

**LAND
REFORM
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Edited by:

Muhiuddin Khan Alamgir

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**Centre For Social Studies
Dacca**

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IN
BANGLADESH

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INTRODUCTION

In the last quarter of this century, the question of land reform has assumed crucial importance in Bangladesh. On grounds of equity, productivity and social progress, reform of the continuing system of ownership, occupancy and management of land has been advocated, questioned, and debated. In this volume, an attempt has been made to represent various aspects of the problem and suggested solutions.

In the first article, Dr. Kamal Siddiqui outlines the reform measures that were undertaken in the 50's and 60s. In his analysis, it becomes clear, quite painfully at times, that measures provided under the aegis of the East Bengal State Acquisition and Tenancy Act (EBSATA), 1950, were more conservative than what was stipulated in the Bengal State Acquisition and Tenancy Bill of 1947. The earlier bill aimed at imposing a lower ceiling on land ownership, 100 *highas* per household, than what was proposed in and subsequently implemented under EBSATA in the 50s' and 60s. Besides, whereas the Bengal State Acquisition and Tenancy Bill of 1947 proposed to limit the rent of the share-cropped out land at not more than 1/3rd of the gross produce with secure tenancy for the share-cropper, EBSATA came to regard the share-cropper as no more than wage-labourer having no right over the use or produce of land as cultivator. As posited by him, these and other measures of EBSATA went more to preserve the class interests of the land-rich rather than to give a better deal to the land-poor and the actual cultivator. Reacted with

(ii)

frequent amendments, these measures in the face of a sluggish implementing procedure, could not bring about substantial change in the continuing agrarian structure. His analysis of the land reform measures, both legal and implementative, in the 50s and 60s, makes it evident that no change in production relation conducive to the principle of equity and the cause of productivity was, in fact, initiated or implemented. As a result, he concludes, 'not only did agricultural production stagnate and the monopoly control of the rural propertied class over agricultural prices remain in tact but a combination of these two factors also militated against the industrial development of the country' (p-31).

While agreeing with Siddiqui that EBSATA and the related implementative measures did not substantially change the production relation in agriculture, one may as well point out that this alone did not result in agricultural stagnation, polarisation in rural areas and sluggishness in industrial development. Low investment in flood control and irrigation, slow and half-hearted measures to introduce and distribute other agricultural inputs and systematic transfer of resources to (west) Pakistan had all their contribution to the episode. No study has yet been undertaken to quantify the extent of contribution of the continuing agrarian structure to the prevailing backwardness. Siddiqui's assertion, emotive at times, serves as well to draw the attention of the researchists to explore this aspect of what is still needed to be known.

There are atleast three important features of EBSATA that do not find definite place in Siddiqui's survey. First, the egalitarian spirit and trend introduced through the abolition of the rent-receiving interests or *zamindari* is not outlined or evaluated. The social distinction between the *zamindar* and the *ryot* was significantly

removed and accrual of unearned income to the rent-receivers, as largely unproductive work-abhorring leisure-class stopped through enactment and implementation of EBSATA. In spirit as well as substance, this was definitely a step forward on the way towards attaining a pluralistic, egalitarian, and exploitation-free productive society. Unfortunately, there has not yet been any sociological study to determine the extent of 'conscientization' initially generated by the abolition of *zamindari* in this country. Nor do we have an adequate survey of factors and processes that subsequently diluted the elements of conscientization generated by the extinction of the *zamindar* and his way of life.

Second, EBSATA did not confer subsoil rights on *ryots*, or *maliks*; all rights to any interests in the subsoil including rights to minerals were acquired and retained by the government (S-44 & 81). In providing public or state ownership to minerals and preventing the possibility of a few from obtaining an unearned income resulting from discovery of minerals underneath, this was a welcome step differing in implication of ownership of land as is usually prevalent in the western societies. Viewed from the stand point of conventional capitalist process of growth this was laden with potential difficulties in introducing and extending the use of subsoil water for irrigation through deep and shallow tubewells under private ownership. In the situational context of Bangladesh such a retention of subsoil rights gave the government an equipollent lever to consolidate fragmented holdings and cooperativise use of subsoil water for irrigation. For institution building along this line, this lever remains still now unnoticed for coupling into an integrated scheme for agricultural development.

Third, EBSATA imposed restriction on alienation of land of 'aboriginals' like *Sonthals*, *Bhuiyans*, *Bhumijes*,

Dalus, Garos, Gonds, Hadis, Hajongs, Hos, Kharias, Kharwars, Kochs, Koras, Maghs, Mal Sauria, Pharias, Maches, Mundas, Oraons and Turis (S-97) This implied that no transfer by an 'aboriginal' *ryot* of his right in his holding would be valid unless it was made to another 'aboriginal'. This restriction was imposed to protect the comparatively disadvantaged sections of the population from the scheming land-grabbers of the neighbouring communities. To an extent, this served the purpose of keeping off the land grabbers. But in the process, it kept the disadvantaged aboriginals in isolation, in islands of primitive mode of production and life almost untouched by the rest of the nation and the effects of the usual governmental programmes for agricultural extension in particular and rural development in general. In any future contemplation for legislation for reform, these drawbacks of providing protection to aboriginal's land in the way it was done under EBSATA need to be weighed against the benefits seemingly emanatable out of such a measure.

In the second article, Researchist Abu Abdullah has outlined various possible land reform measures in the context of the agrarian structure that continued in the 70s and pointed out the areas of our ignorance in practice as well as in theory in this field. In his opinion, the fragmented nature of peasant property rather than rent, and usuary capital that constrain agricultural growth. And accordingly limitations on the size of land ownership and abolition of share-cropping will facilitate growth but they cannot in themselves provide the main solution. As conjectured by him it is to some form of 'communization' that we must look for a solution to our agrarian problem (p-63). According to him, these communes should be capable of (a) mobilisation of man-power for building up the needed infra-structure (b) collective planning of optimum land use, (c) planned,

diversification into non-agricultural production (d) innovating appropriate sharing of work and income preventing destitution (e) sustaining cross-communication between local and national planning, and (f) providing a mechanism for collection and distribution of agricultural surplus. To him communization represents a culminating point for the phase of class struggle in which abolition of share-cropping and ceiling legislation may constitute pivotal turning points (pp-65-66). As concluded by him, the feasibility of communes in Bangladesh is homologous with the possibility of a socialist revolution.

While one may not accept Abdullah's conjectured solution in entirety, one has to recognise the main theme of his discourse: land reform or land policy in the situational context of Bangladesh can not end in legislation regarding size and nature of ownership of land alone; it has to be functionally related to the question of the pattern of socio-economic organisation in rural areas that we would like to create and sustain over time. This, of course, immediately raises at least two questions which Abdullah preferred to keep unanswered by himself. First, whether, in our context, an appropriate socio-economic structure in rural areas should be developed along the lines of of the Chinese commune, the Israeli *moshav* or *kibbutz* or the Russian collectives? Or will an appropriate modification and strengthening of the IRDP cooperatives be best suited in our situation? And secondly, if communes of one or other type is developed in rural areas, what type of socio-economic structure should follow in urban areas? No one, as yet could outline, in definite terms, what should constitute an appropriate answers to these. Creative theorising, farm management

study and more empirical research appear to be bases from which answers to these two vital questions may emerge out in future.

The third article by Dr. Kamal Siddiqui outlines the peripheral reform measures initiated in the 70s. As shown by him, measures taken in this period were meagre and infirm and did not go to solve the fundamental problems posed by ownership of the major portion of land by the non-self cultivating class. Siddiqui was directly associated with land administration in the early 70s and perhaps that is why the failure of the measures in the period as surveyed by him provoked, at times, emotive reaction and reiteration. Despite this his comprehensive survey of the land reform measures of the early 70s goes to emphasize the need for political will, capable implementative machinery and adequately coordinated programmes in all related fields for making land reform measures succeed. An omission in his survey appears to be voluntary local efforts in consolidation of land and building up of infra-structural facilities through mass participation that were observed in some areas immediately after Liberation. It would have been of interest to assess these efforts in order to discern whether 'conscientization' was initiated through these and if so, why and how the initiated process could not be sustained. This is an important question that will center around the process of devising a really dynamic socio-economic structure in villages accounting for the optimum management of land as a productive resource of the society or community concerned. What Abdullah, being a non-participant in the class struggle of the time could not judge (p 66), Siddiqui being a participant-administrator did neither record nor assess. This is an area where the extent of our collective ignorance is the widest. This needs to be narrowed down to a level that can provide operational significance to a well-designed programme for reform.

Based on the same backdrop of inadequacy of measures taken in the 70s, Dr. Mahabub Hossain in the fourth article points out the desirability of distributivist land reform both on grounds of equity and productivity. Following Lipton¹ he sets forth 3 conditions for an effective programme for redistribution of land : (i) holdings created through redistribution of land should be viable ones (ii) the gap between the ceiling and the minimum viable holding should not be too small to be sustainable politically or discourage managerial capability and (iii) the landless must be integrated within the redistributive process (p-13). On the basis of an analysis of a survey of land ownership in 11 villages all over Bangladesh, he found productive integration of the landless and sustainable increase in per acre production difficult in a scheme for fixing the ceiling on ownership at 5 acres and the floor of viability at 1.67 acres per household under individual ownership. Accordingly, to him a drastic land redistribution followed by co-operativisation for sharing output on the basis of ownership of land and contribution of labour and applying inputs and channeling investment with co-determinative participation of all concerned seems to be the answer to the problem (p-117). In this his solution seems similar to what was conjectured by Abdullah. However, on the feasibility of this, given the continuing class character of the society, he himself sounds pessimistic.

Besides the self-sounded pessimism, Hussain's suggestion faces discordant encounter from another angle. Co-operative measures, more in varietal forms than in spirit, have been applied and tried in this country for well over 50 years. Till now one cannot say with an element of

1. Lipton, M : Toward a Theory of Land Reform, in Lehm nn. D (ed.) ; *Peasants, Landlords and Government*, Homes and Meir, New York, 1974.

certitude that cooperativisation has taken root as a socio-economic institution in this country. Without outlining an effective form of cooperatives and ascertaining the extent to which the oft-observed individualism of the people may stand on its way, one may not venture to recommend that cooperativisation alone should attract higher investment for the use of scarce organisational and administrative resources of the country. Will this cooperative be an effective arm in the arsenal for making 'the peasants' war' a success or yet another palliative or even an instrument of control over the peasants? Without necessarily agreeing, one may in this connection recall how Siddiqui viewed the cooperativisation attempt made in 1974. More research in a realistic societal perspective seems to be in order in this respect as well.

Dr. A. B. M. Md. Azizul Islam, in the fifth article bases his arguments on both theoretical predictions and empirical findings. In the 'specific' context of Bangladesh, he analysed the feasibility and desirability of 'distributivist' reform measures in terms of (i) intra-rural inequality (ii) agricultural production, (iii) rural savings, (iv) marketed surplus, (v) employment and (vi) net foreign exchange earnings (p-131). As posited by him, a rather small quantum of surplus land yielded by imposing a reasonable ceiling on ownership cannot provide even subsistence holdings to the land-poor and the landless and cannot, therefore, help (measurably) reduce intra-rural inequality. On the contrary, increasing the number of below-subsistence holdings at the expense of above-subsistence ones through distributivist measures is likely to decrease agricultural production, rural savings and marketed surplus including that in terms of jute—the main foreign exchange earner of the country. In view of the continued existence of under-employment in below-subsistence holdings, Islam is skeptical about the prospect of increasing employment

through an increase in their number at the expense of the existing large holdings employing the landless and the landpoor. According to Islam, therefore, at the present stage in Bangladesh there is no 'compelling reason' for distributivist land reform alone on ground of either equity or efficiency. Even if one may not agree with him entirely on this, one may not find any disagreement with him when he posits that land distribution measures, in the context of Bangladesh constitutes but one of many ingredients in the complex process of rural and agricultural development. Of these ingredients, he mentions appropriate price/subsidy measures, extension of agricultural infrastructure, improvement of input delivery system, widening the base of institutional credit, promoting farmer's access to modern inputs, provision of flood control and irrigation facilities and protection of share-cropper's rights as to tenure and terms of tenancy (p-140). Needless to say, these ingredients demand simultaneous attention along with distributivist measures in a comprehensive framework of policy.

An important aspect of Islam's analysis is the effect of share-cropping on the use of current inputs. Mainly following the line of reasoning advanced earlier by Raquibuzzaman², he shows that the existing terms of share-cropping as anti-productive and indicates lines following which the system can be reformed into productive one. However, his suggestion for discounting the market value of labour of the share-cropper put into share-cropped land as a substitutive measure for shadow pricing of abundant labour (p-133) is bound to raise questions centring around 'exploitation of man by man'.

2. Raquibuzzaman, M : Sharecropping and Economic Efficiency in Bangladesh, *Bangladesh Economic Review*, April, 1973, BIDS, Dacca.

Needless to say, shadow pricing is acceptable in such a case only in an accounting sense, definitely not in terms of net real receipts of the share-cropper.

In the sixth article Dr. Shawkat Ali focusses on the implementative problems of possible land reform measures in the light of the experiences in the past. Dr. Ali traces these problems since 1793 and opines that the post-1947 measures towards distributive land reform failed largely due to an absence of political will and commitment. In this he is at one with Dr. Kamal Siddiqui and others. But unlike them he goes beyond and argues that even with the presence of the needed commitment and will at the political level, an appropriate set of measures in this field should be geared to meet the local and regional peculiarities and circumstances usually ignored under the cover of the unique linguistic homogeneity of the country. He outlines the complexity of land administration and land management and enjoins all serious students of the problem to understand its various aspects in a realistic perspective. Against the oft-quoted 'statistical solution' of lowering the ceiling on ownership and distributing the 'surplus' land, he points out variations in available surplus relative to the number of eligible landless and landpoor as among various districts, sub-divisions and *thanas* and the problem of transferring and rehabilitating people from one area or region to other. According to him attempts to rehabilitate the landless of one district (having more landless relative to available surplus land) in another district (having more surplus land relative to the number of landless) is sure 'to unleash bitter feelings based on narrow regionalism which no bureaucratic machinery will be able to control' (p-177).

Ali, therefore, advocates for comprehension of land reform in terms of a hard-core development project

rather than as a compartmentalised activity' of a particular ministry (p.192). In this process, his specific suggestions are (i) integration of survey and settlement operation into the set-up devised primarily for collecting land revenue and other land based taxes; (ii) annual and decentralised revision of record of rights instead of revision through settlement operation undertaken at intervals of 10-20 years in a centralised way (iii) treating maintenance of law and order and coordination of development programmes as inter-related goals and (iv) strengthening the land administration setup in terms of personnel, training and other ancillary support in line with other nation-building departments and agencies. Given the continuing compartmentalised measures directed at rural development these days, these are undoubtedly the areas where more attention needs to be given.

Dr. Muhiuddin Khan Alamgir, in the last article advocates for tenancy reform as the first step towards comprehensive land reform and 'conscientization' of the land-poor productive class. According to him, the foundation of such reform will be the acceptance of the principle of '*tebhagha*' to be supplemented, supported and strengthened by definite economic measures providing security of tenure, acquisition of agricultural land by actual tillers alone, institutional support to the share-cropper and the small farmer and adequate and expeditious capital investment to provide full irrigation and flood control facilities to all land development regions where these are feasible. According to him, in the context of intensive use of land in fully irrigated and flood free areas, fragmentation of holding or scattereness of land parcels is not likely to be much of a problem so as to require consolidation as a pre-requisite. He argues that once the first step in terms of tenancy

reform is taken, a 'process of conscientization based on both economic and social forces sufficient to originate and gather support for undertaking an appropriate distributive land reform conforming to the socially accepted objectives of equity, productivity and participatory management at various stages of socio-economic change' (p-225) will be initiated. In this his argument is similar to what is indicated by both Siddiqui and Hossain.

Three points pertaining to Alamgir's analysis and advocacy needs to be noted. First, in spirit, the 'tebhagha' division of produce of land is neither new nor radical ; it was proposed and agitated for in the late 40s and the early 50s in the northern districts where absentee landlords or not-so-actual cultivators like *jotedars* dominated the socio-economic scene. In substance, however, he has given economic justification for adoption of 'tebhagha' in that the economic rationality of the share-cropper cannot allow for adoption and extension of the HYV technology beyond a point almost already attained unless the share of the landlord is reduced from 50% to 33.5% of the gross produce of the land owned by him but share-cropped out to the landless and the landpoor. In other words, in a changed situation where intensive cultivation is aimed at, reasons of productivity warrants a minimum reform that was proposed over 3 decades before mainly on grounds of equity.

Secondly, his argument for not allowing the problem of scatteredness of land parcels under individual holdings to obfuscate the need for taking immediate steps in favour of the share-cropper and the small farmer, should not by itself, and in turn, obfuscate the requirement to assess the past attempt at consolidation of

holdings, There has been only one governmental attempt at consolidation of scattered parcels of land under individual holdings in ten unions within Debiganj and Boda *thanas* of Dinajpur district in 1961-62. In an area of 175 sq. miles, through this process of consolidation, 2,94,576 parcels of land were reported to have been consolidated into 1,33,209 plots (a reduction by nearly 55%) yielding 400 acres of additional land (previously covered by *ails* or *bundhs*) for production of crops³. Dr. Ali in his article already focussed on its failure but did not fully spell out the conditions needed for success. This work on consolidation in Dinajpur needs to be assessed anew in a changed context of intensive cultivation in a flood-free irrigated land with a lower ceiling on land-ownership and an effective restriction on transfer of land to the non-self-cultivator. Thirdly, and closely related to the second, is the need to draw, in concrete terms, an outline of a socio-economic and management structure of villages and their lands and of legal and economic measures designed to facilitate the process of conscientization to account for a change in structure, to define the pace of progress both in terms of equity and productivity and, finally, to attain an exploitation free society. This, as Abdullah has already indicated, is a field where economics as a discipline should yield adequate place to sociology to provide both form and substance to the desired programme. Needless to say, no work of operational significance has yet been undertaken or completed in this respect.

There are atleast two relevant aspects of land reform in Bangladesh that none of the articles included in

3. Khan, Khaney Alam : *Final Report on the Consolidation of Holdings in the District of Dinajpur, 1961-62*, Govt. Press, Dacca, 1962.

this volume (or published elsewhere) focussed on. One is an examination of the near-serf treatment of the family labour that is used in tea-plantations in areas in Sylhet and Chittagong Hill Tracts. Labourers used in these plantations are practically tied to the land along with families, kept in semi-seclusion from the main stream of the national life and public facilities. Till date, no serious attempt was made or could succeed to organise them to drive a better bargain. In any country-wide attempt at land reform, their rights as to the use of land and/or sharing of the produce needs to be accounted for. No one has, as yet, outlined how this could be done. The other is an assessment of (i) joint farming experiments of landowners undertaken in some local areas, notably in Shimla, Mymensingh (under the supervision of Bangladesh Agricultural University) and Bamoil, Comilla (under the supervision of BARD, Comilla), and (ii) share-croppers' cooperative farms set up in Garudashpur, Rajshahi (Garudashpur Cooperative Farming Project) and in Chittagong (*Nabazog Tebhaga Khamar*). As projects/endeavours of pilot nature towards some form of 'communization', their failures and limited successes need to be evaluated precisely and firmly in order to chart feasible as well as desirable course of action for future. Unfortunately, this has not yet been done in a satisfactory scale or a systematic way⁴.

Seemingly, there are areas of interlap as amongst these articles. But as the main thrust of each is largely different, in order to keep the groundwork of conclusion firm and presentation self-contained, no attempt has been made by the editor to narrow down

4. Ahmed, Jasim U : Cooperative Farming Experiments in Bangladesh, *Bangladesh Journal of Agricultural Economics*, December, 1978.

the extent of these interlaps in terms of time or subject. The obvious gain in the process is representational, leaving the task of arriving at a general conclusion to the reader.

This task, however, may not be easy. The facts and views presented in these articles may be grounds enough to convince one as to the desirability of land reform, but certainly will not go to delineate an appropriate form, pattern and process beyond the first steps in terms of modification of tenancy terms. For this, further research and study from the perspective of (a) peasant-agriculture within a cooperative framework and/or (b) induced-capitalist agriculture will be needed to give operational significance to the broad proposals thus far made for the purpose. This, in essence, is a question of institutional policy in relation to land which must be answered on the basis of creative theorising and micro-level field studies covering off-shore islands, *char* lands, Chittagong Hill Tracts and other small tribal areas in addition to the irrigated, non-irrigated, flood-free and flooded areas of the plain. The answer has to come soon; for in the context of Bangladesh, when everything is said and done, land reform remains as yet the most crucial test of the survival of the socio-political system envisaged in the constitution of the country.

In the selected bibliography, representative works on land reform and related fields, specially those pertaining to the situation obtaining in this sub-continent have been listed. Though not comprehensive, this list will point out areas where further work in the context of Bangladesh is needed. This may also indicate experience of other countries/regions that need to be analysed as relevant to our context while formulating appropriate reform measures in our case.

Dr. B.K. Jahangir, of the Centre for Social Studies, first pointed out the desirability and delineated the feasibility of bringing out such a collection of articles. Along with Dr. Kamal Siddiqui, he helped me to make these selections. On a number of occasions, I discussed the problems of land reform at reasonable depth with Mr. A.M.A. Muhiith, Dr. Shawkat Ali, Mr. Shafiul Alam and Dr. Qazi Kholiquzzaman Ahmad. They all had their contributions in motivating me to edit this volume. I am appreciative of the gestures of authors and publishers of these articles for permitting me to present these in this volume in the way it has been done. Printing was helped with willing financial support from NORAD. Sitara, my wife, researched the articles selected, and fought with the printer's devil, with more patience than valour. Md. Rafiqul Islam helped to make the index as did Sylvia Mahmud in preparing the bibliography. Mr. M. Muhiuddin and Mr. Ali Karim supported the programme whenever I needed them to stand by my side. I always thought, I would thank them, but as they must have found out by now, I prefer to remain thankful without ever expressing it.

Dacca

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Muhiuddin Khan Alamgir

LAND REFORM IN BANGLADESH

Land Reform Legislation in the 50's and 60's

*Kamal Siddiqui**

On August 14, 1947, East Bengal became a province of the new state of Pakistan. On April 7, 1948, Hamidul Huq Chowdhury, Finance Minister of the Muslim League government in East Bengal, placed before the reconstituted legislative assembly the East Bengal State Acquisition and Tenancy Bill, which was more or less similar to the 1947 bill introduced earlier in the all-Bengal assembly. The highlights of the new bill were as follows¹ :

- a. The *zemindari* and rent receiving interests would be abolished with compensation on a graduated scale ranging from 6 to 15 times their annual income from their estates.
- b. To check subletting, the *ryot* would not be allowed to sharecrop out his land for more than three years. However, as long as share cropping system remained in vogue, the share cropper would be protected against arbitrary eviction by the land owner.

* Dr. Kamal Siddiqui, a member of the Civil Service, served as Deputy Commissioner, Khulna, immediately after Liberation. At present he is a visiting scholar in Bangladesh Institute of Development Studies, Dacca. This article constitutes ch. 3 of his work *The Political Economy of Land Reform in Bangladesh* (BIDS), Dacca (mimeo) 1979.

1. *East Bengal Legislative Assembly Proceedings* (henceforth EBLAP) Vol. 1, No. 4, pp. 93-96.

- c. Land alienation would be restricted to genuine cultivators ; no one possessing more than 60 *bighas* of land after the land reform would be allowed to purchase any more land.
- d. Ceiling would be fixed at 200 *bighas* per family or 10 *bighas* per member of the family, whichever was the higher. The excess land would be re-distributed among landless and poor peasants. (According to Minister Chowdhury, there were 3,000 families in East Bengal possessing more than 200 *bighas* each at that time.)
- e. Tk. 400 million would be required as compensation, but since rent receiving interests would now vest in the government, the latter's annual net income would increase by Tk.40 million, so that in ten years time, the government would be able to meet the compensation expenses from the additional revenue.

The main points of departure from the 1947 *Bargadar* and Tenancy Bill were :

- a. The ceiling in the new bill was 200 *bighas* whereas it was set at 100 *bighas* in the previous one.
- b. Whereas in the earlier bill, 2/3rd share and secure tenancy for the share cropper was ensured, the new bill was weaker on these issues.

The new bill was processed in a 'select committee', more than half of whose members were landlords and *jotedars* and subjected to lengthy debates². The proceedings of the select committee and the debates

2. EBLAP, Vol. 1, No. 4, p. 99.

There were 20 *zemindars* out of 45 members in the select committee. It is, therefore, safe to assume that more than a half were *zemindars* and *jotedars*.

on the floor of the assembly revealed a number of interesting trends and regroupings. Firstly, the Congress went all out in defence of *zemindari*, especially on the issue of compensation. And in this regard they invoked all possible arguments: 'sanctity of private property,' 'yeoman services rendered by the *zemindars*,' 'communist take-over if *zemindari* is abolished', 'no foreign investment if compensation is not paid', etc.³. Such protestations did not go unheeded in the Muslim League quarters. The Minister for Land Revenue and Land Administration at this time publicly stated, 'acquisition of property without compensation is against Islam'⁴, so that it was the Muslim League which was now to provide the most effective 'rationale' for justifying compensation payment to a group of *zemindars*, most of whom were Hindus. On the other hand, the Muslim League was equally active in safeguarding *jotedari* interests by altogether dropping the pro-share cropper provisions from the bill and suggesting a ceiling which hurt the *zemindars* more than the *jotedars*. Secondly, those opposing the bill used all the delaying tactics that rules of the parliamentary game permitted. They were indeed successful. The passage of the bill took more than two years. Thirdly, on occasions, the Congress members mounted broadside attacks on the *jotedars*, but only to embarrass the Muslim League into maximum concessions for the *zemindars*. Fourthly, the *zemindar* members of the Muslim League, in clear violation of the 'official' stand, joined hands with their Hindu counterparts in the Congress in defence of *zemindari*

3. Umar, B. U. : *The History of Language Movement and Contemporary Politics* (in Bengali), Mowla Brothers, Dacca 1974, pp-150-165.

4. Sen, Saralananda, *Dacca Letters* Vol. 1 (in Bengal!) Muktadhara, Calcutta, 1971, p. 66.

and for 'due' compensation if *zemindari* was to be abolished⁵. This collusion was taking place at a time of communal tension and consequently the League-Congress animosity was at their zenith. Finally, only a handful of members (the 'populist' elements in the Muslim League) openly expressed their resentment against compensation and deletion of pro-share cropper provisions from the bill⁶.

The above picture is at complete variance with Tai's observation: 'In East Pakistan, the reform law introduced in the aftermath of Partition was by and large a measure of the new government to legalise what had already taken place—the seizure and occupation of land of the fleeing Hindu *zemindars* by the Muslim peasants'⁷. While there was exodus (and to that extent it did greatly weaken the position of the Hindu landed interests in East Bengal), it was never a straight walk-over in that a considerable number of them stayed back and fought the legislation in every possible manner. Two and a half years of delay in legislation followed by poor implementation provided most of them with all the scope in the world to convert their landed property into liquid capital and smuggle it out to India. According to one estimate, average annual smuggling to India by *marwaris* and Hindu *seths* (involving generally gold, food-grain, jute and foreign goods) between 1947 and 1971 amounted to about Tk. 600 million⁸.

5. EBLAP, Vol. IV, No. 1. p. 87

6. Umar, B. U : op. cit., p. 150-59.

7. Tai, Hung-Chao : The Political Process of Land Reforms-A Comparative Study, *Civilisation*, Vol. XVIII, 1968 pp-64-65

8. Mahmood, Safdar : *The Deliberate Debacle*, Shah Mohammad Ashraf, Lahore, 1976, p. 27. See also Ahmed, Mushtaq : *Politics Without Social Change*, Space Publishers, Karachi 1971, p. 198.

Such a massive transfer of resources from the country largely neutralised the beneficial effects of *zemindari* abolition. Seizure of abandoned Hindu property, as suggested by Tai, was severely limited by first the Evacuee Property Act of 1948 and later the Enemy Property Ordinance of 1965. Besides, following the Liaquat-Nehru Pact, 1951, exchange of property between Muslims coming into East Pakistan and Hindus going over to India became possible. In any case, ordinary Muslim peasants could never lay hands, legally or otherwise, on abandoned Hindu property. It was invariably always the Muslim landlords, *jotedars*, traders, bureaucrats, influential refugees, etc, who benefitted from the Hindu exodus to India.

East Bengal State Acquisition and Tenancy Act

On December 16, 1950, i.e. after about 2½ years of deliberation and amendments, the Bill became an Act. However, the Act could not come into operation for another six months during which time it had to be examined by a central government commission and receive the assent of the Governor-General of Pakistan⁹. The main provisions of the Act (The East Bengal State Acquisition and Tenancy Act, henceforth, EBSATA) were as follows¹⁰ :

- i. All rent receiving interests in all lands stood acquired so that actual tillers of the land became direct tenants under the Government. All *ryots* (to be called '*maliks*' henceforth) were to have permanent, heritable and transferable rights to use their land in any way they liked.

9. Sen, Saralananda, op. cit. p-66.

10. *Report of the Land Revenue Commission* (henceforth *Mahmud Report* after the name of the Chairman of the Commission, Khan Bahadur Mahmud), East Pakistan, East Pakistan Government Press, 1959. pp. 3-4.

- ii. Subletting of land in future was forbidden. However, cultivation under *barga* (share cropping) was not to be treated as subletting but as equivalent to cultivation through wage labour.
- iii. All cultivable lands in excess of 100 *bighas* (33.3 acres) per family or 10 *bighas* per member of the family, whichever was larger, plus homestead land up to a maximum of 10 *bighas*, were to be acquired by the government. This ceiling would be relaxable in cases of tea, coffee, sugarcane and rubber plantations. *carsia* leaves gardens, orchards and large scale farming by the use of power-driven mechanical appliances and large scale dairy farming. The excess land thus acquired would be settled with bonafide cultivators holding less than 3 acres of land.
- iv. All *hats* (periodic market places), *bazars* (daily market places) and fisheries would be acquired by the state irrespective of their present ownership.
- v. The rent receiving interests of estates belonging to religious institutions ('*waqful-lillah*' and *waqful-aulad* in case of Muslims and *debattor* in case of Hindus) were not to be exempted from state acquisition. In case of religious property meant for private (i.e. *waqful-aulad*) welfare, the ceiling on retainable land would be 375 *bighas* whereas for those devoted entirely to public welfare (i.e. *waqful-lillah*) no ceiling would apply.
- vi. For acquisition of rent receiving interests, compensation was payable on a graduated scale ranging from 10 times the net annual income in case of persons with net annual income of Tk. 500 or less to 2 times the annual net

income in case of persons with net income of Tk.1 *lakh* (one hundred thousand) or more. In case of 'public' religious property, the compensation would be a perpetual annuity equal to the annual net income. But in case of 'private' religious property, compensation would be at the same rate as that for secular property.

- vii. For acquisition of 'excess' lands, compensation was payable at the rate of 5 times the net annual profit from the land. Again, in case of 'public' religious property, the compensation would be a perpetual annuity equal to the net annual income. For 'private' religious property, compensation rates would follow those for secular property.
- viii. Compensation could be paid either in cash or in bonds or both. The bonds would be non-negotiable and payable in not more than 40 annual instalments and would carry 3% interest per annum.
- ix. Maximum rent would not exceed 1/10th of the annual gross produce of the land. Fixed kind rent, irrespective of production, as existing in Mymensingh and known as *tonk* was to be abolished. In effect, it meant that kind rent was not to exceed 50% of the produce.
- x. The 'bonded labour' system known as *nankari* in Sylhet was to be abolished. Under this system, in lieu of using land, the *nankar* had to provide *corvee* to his landlord.
- xi. If not less than 2/3rd of the villagers holding 3/4th of the villages cultivable land applied, the collector (i. e. the deputy commissioner) could consolidate all the holdings of the village.

- xii. No holding could be sub-divided to the extent that the rent of any portion would be less than Tk.1.0.
- xiii. Transfer of land would be restricted to 'bonafide' cultivators only.

Amendments, Progress in Implementation and Socio-Economic Consequences

1. Acquisition of Rent Receiving Interests

There was inordinate delay in acquisition owing to litigation and inefficiency of the implementing machinery. Even though 'summary' procedure was adopted, it took six long years (1951-56) to acquire just 443 estates¹¹ despite the fact that (a) these were the bigger estates with easily identifiable interests and sufficient 'papers' to work out the acquisitions in the minimum possible time, and (b) in the 1954 elections, the Muslim League had been defeated, and a popular United Front (UF) government promising land reforms had emerged in East Pakistan.

The original plan of the Muslim League government was to proceed in the second phase i. e. after the so-called 'summary' acquisitions were over, more gradually, extending over about 14 years¹² following revisional settlement operations (verification of record of rights). In 1956, the UF government decided in favour of wholesale acquisition irrespective of the settlement work. This was stiffly resisted by the landlords. After several protest marches and memoranda to the Governor and the Chief Minister,

11. *Mahmud Report*, p. 4.

12. Govt. of East Pakistan, Revenue Department : *Report of the Land Revenue Administration Enquiry Committee*, 1962-63, Dacca, 1963 (henceforth *Hussain Report* after the name of the Committee's Chairman Khan Bahadur Muazzamuddin Hussain), p. 14.

they challenged both the EBSATA and its speedy implementation in the High Court.¹³ By January 1957, the government, having won the case in both the High Court and the Supreme Court, was finally in a position to proceed with wholesale acquisition. This was completed by the middle of 1958.¹⁴

Thus besides the fact that most rent receivers continued to exert their rent collection rights for more than eight years beyond the date these were legally abolished enough opportunities were provided for mischief and malpractices, creation of new rights, concealments, forged documents, bribery, etc.¹⁵

In the case of religious property ('*waqf*' in case of Muslims and *debottor* in case of Hindus) also, the government faced litigation. However, even after winning the case, it decided not to acquire their rent receiving interests until such time as compensation assessments were finally completed.¹⁶ It was as late as 1964 that rent receiving interests of these lands finally vested in the government,

2. Sub-letting

In effect, the ban on sub-letting meant that while share cropping on a 50:50 basis was not to be considered as subletting, cash renting (which was less harmful) was banned. In practice both continued unabated. This is attested by the fact that till now the government cannot cite one example where such sub-letting has been detected and penalised.¹⁷ In addition, this strengthened

13. Sen, Saralananda, op. cit. (Vol. 11), p. 172.

14. *Mahmud Report* p. 7.

15. Umar, B. U., op. cit., p. 183.

16. *Hussain Report* p. 65.

17. Ali, Shawkat A. M. M., : *The Myth of Land Reform in Bangladesh* 1977 (mimeo.), p. 3.

oral and disguised leases. Thus in Mymensingh, the *rungjama* system, under which peasants leased in land from large landowners by a cash advance on an annual basis, continued¹⁸ Similarly in Rajshahi, the ban on sub-letting could not check the system of leasing land on an informal tenancy basis on condition of paying a fixed amount, 7½-9 *maunds* of paddy per acre irrespective of crop failure¹⁹ Thus, in the absence of an effective implementing machinery, sub-letting remained insecure and rack-rented.

3. Bargadari (Share-Cropping) System

By equating share cropping with wage labour, the EBSATA not only neutralised strictures on subletting and intermediary rent receiving interests but also per-

TABLE 1

Tenancy and Agricultural Productivity, 1968²⁰

category	% intensity of land use	% intensity of cropping
Owner farm	99	135
Owner-cum-tenant farm	98	147
Tenant farm	95	132

petuated a system that was detrimental to productivity. Since the Act was silent on cost sharing, the insecurity and 50 : 50 basis of sharing output (in some areas like Khulna and southern Barisal, 2/3rd to 3/4th of the share belonged to the land-owner ; the situation remains the same even now) acted as powerful disincentives to the share-cropper in undertaking productive agriculture and

18. Dutta, K. et, al : *Bangladesh Economy* (People's Publishing) Delhi, 1973. p-136.

19. Ibid, p. 137.

20. Source : Govt. of Pakistan : *Master Survey of Agriculture* (henceforth, (MSA) 1968

adopting improved technology since additional costs did not match the share of additional output. This is clearly brought out in table 1.

Recent empirical work also suggests similar results²¹. Estimates on the extent of share tenancy in the Master Surveys of Agriculture (MSA) of 1960 and 1968 appear to be unreliable since these did not take into account the substantial non-reporting/owner-cum-share-cropper generally encountered in tenancy surveys.

TABLE 2
Extent of Tenancy by Area, 1951-61

Tenure	Percentage of Cultivated Area	
	1951	1961
Owner/Owner-like Cultivation	68	71
Share Tenancy	32	29

According to our survey in three villages of Jessore and Bogra, the area under share tenancy and the extent of tenancy by percentages of rural households for 1951 and 1961 were as shown in tables 2 and 3.

It is apparent that while the percentage of cultivated area under share cropping declined by 3% between 1951 and 1961, both percentage of rural households share cropping and percentage of households with share cropping as the main occupation slightly increased during the same period. The Fourth Five Year Plan of Pakistan (1970-75) also admitted, with reference to East

21. Hossain, Mahbub, : 'Farm Size, Tenancy and Land Productivity : An Analysis of Farm Level Data in Bangladesh Agriculture', *Bangladesh Development Studies* Vol. V, No. 3. July, 1977,

Pakistan, that in fact, there is a tendency to absentee land- lordism and reappearing tenancy'²².

TABLE 3
Extent of Tenancy by Percentage of Rural Households, 1951-61.

Year	Percentage of Households Share Cropping
1951	38.7 (11.5)*
1961	40.0 (12.0)*

* Figures in parentheses indicate the percentages of rural households whose main occupation was share cropping (i. e. occupation which yielded the highest single component of total income). According to Floud's enquiry, 12% of the total agricultural labour force lived mainly on share cropping in 1938-39.

In the 1954 elections the United Front (UF) swept the polls in East Pakistan. During the election campaigns, the UF promised legislation ensuring the share cropper's 2/3rd share of the crop and a more secure tenancy²³. However, it took the UF government three years to introduce a bill to this effect²⁴. Before the bill could be passed the military assumed power all over the country. The Assembly dissolved, the story of the 1947 *bargadar* bill was repeated.

4. Acquisition of 'Excess' Land

This was fraught with a number of constraints :

- a. Acquisition of excess land proceeded at the same snail's pace as that of rent receiving interests, and for the same set of reasons. Thus, ample scope

22. Government of Pakistan, Planning Commission: *The Fourth Five Year Plan*, (1970-75), p. 309.

23. Interview with Mohammed Toha, Ahsabuddin & Sardar Fazlul Karim, then members of the Legislative Assembly, in August 1977.

24. Sen, Saralananda, op. cit., (Vol. II), p. 268.

was provided for sale and partition of excess land, and in case of some Hindus, transfer of the proceeds of sale to India. The partitioning was facilitated by a very loose definition of the 'family'²⁵. According to one estimate, 105,600 acres of agricultural land were transferred in an effort to evade the ceiling²⁶.

- b. There was also large scale ejection of tenants by *ex-zemindars* and tenure holders on the pretext of resuming land for 'personal cultivation', leading to further swelling of the ranks of the most vulnerable classes of peasants²⁷.
- c. The Act provided for a number of exceptions and thereby further facilitated ceiling evasion. Thus exemption was granted in case of plantations, gardens, orchards, dairy farming, large scale farming using mechanical appliances, etc. The total number of such exemptions made is not known but it can be said that the government never tried to ascertain if these lands were put to the use for which exemption was granted.
- d. In 1961, i. e. three years after the military assumed power in Pakistan, the ceiling was raised to 375 *bighas*, and where feasible, the land resumed by the government was restored to the original owners. It may be pointed out that the new ceiling came in the light of the recommendations of the Mahmud Report (1959) for enhancing the ceiling from 100 to

25. Zaman, M. A. : 'Bangladesh---The Case for Further Land Reforms', *South Asian Review*, Vol. III, No. 2, Jan. 1975, p. 102.

