

## Part I

### EXECUTIVE SUMMARY

1. Bangladesh is a country of extremely impoverished people and land and other resources are owned by a small percentage of the elite. There is also a great deal of pressure on land due to expanding population. However, the most important lacuna is the lethargy of the ruling elite to create a more equitable system of rights management. It's noted that in 1970 landless people were 19.8%, it reached 68.8% in 2001. Reading this data when considering various schemes to distribute government owned land to the landless poor makes the situation look even worse.
2. Right to property is an issue that involves both economics and law. Economic policies are in the domain of the urbanized educated elite professionals who dominate the resource management structure. Thus economists also serve the policymaking elite that has several laws laid out to transfer property to the poor but has not evolved a system to do so. The professional elite is not pro-poor.
3. The other half of property rights accessing depend on the legal system that in Bangladesh has been largely birthed by the colonial land reforms policies. It is agreed to be the most repressive land management and revenue collection system ever. Lawyers have a poor reputation as rights facilitators and are seen to be self-seeking and those involved in litigation generally suffer huge financial reverses and often end up as paupers. In fact, people are scared of the legal world and its not seen as sanctuary of the vulnerable. This has had a baneful impact on the wish of people to exercise their property rights.
4. The government is the largest landowner in Bangladesh and has a scheme to hand over such land to the landless. However, this has achieved limited success because the process has fairly excluded the poor in many cases, made it difficult to retain land if granted to the poor and caused both economic, legal and extra-legal suffering to the claimants. So although a scheme exists, it has not ensured property rights to those entitled, a section of the poor, due to the machinations of the local elite, the legal and the administrative system. Litigation is very expensive and is beyond the capacity of the poor to sustain.

5. However, poverty alleviation efforts are on to provide livelihood support to the poor and the extreme poor. In several cases, the poor have reached a level of economic well being to buy land. The extreme poor have been given land lease to pursue economic activities after land was bought by development agencies. There is some security in such cases and the rights to cultivation but property rights are still missing because land cost is high and retention of land is also beyond the capacity of the poor.
6. The situation of the minorities and women **are at the bottom**. Appropriation of Indigenous People's land on various grounds ranging from security measures to building eco-park is common. As their own laws governing ownership are not formally recognized by the State their land security is very weak. Hindus have suffered loss over time and the Vested Property Act which allowed people to take possession of Hindu land on the grounds of absenteeism has given appropriation a legal face. Though no longer valid, its application continues, often in violation of law by another law.
7. In case of women, their legal right to land ownership (not just re inheritance) is governed by personal law that limits their ownership. In general, because of lack of resources, lack of bodily strength, customary practices etc, they are common victims of eviction from land. In case of women, their poverty also excludes them from property ownership especially in "female headed" households which are the poorest of families. Husbands desert them as economic burdens though some husbands' return only if they become economically better.!
8. Most disputes are settled in the informal legal arena that is village based known as salish. This is more accessible compared to the centrally imposed formal legal system. However, while a network of national elite runs the formal system, the local elite runs the other. In both cases, the poor get no chance of gaining or accessing property rights.
9. The gap is not within the legal regime but primarily in its application. Facing enormous pressure, power and lack of opportunities, which they are unable to cope with, there have been various form of resistance albeit very limited ones. Political landless organizations have almost disappeared in the last two decades but there are still a few NGOs left working with the landless. These NGOs and organizations have agitated and won the advantage for the poor in several cases. But the scale of the problem is so high that it means such activities have a limited impact. Since in each case, state agencies had confrontations with the State machinery and almost each decision in favour of the landless was a reluctant one on the part of the State, there is only so much space that exists for agitation unless that is wider in nature and interrogates the nature of the State.

## **Recommendations**

1. Limited and incremental achievement is possible rather than dramatic progress. There are historical and tradition evidence and practice of granting property rights to the poor and such a notion is well recognized, but its implementation is best with problems. Implementation of existing laws could help as is evident from both Bangladesh and India – West Bengal. However, while in West Bengal, there are trends towards some degree of structural change, the gain in Bangladesh through land transfer is episodic. So administrative reform is essential which will express the interest of the State that it wishes to establish property rights of the poor.
2. Khas land distribution is a good scheme but it has to be made better. The flaws have been spelt out very elaborately in various reports and it seems the problem is not in the scheme but in its implementation. Unless khas land distribution is considered a genuine opportunity to create property rights for the poor, the biggest opportunity will be lost. While the difficulties in implementing the scheme includes considering changes in the political economy that is unlikely to be realized immediately, there is a definite necessity for adjustments for more practical results. As that has not happened, an independent land distribution commission may have to be set up.
3. Poverty alleviation and property rights go together and that means that poverty alleviation activities must consider creating property rights as an essential component. The Commission understands that eradication of poverty without land distribution is almost impossible, at least in principle, must be respected because it will provide opportunities for poverty alleviation as well. Data show that beneficiaries of khas land have seen an improvement in their life, though not without difficulties, and attention needs to be focused on the problems faced by the poor in accessing and retaining khas land.
4. There is already some estimate of what is distributable and this realistic assessment must be made public information. Both land and water bodies as well as common properties should be included along with environmental assessment guidelines so that land transfer doesn't lead to natural damages by (environmental) abuse and misuse of transferred lands. Recognizing that this is a tall order given the role of the elite at various levels, it needs to be pursued at a wider scale.

5. Only a handful of NGOs are involved in property rights creation of the poor. Not only must legal aid be scaled up, various NGOs should undertake some schemes including social mobilization activities in view of the complexities of the problem. As of today, the principal poverty-alleviation NGOs have not played a leading role in property-rights matters and this needs changing. For example, BRAC should get involved – incrementally one agrees -- but right now there is a possibility of channelling activists NGOs to take the route of even agitation for transfer of property to the actual and real poor. To go to scale, the bigger players need to be involved. NGOs must serve as the alternative that may create the space for rights seeking when the State is a rather a insipid player in the scheme things. Evidence suggests that various social groups is more prepared to play a pro-poor role, rather than the State.
6. Agitation should be encouraged albeit without resorting to violence. The system is so loaded against the poor and the informal system of law and order so armored against accountability that this would be a meaningful but new form of negotiation. It's possible to organize more effective form of exerting pressure.
7. Instead of strengthening the formal system at the cost of the informal one, one may look for harmonizing, spreading better forms of legal aid and ensuring large scale projects in conjunction with social mobilization that has proven effective in general poverty alleviation projects.
8. Special attention needs to be paid to the minorities, Indigenous People and women as their problems have both legal and applied nuances which are not easily and readily discernable. While Hindu property is no longer under the cloud of the VP Act, Hindu land grabbing continues unabated. There is inconsonance between the indigenous systems of land ownership and that of the State. Personal religious laws governing inheritance and sharing must be interpreted in accordance with the principles of fairness and equity that is inherent in all religions. And these must be codified in law.
9. The changes in gaining property rights will not come about immediately or quickly. One has to set up guidelines to say when the steps will be taken and how they are to be monitored and adjusted. Since the nature and partisanship of the State are skewed in favour of the landed, there is an now an emerging obligation on the part of the State to assert that the constitutional principles of fairness and socio-economic well-being (e.g., provisions of basic necessities of Article 15 of the Constitution) will be realized – or at least attempt to realize these – more vigorously and realistically. The State can not continue to shy away from its responsibilities for the well-being of its citizens, including right and access to property for those who have so

far been marginalized and excluded through mechanisms, if not directly supported but then not discouraged, paved by the State.

## Part II

# PROPERTY RIGHTS OF THE POOR

## PROPERTY, POVERTY AND RIGHTS

1. There is near universal recognition that poverty has become the most endemic problem of our times. It has certainly resisted attempts of technology to fix it or “development” ideas sourced in western cultures through mediated efforts to end it. They have failed and this failure has now become a crisis. An extremely well off and terribly poor world has crated a dis-balance that not only militates against universally agreed rights of all people to lead a reasonably well socio-economic life that fulfills basic needs. This dis-balance also generates other forms of problems from which the developed world can't also remain free.
2. Poverty may well have become the greatest generator of socio-political unrest affecting global security. That is why an emergency search for solutions is on. In this framework, granting property rights to the poor and ensuring access to justice through legal systems is an important concern of the Commission on Legal Empowerment of the Poor.<sup>1</sup> While discussing the topic in brief, one must remember that the subject issue is being discoursed in the background of hundreds of years of colonial and post-colonial rule where the evidence of pro-poor governance is not high. This paper has been prepared based on the country situation of participating countries in the review.
3. However, the absence of universality needs to be strongly emphasized as at this stage of late capitalism and extreme underdevelopment living together, the distortions have made generalizations difficult and sometimes dangerous prescriptions.
4. “Property rights can be defined and distributed in many different ways. Property rights are the legal and social rules under which economic and social

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<sup>1</sup> *Commission on Legal Empowerment of the Poor*. Section 1. background. page 1.

behaviour takes place. For each physical or conceptual goods or services, there exist a bundle of rights to the various uses of the item.<sup>2</sup>

5. Prosperity and poverty have become synonymous in Bangladesh, a country whose road to rapid pauperization took place through the British colonial land and revenue collection reform package, a botched attempt to introduce land reforms for ushering in capitalism in agriculture. This system, known as The Permanent Settlement (1793), not only favoured private ownership of land which till then mostly vested in the State, without ensuring if the landlords wished to be productive wealth makers or not. In fact, it was a dismal exercise leading to sub-infudation, absentee landlordism, peasant pauperization and socio-religious militancy and the rise of negative politics at the national level. Whether intended or not, it pauperized the peasantry and generated a series of classes and sub classes that, over time, have come to control most of the institutions and became the principal resisters to pro-poor land reforms.<sup>3</sup>
- 6.. It's also a fact that the legal system of Bangladesh was dominantly informal and organic when British colonialism took over in 1757, as it was elsewhere. However, with the introduction of the "Permanent Settlement "system, a formal and national system was required since the law though "formal and national" affected the "local and informal" society most. A huge number of litigations arose over property rights of the wealthy and this generated a new class of professionals, the lawyers, whose prime source of income came from land related cases. This tradition is still maintained and lawyers are not looked upon as the friends of the poor. In fact the judicial system inspires more fear than respect. Common social mythology is that a case will drag on, create many complications and ultimately ruin a family in every way.
7. Thus, land and legal reforms are not connected in the sense of providing relief but as that of suffering due to land related conflict. Gathering legal justice through formal channels of law is rarely considered a fact of life. Thus, law as a source of ruination greatly influences public imagination on property rights of any class. In case of the poor the situation is thought to be worse because they rarely have any property and the most they have are their homestead patch which is under threat of takeover by the powerful ones.
8. "Despite their centrality to peaceful and sustainable growth, land issues have often been ignored in the Poverty Reduction Strategy process".<sup>4</sup> It has also

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<sup>2</sup> *The Economics of Property rights and Human Rights* Michael Veseth. American journal of Economics and Sociology. Vol 41. JSTOR Archives. Page 171

<sup>3</sup> *Social History of Bengal*. Vol III. Bangladesh Asiatic Society.

<sup>4</sup> *Commission on Legal Empowerment of the Poor. Background Paper*, Page 2.

been inferred that the poor have access to property that lie as dead capital and they can be turned into assets.<sup>5</sup> However, such statements in case of (very) income poor countries like Bangladesh are likely to cause confusion as the total land availability is itself low and the distribution of land through legal reforms is only a part of the solution. While land is desirable for all, the low level of market development has not been contingent on land reform measures only. A host of factors have played parts both in poverty alleviation attempts and growth of the rights movement in recent years. Unlocking the potential of land may follow unlocking livelihood opportunities.

9. An essential role of land as security or collateral for economic activity is also contestable because of the micro-credit system where loans are not granted on the basis of land or resource collaterals. Formal system with its collateral and often corruption by-passes the poor while the extreme poor have only very recently gained attention.
10. However, the search for land as an economic and social goal is very much valid and pursued in Bangladesh by all classes. In fact, the complexity of the issue is partly the result of the fact that all classes are in search of land but only a few can acquire it, making land ownership an essential ingredient of class installations. Before the property rights of the poor are secured, its important to ensure that the poor can have access to property, especially land. Most poverty alleviation efforts have tended to circumvent the land ownership issue of the poor because for many it's an impossible venture to pursue as land prices outmatch household resources by many times and access to government owned land is also very limited.

## LAND, LAW AND REFORMS

1. State authorities are not unfamiliar with the existing property and land rights situation. A whole host of laws are in operation to transfer land to the poor through established legal means. A more detailed presentation of the matter including the constitutional position of the State on property and poverty is made in Section II of this paper.
2. The Government of Bangladesh is the largest landowner in the country, It is constitutionally committed to transfer land to the poor and secure their property rights through several initiatives. Thus the legal intention is certainly there which can't be said about the operational side of the same matter. The

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<sup>5</sup> De Soto as quoted in paper prepared by Dr. Ferdous Jahan, "*From rule of law to legal empowerment for the poor in Bangladesh*".

situation has over time been gradually declining and we note the following pattern in land ownership or its absence.

3. "According to the government, 57% of the people are landless, poor and live below the poverty level. But NGO sources say that the number of landless is more than 68%."<sup>6</sup> Land ownership pattern over time as cited in the paper is as follows:

Table :

1947- 14.3 %  
1970- 19.8%  
1975- 32%  
1984 -46%  
2001- 68.8%

4. According to Kamal, 10% of absentee landowners own 51% of total cultivable land. Rich and middle farmers own 71% of total land and receive 31% of the institutional credit.<sup>7</sup>

5. The concentration of land ownership must also be read as an indicator of the governance trend. It's a society where the powerful have a stranglehold on resource distribution with a low level of accountability. The Bangladesh Economic Association in its annual report has provided the following data<sup>8</sup>

"Total land availability in Bangladesh is 37.4 million acres of which 60% are agri land. One crore 6 million acres (43%) are privately owned. 2.4 million acres are contested in the courts. About 2.5 million land related court cases are on. About 10 million acres of land are used by the government. Identified khas land and water bodies total 5 million acres. 2.1 million acres are under the government control through the Vested property Act. Abandoned property amount to 1 million acres."

"Of the 140 million inhabitants, 91 million (65%) are poor, 45 million (32.1%) are middle class and 4 million (2.9%) are rich."

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<sup>6</sup> *Needs for Land and Agrarian Reform in Bangladesh*, Mohammed Kamal Uddin. Coordinator ARBAN. Bangladesh. Page 1.

<sup>7</sup> *ibid.* Page 2

<sup>8</sup> *Political Economy of Agriculatural land, -water bodies and swamps reform in Bangladesh: Potential for New Horizon of Development*, Prof. Abul Barkat, Page 3 - 5

6. This says that social relationship with prosperity and poverty must be recognized that is linked to the state policies. Land can certainly be distributed or used more equitably than it's being done now. However, the fact that such a trend has become dominant is significant in terms of understanding the role of the State as a mediator in ensuring rights.<sup>9</sup>
7. A major sector of concern has been the rise of the extreme poor as a class or sub-class of the poor who exist without any protection or sustainable income. Consuming less than 1850 kcal a day, they have been routinely overlooked even as micro-credit borrowers because they have no income or assets to start up self-employment even. They are unable to resort to other resources to pay back the loan which is scheduled immediately for repayment under the micro credit system. In many ways, they have become socio-economic left-outs.
8. This population segment has risen to a very high percentage, which has been variously been estimated, from 20 % to 31%.<sup>10</sup> When one third of the national population is unable to participate in any income generating activity, the crisis goes beyond that of property ownership. One is forced to interrogate the nature of the state. The government is yet to undertake any social programmes though the country's largest NGO- BRAC -has undertaken a project titled Challenging the Frontiers of Poverty – Targeting the Ultra Poor that is directly handing over assets to the ultra poor. It has covered 100,000 families from 2002 to 2006.<sup>11</sup> Grameen Bank is also supporting programmes for the destitute section of the population. However, there is no national programme to tackle this issue.
9. Thus property rights, or more explicitly livelihood support and rights, are being generated through a system of loans or grants to the poor by the NGOs. Obviously, the main delivery is credit. Through this system millions have acquired one form or other of economic rights and this deserves pondering. Direct property and land rights concerns the government handing over khas or their own land to the poor. This is a lengthier and more complex process, which has been later discussed in this paper. It's through this two dominant process that chances of the property rights of the poor have a possibility of emerging.

A lot of the above reads as a stream of consciousness by someone not very well informed on land laws or property rights issues.

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<sup>9</sup> ibid Page 3

<sup>10</sup> BRAC documents on the CFPR –TUP project citing World Bank data. 2003

<sup>11</sup> Same as above + evaluation report on Phase 2 of the project. BRAC 2006.

## LEGAL SITUATION AND PROPERTY

1. Property rights are fundamental but there is no full agreement about what it should mean and how it should be applied. There are divergences amongst experts who deal with such issues -- legal experts, economists and development workers rarely sit together to discuss how to go about the problem. The following quotation will illustrate.

"Law like economics is comprised of technical terms that carry specific meanings. " When economists ignore the meanings of law there is confusion and the resultant analysis may be less coherent."<sup>12</sup>

The problem therefore is multiple dealing not only with the complexity of the lack of property rights but also of coherence amongst those who wish to resolve the problem.

2. In Bangladesh, the general legal environment is not conducive to the poor and securing of property rights. This position is not a concern of property rights alone. It's an overall situation where law has become a profession that provides opportunity to achieve social power and status rather than provide legal services especially to the poor. This is not an argument against lawyers but a statement concerning the system within which law operates.
3. While there was a hallowed aura about the higher judiciary, it has over the last few years been significantly damaged due to some contested decisions, both judicial and political. Proximity to political decision making, lobbying for offices, controversial court decisions, insistence on their higher status without a perceived higher moral positioning, etc have contributed to this perception that holds sway now.
4. The subordinate judiciary has fared worse as they are perceived to be under the executive and which has severely curtailed their independence. The Supreme Court order to separate the two has not been followed by the executive in the last five years citing administrative inadequacy. The legal community is almost totally partisanized into two political groups causing weakened independence. The lawyers, barring a few, don't enjoy public confidence as public servants or upholders of a legal system. In the month of November/ December 2006, lawyers attacked each other and sat fire to

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<sup>12</sup> *The Meaning of property Rights: Law versus economics*, Daniel H. Cole and Peter Z. Grossman, JSTOR archives. .

offices and vehicles (what rubbish). They were reacting to the Chief Justice's decision not to hold hearings on a writ challenging the constitutional authority of the head of the State to take over as the head of the government. Getting involved in a court case even to fight for a basic right is not considered a positive move on the part of the citizen as the process, expenses and harassment emerging from contact with the legal system is thought to be negative (this is so generalised and ill informed it is really not worth a serious review!).<sup>13</sup>

## FORMAL AND INFORMAL SYSTEMS

1. There is no uniform legal code on personal matters and no uniform legal system either (what?). Traditionally most of the legal disputes are resolved in salish which are described by the formalists as alternate dispute resolution (adr) points. They exist everywhere in Bangladeshi rural society. People who live under the physical jurisdiction of these salish mostly prefer them (do they have a choice) to the formal system, as they are more accessible and less socio-economically ruinous. Informal systems are organically evolved and are in consonance with the accessibility and needs of the rural poor who constitute majority of the population. (???)
2. The introductory documents of the Commission on Legal Empowerment of the Poor has suggested that the parallel existence of the formal and the informal system needs adjustment and the formal system needs to be strengthened to serve the poor. At this point of time, in a country like Bangladesh this would not be a simple statement of intent. Legal reform that bypasses historical traditions and generalized systems of legal and justice access has not fared well at all. Reforms must address deeply historical issues that need to be located in conjunction with its socio-economics of the people. There is a need for harmony rather than an incipient endorsement of the formal system's 'superiority' that is not in harmony with ground realities of life, social and personal. This doesn't mean reducing the formal system and its influence, which under the existing situation is in fact unchallengeable, but accepting the de facto legal life of the informal system.

## LAND LAWS AND THEIR APPLICATION

1. Land laws do construct a major part of livelihood aspects of a major ruling class, the lawyers. It's difficult to argue, based on existing trends, that

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<sup>13</sup> *The Daily Star*, December 2006

significant changes can be brought about in the formal world of law if that leads to lessening of complexities of the legal system, lesser number of and shorter duration of litigation. If the legal class and not just lawyers are affected by changes in the procedure of land laws application, the economic security of the vast number of people in politics may be threatened and this might reflect upon the existing ruling process of the State. Hence, changing of structures is a more complex matter where the legal domain is only part of the problem and involves the nature of the State as well constructed as it is on the role of lawyers as essential interpreters to which the poor have no access but the elite depend upon for flourishing. Hence, it must take into account the culture of governance that permeates as well.

2. Two trends of property making are in operation pertaining to the poor. a. Through private sector efforts of various NGOs/agencies such as support to income generating projects, access to credit, organizing land leases etc. The second trend refers to the most significant aspect of asset transfer that is land to the poor through various distribution schemes. This khas land transfer has in fact generated a new dimension in property rights making, accessing that right, resisting attempts to secure rights by the powerful, collaboration of the wealthy sectors, private and public, creating a new set of barriers and ultimately producing what has been called, "a political economy of land laws and litigation."
3. Litigation is basically affordable by those who have some extra resources to pay for the cases. The marginal farmers and the sharecroppers who constitute the majority of the rural population and of the country are not part of this world. Yet, anyone entering into a litigation risks huge financial loss which has large impact on their life. " Land litigation has erosional effect on all aspects of the affected households, viz, economic, social psychological and physical. To meet up the cost of land litigations including incidental cost amounting to an average of Tk 89,424 (over 1200 dollars) per litigation, the affected one has to sell movable assets followed by immovable one like land pushes marginalized category to landless and poor."<sup>14</sup> Litigation literally doubles the size of the impoverished population in any such disputes.
4. Trying to establish rights in property related issues therefore at one level prevents property rights establishment through its litigation costs. Although the government has provisions for delayed payment of court fees and legal support, they are not so in practice. Apart from the financial and other implications, the downward mobility of the poor peasantry is very difficult to avoid.

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<sup>14</sup> *Political Economy of land litigation in Bangladesh: Published by Mizanur rahman. 2004*, Prof. Abul Barkat, Page 102.

6. Prof. Abul Barkat, a land economics specialist has presented an extensive description of the process to show why any contact with litigation till now is a negative argument to secure rights. Land as the primary producer of wealth is also one of the primary process of poverty and both have resulted in high level of conflicts.<sup>15</sup>
7. The institution that is supposed to deal with this conflict resolution is the formal legal system as land rights are registered with the government. However, when in contact with the formal system, the poor doesn't appear to benefit and the system hasn't shown inclination to change. One must discuss whether this procedural environment can be changed through legal reform for which evidence is scarce or practices where the real problem may be located. Given the vested interest of the ruling professionals including the legal profession at all levels, this goes much beyond the functional problems of a single institution.
8. The next issue therefore in sequence is that of security for the poor and their property. The structure of the ownership system is not pro-poor. A common proverb which may have universal appeal says, "When you want to ruin someone, file a land case" does imply the kind of impact it can have. On top of this lie social and muscle power which are becoming increasingly acceptable as legitimate sources of conflict resolution. In all areas - economic, structural and physical- the isolated poor as a litigant is weak and unable to protect oneself. This has given rise to low level land based militancy through peasant and landless organizations that are now contesting the existing process and introducing element that are more robust in most cases than standard responses that the formal system provides.
9. However, that is not the sole route to property making and in several cases we have instances where civil society has stepped in to provide some degree of protection to the most vulnerable. (See case studies where organizational efforts of the landless poor are noted. Section 3)
10. The level and magnitude of poverty is such that the poor have been split into several groups. For many of them, - non-literate and landless- the only economic way out is credit to support off-farm self employment activities. That is before securing rights and protection to property, one must gain the ability to own property.

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<sup>15</sup> *Political Economy of Khas Land in Bangladesh*, Prof. Abul Barkat and others, Published by Association for Land Reforms and Development. Page 50

## THE EXTREME POOR, ECONOMIC RIGHTS AND SOCIAL COLLABORATION

1. On matters concerning the extreme poor, there is a notable example. Among the activities being conducted by the extreme poor, vegetable gardening and nursery for seedlings production are two important sectors. In the first years of the project – 2002-2004- BRAC would negotiate lease of land from the local landowners and give it to the poor. In this project, the members displayed successful performance and improved their status and in some cases even saved enough money to be able to lease more land. However, once success was noted, the landowners were reluctant to re-lease the land and themselves went for the economic initiative so that they could emulate the success of the leaser. This resulted in a choking of land supply for income generation in many cases.
2. To offset the problem BRAC began to buy available lands outright and then lease it to their project members ensuring supply and security.<sup>16</sup>
3. BRAC has also experimented with social protection of property rights at the village level by helping to set up village support groups who have been mobilized to offer protection to the poor and their property. In this exploration, they have shown success and we notice that several cases of threats of property and livelihood loss were offset by the actions of the Gram Committee.
4. At this level, the legal or the law enforcement system neither operates effectively and the very poor have been traditionally left out of the social and legal safety net. BRAC studies have shown that the better off didn't consider the poor as a socio-economic threat at this point of time and therefore were willing to help them. The other encouraging factor has been the role of social mobilization activities at the village level that emphasizes on the identity of membership of all people in one village including the poor within that identity.
5. Since the very poor have no way of becoming threat and even within the villages, the elite is better off than before, they can afford to be socially generous and pro-active, at least for the time being. The result has been this example of village elite often in collaboration with other middle and lesser poor helping the economic rights of the lesser ones. This includes accessing the official service delivery system on behalf of the poor.

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<sup>16</sup> BRAC CFPR-TUP Project documents

6. In this stream, the social collaboration or convergence theory is at work. Instead of confrontation, there is patronage and support. This is driven by charity impulses and the notion of rights is not strong. However, the development structure is based on this approach that aims to reduce conflict and enhance social capital. The protectors of the poor are, therefore, those who belong to a traditionally exploiting segment but the class and their tasks are no longer traditional. The class collaboration, always imperfect, is, however, showing signs of emerging as a significant part of changes in social trends though this needs analysis and scrutiny.
7. Security is not only a legal or 'law and order' issue which is located in the domain of the formal world but has crossed over to social realms where, in several cases, we note the rise of grassroots social entrepreneurship including on property related matters. Essentially it's a matter of the capacity of society to share and enhance its resource base. Because there has not been any significant move to distribute resources or create access to it, the discourse is not on reforms, economic or political, but more about poverty alleviation. In a way, this absence of discourse has become the political economics of poverty.
8. If the state or formal system is structurally unable to ensure poverty rights to the poor without extracting a high cost, the informal system can't be described as the lesser alternative. But land security is also linked to supply of land and evidence states the relative weakness and lack of will in devising some kind of method to generate land reforms whether it's to enhance agricultural options or transfer land from the agri to the industrial sector.
9. This again generates a new kind of conflict as is manifested by the Singur affair in West Bengal where owners held up distribution through agitation. In that sense, agitation as a form of exercising security rights can't be denied. However, this presupposes ownership or possession. In case of Bangladesh, the matter is complex because of a huge army of landless and sharecroppers who are unable to translate the property they have into quality surplus generating capital.
10. West Bengal has however challenged the status quo in land ownership patterns and efforts to introduce rights of share croppers, marginal farmers and poor are more progressive than anywhere else in South Asia. Within the Indian state the Left front government has emerged through its limited land reforms programme as pro-poor and this has affected the overall emphasis of the state resource managers.<sup>17</sup>

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<sup>17</sup> Land reforms in West Bengal. Ratan Ghosh, K. Nagaraj. Social Scientist. Vol 6. This paper discusses the impact of the West Bengal Land Reforms (Amendment) Bill. 1977.

## KHAS LAND: A WORLD OF PROPERTY AND CONFLICTS

1. Transfer of capital through distribution of khas land or government owned land is the chosen route of the State. But legal observers and social workers have questioned the validity of the process. In fact a growing body of literature has emerged on the issue and most have been critical of the process and some have even questioned whether this is an appropriate route or not.
2. Transfer of khas land is in itself an evolution over time and historically granting of land has been part of the area's political economy. Standardizing this into a formal process is what has now been formalized in this present stage. To this extent, a pro-poor group of NGOs and scholars have done work that has put the model into question. Some organizations have turned towards militancy. Of the several organizations, Ransankail, Samata, Nijera Kori etc have pursued a more robust form of activist support to khas land distribution, land appropriation and related issues.
3. Reasons why the genuine landless are not always included in the list are several. Both field level analysis and desk research over time has shown that the method of informing people to ask them to apply for khas land has been manipulated. Thus the ineligible often get the land and this is how the deprivation takes place and at least 25% of the eligible are denied directly. Many of course don't apply for grants.<sup>18</sup>
4. The official list preparation of landless is itself faulty. It favours the landed and thus unfair exclusion and inclusion takes place. Official list preparation can be very much influenced and the local government politicians and staff, land department officials work together to prepare a favourable list of applicants.<sup>19</sup>
5. The most necessary and prescribed way of informing people about khas land is through public announcement but this is done improperly. Landed people have a much higher chance of getting khas land in this process. There is opportunity to provide landed property to the landless there is no system as yet in place and a high degree of corruption that prevents it from taking place.<sup>20</sup>

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<sup>18</sup> Political Economy of Kkhas land in Bangladesh. Abul Barkat, Safiqueuzzaman, and Selim Raihan P. Published by ALRD.. 2004 P.112

<sup>19</sup> *ibid*, p, 114

<sup>20</sup> *ibid*, p 115

6. The procedure for getting khas land allotments is complicated and complex allowing scope for manipulation. A survey of applicants shows that many are denied due to a variety of factors including bribes and inability to understand the nature of information to be provided. The time spent to acquire land is also a discouraging factor as many are day labourers and cost of lost hours is too high.
7. Being listed is a pre-condition for getting allotment but many of them do not receive land. This substantially hinders the intent and scope of the State operating through formal channels. Again the political economy of kith, clan and factional relationships of various kinds play a major role in defining whether property transfer will take place from the landowner -the State- to the landless poor. It goes beyond power and powerlessness and reform programmes of the State that are enunciated through its inability to circumvent its own governance culture.
8. Retention and non-retention of khas land has become an indicator of the situation as far as khas land is concerned. It is a very mixed affair and many of the recipients have very negative feelings about it. In fact, "a high proportion, 88% of those reported economic deterioration as a result of their struggle to retain the land. Deprivation of the poor is expected in a society where control over land resources is a permanent struggle. Many landless occupy khas land and this leads to other forms of organized denials."<sup>21</sup>
9. However, in the same breadth it has been found that about 50% also state that life has improved because in today's scarce resource world, access to property is a major value addition in life. Although, had distribution been fair, many more landless would have gained land and far fewer would have lost it, it does show that any property transfer is bound to go a considerable way in reducing poverty.<sup>22</sup>
10. The opportunity of the poor in trying to gain property rights through official land distribution schemes has been called a break with traditions as far as resource transfer is concerned on the part of the State but it's a contested argument. There is deprivation whenever there is a conflict between the wealthy and poor as far as land is concerned in both the formal and the informal legal world. This is not a reflection of the state of legal application but of the social environment that determines the routes to access to property. If the legal system makes litigation pauperizing, the informal salish can't be expected to pass verdict against their own kind who sit to judge. It's at this point that the emergence of poor people's organizations needs noting.

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<sup>21</sup> *ibid*, p 150

<sup>22</sup> *ibid*, P 154

## **EFFORTS TO SECURE LAND AND PROPERTY RIGHTS**

1. Historically, political organizations of the poor have agitated for land and property rights, both cultivable as well as forestlands and water bodies that particularly affect the indigenous people. However, as these political organizations have weakened this role has been taken up by NGOs who are now in the forefront as mentioned earlier.
2. In Bangladesh, the land rights organizations have to agitate for the rights of the poor who are very marginalized. This lack of power to become strong enough to be a platform requires a kind of militancy that goes against the best interest of the establishment and this binds the State to its character of supporting those who support it. Nor are many NGOs strong enough to exert power at a level that will alter the situation concerning property rights because although some are very organized and committed, the process of acquiring power through either negotiation or agitation are both threatening to the local elite as well. Nor are they able to generate a situation where their case will be considered by the powers that be. Thus the poor and their organizations are held back by a variety of rules, laws, practices and power bases that have constructed a State where the poor are still arguing for their rights including property rights and the State appears unable or unwilling to give them that.

## **MINORITY LAND TAKE OVER: LAND, FORCE AND RESISTANCE**

1. Distribution of Khas lands among the landless, establishing rights of indigenous and minority group, rights of women on lands are key problematic issues. The Muslim personal law recognizes limited rights of women in immovable properties and the Hindu Dayahaga law does not recognize womens' rights in immovable properties at all. The daughters of Hindu family are deprived from property rights after they are married and their brothers enjoy the land property. The promise of giving possession of land to sisters remains unfinished business in most of the families.
2. Like the female section of society, the indigenous and minority section also face threats. 72% of the Santals are landless now.<sup>23</sup> The Enemy Property Act

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<sup>23</sup> Paper prepared for presentation at the XV Biennial Conference "Bangladesh in the 21<sup>st</sup> Century: The Political Economy Perspective" of the Bangladesh Economic

and afterwards the Vested Property Act has disintitiled the Hindu owners from 53%<sup>24</sup> of their owned lands. About 10 lac Hindu families were affected by this legislation.<sup>25</sup> They have lost both moveable and immovable properties. Since these properties (21 lac acres of lands) are vested in the Government, their transfer is not valid and in many cases the land grabbers, relatives of the revenue officials, local influential politicians are taking possession. Even if the Hindu original owner family lives on that land whose lands were enlisted as vested property, they are dispossessed by these powerful classes.

3. In absence of the clear provision of law no remedy is provided. The Act No. XVI of 2001 for Restoration of Vested Properties is practically unimplemented and hence, till now it can be said to be a futile law. So, the Hindu owner who did not leave the country for India during 1965 to 1969 and whose property is enlisted mistakenly is also being deprived of his rights to property. At any time a family such as described here can be evicted by the local influential people in collaboration with corrupt revenue officers.
4. Hindu minorities continue to be the most vulnerable as far as land grabbing goes. This is heightened by two facts. One, 10% of the population including a large section that had owned property but have now left for India. They have property that can be appropriated. The other matter is the reluctance of the State to provide security to them especially in land grabbing related matters. This is apart from the structural discrimination they face through the Vested Property Act and its after affects.

## **Case Study: Eviction and resistance**

1. A Hindu place of worship situated in Debidhar in Khulna, for the last 150 years become a contested property after a temple construction was completed in 2001. In 2002, one Shah Alam, a wealthy businessman established connections with the local elite, anti-Hindu groups and after creating unrest appealed to the local administration to buy the khas land on which it was situated to establish a factory. Later Shah Alam occupied 6% of the khas land and tried to demolish the temple.
2. Landless groups immediately reacted and began to agitate including surrounding government offices and called a strike. At this point the

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Association held on 8-10 December, 2004. Paper prepared by Abul Barkat, Professor, Department of Economics, University of Dhaka.

<sup>24</sup> Ibid

<sup>25</sup> Ibid

government instituted an enquiry and eviction charges were proved against Shah Alam who was also fined. The temple committee applied for grant of the khas land.

3. In 2004, Shah Alam tried once more and managed to get the police on his side. However, media picked up the issue and it became a national matter with wide coverage. This resulted in considerable embarrassment to the government and its friends. A media effort by the local official was rejected as pro-evictor and ultimately the landless poor organizations managed to exert enough pressure to have Shah Alam expelled and fined and the government taking initiatives to ensure the property and right to worship by the minority community.<sup>26</sup>
4. The other vulnerable group (who is the first) is women who have little legal support to gain, control or access property rights. The situation of women is also influenced by wider social practices and the ideology of development itself.
5. "In the world of development projects and policies, however individualism reigns supreme, untouched even by even the concept of wives sharing property with their husbands. Land registration and reform is almost concerned everywhere with replacing systems of co-ownership with the concept of individual title to land, bestowed on the person seen as the "head of household" which in turn is invariably a man unless the household in question is "headed" by a widow, single mother or manless woman. The hierarchical principle whereby even a family has to have a head is deeply entrenched in development thinking, planning and data collecting."<sup>27</sup>

## **Case study 2: Women and denied inheritance**

1. The case of Shohagpur, a village in Sherpur district is an example of how difficult can property rights retention be for women. In this village, in 1971, the Pakistan army killed all males. The women in the village lived in acute denial for the entire period but faced a new dilemma after the 1971 war was over when as females their right to inherit was challenged by the relatives of their husbands. This resulted in a second crisis and most women failed to

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<sup>26</sup> Nijera Kori. Annual Report 2004-2005. Page 29.

<sup>27</sup> Land Reform: The solution or the problem? Barbara Rogers. Human Rights Quarterly. 1981.JSTOR Archives.

keep control over their property. Thus the law of guns and the law governing property or at least its interpretation can be equally destructive for women.

## **Part III**

# **CONSTITUTIONAL ASPECTS OF PROPERTY RIGHTS IN BANGLADESH**

## **PROPERTY RIGHTS IN THE CONSTITUTION**

1. Property can be either moveable or immovable. The Constitution provides provisions relating the rights to property. According to Article 42, every citizen shall have right to acquire, hold, transfer or otherwise dispose of property and no property shall be compulsorily acquired, nationalized or requisitioned save by authority of law. This right is subject to any restrictions imposed by law. Therefore, the restriction imposed by law in acquiring and possessing property is also valid?
2. Regarding immovable property the state imposed restrictions in acquiring and possessing land by an individual. The prescribed ceiling of lands that can be retained by an individual was changed many times. The State Acquisition and Tenancy Act, 1950 prescribed the quantity as 375 standard bighas for a family or 10 standard bighas for each family member, whichever is higher. The Bangladesh Land Holding (Limitation) Order, 1972 reduces that quantity and orders that no family or body shall be entitled to retain any land held by it in excess of 100 standard bighas in the aggregate and all lands held by it in excess of that quantity shall be surrendered to the Government.
3. Again the Land Reforms Ordinance, 1984 curtails that right which says in section 4 that no malik who or whose family owns more than 60 standard bighas of agricultural land shall acquire any new agricultural land by transfer, inheritance, gift or by any other means. The law also makes clear that family in relation to a person includes such person and his wife, son, unmarried daughter, son's wife, son's son and son's unmarried daughter.<sup>28</sup> It is also provided that an adult or married son who has been living in a separate mess independent of his parents and pays union rate in his own name and his wife, son and unmarried daughter shall be deemed to constitute separate family.<sup>29</sup> So, law is very clear and it does not make any room to accumulate wealth in one hand. This indicates that the state has bona fide intention to uphold equitable distribution of wealth among its citizens.

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<sup>28</sup> The Land Reforms Ordinance, 1984, Section 2(d).

<sup>29</sup> Ibid.

3. The constitution says in Preamble that it shall be a fundamental aim of the State to realize through the democratic process a socialist society, free from exploitation- a society in which the rule of law, fundamental human rights and freedom, equality and justice, political, economic and social will be secured for all citizens. Further, in Article 15 it is stated that it shall be a fundamental responsibility of the State to attain, through planned economic growth a constant increase of productive forces and a steady improvement in the material and cultural standard of living of the people, with a view to securing to its citizens the provision of the basic necessities of life, including food, clothing, shelter, education and medical care. Since we know that the poor are not capable of fulfilling their basic needs, a strong constitutional guarantee or legal assurance could benefit them.
4. But the aforesaid provision is only a collection of principles and so shall not be judicially enforceable. Therefore, the poor has to earn for him. As long as the country does not become a rich one, it cannot provide facilities to its citizens. To assure these rights and contribute to eradicate poverty it has to be wealthy or has to utilize wealth and energy properly. Additionally, the limitation of holding immovable property by one person and necessary restrictions for conservation and protection of forest and environment has to exist. So the right to hold and acquire property cannot be unrestricted. Moreover, because of the country's poor resource and less ability it cannot secure the multi-dimensional rights of the citizens. At best different sectors can be subsidized but eradicating poverty and ensuring poor's right to property through a single enactment is not enough. As the country bears the burden of 14 crore people with narrow ability for economic enhancement, the hope for a complete eradication of poverty requires multi-dimensional efforts.
5. Therefore, the state does not give assurance that it shall provide different kinds of aid and thereby ensure the right to property of the poor people. In absence of such a promise, they cannot go anywhere for satisfying basic needs even. However, there is a system of giving allotment of Khas lands to the poor and landless people that faces endless complications at the implementation level. Disaster relief or other occasional aid is not, of course, the instance of providing access to property rights.
6. In Bangladesh people rely on social assistance rather than believe that the state will come to his aid. The privilege of social assistance is limited among friends and relatives. The society in general does not play any fair, impartial and significant role in establishing individual's property rights. It speaks for the stronger section. The female section and minority group face challenge to sustain in male dominating social structure and politicized environment. The implementation of existing laws face diverse challenges and access to

justice becomes difficult for various reasons. Therefore, because of absence of strict and judicially enforceable property rights, everybody including female and indigenous people fail to demand and claim it as of right.

## **BARRIERS FROM OBTAINING AND USING PROPERTY RIGHTS**

1. Firstly, there has to be judicially enforceable property rights, then comes the question of obtainment and use of the same. Other than the provisions of providing Khas lands to landless, there is not much. In Bangladesh significant numbers of poor people do not have control over any land.
2. **At present, among 14 crore people of this country 9 crore and 10 lac (65%) are poor. The total area of lands of this country are 3 crore and 74 lac acres and 60% of it is agricultural lands. About 25 lac land related suits are contested in a year. About 1 crore acres of land are used for the Governmental purposes. There are about 33 lac acres of identified Khas lands and wetlands. There are 21 lac acres of land vested in the Government under the Vested Properties Act. There are 10 lac acres of abandoned property.** The land grabbers are in illegall possession of 10,000 acres of lands in Dhaka city and its adjacent areas in violation of the country's Water Preservation Act.<sup>30</sup>
3. **Distribution of Khas lands among the landless, establishing rights of indigenous and minority group, rights of women on lands are key problematic issues. The Muslim personal law recognizes limited rights of women in immovable properties and the Hindu Dayahaga law does not recognize womens' rights in immovable properties at all. The daughters of the family are deprived from property rights after they are married and their brothers enjoy the land property. The promise of giving possession of land to sisters remains unfinished business in most of the families.**
4. **Like the female section of society, the indigenous and minority section also face threats. 72% of the Santals are landless now.<sup>31</sup> The Enemy Property Act and afterwards the Vested Property Act has**

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<sup>30</sup> Paper prepared for presentation at the XV Biennial Conference "Bangladesh in the 21<sup>st</sup> Century: The Political Economy Perspective" of the Bangladesh Economic Association held on 8-10 December, 2004. Paper prepared by Abul Barkat, Professor, Department of Economics, University of Dhaka.

<sup>31</sup> Ibid.

**disentitled the Hindu owners from 53%<sup>32</sup> of their owned lands. About 10 lac Hindu families were affected by this legislation.<sup>33</sup> They have lost both moveable and immovable properties. Since these properties (21 lac acres of lands) are vested in the Government, their transfer is not valid and in many cases the land grabbers, relatives of the revenue officials, local influential politicians are taking possession. Even if the Hindu original owner family lives on that land whose lands were enlisted as vested property are dispossessed by these powerful classes. In absence of the clear provision of law no remedy is provided. The Act No. XVI of 2001 for Restoration of Vested Properties is practically unimplemented and hence, till now can be said to be a futile one. So, the Hindu owner who did not leave the country for India during 1965 to 1969 and whose property is enlisted mistakenly is also being deprived of his rights to property. At any time a family such as described here can be evicted by the local influential people in collaboration with corrupt revenue officers.**

5. The Agricultural Khas Lands Management and Settlement Rules of 1997 says that a landless family is one which does not have homestead and agricultural lands but is dependent on agriculture.<sup>34</sup> A publication of Madaripur Legal Aid Association showed that till now more than 8 lac acres of agricultural lands are yet to be distributed. A family can be given maximum 1 acre of land and in coastal districts like Khulna, Bagerhat etc. the quantity can be maximum 1.5 acre of land.<sup>35</sup>
6. Section 86 of the State Acquisition and Tenancy Act, 1950 provides that rights of a person shall subsist in the lands of holding or portion thereof during the period of loss by diluvion if such lands re-appear in situ within thirty years of their loss.<sup>36</sup> So, a person whose land was eroded shall have right to claim it if it reappears in situ within the prescribed time. But section 87 of the State Acquisition and Tenancy Act says that when any land has been gained by accession, whether from the recess of a river or of the sea, it shall vest

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<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Rule 10

<sup>35</sup> The Agricultural Khas Lands Management and Settlement Rules of 1997, rule 6 (jha).

<sup>36</sup> This provision went through many changes in course of time. Finally this provision was substituted by The State Acquisition and Tenancy (Amendment ) Act, 1994.

absolutely in the Government. So this land is supposed to be distributed among the landless after the completion of survey. But the practical scenario is different from the text of the law. This country is a deltaic region. It is criss-crossed by many rivers and it has large coastal areas. In all, the area liable to frequent alluvium and diluvium actions account for about 15% of the total area.<sup>37</sup> This factor gives rise to complex implications for land ownership and land management. A great number of people become landless for diluvium and to re-establish rights of landless on these accreted new char lands put them into endless legal and practical quagmire.<sup>38</sup>

7. However, in giving allotment among the landless there is a principle to be considered which is widow or divorced woman's family would be given preference. A head of family will have preference who has daughter of marriageable age. Despite these laws there is not much practice of the same.
8. Some non-government organizations are working to support changes that would assist the poor to obtain and use property rights. NGO's like Nijera Kori,<sup>39</sup> Madaripur Legal Aid Association, New Town, Madaripur are working to empower the poor. The electronic and press media is also making significant contribution. A television program on Channel-i called "Hridoye Mati O Manush" shows reports relating to different agricultural and developmental issues. Shykh Seraj, the anchor of the program persistently speaks for improving the condition of the farmers and marginal people and also making the concerned section of the society aware of the present and future condition. The newspapers play significant role. There is a monthly bulletin named "Jomi Jolar Khobor" which writes about the issues concerning lands. It also reports on disputes and grievances of the poor and evicted people. So, there are a great number of people and group of people working to uplift the values, maintain law and equity and encourage proper treatment.
9. Simultaneously, there are many land grabbers and corrupt people to resist the development of the poor.
10. Involvement of Public Representatives or political leaders (Member of Parliament) in khas land distribution committee was supposed to reflect public opinion. But the irony of fate is that these persons maintain liaison with

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<sup>37</sup> T.Hussain, Land Rights in Bangladesh: Problems of Management, p. 41.

<sup>38</sup> I was assisted by Aditya Shaheen, National Desk Editor and Programme Researcher, Channel-i, Impress Telefilm Limited in getting the interview

<sup>39</sup> Its office is situated at 3/3, Block-A, Lalmatia, Dhaka-1207, Bangladesh. Tell: 880-2-8111372, E-mail: nijekori@agni.com

land grabbers, businessmen and influential persons who plays dominant role in evicting poor from their lands and depriving these marginal people from their right to property.

11. In some cases it can be found that the revenue and other related offices of the Government e.g., office of Revenue Deputy Commissioner, Assistant Commissioner (land), Tahsil office (Union Land Office), settlement office and office of sub-registrar have liaison with the miscreants. As a result, where the wrongdoers are privileged to continue oppression, the poor class does not get access to those offices.

Therefore-

- monetary corruption in these departments needs to be arrested, and
- the political regime has to be human rights oriented.

The whole condition of the country can not be expressed as 'good' or 'bad' in a word. It is just how it is. Both the forces exist. The important matter is to develop the condition by defeating the evil.

## **EXAMPLE OF SUCCESSFUL EFFORTS**

12. Parramnathpur is the name of the char that has emerged from Kopotakha River in Paikgacha thana of Haridhali union in Khulna district. In 1980 the impoverished landless families from neighboring area started settlement in this char. In 1985 the settled landless people of the char filed a case in the Court for getting yearly lease of the land and the Court gave verdict in favor of the landless people. Hence from 1985 onward the 44 families dwelling in the char started cultivating the land by taking yearly lease. In 2005 when the landless farmers appealed for lease, the lease was ceased without any valid reason by the TNO violating the Court verdict. On the other hand the influential elite, by exerting political influence, with the assistance of the local administration and using the police force made plan to plunder the crops of the marginal farmers. On behalf of the TNO it was announced that, "2/3<sup>rd</sup> of the paddy should be deposited in the office of land administration (from this the local influential elite will receive one portion and the other portion will be received by the local administration together with the lease money)."

In this situation the landless people represented by lawyers and leaders of landless groups met the district administration officer and submitted a written complaint. The DC after reading the papers of the landless members and scrutinizing the evidences gave an oral declaration for reaping the paddy. But next day the DC called the landless leaders and said "the order given by TNO will remain valid". In the mean time the landless people made preparation to

reap the crop sown with their sweat and blood. The landless farmers from the neighboring areas also volunteered to help them in cutting the paddy without any payment. Almost 3 hundred landless farmers managed to reap and store the paddy from 36.86 acres of land on 10<sup>th</sup> December 2005. At night the police, directed by the influential elite, came to take the paddy. But the landless farmers sat united in vigilance to guard the paddy. The police realizing the situation was forced to turn back.

On 11 December 2006 nearly two thousand male/ female landless members barricaded the office of TNO against terrorist attack and police operation. In the face of the demand of landless members the TNO was compelled to inspect the area in person and he declared that after two days decision will be given. In this situation the landless members guarded the paddy unitedly.

But even after two days when the TNO did not give any decision the landless members threshed the paddy and distributed it among themselves.<sup>40</sup>

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<sup>40</sup> This case study was conducted by Nijera Kori, a non-governmental organization. Its office is situated at 3/3, Block-A, Lalmatia, Dhaka-1207, Bangladesh. Tell: 880-2-8111372, E-mail: nijekori@agni.com