to first to identify all key components of land reform, and then hold suggested meeting to come up with approximate financial outlays for each component. The sum total of the components could be treated as agrarian reform budget. However, such budget may not generate much outcome without an appropriate implementation plan and budget for the same.

*b. R&D expenditure in agriculture, as percent of total agricultural budget and agricultural GDP*

Research and Development (R&D) expenditure in agriculture has been estimated based on data provided in national budget. The amount allocated on “Agriculture research” head in the national budget (FY 2010-11) has been treated as R&D expenditure in agriculture. The total amount of R&D expenditure in FY 2010-11 is Bd. Taka 1,850 million (US \$ 26 million) and the same for FY 2011-12 was BD. Tk.2,213 million. Considering the real inflation rate there has been no change in the R&D budget. The estimated R&D expenditure in agriculture remains the same at 2.26% of the agriculture budget and 0.12% of the agricultural GDP (details about estimation methodology is shown in Annex).

*c. ODA in agriculture*

In FY 2008-09 (more recent data is not available), the total ODA was US \$ 1,794.9 million of which agriculture’s share was US \$ 30.1 million. Therefore, ODA’s share in agriculture is 1.68%. The actual share may be higher than this figure, because a part of ODA head “Rural development and institutions” with US \$ 57 million can be attributed to ODA in agriculture. However, the extent of that part is difficult to ascertain. This requires further research in ascertaining real share of ODA in agriculture. In most recent years, no mentionable change on this has occurred.

#### **D.1.2. Land Policies**

Land policies pertaining to land reform are weak – both in terms of policy diversity and implementation mechanisms. National Land Use Policy 2001 is a weak one, and a new land use policy is now in the process for discussion in the parliament. Specific land policies for marginalized groups, namely for indigenous peoples, women (especially female-headed households in rural areas most of who are poor) and fishers, and policies or guidelines on foreign investment in land are non-existent. However, various laws and policies related to distribution of khas land (government owned land) to the landless and marginal farmers exist (see Annex); here again implementation status is not satisfactory. This is because, so far, only 12% of the total agricultural khas land has been distributed among rural poor, and rests are with the land grabbers (who are socially and politically powerful in the politico-economic structure of Bangladesh; people in the top of power ladder). Most recently, a draft of the Agriculture Land Use Act has been prepared awaiting discussion in the National Parliament. Things might change if the Act is passed and implemented.

#### **D.2. Outcomes Variables and Indicators**

The outcome component (block) of Land reform consists of two broad variables, namely Land tenure with different indicators and access to land with 7 indicators (see Figure 2). Here it is noteworthy that the broad variable land tenure has two sub-variables, namely land disputes and evictions; and the broad variable access to land has three sub-variables, namely ownership, land tenancy, and landlessness (details see, Figure 2).

### D.2.1. Variables and Indicators on Land Tenure

Land tenure is an outcome component (block) of land reform. This component comprises two broad variables, namely, ‘land disputes’ and ‘evictions’ (see Figure 2). Each variable has a number of indicators, for which relevant values have been estimated based mainly on most recent research studies published between 2002 and 2014 (see Annex for details about those research studies).

#### 1. Land disputes

The variable “land dispute” has been measured using 12 indicators. Indicator-wise values with associated implications are presented below.

##### *a. # people killed per 100,000 populations*

The estimated total number of deaths attributed to land litigation would be 32,073 in 2002. Considering the 2002-population size of Bangladesh, the ratio comes to 25.1 deaths per 100,000 populations. This indicator is a tricky one due to the fact that ideally speaking, in a smooth (peaceful) land reform endeavor where rule of law prevails the ratio of killing should drop, however, in real life situation where land is scarce and where a huge amount of distributable khas land is captured by the land grabbers the ratio of deaths (per 100,000 population) may increase (may be in the initial phase of reform). The most recent data show increase in the absolute number of people killed attributable to land dispute and litigation. However, the rate per 100,000 populations remained almost the same as in 2002. This implies that the value (save) for this indicator will not change in the current estimation.

##### *b. # people detained per 100,000 populations*

The 2002 estimation showed that the total number of people detained due to land dispute/litigation would be 1.18 million. This means a ratio of 921 persons detained per 100,000 populations. Although the estimated number of people detained due to land dispute/litigation has increased in recent years most due to high extent of land grabbing – the relative share per 100,000 population shows not much change. Therefore, the estimated score on this indicator remains unchanged.

##### *c. # persons harassed per 100,000 populations*

The estimated total number of people harassed due to land dispute/litigation was 26.3 million in 2002. The ratio was 2,071 persons harassed per 100,000 populations in 2002. The most recent information, as compared to 2002 data shows a number of persons harassed due to land dispute/litigation. However, the score value on this will not change due to unchanged rate per 100,000 populations. This is important to note that the number of persons harassed due to land dispute/litigation depends mainly on three factors, namely on number of land dispute/litigations, number of persons involved in each dispute/litigation, and average years of litigation mitigation time. In Bangladesh, the total number of land litigations at any point in time is 1.4 million; on average 45 persons are involved in each litigation case, and average time needed to mitigate a litigation case in the formal court system is 9.5 years ranging between 3 years and 45 years.

*d. # land-related cases received per 100,000 populations*

In 2009, the annual number of land-related new cases (law suits) was 63,158, implying 206 cases per 100,000 populations. In 2011, the absolute number of land-related new cases (law suits) has increased to 65,215, implying 210 cases per 100,000 populations (considering 2011 population). This ratio is relatively high due to high dependence on land and high competition for access to and ownership of land. Unless land-related legal and administrative reforms, coupled with re-distributive land reform are pro-actively pursued, this ratio is bound to show an upward trend in an increasingly over-populated Bangladesh (where 75% population lives in rural areas, and agriculture is the main source of living). This ratio can also be reduced, if in addition to above, land grabbing reduces (see. “g” below).