26. Zaman, M. A. : *Land Reform in Bangladesh to 1970*, p. 36.

27. Mukherjee, I. N. : 'Agrarian Reforms in Bangladesh', *Asian Review*, March 1977, p. 403,

133 acres. (Around the same time, the Planning Commission was proposing an even higher limit of 150 acres). The Mahmud Commission stated the question then arises whether it is worthwhile ruining the middle class families who form the backbone of the country, when it will not solve in any appreciable manner the problems of landless labourers and small cultivators. ...In our opinion, the ceiling should be raised to a limit which will enable a middle class family to live above want and educate its children in schools and colleges' ²⁸ The income calculation justifying the proposed limit was grossly biased, assuming the lowest possible and constant prices, mono-cropping and a static agriculture. Neither did it take into account other sources of income (money lending, speculative trade, etc.) associated with land ownership of this magnitude. The real intention was indeed otherwise: devising a 'rationale' against land distribution and for safeguarding the interests of the rural rich, whom the report so shamelessly tried to pass off as the 'middle class'.

- . In 1964, exemption from the new ceiling (i. e. 375 *bighas*) was extended to cooperative societies, provided the members transferred their lands unconditionally to the society²⁹
- *. Following the Hossain Report (1962-63), the distinction between private and public religious lands in the matter of ceiling was removed³⁰

28. *Mahmud Report*. pp. 51-52.

29. Anonymous : *The Rights and Liabilities of the Ryots Under the BTA 1885 and the State Acquisition and Tenancy Act, 1950* [with amendments], Law House Publications, Dacca, 1972

30. Interview with Administrator of Waqfs, Govt. of Bangladesh, in August, 1977

Previously, the ceiling for private religious trusts was 375 *bighas* while for public religious trusts no ceiling was imposed. The argument was that in Islam, no distinction could be made between these two types of trusts.

- g. The proprietors were given the choice as to which particular plots they could retain, so that the acquired land was poor in quality and dispersed all over in bits³¹
- h. Many lands, which otherwise should have been recorded as government *khas* property were, in effect, recorded in the names of private parties³². Similarly although in black and white a considerable amount of 'excess' land vested in the government, the implementing officials did not take actual possession of these lands for long time³³

5. Availability of 'Excess' Land

According to one estimate, the number of families having land over 375 *bighas* was 439³⁴ (529, according to the Hossain Report)³⁵ and the total amount of land available through acquisitions was 163,741 acres³⁶. This constituted only 1% of the 19.2 million acres of cropped area in 1947-48. According to the 1961 census, there were 2.54 million landless agricultural labourers. Assuming on the average a family size of 5, 0.32 acres of land could be given per landless family. But since most of the land was of

31. Abdullah, A. A.: Land Reform and Agrarian Change in Bangladesh, *Bangladesh Development Studies* No. 1. Vol. IV, 1976.

32. *Hussain Report*, p. 54.

33. *Hussain Report*, p. 62.

34. Abdullah, A. A. op. cit. p. 82.

35. *Hussain Report*, p. 62.

36. Abdullah, A. A. op. cit. p. 83.

poor quality, let us further assume that only 40% of the land acquired was cultivable. In that case, the possible allotment per landless family drops further to about only 0.12 acres.

However, the government *khas* land was derived from various sources, excess land acquired under the Act being only one among them³⁷ The others were derived as follows :

- a. Certain reformed or accreted lands obtained through natural silting of rivers (*char*) passed on to the government in accordance with the laws of alluvion and diluvion.
- b. Land purchased by the government in 'certificate sales' (i. e. sales for arrears of land revenue).
- c. Land accruing to the government by surrender, abandonment, escheat, etc.

Thus on July 1, 1962, the government land amounted to 4,65, 139 acres of arable and 1,06178 acres of waste land³⁸

6. Distribution of Government Land

In this field the following problems arose :

- a. The Act laid down simply that preference was to be given to bonafide cultivating families with less than 3 acres. However, the detailed criteria underwent frequent changes. In 1957, the following priority was decided upon³⁹
 - i. Tenants of diluvated land (i. e. land washed away by a river)
 - ii. Ex-military men with meritorious service.
 - iii. Any tenant not employing hired labour.

37. *Hussain Report.* p. 52.

38. *Ibid.* p. 53.

39. *Mahmud Report* p. 45.

iv. Refugees

v. Ex-rent receivers with no retainable land.

This priority was subsequently altered as follows
In 1960⁴⁰:—

- i) Refugees
- ii) Ex-rent receivers having no retainable land
- iii) *Bargadars* (share croppers)
- iv) Tenants of diluvated land
- v) Ex-military men with meritorious service
- vi) Other bonafide cultivators.

In 1962, this order was further amended as follows⁴¹ :

- i) Refugees
- ii) Tenants of diluvated land
- iii) Neighbouring people with scattered bits of land

Following the Hossain Report (1963), the priority was
once again changed as follows⁴² :

- i) Tenants of diluvated land with less than 3 acres
of land.
- ii) Agriculturist refugees.
- iii) Ex-rent receivers having less than 5 acres of land
and having no other income to fall back upon
- iv) *Bargadars* cultivating continuously for 3 years
- v) Ex-military personnel
- vi) Other bonafide cultivators and *bargadars*.

Such frequent changes in the priority bred not only
utter confusion but also corruption, delay and 'discretion'
on the part of the implementing officials. As will be
seen from the various priority lists, there was never
any specific concern for the landless agricultural labourers
and share croppers. The inclusion of ex-rent receivers
and ex-military personnel ran counter to the policy of

40. *Hussain Report* p-52

41. I bid, p. 53.

42. I bid, p. 54.

distributing land among land-poor classes and gave the implementing officials further scope for acting according to their usual bias. Land distribution among refugees was freely used as a political handle for creating local allies of the Pakistani ruling class and for provoking communal tension. Thus, in the wake of the 1950 communal riots, the Muslim refugees from India were settled in those very lands from where the *jajongs* (tribal people) living in Mymensingh had been evicted⁴³

- b. The land was not given away free. A successful applicant for *khas* land had to pay a sum of money called *salami* to the government. In 1957, it was fixed at 5-10 times the annual rent.⁴⁴ In 1958, it was refixed at 50% of the market value⁴⁵

TABLE 4 (A)

Land Settled between 1957-58 and 1966-67⁴⁶

Year	Area (acres)
1957-58	7,992
1959-60	87,447
1960-61	32,820
1961-62	40,608
1962-63	78,763
1963-64	10,763
1965-66	24,997
1966-67	85,327

In 1962, it was further enhanced to full market value of the land in spite of the Mahmud Report's observation that even 50% of the market value

43. Umar, B. U. op. cit., p. 183.

44. Abdullah, A. A., op. cit., p. 83.

45. I bid., p. 83

46. Source : Govt. of East Pakistan : *Reports on the Land Revenue, Administration of East Bengal* E. P. Govt. Press, Dacca.

was too high⁴⁷ There was no clear stipulation on the mode of paying *salami* and this was left to the discretion of the revenue officials.⁴⁸ On an average, the government earned about Tk. 49.0 million per year as *salami*. The continued enhancement of *salami* worked clearly against the interest of the poorer sections, and as the Mahmud Report pointed out, land came to be settled with undesirable persons in the proxy ownership (*benami*) of some poor cultivators⁴⁹ The Hossain Report had the following to say on the distribution of *khas* land⁵⁰

- i) Local officials adopted dilatory tactics in the disposal of *khas* lands.
- ii) Candidates were wrongly selected.
- iii) The same plot was settled with more than one person.
- vi) Possession of land to those granted settlement was given in a defective manner.

The effect of all this hardly requires any elaboration.

TABLE 4 (B)

Rate of *Salami* for the Year 1960-61

District	Tk/per acre
Mymensingh	87
Chittagong	5,862
Rajshahi	137

The tables above clearly shows that (a) the land settled per year was very few in comparison with land available for settlement and (b) the rate of *salami* widely varied from district[†]

47. Mahmud Report, p. 45.

48. Abdullah, A. A., op. cit., p. 84.

49. Mahmud Report, p. 45.

50. Hussain Report, p. 53.

51. Source : same as table 4 (A).

to district which could again have meant free use of 'discretion' by revenue officials in determining the market value of land settled.

7. Landownership Pattern in the Early Sixties

(a) The composition of the agricultural labour force for the years 1957 and 1961 was as follows :

TABLE 5
Composition of Agricultural Labour Force,
1951-1961⁵²

Category	1951	1961	% change in 61 over 51
Owning all land tilled	3.74	5.01	34.4
Part owner, part rented or fully tenanted	4.96*	5.60**	12.1
Renting and also agricultural wage labour	0.41	1.01	146.0
Landless agricultural wage labour	14.09%	17.22%	63.6
Total agricultural labour force	10.72	14.34	33.8

(b) The 1961 population data do not show the distribution of landownership by households. According to the MSA of 1963-64 (Second Round) the bottom 42.1% of all rural households had less than 0.75 acre and possessed a meagre 2.3% of the total cultivated area, and the bottom

52. Source : Census, 1951 Vol. I, Table 1.4 and Census, 1961 Vol. 11, Table 51.

* Includes 0.66 million tenanted.

** Does not include the fully tenanted category.

62.2% of all rural households had less than 2 acres/household and controlled only 9.5% of the total cultivated area.⁵³

(c) The Agricultural Census of 1960 and the MSA of 1968 are again important sources for data on land distribution. However, in both these, distribution is by farms rather than by ownership and these are not necessarily synonymous (see table 6). In 1960, farms below 2.5 acres accounted for 41% of the total holdings but comprised 16% of the total farm area only. In 1968, this accounted for 57% of the total holdings and 21% of the total farm area. During the period 1950-68, the total number of farms increased by 0.72 million. Of this increase, 87.5% (0.62 million) was located in the size group below 2.5 acres. On the other hand, the top 10% of the farms by size accounted for 37% of the land area in both 1960 and 1968. During the same period, farms between 5 and 25 acres in size declined in number and area. In 1960, they constituted 22% of the farms and 52% of the total farm area; in 1968, their share declined to 16% and 44% respectively.

Thus the process of polarisation pertaining to land was clearly brought out in terms of both number and area of farms as both concentrated at the lower and upper size groups with increased constriction in the middle range. Moreover, as the number of both the large and the small farms increased at the expense of the middle farms, the rural community polarised into sizeable and distinct classes, comprising of those with little or no land and those having relatively large farms.

(d) Landlessness in the 60's cannot be directly ascertained in view of the lack of relevant data.

53. Sobahan, R. : *Basic Democracies, Works Programme and Rural Development in East Pakistan*, Oxford University Press, Dacca, 1969, pp.5-6

However, it may be computed indirectly as follows : In 1960 the total number of farm households was 6.14 million. Rural population, according to 1961 population census, was 48.1935 million. Assuming an annual population growth rate of 2.5% and an average family size of 5.5, the number of rural households in 1960 would work out at 8.54 million. Accordingly, landless households would be 2.40 million (i.e. 8.54—6.14) or 28.10% of the rural households. In 1968, the number of rural households was 9.97 million and farm households was 6.87 million which means that roughly 3.10 million or 31.1% of the rural households were landless in 1968. Thus compared to 1951, landlessness and skewedness in landownership distribution became more pronounced in the 60's.

TABLE 6
Cumulative Percentage Distribution of Farms (A)
and Farm Area (B) for 1960 and 1968⁵⁴

Farm Size (in acres)	1960		1968	
	A	B	A	B
Under 0.5	13.10	0.95	12.26	1.15
0.5 — 1.0	24.34	3.25	24.96	4.14
1.0 — 2.5	51.64	16.26	56.63	21.32
2.5 — 5.0	77.94	42.64	82.95	51.29
5.0 — 7.5	89.33	61.94	92.15	61.06
7.5 — 12.5	96.53	81.08	97.50	84.58
12.5—25.0	99.59	95.20	99.56	95.53
25.0—40.0	99.20	98.17	99.92	98.83
40.0—above	100	100.00	100.00	100.00

- (e) The economic implications of skewed land ownership distribution hardly needs elaboration. Empirical evidence for Bangladesh suggested the same in terms of both productivity and use of improved agricultural technology.

54. Source : *Agricultural Census 1960 MSA 1968-63*

8. Compensation

Compensation, including 3% interest for deferred payment, was assessed at about Tk. 400 million⁵⁵. This meant that the peasantry had still to bear the feudal burden since it was ultimately to be financed out of the land revenue and 'salami' paid by them. Since a large number of rent receivers were caste Hindus who migrated to India after 1947, this also implied transfer of real resources out of the country. There is no evidence to show that the compensation that did not go beyond the frontiers was productively invested either in agriculture or elsewhere. In the case of religious lands, compensation far exceeded the general limits laid down in the

TABLE 7

Use of Pumps and Tubewells—Percentage of Farms in the Group (A) and Cropping Intensity Per-centage (B)⁵⁶

Farm Size (in acres)	(A)	(B)
Under 0.5	1.31	173
0.5— 1.0	4.24	178
1.0— 2.5	4.35	168
2.5— 5.0	2.10	155
5.0— 7.5	1.40	145
7.5—10.0	7.82	141
10— 12.5	2.54	129
40.00 and above	1.34	111

Act since this was to be a perpetual annuity equal to the net annual income. Originally, this exception was made only for 'public' religious lands but following the Hossain Report, this was extended also to private religious lands.

55. According to *Mahmud Report*, Tk. 500 million (p.17). According to *Hussain Report*, Tk. 365 million (p.57).

56. Source : MSA, 1968-69.

The 21-point programme of the UF clearly laid down that no compensation would be paid for acquiring excess land and rent-receiving interests. However, once in power the UF went back on its pledge. This time the argument was that non-payment of compensation went against the Constitution of Pakistan, and as a provincial government they could do very little about it⁵⁷. Both the Hossain Report (1962-63) and the Mahmud Report (1959) strongly recommended cash payment of compensation in a single instalment replacing the arrangement envisaged earlier for part cash, part bond payment spread over several instalments. This was conceded. The favourite justification was 'legal' grounds and 'destitution' of rent receivers on account of delay in compensation payment⁵⁸. The Reports, of course, did not go into the morality or otherwise of the rent receivers in rack renting the peasantry for about two centuries, nor could they cite any concrete evidence of their destitution. The Mahmud Report, on the other hand, thought the following about the 21-point programme of the UF Ministry: 'now that the politicians are gone, there should be no further controversy as to whether compensation should be paid at all. Government must stand by their commitments, according to the provision of the Act'⁵⁹. The Reports only too vividly revealed the solidarity of the *Khan Bahadur* Commission members with the rent-receivers of East Bengal⁶⁰.

On the other hand, if the system of payment in bond had continued, this would have at least ensured greater mobilisation of savings for investment and a check on the

57. Sen, Saralananda, op. cit., Vol. I. p. 242, Vol. II. p. 266.

58. *Mahmud Report*, p. 12.

59. *Ibid*, p. 18.

60. Title conferred by the colonial government. The recipients of such titles were mostly civil servants, businessmen, landlords, industrialists, etc., that is, classes generally loyal to the *British Raj*.

transfer of resources from the country by the Hindu rent receivers.

9. *Hats and Bazars*

The daily and periodical market places have historically held and continue to hold a significant position in the rural economy as a whole as the local centres of exchange and distribution. Under permanent settlement most of these were privately owned and leased out to *ijaradars* who in turn sublet them further. As with the situation prevailing for agricultural lands, this meant, among other things, exorbitant and illegal toll exactions from the sellers. After acquisition by the government, the practice of annual leasing out to the highest bidder continued till 1972 and no effective check was exercised on subletting and exactions beyond the government prescribed toll chart.

10. Absenteeism

The EBSATA could not remove absenteeism for the following reasons. Firstly, under a system of share-cropping without cost sharing, the landowner did not feel the necessity to have even a supervisory role in agriculture, and given the scarcity of land, he could always squeeze the *bargadar* beyond a 50% share by means of additional cash rent, *salami*, 'free services', 'loyalty at times of elections', etc., and none of these required the landowner to supervise production in his share-cropped out land. Secondly, there was no provision in the Act which compelled the cultivator to be physically present on the land. Restriction of agricultural land ownership to 'bonafide' cultivators only, as laid down in the Act, proved to be a myth because of the treatment of the share cropper as wage labourer. Thirdly, the scope for money-lending and speculative trade also encouraged absenteeism. Fourthly, aversion to manual work, perpetuated by the life style of the *zemandars* for two hundred years, continued even after *zemandari* was formally abolished, so that any landowner who could make a living by remaining aloof from the land, did so. Finally, as far as

the peasant was concerned, the government now became the super absentee landlord, perhaps even worse than a private absentee landlord because the latter was at least much easier to pin down and communicate with⁶¹.

11. Rent Reduction

Before the EBSATA, the legal rent demand of the *zemindars* from the peasants was Tk. 84.20 million⁶². On the other hand, the government demand from the *zemindars* was Tk. 9.24 million. According to one estimate, the government's cost of collecting land revenue directly from the peasants would have been Tk. 12.4 million, so that the annual government income from land revenue after the enforcement of the EBSATA was not to exceed Tk. 70.00 million. However this increased sharply specially after 1958. In 1970 it stood at Tk. 185.00 million.⁶³ This was achieved by applying those clauses of the Act which gave the government right to enhance rent. Besides, the land revenue was tied to enhanced cesses for education, local government, relief, development, etc. Rents, even by 1970, were not being fairly or comprehensively assessed⁶⁴.

Default was ruthlessly dealt with. The EBSATA provided that a holding would be liable for auction sale in case of default. In 1961, it was replaced by applying the Bengal Public Demands Recovery Act of 1913, the provisions of which were no less stringent than *Qanun Haptam* of 1797. Under *zemindari* demands were never written off; however, the peasants could sometimes extend the time of payment by exercising pressure at the local level or through personal relations with the *zemindar* and his rent collecting staff.

61. Bredo, W: *Land Reform and Development in Pakistan*, Stanford Research Institute, 1959. p. 4.

62. EBLAP. Vol. 1. No. 4, p. 96.

63. Umar, B.U., op. cit., p. 187.

64. Zaman, M. A., op. cit., p. 40.

When the government took over, the collecting staff were non-locals and behaved mechanically. Under the new recovery provisions, body warrant, (this was subsequently abolished) attachment and auction of property, distraint of livestock and other movable property, etc., as punishment for default, became common⁶⁵. Also in keeping with the tradition set by the *zemindar* and his staff, the collecting agents took to bribes and illegal collections. In fact, the new provisions afforded a great opportunity for dishonest persons in conjunction with dishonest process servers to let sales for default held without the tenant ever knowing anything about it until the period of appeal was over⁶⁶. In order to meet these ever increasing legal and illegal demands, the peasant became all the more indebted to money lenders, with the result that he now lost his land to the money lender in place of the government⁶⁷.

12. Fragmentation/Consolidation of Holdings

The provision in the Act on consolidation was vague, and left it completely at the initiative of the landowners. Later, following the Mahmud Report, the government was empowered to direct consolidation of holdings in any area. In the Act, sub-division was limited to the extent that no plot of land whose rent worked out at Tk.1.0 or less could be sub-divided. Subsequently, this restriction was withdrawn. This clear contradiction, i. e. loosening restrictions on sub-division on the one hand, and providing the government with powers for compulsory consolidation on the other, showed that nothing could be achieved in the direction of consolidation. A pilot scheme for consolidation,

65. Umar. B. U., op. cit., p. 188

66. Government of East Pakistan, Board of Revenue : *Report of the Committee for Streamlining the Procedure for Payment of Land Revenue in East Pakistan*, Dacca, 1970. p. 12.

67. Umar B, U., op. cit., p. 188.

on a compulsory basis, was executed in Boda and Debiganj *thanas* of Dinajpur district. It was later abandoned in the face of stiff opposition from the local people.⁶⁸

TABLE 8
Extent of Fragmentation of Holdings, 1960⁶⁹

Farms	Number (in millions)	Percent
Farms not fragmented	0.62	10
Farms with 2—3 fragments	1.29	21
Farms with 4—5 fragments	1.18	17
Farms with 6—9 fragments	1.39	23
Farms with 10 or more fragments	1.76	29
	6.14	100

Thus, in 1961, 90% farms were fragmented to some extent. 83% of the farms under 2.5 acres were fragmented; the figure was 97% for both medium (2.15–12.5 acres) and large (above 12.5 acres) farms⁷⁰. In the Bangladesh situation, fragmentation was caused mainly by the operation of traditional inheritance laws under pressure of population growth. The EBSATA and the land reform implementing machinery could do nothing about it and hence failed to arrest the steep fragmentation trend.

13. Large Scale & Cooperative Farming

In the EBSTA, the emphasis was on large scale mechanised farming but not on cooperation. In 1961, guided by 'static' notions of 'subsistence' and 'economic' holdings, certain restrictions were put on transferability of holdings between 3 and 8 acres. These were removed in 1964. However, in the same year, ceiling exemption beyond 375 *bighas* was extended to cooperative farming as well. Clearly, this concession was meant to strengthen the old

68 Zaman, M. A, op. cit. p. 39

69. Source : A. R. Khan : *Bangladesh Economy*, Oxford University Press, 1972 p. 42.

70. Govt. of Pakistan, *Census 1960---East Pakistan* p. 17.

policy of helping 'the strong and the sturdy'. The 'model' cooperatives introduced by Akhter Hamid Khan (Founder-Director of the BARD—Bangladesh Academy for Rural Development) could not be replicated beyond a small area in Comilla. It had no place for the landless and the small farmers. As time passed, it was infiltrated and dominated by the relatively well-off farmers who took full advantage of the subsidised inputs given to these cooperatives⁷¹. The Comilla Experiment was institutionalised as the IRDP (Integrated Rural Development Programme). Up till 1970, IRDP could cover only 23 out of 400 *thanas*⁷²

14. Agricultural Production and Growth of Production Forces

For the entire period 1949/50 to 1969/70, the story of Bangladesh's agriculture was one of stagnation. Between 1949/50 and 1959/60 output and value added failed to keep pace with population growth, the parametric growth rate of value added in agriculture being 0.66. Rice imports went up substantially, there was increased dependence on foreign (as opposed to West Pakistan) sources and famine (or near-famine) conditions prevailed from time to time⁷³. In the second period i. e. between 1960/61 and 1969/70, the parametric growth rate of value added in agriculture was 2.93%, almost equal to the estimated population growth rate. However, as has been pointed out by Alamgir and Berlage, a linear equation yielded a far superior fit for this period,

71. Friday, L, & Esmay, M.: "Introduction and Use of Rice Varieties, Who Benefits? MSV, No. 1970 (mimeo).

Mannan, M. A.: *Rural Leadership and its Emerging Pattern in Bangladesh*, BARD, Comilla 1972.

72. Government of the People's Republic of Bangladesh, Department of Publication, *Bangladesh Progress* 1972. p. 65.

73. Sen, Saralananda, op. cit., Vol. I; p. 242, Vol. II, p. 266

implying a steadily declining rather than a constant compound growth rate⁷⁴. Imports of food grains were brought down somewhat, but only till the middle of this period. Domestic availability per capita was better than in the previous period, though a downward trend was noticeable within the period⁷⁵.

The scenario for growth of productive forces was similar. Almost 100% of ploughing was still being carried out with primitive wooden ploughs drawn by bullocks. The supply of improved seeds remained below requirement in terms of both quantity and quality. From 1963-64 through to 1968-69, the annual distribution of improved rice seed amounted to less than 2000 tons. Only in 1969-70 did rice seed distribution reach 4400 tons (of this 1800 tons were imported) but even this constituted only 8% of requirements. As late as the mid 50's, fertiliser use was insignificant (1100 tons of ammonium sulphate distributed in 1955-56 was applied to probably no more than 200,000 acres i. e. less than 1% of the cultivated land). By 1969-70 the area fertilised rose to about 3.5 million acres or 14% of the total cultivated area. To put this figure in proper perspective, while Bangladesh used about 25 lbs of fertilizer for every acre of rice she grew, Great Britain, for example, used about 180 lbs for every acre of arable and rotational grass land. Pest control was initiated around the mid 50's. The total area receiving plant protection increased from 0.6 million acres in 1960-61 to almost 10 million acres in 1969-70. However, the effectiveness of the programme is questionable, owing to lack of spraying machines and their repair facilities and wasteful

74. Alamgir, M. & Berlage, L. J. J. : *Bangladesh : National Income and Expenditure 1959/60-1969/70*, Research Monograph No. 1, BIDS, 1970.

75. Abdullah, A. : *Agrarian Structure and the IRDP*, (mimeo.), BIDS, p. 17

application of insecticides. In 1968-69, the total cropped area was 31 million acres. Of this, only 0.822 million acres or about 3.6% of the cropped area was under modern methods of irrigation⁷⁶. This extremely slow growth pace of productive forces in the agricultural sector showed that in the situation obtaining in Bangladesh, without adequate changes in production relation, productive forces and production could not develop, even in spite of all-out efforts by the state. In the absence of land reforms, not only did agricultural production stagnate and monopoly control of the rural propertied class over agricultural prices remain in tact, but a combination of these two factors also militated against industrial development in the eastern wing : (a) the surplus available to industry from the agricultural sector was low ; (b) this surplus was made available to industry at terms highly unfavourable to the latter.

76. World Bank, : *Report on Land and Water Resources Sector Studies—Bangladesh*, Vol. I, 1972, pp. 62-67.

Formulating A Viable Land Policy For Bangladesh—What Do We Need To Know ?

*Abu Abdullah**

It has by now become a part of the conventional wisdom that in many, if not all underdeveloped countries, the agrarian structure represents an obstacle to development. Even institutions traditionally regarded as conservative are now preaching land reform. Thus a recent USAID publication states quite categorically : '...the current situation in Bangladesh is one in which the traditional agrarian structure (defined by institutions of custom and law) can be said to be both an impediment to the dissemination of new technology in agriculture, and at the same time, an obstacle to the full participation of the rural majority in programs of rural development'¹. If these authors, like many others, finally prudently refrain from recommending any thorough-going land reform measures, this is, at least ostensibly, on grounds of feasibility. This emerging consensus on the inhibiting role of the agrarian structure on development has been accompanied by an increase in the volume of research being done on agriculture, rural society, rural institutions and so on. Unfortunately, much of this research lacks purpose or direction. Data are collected in a routine fashion on certain standard items, displayed in tabular form or run

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1. Jannuzi, F.T. and Peach J.T : *Report on the Hierarchy of Interest in Land in Bangladesh*, USAID, Washington D.C. 1978, p-69

through a computer to yield various coefficients, and the whole thing is rounded off with pious recommendations which in fact have little to do with the research findings. There are in particular, a number of red herrings—the most notable one being perhaps the farm-size-productivity debate whose pursuit is taking up an inordinate amount of research resources.

The purpose of the present paper is mainly methodological. It does not try to answer any questions—except perhaps in Section III, where I do try to offer and defend a particular characterization of the agrarian structure in Bangladesh. Mainly I have been concerned to indicate what the appropriate questions are, and what systems of concepts, what forms of discourse, are needed to ask these questions and to try to answer them. In particular, I have tried to demonstrate the inadequacy of certain simplistic arguments current in the literature as well as in 'common-sense' thinking, which purport to demonstrate the desirability of certain reform measures. While the discussion centres on Bangladesh, some of the issues raised are quite general and should have a wider relevance.

II. Identifying the Barriers

I shall start by putting forward some propositions, definitional and substantive, which I shall not attempt to elaborate here. The arguments are developed at length elsewhere².

By the agrarian structure I shall understand the combination of modes of production in agriculture (and by agriculture I mean here chiefly the cultivation of seasonal crops). By a mode of production I mean a certain form of labour process,

2. Abdullah, A : *Modes of Production and Agrarian Structure : An Exploratory Analysis* : Working Paper No. 114, Chr. Michelsen Institute, Bergen, 1978

structured by certain relations of effective possession/separation of the (chief) means of production, and corresponding forms of surplus-appropriation. To say that a certain agrarian structure presents an obstacle to growth is to say that the dominant mode of production in agriculture is one that is characterized by stagnation or quasi-stagnation of the forces of production in agriculture, and also that as a consequence enough surplus is not being generated in agriculture and/or not being productively utilized either in agriculture or outside it. Note therefore that the role agriculture plays in development depends critically on the forms of its articulation with the rest of the economy—it is never enough to consider agriculture in isolation. The agriculture/non-agriculture division is one that cross-cuts the analysis of the economic formation into its constituent modes of production, and it is this second analysis that is decisive for getting some idea about the causes of stagnation. Nevertheless, starting with the 'agrarian question' is convenient if only because it locates the discussion in familiar empirical terrain and prevents it from going off altogether into the rarefied realms of high theory, and initiates more directly a concrete analysis of the concrete situation³.

The first thing to do, therefore, is to identify the modes of production in agriculture, and to specify the forms of their articulation among themselves and with the non-agricultural sector. For this we need to collect information on the following aspects of the process of social production:

1. What are the main instruments and objects of labour?
 2. Do certain non-labouring agents exercise effective possession (not necessarily identical with legal 'ownership') over these means of labour?
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3. Altogether too much ink has been spilt, and too many hairs split, in discussion about the relation between the order of thought and the order of discourse. In my opinion there is no necessary relation.

3. On what terms are the labourers and the means of labour brought together ?
4. What is the process of circulation/redistribution of the product ?
5. Through what means and to what extent is the reproduction, (a) of individual labour processes, and (b) of the total social labour process, assured ? The distinction between (a) and (b) is important because the reproduction of the total social labour process may involve the more or less systematic non-reproduction and extinction of certain individual labour processes.
6. What categories of agents appropriate the surplus, in what forms is this surplus appropriated, and how is it disposed of ?

On the basis of these criteria, I believe that broadly three modes of production can be identified in Bangladesh agriculture :

1. A feudal mode under which the legal owners of land also retain effective possession of land in the sense of having virtually unfettered rights of eviction of the direct producers. Surplus is appropriated chiefly in the form of rent in kind, thus without the intermediation of the market. Here it is the landowners' decisions regarding the size of the plots rented out, the frequency of eviction and the volume of rent which are decisive for the conditions of reproduction of the peasant household 'enterprises'. The tenants are usually also subject to exploitation through forms of usury and merchant capital.

2. A peasant mode of production where the direct producers are, if not always the legal owners, at least the effective possessors of most of the land they cultivate. (As a matter of fact, since the abolition of the Permanent Settlement legal ownership and effective possession

coincide to a large extent.) These need not be 'owner-farmers' in the sense that they own all the land they till, but they do own enough to ensure at least simple reproduction, even if at a low level of production and consumption, of their household economy. Here again, and perhaps more than for the feudal mode, usury and merchant capital are likely to play a significant role. Note that the use of wage labour is quite consistent with the peasant mode.

3. A capitalist mode of production, which is articulated closely to the national and international market. Production is by wage labour, the product is primarily intended to be a commodity, and surplus is appropriated in the form of surplus value.

These three modes do not, obviously, co-exist in isolation from each other and from the world economic system. The peasant mode in particular is not a new name for 'natural economy'. It is a peasant mode that is penetrated and impoverished at the same time as it is sustained by forms of merchant and usury capital as well as some forms of rent. But these have not yet fundamentally affected the conditions of reproduction, nor are these the decisive relations of production that structure the forces of production.

Empirical investigation must establish the relative, quantitative importance of these various modes of production, and also the forms of their articulation in the economic system. My own guess would be that the peasant mode (as I have defined it) predominates quantitatively, but all three modes are subject to the dominance of metropolitan capitalism in the last instance. However, without a concrete determination of the precise modality and extent of this dominance, the last statement would remain an abstract compromise formula.

Where exactly in this complex structure are the barriers to growth to be located? In a very real sense the barriers

are not internal but external. It is the place occupied by Bangladesh in the world capitalist system⁴ that determines the limits to the growth of indigenous capitalism, which in turn perpetuates backward, stagnant modes of production in agriculture. We cannot, however, change the world system and even if we could and did break out of it, this would not bring in its wake automatic solutions to the agrarian problem. Besides, the relationship between imperialism and backwardness is not a unilateral one—if imperialism perpetuate backwardness, backwardness also invites imperialism. And while the final assault on the problem must be political, there are things that have to be done both before and after. Finally, reformist changes, as long as they are unpretentious, need not necessarily be counter-revolutionary :

Very schematically, then, the following reasons may be suggested for the continued reproduction of backwardness in the agrarian sector :

- 1, The capitalist mode cannot expand because of (a) the weakness of urban/industrial capitalism, (b) the 'disarticulated' nature of domestic capitalism, whereby linkages between industry and agriculture are disrupted, and (c) the preponderance of parcellated, fragmented peasant property forms on the land which makes penetration by productive capital difficult.
- 2, The feudal mode offers virtually unlimited scope for the extraction of absolute surplus value. There

4. As Laclau has pointed out, it is important to distinguish between modes of production and economic systems. It is illegitimate to speak of the world capitalist, or the 'colonial,' mode of production. See, Laclau, E : 'Postscript' to Feudalism and Capitalism in Latin America in *Politics and Ideology in Marxist Theory*, New Left Books, London, 1977.

are no structural compulsions whatsoever for the generation of relative surplus value. The laws of motion of the peasant mode are constantly replenishing the reservoir of dispossessed peasantry who can be exploited intensively on the basis of the existing mode of production.

3. The peasant mode, while not perhaps as ineluctably counterproductive as Marx indicated (witness Japan), is certainly in general and in the specific context of Bangladesh caught in a cycle of simple or restricted reproduction. Even in the absence of the depredations of usury and merchant capital (which however, are its inevitable concomitants), the laws of population to which it is subject would ensure its perpetual impoverishment.

The peasant mode cannot be saved, it can only be transcended—either through its own momentum or through purposive action. In what direction it would evolve if left to itself depends on developments in the national economy as a whole. Again, my own guess would be that the relative weights of the three modes are not going to change significantly, though perhaps the feudal, and to a lesser extent the capitalist sectors will expand somewhat relative to the peasant sector.

It is against this background that land policies—designed to change the agrarian structure—have to be formulated and evaluated.

III. A Peasant Mode Of Production ?

The above formulation, particularly the attribution of dominance to a 'peasant mode of production', may seem provocative, not to say suspect, to many Marxists. Some elaboration is therefore in order, though it might in fact aggravate the provocation.

As mentioned earlier, I am adopting the concept of mode of production as elaborated by Hindess and Hirst, and therefore, in particular, I agree with them that not every relation of surplus-appropriation is a relation of production—e.g. we can have 'feudal rent' without the feudal mode of production⁵. A form of surplus-appropriation, whether feudal rent, usurious interest payments, or 'unequal exchange', would constitute a relation of production only if it could be shown to be the decisive factor in determining the structure of the labour process and the tempo of development/underdevelopment of the forces of production.

I define the peasant mode of production much as Marx's 'petty mode or Sahlins' 'domestic mode of production'⁶. The primary form of surplus-appropriation is direct appropriation by the direct producers, associated into 'collective workers' through the mediation of kinship, in the form of domestic groups (augmented at need through the creation of putative kin relations). Access to the main means of production is basically controlled by kinship relations. The 'laws of motion' of the mode depend mainly on natural/demographic factors.

It is essential to grasp that pointing to the presence of rent (even excessive rent), usury and merchant capital, and wage labour do not invalidate the applicability of this concept to a particular concrete situation. What would have to be demonstrated is that one or more of those forms of exploitation play the decisive role in the reproduction of the social process of production. I would indeed

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5. Hindess, B. and Hirst P. Q. : *Pre-Capitalist Modes of Production*, Routledge and Kegan Paul, London, 1977, p-225.
 6. Marx, Karl : *Capital*, Vol-3, Foreign Languages Publishing House, Moscow, 1962 pp. 581-87, 784-87
Sahlins, M : *Stone Age Economics*, Tavistock, London, 1974 pp.-74-99.

suggest that some forms of rent, in particular the share-cropping relation, and also usury capital, are (at least in the context of Bangladesh) necessary effects of the peasant mode of production—contradictory effects, to be sure, which may under certain conditions lead to the supercession of the peasant mode. But it should surprise no Marxist that a mode of production may produce as effects the conditions of its own supercession.⁷

I do not have at hand material for a rigorous demonstration of the dominance of the peasant mode. Some impressionistic empiricism may, however, make the claim at least plausible. Mainly I shall try to show that the alternative hypothesis of feudalism is not tenable. I shall not take up here the rival claims of capitalism, not because I do not think these claims are worth taking seriously, but because their evaluation would require much more elaborate work at both the theoretical and empirical level.

First, let us note that tenant farming, surely a necessary (but not sufficient) sign of 'feudalism', is quantitatively relatively unimportant in Bangladesh. Table I summarises some evidence :

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7. In a passage tacitly accepting the petty mode of production, Cutler *et al.* argue that this mode cannot in fact supercede itself but has to be vanquished 'from outside' : what is it in the petty mode that causes it to break down and to be superceded by capitalism ? Differentiation of the petty producers ? Formation of commercial and financial capital and their penetration into the commodity-producing sector ? Neither of these processes can resolve the mass of the independent producers into wage-labourers, they kill the few but the many survive and cling tenaciously to their means of production'. See, Cutler, A., Hindess B, Hirst, P. Q. and Hussein A. : *Marx's Capital and Capitalism Today*, Vol. 1. Routledge & Kegan Paul, London, 1977 p. 146. The source of their apocalyptic certainty is not clear.

When all the customary and perfectly valid reservations are made about the reliability and comparability of the data, one is still struck by the relative stability of the proportions, particularly of the proportion of owner cultivators as well as the proportion of area tilled by them (for 1977 the figures for owner-cultivators have been obtained by adding together those for 'owner' and 'owner-manager'). It would seem a reasonable presumption that around sixty per cent of farm families do not take in any land, and they operate around half the land. (The smaller owner-farmers undoubtedly also

TABLE 1

Percentage of Holdings, with Percentage of Area Operated, in Different Tenure Category⁸

Tenure Category	Groups					
	1960		1976		1977	
	Per Cent of Holdings	Per Cent of Area	Per Cent of Holdings	Per Cent of Area	Per Cent of Holdings	Per Cent of Area
Owner	60.77	53.64	58.45	54.67	61.17	63.95
Owner-cum-tenant	37.60	45.24	41.16	45.10	31.99	41.65
Tenant	1.63	1.11	0.39	0.23	6.84	4.39

work as wage-labourer or at other occupations, and are undoubtedly wretchedly poor—I am by no means trying to paint a rosy picture of a prosperous and contented peasantry.) It should also be remembered that of the area operated by owner-cum-tenants, more than half is owned by them—owned area as a percentage of operated area appears to have declined over the period, being

8. Source : 1960, Census of Agriculture, 1976 Pilot Survey of Sixteen *Thanas*, Bureau of Statistics, and Jannuzi and Peach,

62.32 in 1960, 58.43 in 1976, and 55.64 in 1977 (sources for these figures are the same as for Table I).

Given the insignificant amount of pure tenancy, feudalism or 'semifeudalism' must be looked for in the owner-cum-tenant stratum. Let us take a closer look at the structure of this category.

TABLE II
Characteristics of Owner-Cum-Tenant Farms,
1960 and 1976^a

Size of Holdings	Percentage of Holdings		Average Size of Holdings		Owned Land as Percentage of Area Operated	
	1960	1976	1960	1976	1960	1976
Small	35.63	41.42	1.49	1.47	55.07	54.27
Medium	51.73	48.86	4.31	4.15	59.90	57.91
Large	12.64	9.72	11.83	12.27	68.50	61.43

There can be no doubt that the small peasant and a significant proportion, say a half, of the medium peasant are critically dependent on the rented-in land for the reproduction of their household economy. We may deduce that of the forty-odd per cent of peasant households who rent in some land, as much as 60 to 70 per cent are dependent on the larger land-owners for their livelihood. This is in addition to the dependence of these people as well as the small owner-farmers, on agricultural labour and credit for which also the chief sources are likely to be the substantial peasants. This dependence appears also to be going up with time—small owner-tenants are getting more numerous, and medium owner-tenants are operating less land, and perhaps also owning a smaller percentage of it.

Obviously rent plays a more important role in the rural economy than would be revealed by a mere com-

a. Small = Less than 2.5 acres, Medium = 2.5 to less than 7.5 acres, Large = 7.5 acres and over.

-parison of areas under different tenancy arrangements. Sharecropping cannot be dismissed as an unimportant phenomenon just because only twenty-odd per cent of the cultivated land is sharecropped. However, this in itself does not prove that this share rent corresponds to any coherent concept of a 'feudal mode of production'.

I suggest that two questions have to be answered here. First, does the tenancy relation have significant effects on the level and tempo of development of the productive forces? And second, is the tenancy relation a self-reproducing one, or is it essentially reproduced as an effect of some other mode of production¹⁰? Now we know that according to some evidence sharecropped farms tend to be less efficient. Even if this evidence were unassailable and uniform¹¹ one could still be sceptical that the differences amount to a difference in the level and dynamics of productive forces. I would suggest, indeed, that the forces of production on tenant and owner farms are the same, and both bear the impress of what I have defined as the peasant or petty mode of production, whose relations thus dominate and assimilate the rent relation.

10. There is actually theoretical and practical problem of some importance here. To insist that modes of production must be distinguished by their productive forces can cause one to lapse into a position where the productive forces are all that matter and social relations are redundant. China and India might appear to have the same mode of production according to this criterion, applied carelessly and in an extreme form.

11. And it is not. See for instance, Dwivedi, H and Rudra A : Economic Effects of Tenancy--Some Further Negative Results, *Economic and Political Weekly*, Vol. VII, No. 29, July 21, 1973 and Rudra, A : Economic Effects of Tenancy--Some Negative Results, *Economic and Political Weekly*, Vol. VIII, No. 28, July 14, 1974.

On the second point, I think that share tenancy may to some extent be able to secure the bases of its own reproduction. This it does by keeping the tenant too poor to accumulate enough land to become independent of the 'landlord'. However, I would suggest that this is not the principal mechanism through which sharecropping is being reproduced in Bangladesh. Briefly and bluntly, peasants are not poor because they are tenants, they are tenants because they are poor. This poverty itself is generated mainly by the 'laws of motion' of the peasant mode of production. Indeed, sharecropping may be seen as a mechanism which aids the conservation and reproduction of the peasant mode, by adjusting—admittedly on inequitable terms—disparate land/domestic labour ratios.

Another bit of factual information that in my opinion supports the idea of a peasant mode is about the way in which people came to own land. According to preliminary data from the IRDP Benchmark Survey, 42.48 per cent of households did not own any land at all, but of the remaining 57.52 per cent, 36.11 held their land by inheritance only, another 9.47 by inheritance plus purchase, and 7.92 by purchase only¹². This would seem to show that land is not yet in practice a commodity, and that access to land is still largely determined by kinship relations.

What, it may be asked, about the large numbers of the landless? How do they fit into the notion of a peasant mode of production? I would make three points. First, these landless are the product, not of a process of 'primitive accumulation' (and even that phase belongs to the pre-history of capitalism rather than to capitalism itself), but over-whelmingly of demographic and natural processes. Second, they are certainly not engaged in tenant farming

12. Mia, A : *Problems of Rural Development—Some Household Indicators—Benchmark Survey Report Series No. 2. IRDP Dacea, October, 1976 (mimeo) p.56, table 9.2.*

in significant numbers, so they are not part of the feudal mode. They are mostly engaged in agricultural and non-agricultural wage-labour, but (and this is the third point) wage labour by itself does not indicate capitalism¹³. They may at best signal the possibility of a transition. Thus I would argue that the agrarian structure in Bangladesh can best be characterized as one of three modes of production in articulation, of which the peasant mode is dominant. (Further investigation may indeed lead one to speak of two modes in articulation—the ‘feudal mode’ may be non-existent.) This peasant mode is indeed modified in important ways by the working out of its inner contradictions as well as by the penetration of national and international capitalism, but by no means yet superseded. And in my opinion, it would be far too glib and hasty to pretend that the peasant is inevitably doomed, and is already being replaced by new classes. We may recall that Lenin made a similar prediction about the Russian peasant in 1898 (a prediction he modified in 1908), yet the ghost of the peasant refused to be laid until Stalin took matters in his iron hand.

Having set the background, let us now discuss possible changes in this structure.

IV. Desirability and Feasibility

What kinds of changes are possible? And of the possible changes, which is best? These are the two key questions, formulated in the idiom of neo-classical economic theory, that we would like to be able to answer. Before we try to answer them we must have some idea of what we mean by ‘possible’ and by ‘desirable’. Again, in neo-classical idiom, we must identify the constraints

13. Lenin, V. I : ‘The Agrarian Programme of Social Democracy in the First Russian Revolution’, *Collected Works*, Vol. 13, Progress Publishers, Moscow, 1962,

defining the feasibility set and also specify our objective function.

What is emphasized in the literature is usually the difficulty of specifying an objective function that will be consensually accepted. However, the problems of defining the feasible set are no less intractable, and present the analyst with one of his most excruciating dilemmas. I have in mind particularly the handling of political-ideological constraints. Should one accept the existing political structure as given and limit one's policy options to those that the regime currently in power is likely to be willing and able to implement? Or should one give a more complete list of possible policy changes and indicate, where necessary, the kinds of political-ideological changes that would be required to make this policy an acceptable one? And should one, in the latter case, also try to estimate the probabilities of such political change? The first course is more likely to be immediately 'useful' and 'practical', but is inevitably conservative. The second course, on the other hand, could very well degenerate into visionary declamations devoid of scientific content.

Bearing these twin pitfalls in mind, I shall choose the second alternative, and discuss policy options of degrees of 'radicalness'. That is, I shall not abstain from discussing policies that are clearly 'infeasible' given the existing class nature of the state in Bangladesh.

As for desirability, I shall, without further discussion, take the following to be the objectives of any land policy :

1. Growth in gross agricultural output.
2. Growth in the volume of agricultural surplus available for transfer to non-agricultural (not necessarily urban) activities.

3. An improvement in living standards of the rural poor, or at the very least an arrestation of the process of pauperization.
4. Limiting rates of rural-urban migration to levels consistent with the growth of urban employment opportunities and civic amenities.

I shall now take up some policy options that are usually discussed in this context, and try to deduce, not so much their relative desirability and feasibility, as the kinds of analysis we would require in order to arrive at such judgments.

V. Some Alternative Policies

At various times in the history of tenancy legislation and agrarian movements in this part of the world, the following measures have been discussed :

1. Policies Regarding Sharecropping

- (a) Giving sharecroppers tenancy rights, i. e. essentially giving them security of tenure and protecting them against arbitrary evictions.
- (b) Restricting the maximum permissible crop share going to the landlord, usually to one-third of the produce (when landlord does not provide inputs other than land).
- (c) Abolishing sharecropping :
 - (i) through commutation of produce rents at stipulated rates ;
 - (ii) allowing the landowner to resume land given out on sharecropping and dispose of it as he sees fit ;
 - (iii) declaring all land being sharecropped at a particular point of time to be the property of the

sharecropper—suitable exception being made, of course, for the famous widows and orphans.

2. Policies Regarding Subletting

Paradoxically, while sharecropping is not forbidden under the law, subletting on cash rent appears to be explicitly prohibited. (I say 'appears to be' because there may be some scope for confusion in the definition of 'subletting'.) Clearly subletting in the sense of renting out land on an annual or longer term basis is widely prevalent. It is a transaction in which no legally binding documents are drawn up, and the terms and incidences are totally determined by market forces and by custom. Making this prohibition more effective would be one conceivable (one hesitates to say possible) policy option.

3. Policies Regarding Mortgage

In theory, the only permissible form of mortgage is the complete usufructuary mortgage, where at the end of fifteen years the initial loan is considered to be completely paid off and the land reverts to the mortgagor¹⁴. In practice this is usually circumvented through the mechanism of 'conditional sale'. Under this the mortgagor goes through the legal motion of a sale, with a verbal understanding that he can 'buy back' his land within a certain period. It is not clear what can be done about this. A shorter extinction period would clearly not really help if conditional sales could not be stopped. There are no obvious ways of distinguishing conditional from genuine sales, at least within the existing legal processes.

4. Policies Regarding Selling of Land

From the day of British rule down to the present day, suggestions have been made at various time to prohibit the selling of land, at least by small farmers:

14. An attempt was made by the Mujib government in 1974 to bring down the period of extinction to seven years, and also to prevent 'conditional sales'. The law was declared unconstitutional by the High Court,

This was supposed to be one way of protecting them from the rapacity of money-lenders, and would of course be one way of solving the problem of conditional sales.

5. Policies Regarding Size of Holdings

Currently there is a legal ceiling of 33.3 acres on the amount of land owned by a household. Successive attempts have been made to define 'household' in such a way as to reduce the possibilities of using ambiguities in this concept to evade the ceiling, notably in Presidential Order 98 and Presidential Order 135 of 1972¹⁵. However, big landowners have other ways, notably bribery of evading the ceiling, and all available evidence indicates that the existing ceiling, which is in any case quite high, is largely inoperative. Any future steps in the direction of imposing a ceiling must pay particular attention to implementability.

6. Policies Regarding Form of Ownership and Organisation of Production

These refer to more drastic measures aimed at redefining the nature and incidence of property right in land, and introducing *pari passu* alternative forms of organisation of the labour process. Specifically, the question is one of the degree of 'communal' ownership, control and planning that can and should be introduced. The paradigm would be full-scale expropriation/collectivization of land, probably more or less after the Chinese model.

I have tried to provide a fairly comprehensive list of policy option. Of course, some of these are perhaps best considered in association, as policy package—for example

15. Kamal Siddiqui provides the best available summary of the provisions of this and other post-Liberation enactments. See article 3 of this volume. *Ed.*

ceiling legislation with abolition of share-cropping and/or limited cooperation. However, for discussing the information requirements of these various policies, I shall concentrate on just three possible policies : abolition of sharecropping, ceiling legislation/redistribution and collectivization.

V1. The Question of Sharecropping

Is the abolition of sharecropping desirable, and is it possible? To answer the first question we have to be able to say something about possible effects that such a step might have on the objectives I listed above (see Section IV).

The studies on the effects of sharecropping that I am familiar with deal with differences in input use and productivity of land and labour between owner farms and sharecropped farms. If one finds that sharecropped farms show a lower yield per unit of land (the evidence is in fact mixed) this is supposed to establish a presumption in favour of the abolition of sharecropping¹⁶.

Now in this form the argument does not hold. Firstly, because the results of a change from a sharecropping to a no-sharecropping situation would depend on the precise nature of the latter, in particular on whether the sharecropper becomes the owner of the land or has to vacate it in favour of the original owner. In the latter case we must be able to specify further whether the owner will now rent out this land on cash rent or cultivate it with hired or family labour. If the landowner was a rich farmer, for example and the sharecropper a small one, and if the usually posited inverse relationship between size and productivity holds, then the positive effects, if any, of the change in tenancy might be swamped by the negative effects of the resulting redistribution of

16. The effects of sharecropping on productivity have been spelt out in the article by Muhiuddin Khan Alamgir included in this volume. *Ed.*

(operational) size of holding. On the other hand, the dynamic effects of this step are likely to be much more important than any static once-for-all changes in output. One can hypothesize several such effects :

1. Closing off the option of sharecropping might impel bigger farmers to move towards capitalist forms of farming.
2. At the same time, most of those who are now sharecroppers will then have no option but to become wage labourers (probably only the better off ones could readily become tenant farmers on cash rent). Therefore, both the supply of and demand for wage labour is likely to increase. What the net result on wage rate and hence living standards for the poor is likely to be is problematic.
3. Any effective ban on sharecropping is also likely to accelerate the disintegration of the peasant mode of production, since within this mode sharecropping does play a significant role in the reproduction of many peasant households' economy. The likely result is a further addition to the supply of 'free' labour. This would further depress wage rates and, probably also increase rural-urban migration.

What of the disposition of the surplus, marketed and non-marketed? That will depend on whether the net result of this variant of abolition leads to an increase or a decrease in the share of produce going to the direct producers (and also of course on whether the total produce increases or decreases). As we have seen, these effects depend on the complex interplay of a number of processes and cannot be deduced from simple static comparison between owner operated and share-cropper operated farms

What of the other, apparently more progressive, variant of the abolition of sharecropping, with the sharecroppers becoming effective owners of the land they were cultivating? The immediate result is a redirection of the surplus back to a section of the direct producers, who now acquire ownership (legally as well as in fact) over the critical means of production. This is certainly commendable from the point of view of equity. The impact on output is again not determinable in advance. In this case, the findings of the kind of the static comparisons I discussed above, may be more relevant. Even so, one must first test one simple but plausible hypothesis—the sharecropped farms show lower productivity (if they do) not because of the disincentive effects of tenancy but simply because land owners prefer to give out on sharecropping their worst quality land (this hypothesis was put forward by a nineteenth century British civil servant working in Bengal, but never to my knowledge, rigorously tested).

Suppose, however, that this hypothesis is rejected, so that we have good reasons to expect an increase in total output. Do we then have an unassailable case for this step? Again, we must look at the dynamic and systemic consequences before we venture a positive answer.

The immediate result is going to be the destruction or at least severe restriction of the feudal mode of production (which mostly, if not invariably, finds its expression, in Bangladesh, in sharecropping) to the benefit of the peasant mode. The implications for development are ambiguous, to say the least (I am speaking, of course, of such a policy taken by itself in isolation), for the peasant mode in Bangladesh, as we remarked earlier, is not a dynamic sector. It is not likely that the destruction of the feudal mode will in itself lead to the development of peasant capitalism in Bangladesh. For, as I have argued above,

it is not the 'feudal' mode that is the obstruction to growth of production.

However, while the immediate impact of this step is an (once for all) expansion of the peasant mode, in the long run it will probably, as in the first variant lead to a faster dissolution of this mode. Except in the unlikely event that capitalism develops with breath-taking tempo in town and country, this is going to make the tasks of development harder, not easier.

It would seem, then, that taken by itself the abolition of sharecropping is not as incontrovertibly 'good' as is sometimes suggested. All my arguments, however, are conjectures. How could we test these conjectures ?

Take, for example, my first hypothesis concerning the effect of abolishing sharecropping without redistribution : I suggested that if big farmers cannot give their land out on sharecropping, they might go in for capitalist farming. (Here also the fragmented nature of landed property is likely to present a formidable barrier.) We could assume, plausibly, that the big landowner is an income maximizer and would choose the more profitable of the alternatives available to him—essentially hiring and supervising wage labour vs. leasing out land on a cash rent. It would perhaps be possible to construct a general equilibrium model which determines simultaneously values of the quantity of wage labour supplied and demanded, the wage rate, the volume of land rented in and out, and the rental rate. Econometric estimates may then perhaps be made of the relevant parameters and predictions made on the basis. The purely technical problems of specification and estimation would be formidable. But perhaps more importantly, such a procedure would start with the assumption that human motivations can explain changes in structures, and are therefore the motive force behind such changes. An alterna

tive and not less plausible assumption is that the motivations themselves are generated and reproduced by the structures. In this case the whole neoclassical econometric exercise loses its foundation and collapses. Yet alternative methods for reliable predictions about the 'laws of motion' of these structures do not yet exist.

However, this does not mean that all my conjectures are irrefutable and hence 'meaningless'. (There are obviously many problems with this Popperian canon of 'meaning'—probability statements, for example, are strictly speaking, irrefutable.)

My statement about the unlikelyhood of 'peasant capitalism' could be refuted, or at least shown to be implausible, by showing that in fact there is already a strong trend towards peasant capitalism, and that the peasant sector, as I define it, is disintegrating much faster than I suggest.

Nevertheless, the basic dilemma remains. As I see it, the problem is that we are trying to predict the form and time-sequence of a transition from one (dominant) mode of production to another without possessing adequate concepts to think the transition. This is true not only of mainstream economic but of Marxist theory as well. A related complicating factor is the determining role of the place a country occupies in the world economic system. This means that any adequate predictive model would have to be a truly global model. We must be able to chart the course of world capitalism if we are going to be able to say anything meaningful about the dynamics of our agrarian structure.

Am I saying that a step like the abolition of share cropping must necessarily be a leap in the dark, with consequences which are by their nature unpredictable?

Not entirely. As I have tried to show above, even purely theoretical arguments can at least alert us to alternative consequences. And some if not all these consequences can be assigned probabilities. In the current state of social science, this is perhaps not a negligible contribution.

VII, Ceiling Legislation

Do we need ceiling legislation? If so, how low should the ceiling be? And how can such legislation be effectively implemented? The usual argument for imposing a ceiling on the size of holding is based on consideration of both equity and efficiency. Equity is obvious enough. The efficiency thesis rests on the finding of various empirical studies to the effect that small farms produce more, and at the same time absorb more labour, per unit of land than large farms.

I have had occasion in the past to express my scepticism about this argument¹⁷. What I contest is not the validity of this finding, but its relevance to the issues at stake here. These empirical studies lump together enterprises belonging to the different modes of production, and classify them according to size of area operated. Again the decisive question, that of transition, is eluded.

The following considerations are, in my opinion, critical :

1. The major consequence of a successful ceiling-cum-redistribution policy would be to destroy both feudalism and capitalism and transform the entire agrarian economy into a peasant or simple commodity mode of production. In itself this would

17. Abdullah, A : Farm Size, Efficiency and Socio-economics of Land Distribution--Comment, *Bangladesh Development Studies*, Jan, 76.

be a backward step. Much would depend, of course, on the size of the ceiling—in many areas of Bangladesh ten to fifteen acres of land would provide a very reasonable basis for profitable capitalist farming. But clearly the higher the ceiling the smaller the redistributive impact, so that here we do have a conflict between growth and equity. There may be a first-round increase in total output, but this will not be sustained. Commodity production will fall, marketed surplus will decline, and non-market mechanisms for the transfer of surplus will be difficult and costly to operate.

2. In the absence of measures to initiate a transition to socialist forms, a distribution will have little lasting effect even from the point of view of equity. The forces that cause polarization in a peasant mode penetrated by the market will continue to operate. Nor can this solve the problem of relative surplus population.
3. However, in so far as peasants who become rich cannot invest in acquiring more land, this might encourage a diversion of agricultural surplus to more intensive farming or into non-agricultural activities. For this to be possible on any significant scale, the ceiling cannot be set very low—again unless redistribution is followed by extensive reorganization.

Here again, as in my discussion on sharecropping, I have put forward certain conjectures, and again I must confess that it is not easy to think of dependable ways of verifying or refuting these conjectures. Some minimum data requirements can of course be laid down. We need to know, for any suggested ceiling, how many households (in some rigorously defined sense) have excess land, how

much land would be available for redistribution, and how many legitimate claimants (on some clearly defined criteria) there are. One must guard against some extremely naive extrapolations, like assuming that the behaviour of a peasant household owning and operating, say, five acres of land will be the same irrespective of the agrarian structure in which this household is inserted. (Amazingly, this is the fallacy committed by many respectable scholars when they try to deduce the desirability of land redistribution from evidence about the relative efficiency of small and large farms.) Here again it is the same 'epistemological obstacle' (I obviously use this phrase in a metaphorical sense very different from Bachelard's) that confronts us—the lack of an adequate theory of transition. The technical practice called economics can be of only limited help here.

VIII. Extra Economic Considerations

It may be argued that the arguments presented above are too economic, and fail to place the abolition of sharecropping or redistribution policies in their proper context—that of a phase, an intermediate step, in a revolutionary transition. These steps should be judged, in this view, not entirely or even mainly in terms of their contribution to production, marketed surplus, etc, but in terms of their efficacy, indeed their necessity, as such intermediate steps,

I would agree entirely with this criticism, and therefore, I am going to try to say a few words about the possible political and social effects of these steps, or for that matter, of agitating for these steps.

I think the political argument for abolition of sharecropping and redistribution (I shall refer to these two measures together as 'poor peasant' policies) can be

summarized as follows : these policies would satisfy deeply held but non-articulated aspirations of large segments of the rural population, most probably of the vast majority of the poor and even of some middle peasants. No revolutionary party can afford to alienate these masses. More than that, no revolutionary party can get anywhere without the active and enthusiastic support of these people. If such a party tried to propagate more 'radical' policies immediately, they would be guilty of left adventurism, of trying to skip the 'bourgeois-democratic phase' of the revolution, and would be doomed to ineffectiveness. Even if they tried it after they had captured state power, they would only succeed in generating hostility to the regime among the large masses of the peasantry, and would have to resort to coercive means. On the other hand, if the party adopted and worked for poor peasant demands, this would enable them to enter into a fruitful dialectic with the poor peasant. The poor peasant could learn the value of organization, their consciousness would be raised, and after the party is in power and 'their' policy is implemented, they would themselves discover in due course the advantages of moving on to higher forms of cooperation.

To put it bluntly, the party knows that small peasant property is doomed, and must be replaced by cooperative forms. But the small peasant does not know this, and what he wants from the party is protection for his small property. The party must therefore humour the small peasant, and wait for him to 'catch up' with the party.

I am not setting up a caricature of the position in order to tear it apart. I am not going to accuse those who talk like this of 'elitism' and 'disrespect for the masses'. I think we have far too much sentimental (or motivated) glorification of the 'masses'. The party should be an 'elite', that is the whole point of having a party. And on most important

issues, the party probably does know more than the masses. And on the whole I agree with the above argument, that the pace at which we proceed towards collective forms must not outstrip the consciousness of the poor peasant.

There are just two things that worry me about this position. First, what happens if the peasant, with proverbial peasant obstinacy, refuses to 'catch up' with the party, refuses to move on to collective forms? The answer I suppose is that this could only happen with those peasants who have managed to enrich themselves, and that then the party must unite with the new poor peasant—again to protect his small property? Clearly we can remain stuck in this cycle for ever.

Hopefully this is only an academic possibility—the peasant will see that even if a few can move up to become rich or middle peasant, for most of them small private holdings can only mean poverty and extinction.

The second thing that worries me is that arguments about the need to rally broad masses of the people behind the party can easily degenerate into apologetics for opportunism—as when our home-grown 'Marxist-Leninists' start talking about 'patriotic' landlords and 'patriotic' capitalists. A revolutionary party must indeed seek power, but not at the cost of class alliances that will tie its hands, and force it to serve an exploiting class while mouthing slogans about the dictatorship of the proletariat.

Still, I agree that as transitional, minimum programmes, poor peasant policies may be indispensable. But what I am concerned to show, in opposition to some ideologues of petty peasant production, is precisely that this cannot be more than a transitory phase—it cannot provide a real solution to the agrarian problem.

One factual point, however. According to the available evidence, Bangladesh has a much higher percentage of landless rural households than either China or Russia before their revolutions. According to figures cited by Donnithorne¹⁸ the percentage of landless households, in studies made in various places between 1925 and 1937, varied between 3 and 17 per cent in Russia, households cultivating no land (large members of these in fact had small bits of land which they rented out) constituted, for four gubernias for which Lenin presents data, a rather small percentage of all households—between 7.4 and 10.2 for three, and 22.7 for one¹⁹. Thus one may argue that unlike Russia or China, in Bangladesh agriculture the 'purely proletariat' element predominates over the petty-bourgeois element, so that a somewhat more radical strategy may be feasible or even essential. I do not press this point, because only people actively involved in political work among the peasants can give a reliable answer. However, I would insist that such people must have a mind open enough to raise the question.

A word about the 'consciousness effect'. Land redistribution, it is suggested, will raise the consciousness, of the poor peasant. In particular the process of implementation, which will inevitably require local participation, will give them invaluable experience in organization. It may be argued that on the contrary, if not followed soon enough by more radical measures, the regime of

18. Donnithorne, A: *China's Economic System*, Praeger, New York, 1967, p. 46.

19. Lenin himself underplays the distinction between absolutely landless and small below-subsistence peasants. It is interesting that while in 1898 he assimilated them both under the term 'proletariat', in 1908 he preferred to speak of the 'ruined peasantry crushed by feudal exploitation'.

petty peasant proprietorship ushered in (or reinforced) by the reform may in fact perpetuate a petty-bourgeois ideology. Rosa Luxemburg's assessment of the Bolshevik land policy—that it has created a new and powerful layer of popular enemies of socialism in the countryside, enemies whose resistance will be much more dangerous and stubborn than that of the noble large land owners'²⁰ seems to have been on the whole justified by later events. And did not even a Bolshevik admit in 1929 that because of this land policy 'the danger existed of a great strengthening of the ideals of petty ownership'²¹ ?

To avoid accusations of sitting on the fence, let me say quite clearly that I am not suggesting that the landless can or should be immediately set against the landed. On the contrary, such a policy would be politically and economically suicidal. There is a need for a transitional phase of redistribution, but it must be a short transition.

These considerations, however, remain utopian in the absence of a strong revolutionary party. What policies are feasible depends on the class basis of the state. To some of these considerations, I shall return in the final section. For the moment, let us return to the safer world of purely economic considerations.

IX. Cooperation and/or Collectivization

A radical redistribution of land on the basis of private peasant property cannot by itself solve the problems of development, and in some cases it can aggravate them. Agrarian policy in the Soviet Union, in Cuba, and to a lesser extent, China, illustrates this. Japan and perhaps

20. Luxemburg, R: *The Bolshevik Revolution and Leninism or Marxism*, University of Michigan Press, Ann Arbor, 1961 p. 46.

21. Milyutin, V. P. quoted in Carr, E. H: *The Bolshevik Revolution*, Vol. 2. Penguin, Hammondsworth, 1966, pp. 156-57

Taiwan would appear to be counter-examples, and it would be extremely interesting and important to try and understand this difference. I cannot do this here. I can only reiterate my conviction (which certainly needs to be subjected to rigorous testing) that the 'Japanese miracle' is not available to Bangladesh, partly because of the very different internal evolutions of the two countries (which itself is of course not unrelated to the very different colonial experiences of the two countries) and partly because of the very different places occupied by Japan during her take-off and Bangladesh today in the world capitalist economy.

A possible alternative that stops short of collectivization would be a drastic redistribution followed by incorporation of the peasant into basically IRDP-type cooperatives²². It has been suggested that this would do away with the inegalitarian implication of the IRDP, prevent its preemption by the rich farmers and still allow the IRDP to play its role in raising production. This option might be considered preferable because it would enable one to form an alliance with the broad peasant masses instead of having to stake everything on the landless and the poor peasants.

I would regard this option as a supplementary one rather than a self-contained and viable policy in its own right. It could play a valuable role in organizing the transition period, in moderating and perhaps, preventing any drop in marketed surplus, and in keeping alive, perhaps, the ideals of cooperation. Let me indicate briefly why I think it cannot provide a final solution.

Firstly, the IRDP-type structure cannot, without going beyond itself, neutralise the processes that work towards

22. I am grateful to Dr. Mahabub Hossain for pointing out this alternative.

differentiation in a peasant economy. It is on the contrary likely to strengthen them. Thus one would need periodic redistribution. It cannot prevent subdivision of landed property, nor can it provide for the absorption of the new landless or for their productive redeployment.

Secondly, it cannot solve the problem of fragmentation.

Thirdly, the IRDP, with its stress on modern inputs supplied by government agencies, is structurally incapable of performing the tasks of a development strategy based on the fullest utilization of local resources.

Fourthly, the kind of class alliance involved in a policy of land redistribution drastic enough to accommodate the landless will probably not be all that different from that needed for a move towards more truly collective forms.

Thus it is to some form of communization that we must look for a solution to our agrarian problem. At a minimum these 'communes' should provide a basis for (a) mobilization of all available labour for infrastructural work (irrigation, embankments, roads, soil reclamation, etc.) (b) collective planning of land use, (c) planned diversification into non-agricultural activities, (d) a process of work-sharing and income-sharing that will make destitution impossible (associated with a programme for helping 'excess' people to move out to an assured job), (e) a channel for a two-way flow of directives, information, requests, etc, relating to the process of national economic planning and (f) a mechanism for the centralization and redistribution of the agricultural surplus.

Can any kind of empirical research tell us anything about the desirability of collectivization? To an extent, yes. For a given area, one can estimate, for example, the amount of infrastructural work that could be undertaken, the relative costs (even in purely economic terms)

of having this work done by contractors and hired labour as against by mobilizing local people, and the (again purely economic) benefits one could expect. This would give one an idea of the purely economic benefits that one might derive from one aspect of the functioning of the commune. A similar exercise could be carried out, I suppose, for the benefits from land use planning. The social and political aspects of the commune cannot be evaluated by these means. These are closely linked to the feasibility problem. I conclude with some remarks on this.

X. The Politics of Feasibility and the Feasibility of Politics

Which if any of the policies outlined above, separately or in combination, are feasible in Bangladesh? What are the political and administrative conditions of their implementation?

The question of feasibility can be put more starkly as follows: what classes or strata would gain by these measures, and which would lose? Are these gains and losses transparent to the agents? And what is the relative power position of the gainers and losers? Let us consider the three policies we discussed about in the light of these questions.

1. Abolition of sharecropping: while I argued above that the gains and losses from this step are in fact problematic to the agents themselves they might seem quite clear. The 'feudal lords' would certainly lose. The tenants would gain, at least immediately if the sharecropped land reverts to them. Capitalist farmers would probably gain.

Now the tenants have no power. So the issue will be decided by the relative power of the feudals vs.

the capitalists. However, it remains to be established that these classes, who are analytically distinct in a mode of production analysis, can also be treated at a more concrete level, as distinct classes with distinct class interests. Otherwise thing would happen as if they in fact constituted one class, and the issue would be decided by the perceived gain or loss to this composite class. It is quite possible that in fact in the context of Bangladesh, the feudal and capitalist modes are not in conflict, but mutually reinforce each other, and that hence these two dominant classes (who perhaps constitute distinct classes only at the level of the economy) have essentially convergent interests.

I think we may infer that on either point of view the abolition of sharecropping would be resisted by the dominant classes in rural Bangladesh. Such a step could therefore only be undertaken by a government which has formed a firm alliance with the non-dominant classes in the countryside—with the small farmers and the landless. Such an alliance can only be formed through a long process of common struggle—certainly neither through military-bureaucratic rule nor through the empty rituals of parliamentary democracy.

It is highly unlikely that the dominant class at the national level, the dependent urban bourgeoisie, would ever feel the need for such a struggle and such an alliance, or would be permitted to contemplate it.

2. Identical considerations apply for effective ceiling legislation. Here the issue is in fact simpler, since an effectively implemented ceiling would hit both feudal and capitalist classes.

3. The commune can only represent a culminating point for the phase of class struggle in which aboli-

tion of sharecropping and ceiling legislation may constitute important turning points. The question of the feasibility of communes in Bangladesh is, therefore, homologous with the question of the feasibility of the socialist revolution in Bangladesh.

On this last I do not feel competent to pass judgement, since I am not a participant in, not even a very assiduous observer of, the class struggle in Bangladesh. What superficial acquaintance I have with it certainly does not induce optimism. The small and indeterminate industrial working class, the prevalence of factionalism, regionalism, and religiosity in the countryside, the abysmally low level of leftist intellectual work, the fragmentation of the left, and for significant section of the left a hypnotic subservience to Maoist mythology, the increasing and enthusiastic involvement in the world capitalist system—all this may, pardonably make one despair. Perhaps the only feasible politics in the near future is the politics of waiting and 'patiently explaining'. Perhaps I should make it clear that I labour under no illusion that I am myself doing just that. For the 'explanation' has to be a dialogue with the masses, and the 'waiting' is in fact a period of preparation, organization, and vigilance—vigilance not only against state repression, but mainly against the kind of despair that is the common breeding ground of left adventurism and right opportunism.

Land Reform Measures in the 70s

*Kamal Siddiqui **

Post-Bangladesh Land Reform Legislations

With the emergence of Bangladesh the Awami League government came out with a number of land reform measures. The two immediate steps were :

- a. Waiving of all land revenue including arrears and interest due on agricultural land upto April 14, 1972. Nearly six million certificate proceedings were pending on the eve of Liberation against tenants for recovery of such arrear dues. As a result of this remission, the government incurred a loss of approximately Tk. 360 million¹.
- b. Exempting agricultural families with landholding under 25 *bighas* from payment of land revenue with effect from April 14, 1972 (P.O. 96 of 1972). The Order also provided that (i) families with more than 25 *bighas* of land were to file a statement with the Circle Officer (Revenue) within 90 days from August 15, 1972. (ii) families with more than 25 *bighas* of land on December 16, 1971 would not be entitled to claim exemption for payment of land revenue as a result of decrease in the total area to 25 *bighas* or less due to transfer made during the period from December

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1. Govt of Bangladesh : *Bangladesh Progress*. Dacca, 1972, p-11.

16 to date of submission of the statement. As a result, the government lost about Tk. 68 million annually.

However, of a greater significance were the following measures :

1. Imposition of a ceiling of 100 *bighas* per family on agricultural land (P. O. 98 of 1972). The amendment thus constituted a scaling down of the ceiling on land to the level provided for initially in the 1950 Act. For the purposes of this ceiling :
 - i) 'family' was defined according to the concept of extended family. The 1972 Order stipulated that a family included 'such' person and his wife, son, unmarried daughter'. Under the 1950 Act, a family had been defined to include a cultivating *ryot* and all persons living in the same extended household, excluding servants and hired labourers.
 - ii) families with land in excess of 100 *bighas* were to surrender the excess within 60 days after August 15, 1972.
 - iii) All transfers of land made by any member of the family after December 16, 1971 would be ignored ; the land actually transferred would not be forfeited, but an equivalent quantity of land out of the lands actually held by any member of the family would be forfeited in lieu thereof.
 - iv) Ceiling provisions would not apply to cases where the land was exclusively dedicated to religious and charitable purposes without any reservation of pecuniary benefit to an individual.
 - v) The government could relax the limitation in case of
 - a) cooperatives
 - b) cultivation of tea, rubber and coffee

- c) industrial concerns for the production of raw materials².

2. In re-distributing government land

- i) *salami* would not be taken which meant government's annual loss of income by Tk. 49.0 million.
- ii) The distribution would be according to the following priority among the landless and near-landless (i.e. owning less than 1.5 acres) agricultural families :
 - a) agricultural families having no land
 - b) agricultural families having no land other than homestead
 - c) agricultural families having land including homestead but less than 1.5 acres
 - d) families whose lands have been diluvated
 - e) agricultural families dependent on freedom fighters who either lost their lives or were permanently disabled (but in such cases the families should have adult members capable of cultivating land themselves)
 - f) agricultural refugee families undertaking cultivation themselves
 - g) other agricultural families³.
- iii) The amount of land given to a family would be such that total land held did not exceed 1.50 acres.
- iv) The government would preferably settle large blocks of such lands through farmers' cooperatives formed with the agricultural families eligible for settlement under this system. In case of such cooperative societies, an additional acre of land would be settled with each member family. Blocks of

2. *Bangladesh Observer*, August 25, 1972.

3. *Bangladesh Observer*, August 5, 1972.

government land between 50 and 500 acres would be settled on the above principle with individual families on the condition that the lessees would join the agricultural cooperative society, when one is formed in the locality. If the family did not do so, the lease would be liable to cancellation. Blocks of 500 acres and above, generally in the coastal areas, would be settled under the 'Clustered Village Scheme for Cooperative Farming'. These were to be model villages constituted under an approved plan for which the government would provide loans and construction materials⁴.

- v. In 1974, land allotment committees were set up at the *thana* level consisting of the Revenue Circle Officer, Union Parishad Chairman, and representatives of the Awami League, the NAP (Muzaffar) and the CPB (Moni Singh).
3. The 1950 Act provided certain rights to riparian landowner on accretions to his land: a landowner could utilise submerged diluvial land for a period of 20 years, if the land re-appeared within that period, he could take possession of the land on payment of arrears of rent without interest or damage for the period during which it was lost, or for four years, whichever was less; a land owner had also the right to land gained through 'alluvion', that is by gradual accession from the recess of a river or sea. According to P.O. 135 of 1972, the right of landowners to these two categories was abolished so that all *char* (accreted) lands would now vest in the government for settlement among the poorer classes of agriculturists in accordance with the government policy and the provisions of law.

⁴ Govt. of Bangladesh.. *Bangladesh Progress*, Dacca, 1973, p. 82.

The government also envisaged the setting up of national board for reclamation, improvement and utilisation of all fallow land, including derelict tanks. Large areas of waste land were lying fallow in the districts of Dacca, Mymensingh, Chittagong, Chittagong Hill Tracts, and some parts of North Bengal. In 1968-69, there were about 800,000 acres each of cultivable waste and fallow land in Bangladesh⁵.

4. The EBSATA (East Bengal State Acquisition and Tenancy Act) prevented mortgaging of agricultural land for raising agricultural loans in any form other than by the system of complete usufructuary mortgage for a term not exceeding 15 years. According to the amendment to this provision in 1972, any transaction, on the application of the debtor to the Sub-Divisional Magistrate, would be treated as a complete usufructuary mortgage for a period not exceeding 7 years with the provision for restoration of the land to the debtor before expiry of the said term on refund of the money in proportion to the unexpired period of the term⁶. This provision was thus expected to relieve poor peasants from the clutches of money lenders and land grabbers.

5. Another notable feature was the abolition of the *ijaradari* (leasing out) system with respect to *hats* (periodic markets) and *bazars* (daily markets). It was replaced by a non-official committee with representatives from permanent shop owners, buyers, sellers and members from the union Relief Committees. The committee was authorised to supervise the collection of tolls at approved and notified

5. Bangladesh Bureau of Statistics: *Statistical Digest of Bangladesh*, 1970-71, Table 4.1. p. 43.

6. Govt. of Bangladesh: *Bangladesh Progress*, Dacca, 1972, p. 13.

rates. The small sellers of agricultural commodities were to be exempted from payment of any toll. The committee was also entrusted with the task of improving *hats* and *bazars*; income derived from each *hat* or *bazar* minus the expenses of toll collection and other contingencies, would be divided into three equal shares, one of which would be paid to the *Thana* Development Committee, one to the government exchequer, while the third would be retained by the *hat/bazar* committee concerned. Thus, it was expected that evils of *ijara-dari* involving exorbitant toll collection from sellers would be put to an end and replaced by a system geared to the development of these important rural institutions.

Amendments, Progress of Implementation and Socio-Economic Implications

I. Rent

Commutation of arrears of rents and rents of families with less than 25 *bighas* of land no doubt provided some relief to the peasantry. However, a number of points need to be noted in this regard. Firstly, commutation of arrear rents did not constitute a special privilege for the peasantry. The nine months of war had caused unprecedented damage to the country's economy, and the rural areas were more battered than the cities since the former were the main seats of resistance. In comparison to the relief consumed by the upper classes in both cities and in the countryside (the scandalous and massive misuse and plunder of a vast quantity of internationally provided relief materials by the political cadres and the bureaucracy is now common knowledge) the relief by way of arrear rent commutation was of pigmy proportions. Secondly, in Bangladesh, about 99% of the agricultural households had holdings less than 25 *bighas*. This meant that relief through commutation of rent for

families with less than 25 bighas reached almost the entire peasantry and not just the lower strata among them, (it is also safe to assume that many of the returns submitted by those families who had land-exceeding 25 *bighas* were false). Thirdly, even though rents for households with less than 25 *bighas* were abolished and there was a general rent reduction, various rates and cesses remained, and in 1976 all these were consolidated into a single item—land development tax. Since the rates and cesses constituted only 30% of the actual land revenue, the cost of collection became higher than the total receipts. Also since the peasants had still to pay some dues, whatever be their nomenclature, the scope for extortion by the *Tehsildar* remained intact. There was no progressive agricultural product taxation in the country; an attempt to introduce the same in 1973 was frustrated by *jotedari* pressures within the government⁷. Thus, in the absence of this taxation, the real benefits of rent abolition below 25 *bighas* holdings went to the top strata in the rural society. This implied, among other things, indirect taxation affecting the poorer sections of the society and greater dependence on foreign aid⁸ (in the First Five Year Plan, 43% of the public sector expenditure was to be financed out of foreign assistance) in the face of inability to mobilise the economic surplus from the rural rich.

11. Ceiling

- a. P.O. 135 of 1972 added an additional clause to the original definition of a family which reads :

7. Interview with Professor Anisur Rahman, then Member, Bangladesh Planning Commission.

8. Govt. of Bangladesh, Planning Commission : *The First Five Year Plan, 1973-78*. Nov. 1973, p. 49.

‘Provided further that an adult and married son who has been living in a separate mess independently of his parents continuously for five years before December 16, 1971, and his wife, son and unmarried daughter shall be deemed to constitute a separate family’⁹. This was further relaxed by P.O. 124 of 1972 under which the revenue officer could accept the son’s claim to be the head of a separate family while his father was alive if he found, on verification, that the son was an adult and married with independent means of livelihood since before 20th Feb. 1972¹⁰. The dilution in the definition of ‘family’ not only provided the land owners with necessary loopholes for escaping ceiling provision but also gave the lower revenue officials opportunity to apply arbitrary ‘discretion’.

- b. There were frequent changes in the time limit for the submission of statement, as also in the date after which any transfer of land would be void for the purpose of calculating ceiling on land. The time limit for submission of statements was first extended to January 31, 1973, and then to March 31, 1973, by P.O. 138 and P.O. 154 of 1973 respectively¹¹. Originally, legislation had sought to give retrospective effect to the day of ‘Liberation’ i. e. December 16, 1971. The amendments made the date of the announcement of a ceiling on land holdings (February 20, 1972) the starting point for the application of the land ceiling provisions. Thus, a flood gate was opened for by-passing the legislation.

9. *Bangladesh Gazette (Extraordinary)*, Nov. 4, 1972.

10. *Bangladesh Gazette (Extraordinary)*, Dec. 15, 1972.

11. *Govt. of Bangladesh : Bangladesh Progress*, Dacca 1973. p. 81.

It was of course provided that if in the opinion of the government any member of a family holding land in excess of 100 standard bighas had transferred any land on or after February 20, 1972, and before August 16, 1972, even by a written instrument duly signed, with a view to avoiding the surrender of excess land to the government, the government could pass an order declaring such transfers void¹². Now this involved subjective judgement by the concerned revenue officials regarding the transferee's motivation and could thus be manipulated by vested interests.

- c. Since legislation announced the possibility of further ceiling reduction in future in order to ensure intensive cultivation on the one hand, and distribution of surplus land among the landless peasants on the other, depending on the 'objective' condition obtaining in the country, it meant inducing the *jotedars* and the rich farmers to further transfer and partition their lands. It is well known that reforms are most effective when they are promptly enacted with an element of surprise and speedily executed. Unless we consider the government to have been naive, the only explanation for this forewarning was to destroy the case for further land reforms once for all.
- d. While the party in power, in one breath held out the promise of further ceiling legislation, in the other, it preached that the old slogan of 'land to the tillers' was too advanced for the present and that Bangladesh should not hurry through land reforms lest a situation develop which would compel the government to retrace

12. *Bangladesh Observer*, Dec. 25, 1972.

its steps¹³. Such self-contradictory statements clearly demonstrated that the Awami League government was not interested in any worthwhile land reforms and that it had already begun to retrace quickly whatever little steps it had taken. In this regard, the general amnesty granted to 'collaborators' of the Pakistan Army in 1971 also had its effects. Since these 'collaborators' consisted mainly of the landed gentry (i.e. the support base to the Muslim League and other right wing parties) it led to strengthening of forces opposed to further, lowering of ceiling and to land reform.

- e. Many statements, submitted in respect of ceilings suppressed facts by producing false ration cards and Union Parishad rate receipts in connivance with Union Parishad Chairmen to 'prove' the existence of separate households. Land in other *thanas* might not have been declared at all since the land-owners knew well that there would be no inter-*thana* coordination in this regard. Many did not submit statements at all while others created legal grounds for not doing so by instituting false suits. The legal loopholes mentioned earlier greatly helped this process. In any case, suppression of facts in the statements submitted or non-submission of statements was never enquired into by the revenue officials¹⁴.

The extent of ceiling evasion is reported thus in a recent USAID report; 'The evidence of field surveys together with experience gathered during the 1977 Land Occupancy Survey confirm that there are large number

13. Statement by Minister of Land Reforms & Administration *Bangladesh Observer*, June, 4, 1975.

14. Interview with the Land Reform Commissioner (hence forth L R C) and *Bangladesh Observer*, June 4, 1975.

of owners of land, whose holdings exceed the legal limit. There is difficulty in establishing a national estimate of the numbers of owners of land whose holdings exceed ceiling. Few large land holders will admit to having holdings that are large than the maximum set by law. This holds specially when such landholders are interviewed by representatives of the government. However, the authors are satisfied that current ceiling on the size of holdings is not strictly enforced and that many thousands of acres of land are retained illegally by owners. Though attempts have been made by individual owners to conceal the fact that they hold land above the ceiling, local villagers, revenue officials and others have helped to confirm the existence of such holdings¹⁵,

III. Excess Land Acquisition through Ceiling Provision

- a. The Government sources indicated widely ranging estimates. A May 1972 statement by the Land Reforms and Administration Minister estimated that 1.2 million acres of surplus land would result from the imposition of ceiling¹⁶. In a subsequent statement by the Minister, this was reduced to 800,000 acres of surplus land¹⁷. According to another government publication only 200,000 acres were expected to become available as excess land¹⁸. On the basis of the 1960 Census data, 600,000 acres of land could be classified as surplus. Taking into consideration sub-division and fragmentation of land holdings since 1960, an estimate of 400,000 surplus acres was perhaps nearer to reality.

15. Jannuzi, F. T., & Peach, J. T. : *Report on the Hierarchy of Interest in Land in Bangladesh*, (USAID) Washington, D. C. 1977, p. 76. (henceforth *USAID Report*, '1977),

16. *Bangladesh Observer*. May 25, 1972 Editorial.

17. *Bangladesh Observer*. August 5, 1972.

18. *Govt. of Bangladesh : Bangladesh Progress*, Dacca 1972 p. 12.

- b. However, the land 'obtained' was only 58,409 acres from 5371 families, i.e. less than 15% of the surplus land that should have been surrendered. Of this, as of January 1976, only 31,250 acres were taken 'possession of' officially by the *Tehsilders* on behalf of the government, that is, the rest was still being enjoyed by the owners¹⁹.
- c. The quality of land surrendered was extremely poor—'ditches marshes, wasteland, etc.'—and when good land was surrendered, it was generally scattered in bits, since, under the law, the land lord decided which land to retain²⁰.
- d. There was considerable cultivable land at the disposal of the Railways, Forest Department and various Ministries and Corporations. One reason for this was that such land were acquired far ahead of utilisation. These could have been made available to the landless and the near-landless on a temporary basis. However, these were either lying unused or being enjoyed 'privately'²¹.

IV. Acquisition of Land Accreted from Rivers

If implemented, the new arrangement for accreted land would have served two purposes :

- a) Release these lands from the clutches of unscrupulous land grabbers who maintain their posses-

19. Interview with the LRC.

20. Ibid.

21. Interview with Chairmen/Directors of the Bangladesh Atomic Energy Commission, Bangladesh Railway Board, Forest Industrial Development Corporation, etc. in Sept. 1977.

sion with the aid of professional *goons* resulting in murder and violence.

- b. Make available more land for redistribution among landless peasants: this was all the more significant in view of the possibility of considerable land formation in areas adjoining Bangladesh in the Bay of Bengal.

According to the 1972 Order, in settling such land, preference was to be given to a family which had been affected by river erosion provided that the total area of land held by the family was less than 25 *bighas*. Within two years, this concession was considered too inadequate for the big land owners affected by river erosion. Thus in 1974, the original law was amended, so that now they could be provided with land up to the 100 *bigha* ceiling²². Even as the law stood in 1972, implementing officials were provided with ample scope to favour the large land owners in preference to the landless in settling *char* land, but now following this amendment, absolutely no room was left for settling these land with the land-poor.

V. Distribution of Government Land

In mid 1973, total government land was 728,468 acres of which 415,612 acres were fit for settlement 47,612 acres were fit for settlement on reclamation, and 192,774 acres were unconvertible waste²³. The year-wise distribution of government land since 1973 is as given in table 1.

22. Govt. of Bangladesh : *Bangladesh Progress*, 1974, p. 80

23. Abdullah, A. op. cit. Table VI, p. 85

Thus only about 25% of the land fit for settlement had been distributed upto 1976. In a land-hungry country such slow disposal was bound to encourage 'private arrangement' between *Tehsildar* and the rural rich. And indeed, it was the propertied classes, and not the landless and near-landless who received the lion's share of the land

TABLE 1
Land Settled, in Bangladesh 1973-76²⁴

Year	Land Settled (in acres)
1973	900
1974	1,22,845
1975	14,302
1976	3,363
Total	1,41,410

settled and in this process corrupt practices by and connivance on the part of the revenue officials played a prominent part. Even when the landless received land they could not take possession since these lands were being illegally occupied by large landowners in collusion with *Tehsildars*²⁴.

After August 1975, following the change of government, the political members of the local land allotment committee were dropped so that the new committee now consisted of the following :

1. Development Circle Officer — Convenor
2. Thana Education officer — Member
3. Thana Agricultural Officer — Member
4. Chairmen of the concerned Union Parishads — Members

24. Source: Govt. of Bangladesh: *Bangladesh Progress*, 1973 and 1974, and interview with the Land Reforms Commissioner.

They were made responsible for not only overseeing the present distribution but also for reviewing past performances. The pre-1975 experiment had little to do with the spirit of 'administrative devolution'. On the contrary, as was the experience with relief goods, the presence of these political elements only ensured plunder of government land by themselves and their henchmen and followers. In any case the removal of the political elements did not either make any difference because neither they nor the officials represented the interests of the peasants anyway.

TABLE 2
Size-Class Distribution, 1977²⁵

Size (in acres)	Percentage of total households	Percentage of total area
0	32.79	0
0.01-1.00	29.10	9.63
1.01-2.00	15.78	15.54
2.01-3.00	7.66	12.59
3.01-4.00	5.00	11.56
4.01-5.00	2.98	8.98
5.01-6.00	1.67	6.05
6.01-7.00	1.31	5.62
above-7.00	3.71	30.03

Under a recent Order, the distribution of government land has vested in the Union Parishads. Given the class character of the members and chairmen of the Union Parishads this is also likely to go against the principle of the land to the landpoor.

25. Source : Bangladesh Bureau of Statistics : 1977 *Land Occupancy Survey of Rural Bangladesh*.

VI. Land Concentration and Size of Holding

At a time when the average size of a farm holding was only 2.8 acres, scaling down the ceiling from 375 *bighas* to 100 *bighas* did not as such mean much. As brought out above, even the limited provisions on ceiling and government land distribution were not implemented. The alarming effect of all these on the land ownership pattern is brought out sharply in table 2.

This table shows clearly the present high degree of land concentration: the top 9.67% of the rural households own 50.68% of the total agricultural land whereas the lowest 77.67% of the rural households hold only 25.17% of the total agricultural lands. Landlessness increased from 28.10% in 1960 to 31.10% in 1968 and then to 32.79% in 1977. According to a USAID estimate, nearly half of all rural households are in a functional sense landless²⁶. The average farm size similarly decreased from 3.5 acres in 1960 to 3.2 acres in 1968 and then to 2.8 acres in 1974²⁷. The concentration of land in a few hands in the Bangladesh situation is particularly disastrous for higher production. As the recent UNDP/FAO Report commented, 'public investments in irrigation facilities have been grossly under utilised and low exploitation of these benefits by large owners is one of the major factors contributing to low capacity utilisation. Rather than pursuing production on capitalist lines, most of them continued to remain semi-feudal or feudal in nature and continue to practice share-cropping. Rather than intensifying production, they seem to prefer to extend land ownership horizontally by displacing smaller owners. The area characterised by large hol-

26. USAID Report, 1977, p. 41.

27. Govt. of Bangladesh and FAO/UNDP Mission: *Land Problems & Policy Working Paper XII*, April 1977, p. 5 (henceforth FAO/UNDP Report)

dings are often the areas of lowest cropping intensity²⁸, and elsewhere, many large farmers invest their internally accumulated capital in non-farm business²⁹. Our field survey in four villages in Jessore, Bogra and Rajshahi also clearly revealed the connections between land concentration in a few hands and tenancy on the one hand, and non-productive activities like speculative trade and money lending on the other. With the abolition of intermediary rent-receiving interests in land and government revenue demands for households with less than 25 *bighas* and prohibition of cash-renting of land, kind rent became more prominent than money rent so that involvement of *jotedars* and rich peasants in the marketing of agricultural produce (specially food grains) automatically increased. In the circumstances of production chronically lagging behind demand and the influence of the rural propertied classes on state policies, agricultural prices soared steeply and hoarding of food grains became highly profitable. Thus, for example, during the 1974 famine, rice sold at the staggeringly high price of Tk. 400 per *maund* even though the shortfall for that year had been more than met through imports and foreign donations. Similarly, money lending at high interest rates became another important investment outlet for the landed classes, and vice versa profits of money lending found their way into the land market. According to our survey of three villages of Jessore and Bogra money lending was on the increase, despite the increased availability of institutional loans since the sixties. Thus, while in 1951 only 12% of the rural households were indebted to village money lenders, in 1977, the figure had risen to 21%. We also noticed that access to low interest rate institutional loans was

28. *Ibid*, p. 13.

29. *Ibid*, p. 9.

limited to the rural rich and some of that too were being recycled into usurious money lending. Thus the anti-productive character of the rural rich in Bangladesh did not undergo any substantial change between the 60's and the 70's.

VII. Tenancy

Bangladesh's First Five Year Plan (1973-78), despite its 'socialist' overtones, remained silent on the question of doing away with the share tenancy system. It recommended improvement in the sharecropping system, but that too in a vague way, meaning almost nothing³⁰. Since independence, there has been no legislation on share tenancy. The latest position on the extent of share tenancy as brought out by our field investigation in three villages of Jessore and Bogra, is as follows :

TABLE 3
Extent of Tenancy, 1977

Households/area	Percentage
Rural households share cropping in	42.0
Rural households whose main occupation is share cropping	9.8
Cultivated area under share cropping	23.0
Cultivated area under owner/owner like cultivation	77.0

Compared to 1961, there was about 6% decline in the percentage of cultivated area under share-cropping and 2% increase in the percentage of households share-cropping in. On the other hand, there was a slight but

30. Govt. of Bangladesh, Planning Commission: *The First Five Year Plan (1973-78)*, op. cit. p. 191.

clear decline in the percentage of rural households with sharecropping in as the main occupation. This meant that now too many people were competing for too little land rendering the terms of sharecropping more against the interests of the sharecroppers. Thus, for example, in the two Jessore villages we studied, landowners were now a days charging a non-refundable cash advance from the sharecroppers in addition to the existing half-share of the produce. The present land ownership position of the sharecroppers is as follows :

TABLE 4
Land Ownership Pattern of Tenants/Part-Tenants, 1977³¹

Size (in acres)	Percentage of tenant/ part-tenant households	Percentage of tenanted land
Less than 1.00	57.90	23.27
1.00 under 2.00	23.94	26.94
2.00 under 3.00	6.06	15.45
3.00 under 4.00	5.06	13.35
4.00 under 5.00	5.42	12.16
5.00 under 10.00	1.45	7.07
10.00 and above	0.17	1.76
	100.00	100.00

Thus 80% of the share croppers owned less than 2 acres of land. Although no comparable data for the 50s and the 60s are available, there is no doubt that the situation worsened over the years. The picture on the terms of output sharing by sharecroppers is given in table 5.

The actual situation was worse. Given the dependency relationship between sharecroppers and landowners,

31. Source : Bangladesh Bureau of Statistics : 1977 *Land Occupancy Survey of Rural Bangladesh*.

generated in the context of extremely unfavourable alternative employment opportunities, under-reporting out of fear of land owners was obvious. Moreover, the above figures do not throw any light on the various free services that have to be rendered and political loyalty that has to be demonstrated by sharecroppers to their landlords.

The insecurity associated with the sharecropping system is brought out in the high turnover in the tenant-operated area as is shown in table 6.

TABLE 5
Terms of Share Cropping, 1977³²

Category	Percentage of tenant & part-tenant households	Percentage of tenanted land
Less than 50% of the produce	1.26 (0.04)	1.54 (0.04)
50% of the produce	93.27 (8.26)	90.42 (10.43)
More than 50% of the produce	5.47 (0.67)	8.04 (0.90)

Crop sharing without input sharing was still the most common practice as shown in table 7.

In general, rental terms (both crop share and input share) were brought on the tenants in areas where competition among tenants for renting land was high, as in the North-western and South-western districts³³.

32. Source : Bangladesh Bureau of Statistics : *1977 Land Occupancy Survey of Rural Bangladesh*. Figures in parentheses are tenants making additional cash payments.

33. Source : Bangladesh Bureau of Statistics : *1977 Land Occupancy Survey of Rural Bangladesh*.

Thus, compared to the 70's, there has been a clear deterioration in the tenancy situation in Bangladesh, owing to natural population growth, operation of the traditional laws of inheritance and failure on the part of the govern-

TABLE 6
Security of Share-Tenancy, 1977³⁴

Years	Percentage of tenant/ part-tenant households	Percentage of tenanted land
Less than 1	7.02	4.42
1	23.83	17.47
2	24.48	24.48
3	15.52	18.41
4	6.40	6.05
5 & above	23.75	27.68

ment to even legislate (let alone implement) on either abolition of share cropping or improvements in its terms. Recently, the government announced the possibility of in-

TABLE 7
Input Sharing Between Share-Croppers and Land-Owners,
1977³⁵

Items	Provided by tenant/part tenant households (in percentage)
Seed	99.41
Fertilizer	99.64
Pesticides	99.78
Irrigation facilities	99.97

roducing tenancy reforms in the near future. Given the wide gap between words and action and the lack of committed and effective implementing machinery, such

34. Ibid, p. 4.

35. Source: Bangladesh Bureau of Statistics; 1977 *Land Occupancy Survey of Rural Bangladesh*.

pronouncements did positive disservice to the already hard-hit share croppers. The land owners took this announcement as a 'friendly' warning and did the 'needful' evicting and replacing the present sharecroppers, so that the new ones could not claim continuous cultivation of a plot of land in case that was taken as a criterion for conferring tenancy rights on them.

VIII. Land Transfer

The 1972 Order providing succour to the debtor in respect of usufructuary mortgaged land was subsequently challenged in the High Court. About 130 petitions (mostly from Barisal and Khulna) were filed. The High Court declared the provision ultravires of the Constitution in 1974.

In any case, even during the brief period this was in force, little relief was obtained owing to ineffective implementation. The interesting point to note in this regard is that at a time when the government promulgated a number of Ordinances whose provisions were to remain outside the jurisdiction of the court (for example, P.O. 9 for dismissing government officials without assigning any cause), it failed to do the same when it involved land transfer to moneylenders and rich peasants through usufructuary mortgage. Since August 1974, widespread transfer of land titles was reported in various districts as a result of a severe famine in the country. A land registration office in Rangpur, the worst affected district, recorded transfer of 15,000 land titles between August and September 1974, in the country as a whole about 100,000 holdings are likely to have changed hands during this period³⁶. In 1976, that is two years after the famine, an Ordinance was passed for return of these lands to the original owners on certain

36, *Times of India*, December 11, 1974

conditions,³⁷. The 'conditions' were however, so devious that the question of return of these lands, and that too after a lapse of two years, did not arise to a category of people who were by then either dead or city squatters or even if in the rural areas, too weak to demand back these lands.

IX. Management of Hats/Bazars

In 1975, management of rural *hats* and *bazars* by public committees was discontinued and the old *ijaradari* (leasing out) system was revived. There were numerous allegations against these committees :

- a. misuse and misappropriation of government funds funnelled through these committees for rehabilitation, reconstruction and development of *hats* and *bazars*,
- b. exorbitant toll collections but under-reporting the same in order to cheat the government of its due revenue.
- c. mismanagement and high handedness³⁸.

These are likely to be more than true because as relief committee members their record was no less disgraceful. Recently, some *hats* and *bazars* have been handed over to the municipal committees. It was also contemplated to hand over the rest to the various local councils³⁹. However, the issue of *ijaradari* remains unresolved, despite the fact that a government report described it in 1972 as an 'obnoxious system'⁴⁰.

37. Govt. of Bangladesh : *Bangladesh Progress*, 1976, p. II4.

38. Field investigation in more than 4 rural markets.

39. Govt. of Bangladesh : *Bangladesh Progress*, 1976, p. 113.

40. Govt. of Bangladesh : *Bangladesh Progress*, 1972, p. 13.

X. Cooperatives, Clustered Village and Block Settlement Schemes, Land Reclamation, Consolidation, etc.

Settlement of government land with farmers under the Clustered Village Scheme was taken up in 1973 in two villages (one in Noakhali and one in Pabna ; there are 68,000 villages in Bangladesh). Work was not complete even in 1976. The scheme has not proceeded beyond these two villages and presumably Block Settlement and Land Reclamation Scheme did not quite take off⁴¹. No doubt there has been a proliferation of agricultural cooperatives since 1972. In 1976 there were 19063 IRDP cooperative societies covering 161 *thanas*⁴². However, as the Committee on Re-organisation of Cooperatives (1975) reported, these had the following shortcomings⁴³ :

- a. Since membership was restricted, the benefits of subsidised inputs reached only the landowners, specially the richer ones among them.
- b. By and large, management of the cooperatives was in the hands of rich farmers.
- c. The cooperatives rendered no assistance to the poor and the landless and, in effect sharpened the disparity between the poor and the rich farmers. Even if well suited for a 'green revolution' these could not ensure equitable distribution of the social product.

41. Interview with officials of the Land Administration & Land Reforms Ministry.

42. Govt. of Bangladesh : *Bangladesh Progress*, 1976, p. 23.

43. Govt. of Bangladesh : *Report of the Committee on Reorganisation of Cooperatives*, June 1975, (in Bengali) headed by Khorshed Alam, Secretary, Rural Development & Cooperatives Ministry, p. 10.

The proliferation in the number of cooperatives did not, therefore, establish anything beyond the fact that richer peasants were joining these cooperatives in order to obtain various agricultural inputs at subsidised rates.

In 1975, Sheikh Mujib, in his address on the occasion of the fourth anniversary of national independence, declared the government's intention to set up multipurpose cooperatives in each of the country's 68,000 villages in a phased manner over the next five years. The basic features envisaged for such cooperatives were⁴⁴ :

- i. Individual ownership would be retained even though land would be collectively farmed.
- ii. The cooperatives would include landless peasants, and the produce would be divided among landowners, agricultural workers and the cooperatives.
- iii. All agricultural inputs and funds for rural works programme and test-relief would be funnelled through these cooperatives.
- iv. The cooperatives would act as the village government.

The timing of the announcement and content of this cooperatives was such that it was to be an extension, at the village level, of a one-party state arrangement that Mujib had earlier introduced through the BAKSAL (Bangladesh Peasants and Workers Awami League) formation. Since the rural propertied classes, (i.e. *jotedars*, moneylenders, prosperous traders, etc) would have been the natural leaders of these 'socialist' cooperatives, the obvious results of this experiment could only be tighter political control over, and disproportionately lower share of the produce for the working peasantry and more organised

44. *Bangladesh Observer*. March, 30, 1975,

plunder of inputs supplied by the central government (a situation somewhat similar to South Vietnam's 'strategic' hamlets in the 60's). This would have caused further anarchy in production and distribution and perhaps more blatant class oppression. After Mujib's assassination in August 1975, nothing more was heard of this plan.

There has been no attempt at consolidation of holdings since 1972.

Desirability and Feasibility of Land Reform in Bangladesh

*Mahabub Hossain**

I. Introduction

Land reform¹ is a widely discussed and controversial issue in relation to development of countries still mainly agricultural. There is no disagreement that it is essential for better redistribution of rural income. But whether it is necessary or even desirable for economic development is still controversial². In the Bangladesh context even more controversial is the feasibility of land reform, given the present land-man ratio in the rural areas and the socio-political structure.

This paper argues on the basis of the available knowledge of rural Bangladesh that under the current strategy for agricultural growth, equity consideration alone

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1. The following measures will be discussed (i) redistribution of land among the rural poor through fixation of a ceiling on landownership, (ii) changing terms and conditions of tenancy in favour of tenants and (iii) abolition of sharecropping in favour of ownership cultivation.
2. For a rigorous theoretical analysis of this issue, see Abdullah. A : Formulating a Viable Land Policy For Bangladesh—What Do We Need to Know, *Bangladesh Development Studies*, Autumn 1978, Reprinted in this volume (article 2)

dictates that land reform is urgently needed. It is also desirable for shattering the rural power structure so that the rural poor can benefit from the network of public services for rural development and can actively participate in the development process. It is also argued that, to be really effective, this reform has to be a drastic one but in the current socio-political realities of Bangladesh, this is not feasible.

Section II shows the importance of equity considerations for land reform under the current strategy of agricultural development. Section III analyses the implication of the reform for agricultural growth. Section IV discusses the feasibility of land-ceiling type reforms given the present pattern of landownership and occupational distribution in rural areas and section V studies the feasibility from the point of view of existing power structure and political realities.

II. Importance of Equity Considerations

In the historical sequence the earliest justification for land reform was to achieve a better redistribution of rural income. Although the growth of production is a requisite of economic development, there is no necessary connection between increase of production and improvement in the condition of poorer sections of the population³. If the production growth is mainly land based and the land is very unequally distributed, the benefits from increased output and efficiency may accrue to the group who control the land. So unless the land-man relationship is changed in favour of the poorer section, there is no assurance that increased productivity will also solve the distribution problem.

3. The experience of the last few development decades is that a high growth in per capita income can go hand in hand not only with growing inequality in the distribution of income but also with increased absolute poverty. See Chenery H. *et. al* : *Re distribution With Growth* (Oxford) London, 1974.

Very few will disagree with the above argument. But how important is the equity consideration in the Bangladesh context? To answer this question we need to assess the impact on equity of the policies pursued for increasing agricultural production, on the basis of the existing knowledge of the concentration of landownership, the extent and pattern of land transaction through tenancy markets and the terms and condition under which such transactions take place and the conditions of the labour market, which is attempted here.

TABLE 1
Concentration in Landownership, 1974, 1977, 1979⁴.

Landownership Groups	%of Total Land Owned			Approximate Level of Land Owned (in acres)	Owned (in acres)		
	1974	1977	1979		1974	1977	1979
Bottom 50%	4.9	6.9	4.8	Below	1.2	0.8	0.5
Top 10%	41.5	49.9	53.9	Above	4.8	4.0	3.5
Top 2%	16.1	20.0	25.1	Above	11.0	10.0	9.0

The current strategy for developing agriculture is to increase production by making large investment in exploiting advances in rice technologies: seeds, fertiliser, insecticides, irrigation facilities, extension and cooperative

4. Sources: For 1974, Alamgir M.: *Famine 1974: Political Economy of Mass Starvation in Bangladesh—A Statistical Annex*, (BIDS) Dacca, 1977.

For 1977, Jannuzi, F.T., & Peach, J.T.: *Report of the Hierarchy of Interests in Land in Bangladesh* (USAID) Washington, 1977.

For 1979, Rahman Atiur: *Rural Power Structure—A Study of Union Parishad Leaders in Bangladesh*, *Journal of Social Studies* No. 4, 1979, Dacca

Note that figures are estimated by interpolation from grouped data.

services'. This means that the growth will be mainly land based. Some benefits may trickle down to persons poorly endowed with land, via the labour market, but their income are sought to be increased directly through investment in employment generation via Rural Works Programme and Food for Works Programme.

TABLE 2
Concentration in Cultivated Holdings, 1967, 1974, 1979⁶

Landholding Groups	% Share of the Group		
	1968	1974	1979
Bottom 50%	16.6	18.9	14.0
Top 10%	30.2	33.1	28.6
Top 2%	12.8	11.4	14.8

The distribution of direct benefits from increased agricultural production will be determined by the pattern of distribution of landownership if, (i) all land are cultivated by their owners and (ii) there is no difference in the rate of adoption of the new technology in the various landownership scales. Both are unrealistic assumptions which we shall relax later. The findings on the nature of concentration of landownerships in Bangladesh from the recent surveys have been reported in table 1. Two

3. Chenery, H. *et.al.*: *Redistribution With Growth* (Oxford) London, 1974, p. 3.

6. Sources: 1968, Bangladesh Bureau of Statistics: *Master Survey of Agriculture in Bangladesh*, Seventh Round, Dacca, 1972.

1974, Alamgir M *Famine 1974: Political Economy of Mass Starvation in Bangladesh: A Statistical Annexe*. The Bangladesh Institute of Development Studies, July 1977.

1979, Rahman, Atiur: *Rural Power Structure: A Study of Union Parishad, Leaders in Bangladesh*, *The Journal of Social Studies*, No. 4, 1979.

things can be noted from the table; (i) the landownership is highly concentrated, and (ii) the differentiation is worsening day by day. The implication of the findings is that about 50 per cent of the increased income is shared by top 10 per cent of the rural households and the bottom 50 per cent get less than 5 per cent.

But not all land is cultivated by the owner. There is a tenancy market, and the general pattern is that the land is transacted from large landowners⁷. The tenancy market is quite important in Bangladesh: about 20 to 25 per cent of the land is transferred to 30 to 40 per cent of cultivators through this mechanism⁸. Since large landowners are net outleasers and small owners are net inleasers the concentration in the holding of cultivated land is less than that in the ownership holding. While the top 10 per cent owners control about 50 per cent of the total land, they cultivate only about 30 per cent (see table 2). So it can be argued that there is a mechanism for 'trickling down' of benefits from the landlord to the landpoor.

But the existing terms and conditions of tenancy indicate that the benefit tenant gets from the cultivation

7. Hossain, Mahabub : *Agrarian Structure and Land Productivity: An Analysis of Farm Level Data in Bangladesh*, Agriculture, Unpublished Ph.D. dissertation, University of Cambridge, England, 1977.

Rahman, Atiqur : *Agrarian Structure and Capital Formation : A Study of Bangladesh Agriculture*, Ph.D thesis submitted to the University of Cambridge, England, 1979.

8. Government of Pakistan : *Pakistan Census of Agriculture* Vol.I. East Pakistan, 1960

Bangladesh Bureau of Statistics : *Master Survey of Agriculture in Bangladesh*, Seventh Round, Dacca, 1972.

of sharecropped land is at best insignificant. About 92 per cent of the tenancies in Bangladesh are share tenancy under which the landowner takes 50 per cent of the gross produce in 93 per cent of the cases and more than 50 percent in another 5 per cent of the cases⁹. In almost all cases then tenant bears the entire cost of production. Under these exploitative conditions the share tenant hardly gets more than what he would have got alternatively by selling his labour in the market. This can be seen from Table 3 which reports the returns from labour for owner and sharecropper households from recent studies on Costs and Returns by USAID. One can note that the return per day of labour expended is much lower for the sharecropper household compared to that for the owner cultivator. One can also note that in traditional varieties the return on sharecroppers' labour is even lower than the market wage rate in most of the cases. In the case of the high yielding varieties it is higher than the wage rate, but the difference in returns to labour between the owner cultivator and the share cropper is even higher in the case of high yielding varieties,

Thus, with new crops the landlord can exploit more of the tenants' labour. So unless the terms of sharecropping are changed in favour of tenants, the income disparity will widen with the diffusion of the new crop. One should also note that most tenants of Bangladesh are owners of some land. Very few landless get land from the tenancy market because (i) they cannot afford to invest on draft animals, and (ii) such investment is risky as the lease agreement is verbal and hence the tenancy is insecure. So the benefit through the tenancy market, if any, does not reach the poorest of the poor. And the tenancy reform will not improve the condition of the landless.

9. Jannuzi, F.T. and Peach, J.T. : *Report on the Hierarchy of Interests in Land in Bangladesh*, USAID, Washington, 1977.

In the previous discussion, it was assumed that the opportunities for increasing production are seized by all. But hardly all sections of cultivators have access to the production increasing process as being pursued by the

TABLE 3
Return Per Labour Day From Sharecropping
Compared With Ownership Cultivation¹⁰

Crops & Districts	Returns per family labour day (Taka)						Market wage Per Day
	Own- Culti- vator	Share Cropper	Diff- erence	Own- Culti- vator	Share Cropper	Diff- erence	
Aus :							
Mymensingh	7.00	3.03	3.97	43.14	10.70	28.44	10.00
Faridpur	14.52	5.47	9.05	41.98	14.50	26.88	10.00
Comilla	12.88	3.78	9.10	33.79	9.83	23.96	10.00
Aman :							
Dinajpur	40.04	11.83	28.21	60.02	27.96	32.06	9.00
Comilla/Noakhali	17.40	10.00	7.40	61.50	25.60	35.90	12.00
Boro :							
Chittagong	—	—	—	53.71	13.39	40.32	15.00
Mymensingh	23.67	9.29	14.38	46.82	14.93	31.89	10.50
Comilla/Sylhet	47.41	18.23	29.28	68.29	27.07	40.22	12.00
Wheat :							
Bogra	—	—	—	80.82	59.00	61.85	10.00
Jessore	—	—	—	52.40	8.56	43.84	8.00
Comilla	—	—	—	26.88	7.05	19.83	12.00

government in recent years. The shift from the basically family-inputs based technology to a modern one, involving intensive application of water, chemical fertiliser

10. Source : Estimated from USAID Cost and Returns Study, USAID Dacca, 1976.

Note : The interest rates on loans is not included in costs. For *aus*, estimates of the use of family and hired labour was not available for sharecropper households. In this case it was assumed that all labour used were supplied by the sharecropper's family.

pesticides and purchased seeds, favours large farmers, specially in a situation where they have better access to cheap institutional sources of finance and to water and fertiliser¹¹. An associated factor is the higher degree of risk inherent in the new technology. Although it appears that the extent of natural risk is lower in the case of modern technology, compared to the rainfall dependent traditional one, the risk out of the irregularity in the supply of inputs is now higher. Now the cultivator has to depend on outside sources for his key inputs which have to be applied in time and in appropriate doses. And the outside source is a government official or an institution which is less cooperative with an illiterate poor cultivator than with an elitist large farmer. Obviously the new technology will have less appeal to smaller cultivators, and to that extent the distributional impact would be worse than that implied by the high concentration in land holding.

Now let us investigate to what extent the landless agricultural labourers are going to gain from the current strategy of increasing production. Many argue that the inequality in the distribution of income resulting from the concentration in landholding is to some extent compensated by increased incomes via labour market,

11. A 1974 BIDS survey found that in one area only 17 per cent of small owners (owning upto 2.0 acres) had access to institutional sources of credit, while 61 per cent of large owners tapped them for 67 per cent of their total loans. There are a number of other studies which show this pattern. It is also claimed that the rural rich have better access to irrigation and fertiliser, than the rural poor, as members of the former group act as fertiliser dealers and control the irrigation groups through which tubewells and pumps are installed.

of the landless and nearlandless, who will get more employment and higher wages, But the benefits may not 'trickle down' to any significant extent because of the interaction of the following demand and supply factors :

TABLE 4

**Increase In Labour Demand Under New Technology
and Share Of Hired Workers In It¹²**

Crops and Arc :	Labour (days) use per acre		Increase in labour use per acre	Share of hired labour (% of total increased)
	Local Variety	High Yielding Variety		
Aus : Mymensingh	63	105	42	66.7
Faridpur	51	90	39	30.8
Comilla	78	107	29	62.1
Aman : Dinajpur	54	72	18	16.7
Comilla/ Noakhali	54	87	33	30.3
Boro : Mymensingh	65	102	37	62.2
Comilla/ Sylhet	43	70	27	37.0

(i) The output elasticity of demand for labour under the new technology is not very high. To quote one report : 'The annual rate of growth in demand resulting from the Green Revolution package of irrigation, new seed, fertiliser and plant protection has been only 1.4 per cent, for a year to year (1960-61 to 1975-76) growth

12. Source : USAID Costs and Returns Study (USAID) Dacca 1976 (mimeo)

rate of rice production of 2.8 per cent per annum over 15 years¹³. Secondly, the landless labourers are not going to get the full share of whatever increase in the demand for labour is there.

The increase in labour use under new crop varieties is the highest during weeding and other intercultural operations, which are relatively slack season activities. Accordingly large proportion of the increase in the demand for labour is met through the use of under-employed family labour. Similarly if an additional crop is grown with irrigation during slack season, it is going to use mainly family labour. We have compiled findings from USAID Costs and Returns Study on the use of labour and presented the result in Table 4 which shows that in many cases the share of hired workers in the increased labour demand is less than 50 per cent.

(ii) Although there is little doubt that the demand for hired labour has increased to some extent following the spread of the new technology it does not mean that the economic condition of the landless has improved. There are indications that the supply of such workers are increasing at a much faster rate, and so the bargaining position of the landless in the labour market are becoming worse day by day. According to the figures provided by the 1961 and 1974 Census Reports, agricultural labourers have increased by 30.7 per cent whereas the economically active agricultural population increased by only 6.5 per cent over this period. This high rate of growth in the supply of hired labour is due not only to the demographic factor, but also to the present growth strategy being pursued in the situation of high concen-

13. Government of Bangladesh, Ministry of Agriculture and Forests : *Country Report on Agrarian Reform and Rural Development* Dacca, 1978.

tration in landholding. Let us look at some of the recent findings. Alamgir¹⁴ by analysing data on transfer of assets available from different surveys carried out by BIDS during 1974 came out with the conclusion that distress sale of land increased during the post Liberation period. He found that 53 per cent of the land transacted during 1972-74 were sold by owners having less than 2 acres, and about 75 per cent of the land were purchased by medium and large landowners and businessmen¹⁵. Table 5 presents information on land purchases and sales for different landownership groups in two villages surveyed by the BIDS in 1978. One may note that the top 12 per cent of households bought about two thirds of the total land, while nearly 50 per cent of the land came from households owning less than one acre. Thus transfer of land is an important factor behind growing landlessness and the increased supply of hired labour.

An important factor behind the growing landlessness and polarisation is the distribution of benefits from the new technology. The new technology by increasing profitability, had inflated the large landowners who used a considerable proportion of that surplus to buy land from marginal owners in distress. Besides, the new technology increased the costs of production and hence the prices of agricultural goods, but money wages of labourers have not kept pace with prices because of the demand and supply factors mentioned above. And so the real wages of labour are declining day by day,

14. Alamgir, M. : *Bangladesh: A Case of Below Poverty Level Equilibrium Trap*, Bangladesh Institute of Development Studies, Dacca, 1978.

15. *Ibid*, p-136-138

and those who are marginal landowners have no way but to sell their land.

What we want to get at from the above discussion is not that the present strategy for increasing agricultural production through pushing the modern technology is wrong. In Bangladesh there is perhaps no other way

TABLE 5
Land Purchases and Sales in Two Villages in
Bangladesh During 1972-78¹⁶

Landownership Groups	Irrigated Village		Non-Irrigated Village			
	% of House holds	% of all Purchased Land	% of all Land sold	% of House-holds	Land Purchased as % of all Purchases	Land Sold as a % of all Sales
Landless	36.8	0.2	39.6	20.8	0.1	35.3
Less than 1 acre	16.0	3.0	12.7	15.3	1.8	7.0
1.0 to 2.0 acres	20.0	15.3	14.2	16.4	4.8	12.6
2.0 to 3.5 acres	14.4	28.3	14.0	17.5	4.3	23.2
3.5 to 7.5 acres	8.8	32.5	12.5	18.6	18.5	13.7
7.5 acres and above	4.0	22.5	6.8	11.5	70.6	8.2

to achieve a respectable rate of agricultural growth. We merely want to emphasise that the equity consideration for land reform has assumed urgency because of the pursuance of this strategy. With this strategy there may be a high growth in agricultural production, but there will be few people who will have purchasing power

16. Source : Chowdhury, R.H. & Hossain, Mahbub : *Structural Change in Rural Economy* (work in progress) Bangladesh Institute of Development Studies (Dacca)

to buy the increased output. So unless the expansion of non-agricultural activities absorb a large proportion of increased labour force or a drastic distributive land reform is undertaken, the problem of poverty and malnutrition will become more acute.

III. Land Reform and Growth

The relationship between land reform and productivity growth is controversial. The traditional argument is that breaking up of large holdings through fixation of land ceilings would adversely affect growth, while a 'land to the tiller' type of tenancy reform may promote it, specially in a situation where sharecropping is the predominant form of tenancy. Some recent empirical studies on the relationship of productivity with size and tenancy seem to disprove these notions. But many consider these as basically static relationships, incapable of shedding much light on the issue at hand, which is a dynamic one¹⁷.

The argument for tenancy reform is that sharecropping system and insecurity of tenure adversely affect agricultural growth. If there is no security of tenure the tenant would be disinterested in making investments on land, because he is not sure whether he will get the full benefits of such investment. And, under the crop sharing system neither the landlord nor the tenant is interested in making investments on land, as the other party would automatically receive a portion of the increased product without contributing anything. There is no serious study on the impact of the security of tenure on investment in rented land, but a recent study by Rahman shows

17. Abdullah, A. : Formulating a Viable Land Policy for Baagladesh – What Do We Need to Know. *The Bangladesh Development Studies*, Vol. VI Autumn 1978. Reprinted in this Volume.

that the investment on sharecropped land is much lower than that on owned land¹⁸ The findings are reported in Table 6.

This would imply that the abolition of the sharecropping system may increase investment on land and promote productivity growth.

TABLE 6
Extent of Participation By Landlords and Tenants In Productive Investment on Land¹⁹

Areas	%of land-lords who invested on rented land	% of tenant who invested on rented land	Productive investment per acre on rented land compared to owned land		
			Land-Lord	Tenant	Both
Mymensingh	12.5	13.0	17.3	28.1	45.4
Comilla	15.7	19.1	26.8	31.2	48.0

Another argument in favour of tenancy reform is that if the share tenant were allowed to make production decisions freely, he would allocate less labour and other inputs (the inputs costs are not shared by the landowner in the same proportion as the output) on a given amount of land and hence would produce lower output compared to an owner cultivator. A number of studies on Bangladesh

18. Rahman, Atiqur : *Agrarian Structure and Capital Formation : A Study of Bangladesh Agriculture*, , Ph.D. Thesis submitted in the University of Cambridge, England, 1979.

19. Ibid, p. 158. This is estimated on the assumption that investment per acre of owned land is the same for both landlord and the tenant.

20. Raquibuzzaman, M. : Sharecropping and Economic Efficiency in Bangladesh, *Bangladesh Economic Review*, Vol. 1. No, 2, April 1973.

agriculture, however show that a share tenant is not less productive than an owner cultivator.²¹ Infact, in many cases the former produces more than the latter (see Table 7) But this does not prove that share tenancy is an efficient

TABLE 7

Land Productivity, Cropping Intensity and Labour Use Per Acre by Farm Size and Tenure, 1973-74²¹

Farm Size and Area	Land Productivity	Cropping Intensity	Labour Use per Acre
Mymensingh			
Owner Farmer	628	186	85
Upto 2.0 acres	754	191	99
2.0 to 3.5 acres	654	194	89
3.5 to 5.0 acres	555	187	72
5.0 to 7.5 acres	565	181	77
Over 7.5 acres	413	152	59
Tenant Farmer	704	200	100
Dinajpur			
Owner Farmer :	341	126	65
Upto 2.0 acres	431	146	84
2.0 to 3.5 acres	389	117	62
3.5 to 5.0 acres	341	127	62
5.0 to 7.5 acres	324	113	58
Over 7.5 acres	246	112	52
Tenant Farmer	382	130	70

tenancy arrangement. When one compares performance on owned land compared to rented land under the same cultivator (owner-cum-sharecropper) it is found that the

21. Source : Hossain, Mahabub : Farm Size, Tenancy and Land Productivity : An Analysis of Farm Level Data in Bangladesh Agriculture : *Bangladesh Development Studies* July, 1977. Taka per acre of land measured at constant 1960/70 price.

tenant uses more labour and produces more on his owned land compared to rented in land (see Table 8 below). The implication of the findings is that the abolition of tenancy in favour of ownership cultivation will not increase total output. But a 'land to the tiller' programme which confers ownership rights to the tenant would increase productivity.

TABLE 8

Differences in Productivity and Input Use on Share-cropped Land Compared to Owned Land under the Same Cultivator, 1973/74²²
(for aus and aman paddy)

Area and Variables	Arithmetic Mean of the Variable		Value on Share-cropped Land as a% of Owned Land
	Sharecropped Land	Owned Land	
Mymensingh			
Yield (maunds/acre)	16.2	13.5	87.4
Labourer (days/acre)	44.0	48.6	90.6
Fertiliser use (lbs/acre)	20.0	34.3	58.3
Dinajpur			
Yield (maunds/acre)	15.0	16.3	91.9
Labour use (days/acre)	45.8	43.4	92.7
Fertiliser use (lbs/acre)	21.6	21.8	99.1

The argument against land ceiling type reform is that it may adversely affect growth because (i) large holdings are necessary for reaping economies of scale and (ii) high concentration of income and wealth is required for generation of savings and promotion of capital formation in

22. Source: Hossain, Mahabub: Farm Size, Tenancy and Land Productivity—An Analysis of Farm Level Data in Bangladesh Agriculture, *Bangladesh Development Studies* July 1977.

agriculture. Prevailing social conditions and some empirical research, however, suggest that both these propositions have limited validity in the Bangladesh case.

Scale economies are expected in agriculture employing indivisible farm machinery, as there is a minimum size of farm which can utilise that machinery fully. In the Bangladesh case no one would argue in favour of this sort of mechanisation because of the abundance of labour and scarcity of capital. Only mechanised items which are recommended here, are irrigation pumps and tubewells. But for full utilisation of these items, irrigation groups can be organised, or water can be sold to owners of contiguous plots.

One should also note here that the existence of large ownership does not mean that land would be cultivated in large scales. In Bangladesh it is found that the large owner is either an absentee landlord or cultivates a part of his holding under his own management parcelling out the rest in small plots to a number of tenants²³.

It is true that the marginal rate of saving is higher for the large landowner, but it does not necessarily mean that the higher the concentration of landholding the higher would be the overall surplus. In the Bangladesh case a common finding is that a large portion of the surplus of the rich basically finances the deficit of the poor, through land purchases and provision of consumption loans. Also the better off families use a portion of their surplus for conspicuous consumption like expenditure on social ceremonies and construction of houses and for investment in trade and business,

23. Hossain. Mahabub : *Agrarian Structure and Land Productivity- An Analysis of Farm Level Data in Bangladesh Agriculture* Unpublished Ph. D. Dissertation, University of Cambridge, England, 1977.

TABLE 9

Pattern of Surplus Utilisation in Rural Bangladesh, 1974²⁴

Income, Surplus and Heads of Investment	Mymensingh			Comilla		
	Large Owners Owning more than 7.5 acres	Small Owners Owning less than 2.5 acres	Tenants (Having Some Rented Land)	Large Owners Owning more than 7.5 acres	Small Owners Owning less than 7.5 acres	Tenants (Having Some Rented Land)
Income, (Taka/ household)	21998	5406	6769	22955	4839	5248
Surplus (Taka/ household)	9883	239	329	8761	336	473
Surplus as % of Income	44.9	4.4	4.8	38.2	6.9	90
Surplus Utilisation (as a% of surplus)						
A. Non-productive Investment :	8.76	36.0	30.3	82.3	49.1	62.8
Land purchase	7.7	9.0	50.8	22.8	26.2	29.3
Acquisition of Financial Assets	9.7	1.5	18.1	9.1	6.1	6.9
Acquisition of Consumer Durables	18.1	23.9	22.8	8.6	34.1	38.3
Construction and Repair other than Agricultural	14.5	5.8	14.6	9.7	12.4	12.9
Education	5.1	5.1	4.6	4.0	6.9	6.3
Social Ceremony	19.1	6.9	17.1	17.8	11.1	18.6
Trade & Business	12.5	1.5	2.7	9.7	3.4	6.6
Miscellaneous	1.0	0.9	1.7	0.6	1.2	1.5
B. Productive Investments	12.4	64.0	69.6	17.7	50.9	37.3
Agricultural Implement	1.0	12.7	12.7	4.6	10.9	8.3
Draught Animals	5.9	5.4	23.1	2.9	11.2	9.7
Irrigation	1.9	4.7	9.5	2.9	8.2	4.6
Land Improvement	1.4	30.2	17.4	2.6	10.8	5.9
Agricultural Construction	1.4	10.1	5.4	3.7	7.4	4.6
Miscellaneous	0.7	0.7	1.5	1.0	2.3	1.2

24. Source, Compiled from Rahman, Atiqur : *Agrarian Structure and Capital Formation—A Study of Bangladesh Agriculture* (unpublished Ph.D. dissertation) University of Cambridge, 1979

Table 9 reports a recent finding on the pattern of utilisation of rural surplus for large owners, small owners and tenants. One can note that small owners and tenants utilise a larger portion of their surplus for productive investment in agriculture than large owners. This means that the marginal rate of capital formation is higher for small cultivators. It suggests that creation of small holdings should not necessarily curb agricultural capital formation. In fact a redistribution of land can help limit extraction of surplus through rent and usury by a non-productive class. The poor can use their increased incomes for increasing the productivity of land and/or for essential consumption, which at the existing low level of income can help increase labour productivity through better nutrition and health.

That the land ceiling type of reform may, in fact, increase production and generate additional employment is indicated by studies showing negative relationship between farm size measured in land units, and productivity of land. These studies show that small holdings have higher cropping intensity, greater output per unit of land and greater use of labour per acre (see Table 8).

So, the land-ceiling and redistribution programme may lead to an increase in output and employment by increasing the proportion of land held by small cultivators. But many suspect that this would be an once for all increase and the measures taken would not be able to promote growth in productivity. If growth is to come through more intensive use of modern inputs as under the current strategy, small farmers would be more constrained by the scarcity of resource than large farmers who have more internal surplus as well as better access to external finance. A number of studies for India show that for the new high yielding crops the negative size-

productivity relationship is either weak or does not exist. Moreover an increase in income may provide small cultivators an incentive to substitute work for leisure since agricultural work under present conditions is irksome. Thus, there seems to be a conflict between equity and productivity objectives in the case of land-ceiling type reforms.

This conflict can be removed through cooperative management of production after the reform or through introduction of public services for supplying credit and modern inputs to small cultivators.

But the Bangladesh experience shows that it is difficult to reach the small cultivators with public services if large landowners continue to dominate the rural society. Concentration of landownership is at the root of the dependency relationship in the rural areas which works through the tenancy, credit and labour markets, which makes a few large landowners most powerful in the village. Wealth and social and political power also connect the rural power holders push government administrators at the local and national levels. Through this connection the large landowners control the government services for agricultural development. The existence of the patron-client relationship which thrives on the inegalitarian land distribution, is an important factor behind the inactiveness of the rural masses, and is also a major reason why it is difficult to effectively organise the rural poor for rural development programme. So currently the land ceiling type reforms is being advocated for shattering the rural power structure, so that the resultant 'social levelling' enables the public services to reach the rural poor. It should be noted that for this to be effective, the land reform measure has to be a drastic one.

IV. Land Availability and the Feasibility of Distributive Reform

The most common argument against land redistribution through land ceiling measures in Bangladesh is that at the existing low land/man ratio in rural areas and the existence of large proportion of landless and near landless households as possible claimants of such land, this is not at all a viable policy. To quote one US Agency report, 'the numbers of landless and near landless are too great to redress in contemporary Bangladesh by a simple strategy of land redistribution, however systematic the effort'²⁵. This is particularly the case if one has to consider the three constraints; (i) the holding created through redistribution of land should be a viable one, (ii) the gap between the ceiling and the minimum viable holding should not be too small to be sustainable politically or to rule out managerial diversity and (iii) the landless must be integrated within the reform²⁶.

Some calculations on the basis of a BIDS survey on the pattern of land distribution in 11 villages all over Bangladesh for 1979 may be illuminating. From the data the expected surplus land under a few alternative land ceilings have been estimated. It is assumed that the minimum viable holding is 1.67 acres (5 *bighas*) We have then estimated the number of holdings that could be created if the surplus land is distributed among households owning less than 1.67 acres. The figure is

25. Jannuzi, F. T. and Peach, J. T. : *Report on the Hierarchy of Interests in Land in Bangladesh*, USAID, Washington, 1977.

26. Lipton, M : 'Towards a Theory of Land Reform' in D, Lehman (ed) : *Agrarian Reform and Reformism*, Faber & Faber, London, 1974.

expressed as a percentage of (i) all rural households (including landless) owning less than this size, (ii) landowners having less than 1.67 acres plus landless who are agricultural labourers, and (iii) only cultivator households owning less than 1.67 acres (landless tenants are included). The results are presented in Table 10 below.

TABLE 10
Expected Surplus Land Under Alternative Land
Ceilings, 1979²⁷

Land Ceiling	% of Households Affected	Surplus Land as % of all Land	Holdings of 1.67 Acre After Redistribution		
			As a % of all households Owning Less Than 1.67 Acre	As a % of Owners Having Less than 1.67 acre + Agricultural Wage Labourers	As a % of Cultivators Owning Less than 1.67 Acres
10 acres	1.7	9.8	35.6	75.0	113.2
7.5 acres	2.7	13.6	39.6	83.5	126.1
5.0 acres	5.4	20.2	46.6	98.2	148.2

One can note from the table that if the surplus land is to be distributed among the non-viable landholders as well as among the landless for creating a viable holding, then even a 5 acre ceiling would not generate sufficient land. But if the aim is to turn the marginal cultivators into viable holders, then even a 10 acre ceiling can release the land necessary for this purpose. And a ceiling at this level will affect only about 1.7 per cent of all rural households.

27. Source : See text.

But from the point of view of equity, it is unjustified to leave out the non-cultivator landless and nearlandless from the land redistribution programme because they are the poorest section of the rural population. It may even be argued that if they are left out, their economic position will deteriorate absolutely after the reform because by abolishing large holdings, one also affects the main source of employment of the landless.

TABLE 11
Occupational Distribution of Different Landowning Groups, 1979²⁸

Occupation	Landless (%)	Having Upto 0.5 acres of Cultivated Land (%)	All Heads of Households (%)
Cultivation	2.8	22.8	30.9
Agricultural Wage Labour	33.6	26.5	19.6
Cottage Industry	19.5	21.0	15.6
Transport and Construction Work	5.4	3.3	3.6
Trade & Business	17.6	11.0	12.8
Service	8.0	6.0	6.3
Others (beggars, students, widows)	12.9	9.4	11.2

But there are also cases against the inclusion of all landless in the redistribution programme. First, not all the landless are at present engaged in agriculture and it may not be wise to redistribute land among non-agriculturists. One can look at the occupational distribution of different landowning

28. Source : Rahman, Atiur : Rural Power Structure—A Study of Union Parishad Leaders in Bangladesh, *Journal of Social Studies* Nov. 1979. (Dacca)

groups obtained from the 1979 BIDS survey reported in Table 9. It can be noted that only about 2.8 per cent of the landless are cultivators and another 33.6 percent are agricultural labourers. Among the nearlandless, also only about 50 percent are employed in agriculture, either as wage labourers or cultivators. So if only the landless who are employed in agriculture, are eligible for getting land on the ground that they have the necessary experience of cultivation, then about a half of the landless will automatically be excluded from the land redistribution programme. The second argument is that production may fall if land is redistributed even among agricultural labourers. They need draft animals and other farm implements to start cultivation, which most of them cannot afford. So ultimately they will sell the land to large owners and this cycle would continue. This however, is not a serious argument for excluding the landless agricultural labourers. What it suggests is that if land is redistributed to them, they should also be provided with the other means of production, or be incorporated into some sort of production cooperatives.

If landless agricultural labourers are to be included in the redistribution programme, the land ceiling has to be fixed at 5 acres, (under the previous assumption that all holdings below 1.67 acres are to be brought at that level). But this may seem to be too low a ceiling to recommend, because (i) the gap between the viable holding and the ceiling is too low, (ii) there would be strong political opposition as more than 5 per cent of rural households would be affected and (iii) with the income that this ceiling yields, the top rural households, would hardly enjoy a higher standard of living compared to an urban household. Hence on the consideration of horizontal equity, the move is unjustified.

Thus, if something has to be done there seems to be no alternative but to have a drastic land-redistribution followed by production cooperatives where crop planning, input use and investment are decided jointly, and net output is shared among members according to land owned and application of labour²⁹. The resultant egalitarian land distribution would mean (i) ownership of land by the previous landless would give them some stake in production which will provide them incentives to meaningfully participate in production activities, (ii) the shattered power base will enlarge participation of the landless and (iii) promote growth of cooperative management, allow surplus extraction and capital formation as and when necessary.

V. Power Structure and the Feasibility of Land Reform

The most important constraint for having a drastic land reform in Bangladesh, as in other developing countries, is the existing power structure. Power holders both at national and local levels are representatives of landed interests and hence are unlikely to initiate or support land reform which will basically go against their interest. Against popular pressures they can at best undertake legislative measures which will bring only marginal changes, and again this would be done in such a way that there are plenty of loopholes through which the law can be evaded. And, as the gains are only marginal the implementation of the law will not have the support of the rural poor who dare not antagonise the rich because of the existing dependency relationship (via tenancy, credit and labour markets). An analysis of the historical experience of land reform undertaken so far, and the characteristics of power holders will help to substantiate this point.

29. For a detailed proposal of this type of reform see Ahmad, Q. K. : *Social Transformation in Bangladesh—Realities, Constraints, Vision and Strategy*, a paper read in Annual Conference of Bangladesh Economic Association, 1979.

There are a number of studies which show that the Union Parishad, the organisation of the local power holders, is basically controlled by large landowners (see Table 12) Solaiman and Alam studied the characteristics of candidates for election in three Union Parishads in Comilla and found that no candidate for chairmanship owned less than 3 acres of land, but 65 per cent of them owned

TABLE 12

Landownership Status of Union Parishad Leaders³⁰

Landownership Group (acres)	Solaiman and Alam Finding		Rahman Finding	
	%of Members	%of Chairmen	Land Owner (acres)	%of Leaders
Landless	Nil	Nil	Landless	3.0
Upto 2.0	18.2	Nil	Upto 2.5	7.0
2.0 to 3.0	25.0	Nil	2.5 to 7.5	29.6
3.0 to 7.0	38.6	35.0	7.5 to 12.0	26.5
Above 7.0	18.2	65.0	Above 12.5	33.3

more than 7 acres. In the case of membership, about 57 per cent had more than three acres of land. Atiqur Rahman carried out a survey on 123 Union Parishad leaders in 1978 and found that only 10 per cent of them owned less than 2.5 acres, whereas 60 per cent of them owned more than 7.5 acres. An in depth survey of *Swanirvor* organisation, which theoretically is a representation of all social and functional groups in the village, in three areas, found that the leaders had an average size of ownership of around 8 acres, whereas the average size for all households in these areas varied from 1.54 to 3.0 acres.

30. Solaiman, M & Alam, M : *Characteristics of Candidates for Election in Three Union Parishads in Comilla Kotwali Thana*, BARD, Comilla, 1977.

In fact, the present system of electing leaders implies that leaders come from wealthy households, and in rural areas land is the main source of wealth. Unless a person can afford to spend a high amount, he has little chance of being elected,³¹ although he has all the necessary qualifications for becoming a leader. For the same reason the leadership at the national level is largely represented by landed interests. This is sufficiently indicated in the composition of wealth recently declared by the ministers and some of the ruling party members. Even the bureaucracy who are in charge of implementing the reform mainly come from wealthy rural families, and many of them are absentee land-owners. So it is quite natural that they will oppose reforms which go against their interests (e.g. abolition of absentee landlordism) and the interests of their kins.

In the above situation one cannot expect a strong political will in favour of land reform. If some thing has to be done to satisfy popular demands, it will be half-hearted so that no more than marginal changes take place. The historical experience of land reform in this country and many others testifies this.

The lack of strong commitment towards land reform is evident from long delays in getting the land reform bills approved by legislative assemblies, and many legal loopholes that remain in the Act which allow the 'would be' affected to evade the provisions of the Act. For example, in Bangladesh there was inordinate delay

31. Rahman found that an elected Union Parishad leader incurred, on average, an expenditure of Tk. 11 thousand whereas his closest rival spent (according to the elected leader) Taka 19 thousand. There were a few cases who spent more than 100 thousand. See, Rahman, Atiur: Rural Power Structure—A Study of Union Parishad Leaders in Bangladesh, *The Journal of Social Studies*, No. 4, 1979 (Dacca)

in implementation of the State Acquisition and Tenancy Act of 1950. The bill was introduced in April 1948 and it became an Act only in December 1950. Then, although summary procedure was adopted, it took six years (1950-56) to acquire just 443 estates³². Because of the delay many intermediate tenure holders had enough time to prepare papers to show large amount of land under their own cultivation and hence ultimately to claim ownership.

TABLE 13
Land Acquisitions and Distributions under Land Ceiling Legislation in Bangladesh³³

Legislation	Period of Estimate	area (000 hectares)	area as a % of Cultivated Land
P. O. 1972 :			
Estimated Surplus Land	1972	162.0	1.1
Land Declared Surplus	1972-76	23.0	0.3
Area Acquired	1972-76	12.7	0.2
Area Distributed	1973-76	57.3	0.6
EBSATA 1950 :			
Estimated Surplus Land	1950	205	3.2
Area Acquired	1956-66	69	0.8
Area Distributed	1957-67	150	1.6

The ineffectiveness of the land ceiling measures so far undertaken in Bangladesh is another example. The prescribed limit was kept at a very high level so that it effects the rural oligarchy only marginally. The 1972

32. Siddiqui, K: *The Political Economy of Land Reforms in Bangladesh*, (mimeo), Bangladesh Institute of Development Studies, 1978.

33. Ibid.

Presidential Order fixed the ceiling at 33.3 acres ; but the Land Occupancy Survey of 1977 revealed that there were only 0.8% owners holding 11 per cent of the total land in sizes of more than 15 acres³⁴ Again, the legislation required the landowners to declare their surplus area, but many owners continued to hold land above the ceiling by not filling the declaration forms. Also because of the loopholes in the legislation and the delay in implementation many owners evaded the law by transforming the title of the surplus land to their relations. So the ultimate impact was even smaller than expected. The marginal impact of the land ceiling legislations in Bangladesh can be seen from the Table 13

VI. Concluding Remarks

The need for land reform is felt very urgently at the moment for achieving distributive justice and for effective participation of the masses in rural development efforts. This is because the current strategy of pushing water-seed-fertiliser technology for agricultural development under the prevailing unequal distribution of land has an inherent tendency to widen the existing disparities of income and wealth. The large land owners who have reaped most of the benefits of recent growth are also consolidating their political power, and so structural changes are becoming more difficult to achieve day by day. The existing land/man ratio in rural areas, however, indicate that any distributive land reform, to be really effective, has to be drastic one followed by cooperative management of production.

Some of the necessary pre-conditions for successful land reform in Bangladesh are (i) maintaining up to date

34. The 1977 Land Occupancy Survey confirmed that there were large numbers of owners of land whose holdings exceed the legal limit. According to one estimate only 15% of the total land that should have been surrendered were declared surplus,

land records of both ownership and cultivation rights so that provisions of the law can be easily and quickly implemented, (ii) a support programme for ideological training and political education for personnel involved in implementing the reform, as well as for persons affected by reforms, (iii) providing moral and legal supports for organisations for and of the rural poor, so that they can help in implementing the reform, and most important of all, (iv) a strong political commitment for drastic reforms which has to be demonstrated through hard political decisions and effective support for implementing those decisions. Progress through marginal changes is difficult to achieve as the government would not get the much needed political support from the expected beneficiaries.

Land Reform in Bangladesh-A Skeptical View

A. B. M. Md. Azizul Islam*

In a predominantly agricultural economy like that of Bangladesh (agriculture's share of GNP is close to 60%) characterised by subsistence cultivation, apparently slow spread of 'Green Revolution', rural under-employment and fairly wide spread practice of sharecropping, land reform appear to be a natural policy target to promote agriculture's contributions to the growth of national economy which includes feeding a growing non-agricultural labour force, earning more foreign exchange, providing capital for development of the rest of the economy and serving as a growing market for domestic manufacturing¹ In fact, some political leaders as well as few professional economists have been urging the need for 'land reforms' in Bangladesh. Strangely enough, no one has clearly specified what is exactly meant by this ambivalent

* This article is based substantially on a paper bearing the same title read by the author at the Conference of the Canadian Society for South Asian Studies held at London, Ontario, Canada in 1969.

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1. Lewis, Stephen R. Jr. : 'Agricultural Taxation and Intersectoral Resource Transfers, in *Food Research Institute Studies in Agricultural Economics. Trade and Development* vol, XII, No. 2, 1973, Stanford University, Stanford, California, USA.

expression. Depending on the user, this term subsumes under it legal changes affecting the rights of tenants and/or owners regarding frequency and magnitude of rent increase, enjoyment of benefits of improvement effected on land, transfer and inheritance of land as well as compulsory co-operativisation/consolidation or redistribution or outright collectivisation. The exact form which land reform assumes in any particular country inescapably depends on the political power base of the regime which seeks to introduce it. Socio-economic consequences of land reform are, in turn, determined by its exact form. In order to be able to postulate politically feasible shape of land reform for Bangladesh in foreseeable future, let us take a brief look at the historical evolution of land legislation in Bangladesh.

Historical Perspective

The geographical area now constituting Bangladesh as part of the province of Bengal became 'permanently settled' in 1793 under Lord Cornwallis who had hoped to create a class of landed gentry loyal to the British rule and devoted to the practice of good husbandry like the 'gentlemen farmers' of England. In practice, his prophecies failed to materialise particularly in the latter aspect. The 'proprietors' to whom most of the land was parcelled out in estates of various sizes at rents fixed in perpetuity emerged essentially as tax collectors for the government. They constituted the apex of a hierarchical structure at the bottom of which were the 'tenants' known as *rai-yats* and under-*rai-yats* who were more or less directly concerned with cultivation of land. In between arose a series of intermediate rent-receiving interests whose sole function was to appropriate the difference in rent between what was collected from the immediate subordinate interest and what was paid to immediate superior interest. As between the two classes of tenants mentioned above, *rai-yats* were further subdivided into *rai-yats* at fixed rent, occupan-

cy *raiylats* and non-occupancy *raiylats*. Amongst all classes of tenants, occupancy *raiylats* and *raiylats* at fixed rent were the most important groups in terms of proportion of land held² and consequently from the point of view of land reform, it is the evolution of their rights that interests us most.

Rights of Raiylats Until 1950

Even though, most of the land in the province of Bengal was brought under Permanent Settlement, the British Administration could hardly afford to be oblivious of the rights of the tenants. A series of legislations, notably those of 1859, 1869, 1885, 1928, and finally of 1938 recognised, created or codified the rights of the tenants.

'*Raiylats* at fixed rent were, for all practical purposes, owners of their holdings³. Even before the Bengal Tenancy Act of 1885 came into force, they had permanent, heritable and transferable rights to their landholdings and their rent could not be increased by definition. They could also use the land in such manner as they deemed fit.

The occupancy *raiylats*, on the contrary, enjoyed somewhat more constrained rights. Before and after the Per-

2. Das Gupta, P.R : '*Faridpur Revisional Settlement, Final Report Part II—Statistics, Government*' of East Bengal, East Bengal Government Press, Dacca, 1954, p.42.

Bell, F.O : '*Final Report on the Survey and Settlement Operations in the District of Dinajpur, 1934—40.* Government of Bengal, Bengal Government Press, Alipore, 1942, pp.86, 154-59

Hoq, Motaharul : '*Final Report on the Revisional Survey and Settlement Operations in the District of Bakerganj, 1940-42 and 1945—54,* Government of East Pakistan, East Pakistan Government Press, Dacca. 1957. p.55.

3. Abdullah, Abu : 'Land Reform and Agrarian Change in Bangladesh' *Bangladesh Development Studies* Vol. IV January 1976 Bangladesh Institute of Development Studies, Dacca.

manent Settlement of 1793, the (occupancy) *raiyat* had no right of transfer. Under the Rent Acts of 1859 and 1869, an occupancy *raiyat* could not transfer his holding without the consent of his landlord, unless the custom of the country or the locality authorised such transfer.

The Bengal Tenancy Act, 1885, had no specific provision for transfer of occupancy holdings but declared that the right to transfer, if it existed by custom, could not be taken away by any contract entered into between the landlord and the *raiyat*. By the amending Act of 1928, however, an occupancy holding was made transferable in the same manner and to the same extent as other immovable property, subject to payment of landlord's fee and the right of pre-emption. But the amending Act of 1938 abolished those rights of landlords; rather it gave the right of pre-emption to a co-sharer tenant⁴. By 1938, the occupancy *raiyat* could transfer his holding by sale, gift, will, exchange or mortgage, his rent could not be increased except by contract or by suit on grounds specifically provided in the laws and he could not be ejected for non-payment of rent though his holding could be sold in execution of a court's decree for arrear rent. The Act of 1949 also removed some minor restrictions that existed until then on the rights of occupancy *raiyats* regarding use of their holdings. By this time, therefore, the distinction between occupancy *raiyats* and *raiyats* at fixed rent became blurred. The only other major group, outside the mainstreams of hierarchical relationship but closely involved in land, that remained untouched by any of the foregoing legislations was landless agricultural labourers and share croppers.

4. Kabir, L.: *The Rights and Liabilities of the Raiyats under the Bengal Tenancy Act* (with amendments), Law House Publications, Dacca, 1972, p-135

Against this back drop came the first major enactment after the departure of the British rulers.

East Bengal State Acquisition and Tenancy Act, 1950

It is neither necessary nor appropriate to attempt any detailed examination of the aforementioned Act.⁵ Some of its major provisions will be briefly mentioned to highlight its distinguishing features.

- (a) All intermediate rent-receiving interests were to be abolished. All *rai-yats* would thus become direct tenants under the government with permanent, heritable and transferable rights and would be free to use their land in any manner they liked.
- (b) All land owned in excess of 100 *bighas* (33.3 acres) per family or 10 *bighas* per member of the family, whichever is larger, would be acquired by the government with relaxations in special cases like plantation crops and large-scale dairy farming.
- (c) The excess land to be acquired would be settled with bonafide cultivators holding less than 3 acres of land.
- (d) The maximum rate of rent was limited to 1/10th of the value of annual gross produce of land.
- (e) Sub-letting of land was forbidden, but share-cropping was not to be treated as sub-letting.

Thus, apart from incorporating the rights already enjoyed by the tenants, the Act of 1950 substantially increased revenue earnings of the government by abolishing the intermediate rent-receiving interests. The Act also specifically addressed itself to the problem of small farmers by fixing a maximum ceiling on ownership and enjoining settlement of acquired land with them,

5. This has been done by Dr. Kamal Siddiqui in article 1 of this volume, Editor,

Legislation Since 1950

The ownership ceiling which was raised to 375 *bighas* by an Ordinance in 1961 was re-fixed at 100 *bighas* by a Presidential Order (P.O. 98) in 1972. Another Presidential Order in the same year (P.O.96) exempted all families owning 25 *bighas* or less of agricultural land from payment of land revenue, though they were still liable to pay various taxes and cesses based on land revenue. These are (1) Development and Relief tax @ 25% of land revenue (b) Additional Development and Relief Tax @ TK. 0.50 per acre (c) Education Cess @ 25%, of land revenue and (d) Local rate @ 12½% of land revenue.

An administrative decision was taken that land available for settlement would be settled with agricultural families having no land or less than 1.5 acres of land and such settlement should not lead to a family's ownership in excess of 1.5 acres of land.

Existing Situation and Direction of Future Reform

In view of our discussions so far the following conclusions appear to be in order : (a) Even before 1950 the tenants in Bangladesh enjoyed permanent, transferable and heritable right of ownership in their lands and were entitled to use them in any manner they liked ; (b) Subsequent legislations affected government's revenue earnings (increased by the Act of 1950 following abolition of intermediate rent receiving interest, but decreased by P.O.96), but did not have any impact whatever on incentive to production because (i) tenants already enjoyed secure rights, (ii) land revenue was never assessed on increments to production, (iii) the incidence of land revenue has been traditionally very small (estimated at TK. 3.50 per acre) and is subject to infrequent revisions inspite of continuing increase in agricultural prices, (iv) the redistributive, impact of these legislations has been extremely insignificant (we will have more to say on this point later on)

and (v) none of these legislations has squarely faced the problem of share-cropping—a time honoured practice in Bangladesh.

Quite obviously, there exists hardly any scope for reform measures directed towards improvement of tenurial rights or reduction of rental burden in Bangladesh. Future reform proposals have to clearly lay down as to what can be done with regard to ownership pattern and the problem of share-cropping.

Ownership Reform

Any peaceful reform of ownership will have to be brought about by state action which may follow either of the usually treaded path: (a) compulsory take-over of all or most of the privately owned land by the state and joint farming thereof through co-operatives, collectives or state farming, (b) compulsory take-over of land above a prescribed ceiling from relatively big landowners and its cultivation by individual farmers under some arrangement with the state. These two classifications correspond to, but are not exactly identical with, Lipton's 'collectivist' and 'distributivist' reforms respectively.⁶ Given the socio-political realities of Bangladesh, the former type of reform does not appear feasible in the near future. Even the experts well known for radical views have not demanded abolition of the institution of private property in general and have pleaded that land reform need 'to be phased to handle gently small and middle peasants' attachment to land'. The only availa-

6. Lipton, M. : Towards a Theory of Land Reform, in Lehmann, D. (ed.) *'Peasants, Landlords and Government*, Homes and Meir, New York, 1974.

7. Rahman, M. Anisur : 'Priorities and Methods for Socialist Development of Bangladesh' in Robinson E.A.G. & Griffin, K. (ed) : *Economic Development of Bangladesh Within a Socialist Framework*, Macmillan, London, 1974.

ble option, therefore, is to suggest distributivist type of reform and it would be a pointless exercise to enter into a discussion of relative merits and demerits of collectivist reform.

TABLE 1
Size Distribution of Owned Land in Bangladesh, 1977^a

Ownership size (in acres)	% of total household farm	% of total area
Zero	11.07	0.
.01-1.00	47.44	9.30
1.01-2.00	16.43	14.43
2.01-3.00	8.91	13.18
3.01-4.00	5.27	11.13
4.01-5.00	3.29	9.00
5.01-6.00	2.09	6.60
6.01-7.00	1.43	5.69
7.01-8.00	1.02	4.65
8.01-9.00	0.69	3.60
9.01-10.00	0.42	2.46
10.01-11.00	0.34	2.15
11.01-12.00	0.29	2.03
12.01-13.00	0.16	1.18
13.01-14.00	0.22	1.82
14.01-15.00	0.13	1.19
over 15.00	0.80	11.29
	100.00	100.00

Total no. of farm families 11,848,658

Total owned area in acres 19,351,746

What should be the objectives of distributivist reform in Bangladesh? The desirability of any economic policy measure requires to be judged by widely recognised

8. Source: Bangladesh Bureau of Statistics: *Summary Report of the 1977 Land Occupancy Survey of Rural Bangladesh.*

criteria of equity and efficiency. In the specific context of land reforms in Bangladesh, the relevant decideratum appears to be its impact on (i) intra-rural inequality (ii) agricultural production (iii) rural saving (iv) marketed surplus (v) employment, and (vi) net foreign exchange earnings.

In order to be able to discuss these issues objectively, let us look at the ownership pattern of land in Bangladesh.

Even a cursory look at the above table would make it obvious that the scope for land reforms to achieve the objective of intra-rural equity is extremely limited. It is estimated that the minimum size of an economic holding is 8 acres. If the maximum ceiling is fixed at this level, the amount of land available for redistribution would be 4.98 million acres. On the other hand, the minimum size of subsistence holding is considered to be 3 acres. So, if land taken over is to be redistributed amongst families with landholding less than 2 acres, the number of involved households would be 8.88 million. Thus the area of land available for redistribution even under the above-mentioned drastic ceiling would be 0.56 acres per family clearly leaving all of them below subsistence limit. It is extremely doubtful that a ceiling as low as 8 acres which would be less than 1/4th of the currently allowable maximum would be politically implementable. Consequently, there does not exist significant scope for any noticeable reduction of intra-rural inequality through reform of land ownership.

Leaving aside the question of equity, one could still make out a case for ownership reform if it could satisfy the other criteria. In a country like Bangladesh which devotes most of its cropped area (close to 90%) to production of cereal crops and yet 1/5th of its annual food requirement has to be imported, the effect of any reform

on the volume of agricultural production deserves careful scrutiny. The argument for distributivist land reform as an instrument for increasing agricultural production is largely based on the proposition that output per acre is found to be higher for farms with small size even though output per unit of labour is higher for bigger farms and in a land-scarce, labour surplus economy, land productivity is obviously the most relevant measure of efficiency. Empirical evidence from many developing countries like India, Columbia, Brazil, Taiwan, the Philippines⁹ as well as Bangladesh¹⁰ lends support to the proposition that productivity per unit of land is higher for smaller farmers. The case for distributivist reform is further strengthened by scale neutrality of 'Green Revolution' technology¹¹. However, a warning appears to be in order because 'most censuses of agriculture show that labour intensive practices which raise the efficiency of land and capital use (natural manuring, weeding, rice transplanting where choice of broadcasting exists, etc.) while increasing in incidence as farm size falls to about three-quarters of an acre, fall off there-

9. Dorner, P. and Kanel, Don : *The Economic Case for Land Reform : Employment, Income Distribution and Productivity* LTC Reprint No. 7A, Land Tenure Center, University of Wisconsin, Madison.

10. Hossain, Mahabub : *Farm Size and Productivity in Bangladesh Agriculture : A Case Study of Phulpur Farms*, Research Report (new series) no. 14, Bangladesh Institute of Development Studies, Dacca, October, 1973 (mimeo).

Khan, Md. Irshad : *Modernization of Small Farms in East Pakistan : A Study in Allocative and Structural Efficiency*, Pakistan Institute of Development Economics, Dacca, October 1971.

11. Griffin, K : *The Political Economy of Agrarian Change : An Essay on the Green Revolution*. Harvard University Press, 1974.

after¹². This may be caused by part-time nature of farming by house-holds with landholding less than the minimum required for subsistence, lack of farming experience and managerial skill, apathy towards or unprofitability of adopting land-augmenting 'Green Revolution'¹³ technology which is determined by a host of factors. In case of Bangladesh, Lipton¹⁴ suggested that land taken over by the state should be distributed to farmers with 0.5 to 1 acre and the unfortunate millions below 0.5 acres of landholding be excluded. Quite apart from the arbitrariness of prescribing a minimum floor below which families should not be entitled to state-acquired land, such a measure is patently indefensible on grounds of equity. This is precisely the reason why the government of Bangladesh decided to give priority to landless families in the matter of allotment of land which became available under P.O.93 of 1972. Given this situation, redistributive measure in Bangladesh may potentially reduce agricultural production- a risk that the country can ill-afford at this stage.

This brings us to the consideration of impact of ownership reform on rural savings and marketed surplus. Various arguments and counter-arguments can be mobilized to prove that these may be either increased or decreased. The consensus appears to be that the proportion of income saved and output marketed may be

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12. Lipton, M. : *Toward a Theory of Land Reform in*, Lehmann D. : (ed) *Peasants, Landlords and Government*. Home and Meir Publishers, New York, 1974.
 13. Yuedelman, M. : *Technological Change in Agriculture and Employment in Developing Countries*, OECD, Paris, 1971.
 14. Lipton, M. : Discussion on 'The Strategy of Agricultural Development in Bangladesh' by Bose, S. R. in Robinson E. A. G. & Griffin, K. (ed.) : *Economic Development of Bangladesh Within a Socialist Framework*, Macmillan, London, 1974

reduced, but the volume of savings and marketings may, nonetheless, increase if total income and output rise. It has already been argued that this does not appear likely in Bangladesh and as such reduction of rural savings and marketed surplus is almost a certainty.

As regards employment, it is often argued that policy bias leading to differential effective factor prices faced by different classes of farmers leads to mechanisation by big farmers¹⁵. Distributivist reform will increase employment because small farmers adopt more labour intensive techniques of production. 'But only if there is enough spare land to permit the landless to be given viable holdings to a substantial degree, will land distribution reduce unemployment, rather than just allowing the partially employed to find more work. Indeed the employment prospects of the landless may suffer, as the bigger farmers (their main employers) are dispossessed'¹⁶. In Bangladesh, there exists neither spare land, nor has there been any significant mechanisation, the market for which is fairly effectively controlled by the government. To some extent, the remarkable degree of fragmentation and subdivision of holdings arising out of the Muslim law of inheritance has proved a natural barrier against mechanisation.

Finally, net foreign exchange earnings will be critically determined by the volume of production. The principal export crop of Bangladesh is jute and food is a critically important single item in the import budget.

15. Griffin, K. : *Political Economy of Agrarian Change— An Essay on the Green Revolution*, Harvard University Press, 1974.

Yudelman, M. : *Technological Change in Agriculture and Employment in Developing Countries*, OECD, Paris, 1971.

16. Lipton, M. : *Toward a Theory of Land Reform in* Lehmann, D. (ed.) : *Peasants, Lands and Government*, Homes and Meir, New York, 1974.

Hence, net foreign exchange earnings can be increased either by increased production and export of jute or by increased production and reduced import of food. Switch between the crops is, therefore, immaterial except for differential yield and relative value of these products in the international market. Since we have indicated the possibility of reduction in overall output, ownership reform is also likely to worsen the country's unenviable trade deficit.

TABLE 2
Percentage Distribution of Owner Operated Farms¹⁷

Class Size (in acres)	% of owner operated in total operated land
Less than 0.5	88.41
0.5 to less than 1.0	88.60
1.0 to less than 2.5	80.79
2.5 to less than 5.0	79.02
5.0 to less than 7.5	80.67
7.5 to less than 12.5	84.61
12.5 to less than 25.0	83.34
25.0 to less than 40.0	79.53
40.0 and more	84.27
over-all	81.38

Share-Cropping

Having discussed the issue of ownership reform, let us turn attention to the institution of sharecropping, which is a kind of tenure arrangement under which the

17. Source : Abdullah, Abu : Land Reform and Agrarian Change in Bangladesh, *The Bangladesh Development Studies* vol, iv, number 1, January, 1976, Bangladesh Institute of Development Studies, Dacca. (The data given in this table are at variance with those obtained through the 1977 Land Occupancy Survey. See the last article in this volume.)

farmer who actually cultivates land shares the output with the land owner on a 50:50 basis. Sporadic attack has been launched on this institution¹⁸ on the ground that it acts as disincentive against capital improvement as well as use of variable modern inputs like fertiliser improved seed, irrigation water etc.

Sharecropping covers about 18 % of the cropped area in Bangladesh involving 1/3rd of the farmers. One would normally expect that it is the big land-owners who unable to cultivate their land by family labour or with hired labour under self-management, would resort to this practice. The reality in Bangladesh is very different. The above table does not show any distinctive class character of share-cropping practice. Consequently, state take over of land rented out in the form of sharecropping and settling it with the existing share-croppers will not serve the purpose of equity. Share-cropping has provided de-facto consolidation mechanism in which even the small holders rent out their unsatisfactorily situated land to others.

Fixed type capital improvements in Bangladesh involving primarily flood control and irrigation measures will continue to be financed out of general revenues of the government. We will, therefore, concentrate on the effect of share-cropping on the use of current inputs, mainly following the line of reasoning advanced by Raquibuzzaman¹⁹.

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18. Islam, M. Shamsul and Rahim, S.A : The Institutional Framework of Agricultural Development in Bangladesh in Robinson, E.A.G and Griffin, K. (edited) : *Economic Development of Bangladesh Within a Socialist Framework*, Macmillan London, 1974.
 19. Raquibuzzaman, M. : Share-cropping and Economic Efficiency in Bangladesh, *Bangladesh Economic Review*, volume 1, number 2, April 1973, Bangladesh Institute of Development Economics, Dacca.

Under the usual assumption of conventional theory of firm, it is easy to show that share-cropping leads to sub-optimal application of variable inputs. This is demonstrated below in fig. 1.

On the X-axis we represent the quantity of variable input, say, fertiliser. On the Y-axis, we represent cost and value of marginal product of the variable input in question. We also assume that the farm is subject to the law of diminishing marginal product with regard to application of the variable input.

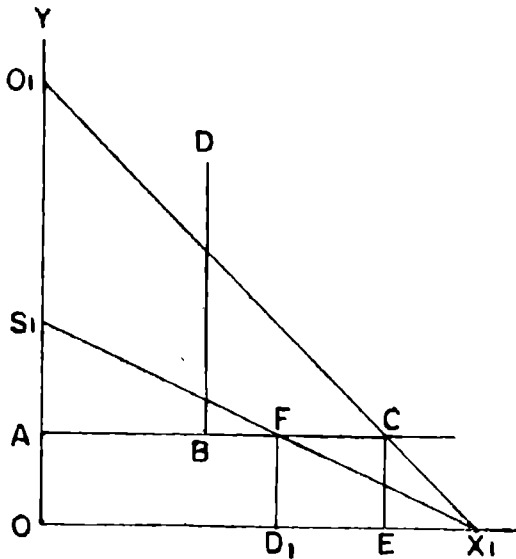


Fig. 1

The value of the marginal product curve for the farm is given by O_1X_1 . But since the share cropper gets only half of the produce, the effective value of marginal product curve as seen by him is S_1x_1 . If the farm were owner-operated and the owner is a profit maximiser, he would use variable input upto the amount OE as determined by the intersection of the value of

marginal product curve O_1X_1 with AC line which represents both average and marginal cost of the variable input. A share-cropper, on the contrary, will equal his own value of marginal product with marginal cost as a rational producer. He will, therefore, apply OD_1 amount of variable input as determined by the intersection of X_1S_1 and AC curves. This provides legitimacy to the criticism mentioned earlier against share-cropping.

However, a dogmatic application of the conventional theory of firm is not of much practical relevance. Use of the same apparatus yields different result if one takes into account particular factor supply conditions obtaining in Bangladesh. The fact of the matter is that many of the variable inputs, particularly those involving improved technology such as fertiliser, improved seed, irrigation water etc. suffer from supply constraint. These are usually made available at controlled price on a rationed basis. Given this position, effective cost curve faced by the farm unit, whether operated by the owner or the share-cropper becomes ABD. In that case, the maximum quantity of variable input that can be employed, whatever the tenure arrangement is AB. Share-cropping is not, therefore, any less desirable than owner-operation. Besides, if the owner shares any part of cost so that effective cost curve for the share-cropper is below AC, input use will be greater than AF. Micro studies in Bangladesh show that in some cases land owners bear whole or part of costs of variable inputs²⁰ If the cost-sharing exactly equals output-sharing, amount of input used will be the same, whether share-cropped or owner-operated.

However, it should be mentioned that if the supply constraint with regard to the variable input can be sufficiently relaxed so that the vertical portion of the marginal cost curve becomes effective on the right of F and the

20. Ibid.

owner does not bear any part of input cost, share-cropping would become less desirable. As long as that does not happen, share-cropping cannot be branded as economically inefficient.

The preceding case demonstrated that share-cropping is not less desirable than owner-operation. With some additional assumptions quite relevant to our context, share-cropping can be shown to be decidedly superior compared to owner operation.

We shall use the same diagram as before. But let us assume that the variable factor in question is labour. It is well-known that there exists an asymmetry in the rural labour market of the underdeveloped countries in the sense that even though marginal productivity of labour is low, no labour can be hired without paying high positive wage. Assuming further that the owner is not in a position to operate the farm with his own or family labour, it can be shown that labour use will be greater.

Given the assumptions (i) the owner cannot operate the farm without hiring labour, (ii) he has to pay positive wage, say, OA , and (iii) the share cropper views the opportunity cost of his own and family labour as zero, the owner-operator will employ labour upto OE amount and the share-cropper will use labour all the way upto OX_1 . The total output increases from OO_1CE to OO_1X_1 . In essence, share-cropping becomes a substitute for 'shadow pricing' and to that extent, is desirable on purely economic ground.

Conclusion

The foregoing analysis suggests that at the present stage there is no compelling need for land reforms in Bangladesh on grounds of either equity or efficiency

Even in cases where land reforms appear to be clearly justifiable *apriori*, it constitutes only one ingredient in the complex process of rural transformation. For Bangladesh, other elements of policy such as appropriate price/subsidy measures, share of allocation out of public resources for improvement of agricultural infrastructure, input delivery system, widening the base of institutional credit, strengthening co-operative institutions to promote small farmers' access to modern inputs, reduction of farmers' risk by properly conceived flood control and irrigation devices, improvements in storage and marketing facilities and most importantly, creation of institutions designed to (i) promote share-croppers' right to continue cultivation of sharecropped land unless gross negligence is established (ii) encourage practice of sharing input cost by the land owners, deserve much more serious attention.

The marginal significance of any politically implementable land reform is not worth the upheaval it will create. It is certainly not intended to preach any gospel for perpetuation of the status-quo. As the socio-economic conditions change over time, one will have to re-assess one's stand with regard to land reforms.

Land Reform Measures and Their Implementation in Bangladesh

*Shawkat Ali**

This paper analyses the trend of legislative measures taken from time to time for the improvement of land system in Bangladesh. The analysis shows that despite gradual improvement in regard to landlord-tenant relationship till 1947 through such legislative measures, the attempt at distributive land reform during post-1950 period had failed largely due to the failure of the political-administrative machinery to act with a sense of conviction and commitment. This paper further argues that quite apart from the question of continuing and sincere commitment, some practical problems are there which arise principally out of strong local feelings. Strong local feelings are too deep-rooted to be removed over night, It is possible to explain this feeling in terms of scarcity of resources. But the problem is much deeper than can be comprehended by a casual observer. It remains a major social characteristic with the Bangladeshis despite their unique linguistic homogeneity. This feeling may be part of village factionalism but has to be seen in a much wider context. It cuts across the boundaries of villages, unions, subdivisions and finally ends with districts and perhaps a little beyond that¹.

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1. 68000 villages of Bangladesh are grouped into unions (lowest tier of local government unit); unions are grouped into *thanas* (police station), *thanas* are grouped into subdivisions (sub-districts) and subdivisions are grouped into districts which are the most vital units of administration both for regulatory and development purposes.

To this must be added the complexity of land administration and land management procedures that govern the maintenance of record of rights which are further compounded by the laws of inheritance and land registration system. Just how simple or how difficult it is to have the ownership of lands determined by the existing procedure is a question that needs careful analysis which is beyond the scope of this paper. It may be sufficient to add that the land system has primarily been based on considerations of collection of rent (land tax) rather than on a simple approach to correct maintenance of record of rights e.g. individual ownership of land.

It is easy for an outsider, not acquainted with the complexities of the procedures and how they operate in reality, to statistically divide the total cultivable land into subsistence and economic units in terms of acres and present a proposal for distributive land reform. The problem is much deeper than simple statistical computation. Under the existing system of record of rights as it actually operates, it would be impossible to determine the actual area of land held by an individual owner. There shall always be a gap between what is recorded in the revenue books as regards ownership and what is the de facto ownership.

A functional example may help. X owns 3 acres of land according to revenue records in 1950. X dies leaving a large number of inheritors, say 10 to 12, who automatically become co-sharers and thus liable to pay rent according to their respective shares. Under the land revenue procedure, till amended in 1969, they could not have paid rent separately. The total rent due just could not be divided².

2. Govt. of East Pakistan : *Report of the Committee for Streamlining the Procedure for Payment of Land Revenue in East Pakistan*, June 1969, (Abul Ehsan, Chairman) Dacca 1970, p. 19, (Henceforth *Ehsan Report*)

The land could then be sold in auction on the strength of Public Demands Recovery Act, 1913. Just how much of such lands were sold in auction and who bought it is a question on which no study has yet been made. The implication is clear enough, The government is interested only in enforcing that it gets its dues on account of land. It is not interested in taking over the land and distribute it to those who have no land. Conversely, no study has yet been made as to how the system after 1969 operated. It is quite possible that the defaulting co-sharers surrendered their rights of ownership to others who could pay rent and were thus relegated to the position of being totally landless or at best became a sharecropper. It is also quite possible that the village money-lender paid the rent in consideration of being the defacto owner of land while legally the land belonged to the real defaulting owners.

These are all hypothetical issues but such as those not divorced from reality. According to the finding of the then Provincial Revenue Department itself, in 1969 as many as six million certificate cases were then pending and yearly institution of such cases amounted to 1.4 million³. The Revenue Department was then called upon to incur an additional expenditure of Rs. 1.6 to 1.8 million a year to provide for additional revenue staff to dispose of pending certificate cases over a period of five years⁴. The position did not substantially improve since then⁵.

3. Ibid, p. 17.

4. Ibid. p. 17.

5. Based on the author's experience as Deputy Commissioner in two districts in Bangladesh during 1973-74 and 1976-78. The certificate cases are instituted for recovery of arrears of rent.

This rent-collection approach of the government could easily be ascribed to the British colonial legacy. This kind of ascription is more easily 'appreciated' than understood. For an appropriate comprehension of this legacy, one must have a kind of hindsight as to how this approach evolved over time and how it operated. This is not to glorify or defend the British colonial legacy but to place facts in a perspective that may lead to a more objective assessment of the hard realities involved in land reform measures in Bangladesh. Based on this perspective, it is argued that the landless peasants enjoyed a measure of security of tenure in late nineteenth century which was denied to them in early fifties in the name of abolition of *zamindari* system⁶.

It is appropriate to ask the question as to what the actual implications of abolition of the *zamindari* system were in the context of land system in Bangladesh? The question has to be studied in all its ramifications within the overall framework of land reform measures. To what extent was the said abolition consistent with the socio-political realities of Bangladesh (then East Pakistan being the eastern province of Pakistan)? How much land was acquired and how much was distributed and to whom? Was the measure serious about distributive land reform or was it directed towards acquisition of rent-receiving interests?

The Hindsight

Land system in Bangladesh involved three interested parties—the cultivators, the *zamindars* (collecting agents) and the state or the political authority having the power to coerce and impose its will on others whether it be

6. The word *zamindar* has different meanings in different parts of the sub-continent of India, Pakistan and Bangladesh. In Bengali it means the person who has acquired the right to collect rent while in the Punjab it means the person who actually held the land for cultivation.

the individual or the semi-independent feudal authority. This was the system before the advent of British rule in undivided India. Although there are references in the records of the ancient Hindu civilization regarding peasant proprietorship, the share of the king or of the state in the produce of the soil was always there⁷. This was necessary because the economy was completely dependent on income from land. Between the king and the actual tillers of the soil there were three types of intermediary interests ;

- a. the semi-independent *rajās* or chieftains who were subjected to pay tributes to the king;
- b. the village headman who demanded a portion of the produce ;
- c. the high government officials receiving salaries in terms grants of land instead of in cash.

The last mentioned category represented mostly the army commanders loyal to the king. Rent-free lands were often given to them in recognition of their distinguished services. They could not but have the lands cultivated through others and had no interest in land other than collection of rent for which they had local agents for the estates allotted to them. This led to the creation of further intermediary interests. These intermediary interests came to be known as *zamindars* some of whom might or might not have actually owned lands. Some of these *zamindars*, depending on the degree of their influence, were known as *raja* (literally meaning

7. Baden-Powell, B.H. : *Land Systems of British India*, Clarendon Press, Oxford, 1892, Vol. 1, pp. 97-101,

the king). This was the system which the Mughals inherited and they did not interfere with the system. The aggregate of the rights to collect revenue, during the early Muslim rule came to be known as *zamindari*.⁸

Although the Mughals did not interfere with the land system, they did introduce principles of assessment and collection of land revenue. They further provided for a framework of field administration based on the principles of functional division of responsibilities. Under the Mughal system, revenue, justice and security maintained their distinct entities. The officials in these fields respectively were: the *amil*, the *kazi* and the *faujdar*. This official organ of field administration was limited to 'the narrow geographical limits of the Home Province',⁹ The administration, both in respect of public peace and land revenue collection, was left to the *zamindars*. In the task of internal security the *zamindars* acted as a subordinate agency to the *faujdar* but maintained their own armed retainers. The institution of the *zamindars* and the regular administrative organ worked in harmony as long as the Mughal Imperial authority was strong. With the decline of the Mughal power and the consequent political instability, the regular administration lost its hold over the *zamindars* who 'superseded the regular machinery of administration',¹⁰

8. Government of Bengal: *Report of the Land Revenue Commission, Bengal* (Sir Francis Floud, K.C.B, K.C.M.G., Chairman), Bengal Government Press, Alipore, 1940, Vol. 1, p. 9. The Floud Commission notes that by the time of the Mughal conquest 'the old state-right or *zamindari*, had been magnified into a general superior ownership of the entire domain'.

9. Griffiths, Percival: *British Impact on India*, Frank Cass & Company, London, 1965, p. 158,

10. Misra, B. B: The Evolution of the Office of Collector, *The Indian Journal of Public Administration*, Vol. 11, 1965, pp. 345-367,

The mercantile government of East India Company, which inherited this confused state of things, did not have much to build from the regular system of land administration. Its rise as a political power itself started when it acquired the right granted by the governor of Bengal, to collect revenue in the three estates of Govindapur, Sutanati and Calcutta. The company became the *zamindar* for these three estates.¹¹

Between 1765 when the British acquired the *zamindari* rights in Bengal and 1980, the land system underwent major changes. This entire period of two centuries can be divided into the following phases each of which has its own features :

- a. 1765-1793 : The period of trial and error
- b. 1793-1859 : The protection of the rights of the *zamindars*
- c. 1859-1885 : The beginning of the protection of the rights of tenants
- d. 1885-1938 : Consolidation of the protection of tenants
- e. 1938-1950 ; Government's thoughts about acquisition of rent-receiving interests
- f. 1950-1980 : The failure of distributive land reform and the difficulties in implementation

This classification is not arbitrary ; nor is it entirely for the sake of convenience. The specific periods provide a clue to the various administrative and legislative measures taken by different governments in the name of land and tenancy reforms.

11, Griffiths, P. op. cit., p. 159,

The Period of Trial and Error (1765-1793)

We need not go into the details of the land revenue administration of this period. These have been recorded elsewhere¹². The company could not but continue the inherited system, its servants being new and totally unfamiliar with the laws of the land, its custom and usage. The indigenous revenue set-up continued to collect rent on behalf of the company. In 1769, the company after suspecting defalcations, appointed European officers to supervise revenue administration. They were known as Supervisors. In 1770, the procedure for land administration involved leasing out lands to the highest bidder for a period of five years. This proved disastrous for the landholders as well as for the tenants. The old landholders had to bid for a higher amount to keep the estates in possession. The cultivating class had to bear the burden of paying the additional amount. In 1772, the company decided to get more directly involved in land administration. The appointment of the Collectors was designed to fulfil this objective. The whole of Bengal was organised into nineteen collectorships of which nine belonged to the areas now constituting Bangladesh.¹³

The company was still undecided about the administrative framework for land administration. Thus in 1773, the collectors were recalled but were reappointed

12. Chakrabarti, Monmohan : *A Summary of the Changes in the Jurisdiction of Districts in Bengal (1757-1916)*, Bengal Secretariat Press, Calcutta, 1918. This book gives a concise but complete account of how administration was organised during the early phase of the British rule.
13. The Collector became the chief revenue officer and later combined magisterial functions as District Magistrate. This system still continues in Bangladesh under the changed designation of Deputy Commissioner whose primary function now is to supervise administration of development programmes while retaining his regulatory powers in the spheres of land administration and security.

in 1786. The procedure for five-year settlement of lands by open auction had to be changed owing to the direction given by the British Parliament.¹⁴ In 1790, the system was replaced by ten-year settlement while still continuing the open auction method. The controversy for a more durable and long-term system continued till the promulgation of Permanent Settlement by Regulation I of 1793. The overriding consideration for increasing the period of settlement could be related to the commercial constitution of the company's government.

The Protection of Rights of Zamindars (1793-1859)

Under the Permanent Settlement system, lands were settled in perpetuity with the *zamindars* regardless of their ownership of lands. With this not only the rent-receiving interests were permanently recognised by law but those having the right to collect revenue became proprietors of land overnight. The concept of peasant proprietorship was thus totally abolished. The land system hinged upon the institution of *zamindars* and the cultivating class, the latter having no security of tenure despite the claims made that the intention of the Permanent Settlement Regulation was to protect the customary rights of the tenants.

The period from 1793 to 1859 was marked by concern for defining in clear terms the landlord-tenant relationship and to provide security to the tenants. All the legislations which were passed till the Rent Act of 1859 made vague and ill-defined provisions for protection of the rights of tenants which led the government to hold the view in 1860 that the failure to define the rights of the tenants defeated

14. Reference may be made to section 39 of the Pitt's India Act of 1784. Under this section, the Court of Directors of the company was called upon to 'establish upon principles of toleration and justice' permanent rules for collection of rent. It is significant that nowhere in this section any reference was made to the cultivating class but only superior interests are recognised.

the intention of the Permanent Settlement Regulation.¹⁵ Regulation V of 1812 sought to mitigate the severity of the distraint law of Regulation VII of 1799. Regulation XI of 1822 amended Regulation XLIV of 1793 with a view to protecting the tenant when an estate passed to a purchaser.

By the middle of the 19th century, feeling of discontent developed against the working of these Regulations which attracted the attention of the government. In 1857 a Bill was introduced primarily for the recovery of rent but as discussion on the Bill progressed additions were made to include provisions defining the right of occupancy. The Act which finally emerged was Act X of 1859 (Rent Act). It contained for the first time a definition of the right of occupancy.

The legislations relating to land system for the period between 1859 and 1885 deal mainly with the statutory development of rights given to occupancy tenants. 12 years continuous possession was taken as the basis for the right of occupancy. It further laid down that the rent must be fair and equitable and at the same time recognised *zamindar's* right to enhance rent on grounds of increase in area, rise and in value of the produce. Similarly, it provided for reductions in rent on grounds of decrease in area or decrease in the value of the produce. Further, ejection under this Act, could only be effected through the courts of law. This in itself was an improvement in that for the first time the de jure recognition was given to the rights of the tenants being in continuous occupation of land for twelve years. It may be argued that such recognition was of no avail to the tenants as in most cases they could not have gone to the lengthy procedure of contesting the ejection suits. It remains yet to be determined as to how many of such cases were filed and contested, how many were

15. The compilation of these Regulations/Acts can be seen in Government of Bengal : *The Bengal Code*.

decided in favour of the tenants and how many against them. These are matters to be decided through empirical investigations. While no definite judgement can be passed without such empirical enquiry, the fact remains that the tenants had, under this law, at least one forum to go to for any arbitrary action of ejection by the *zamindar*. Further, this forum was just not available to him earlier to this enactment.

The Beginning of the Protection of the Rights of Tenants (1859—1885)

Act X of 1859 marked the beginning of a system which sought to protect the interests of the tenants. The two most serious defects in the Act were (a) there was no definition or principle in the Act of what was fair and equitable rent and (b) in the absence of proper records, the tenants had great difficulty in proving twelve year's continuous possession. This naturally led to a clash of interest between the tenants and the *zamindars* resulting in agrarian disputes. In 1876, a Bill was introduced with proposals for fixation of rent. This was never carried through. A Commission was then appointed in 1878 which prepared a Bill for realisation of undisputed arrears of rent and recommended that it was desirable to undertake a complete revision of the tenancy law. Consequently, the Commission presented a draft Bill and a report in 1878¹⁶. The Bengal Tenancy Act 1885(Act VIII of 1885) was based on this Bill.

Consolidation of the Protection of Tenants (1885-1938)

The Tenancy Act sought to remove the inadequacies of the Rent Act. It laid down that a tenant who had been in possession of any land for twelve years, either himself or through inheritance, would become a settled

16. Government of Bengal: *The Bengal Rent Law Commission*, 1880, Bengal Secretariat Press, Calcutta, 1880,

tenant with occupancy rights in the land and would also acquire the same rights in any new land which he brought under cultivation.

Further protections guaranteed were : (i) his right could not be disturbed in the event of the superior landlord selling his land; (ii) he could mortgage his holding; (iii) he could sublet his holding for a period not exceeding nine years and (iv) he could not be ejected for arrears of rent only and the holding could be sold out in Civil Court.

The principles of protection laid down under the Bengal Tenancy Act, 1885, are indicative of the government's awareness of the need to prevent arbitrary harrassment of the cultivating class who were previously completely at the mercy of the *zamindars*. This development must be seen in conjunction with the process of establishment of the regular machinery of the government which took over the functions of Revenue, Security and Justice throughout Bengal. The process had started at the end of the 18th century with the establishment of the regular police administration directly under the government. This implied that the *zamindars* could no longer keep armed retainers but had to depend on the police which worked under the direct command of the District Magistrate till 1861¹⁷.

The Collector as District Magistrate continued to have supervisory powers over the police. The establishment of the regular administrative framework can thus be seen as part of the process of strengthening the protective measures which the tenant enjoyed under the law.

17. Bengal Regulation XII of 1793. Under this Regulation the *zamindars* were divested of their police powers. Under Act V of 1861, regular police administration was set up under the Inspector General of Police assisted by Superintendents of Police in districts.

The institution of the *zamindar*, however, continued but the first attack on this came from within the government in 1902. After deprecating the Permanent Settlement System, the Memorandum on Revenue Policy of the Government of India¹⁸ declared in unequivocal terms that the system could not be accepted as a public model and that the government must intervene on behalf of the cultivating class.

The Government's Thoughts about Acquisition of Rent-Receiving Interests (1938-1950)

This open denunciation of the existing system of land tenure and land administration by the state of India led the Government of Bengal to appoint a Land Revenue Commission under the Chairmanship of Sir Francis Floud on November 5, 1938. The Commission in its report submitted on March 21, 1940, recommended the abolition of the *zamindari* system. The government was to take over the rent-receiving interests in all lands thus bringing the cultivator in direct touch with the government.

The Report of the Commission met with the approval of the government. The Muslim League Ministry in 1943 tentatively decided to accept the policy of acquiring the interests of all classes of rent-receivers on payment of compensation at rates varying between ten to fifteen per cent of the net profit according to the nature and circumstances of each estate or interest. It was not until the election of 1946 that the matter was examined afresh and definite proposals placed before the cabinet for approval. The result was the preparation of the draft Bengal State Acquisition and Tenancy Bill, 1947. This was introduced in the last session of the Bengal Legislative Assembly and was referred to a Select

18. Government of India : *Memorandum on Land Revenue Policy* Superintendent, Government Printing, 1902.

Committee. The Bill could not, however, be considered owing to the partition of India¹⁹.

The Bill was finally introduced for consideration by the East Bengal Legislative Assembly in April 1948²⁰. By a motion carried in the Assembly on April 7, the Bill was referred to a Special Committee of 45 members with instruction to submit their report by July 31, 1948. The Special Committee held 51 meetings and concluded its deliberations on January 17, 1949. The opinion of the Special Committee was placed before the House on November 15, 1949.

The introductory speech of the Finance and Revenue Minister and the subsequent discussion on the Bill throw light on the salient features of the Bill, the departures from the original provisions moved in the Bengal Legislative Assembly and the opinion of the elected members²¹. It further throws light on the number of revenue-paying estates, the intermediary interests, the proposed land ceiling, the status of the *bargadars* or share-croppers, the

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19. After 1920, representative political parties with elected legislatures in the Provinces were established. Both the Congress and the Muslim League accepted the issue of abolition of the *zamindari* system in their manifesto of 1936 elections. The Muslim League initially favoured acquisition of rent-receiving interests without any compensation which the Congress thought was against the interest of the Hindus who owned the bulk of the rent-receiving interests in Bengal. On August 14/15 the two independent states of Pakistan and India were seated out of the British India. East Bengal (now Bangladesh) formed the eastern Province of Pakistan.
20. Govt. of East Bengal : *East Bengal Legislative Assembly Proceedings* (Official Report, First Session, 1948, East Bengal Government Press, Dacca, 1951, p. 87.
21. *Ibid.*, pp. 87-120. The Finance and Revenue Minister, while moving the Bill, declared that co-ordinated development and extension of agriculture was not possible without the abolition of the *zamindari* system., *Ibid.*, p. 92. See article 1 of this volume also, *ed.*

rate of compensation and the mode of acquisition whether before or after preparation of the record of rights.

All these were questions of vital importance. The Floud Commission did give guidelines on these issues. The political parties accepted in principle that the *zamindari* system must be abolished. Even so, opinions were divided. It was revealed by the Finance and Revenue Minister that there were about 5.1 million rent-receiving interests in the country of which 0.2 million were revenue paying estates and the rest intermediary interests. It was precisely on this ground that the Finance Minister proposed to pay compensation. It was argued by the Minister that 1.5 to 2 million families would become destitutes if compensation was not paid. The other important fact revealed by the Minister was that no person would be entitled to retain in his possession more than 66.6 acres of land or 3.3 acres per head of family whichever was greater. It was stated that there were about 3000 families in the province who owned more than 66.6 acres of land²².

On the question of the fate of the share-croppers under the proposed law, it was conveyed to the House that 'continuance of the system will frustrate the main object of bringing the actual cultivators in direct relation with the government in as much as it will allow a class of inferior tenants to grow up below the *dejure* tenants'²³. It was asserted that the Bill, therefore, provided for gradual elimination of the system of share-croppers keeping at the same time provision for protecting a share-cropper from arbitrary eviction from his land so long as the system was in force.

22. *Ibid.*, p. 94.

23. *Ibid.*, p. 95.

The division of opinion of the members on some major issues was as follows ;

- a. No compensation should be paid for acquisition of rent-receiving interests ;
- b. Gradation of compensation should not be there and in no case it should exceed 10 per cent of the net income,
- c. Acquisition should not wait for preparation of record of rights ;
- d. Revenue-paying estates should be acquired first ;
- e. Share-cropping system should be dealt with separately and should not be incorporated in the Bill.

After the Bill was referred to a Special Committee of 45 members, there was a change in the portfolio of Ministers. One of the members of the treasury bench who spoke at the time of introduction of the Bill against the inclusion of provisions for share-cropping system, became Minister in charge of Revenue and Finance. He was also the Chairman of the Special Committee. The Special Committee brought about substantial modifications in the proposed Bill the details of which can be seen from the Report of the Special Committee and the proposed Bill published in the Gazette.²⁴

It is not relevant for our consideration to go into the details of the deviations made by the Special Committee. While the Special Committee lowered down the land-ceiling from 66.6 to 33.3 acres for an individual owner, it also deleted altogether Chapter XIV of the original Bill which provided for the gradual elimination of the share-cropping system. The propriety of the recommendations of the Special Committee itself was called into question by some members who deprecated it as a minority report.²⁵

24. Govt. of East Bengal : *Dacca Gazette (Extra-ordinary Part IVA, August 16, 1949.*

25. Govt of East Bengal : *East Bengal Legislative Assembly Proceedings (Official Report), Fourth Session, 1949-50, pp 82-91. It was contended that out of 45 members, 11 members did not sign the Report till it was sent for printing and out of the rest 34, as many as 23 gave notes of dissent,*

The vital question was the manner of acquisition i.e. whether acquisition would be made prior to or after the preparation of the record of rights. Opinion on this issue too was divided.²⁶ The decision ultimately taken was that only the big estates with good collection papers would be summarily acquired along with the Court of Wards Estates.²⁷

The Failure of Distributive Land Reform: The Difficulties in Implementation (1950-1980)

The East Bengal Legislative Assembly, in its fourth session formally passed the Bill on February 16, 1950. While the treasury bench members hailed the day as a red letter day, the opposition members were not present in the House when the Bill was finally adopted.²⁸ The passing of the Act under the title East Bengal State Acquisition and Tenancy Act (EBSATA) was itself a lengthy process involving two years of discussion. The implementation process proved to be longer primarily due to the legal-administrative framework within which the government had to operate.

a. Legal Difficulties

Several civil suits were filed in courts in 1950-51 challenging the validity of the acquisition on the ground that the compensation to be paid was inadequate. The government won all these cases.²⁹ Political change resul-

26. It was argued that acquisition was not possible for the big estates without up-to-date record of rights. Some of the estates had their record of rights printed as far back as in 1899 and nothing was done thereafter to update it. *Ibid.*, p.61.

27. Court of Wards estates were those which were under the management of the Revenue Department.

28. Govt of East Bengal: *East Bengal Legislative Assembly Proceedings* (Official Report), Fourth Session, 1950, *op. cit.* p. 141.

29. Govt. of East Pakistan: *Report of the Land Revenue Commission* (Mohammed Mahmud, Chairman). East Pakistan Government Press, Dacca, 1959.

ting from 1954 elections, while hastening the process of acquisition, led to further legal battle. In 1955, the United Front Government, then in power, decided to acquire by 14th April 1956, all rent-receiving interests without waiting for revision of record of rights the work on which started in 1953. To give effect to the government decision of wholesale acquisition of all rent-receiving interests, an Ordinance was promulgated.³⁰

The sets of notification numbering 16 in each case for 16 districts were issued for acquisition of all rent-receiving interests as well as excess lands.³¹ As a result of these notifications all rent-receiving interests in all estates, tenures and holdings all over the country were acquired by and became vested in the government with effect from April 14, 1956. Secondly, all excess lands—lands declared non-retainable under the Act—became vested in the government with effect from the same date. This was followed by a lengthy legal battle in the High Court in which the government was asked to show cause as to why the aforesaid notifications should not be withdrawn being ultra vires of the Constitution. On April 14, 1956, the government took over possession of all rent-receiving interests and all excess lands included in the notifications minus the interests of the estates covered by the writ petitions filed before the High Court. In August 1956, the High Court dismissed all the writ petitions in so far as they related to the acquisition of rent-receiving interests. The affected parties preferred an appeal to the Supreme Court and on January 17, 1957, the Supreme Court dismissed all the appeals³².

30. *East Bengal Ordinance No. III of 1956.*

31. Revenue Department Notification Nos. 40221-LR and 4836 LR dated 2nd April, 1956.

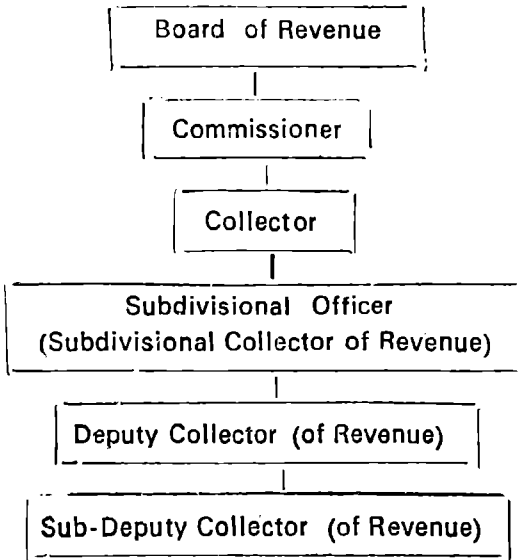
32. Mahmud Commission, *op. cit.*, pp.6-7, As many as 83 writ petitions were filed against the government in the High Court,

b. Administrative Difficulties

The administrative difficulties related mainly to the lack of awareness of the enormity of the task of acquisition and land settlement plan which the Act envisaged. The question of both acquisition of rent-receiving interest as well as taking over possession of excess lands i. e. lands beyond the ceiling of 33.3 acres, was initially contingent

FIGURE 1

Revenue Setup of Government of East Bengal³³



on revision of record of rights. Yet between the years 1950 and 1956, no effective steps were taken by the government to provide for the administrative machinery that would be needed for :

- (i) quick revision of record of rights ;
- (ii) taking over the functions of collection of rent from the rent-receivers,

At the time of the enactment of the State Acquisition and Tenancy Act, the revenue setup in the province was as shown in Figure 1.

³³, Source : Mahmud Commission, p.27

As Figure 1 indicates, the machinery for direct collection of rent from the level of village and upwards just did not exist, because it was not required prior to acquisition of rent-receiving interests. As regards revision of record of rights, the Directorate of Land Records and Survey did exist as a part of the Revenue Department. But the procedural mechanism involved in the exercise of revisional settlement would require three to four years to complete the task³⁴.

The schedule for other districts was similar but it is impossible to quantify the progress of work done in different districts up to 1959. This is so because Form 13 which was prescribed for monitoring progress of work for the entire operations by the Settlement Officers does not show any uniform pattern of reporting. In some districts such as in Rajshahi-Pabna, Khulna-Jessore and Mymensingh, the progress of work with regard to final publication of record of rights has been shown in terms of square miles while in case of others, a different criterion such as the number of rent-receiving interests has been shown³⁵.

34. Govt. of East Pakistan: *Report on the Survey and Settlement Operations in the Province of East Pakistan* (1960), East Pakistan Government Press, Dacca, 1960, p. 63. The major task of the revisional settlement is to update the record of rights of individual owners. The schedule for this exercise alone, as approved by the government covered the period from November 1956 to June 1959. This was only for the district of Sylhet where settlement operations began earlier than the decision for wholesale acquisition. Further, if assessments for the compensation due to the outgoing rent-receivers were to be made, the schedule would extend upto September, 1960.

35. *Ibid*, pp. 61-133.

This is not to question the accuracy or otherwise of the data relating to the progress of work done during the State Acquisition Operations undertaken by the Directorate of Survey and Settlement with inexperienced and skeleton staff. The point that is emphasised here is that the procedural requirement entailed a lengthy process. This remained the chief stumbling block to the process of implementation of the provision of the Act in terms of acquisition of rent-receiving interests as well as taking over possession of the excess lands which could be given to the landless tenantry. The Mahmud Commission Report confirms this impression³⁶.

In view of the gigantic nature of the operation compounded further by procedural monstrosities, the most important input that was required for speedy implementation of the scheme envisaged in the Act was the revenue machinery in the field both for settlement operations as well as for acquiring rent-receiving interests³⁷. On the question of providing adequate staff in order to strengthen the revenue administration, the government deliberated for over five years i.e. from 1951 to 1956. The question was examined in the normal bureaucratic manner through committees, sub-committees and the main committee. In 1951, the government toyed with the idea of organising collection of rent on the same lines as that in the Punjab, through the appointment of village headman. This was opposed on the ground that :

a. there was no joint liability for the entire village for payment of rent ;

36. Mahmud Commission, op. cit. p. 9

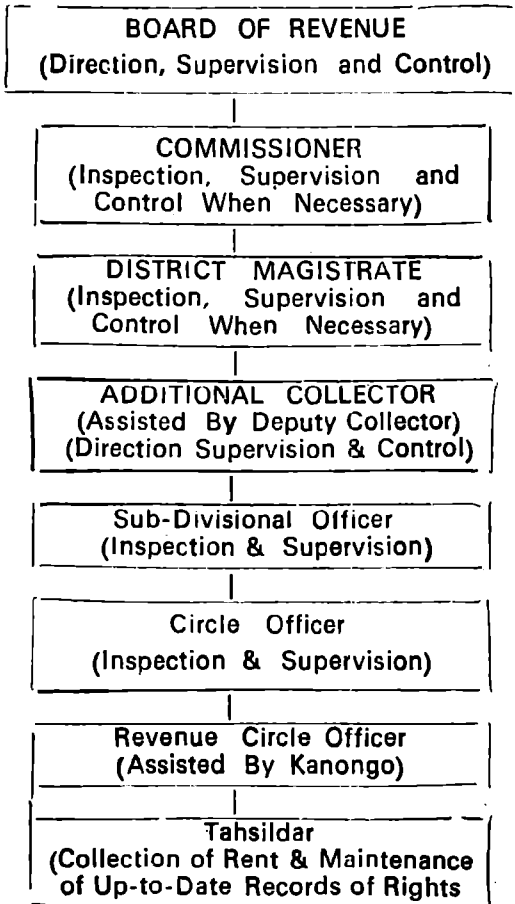
37. Govt. of East Pakistan : *Report on the Survey and Settlement Operations in the Province of East Pakistan*, op. cit. p. 63. The Report lists 7 long stages covering a period of 4 years to complete revisional settlement. It laments that lack of experienced and trained staff in adequate number hindered the progress of work.

b. it would be difficult to get village headman of the type one finds in the Punjab³⁸.

Ishaque proposed, in October 1952, a set-up for the revenue administration which is shown in Figure 2 below :

FIGURE 2

Revenue Setup Proposed in 1952³⁹



38. Ishaque, H.S.M : *Land Revenue Administration of East Bengal after State Acquisition and Certain Allied Questions* : East Bengal Government Press, Dacca, 1952, pp, 17-21,

39. Ibid. p-4,

This set-up still continues with minor modifications⁴⁰. With the wholesale acquisition of rent-receiving interests beginning from April 1956, large-scale recruitments were made both in the approved set-up of the revenue department as well as in the Directorate of Survey and Settlement. As this was done in a hurry, quality of the personnel recruited could not be ensured. It had a deleterious effect on the process of implementation of the provisions of the Act in terms of :

- a. preparation of correct record of rights;
- b. taking over possession of excess lands; and
- c. distribution of excess lands to the cultivating class.

The inexperienced and ill-trained staff thus recruited could not cope with the volume of work. Some of the records which had to be revised were 40 to 60 years old. The revenue department at the top end of the hierarchy could not also ensure uniformity in the procedure adopted completing the task of revision of record of rights. There were numerous complaints from all classes of people regarding wrong entries and mistakes⁴¹.

The effect on the implementation of land distribution programme was disastrous. Due to lack of reliability of the revised record of rights, government had no

40. The Board of Revenue was abolished in 1972. Instead of Circle Officer below the Subdivisional Officer, there is the Subdivisional Manager. Revenue Circle Officer has since been renamed as Thana Revenue Officer.

41. Govt. of East Pakistan : *Report of the Land Revenue Administration Committee, East Pakistan, 1962-63* (Saiyed Muazzamuddin Hossain, Chairman), East Pakistan Government Press, Dacca, 1963, p. 16.

means of knowing the total area of land which had been vested in the government due to operation of the Act⁴². The Mahmud Commission showed the lands under possession of the government in three categories : (i) land fit for settlement; (ii) land not fit for settlement, and (iii) land having public easement. The total area available under the three categories respectively were 75,209, 1,59,537 and 99,366 acres⁴³. On the question of the total area of land which was settled to the bonafide cultivators, the Commission was silent.

The implementation process with regard to the settlement of government lands was further vitiated by (a) statutory provisions governing settlement, (b) executive instructions prescribing categories of persons who would qualify for settlement of lands and (c) raising of land-ceiling from 33.3 acres to 100 acres⁴⁴. Under Section 76 of the Act, preference was to be given to cultivators owning less than three acres of land. Under executive instruction issued by the Revenue Department, preference was to be given first to agricultural refugees followed by ex-rent receivers having no other source of income. The preference for share croppers came next.⁴⁵

42. That much chaos and confusion prevailed regarding settlement of government lands has been admitted by the revenue department on as many as three occasions. One may refer to the Board of Revenue Circular Nos. 989-A.E. dated 20th May, 1960, 1059-A.E. dated 31st May, 1960, and 732-V-190/62 dated 1st June, 1962.

43. Mahmud Commission, op. cit, p. 80.

44. The allowable limit for individual ownership was raised through amendment of the Act by an Ordinance called East Bengal State Acquisition and Tenancy (Third Amendment) Ordinance, 1961.

45. While the Act did not accord any priority to the share croppers, the executive instructions issued under Revenue Department Memo. No. 2224 LR dated 23rd February 1960 put the share-croppers third in order of preference. This was modified in September 1962 under Memo. No. 1227-V-296/62 to exclude the share-croppers.

The progress of settlement of government lands was reviewed by the Hossain Committee and position was as shown in table 1 below :

TABLE 1
Khas Lands
Available at the End of October, 1962⁴⁶.
(in acres)

	Area Available on 1st July 1962	Area Added Since Then	Area Settled	Balance
Arable Land	4,65,139	13,040	3,325	4,61,816
Waste Land	1,06,178	1,486	30	1,07,694
Hillside Land	30,732	68	—	30,800
Coastal Land	1,092	458	—	1,550
Land Which Are Subject to Claims	11,448	730	1,047	11,131

It is clear from table 1 that the area of government lands which could be settled with people having less than three acres of land stood at 4,65,139 acres as against the figure of 75,209 acres of Mahmud Commission of 1959. While no explanation is given of this phenomenal increase of government lands over a period of three years, one is struck by the very low figure of lands which were settled presumably to persons having less than three acres of land.

This miserable state of affairs did receive the attention of both Mahmud Commission and Hossain Committee⁴⁷. The latter went into the details of the working

46. Source : Hossain Committee, op, cit. p.53.

47. Hossain Committee, op, cit. p.6,

of the revenue machinery specially at lower levels and came to the unanimous finding that *tahsildars* as a class stood severely condemned by all sections of the people. It was categorically stated by the Hossain Committee that it had received widespread complaints that *tahsildars* treated government lands as their personal property and let this out in *barga* surreptitiously for their personal gain⁴⁸.

The Hossain Committee forcefully argued for strengthening the revenue machinery and made specific suggestions for improvement in terms of supervisory personnel from the level of district and below. It also recommended that the rent collection system through *tahsildars* should be gradually replaced by what it called 'Chalan System' under which the tenants would directly deposit rent to the treasury under a prescribed procedure⁴⁹.

The reorganised set-up recommended for improving efficiency of the revenue machinery was not substantially different from what we have shown in Figure 2 (p. 162) except that in each subdivision there was to be an Additional Subdivisional Officer (Revenue) who would also act as Ex-Officio Settlement Charge Officer. Similarly the Additional Deputy Commissioner (Revenue) at the district level would be Ex-Officio Settlement Officer and the Circle Officer (Revenue) at the *thana* level would be Ex-Officio Assistant Settlement Officer⁵⁰.

48. Hossain Committee, p.7.

49. Ibid. pp.10-11.

50. Hossain Committee, op. cit. p.12,

It was also suggested by the Hossain Committee that there should be a screening of present *tahsildars* and assistant *tahsildars* by a screening committee in each district, and inefficient or dishonest *tahsildars* should be weeded out⁵¹.

None of these recommendations were acted upon. The recommendation with regard to reorganisation of the revenue machinery providing for the integration of the settlement set-up with the general revenue machinery was significant. Under normal conditions, settlement officer remains separate from the established revenue machinery.

The rationale behind the existing system in which the general revenue set-up was kept distinct from the settlement set-up was based on the assumption of functional division of labour with regard to administration of land revenue and land management. The sole task of the settlement officer was to prepare record of rights on a district-to-district basis. As explained earlier in this paper, the work was arduous involving various stages. The prescribed procedure made the process very slow. Further, the work was seasonal. It would normally be undertaken after every 20 years.

The work of general revenue machinery under the Collector was to ensure collection of rent and enforce various laws governing the rights and obligations of the *zamindars* and the tenants. The government generally remained satisfied with good collection figures.

Such a system could work with reasonable efficiency within the legal framework of the Permanent Settlement System as modified from time to time by various other instruments which sought to protect the rights of the tenants. The basic approach, however, remained fixed on collection of rent.

51. Hossain Committee, op. cit, p.13.

With the abolition of the *zamindari* system under State Acquisition and Tenancy Act of 1950, the situation changed altogether. It was a revolutionary measure in a peasant society which was not ready to fully comprehend the implications arising out of the extinction of the *zamindari* system. What it meant to them basically was that the government became the *zamindar* having acquired the right to collect rent direct from all classes of tenants—became the *zamindar* for the whole country. The spirit of the State Acquisition and Tenancy Act went much deeper than this. Acquisition of rent-receiving interests was only one of the rights which the government had acquired. More important than this right was the land ceiling which was imposed with the primary objective of acquiring excess lands. Implicit in this objective was the obligation of the government to settle the excess lands with the cultivating class who needed it. As our analysis has shown, till 1963, the performance in this sector was so insignificant as to defeat the essential spirit of the Act.

Failure of Consolidation of Lands Scheme (1960-1963)

The incompetence of the revenue machinery was equally exhibited in the scheme of consolidation of lands which the Act envisaged. It needs no argument to convince anyone acquainted with the pattern of land ownership in Bangladesh that consolidation of lands scheme was one of the most progressive features of the Act. The pattern of land ownership in Bangladesh has been marked by subdivision and fragmentation of holdings i. e. individual plots of land with clear lines of demarcation. While numerous divisions in blocks of cultivable lands can be attributed to strong sense of individual ownership, the problem is further aggravated by the law of inheritance that lead to extensive parcelling out of lands.

The Act provided for consolidation of lands for achieving economies of scale and augmenting productive

capacity. The framers of the original Bill were fully conscious of the socio-psychological realities that governed an average farmer's attitude to land ownership. Land is looked upon as the most valuable asset. The last thing that a farmer would do is to part with his land. If he needs money to meet an unforeseen contingency he would rather turn to the village money-lender and mortgage his land. Under such circumstances, it needed much more than legislation to organise and effect consolidation of individual plots of land by wiping out lines of demarcation which to an average farmer meant loss of ownership rights. That was possibly the reason why the original Act provided for optional and voluntary consolidation of lands.

At the end of 1960, the government decided to go in for compulsory consolidation of lands. The Act was accordingly amended by an Ordinance⁵². The whole of Debiganj and part of Boda police stations of Dinajpur district covering an area of 175 square miles with 2,97,683 plots of lands⁵³ were taken under compulsory consolidation of lands scheme. The work on consolidation of lands was started in June 1961.

Although 'a competent officer' was put in charge of the operations, the scheme totally failed. The Hossain Committee, after an on-the-spot visit to the consolidation area, listed the following objections raised by the cultivators against the scheme :

- a. persons having only one plot of land were unwilling to shift from their old plots ;
- b. complaints were made that many persons under the scheme have been allotted inferior lands or lesser area due to wrong entries in the record of rights ;

52. *Govt. of East Pakistan Ordinance, No. XV of 1961.*

53. Hossain Committee, *op. cit.*, p. 41.

- c. complaints were made that cultivators who traditionally preferred to grow a particular kind of crop could not grow the same in the plots allotted to them ;
- d. individual owners had strong emotional attachment to the plots of land and were not convinced about the usefulness of consolidation because the lands would again be sub-divided following of the law of inheritance.

The share-croppers also protested against the scheme. The Hossain Committee came to the finding that the grounds of objection were very cogent and reasonable and none of them could be brushed aside lightly⁵⁴. When the paper work for consolidation was completed and the lands were about to be given over to the allottees, violence broke out. There were two criminal cases ending in conviction of two persons. This led to further violence. The Hossain Committee made clear recommendation that compulsory consolidation programme should be abandoned forthwith and in future such programme could only be undertaken in areas where the cultivators themselves ask for such consolidation.

The foregoing analysis thus shows that the two major objectives of the State Acquisition and Tenancy Act, namely, (1) acquiring excess lands for distribution to the farmers and (2) compulsory consolidation of fragmented plots of land, failed for legal and administrative difficulties and above all, for lack of clear, consistent and appropriate political direction. Land reform measures, as envisioned in the Act, were highly progressive judged in the context of their time, The forward-looking policies could not be matched by the political-administrative capacity of the implementation machinery which remained tied to routine oriented administration. To make things worse, corrupt practices by the machinery set up for implementation made it all the more

54. Hossain Committee, op cit., p. 41

difficult for subsequent improvement in the capacity of the implementation machinery⁵⁵.

The Post-Bangladesh Measures (1972-1980)

It is not important, for purposes of our consideration, to go into the details of the legislative measures taken by the government of Sheikh Mujibur Rahman between the years 1972-75. These have been elaborately discussed elsewhere⁵⁶. The Sheikh government introduced two important pieces of legislation of which one related to land ceiling and the other to exemption from payment of rent for households owning lands upto 8.3 acres⁵⁷.

The land ceiling was brought down from 100 acres to 33.3 acres. One may recall that the original Act provided for 33.3 acres which was the maximum that an individual could hold. This was later (in 1961) raised to 100 acres. The Sheikh government, therefore, did nothing but restore the ceiling which was already there between the years 1950 and 1961. The total area of excess lands which would vest in the government was first computed to be 1.2 million acres which was later brought down to 800,000 acres⁵⁸. In reality, no one was sure, as in post-1950 days, about the exact area of surplus lands that would be available by lowering down the land ceiling.

55. Ehsan Committee, op. cit., p. 4. The Committee noted that large scale interpolations were made and even new sheets were incorporated in the record of rights prepared during State Acquisition Operations in 1956. It was these mutilated records which the government of Bangladesh inherited after 1971

56. Kamal Siddiqui : *The Political Economy of Land Reforms in Bangladesh*, in Inyatullah (ed.), *Land Reform—Some Asian Experiences*, Asian and Pacific Development Centre, Kuala Lumpur, Malaysia, 1980.

57. Presidential Order No. 98 and Presidential Order No, 96, Government of Bangladesh, 1972.

58. Siddiqui, op, cit, pp. 130-131,

The Land Revenue Committee constituted by the government on February 5, 1972 was asked to go into the details of the question of exemption of land revenue for households owning lands upto 8.3 acres⁵⁹. Except for one, the Committee consisted of persons who worked as mid-level supervisory officers during State Acquisition operations of 1950. They were unanimously of the opinion that it would take minimum of three years to determine the number of households holding lands upto 8.3 acres⁶⁰.

It would be unfair to blame the revenue administration of the country for taking the kind of attitude they did with regard to the implementation process of land reforms whether it related to acquisition of surplus lands arising out of land ceiling or lowering of rent-ceiling as in 1972. It would be equally unfair to blame the same machinery for its failure to rise to the height of its responsibilities with regard to the implementation of land reform measures and policies taken from time to time by various governments. The blame cannot be laid entirely on the machinery itself if we keep in view the fact that since the late fifties upto the early seventies, the various commissions and committees repeatedly emphasized the need to simplify the the procedure for maintenance of land records and strengthening the revenue machinery. Yet no step was taken in this direction.

The basic objective of land reforms in Bangladesh has been to ensure a more equitable distribution of assets (land) and the income derived from land. This

59. Government of Bangladesh: *Report of the Land Revenue Committee* (M. A. Taher, Chairman), 1972.

60. Taher Committee. op. cit. p. 6. The Committee stated that the cost involved would be 10 million taka for under taking settlement operations to determine the ownership pattern.

objective now seems unattainable under the existing circumstances. This has been so because land reform policies were not conceived in their totality in the context of the socio-economic realities that obtain in the country. Political expediency ran at a speed faster than planned and guided change. Land reform policies were formulated and sought to be implemented (in the context of united Pakistan) even before the formulation of the First Five Year Plan. The same experience was repeated after 1972 in Bangladesh. The land ceiling and the rent ceiling orders were issued even before the national plan was formulated. This isolated and compartmentalised forms of decision-making at the policy planning level merely adds to more problems than can be solved. Land reform in Bangladesh was never conceived as a socio-economic project designed to ensure a fair deal to the mini-farmers or the landless. It was conceived primarily as a rent collection device and at the most, a compartmentalised responsibility of the revenue administration. The policy planning and the implementative machinery could never comprehend the multi-dimensional aspects of land reform policies. This lack of comprehension both at the policy planning level and at the implementation level has permanently condemned the revenue administration to the position of being a routine and regulatory aspect of administration, one which is divorced from the concept of planned and guided change.

The land reform policies and their implementation of the past thirty years indicate the need for more pragmatic assessment of the questions relating to distributive land reform in a peasant society where land is more or less static and where land ownership pattern has political and economic ramifications. The experience of the last three decades also indicates that half-hearted policies involving legal loop-holes and lack of political-administra-

tive support to the machinery for implementation will only mean repetition of the past experience in the context of a society where the rate of population growth is faster than the rate of food production. It is also a society where laws of inheritance which contribute to continuous and extensive fragmentation of individual ownership of lands remain something which is considered sacrosanct and unalterable. To what extent these laws, said to be having religious sanction, are compatible with land reform policies and programmes, designed to improve upon the present land ownership pattern, is a question which must not be evaded by the political thinkers and the economic planners. In the past thirty years, no government wanted to get involved in this question as well as the question of a more efficient system of management of land administration.

The latter question, it must be conceded, was looked upon as a routine regulatory function having no relation to the socio-economic objectives of planned growth with equity. This myopic vision has forced us to waste a little more than three decades. It has also convinced us of the ineffectuality of the existing revenue machinery, and its long and elaborate procedures.

The point that is emphasized here is that Bangladesh can no longer afford land reform merely as a political slogan or as a brainwave from an arm-chair socialist planner. The politics and with it, the economics of land reform must converge at the point of the socio-cultural environment in which the policies are to be implemented. Equally important would be the machinery for implementation. On the basis of the experience of the past, it would be easy to condemn the existing machinery of revenue administration and argue a case for its total exclusion from the implementation process

of any future land reform measures. In defence of the existing land revenue machinery, it must be stated that the machinery need not be seen in isolation from the public policy in the sphere of land administration. As our analysis has shown, the public policy in this regard was marked by rent-collection approach rather than an approach that would further the cause of socio-economic development. Even when it adopted the stance of development, as in the case of land consolidation programme, it failed because neither the implementation machinery nor the beneficiaries were prepared to accept the programme. Of more significance than this was the fact that the public policy consistently failed or was unwilling to face the question of simplifying the age-old procedure of land administration. It also failed remarkably to strengthen implementation machinery and adapt it to the most important task of taking over the excess lands for distribution to the deserving farmers. The public policy failed to comprehend the fact that land management following the abolition of the *zamindari* system was, and ought to have been, an important element in the process of national development.

The Case for Further Land Reform

The case for further land reform in terms of distribution of excess lands hinges upon the questions of (a) actual availability of excess lands, and (b) the actual number of the landless or the share-croppers. Unfortunately, the data on both these aspects are not reliable. According to press reports, the total area of land available for distribution would be around 4 million acres⁶¹.

Zaman has very convincingly argued the case for further land reform on the basis of lowering down the land-ceiling from 33.3 acres to 7.5 acres⁶². This measure, it is argued, would lead to an availability of

61. Bangladesh Observer, September 12, 1972.

62. Zaman, M. A.: Bangladesh: The Case for Further Land Reform, *South Asian Review*, Vol. 3, No. 2, January, 1975,

a total of 3-4 million acres of excess lands. As against this, the total number of the landless and the share-croppers would be 3.3 million. It may further be argued that more lands could be obtained if the system of absentee ownership can be abolished. Assuming, for the sake of argument, that a total area of 6 million acres of excess lands could be obtained by a rigorous application of the principles of lowering down of land-ceiling and abolition of the system of absentee ownership, the big question remains as to whether the excess lands are really there for distribution to the landless and the share-croppers.

If our past experience of distributive land reform is any guide, we cannot definitely say the actual area of excess lands which would be available for distribution. Under the existing system, this could only be determined on the basis of survey and settlement operations which as indicated earlier, would not only entail heavy cost but also require a minimum of 3-4 years. During this time-frame, extensive transfer of land would take place on the basis of the law of inheritance and other 'acceptable' (fraudulent) methods⁶³.

Any future land reform policy, however economically feasible and politically expedient, must carefully assess the efficacy or otherwise of the existing procedure for determination of record of rights i.e. the area held by individuals and families: This procedure provides for an almost unbridgeable gap between the statistical solution of the problem and actual implementation in the field.

Strong Local Feelings as a Bar to Distributive Land Reform

The problem of actual distribution of lands is further compounded by the availability of land on an unreal

63. These methods include transfer of lands under the name of fictitious persons.

basis which could be given to the landless or share-croppers. This unreal basis, in case of Bangladesh, is related to the primary administrative units of districts. The size of a district varies from 1100 square miles to 4000 square miles. The population too varies from 3 to 8 million⁶⁴

Similar variations are there in case of units, both administrative and local government, below districts. The availability of excess lands too varies from 50.95 acres to 17,827 acres⁶⁵. If the case for further land reform is based on the concept of distribution of excess lands by bringing down the land-ceiling, the actual area available in the units that comprise a district must be determined. Accepting, for the sake argument, that this has been done with a fair degree of accuracy, the question of settlement of surplus lands will have to be adjusted to the number of the landless and the share-croppers, the numbers of which will vary from district to district. Admittedly, this will involve transfer of the landless population from one district to another and even within the same district it may necessitate transfer of the landless from one area to the other.

Attempts to rehabilitate the landless population of one district in another district is sure to unleash bitter feelings based on narrow regionalism which no bureaucratic machinery will be able to control. Such a situation arose in Pirganj police station of Dinajpur district where the settlers originally from Maldah district in India, were driven off their lands by organised groups

64. Population Census Of Bangladesh, 1974.

65. Mahmud Commission, op, cit. p. 80.

of local people. Violence was let loose and there were quite a few murders⁶⁶.

Similar situation arose in the districts of Dacca in January 1977. Lands arising out of river action became the subject matter of a dispute between the peoples of two adjoining police stations. Fighting between two rival groups took place in presence of a police party which had to open fire to contain violence. This led to the death of one person and injury to many others⁶⁷.

Strong local feelings are part of the social system in Bangladesh, especially when it comes to settlement of lands on a large scale. The distribution of excess lands then becomes a very difficult proposition under such circumstances.

This, therefore, means that either way distributive land reform remains an impracticable measure. First, the determination of lands which would actually be available for settlement to the landless depends on the lengthy procedure of settlement operations and revision of record of rights involving a period of four to five years. Within this period, numerous change in ownership can be effected through sale, mortgage or inheritance⁶⁸. Secondly, even if it is hypothetically possible to quantify the lands available for distribution, the existence of strong local feelings would stand in the way of implementation.

The Option for the Future

The analysis made thus far indicates that there is hardly any scope for distributive land reform with our

66, Based on the interview with the Subdivisional Officer, Thakurgaon.

67, Based on the author's experience as Collector of Dacca during 1976-78,

68, Siddiqui, K. op. cit. p. 137.

existing procedures for revenue administration, the instinct for individual acquisition and the existence of strong local feelings. One cannot, however, deny the need for a ~~fast~~ approach to land reform because of the mounting pressure on land and continuous rise in the number of the landless⁶⁹. It is argued that on the basis of our past experience, one can think of two options.

The first of these options is immediate and calls for instant action. This option relies on a clear definition of the relationship between the landless/share-croppers and the land-owning class. This definition must include security of tenure of the share-croppers as well as the terms of sharing the produce on the basis of sharing the cost of production. The first step in this direction would be a suitable legislation providing for adequate safeguards to protect the interest of the share-cropper. Concurrently, effective steps must be taken to set up a machinery for enforcement of the provisions of the new legislation⁷⁰.

The other option, paradoxically, lies in the area of distribution of surplus land. For this, we need not lower down the present land-ceiling and then go through the expensive and elaborate procedure for revision of record of rights, an experiment which has been discredited by our past experience. The surplus lands that we are talking

69. Bangladesh Bureau of Statistics : *Summary Report of the 1977 Land Occupancy Survey of Rural Bangladesh, July 1977*. The incidence of landlessness and the inequities of the existing share-cropping system have been well analysed in this report.

70. Alamgir, Muhiuddin Khan : *Towards Land Reform in Bangladesh*, in this volume,

about are available from newly formed lands arising out of river action. Every year such lands are formed almost in every district, specially in the coastal districts⁷¹.

The river action is an integral part of the hydro-ecological system of Bangladesh. It has two aspects which affect the lives of farmers. It leads to large formation of lands in the middle of the river or any of its parts. It also leads to loss of lands owing to erosion. The procedure for determination of ownership of the accreted lands used to be governed by an Act called Bengal Alluvion and Diluvion Regulation, 1825. The State Acquisition and Tenancy Act of 1950 retained basically the same provisions⁷².

The existing legal provisions recognise two types of rights in so far as they relate to administration of *char* lands. One is that those who lost lands may claim ownership if new lands reappeared in the same place within a period of twenty years. Secondly, if new lands came up, preference is given to those having lands contiguous to the newly formed lands. In both cases ownership would be subject to the existing ceiling for individual ownership. In most cases when the area is bigger than is permitted by the land-ceiling (33.3 acres) unscrupulous land-grabbers would circumvent provision by forming fake co-operatives⁷³.

71. The formation of new lands are popularly known as *Char* lands in Bangladesh. *Char* is the Bengali word for new land formation in the river. Coastal districts are located in the mouth of the Bay of Bengal.

72. Ali, Shaikh Maqsood: Administration of Char Lands in Bangladesh, *Asian Affairs*, Vol. 2 : No. 2, July-December, 1980, pp. 295-303.

73. The State Acquisition and Tenancy Act of 1950 allows retention of lands beyond 33.3 acres in case of cooperative.

The Episode of Char Gazaria : the Case of Fake Cooperatives

The episode of *char Gazaria* centres on the violent clashes between three groups of cooperatives each claiming ownership and right to cultivate lands in *char Gazaria*. The incident, which occurred on the 28th of January, 1981, provides insights into the present situation with regard to use of newly formed land in the coastal districts⁷⁹

The newly accreted landmass of *char Gazaria* at its present form covers an area of 10,000 acres. Situated in the south-west of Noakhali district, it was first formed in 1945-53 and revision of record of rights was carried out during State Acquisition operation of 1959-60. At that time an area of 2304.43 acres was recorded. The landmass disappeared during the mid-sixties and reappeared again during the later part of the sixties.

According to official sources, this *char* was not on revenue records of Noakhali district till 1978. After 1978, the people of neighbouring areas (under Ramgati police station) started unauthorised use of *char* lands which forced the revenue administration of the district to grant one year's lease (*eksona*) to persons already using the land first for grazing purposes and later for growing paddy⁸⁰. This was being done despite the 1976 decision of the government that such lands would not be given to individual persons. As regards forest department, it got only 6100 out of 10,000 acres.

79. This section is based on official records and news paper reports.

80. *Eksona* lease in revenue parlance means lease granted on year-to-year basis.

The Cooperative Societies.

The *eksona* lease was first granted to two cooperative societies. In 1980, a third society under the name of Char Gazaria Co-operative Society for the Landless entered the scene and all the three societies grew paddy last year⁸¹.

Char Land and Maintenance of Order

None of the three co-operative societies, it is claimed by official sources, are recognised by the local administration⁸². It is further claimed that the societies are phoney societies organised by unscrupulous people. As the char land has not been surveyed, there are disputes as to the respective areas over which the societies claim ownership by lease. The situation is further aggravated by the lack of inter-district boundary demarcation between Barisal and Noakhali. A portion of the char land is claimed by the people of Barisal district also.

In the absence of clear lines of demarcation as between the two districts and as amongst the three rival cooperative societies, violence at the time of harvesting is expected. During the last harvesting season, the district administration of Noakhali deployed 800 police constables, battalion ansars, 12 Magistrates and 8 wireless sets to maintain order⁸³.

81. The three societies and the lands cultivated by them are as follows :

- 1) Char Gazaria Krishi Khamar Samity : 700 acres.
- 2) Char Gazaria Adarsha Krishi Khamar Samity : 450.25 acres
- 3) Char Gazaria Bhumiheen Krishi Samabaya Samity : 110 acres.

82. All cooperative societies are required to be registered under the Cooperative Societies Act, 1910.

83. Based on official sources, 'Ansars' are members of Irregular police force who can be commissioned to duty by the District Magistrate in case of emergency situation threatening public peace.

The Outbreak of Violence

Violent clashes took place between members of the Cooperative Society for the Landless and Barisal District Police on 28th January, 1981. The members of the Society, it was alleged, forcibly took possession of the lands allotted to the forest department under Barisal district. The Barisal police had to open fire to contain violence. Criminal cases were also started by the members of the Society for the Landless against the members of other societies which led to the arrest of 40 persons⁸⁴.

It was reported that a number of people died and many were murdered. About 400 huts were burnt to ashes. This incident affected 500 landless families.

The Lessons from Char Gazaria

The *char* Gazaria episode typifies the situation with regard to the administration of *char* lands. The important aspect that comes out of the incident of violence is that keeping physical possession of such lands by the district administration remains a difficult and expensive task. The other aspect is that use of force need not be the only method of containing violence. The policy of the government with regard to the use of such lands needs to be conveyed to the people. They need to be convinced and motivated about the future use of these lands. There should be a clear programme for development of the interests of the landless in terms of organisation and provision of opportunities to make out a living during the period when lands are kept under control of the forest department.

84. Daily *Ittefaq* January 30, 1981, The exact number of people killed was not mentioned but it was stated in the press report that police recovered the deadbody of one person.

The local revenue administration needs to be more conscious of the policies and programmes formulated at the national level. Similarly, forest department alone would be unable to maintain hold over the lands allotted to it without active cooperation of the local people, the local administration and the law-enforcing agencies.

The members of the law-enforcing agencies too need to be fully conscious of the policy implications with regard to the administration of *char* lands. That it is much more than driving out unauthorised people from the land is something which ought to be realised by the relevant agencies of the government.

There is evidently lack of awareness of the need for a coordinated action on the part of the agencies involved in the administration and development of *char* lands. First, there is the office of the District Magistrate and Collector whose agency is responsible for maintenance of up-to-date record of rights. Second, there is the agency for revision of record of rights which is done by the Directorate of Land Records and Survey. The official records show that there is a gap of twenty years in this case in so far as it relates to revision of record of rights.

Thirdly, there is the forest department which is responsible for afforestation of *char* lands. The official record shows that in Noakhali district, the department could utilise only 600 acres out of 6,100 acres. Lastly, there is the cooperative department which should be able to provide legal safeguards against existence of fake cooperative societies⁸⁵.

The Need for Timely and Co-ordinated Action

Under the existing procedure of land administration the key element in the chain of agencies is the Dire-

85. The need for providing penal measures against those responsible for organising fake societies is there in view of the existence of such societies.

ctorate of Land Records and Survey. The official reports on *char* Gazaria incident indicate that both the district and divisional administration repeatedly requested the Directorate of Land Records and Survey to complete survey and settlement operations in *char* Gazaria and other such *chars*. Completion of such survey in time would have rendered use of force unnecessary because of the establishment of clear lines of demarcation and plot numbers.

This, therefore, means that the present system of centralised and periodical survey and settlement operations has to be reorganised to suit the changed circumstances. If the present system continues, the settlement operations will follow only after the government has lost hold of the *char* lands.⁸⁶

TABLE 2
Allotment of Char Lands

Disrrict	Acres Allotted
Chittagong	1,95,000
Noakhali	4,50,000
Barisal	3,60,000
Patuakhali	2,25,000
Total	12,30,000

There is an immediate urgency to decentralise the existing settlement machinery. For the four coastal districts, a regional office of the Directorate may be set up to organise survey and settlement operations to avoid violent clashes of the type that occurred in *char* Gazaria,

86. According to official sources, Settlement operations in *char* Gazaria and other such lands is yet to be started

This step is important in view of the fact that the Ministry of Land Revenue and Land Administration in a notification allotted 1.23 million acres of *char* lands to the forest department⁸⁷. The break-up is shown in table 2.

The second important step that appears necessary is that the Off-shore Island Development Board may be involved in preparing and implementing Landless Farmer's Development schemes in order to provide additional means of income to this group for the next ten years during which period the *char* lands will be under the control of the forest department for soil stabilisation and soil maturity.

At the moment there is one Off-shore Island Development Board with head-quarters at Barisal⁸⁸. Its main charter of duties includes overall development of off-shore islands numbering about 28. It is empowered not only to undertake development projects on its own but it can also advance loan to persons, bodies and other official agencies for development including development of small and cottage industries.

The Organised Vandalism Against the Landless

The incident which took place on April 23, 1981 in Nasirnagar Police Station of Comilla district typifies another set of circumstances under which the landless/marginal farmers live and work for their existence⁸⁹. According to newspaper reports, a few hundred acres of grazing land were

87. Ministry of Land Revenue and Land Administration Notification No 344/4-IV/136/76 L. S. dated 10th June, 1976.

88. Based on Cabinet Division Sources. The allocation under Annual Development Programme (ADP) for the year 1980-81 is Taka 10.45 million.

89. Daily *Ittefaq*, May 12, 1981.

given on long term lease (15 years) to the landless community living in Mouza Gopan Jetha⁹⁰.

The landless farmers had grown Irri (name of a HYV variety of rice) in the major portion of the lands allotted to them. This led to discontent among the surplus farmers (the land grabbers) who destroyed the standing crop. It was further reported that the local police did not initiate the due process of law which forced the landless farmers to seek remedy in the court of the Sub-divisional Magistrate (SDO) who ordered a magisterial inquiry into the incident which led to the arrest of five persons.

It is not intended to provide firm conclusions on the basis of the analysis that has been presented in this paper. Whatever deductions are made must be tentative in nature subject to further empirical research based on reliable data and classification thereof. The data must be gleaned from an empirical inquiry centering on changes of land tenure system in villages, the factors responsible for such changes and the present pattern of relationship between the land owner and the share-croppers. If the State Acquisition and Tenancy Act has conferred the right of ownership of land on the government, it has also relegated the government to the position of an ineffectual landlord. This at least has been proved not only in case of administration of *char* lands but also in cases where the government has allotted large areas of land to the landless, The incident of Nasirnagar Police Station is a case in point.

It is possible to argue that on the basis of one single press report it is not appropriate to draw conclusions.

90. *Mouza* is the local name for the lowest revenue unit and is usually bigger than a village.

For one acquainted with the administration of land revenue in the district for more than a decade, it does not look to be an isolated incident. This is the general trend in Bangladesh and supportive evidence in this regard can be obtained from the number of criminal cases that are filed each year in the courts of magistrates relating to land disputes and forcible harvesting of paddy.

Unfortunately statistical computation of such cases are not available since 1972. The system of annual police administration report and annual criminal administration report have since been discontinued. One can no longer get, as one used to do before, even the official figures of criminal cases arising out of land disputes. The absence of these figures does not mean absence of crimes involving land rights⁹¹.

The relationship between crime and land is an aspect of development administration which need not be ignored. In many Third World countries security and development are inter-related goals⁹². Nowhere has this been more clearly evident than in the case of administration of *char* lands and use of government lands by the landless.

Conclusion

There is evidently need for re-thinking with regard to our existing policy of land reform. The experiences of the past three decades lead one to believe that

91. The author recalls that as Sub-divisional Magistrate of Gopalganj during the year 1968--69, about fifty per cent of the criminal cases related to forcible harvesting of paddy by well-organised gangs maintained by surplus farmers.

92. Beaghehole, J. H. : The District: Some Aspects of Administration and Politics in Western Malaysia, *Journal of Administration Overseas* Vol. 12, No. 4, October, 1973, pp. 184-198,

Bangladesh is not capable administratively or politically of implementing both tenurial reform and land distribution programme. It must be clearly understood that the key element in the process is the maintenance of up-to-date record of rights. If the present system of periodic (extending over a period of 10 to 20 years) revision of rights is allowed to continue, there is no hope at all of bringing about any meaningful change in the agrarian structure.

Updating of record of rights again is only one aspect of what is essentially a complex problem. The updating process, as it exists now, is slow and sluggish. It needs to be subjected to close and continuous scrutiny on the basis of which the machinery responsible for maintenance of record of rights needs to be re-organised and strengthened.

The political and administrative dimensions of land reform programme have to be related to the social setting in which the programme is to be implemented. The formalised and legalistic approach to share-tenancy reform may not be implemented in a society which has a system of tenancy based on oral agreement between the land-owner and the share-cropper.

Further, unless restrictions on fragmentation of holdings can be effectively imposed and sustained, it may not be possible to implement land distribution programme with economic gains. This restrictive measure may be difficult to enforce as it is in conflict with the laws of inheritance which draw their validity from religion.

We must then frankly admit that the political context of land reform may be an important step in the process of agrarian change but this context is wider than is ordinarily perceived. It should not be narrowly conceived in terms of an election manifesto of a political party or a set of parties. This manifesto was there both with

the Congress and the Muslim League prior to 1947. The political programme became lost in the maze of legislative process which we have seen and analysed. The situation was worsened further by political indifference to, or lack of comprehension of the need for a competent organisation to implement the provisions of the State Acquisition and Tenancy Act.

The peculiarities of the social system as reflected in the existence of strong local feelings need to be taken into account in any future attempt at land reform.

Land reform or in a wider sense agrarian reform in the context of Bangladesh need to be comprehended in terms of a hard-core development project rather than as a compartmentalised activity of the Ministry of Land Revenue and Land Reform. As things stand now, it has a weak implementation machinery rendered weaker by our inability to understand the operational significance of land reform in relation to development in the field of agriculture.

Agricultural extension services, public irrigation programme and supply of inputs including rural credit facilities have expanded on grounds of augmenting food production. Similar advance has not taken place in the sphere of land administration which is still based on ancient rules and procedures. No attempt has been made to strengthen the revenue machinery in terms of personnel, training and other ancillary facilities that are considered essential for nation-building ministries/departments.

This is not say that necessary expansion of the existing revenue machinery will cure all the ills that characterise the land administration system in Bangladesh. As already stated, the complexity of the variables influencing land reform measures remains so immense as not to allow any simplistic solution to the problem. What is contended is that not much attention was paid during the years to

infuse the required strength and vigour to the machinery for implementation. At the same time, land reform measures need not be looked upon purely as academic and economic solutions.

It may be forcefully or naively argued that in the ultimate analysis, land reform remains a political question that demands a political solution. This purely political approach to land reform overlooks the extent to which administrative and socio-cultural variables may play a major role in implementing public policy in a post-colonial situation.

Towards Land Reform in Bangladesh

*Muhiuddin Khan Alamgir**

In the situational context of Bangladesh land constitutes the most significant basis of socio-political power and the common factor of production for the overwhelming majority of the people. Its ownership, possession and cultivation, therefore, have socio-political overtones and economic implications, both simultaneously and mutually reacting around and reinforcing into each other. An approach to an identification of problems pertaining to land and their solution has to be, of necessity, comprehensive, multi-dimensional and dynamic. A narrow sectoral identification is almost certain to obfuscate the issue¹, while an inability to conceive solutions in all its dimension may render a

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1. As an example of such a narrow identification one may cite S-93 of the (East Bengal) State Acquisition and Tenancy Act, 1950, whereby subletting of land by 'tenants' under the government was prohibited without recognising share-cropping or *bargachash* as a form of subletting. See, Govt. of East Pakistan, Law (Legislative) Department: The East Bengal State Acquisition and Tenancy Act, 1950 (Dacca) 1965, Sections 1(9), 75(1) & (2) and 93(1) & (2).

plous legal provision ineffective². And an attempt to prescribe an once-for-all panacea is likely to be bereft of an appropriate flexibility required to suit the changing situation³.

In the present situation of the country, land reform may be said to be constituted of :

- a. legal measures for
 - (i) redistribution of agricultural land, and
 - (ii) modification of tenancy terms with
- b. adequate provisions for
 - (i) organisational and financial support and
 - (ii) capital investment for development of land and intensification of its use
- c. in order to make possible
 - (i) increase in agricultural productivity and
 - (ii) attainment of socially desired equitable distribution of income and wealth and effective

2. As an example of this, limitation on transfer of agricultural lands except to a bonafide cultivator as provided for in §-90 of the East Bengal State Acquisition and Tenancy Act, 1950, may be cited. Such a limitation was rendered ineffective by (i) providing for unreasonable exceptions in terms of 'large scale farming on a cooperative basis or otherwise by the use of power driven mechanical appliances' and by regarding a landlord cultivating land by share-croppers as a bonafide cultivator and (ii) not giving adequate institutional support to enable the small farmer to acquire additional lands to make his holding viable.

3. In case of Bangladesh, changing social and economic requirements pertaining to newly formed lands (e.g. area formed between Sonapur and Hatiya island), lands in areas inhabited by aboriginals, like Sonthals Bhumijes, Garos, Mundas, Turis and in tribal areas like Chittagong Hill Tracts, and subsoil rights emanating out of discovery and exploration of minerals need to be assessed and accounted for in a dynamic context.

and conscious participation of the people in development programmes⁴.

Such a connotation leaves aside problems centering around ownership and use of non-agricultural urban lands, lands situated in tribal areas, lands primarily used as fisheries (e. g. *haors* and *baors*) newly formed settleable lands of considerable size (e.g. lands recently formed between Sonapur and Hatiya), forest lands and subsoil rights pertaining to mineral deposits etc. and scatteredness of land parcels under the ownership or occupancy of a single household⁵. These aspects of land ownership and management are important but not central to the problem of making the most of the agricultural land to the benefit of the common tiller throughout most of the country in the present context. Despite these exclusions, the aforesaid constituents bring into focuss the essential framework of the reform measures. The past experience of the country provides a striking explanation as to why mere legal measures in this field remain destined to be ineffective unless accompanied with the required support in terms of institutional extension/modification and conducive capital investment based on a political will and commitment pursuing the objectives of productivity and equity⁶.

4. For various definitions and connotations of 'land reform' see, Lipton, M: *Toward a Theory of Land Reform*, in Lehmann, D, (ed) : *Agrarian Reform and Reformism* (Faber & Faber) London, 1974.

Mathur, K: *Policies and Implementation of Land Reform in Asia—Basic Issues*,—in Inayatullah (ed.) *Land Reform—Some Asian Experiences*, APDAC Kuala Lumpur, 1980.

5. The problem of scatteredness and the need for consolidation will be discussed at some length in a later section.

6. Siddiqui has outlined, in the situational context of Bangladesh, the requirement of political will and institutional support for making land reform measures a reality. See, Siddiqui, K : *The Political Economy of Land Reform in Bangladesh*, in Inayatullah (ed.) *Land Reform—Some Asian Experiences* APDAC, Kuala Lumpur, 1980. For an analysis of the concept and implementation of land reform measures in India in this context. see, Joshi, P. C : *Land Reforms in India*, Allied Publishers, Delhi, 1976

II

These constituents of the land reform measures need to be considered in the backdrop of the surveyed out features of the agrarian structure of the country. The Land Occupancy Survey of 1977 has brought out the suspected anti-productive features of this structure into a sharp focus and beyond a reasonable doubt⁷. These features, despite a possible obfuscation of details, may be summarised as under :

1. In Bangladesh, the size of farm is very small. Its average is 1.6 acre per household. Households owning not more than 3 acres each account for 37% of all lands in rural areas. In all such lands the percentage share of households owning more than 10 acres each account for 20%, households owning 5.10 to 10 acres each a little over 23%. The number of persons per household decreases among households owning less land and increases among households that own more land. The simple correlation between household size and land owned per household works out at 0.93.

2. Despite such a generally small size of farm the ownership of land in rural Bangladesh is highly skewed. Slightly less than 10% of all rural households own almost 51% of all cultivated lands; about 22% of all rural households own nearly 75% of all cultivable lands. If cultivable lands in rural areas owned by urban households are taken into account, concentration of ownership will appear to be more pronounced. Such a concentration of ownership with the available evidence of a continuous increase over years is indicative of a process of serious differentiation and polarisation in rural areas brewing destabilising social unrest.

7. Bangladesh Bureau of Statistics : *Summary Report of the 1977 Land Occupancy Survey of Rural Bangladesh, Dacca, 1977*.

3. Considering landholdings of less than half a cultivable acre as not economically viable, over 48% of all rural households in Bangladesh, in a functional sense, are landless. In these are included households that do not own any land, cultivable or homestead—the absolutely landless—constituting 11.7% of all rural households. The percentage of households owning no cultivable land except homestead land is over 21%. In a situation of such landlessness, pursuance of a conventional production and price oriented policy for the agricultural sector keeps about a half of the rural populace as more or less non-participants in and non-beneficiaries of investment for rural development.

4. Most of the agricultural lands is not cultivated by owners. Only 10.47% of all cultivable lands is under owner-cultivation. Major portion of land is cultivated by share-croppers or tenants (4.39%), owner-cum-tenants (38.48%) and by owners with hired labour (43.48%). Altogether nearly 39% of all rural households is involved in some forms of tenancy relationships over 43% of all cultivable lands in which rights of tenants are not recognised under law⁸. In this situation a number of land-owners are allowed to enjoy largely 'unearned income' in so far as in the process they do not have to put in their labour and bear risk in relation to land from which their income is derived.

5. Tenants or share-croppers hand over 50% of gross produce of the land taken in for share cropping, bear all current input costs (of seed, fertiliser, pesticide

8. With the passing of the State Acquisition and Tenancy Act in 1950, the Bengal Tenancy Act of 1885 under which the rights of tenants or share-croppers were recognised became inoperative. Under the provisions of the State Acquisition and Tenancy Act as are in force at present, no tenancy on agricultural land except that directly under the government is recognised.

and irrigation) and are not usually allowed to share-crop the same land for periods long enough to encourage capital investment by them. Only about 10% of all lands given to share-cropping are found to be under continuous occupancy of the same tenants or share-croppers. About 55% of all tenant or share-cropper households can not retain the same land under tenancy or share cropping for more than 2 continuous years⁹. Under a system of tenancy or share-cropping such as this, the share-croppers do not have adequate economic incentive to invest in land and to increase production¹⁰.

III

Viewed from the objectives of the land reform measures, these features of ownership, occupancy and management of land combined together are generative of two distinct but interrelated inhibiting consequences. The first is in respect of the objective of increasing productivity; the second centers around the goal of attaining egalitarian distribution of income and wealth and conscious participation of the people in development programmes in their respective areas. Usually indicated in general terms as has indeed been done in the foregoing section, both of these call for a spelling out above their emotive levels and beyond the conventional solution in terms of provision of material inputs alone.

Considerations centering around productivity have drawn planners' attention since long. In the draft Second Five Year Plan of Bangladesh, meeting of basic needs of the people on the basis of increased production has been accepted as one of the prime objectives of the planned process of

9. As relations share-cropping lands of the land-rich might not have responded as share-croppers, the actual extent of shaercropping is believed by some to be more than what was reported in the 1977 survey.

10. This will be spelt out at length in a later section.

development of the country¹¹. Though not yet been very clearly spelt out in terms of functional relationship, it has been stipulated that development of agriculture, in this process, will serve as the engine for growth both directly and indirectly. At about the world's lowest level of per capita income, in Bangladesh, food constitutes more than three fourth of the standard of living of by far the overwhelming majority of the people. At this level, continued increase in food production and overall development of agriculture will directly lay the foundation for meeting the most basic of all needs for humanly living : indirectly, through decreasing import of food and other agricultural products and increasing exportable surplus, this will allow for increased import of capital goods and technological inputs required for moving the economy towards a forward motion of growth.

As an initial outcome of this process, it has been stipulated in the Second Five Year Plan (draft) that the country will attain self-sufficiency in food by 1984-85. In the last seven years, import of food accounted for about 60% of the country's export. This amounted to nearly 44% of the external assistance received in this period¹². In contrast, import of food in the course of the Second Five Year Plan period as has been projected will amount to 24% of the total export earnings. It has been stipulated that from a level of 13.5 million tons in 1979-80, food production will increase to 20 million tons in 1984-85. Compared to the level of actual production in 1979-80, this target set for 1984-85 is 48% higher. At the rate of 390 Lbs, per head per year, in 1984-85, the total requirement for food (cereals only)

11. Govt. of Bangladesh, Planning Commission : *The Second Five Year Plan, 1980-85 (Draft)*, 1980 (Dacca) ch. ii, p.4.

12. Ibid, table 12.10. ch. XI. p.22.

has been estimated at 17.9 million tons which means that in the event the target is reached, the country will yield a food surplus of nearly 12% over its requirement by the end of the terminal year of the Second Five Year Plan.

The proximate means for increasing food production as stipulated in the Second Five Year Plan (draft) are two: horizontal expansion of HYVs (high yielding variety) and marginal increase in per acre productivity. Through phased provision of more irrigation and flood control facilities, supply of adequate seeds, fertilisers, insecticides-pesticides, credit and extension services, the Plan stipulates an increase in HYV and LIV (local improved variety) rice and wheat acreage from the present level of 5.7 million to 13.4 million by 1984-85. This along with a marginal increase in per acre productivity of HYV and LIV rice and wheat is expected to turn Bangladesh's miasma of deficit into an attainment of a considerable surplus.

The agricultural resource base of the country is capable of making the planners reach this target, provided over riding priority is given and appropriate policies are pursued and adequate measures taken¹³. The measures towards the goal as proposed in the Second Five Year Plan (draft) mainly center around provision of material inputs without the backing of corresponding institutional change and support. The stipulated provision of material inputs is somewhat lacking in conformity

13. I have already outlined this capability. See, Alamgir, Muhiuddin Khan : *Development Strategy For Bangladesh*, Centre For Social Studies, Dacca, 1980 ch. 5.

with the target set. This has already been pointed out elsewhere¹⁴. In terms of input-output relationship this remains correctable and that is why may be regarded as not a very difficult obstacle. The most difficult, if not insurmountable, and still unattended obstacle to the attainment of self-sufficiency in food and agricultural expansion in particular and overall development of the economy in general is the traditional agrarian structure and the continuing system of land ownership and management.

There are two aspects of this malaise. First and rather easily understood is the comparative efficiency of the small and medium farms of this country. In the capitalist countries of the west, and to an extent in the socialist economies also¹⁵ comparatively bigger farms were advocated on grounds of (i) gaining and sustaining economies of scale, and (ii) generating higher income, saving and investment. In case of Bangladesh, given the scattered distribution of lands under a single holding, availability of abundant farm labour economically substitutive of large scale mechanisation (excluding tubewells and power pumps) and demonstrated feasibility of organising irrigation groups of many land-owners,

14. For instance, in Hossain, Mahabub : *Agriculture in the Draft Second Five Year Plan*, a paper read in the Seminar on Draft Second Five Year Plan held in Dacca during 23-25 Aug. 1980 by Bangladesh Unnayan Parishad.

15. In the socialist countries one main argument for collectivisation has centered around economies of scale. See for instance, Khudokormov, G.N : *Collectivisation of Agriculture* in Khudokormov, G.N(ed) : *Political Economy of Socialism*, Progress Publishers, Moscow, 1967.

Also, Varlamov, K : *Socialist Management : The Leninist Concept*, Progress Publishers, Moscow, 1977 ch. 4 pp—176—189.

the argument based on economies of scale does not seem to be in order¹⁶. A higher saving-investment performance of big farms has not been proved beyond reasonable doubt in the past. On the contrary, the comparatively small farmers (not marginal ones) have shown higher gross and net values of production per acre and were found to be more responsive towards adoption and use of the water-seed-fertiliser technology¹⁷. These appear to be in conformity with the findings in respect of similarly situated West Bengal that comparatively medium sized farms are most productive in terms of return to both labour and land¹⁸: Following this, if land from the comparatively big farmers, say from households owning more than 13 acres each, are taken off by the state and distributed amongst smaller ones, say households owning not more than 3 acres each, then, for the same quantum of land, seed, water and fertiliser there will be increased return. The society will receive more output as will the small farmer. Besides and perhaps more important, in a dynamic societal context, such distributive measures are likely to initiate 'conscientization'—a process in which multitudes of small farmers achieve 'deepening awareness both of sociological reality, not as recipients but as knowing, subjects'. As a result

16. Hossain, M: Desirability and Feasibility of Land Reform in Bangladesh, *Journal of Social Studies* (Dacca), April, 1980. Reprinted in this volume.

17. Shadatullah, A.H: *Farm Productivity, Return to Scale and Technological Change in a Traditional Agriculture—A Case Study of Bangladesh* (unpublished Ph.D. thesis) Harvard University, 1974, pp—204—205.

Jabbar M.A: Relative Productive Efficiency of Different Tenure Classes in Selected Areas of Bangladesh, *Bangladesh Development Studies*, January, 1977.

18. Ghosh, Arabinda: Size Structure, Productivity and Growth: A Case Study of West Bengal Agriculture, *Bangladesh Economic Review*, January. 1973.

a favourable psychological milieu and an economic basis are likely to be obtained to make possible liberation of innovative capacity of an otherwise fatalist man behind the plough in the best interest of the self and the community¹⁹.

TABLE 1
Comparative Incentives For Tenants To
Cultivate HYV Under Present Terms of Tenancy²⁰.

(output of 1 *bigha* in *maunds*)

Crop rice/wheat	Production Cost as % of Gross Produce	Gross Produce	Tenant's Gross Receipt	Tenant's Production Cost	Tenant's Net Receipt
LV	33%	3.0	1.5	1.0	0.5
LIV	40%	5.0	2.5	2.0	0.5
HYV	50%	10.0	5.0	5.0	0.0
HYV	40%	10.0	5.0	4.0	1.0
HYV	44%	10.0	5.0	4.4	0.6
HYV	47%	10.0	5.0	4.7	0.3

Second, more important but perhaps less understood, is the serious limitation on the dissemination of the water-seed-fertiliser technology that arises out of the extent and terms of tenancy or sharecropping. Following

19. For an analytical exposition of this theme, see Haque, W., Mehta N., Rahman, A & Wignaraje, P: *Towards a Theory of Rural Development*, (U.N. Asian Development Institute) Bangkok, 1975 (mimeo). How 'conscientization' originates and works, in a struggle for people's power has been analysed by de Silva, G. V. S., Mehta, N., Rahman, A, & Wignaraja, P: *Bhoomi Sena A Struggle For People's Power, Development Dialogue* 1979 (2)

20, 1 *bigha* = 1/3 acre; 1 *maund* = 0.0367 ton. This illustration has been made in terms of rice and wheat under the assumption that subject to topographical permissibility all lands will tend to produce rice or wheat or other crops of equivalent value if grown in corresponding rice/wheat seasons.

the findings of the Land Occupancy Survey of 1977 on atleast 43% of all cultivable lands of the country, tenants or share-croppers under obligation to pay 50% of the gross produce of land to landlords after bearing all current input costs (including imputed value of labour provided by the share-cropper and his family) are likely to adopt the technology only if the cost of current inputs is less than 50% of the gross yield. The lower the cost from this cut-off point of 50% of the gross yield, the higher is their profitability and consequent incentive for turning to HYV or increasing over-all production. Hypothetically this has been shown in table-1. As shown in this table, at a cost of 50% of a gross produce of HYV amounting to 10 *maunds* a *bigha*, the tenant will prefer to produce LV (local variety) costing him 33% of a gross produce of 3 *maunds* a *bigha* despite substantial social gain involved in the production of the former. Similarly despite the social gain emanatable out of production of LIV at a cost of 40% of a gross produce of 5 *maunds* (horizontal lines 1 & 2 of table-1) the tenant will remain indifferent between adopting LIV and continuing cultivation of LV at a cost of 33% of a gross yield of 3 *maunds* per *bigha*. In all likelihood, given the comparatively higher investment requirement for adopting LIV he will not be indifferent, but prefer to continue growing what was handed down to him by his forefathers.

In a farm-management survey completed some years ago, it was found that in case of HYV *boro* rice, costs of current inputs range from 42 to 46% of the gross produce²¹. Given the competitive claim of HYV wheat on the irrigated land otherwise given to cultivation of HYV rice in the winter, one may as well assume that cost of current

21. Govt. of Bangladesh, Ministry of Agriculture & Forests : Costs and Returns of *Boro* Paddy (Dacca) 1978. The Survey covered 1977-78, 10 seson.

Inputs in case of the former is less. To this percentage share of production cost in the gross produce needs to be added the increase on account of the recently fixed price of fertiliser etc. relative to prices of rice and wheat, costs of 'bundhing', digging field and plot channels for irrigation and drainage borne by the share-cropper and realisable in about 2-3 years of his uncertain tenure of tenancy and also the cost of gaining access to the supply of the required inputs usually made available through intermediation of the land-rich. In other words, for the share-cropper, the cost of producing HYV amounts to nearly 50% of the gross produce. In a situation like this, despite provision of irrigation and flood control facilities, supply of HYV seeds and credit and the possibility of increasing the over-all or social yield, the share-cropper or the tenant will not switch over to production of HYV from that of low yielding LV (local varieties) crops. Obviously for the owner-cultivator, the cost conditions for adoption of HYV are not as stringent as in case of the share-cropper. HYV will be adopted by the farmer even if costs of current inputs exceed 50% of the gross yield as long as after adjustment for risk and opportunity cost of investment it remains lower than the gross yield, provided there are no physical limitations. Thus there will not take place any horizontal expansion of HYV and increase in per acre production in about 43% of all cultivable lands.

The non-acceptance of HYVs on these lands, given the scatteredness of holdings both under owner-cultivation or management and share-cropping ranging between 74 to 85% naturally imposes limitations on the dissemination of the new technology even to the owner-cultivator. Cultivation of HYVs cannot easily be undertaken or advantage of the supply of associated modern inputs cannot be taken by

the owner-cultivator despite his willingness and its profitability just because his plots are scattered around those given out to share-croppers who cannot profitably switch over to HYVs even after all other conditions for effecting such a change have been met. Irrigation water cannot find passage into owner-cultivated lands having HYV through lands given to low yielding LV under the share-cropper ; spraying of pesticides in a few scattered plots growing HYVs cannot be effective if the neighbouring or surrounding ones given to the usually pest-resistant LVs are unsprayed and offering safe abode to pests to regroup and reattack the sprayed ones²². Thus continuance of share-cropping on the existing terms of paying the landlord 50% of the gross produce will stand on the way of expansion of HYV on lands under owner-cultivation and owner-management (53% of all cultivated land) as well as those under tenancy or share-cropping (43% of all cultivated lands) and definitely obstruct the proximate conduit for attaining self-sufficiency and surplus in food production as proposed in the Second Five Year Plan.

From the view point of equity and effective participation of all sections of the people in development programmes, economically weak position of the comparatively small farmers and share-croppers is indicative of the operation of an inhibiting and exploitative depen-

22. While trying to expand command-areas of deep tube wells and power pumps from the usual level of their under-utilisation to the feasible optimum in Jessore between 1976 and 1979, this was observed by the author as the Deputy Commissioner of the district.

dency syndrome²³. The basis of this operation is the weak economic power of the land-poor, the share-cropper and the landless in relation to the dominance of the land-rich. The landpoor or the small-cultivator-owner, given the limited availability of credit, HYV seed, fertilisers etc. from the institutional sources and an almost complete absence of institutional protection against damages caused by flood, drought and pest-attack is dependent on the comparatively landrich. The landrich helps him out when he starves, or unable to obtain seeds and fertilisers out of his own resources and by his own efforts, but extracts the juice out of him through usurious lending and buying part of his produce cheap immediately after harvest and selling the same at higher prices later. In the absence of adequate institutional support, the landpoor of today becomes land-poorer next year and perhaps a share-cropper a year or two later. This pressure coupled with the competition in terms of cheap labour provided by the landless-the already existing large number of them-seeking to eke out a living any how weakens the bargaining strength of the share-cropper. The share-cropper hands over 50% of the gross produce to the landlord and bears all

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23. (i) Vydler Stephen de & Aspland, D: Contradictions and Distortions in Rural Economy—the Case of Bangladesh (SIDA) 1978.
- (ii) Jahangir, B. K. : Differentiation, Polarisation and Confrontation in Rural Bangladesh, Centre For Social Studies, Dacca, 1979.
- (iii) Stepanek, Joseph F : Bangladesh—Equitable Growth ? Pergamon, New York, 1979.
- (iv) Khan A, Z. M. O. & Latif, S : Rural Development in Bangladesh—A Country Status Report, a paper read in National Seminar on Rural Development in Bangladesh, Joydevpur, Dacca, March, 1979.
- (v) Arons J & Beurden, J- V : Jhagrapur—Poor Peasants and Women in Bangladesh. Amsterdam 1977.

Input costs and does not consequently have any incentive for adopting HYVs. He does not have any institutional support for postponing sale of his produce immediately after harvest; he sells cheap to the land-rich who is usually a part trader and remains a continuing victim of usurious borrowing. With completion of flood control and irrigation works and strengthening of the input delivery system, the land-rich finds it profitable to reduce the area of land cultivated by the share-cropper and to take to intensive cultivation by himself with hired labour. The share-cropper thus gradually becomes landless agricultural labour. The share-cropper limps along with a life of liability, non-innovating and without initiative and remains unfit as a change-agent for himself and for the society by circumstances over which he has no control.

The low land-man ratio, the continued large scale unemployment coupled with the seasonality of agricultural operation and the gradual transformation of the share-cropper into landless agricultural labour does not provide the landless and the land-poor labour much of a bargaining strength either. The agricultural wage, in

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- (vi) Siddiqui, Kamal: *The Political Economy of Land Reform in Bangladesh*, Bangladesh Institute of Development Studies, Dacca, 1978 (mimeo).
 - (vii) *Implementation of Land Reform in Four Villages of Bangladesh*, Asian and Pacific Development Administration Centre, Kuala Lumpur, 1980.
 - (viii) Hossain, Mahabub: Desirability and Feasibility of Land Reform in Bangladesh, *Journal of Social Studies* (Dacca) April, 1980, reprinted in this volume.
 - (xi) Ahsan, A. K. M. Sharif, R., et al: *Study on the Problems of Land Reform With a View to Increasing Agricultural Productivity Through Modernisation*, Dacca, 1980 (mimeo).
 - (x) Alamgir, Muhiuddin Khan: *Development Strategy For Bangladesh*, Centre For Social Studies, Dacca University, 1980, ch-vii

such a situation, hovers around the bare subsistence level despite some increase in productivity through application of the irrigation-seed-fertiliser technology. The labour has no stake in a society like this, nothing to look forward to and no incentive to contribute his best.

Thus, by far the overwhelming majority of the people in the rural areas suffer the miasma of poverty while a few continue to enjoy largely 'unearned income. Always eager and careful to preserve this position of comfort, the land-rich maintains and strengthens alliance with the urban elite to the mutual benefit of each other. Development programmes are undertaken and the usual government machinery is run largely to protect this alliance and the vested interest, allowing a little trickling down here and there as palliatives to mass discontent. Thus jute produced by the poor peasant for meeting his basic needs for food and cloth is exchanged in the international market for colour T.V, external loan is taken to set up a modern animal slaughter house in the capital city, children of the land-poor farmer and the landless are forced to drop out from the ostensibly free primary schools for inability to buy basic text books, concentrated protein is imported for the rich while poultry, raisable in backyards of village homes perish for want of vaccines. All these combine to thwart directly productive pursuits of those who are comfortable and at the same time obstructs the process of 'conscientization' of the poor majority. The exploitative dependency syndrome thus stands against 'attainment of a just and egalitarian society free from exploitation of the man by the man' and 'emancipation of the toiling masses, the peasants and the workers and the backward section of people' which were accepted as the 'fundamental responsibility' of the state in the country's constitution immediately after the Liberation²⁴.

24. Bangladesh Parliament: *The Constitution of the People's Republic of Bangladesh*. Articles 12 & 14,

IV

One obvious way out of this predicament of (i) low productivity of the comparatively large farms, (ii) limitations imposed by the extent and terms of tenancy or share-cropping and (iii) continuance of the exploitative dependency syndrome as spelt-out above is to undertake a distributive land reform conceived in terms of an appropriate admixture of ceiling on the size of ownership, disposal of lands in excess of enforced ceiling along with a pattern of ownership and operation (individual, cooperative or joint) as accepted or innovated by the society. This admixture of both composition and degree of reform is determinable on considerations centering around equity and productivity emanatable from the formal legal change and the nature of its implementation at levels of actual cultivation and material benefaction of the cultivators. In the case of Bangladesh, these issues have been raised, political guidance centering around some of these have been sought²⁵ but none could as yet be resolved through adoption of definite ideas and concrete programmes for action.

No one seems to be disputing that a distributive programme of land reform in the context of Bangladesh will be in conformity with the objective of equity. Such a programme will curb unearned income, considerably weaken the intermediation link between the rich peasant and the ruling regime, limit the exploitative dependency of the land-poor and the landless on the land-rich, equalise access to power, benefits and public resources and generally arrest the process of polarisation in rural areas. But answers have not yet been

25. In the Two Year Plan, the planners specifically sought political guidance in this respect. See, Govt. of Bangladesh, Planning Commission: *The Two Year Plan—1978-80* (Dacca) 1978, pp-300-302.

given to or found out for such questions as to whether in the process, a shift to joint or collective ownership of land should take place, and whether similar limitations should be put on ownership of land and other assets in urban areas and industrial fields. No definite perspective as to the future pattern of the society in terms of ownership, work and distribution has yet been outlined²⁶. Details of desired flexibility to accommodate the needs of a widow eking out years on a few parcels of land given out on share-cropping or of an orphan meeting his educational expenses out of land cultivated by a hired hand or a share cropper back in the rural home, for instance, amongst multitudes of possible human considerations, have not been worked out in order to minimise the human cost otherwise involved in the process.

Feasibility of a distributive land reform in the situational context of Bangladesh may be assessed in terms of at least three considerations. First, one has to ascertain how much land can be taken over as excess or surplus for distribution amongst the land-poor and the landless after imposing how low a ceiling on land ownership. Following the figures of the Land Occupancy Survey, 1977, a 10-acre ceiling per agricultural household will make available 1.44 million acres for distribution amongst 3.88 million households owning no land other than homestead (excluding the absolutely landless and marginally land-less owning homestead land+cultivable lands upto 0.5 acre per household) implies a land grant of 0.37 acre per household. By any stretch of imagination such a small

26. Ahmed Q. K : *Social Transformation in Bangladesh-Realities, Constraints, Vision and Strategy*, a paper read in the Annual Conference of Bangladesh Economic Association, Dacca May, 1979.

holding cannot be made to operate economically under individual ownership in order to increase overall production. A reasonable variation of the ceiling downwards, say to 5 acres, given the continuing low land-man ratio, will not make much of a difference in creating viable landholdings or farms to be owned or operated by the land-poor and the landless unless a policy decision, economically justifiable but inequitous and therefore with uncertain public acceptability, is taken to distribute surplus lands only amongst the marginal farmers in order to make them viable holders²⁷. Secondly, a proposition of this nature immediately leads to questions centering around land classification in terms of productivity (e.g. a flood-hit or rain-fed acre is not equal to a flood-free irrigated acre), accurate and updated recording of rights on land in about 68000 *mouzas* or villages following the principle of one *khatian* for one household, adopting the village organisation to facilitate recording of rights on land and the process and pace of land distribution and possibly of land consolidation without decreasing production in a comprehensive frame of an impartial administrative system designed for the purpose²⁸. These are difficult tasks

27. In South Korea, the ceiling imposed was 3 hectares = 7.4 acres per farming household. In West Bengal, as per the provisions of the Land Reform Act, 1955, the highest ceiling for households exceeding 5 members is 7 hectares = 17.2 acres.

28. One may in this connection recall Mao's initial directive on land reform given as early as 1948: 'Distribute feudal land and property in accordance with correct policy. The final result of the distribution must be such that it is considered fair and reasonable by all the main strata and that the land-lords too feel that there is a way for them to make a living and that this is assured'. See, *Selected Works of Mao Tse Tung*, Vol. IV 'Foreign Languages Press, Peking, 1963 p—259.

for the completion of which grounds need to be prepared systematically and over periods longer than what is usually thought to be required. Lastly, for carrying out reforms along the indicated line there must be overriding political commitment and will. This requirement has not yet been, despite compulsion of the existing situation, fulfilled in announcements and actions of various political groups in case of Bangladesh²⁹. This is largely due to the fact that the holders and welders of powers both at national and local levels representing largely the landed interest are not likely to initiate or support, atleast at the present stage, directly distributive land reform measures³⁰.

Given such an unfeasibility of distributivist land reform in the immediate future, attention needs to be directed towards tenancy reforms conducive to increased production and equity. From the hypothetical cost conditions presented in table 1 and discussion in section II, it becomes clear that despite the social profitability in terms of increased total production accountable by a switchover to HYV from LV, the share-cropper will not be inclined to adopt HYV and other cultivators will be discouraged to do so unless cost of production remains sufficiently lower than the half of the

29. Various political parties of Bangladesh could not reach a consensus of opinion on imposing ceiling on land ownership, tenancy reform etc. proposed by Prime Minister Shah Azizur Rahman on Sept, 9, 1980. It could not be ascertained whether the proposals of the Prime Minister were backed by the Bangladesh Nationalist Party i.e. the party in power. See, *Dainik Ittefaq*, (Dacca) dated Sept. 10, 1980.

30. Hossain, Mahabub : Desirability and Feasibility of Land Reform in Bangladesh, *Journal of Social Studies* (Dacca) April, 1980, op. cit.

Siddiqui, K : *Implementation of Land Reform in Four Villoges of Bangladesh*, Asian and Pacific Development Administration Centre, Kuala Lumpur 1980. ch. vi op. cit.

gross produce. The requirement of sufficiently lower cost is warranted by comparatively higher investment called for and more risk involved in cultivation of HYVs.

There are three alternative ways out of this predicament : (i) input subsidy (ii) higher pricing of output and (iii) reform of tenancy terms in favour of the tenant or the share-cropper. A policy of subsidy on use of modern inputs like irrigation water, fertiliser, seeds and pesticides, may be designed, atleast in theory, to sufficiently reduce the cultivator's cost of producing HYV in order to spur the share-cropper to tread along the way of socially profitable production. Inadvertently though, this has been the policy pursued thus far in the country.

Such a policy did not, and still cannot fructify. There are at least two obvious reasons for this. First, such a policy of subsidy cannot be made and administered specific to lands under share cropping or of various (economic) classes of cultivating households. And unless made and administered as such, subsidies will remain need and class neutral which will be difficult to finance adequately and on a sustained basis. Secondly, even if financing is assumed to be possible, (based on external aid, for instance) provision of input subsidy in a class and consequently need neutral way, given the existing structure of the rural society, will, as already indicated, make the land-rich richer, accelerate the process of pauperisation and polarisation, and destabilise the basis of societal frame towards uncharted chaos and confusion. Thus the very purpose of providing input-subsidy will be defeated.

A higher pricing of agricultural output, specially of rice and wheat, other things remaining unchanged, will increase the value of gross output relative to cost of production and encourage the share-cropper to take to HYVs. But such a pricing is likely to increase the income of the land-rich more than that of the share-cropper,

make the existence of the landless and the below subsistence farmer and of the urban unemployed and workers precarious and accelerate the process of polarisation and pauperisation through out the country. Besides, given the competitiveness of jute for rice acreage, an increase in rice price, will imply on ipsofacto policy for an increase in price of jute in order to sustain its supply to the international market as the main foreign exchange earner of the country³¹.

TABLE 2

**Comparative Incentives For Tenants
to Cultivate HYV under Condition of Paying A
Third of Gross Out-put After Bearing All Input Costs
(Output of 1 *bigha* in *maunds*)**

Crop rice/ wheat	Production Cost as % of Gross Produce	Gross Produce	Tenant's Gross Receipt	Tenant's Production Cost	Tenant's Net Receipt
LV	33%	3.0	2.0	1.0	1.0
LIV	40%	5.0	3.3	2.0	1.3
HYV	50%	10.0	6.7	5.0	1.7
HYV	40%	10.0	6.7	4.0	2.7
HYV	44%	10.0	6.7	4.4	2.3
HYV	47%	10.0	6.7	4.7	2.0

This leaves for a reform of the tenancy terms in favour of the tenant or share-cropper as the only appropriate alternative. If by law the share-cropper after bearing all current input costs by himself is made to pay not more

31. For an analysis of this aspect of rice-jute relationship, see, Ahmed R: *Foodgrain Production in Bangladesh— Analysis of Growth: Its Sources and Related Policies* International Food Policy Research Institute, Washington, D. C., 1976 Appendix-3.

Alamgir, Muhiuddin Khan: *Development Strategy For Bangladesh*, Centre For Social Studies, Dacca, 1980 ch. iv.

than a third instead of usual 50% of the gross produce to the landlord then he will be encouraged to adopt HYVs even if the cost equals 50% of the gross output. This has hypothetically been shown in table 2.

A close comparison between tables 1 & 2 is revelatory of a range of cost sharing by the landlord that gives both him and the tenant more income through making possible adoption of HYVs. There has not been any evidence that the landlord came forward to share input costs in order to increase his as well as tenant's income. Apparently, as

TABLE 3

**Comparative Incentives For
Tenants to Cultivate HYV Following 'Tebhaga'
Division of Gross Produce After Bearing All Input Costs**
(output of 1 *bigha* in *maunds*)

Crop rice/ wheat	Production Cost as % of Gross Produce	Gross Produce	Landlord's Receipt	Tenant's Gross Receipt	Tenant's Production Costs	Tenant's Net Receipt
LV	33%	3.0	0.76	2.25	1.00	1.25
LIV	40%	5.0	1.26	3.75	2.00	1.75
HYV	50%	10.0	2.50	7.50	5.00	2.50
HYV	40%	10.0	2.50	7.60	4.00	3.50
HYV	44%	10.0	2.50	7.50	4.40	3.10
HYV	47%	10.0	2.50	7.50	4.70	2.80

already indicated, there are two reasons for this behaviour. First, the landlord wants to keep the share-cropper at low levels of income at the cost of additional income accruable to him so that he can protect his own elitist position. Secondly, sharing of input costs involves some management problems. The landlord is not sure whether the share-cropper will apply fertiliser, HYV seed, pesticide etc. properly or return his share of the additional yield fully unless supervised closely.

The proposed law may be designed to correct landlord's distorted profitability and unwillingness to undertake management responsibilities as well as to provide the needed economic incentives to the share-cropper by adopting the principle of *tebhaga*. According to the principle of '*tebhaga*' long since been demanded for adoption by the share-croppers in this country, gross produce of land given under share cropping is divided into 3 parts ; the first equal in value to the current input costs, is to be used by the share-cropper to defray current costs of production and the rest to be divided equally as between the share-cropper and the landlord. Alternatively, given that current input costs of HYVs amount to 50% of the gross produce, the landlord is to be given a return of 25% of the gross produce keeping 75% for the share-cropper for his labour and meeting other current input costs³². At various costs of production of LV, LIV and HYV, net receipts of the share-cropper under such terms have been shown in table 3.

One may note that at 50% costs of production of HYV, compared to the position in case of otherwise cultivated LV, (horizontal line 1, table 1), under these terms both the landlord and the tenant receive more (horizontal line 3, table-3), all in tune with increased social profitability of HYV. A switchover to HYV under such terms, can thus be undertaken in the interest of all working on and related to land.

An acceptance of the principle of *tebhaga* as the foundation of tenancy reform in the situational context of Bangladesh obviously will call for taking of definite economic measures as well as adoption of an appropriate sets of laws, rules and regulations within the

32. In West Bengal as per the provisions of the law in force, the gross produce of the land is shared by the landlord and the share-cropper in proportion of 50:50 in case the landlord bears all current input costs excluding labour and in proportion of 25:75 in all other cases.

broad frame of the State Acquisition and Tenancy Act. Leaving the details of these outside the scope of this study, the central points of a systematic reform towards this direction may be mentioned as follows :

1. The occupancy rights of the tenants or share croppers on lands given out to share cropping will be legally recognised and enforceable. These rights will be recorded along with ownership or title to land for every village or *mouza* on the basis of on-the-spot surveys and with the assistance and evidence of and certification by village level organisations like *Gram Sarkar*, *Union Parishad*, *Thana Parishad*, cooperative society, association of the landless etc. For the purpose of recording and enforcing occupancy rights of tenants, provision should be made for open public checks down at the village level³³.

2. Specific legal provisions should be made to divide the gross produce of land as between the landlord and the tenant in proportion of 50:50 in case the landlord bears all current input costs excluding imputable value of the tenant's labour and in proportion of 25 : 75 in case the tenant bears all current input costs. The landlords' share may be made payable either directly to the landlord or through the *thana* revenue officer according to convenience of the share-cropper. All land based taxes and related fees and cesses imposed by the local authorities and the national government will be made payable by the landlord.

33. In this connection it is interesting to note the role played by *Zilla Parishad*, *Panchayet Samity*, *Gram Panchayet* at district, block and village levels respectively and *Kishan Samity* at the tillers level in implementing the reform measures recently initiated by the State Government in West Bengal. The local government institutions as well as *Kishan Samity's* at various levels have facilitated interest identification of the potential beneficiaries of the reform measures, See, Ahsan, A.K.M, Sharif, R. et al : *Study on the Problems of Land Reform With a View to Increasing Agricultural Productivity Through Modernisation* (Dacca) 1980 (mimeo) op. cit.

Such payment will include levies on account of land development imposed by the local authorities or the national government.

3. The share cropper will not be made evictable from the land taken by him on share-cropping as long as he pays the landlord's legal share and cultivates land primarily by his own and family labour. In all cases of demand for eviction by the landlord, the onus of proof of causes justifying evlotion will be on him and not on the tenant.

4. The occupancy right of the share cropper will be inheritable provided the heirs of the share-cropper cultivate the land by their own labour.

5. The share cropper will have the first right to buy the land under share-cropping at a socially determinable price if and when the landlord sells the same. The socially determinable price may be made equal to 12 times the value of the annual net produce of the land. In order that this right can be effectively exercised by the share-cropper, long term institutional credit should be made extendable to him for the purpose. Since owner-cultivation of land in such a case provides higher incentive for increasing production, financing of land purchase by the share-cropper should be deemed as socially productive investment instead of mere transfer of title.

6. In case the share-cropper does not or cannot buy the land under share-cropping and as a consequence someone else buys it, the new owner will not be able to evict the share-cropper as long as the latter pays what is due to the land-owner.

7. No one except a tiller by own or family labour will be entitled to buy cultivable land. No one will be allowed to own cultivable land beyond a limit of 5 miles from his usual place of residence. In case of inheritance of cultivable lands beyond such limit, he will shift his place of

usual residence to such lands or within a specified period sell such lands to bonafide cultivators including share-croppers.

8. The occupancy rights of share-croppers will be made usable as collaterals in the process of obtaining credit from the institutional sources for securing title over land as well as for meeting current input costs and making capital investment (e. g. a shallow tubewell).

9. Supply of institutional credit, seed, fertiliser, pesticide, irrigation water etc. will be made adequate, extensive and timely and also simple in procedure, along with strengthening of agricultural extension services.

10. Adequate and expeditious capital investment should be made to provide full irrigation and flood control facilities to all land development regions where these are feasible³⁴. This has the potential to transform an one-crop one-acre farm into a three-crop-viable entity.

11. Appropriate hedges in terms of crop insurance, replantation advances etc. should be provided to increase the staying power of share-croppers and small farmers so that an unavoidable flood, drought or pest attack does not push them down the ladder to pauperisation³⁵.

In the aforesaid programme for the initial land reform measures, consideration of scattered parcels of a single

34. Investment in agriculture along this line should be used as a strategy instead of being regarded as yet another priority. Elsewhere, I have already pointed this out. See, Alamgir, Muhiuddin Khan: *Development Strategy For Bangladesh*, Centre For Social Studies, Dacca 1980.

35. Investment in agriculture pertaining to use of land as indicated in (9), (10) & (11) should be regarded as integral parts of land reform measures, See, for instance, Lipton, M: *Toward a Theory of Land Reform*, in Lehmann, D. (ed): *Agrarian Reform and Reformism*, Faber & Faber, London 1974.

holding has not been included. Assuming that provision of irrigation and related land development facilities will be made by individual owners, avenues were kept open for consolidation in the State Acquisition and Tenancy Act 1950³⁶. These avenues were not followed vigorously by the government; the farmers did not come forward to demand consolidation of their scattered land parcels under the provision of the law either. At this stage, provided the tenancy reform on the aforesaid line is undertaken, scatteredness of land parcels is not likely to stand on the way to increased production on the following grounds:

- 1 For using irrigation water provided by tubewells, power-pumps and canals (e. g. the Ganges-Kabodak Project area), lands in plots of appropriate sizes need to be *bundhed* i. e. earthen boundaries of land parcels need to be raised so as to regulate flow and use of water as per requirement of land parcels producing various crops or the same crop planted at varying times. Consolidation of various plots given this requirement of 'bundhing' is not likely to reduce the land utilised as earthen boundaries (i. e. *ails*).
2. If irrigation water is provided by the government as is usually the case, then varying ownership of plots within the relevant command-area is almost irrelevant to proper use of water. If irrigation is provided by private owners (e.g. a shallow tubewell owned by an individual farmer), owners or tenants of all plots within the command area can pay for the water provided. This has indeed been done in some areas but at a price above what may be regarded as a normal level of profit.

36. Govt. of East Pakistan, Law (Legislative Department): The East Bengal State Acquisition and Tenancy Act, 1950 (Dacca), 1965 ch XV, S-116-132,

3. In the face of a continuously increasing agricultural populace with divisible rights of inheritance, fragmentation of landholdings will continue unabated unless investment in development of land and agricultural expansion is increased as the strategy for overall development for the next 10-15 years, pressure on land is reduced through laying a solid foundation for the growth of the industrial sector and the agricultural population stabilises itself. In the absence of all these, consolidation of lands under single holdings as a one-shot measure is not likely to stop or minimise fragmentation and problems arising therefrom.

V

Two questions need to be answered at the end. The first is about the actual enforceability of the aforesaid tenancy rights that may be given by enactment of a formal law. In the absence of the required 'conscientization' one may argue, despite the law, the share-croppers may not be aware and able enough to obtain these rights in the face of stiff and organised opposition of the landed elites making the exercise a ruse to postpone, if not to avoid, the central issue of the distributive land reform. As an answer to this, it should be reiterated once again that the tenancy reform is suggested as an immediate step towards land distributive measures deemed rather unfeasible at the present stage and that such reform can be designed to the benefaction of both the land-owner and the share cropper in conformity with the societal compulsion of increasing overall production in the interim period³⁷.

37. One may in this connection recall a Chinese proverb often quoted by Mao Tse Tung: to make a journey of a thousand li, it is necessary to take a first step.

As it allows ownership of land to remain undisturbed, it is not likely to be resisted by the vested landed interest, given an almost impossibility to gain from the water-seed-fertilizer technology beyond the already attained level without it. Besides, given the traditional desire to obtain and protect at least some rights relating to land tilled in a poor man-land society such as Bangladesh, it seems quite likely that by and large the share-croppers will be able to exercise their rights once recognised and given by law. Starting from 1885, under the provisions of the Bengal Tenancy Act to the 1950s, the tenants under the rent receiving local 'satrap' like landlords have a proven record of gradual, consistent and indefatigable attempts at obtaining and exercising their rights. Most of the 'korfa' or resident share-croppers in the 50s and the 60s in the same way obtained their rights as 'maliks' of land under the provisions of the State Acquisition and Tenancy Act. The share-croppers of today may not be as conscious as they should be from the view point of compelling an outright distribution of land at present but they are not less conscious than their forefathers of yester years. Given the law defining their rights and delineating enforceability of such rights, by and large, they will believe and demonstratively show that these rights exist. Even to a cynic, absence of law cannot be equated to the existence of the same defining rights and obligations in a field of production and on a premise of social power.

Closely related to the first is the second question centering around what remains to be done once the immediate task of the tenancy reform is completed.

This may be answered in terms of economic effects and social forces emanating out of the reform on the indicated line. