

Poverty and Access to Land in South Asia: BANGLADESH Country Study

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EXECUTIVE SUMMARY

KEY FINDINGS

Exclusion within a criminalized politico-economic structure: Bangladesh seems to be caught in to the trap of economic criminalization. This trap is attributable to the legacy of anti-poor political economy and crisis in governance. Economic criminalization has acted as a powerful catalyst to criminalize all spheres of politics and society. A sort of perpetuating exclusion of the excluded situation has merged. During the past three decades of our development we are again back to the discriminatory-two-economy (with more strength): 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 unempowered majority, 139 million people -- the excluded, deprived and distressed: Therefore, in understanding the reality of changing dynamics of poverty and poor people's access to land in Bangladesh this historical context of politico-economic criminalized structure shall be considered.

Land and waterbodies - arithmetic of exclusion: Bangladesh has 37.4 million acres of land area with 60% under agricultural use. About 16 million acres of land (43%) 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 and 1.0 million acres under the Abandoned Property Act.

Acquisition of *khas* land and distribution of the same among the landless, limiting land rights of the religious and ethnic minorities, women's inaccess to land, fishing community's inaccess to waterbodies - all these constitute longstanding and most unresolved issues of Agrarian Reform. A Wring network of vested parasitic groups - the land 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 constitute another significant 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 over 10 million people (30% 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 real estate owners.

Changes In landownership and dynamics of socio-economic class structure: 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 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 140 million people, 91 million (65%) are poor, 45 million (32.1%) represent middle class, and the rest, 4 million (2.9%) 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 of only 2.9% of the total population.

Rural poverty, social inequality and access issues: Officially, 56 % 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 considered as the socio-economic strata living below poverty.

The average net annual income of a landless household is five-times less than that of large landowner household. The valuation of capital assets of a landless household is 15.8 times less than that of a large landowner. Most part of earning of the poor (landless) goes to meet the food expenses (87% of income), the same for the rich (large landowner) is 37% of their income. The extent of non-food expenditure as indicator of standard of living distinctly shows most marginalized situation among the land-poor.

Land ownership status also determines both education and health-divides, and moreover the gender-divide. There exists a strong correlation between empowering women through literacy and 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 as likely to be admitted for inpatient-expensive care than the poorest.

In rural Bangladesh, the access to utility services is highly contingent upon landownership status. 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 poorest households. Therefore, the lack of ownership of and/or in-access to land and poverty are synonymous in rural Bangladesh.

Ethnic minority group's access to land: Although Bangladesh is considered as state of mono race population, 1.2% of the total households in the country comprise of 32 different ethnic minority groups.

Grabbing of ethnic minorities land by the vested quarters is widespread. Among the Santals, the access to land is shrinking at a much accelerated pace than the same process among the Bangalees. The land and related deprivation among the hill-based ethnic minority groups are more acute. Massive out-migration of ethnic minorities and in migration of settlers have taken place in Chittagong Hill Tracts. Their lands were either permanently leased out in a planned way to cultural majority origin settlers from the plain districts or brought under development projects. Fifty years back, the ethnic minority people constituted more than 75% of the CHT population, now only 47%.

Vested property act - instrument to limit religious minorities' rights to land: 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 EPANPA would be approximately 1 million who have lost 2.1 million of acres of land. Although the law was repealed in 2001 the situation remained unchanged till date.

EPA and VPA caused landlessness and marginalization of Hindu minorities. More than one-third of Hindu households have turned into landless and/or marginal landowners. Affected households - at least one-fourth - have lost their properties even after dispossession under EPANPA.

Mass out-migration (18.4% population in 1961 and 9.2% population in 2001), dispossession of huge amount of land and other properties/assets, breaking of family tie, loss of human potential, disruption in social capital formation, and the formation of parasitic vested interest groups - are some of the major consequences of EPA and VPA.

Land market is Hindu-unfriendly. The unit price of Hindu land is less than that of the Muslim land.