*e. # land-related cases investigated per 100,000 populations*

Extrapolation based on research findings shows a ratio of 51 cases investigated per 100,000 populations in 2002. It is important to note that not all cases are investigated within a year of case file – only 25% cases are investigated. This might be the reason for taking long time of an average of 9.5 years to mitigate land litigation. Here, it is notable that on the one hand, the land-related causes have increased, but on the other hand the number of judicial officials and investigating police, have increased in the recent past. Therefore, the value related to this indicator has not changed as such.

*f. # land-related cases adjudicated per 100,000 populations*

Based on the relevant research findings the number of cases adjudicated has been extrapolated using information on two areas, namely, rate of disposal and pending land disputes (litigation, suits) in various types of court. Extrapolation for 2002 shows a ratio of 82 land-related cases adjudicated per 100,000 populations. In order to understand the status of land reform on this indicator, it should be kept in mind that the current situation is almost similar to the above indicator, i.e., “number of land-related cases investigated per 100,000 populations”. Therefore, in terms of index value the situation remained unchanged.

*g. # cases of land grabbing*

Valid data on land grabbing is not available. Land grabbing is a highly pronounced phenomenon in Bangladesh. The object of land grabbing includes privately owned land (less powerful small holders’ land grabbed by powerful ones in connivance with land officials), land under government use, khas land (land owned by government but meant for leasing-out to the poor-landless), khas water bodies, forest land, land of indigenous peoples, land of religious minorities (mostly that of Hindus in Bangladesh using Enemy Property Act/Vested Property Act), abandoned property etc. Based on expert judgment, it has been estimated for 2011 report that the annual number of land grabbing cases would be over 10,000. In recent time land grabbing (including water bodies and forests) has increased astronomically. Conservative estimates show that the approximate number of cases of land grabbing in last 4 years (2010-2013) would be not less than 100,000. Of which the large land grabbers – mostly the real estate owners have grabbed a significant part. In addition to grabbing in the rural areas, the urban and peri-urban areas have been targeted more, and mostly by the real estate

owners and local influential in connivance with the Land Ministry, relevant bureaucracy and local administration (including land administration, namely Assistant Commission – Land, Sub-registrars, and *Tehsilders*). The reasons for astronomical increase in the cases of land grabbing are many. The most pronounced among those include disproportionately high price of land which can be obtained spending low amount of money (mostly as bribe to the above stated agents); whitening of black money of the ultimate purchaser (not the real estate owner) by way of using the huge amount of gap between the high real sales value obtained by the real estate owners and low amount of registration money paid by the ultimate purchaser from the real estate owners; requirement of land for establishing industries; and of course land as immovable asset is a safe-heaven for those having un-earned black money. It is therefore safely argued that in terms of the indicator “number of cases of land grabbing” – the situation has worsened, and accordingly the LRDI value on this indicator will be showing downward change.

*h. % area of land grabbed*

In 2010 report, it was shown that based on various relevant research works of Abul Barkat (see Annex) the estimated area of land grabbed was equivalent to 27% of all agricultural land and 16% of total land area in Bangladesh. This relatively high incidence and high amount of land grabbing in Bangladesh imply that in order to ensure social justice, poverty eradication, and need for increased agricultural productivity (at least to ensure food security) – land reform is a must where environment for land grabbing will be minimal.

*i. Average time in years for land dispute resolution*

Most reliable survey research shows that on average, it takes 9.5 years to resolve a land dispute with 11.4 years for civil suits, 7.9 years for criminal suits, and 7.5 years for revenue suits (all are land-related disputes / litigation). This is important to note that while in the court system it takes an average of 9.5 years time to resolve a land litigation case (dispute), the range is between 3 yrs and 45 years.

*j. Annual loss of time due to disputes*

Data an annual loss of time that could be attributed to land dispute/litigation are not available. However, extrapolation based on annual number of land-related pending cases (2.5 million cases), number of persons involved in each cases (as plaintiff, defendant, their family members, and witnesses; 45 persons per case), and average loss of hours per year per person involved (15 hours per year per person) – shows that the annual loss of time due to land disputes amount to 1,687 million hours (or equivalent to 211 million work days). This is a colossal national wastage of most critical resource – TIME. In addition to various dimensions of loss and disbenefit, this huge loss of time attributable to land disputes clearly implies a loss to GDP (and obviously to per capita income implying route to decreasing standard of living of those involved in land dispute). This has been mentioned in 2011 Report. The situation has not changed in recent 2-3 years.

*k. Annual monetary loss associated with land dispute/litigation*

The estimated annual amount of monetary loss associated with land disputes/litigation is Tk. 248,599 million (US \$ 3,824.6 million) in 2002. Adjusted for inflation, the amount of such loss in 2012 would be about Tk.12,42,995 million (US \$ 6 billion).

*l. Annual loss of asset due to land disputes/litigation*

The same research study titled “Political Economy of Land Litigation in Bangladesh” provides data on this indicator. The estimated amount of annual loss of assets, attributable to land litigation, is Tk. 115,195 million (US \$ 1772 million, in 2002). Nothing new has been done in the last few years to minimize the loss of assets attributable to land litigation. To the contrary, the court and associated system dealing with land litigation became more corrupt than before. Therefore, even if we ignore this (because providing hard evidence would be difficult like hard evidence of black money holder or corruption), considering the rising inflation the conservative estimate of annual (2012) loss of assets due to land litigation would be around Tk. 575,975 million (US\$ 3.47 billion).

## **2. Evictions**

‘Evictions’ – in the conceptual framework of development and monitoring of land reform – has been taken as a variable under ‘land tenure’ component. The key dimensions pertaining to the variable “eviction” has been measured using two indicators, namely (a) number of households evicted/displaced from farms per 100,000 population, and (b) number of households becoming totally homeless due to eviction. Estimated values on these two indicators with associated implications are presented below (relevant sources and estimation methodology is presented in Annex):

*a. # households evicted/displaced from farms per 100,000 populations*

Pertinent national statistics on number of households evicted/displaced from farms are not readily available. In order to estimate the annual number of households evicted/displaced from farms, a set of assumptions has been deployed, which include 25 million rural households, and 1% annual eviction/displacement rate of rural farm households. Based on these, the approximate number of households evicted/displaced would be 250,000 annually, or over 200 households per 100,000 populations. The actual number (ratio per 100,000 populations) could be higher than the above-estimated figure, because displacement due to climate change and natural calamities (flood, draught, cyclone etc) is not included in the estimation. The situation has most likely worsened. This is, as already mentioned that, mainly due to in the last few years, the number of cases of land grabbing, and % area of land grabbed both have increased. Therefore, it is logical that the number of households evicted/displaced has increased in the recent years. However, in order to be able to provide close-to-reality statistics on this indicator further research is suggested.

*b. # households becoming totally homeless due to eviction*

Data on this indicator is not available. However, based on informed judgement it has been estimated that in 2008, over 5,000 households have become totally homeless due to eviction. The most recent year situation would be almost similar to that presented above (item a). Further research is suggested to arrive at a more precise statistics on this indicator.

## **D.2.2. Variables and indicators on Access to Land**

“Access to land” is one of the outcome components (blocks) of land reform. This outcome component of land reform is sum total of three variables, namely ownership, tenancy rights, and landlessness. Each of these three variables has number of indicators, for which relevant values have been estimated using official statistics, research findings, and expert judgement (for details, see Annex).

### **1. Land ownership**

The variable “land ownership” has been measured using three indicators. Those are (a) ownership by category according to size of landholdings and according to income, (b) % farmers having effective ownership of government distributed khas land, and (c) % total khas land distributed among landless farmers/cultivators/peasantry. The analyses with relevant values by indicators are presented below:

*a. Ownership by category according to size of landholdings and income*

Agriculture Census provides land ownership statistics by 5 landholding size categories, namely landless, marginal, small, medium, and large. According to 1996 Agricultural Census, 56% farm households are landless (owning ‘0’ to 49 decimal of land) owning only 4.9% of all agricultural land, 31% farm households are marginal and small (owning 50-249 decimal land) who owns 36.5% of all agricultural land, and on the top of the ownership ladder – the large land owners constitute only 2.1% of all rural households and they own 17.3% of all agricultural land. Therefore, land ownership is highly skewed with majority being landless and marginal farmers (comprising 70% households owning at best 15% of total agricultural land). Officially, almost all landless people live below the poverty line (headcount poverty with food intake less than 2122 k.cal/person/day). Here it is important to note that the Bangladesh Census of Agriculture 2008 has been published in November 2010. The landownership pattern has not changed much. The concentration of landownership at the top of the ownership ladder is still a reality. However, the most important land politics the government has pursued is that it has ensured the non-comparability of the Census Reports. This should be one of the key advocacy areas for those who want to see real land reform in the country.

*b. % farmers having effective ownership of government distributed khas land*

This indicator shows that among those poor/landless/marginal farmers who received khas land (government owned land meant for the poor/landless/marginal farmers) – what is the percent who could effectively own or who could retain those (i.e., effective retention rate). Here effective ownership means combination of 3 things: the deed in hand, the land itself (possession right), and the ownership over crops (right to

harvests), Research shows that among those poor farmers who got khas land only 46% farmers have effective ownership over those land, i.e.; the non-retention rate is high at 54%. The high non-retention rate is associated with many factors including political structure, land officials connivance, power of land grabbers, lack of necessary production input for the poor farmers, inadequate political motivation of and solidarity among poor farmers, non-transparent land management-administration-recording systems etc.

*c. % total khas land distributed among landless farmers/cultivators/peasantry*

As on 2001, at best 20% of total khas agricultural land has been distributed among landless farmers. According to the government decision, every year, a certain amount of khas land (and water bodies—) is supposed to be distributed among poor/landless/marginal farmers in compliance with the Agricultural Khas Land Management and Settlement Policy 1997. The low degree of khas land distribution implies at least two things, among others, first, a huge amount of khas land (80% of all khas) is still undistributed, which if distributed among the poor-landless-marginal farmers will inevitably reduce poverty and hunger (instrumental in meeting MDG goal 1); and second, this huge amount of khas land is lying with the land grabbers. Both of these issues are core issues of land reform. Since this issue of distribution of khas land among poor farmers, marginalized fishers, and poor women is a core issue of land reform, it is important to note that whatever little khas land has so far been distributed among poor (at least 80% lies with the rich – rent seekers – local influentials). The non-retention rate goes high at about 58%. This is a curse. In order to transform this curse into reality, among others, at least four things should be addressed, first, all khas land lying with the land grabbers must be released; second, all such released khas land shall be distributed among the eligible poor, marginalized, and female-headed poor household (and the clause of having a ‘son’ must be removed); third, those who will get khas land should be supported by subsidized inputs and low/zero interest short term bank loan at least for 3-4 years (this has already been proved as a successful venture in Bangladesh through Janata Bank Ltd; this non-supervisory loan’s recovery rate is 99.6%), and market link support so that the farmers get their fair price (which current is being eaten up by the market intermediaries; and fourth the government should devise some mechanism to procure production directly from the poor khas land owners.

## **2. Tenancy rights**

The variable “tenancy rights” is one of the three major variables under the land reform outcome component “Access to land”. Tenancy rights has been measured using 3 indicators, namely, (a) # of share croppers, (b) % of share cropper with legal documents, and (c) % of contract farmers’ area in relation to total agricultural area. The relevant estimated values by these indicators along with some implications are presented below:

*a. # sharecroppers*

According to the preliminary report of Bangladesh Agriculture Census 2008, the total number of tenant farmers in Bangladesh is 7,958,079. Our estimation based on official statistics and large-scale research studies shows that the total number of share

croppers in Bangladesh would be 12.1 million (in 2009). It is notable that, due mainly to three factors the number of share cropping is on the rise in Bangladesh. The factors are (a) due to high input cost and low market access – it is getting difficult for the poor-landless-marginal farmers to continue with farming; many are in search of non-agricultural activities in rural areas or many poor are migrating to urban areas in search of job in informal sectors; (b) a large part of relatively large landowners are no more interested in cultivating land by themselves – due to their comparative advantage in education and capital they switch from agricultural to non-agricultural activities, and also switches from rural to urban and peri-urban residence. Therefore, they are interested in leasing out their agricultural land to the sharecroppers; and (c) small and medium landowners are interested to lease-in land from the relatively poor and relatively large land owners. The changing share cropping system within the distorted market economy in Bangladesh, in reality, has been instrumental in increasing poverty and inequality among the past poor-marginal landownership and/or sharecropper. Distribution of huge undistributed khas land (80% of the total) among the poor and marginalized sharecroppers may be instrumental in reversal of the situation and poverty reduction among those sharecroppers. Four suggestions forwarded towards the indicator “% total khas land distributed among landless farmers” should be taken into active consideration.

*b. % sharecroppers with legal documents*

Ensuring that the sharecroppers get a legal document as sharecroppers is a key tenancy rights issue of land reform. This has never been materialized in Bangladesh due mainly to two reasons, first, as part of land reform under “Operation Barga” system the leftist power in neighboring West Bengal Government (of India) has ensured provisioning of legal documents to the sharecroppers, which, in turn, empowered the sharecroppers and the legal owners became anxious of losing the land (which is a misperception); second, due to steep rise of land price and rising landlessness coupled with rise of land rights movement – the landowners in Bangladesh do not want to even listen to the issue of providing legal documents to the sharecroppers; they will resist this to the maximum extent possible. Estimates based on informed judgement show that a tiny share – less than 1% of the sharecroppers in Bangladesh have a legal document as sharecroppers. However, the Land Reform Law 1984 has the provision of giving legal document to the sharecroppers. Advocacy by ALRD and other land-rights NGOs and civil society may be instrumental in accelerating the process of instituting provisioning of legal documents to the sharecroppers.

*c. % of contract farmers’ area in relation to total agricultural area*

Nationally representative data on area under contract farming is not available. Experts opine that agricultural land under contract farming is on the rise. There exists three areas of contract farming: (a) tobacco cultivation, (b) shrimp cultivation, (c) rich farmers leasing-in (on various terms including by force) land from poor-landless-marginal farmers on contract for various purposes. Estimates based on informed judgement show that the area under contract farming will not exceed 5% of the total agricultural area. The issue of contract farming and contract farmers deserves hard thinking, at least because of three reasons: (a) contract farming for tobacco cultivation and shrimp cultivation (as it is evident in southern Bangladesh) has been proved to be

economically unjust, socially impoverishing, and ecologically suicidal, (b) contract farming is taking away the land under food crop production, thereby, impacting negatively on food production and food security, (c) rising contract farming is taking away agricultural land from the poor-landless-marginal farmers making their life miserable and livelihood difficult, (d) contract farming (tobacco) in the Chittagong Hill Tracts is a gross encroachment on the land rights of the indigenous peoples. It is mentionable that health hazardous and land fertility-reducing contract farming in Bangladesh is increasing. The relevant hard evidence is related to the acreage tobacco cultivation. During 1980 and 2008, the total land under tobacco cultivation has remained the same at 45,000 hectares. However, after 2010 the acreage increased four-fold reaching 148,000 hectares (data have been obtained from Department of Agriculture Extension, Government of Bangladesh). Researchers term this “Politics of Tobacco Cultivation). The reality is that due to active environmentalists’ movement against tobacco cultivation in the rich-west, the multinational tobacco companies, for their raw tobacco, have shifted to the easily accessible poor-developing countries with lucrative financial incentive package for the cultivators. This goes simply against our national interest at the cost of the interest of the multinational tobacco companies, who also know that food security is a major problem of their targeted tobacco producing countries. This is a sign of neo-colonialism, which goes against land reform.

### 3. Landlessness

‘Landlessness’ is one of the three key variables under “Access to land” component of land reform. Landlessness, in this report, has been measured using “gini-coefficient” as an indicator. There can be other indicators also, for example, bottom-to-top ratio (bottom 10%-to-top 10% of land ownership); however, data on this are not available.

#### a. Gini-coefficient

Gini-coefficient as a measure of inequality shows highly in-equal landownership pattern in Bangladesh. The gini-coefficient was 0.686 in 2005. Between 2005 and 2010, officially, there has been a reduction in poverty from 40% to 31.5% (Household Income Expenditure Survey, Bangladesh Bureau of Statistics). However, the same source reports that while poverty rates have declined, the income inequality has increased. Therefore, an inference can be drawn that the gini-coefficient’s value has increased implying increase in land-inequality in Bangladesh. This, in turn, justifies the urgent need for accelerated land reform in Bangladesh. And such land reform with distribution of khas agricultural land among the poor-landless-marginal farmers, khas water bodies to poor fishers, land right to the forest people (including indigenous peoples), land ownership to the poor-marginalized female-headed households (they constitute 10% of the rural household and over 90% of them are poor on any count) and changing the land tenure system towards eradication of poverty as well as an instrument to increase agricultural productivity necessary for ensuring food security and well-being through nutritious food – is both a Constitutional obligation of the State as well as a key election promise of the present government in power (Election Manifesto 2008 clearly spelt the need for land reform and formation of pro-poor Land Reform Commission); also mentioned in Election Manifesto 2013).

### **D.3. Some Methodological Notes**

Measuring indicator-wise values is problematic due to diverse reasons. Some of the key reasons are as follows:

First, for most indicators official data are not available. Therefore, it was absolutely necessary to rely on relevant research-based studies, some of which dates back 20 years (i.e; most up to date data were not available).

Second, for some indicators, available official data but those are much outdated. Therefore, extrapolation was necessary. The extrapolation made, in some instances, may suffer from sound basis.

Third, in some cases even the officially published data are not nationally representative and also validity is questionable.

Fourth, in some cases national level official Census Statistics is problematic and not comparable due to changes in definitions in those publications. This is a serious issue which does not permit year-to-year situation on the same indicator (this is the case with the Census of Agriculture 2008, BBS).

Fifth, there is a time variation of data by indicators. Therefore, comparability suffers.

Sixth, in many instances, informed judgments were applied. The ‘validity’ or “extent of informedness” of informed judgment can be questioned.

Seventh, monitoring land reform by civil society organization could be difficult using the current framework without involving knowledgeable research mind.

## **E. Conclusions and Suggestions**

### **E.1 Conclusions**

The accompanying exercise of devising Land Reform Development Index (LRDI) and Land Reform Monitoring Tool (LRMT) is the second of its kind in the relevant subject area (most likely elsewhere also). Theoretically speaking, it was never ever tried to conceptualize as to how best to devise land reform development index as well as land reform monitoring tools. The accompanying exercise has practical value in monitoring the directions of land reform. This is simply because of the following reasons:

First, state of land reform has been envisaged both in terms of inputs (e.g., budget, laws) and outcomes (land tenure and access to land).

Second, both inputs and outcomes have been measured (for the first time) using appropriate indicators under broad variables (e.g., land disputes, evictions, ownership, tenancy, landlessness).

Third, the framework can be used by the government and civil society to track and monitor the status of land reform at any given point in time.

Fourth, using this land reform monitoring framework, it would be possible to identify areas (by blocks/components, variables, and indicators) of priority interventions and

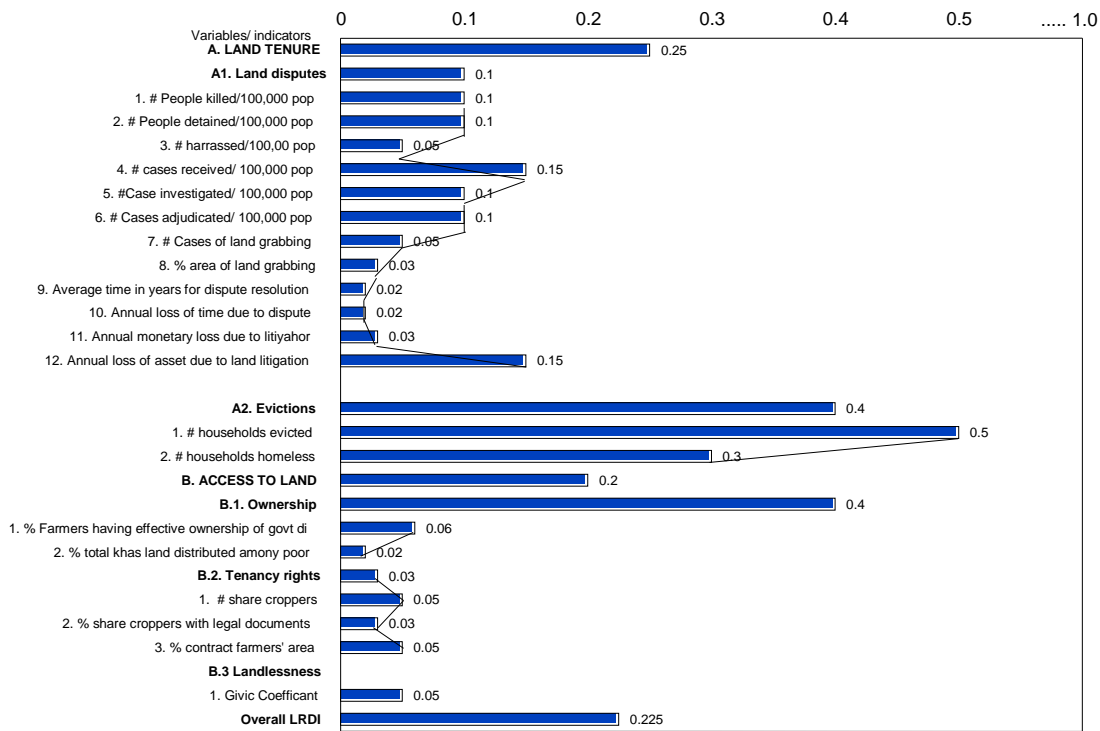
advocacy towards pro-poor land reform. For this purpose, the example below (Figure 2) could be gainfully used by all stakeholders.

This report on Land Reform Development Index (LRDI) is the 2<sup>nd</sup> in the series. The first one was done in 2011. As mentioned above, this is a high utility report. The key lessons we have learnt include many. To cite a few, first, we have learned how to devise LRDI which is an essential tool towards ensuring and tracking overall national development especially that of poor people, marginalized people and community, poor women and a like. Second, we have learnt, in the process of developing the 2<sup>nd</sup> report, about the problems of comparability on necessary indicators due to time gap. Third, we have identified possible areas, in terms of inclusion of new indicators and re-dealing with the 1<sup>st</sup> phase indicators. Fourth, we have disseminated the both the LRMF and LRDI among the relevant rights-based NGOs, academia, practitioners, farmers and other stakeholders, who in turn, not only came to know the whole thing for the first time but also (some of them) became ardent advocator and promoter of LRMF and LRDI. Fifth, based on the knowledge gained it was found the LRDI value for Bangladesh in 2011 was 0.225, and that for 2013 is 0.221 – this shows an worsening situation of Land Reform in Bangladesh.

Figure 3 below is the comprehensive schema showing the land reform development index for Bangladesh, 2010. It is important to report that since not much change has occurred after 2010 and the LRDI value remained almost the same we have kept 2010 LRDI as proxy for 2013. This LRDI figure can be used as the final tool to monitor the status of land reform in Bangladesh. This figure needs to be updated (every 2 year). The logical question here would be as to how to prepare this tool, and how to interpret the schema. The possible answers are provided below:

First: how to prepare this tool? We have the value for each indicator, as shown in the Annex. Now it is needed to convert (transform) each value in to a scale of ‘0’ to ‘1’, ‘0’ being the lowest value (indicating worse situation) and ‘1’ being the highest value (indicative of best situation). In order to perform the conversion (transformation) exercise an ideal or normative value for each indicator needs to be constructed or assumed. For example, under ‘land disputes’ variable the present obtained/estimated value for the indicator titled “# of people killed (per 100,000 population)” is 25.1 (see Annex). Let’s think that we have come to a consensus that in an ideal situation (normative situation), the number of persons killed should be 10 times less than what it is today, i.e.; from 25.1 person killed/100,000 population the figure should go down to 2.51 ( $25.1 \div 10$ ) person/100,000 population (most ideal situation, however, should be not 2.51 but just ‘0’). Now, in a 0 to 1 scale, the finally transformed value, as shown in Figure 3, would be 0.1 ( $2.51 \div 25.1$ ). Using this estimation procedure coupled with judgemental normative situation (ideal situation), the transformed value for all 20 indicators (as shown in Figure 3) has been estimated. The transformed value for a variable is an average value of all indicators representing the variable (e.g., the transformed value for variable ‘land dispute’ is an average of transformed value of 12 indicators under this variable). Similarly, the transformed value for the block/component ‘land tenure’ is an average of the two variables representing this block (variables here are ‘land tenure’ and ‘evictions’; see Figure 3). And finally, the land reform development index (LRDI) is a simple average of the two blocks/components, namely the ‘Land tenure’ and the ‘Access to land’. The higher the LRDI is better, and vice versa, the lower the LRDI the bad is the situation.

Figure 3: Land Reform Development Index (LRDI), Bangladesh 2010 and Two Years After



Second, as how to interpret the Figure 3? What is the practical use of this for development and monitoring of land reform? The following could be the key directions to think:

- a) The overall LRDI was 0.225 in 2011, which has gone down to 0.221 in 2013. In a best land reform environment, LRDI should be close to 1. Our LRDI is closer to “zero”, implying land reform is still at its embryonic stage; a long way to traverse, because out of 100 km only 22.1 km has been travelled. More so, the LRDI value has declined, which must be a cause of concerns. Therefore, vigorous efforts are needed to accelerate land reform in Bangladesh.
- b) Relatively speaking, both the two blocks (broad components) of land reform are lagging much behind expected level. However, among the two, the “access to land” block is lagging behind the “land tenure” block (with transformed value 0.2 and 0.25 respectively). This implies that although emphasis should be given on both the blocks – more emphasis should be given on “access to land” block.
- c) Indicators with transformed value, say those equal to or less than 0.02, represent the least addressed domains of land reform, and therefore need aggressive interventions (including advocacy efforts). As shown in Figure 3, these are: cases of land grabbing (0.05), area of land grabbing (0.03), average time in years for dispute resolution (0.02), annual loss of time due to land disputes (0.02), annual monetary loss due to land litigation (0.03) – all under variable “land disputes”; % farmers having effective ownership of government distributed land (0.05) and % total khas land distributed among poor (0.02) – both under variable “ownership”, # sharecroppers (0.05), % sharecroppers with legal documents (0.03) and % contract farmers’ area out of total agricultural area (0.05) – all under variable “tenancy rights”, and the gini-co-efficient

(0.05) under variable “landless”. The utility of this exercise shows precisely where to hit: hit where the transformed value is low.

## **E.2 Suggestions**

Based on the research and exercises performed in this study, it would be prudent to provide two broad groups of suggestions, namely Macro level and Micro level. The suggestions are as follows:

### **Macro-level suggestions**

1. Continue more research on this endeavour for further refinement and consensus building involving the core team members deployed by ANGOC.
2. Organize large-scale dissemination meeting (seminar, conference) to sensitize all relevant persons both at home and abroad including the development partners.
3. Share the land reform development index and the associated monitoring scheme and tools with the relevant persons/departments in the National Parliament, government, academia, and civil society.
4. Share the land reform development index and the monitoring scheme and tools with land-rights based NGOs working in the real field.
5. Organize expert group meeting to work out expected ideal situation/normative scenario for each indicator by time deadline (e.g., reduce # people killed/100,000 population by 10 times by the year 2015, and so on).
6. The government should get out of “politics of statistics”. In doing so all national statistical documents should be designed to ensure comparability.

### **Micro-level suggestions**

1. Undertake vigorous advocacy towards stopping land grabbing, and in doing so involve the Parliamentarians (for making relevant laws), the law enforcement agencies, the Ministry of Land and the Ministry of Law, and the broader civil society.
2. Organize proactive efforts not only to ensure distribution of un-distributive khas land to the eligible poor, marginalized, and women, but also provide them with subsidized input, low/zero interest bank loan, and linking effectively with the market (to ripe higher proportion of their share in the value chain)
3. Land dispute and litigations must be reduced. The Alternative Dispute Resolution (ADR) mechanism should be instituted by the government in which the land rights related NGOs and civil society may play pivotal role.
4. Many land-water-forest related laws have been analyzed from rights-based approach and accordingly new laws/amendments have been devised in a participatory research. The Civil Society must take this forward first to the Parliament, then pass the relevant ones, and then ensure implementation of those. This will ultimately contribute much to the desired and reform.
5. The whole issue of eviction must be stopped. A strong, active and permanent advocacy is needed to stop/minimize eviction. There should not be any eviction without prior acceptable rehabilitation.
6. In order to ensure empowerment of the tenancy right, all sharecroppers must be provided with legal deed. Here both the government and civil society should work hand in hand.

**F. Annex: Variables and Indicators towards Land Reform Development Index: BANGLADESH****INPUT Indicators**

Variable	Indicator	Value/information	Source	Remarks/Suggestions/Estimation methodology
<b>BUDGET</b>	1. Agrarian reform budget (ARB)	No. budget as such in national budget (neither in development nor in revenue budget)	National Budget, FY 2010-2011 (Ministry of Finance)	1. Under Land Ministry there are various relevant bodies. It might be useful to discuss with Land Ministry to come up with some relevant values which can be attributed to ARB. 2. National Budget of the current year declared that 34,532 landless households will be given 5,534 acres (2250 hectares) of Khas Land. This is the first declaration of this type in Bangladesh. The implementation of this will require budgetary allocation. Therefore, the amount equivalent to that can be assumed as ARB budget*.
	2. R & D expenditure in agriculture	Bd. Tk. 1850 million (FY 2010-11) (US\$ 26 million)	National Budget, FY 2010-11	Termed in the budget as "agriculture research"
	2.1.R&D expenditure in agriculture as a percentage of the total agricultural budget	2.26% (FY 2010-11)	National budget, FY 2010-11	Total national budget (development + revenue) of Bangladesh for FY 2010-11 is Bd. Tk. 1,321,700 million, of which development budget is Tk. 386,000 millions in which agricultural budget is Tk. 81,832 million
	2.2. R&D expenditure in agriculture as a percentage of agricultural GDP	0.12% (FY 2010-11)	Based on National GDP and budget, estimated by Abul Barkat	Agriculture GDP in current market price is Bd. Tk. 1,560,452 million
	3. ODA in agriculture (ODA's share in agriculture)	1.68% (in 2008-09)	Estimated by Abul Barkat based on "Bangladesh Economic Review 2009", Ministry of Finance	In FY 2008-09, the total ODA was US\$ 1,794.9 million of which agriculture's share was US\$ 30.1 million. The share of Rural Development and Institutions was US\$ 57 million. (Source: Bangladesh Economic Review 2009, Ministry of Finance)

\* Changes between 1<sup>st</sup> and 2<sup>nd</sup> Report (2010 and 2013)

## LAWS AND POLICIES

Variable	Indicator	Value/information	Source	Remarks/Suggestions/ Estimation methodology
<b>Land Policies</b>	1. Land Use Policy	Policy titled “Land Use Policy 2001” is an incomplete policy	Ministry of Land (Land Reforms Cell), Ministry of Law	<ul style="list-style-type: none"> <li>▪ “Land use policy” is in process for discussion in the Parliament.</li> <li>▪ Various Policies, and laws related to land use, reform, distribution of Khas Land exist, namely <ul style="list-style-type: none"> <li>- Land Reform Ordinance 1984</li> <li>- State Acquisition and Tenancy Act 1950</li> <li>- Khas Land Management and Distribution Policy</li> <li>- Land Reform Action Program 1987</li> <li>- Agricultural Khas Land Management and Settlement Policy 1997</li> </ul> </li> </ul>
	2. Policies for marginalized groups (IPs, women, fishers etc)	No policy as such		<ul style="list-style-type: none"> <li>▪ Khas Land Management and Distribution Policy emphasises on Landless and Marginalized groups (including women’s ownership right)</li> <li>▪ “Vested Property Repeal Act” has been passed by the Parliament (related to land dispossession of religious-Hindu Minorities), and under implementation with lot of limitations</li> <li>▪ Relevant policies for indigenous people are not in place</li> </ul>
	3. Policies or guidelines on foreign investment in land	No policy exists	-	Discussion with Board of Investment might be useful.

## LAND TENURE

## OUTCOME Indicators

Variable	Indicator	Value/information	Source	Remarks/Suggestions/ Estimation methodology
<b>1. Land Disputes</b>	1. # people killed/100,000 population	25.1 (in 2002)  (Estimated total number of deaths attributed to land litigation in 2002 would be 32, 073).	Estimated by Abul Barkat based on data in research-based book; Barkat. A and PK Roy (2004), "Political Economy of Land Litigation in Bangladesh: A Case of Colossal Wastage"	<ul style="list-style-type: none"> <li>▪ Estimation methodology: Information on the following are known—survey-based data on incidences of death in the families related with land dispute during the dispute period and deaths they attribute to land litigation; average years of (9.5yrs) suffering due to land litigation; total number of land-related disputes in the year (1.4 million); and total population of Bangladesh in the reference year (128 million)</li> <li>▪ Estimated total number of deaths due to land litigation in Bangladesh during the period of sufferings (average 9.5 years per suit/case) would be 304,696.</li> </ul>
	2. # people detained/ 1 00,000 population	921 (in 2002)  (Estimated total number of people detained due to land dispute/litigation in 2002 would be 1,178,947).	As above	As above. Using relevant values from the cited study (by Barkat and Roy, 2004)
	3. # harassed /100,000 population	2,071 (in 2002)  (Estimated total number of people harassed per year, in 2002, would be 26,252,000).	As above	As above. Assuming 40% of those involved in each case have been harassed-in different ways. On average, in each case 45 persons were involved. Total number of cases was 1.4 million and average mitigation period was 9.5 years.
	4. # cases received/100,000 population	206 (in 2002)  (Annual number of new cases= 63,158)	As above	Extrapolated based on data from Barkat & Roy (2004)
	5. # cases investigated/100,000 Population	51 (in 2002)	As above	As above
	6. # cases adjudicated/100.000 Population	82 (in 2002)	Estimated by Abul Barkat based on data in Barkat & Roy (2004).	Extrapolated data based on rate of disposal and pending of land disputes by various types of court.
	7. # cases of land grabbing	>10,000/ year (including privately owned, under govt. use, khas land and water bodies, EPA/VPA; abandoned; IP etc).	Best judgment by Abul Barkat	NEEDS Explanations of (1) What is meant by "Case" ? (2) "Case" for a year or otherwise? (3) There are "cases" which are not in the court; but just grabbed

Variable	Indicator	Value/information	Source	Remarks/Suggestions/ Estimation methodology
	8. % area of land grabbed	<ul style="list-style-type: none"> <li>▪ 27% of agricultural land</li> <li>▪ 16% of total land area of Bangladesh</li> </ul>	Various works by Abul Barkat et.al. (see : Reference)	<p>An estimated 6 million acres (2.43 million hectares) land is under the grabbers. Those include grabbing of private land; land under govt. use; khas land and water bodies; forest land; land under EPA/VPA; abandoned land; land in the areas of shrimp cultivation coastal belt. etc.</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> <p>Estimates seem on the higher side. Needs further research.</p> </div>
	9. Average time in years for dispute resolution	9.5 years (with 11.4 years for civil suits; 7.9 years for criminal suits; 7.5 years of revenue suits- all LAND related)	Abul Barkat & PK Roy (2004)	Survey based most reliable data
	10. Annual loss of time due to disputes	1687 million hours (211 million work days)	Abul Barkat	Extrapolated based on the following information: annual number of pending cases (2.5 million); on average 45 persons are involved in each case (as plaintiff, defendant, their family members, and witnesses); an average of loss of 15 hours in a year for each involved person.
	11. (Annual) monetary loss associated with land dispute/litigation	Tk. 248,599 million (in 2002) (US\$ 3824.6 million); (Exchange rate in 2002; US\$ 1= BD Tk. 65)	Abul Barkat	Barkat & Roy (2004).
	12. Annual loss of asset due to land litigation	Tk. 115,195 million (in 2002) (US\$ 1,772 million)	Abul Barkat & PK Roy (2004)	I suggest inclusion of this Indicator in the LRDI framework. However, this may not be available in other countries. Further research needed.
<b>2. Evictions</b>	1. # households evicted/displaced from farms/ 100,000 population	> 200 (in 2008) (only agricultural households are included; excluded are households in urban slums)	Estimated by Abul Barkat	<p>There are 25 million rural households. Rural farm household eviction/displacement rate would be about 1% (per year). Annual number by farm household, evicted/displaced would be 250,000. Displacement due to natural calamities is not included.</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> <p>Needs further research</p> </div>
	2. # households becoming totally homeless because of eviction	> 5,000 (in 2008)	Best judgment of Abul Barkat	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> <p>Needs further research</p> </div>

ACCESS TO LAND

Variable	Indicator	Value/information	Source	Remarks/Suggestions/ Estimation methodology															
1. <b>Ownership</b>	2. Ownership by category according to size of landholdings and according to income	<table border="1"> <thead> <tr> <th>Land size</th> <th>%HH</th> <th>% land</th> </tr> </thead> <tbody> <tr> <td>Landless (0-49 dec)</td> <td>56</td> <td>4.9</td> </tr> <tr> <td>Marginal &amp; samll (50- 249 dec)</td> <td>30.7</td> <td>36.5</td> </tr> <tr> <td>Medium (250-749d)</td> <td>11.2</td> <td>41.3</td> </tr> <tr> <td>Large (750 + dec)</td> <td>2.1</td> <td>17.3</td> </tr> </tbody> </table> <ul style="list-style-type: none"> <li>Household own, on average 0.3 hectare of land (30 million household)</li> <li>Officially, almost all landless live below the poverty line (head count poverty with food intake less than 2122 k.cal/ person/day)</li> </ul>	Land size	%HH	% land	Landless (0-49 dec)	56	4.9	Marginal & samll (50- 249 dec)	30.7	36.5	Medium (250-749d)	11.2	41.3	Large (750 + dec)	2.1	17.3	<p>Agriculture Census 1996, BBS, Govt. of Bangladesh</p> <p>ANGOC, 2009</p>	
	Land size	%HH	% land																
	Landless (0-49 dec)	56	4.9																
	Marginal & samll (50- 249 dec)	30.7	36.5																
Medium (250-749d)	11.2	41.3																	
Large (750 + dec)	2.1	17.3																	
3. % farmers having effective ownership of govt. distributed khas land (satisfying all 3 indicators)	46 % (as on 2001)	Abul Barkat et.al (2001) "Political Economy of Khas Land"	I suggest inclusion of this Indicator in the LRDI framework.																
4. % total khas land distributed among landless farmers (cultivators; peasantry)	20% (as on 2001)	As above	I suggest inclusion of this Indicator in the LRDI framework.																
3. <b>Tenancy Rights</b>	1. # Share croppers	<ul style="list-style-type: none"> <li>12.1 million (in 2009)</li> <li>7,958,079 tenant farmers according to Preliminary Report of Bangladesh Agriculture Census 2008</li> </ul>	Estimated by Abul Barkat based on premises in the next column	Estimated based on following parameters: total # of household in Bangladesh is around 30 million; 75% household is rural (i.e.; 22.5 million households in rural areas); 53.8% of rural households are involved in share cropping (according to the study by Hossain M and A Bayes, "Gramer Manush-Grameen Arthonity" (2008).															
	2. % of Share croppers with legal documents	<1% (in 2009)	Judgment of Abul Barkat	<ul style="list-style-type: none"> <li>Some NGOs have done work on this area, e.g, Care Bangladesh under 'SHOUHARDO' and FOSHOL' projects; ALRD Network NGOs, so on.</li> <li>Scopes are there to accelerate the process of giving legal document to the share croppers under Land Reform Law 1984.</li> </ul> <p>ALRD and other relevant organizations actively pursuing advocacy on this</p>															

Variable	Indicator	Value/information	Source	Remarks/Suggestions/ Estimation methodology
	3. % of contract farmers' area in relation to total agricultural area	Not more than 5% (in 2009)	Best judgment by Abul Barkat	There exists 3 areas of contract farming: (1) tobacco cultivation (2) shrimp cultivation (3) rich farmers take land from poor/landless/marginal/s mall farmers on contract  Needs further research
<b>3. Landlessness</b>	1. Gini-coefficient	0.686 (in 2005)	AR Khan (2008) "Measuring Inequality and Poverty in Bangladesh: An Assessment of the Survey Data."	
	2. Bottom-to-top ratio (Bottom 10%-to-top 10%)	Data not available		Needs further research

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