The reasons for enlistment of Hindu property under EPANPA are manifold and the mechanisms are complex. The two most important actors were the local influentials and the land officials.

Women's access to land: 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. The law of inheritance is governed by personal law based on the religion of the concerned individual. Muslim women are governed by the *Sharia* Law, and the Hindu women, by *Daibhag*. According to the *Sharia*, a Muslim woman has some limited right to inherit property, while *Daibhag* does not have any provision for a Hindu woman to inherit. Whatever limited access to inherit has been provided to a Muslim woman, in practice, she rarely gets what she is legally entitled to. Therefore, people participated in the PRSP consultation processes have strongly recommended for reform of Hindu inheritance law, as well as amendment of all discriminatory sections of Muslim law of inheritance.

Fishermen community's poverty and marginalization due to inaccess to waterbodies: Over 13.2 million people are involved in fisheries for their livelihood: 1.2 million are directly employed, full time; and 12 million are involved part time on seasonal basis. About 8 million out of 13.2 million fishers are poor. Thus, fisheries sector affect the livelihood of 38-40 million people in the country, half of them are trapped in poverty with income uncertainties.

The fisheries sector with more than 4.3 million hectares of water bodies and 710 km coastline currently producing 1.66 million metric tons of fishes and shrimps contribute significantly to the economy. Export earning from fish and fish-products has increased from US\$ 106 million in 1986-87 to about US\$ 350 million in 1999-2000. However, it is mainly due to inequity that increasing export earning has no substantial dent on poverty reduction of the marginalized fisher community.

Only 10% of 13.2 million people are actively participating in fish cultivation and production. If, through implementation of a pro-poor policy, the number of active fishers could be doubled/trebled (from 10% to 20-30%), which is feasible - the contribution to GDP could be as much as that of Agriculture (crops), but much more to alleviation of poverty in terms of income, food and nutrition. The general impact could be a substantial fall in poverty-level by a 10 million people.

The single most problem causing marginalization of fishermen community is their lack of access to waterbodies - denial of their legal and justiciable rights. Access to inland water sources in the wetland areas is partly determined on the basis of *jolmahals* (water bodies lease-rights). Although the fishermen cooperatives are supposed to get preference in obtaining the leases, in practice they either do not get them or they are usurped by the elites. The auction price is usually extremely low. The lease holder, in turn, extorts rent from the actual fishermen and make profit of up to 1000% of the auction price. This practice does not help the poor fisher get rid of their poverty.

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 fish traders and reap huge benefit in the value chains without adding much value.

Poverty and marginalization in shrimp culture: In Bangladesh, 1.5 million persons are involved in shrimp cultivation. The coastal region of the country comprises of 3.22 m.ha (cultivable 2.00 m ha). The shrimp culture area has sky rocketed from 20,000 hectares in 1979-80 to 410,000 hectares in 1996-97; and export earnings increased from Tk.529 million in 1979-80 to Tk.16,120 million in 1999-2000.

Introduction of intensive shrimp culture in the decade of 80s - 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 evicted and driven away. In extreme cases, they are tortured by the paid muscle men. On the other hand, due to increasing salinity, the cereal and other household production including livestock and poultry declined significantly - a real threat to 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.

Amount of khas land: The estimated amount of total identified khas 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 suffers from underestimation.

Distributed khas land: Official source claims that about 44% of 803,308 acres of (identified) agricultural khas land has already been distributed among the poor, landless and destitutes. However, studies show that 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.

Distribution of khas land - a complex game: About 20% of the direct beneficiaries of distributed khas land comprise of those who are not entitled to receive the same.

The whole process of listing of landless is not transparent in the sense that many people are not at all aware of the process. The listing work indicates adhocism. The landless themselves are not involved in the process. The local influential's influence much in the listing process. This inappropriate listing process permits many of the landless households to be excluded from the list whereas a significant number of non-landless households to be incorporated in the list.

Although "wide publicity" is the stated policy, the government officials are among the least active agents to disclose and disseminate the information about the availability and distribution of khas land.

'Incomplete and inappropriate' application was termed as major factor in being rejected to get enlisted. Majority mentioned that the application form is complicated and asking for many documents which is difficult to procure.

In order to receive a piece of khas land, on average, each beneficiary has spend about 72 working days which is 24 times more than the officially required liberal estimate.

The major reasons for which many of the landless got selected, but could not finally receive khas land are as follows: potential beneficiaries lack of contact with government office, noncongenial relationship with local influentials, illegal occupancy of khas land by others, less availability of khas land, and incomplete and inappropriate application.

Retention of khas land: Most recipients of khasland 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 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 criminalized politico-economic structure of Bangladesh.

The following constitute the major elements in the process and mechanism of non-retention and dispossession of khas land: illegal occupants are powerful; illegal occupants have strong linkages with the local power structure; law favours the rich; legal complications themselves are illegal; official cooperation is superficial; trouble maker officials and UP members are capable enough to shift their responsibilities to others; illegal occupants use various forms of trap - credit, divide and rule, muscle, false documents, and other deceptive measures.

Corruption in khas land distribution: 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. Tehsildar appears to be very much active in taking bribes followed by Chairman of Union Parishad and a group of people consisting of local touts and land officials. About Tk.7,000 to Tk.10,000 is required to pay as bribes in order to get 1 acre of khas land. Not only bribes in terms of money but also a wide range of political and social patronages work in the whole distribution chain.

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 on accountability), poor people's ignorance, weak civil society, weak peasant's movement.

Illegal occupancy of khas land: The size of the trap of "illegal occupancy" of khas land is huge. The strength of the trap is deeply ingrained into the politico-economic structure of our society - where dominance of the rich and local influentials inconnivance with the land officials over the poor and landless is a reality beyond any doubt.

The land grabbers use all means of deceptions to occupy the khas land illegally - false deeds and documents, use coercive power, illegally occupy the khas land long before the distribution of the same etc.

Changes in the economic conditions of the poor from khas land: Economic condition, as perceived by the beneficiaries, did not improve for most part after having the khas land. Compared to. the pre-distribution (of khas land) period not much improvements in the ownership of plough and cattle heads in the post-distribution period were observed. In many places, the situation has worsened even. Sharp increase in the proportion of beneficiaries reporting "day labor" as main source of income implies worsening of the economic conditions. Thus, ensuring retention alone will not be enough to improve upon the economic status.

Khas land - curse or blessing(?): Khas land is a curse because it has created many new problem dimensions for the poor and landless including stress and strain in the relationships with the local influentials, samaj, and officials. It has overburdened the poor with various kinds and types of load which they are not ready to carry -- talk to the officials (public servants), bargain (individually and collectively) for their legal rights, struggle for establishing human right to land

and other public resources, go beyond samaj to establish a right cause, organize protest for the landless community. The poor and landless beneficiaries of khas land are neither well informed nor well organized, but the people representing the delivery mechanism (government, politicians, local tauts and influentials) are closely tied with each other to materialize their vested interests. Moreover, the process of adverse inclusion is in operation: in the contexts of free market economy and widespread corrupt practices, the poor-landless people face a problematic search for security; and they are forced to do many things for immediate gains (for example try to comply with and even strengthen patron-client relationships with the local influentials and land officials for a piece of khas land), while postponing the long term right issues (for example all khas land belongs to landless-poor and should be distributed to them within, say, next 5 years). Thus, under the condition of high "scarcity of resources" (khas land) combined with market forces, corruption and bondages, the poor themselves are caught into the trap of extensive rent-seeking behaviour, which is a condition for achieving immediate, practical needs, such as the khas land. From these standpoint, the whole system of distribution of khas land in which poor are just 'objects'- the khas land is a curse to the poor.

Poverty has an important time dimension. The poor people live hand to mouth; they are extremely in-secured and contraction of exchange entitlements is common. Perhaps, these are the reasons which explain as to why the poor people, with high discount rates, trade-off long term strategic investment in capital to secure urgent flows (as against stocks) in the short term. These also explain the fact as to why the poor people are happy with the immediate survival needs at a cost detrimental to them in the long-run, and accept powerlessness, rents, commissions, dependency, and so on.

The interaction of each of the institutional agents - the state, market, local government and local influentials - with the khas land holder is problematic, and reflects a "form of regime", which has particular implications policy and strategy at different levels and scales of action.

Khas land is a blessing due to the fact that even within the present 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.

Land right NGOs - success afar: Over 300 NGOs in Bangladesh are involved in land right activities. For majority, land-right related activity is not the major activity. One-fifth NGOs are involved in direct struggle/movement with the landless people, others do mostly lobbying and advocacy. Most new comers are more involved in lobbying and advocacy than direct struggle for land to the poor.

The local NGOs success in accelerating the process of poor people's access to *khas land* is not significant, so far. In the working areas of some NGOs, there are about 46,275 acres of *khas land* and water bodies - recovery rate being only 5.7% and distribution rate 4.9% only. The rest of the khas land and water bodies, 94.2% is with the land grabbers.

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, influentials; financial constraint; lack of moral support; fear of life and property. They accused ruling party and local government for sitting with the land grabbers.

NGO leaders maintained that it is possible to recover land from land grabbers and distribute the same to the poor providing the respective bodies perform their responsibilities efficiently with full commitment. NGO leaders assigned high importance on making landless people aware about their rights, organize them, and lobbying with government offices and political bodies. Some opined in favor of direct struggle. Many opined that provisioning of legal assistance to the landless and imparting relevant training to the NGO members will benefit the landless. NGO leaders maintained that it is difficult for the poor to retain the land and therefore suggested

provisioning of various support services - micro credit during hard time, input subsidies, marketing advice, fair price, formation of cooperatives, etc.

According to most NGO leaders, the respective government bodies, in most cases, do not perform their law-bound responsibilities, obligations and functions. The obvious consequence is the skewed distribution of land, or, to be more correct - maintenance of *status quo* in terms of land to the land grabbers.

Land administration and management: 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 an disincentive for production; and helps the land grabbers; also forms the basis for land-related corruption.

Legal and policy aspects: 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.

So far, agricultural *khas* land is concerned, the East Bengal State Acquisition and Tenancy Act 1950 is the mainframe legal document which was promulgated to abolish the *Zemindari* System (Permanent Settlement of 1793). This law clearly states that "So far as agricultural lands ... are concerned, they shall be held by one class of people to be known as *maliks* or *rai-yats* which means that there shall be no intermediary between the State at the top and *malik* or *rai-yats* to be regarded as the tillers of the soil at the bottom".

The ownership ceiling of agricultural land per family was changed many a times. The total amount of *khas* land due to the fixation of ceiling was always much below the expected amount.

The laws and procedures pertaining to the identification of *khas* land did not change much since 1950.

There has been changes in the definitions of beneficiary families and "landless", as well as families who will get priority in receiving the agricultural *khas* land.

The possible active role of the civil society including the peasants' organizations, NGOs and other organizations have never been fully recognized in the government policies.

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 being illegal occupation of large blocks by influentials.

Distributable land reform is feasible: The possible impact of distributive land reform cannot be questioned, because it was never pursued seriously in the past; the usufruct of such endeavour was always enjoyed by the rich and powerful having links with the institutional agents of the anti-poor, pro-rich power structure. The equal distribution of the agricultural *khas* land (only the part which is officially shown as "identified") will give 0.37 acres per landless household. Equal distribution of all types of *khas* (land and water bodies) land yields an amount of 1.52 acres per landless household. There are atleast 14 out of 64 districts in which *khas* land (agricultural plus non-agricultural) per landless household exceeds 1 acre.

I-PRSP about poor people's access to land: The draft PRSP (2002) document was widely criticized for not providing any directions about land rights and/or access to land for the landless. Participants of subsequent review meetings specifically recommended inclusion of distributive land reform, issues on khas land, absentee land ownership, land ceiling, etc. In response, the 2003 version of PRSP recommends the following: *"First, special emphasis will be given to effective distribution of khas (state-owned) lands and ponds to the landless families. This will require considerable social mobilization and support from the grass roots and class organizations of the poor, especially landless and women, with support from the national level CSOs and NGOs. Second, land would be allocated for supporting a pro-poor rural housing policy..... "*

RECOMMENDATIONS

Based on the analysis of the whole situation and discussions with many relevant experts - policy makers, practitioners, researchers - the following suggestions are in order to expedite the process of establishing land rights and poor people's access to land and waterbodies. The suggestions are forwarded separately for khasland, for vested land, for land of indigenous people, as well as for other relevant legal, management, administrative, and policy issues.

Related to Khas Land

1. All khas land-agricultural, nonagricultural and water-bodies - should be identified immediately.
2. Mis-classification of khas land should be stopped.
3. All khas land illegally occupied by the land grabbers should be recovered, as soon as possible.
4. The committee for the identification of khas land should be reorganized to include civil society representatives.
5. Measures should be taken to minimize the influence of the Members of the Parliament, local influentials and officials in the committee who exercise monopoly power and/or corrupt practice.
6. Khas Land Management Committee at the national level, and a Khas Land Management and Distribution Committee at the district level with strong presence of peasants and landless representatives are needed.
7. The khas land distribution "application form" should be made easy and written in simple language.
8. Mechanisms need to be devised to ensure effective retention of khas land by the landless poor.
9. Legal support system needs to be institutionalized to ensure speedy resolution of problems of possession on land and control over crops. NGO and other professional bodies' support to provide legal aid to the affected landless should be strengthened.
10. Support system needs to be instituted to provide relevant productive assets (cattle, plough, irrigation machineries and equipments), recurrent inputs (seed, fertilizer, water, pesticide, etc.) to the poor, and fair-price support system to rescue from "free market".
11. Distribute all agricultural khas land (identified 803,308 acres) to the poor and landless immediately. This should form the real cornerstone of our national poverty eradication agenda.
12. Distribute available non-agricultural khas land to uplift the livelihood of the urban poor and forest community.
13. Proactively pursue distribution of khas water-bodies to uplift the life of the fishermen and other professional communities.
14. All-out efforts should be made to expand the housing arrangements for the poor on khas land.
15. Organize cooperative farming in all possible situations; organize cooperative for input, credit, marketing and other productive purposes.

16. All information relating to the identification and distribution of *khas* land should be published in the daily Bangla Newspapers, telecasted and broadcasted, and be disseminated upto grassroots level.
17. The peasants should be mobilized to establish their land rights.
18. Advocacy work of the civil society organizations who are involved in peasant movement and/or poor peoples' land right movement should be strengthened.
19. Success stories about peasants land right movements should be published and disseminated widely.
20. Intensive and continuous monitoring system should be developed to ensure transparency and efficiency of the land officials.
21. A "watch-dog" mechanism (e.g., citizens committee) needs to be developed to follow-up the identification, distribution and post-distribution situations.
22. Training should be imparted to those who are responsible for identification, management and distribution of *khas* land.
23. The civil law should be upgraded and made understandable to the commoners. Land-related laws should be upgraded to speed-up the distribution process which takes unusually long time due to bureaucratic procrastination.
24. Orientation training should be organized for the landless people to impart them with the knowledge about the necessary land-related laws.
25. Organize a pressure group comprising of local landless and conscious citizens to launch movement against land grabbing.
26. All cases launched by the local influentials against the landless peasants should be withdrawn.

Related to Vested Land

A list containing some specific, achievable and realistic solutions is presented below. However, at this stage, it should be mentioned that some of the solutions need further investigation and examination by relevant experts (social thinkers, politicians, legal experts, etc.). The proposed solutions do not follow a strict order in terms of priority. The suggested solutions are as below:

1. The Vested Property Repeal Act (2002) should be implemented without any delay.
2. All activities related to the identification and enlistment of any property as vested should be banned immediately. In this regard, an official declaration in the mass media should be the immediate action of the democratic government
3. Attempts should be made to identify the real owners or the successor(s) of the land already enlisted under EPA/VPA. If they (owners/successors) still live in Bangladesh, attempts should be made to give the property back to them.
4. All vested property under the custody of the government should be leased-out to real owners or their legal heirs who are permanent residents of Bangladesh till the final settlement of the problem.
5. No property should be taken to the custody of the VP administration if the owner(s) of the property or their legal inheritor(s) are in possession of that property.
6. In the absence of the major shareholders, the legal co-sharer(s) right to lease-in the whole property be ensured until the final settlement of the issue.
7. All 99 years leasing-out of vested properties should be declared null-and-void and the ownership rights of the original owners or their inheritors should be established if they are the *bona fide* citizens of Bangladesh.
8. All vested deity property and places of cremation should be unvested and be brought under public trust. The leased out or sold-out properties belonging to this category should be declared void.
9. Law of inheritance should be enforced with adequate provisioning for women inheritance. If the male heirs of the property are absent and the female(s) are permanently residing in Bangladesh the property should be leased-out to them until final settlement is made.

10. Priority should be given to unvest homestead land. This will resolve shelter problem of 60% of the affected households.
11. Priority should be given to those who were small landowners (owned >_300 decimals before EPA/VPA. and who in the process of EPA/VPA. have pauperized and marginalized This alone will solve 50% of the problem in terms of number of vested households, and 12% of the problem in terms of amount of total vested land.
12. Priority should be given to those families in which almost all the legal inheritors are permanently residing in Bangladesh.
13. Priority should be assigned to the affected female-headed households.
14. Priority should be assigned to those cases whereby the property is grabbed mainly by the land officials.
15. Priority should be assigned to the vested properties which are illegally occupied by others without leasing-in from the government.
16. Priority should be given to those who were affected before 1971. The beneficiaries have already derived benefits for long thirty years - sufficiently enough time to derive much higher return than invested in leasing-in the property. This will resolve 60% of the problem in terms of number of vested household, and 75% of the problem in terms of total amount of land property dispossessed under EPA/VPA.
17. Amount of total benefits derived by the beneficiaries before 1971 should be estimated, and based on that, decision should be taken in terms of compensation for and/or imposition of a sort of taxation to the beneficiaries.
18. Most recent beneficiaries (say those in the last ten years) having legal lease-in documents may be given compensation payment from the amount to be collected through the above taxation. This will affect only 15% of the total beneficiaries and release 6% of the total vested properties. This will benefit about 15% of the total affected families.
19. Compensation packages for the affected families in the form of bond, loan (in cash or in kind), lease of khas land, etc., should be designed keeping in mind the nature of the problems, and be implemented.
20. If for some genuine reason(s) some of the above stated recommendations (in full or part) can not be satisfied, in that case the government should think about adequate compensation payments to the affected families, and that provisioning should be logically justified and transparent to all citizens of Bangladesh.
21. Vested property having no legal claimant should be utilized by the government, especially for the development of the minority community affected by the EPA/VPA. This positive discrimination is historically justified.
22. Spatially, prompt action can be taken in those areas in which progressive democratic forces are relatively strong.

Related to Land of Indigenous People

1. Efforts should be made to implement the Peace Accord (signed between the Government and Indigenous people of Chittagong Hill Tracts in December 1997) in a comprehensive manner, with special emphasis on critical clauses that have been left unimplemented, e.g. activation of the Land Commission.
2. In order to resolve the deep-rooted problem of forcible occupation of Pahari lands, it is essential that these issues are submitted for consideration by an effectively working Land Commission, as stipulated in the Peace Accord.
3. A genuine attempt should be made to encourage the voluntary withdrawal of Bengali Settlers from the CHT.
4. A complete moratorium should be imposed on further acquisition of the private and common lands of the Paharis by others, inclusive of Bengali settlers and nonresidents, the Forest Department, the security forces and other agencies of the state, as well as development projects.
5. All necessary legislative and administrative measures should be taken by the government to formally Institute the land rights of the indigenous people which are partially acknowledged

in the CHT Regulation of 1900, e.g. their collective and common land rights on forests and swidden cultivation areas.

6. The government should take all measures to fully activate the Land Commission to enable it to operate effectively in the manner stipulated in the Peace Accord.
7. The clauses of the Land Commission Act of 2001 differ substantially from the relevant articles of the Peace Accord signed in 1997. It is therefore imperative to rectify this Act in order to remove relevant discrepancies.
8. Settlement of all lands given to non-local individuals for rubber and other plantations should be cancelled if these have not been properly utilized for over ten years.

Other Legal, Management, Administrative, and Policy Issues

1. The article to sell Khas land (declared in 8 March 1995) under the Non-agricultural Khas Land Management and Settlement Policy should be repealed.
2. All char land (diluvium and alluvial) shall be declared Khas; Diara survey should be completed within shortest possible time, and those land should be distributed to the poor.
3. Land survey shall be done by trained and skilled permanent manpower and not by unskilled and untrained temporary staff.
4. The law of sharecropping shall be implemented in its totality.
5. For agricultural workers including the day laborers the minimum wage rate shall be fixed without gender discrimination; and the policy shall be implemented.
6. The Abandoned Property Act should be revisited to uphold citizen's property right.
7. Land litigation procedures shall be eased to avoid longing litigation and pauperization of litigated parties.
8. To avoid the substantive basis for fictitious recording, dual ownership and multiplicity of record of rights by different offices under two un-coordinated ministries (Land; Law) an unitary system of Certificate of Land Ownership (CLO) shall be instituted. Under this reform the three Land offices, namely the Tehsil office, Sub-register's office, and Settlement office shall be merged under one ministry.
9. The government should establish a "Land Bank". This land bank shall have a computerized database containing detailed information about the following: records on khas land and waterbodies by types, locations, distribution status, disputes and conflicts; account of all vested land by types, location, lease status, and other variables; data on illegal takeover of indigenous people's land by force, fraud and manipulation, as well as subsequent disputes and conflicts. The information should be suitably classified and organized, so that it can be retrieved quickly, in forms suitable for specific purposes.
10. To maximize rational utilization of land and eradicate poverty, a National Land Utilization Policy needs to be developed.

The implementation of the above suggestions and recommendations is, no doubt, a challenging task requiring highest level of political will and commitment. In order to materialize the proposed suggestions and recommendations, the following preconditions for the creation of an enabling environment should be fulfilled:

1. The government should acknowledge that there exists a vested group who amassed their fortune by grabbing land and waterbodies - khas, vested property, abandoned, indigenous people's land and other resources. This vested interest group stand in the way of poor people's access to land.
2. The government should recognize that a large number of land grabbers always belong to the 'present party in -Dower'.
3. The government should realize that the mass poverty and marginalization could be brought down to a minimum level if the landless are distributed with *khas* land, poor fishers with waterbodies, religious minorities and indigenous people 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 access to land and water.
5. Each and every political party should clearly clarify their positions in their party manifesto about the whole range of issues pet Mining to the poor people's access to land and waterbodies.
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 waterbodies.
7. The focal and sub-district level civil society organizations should raise their voice for a free and fair distribution of relevant land and waterbodies to the poor.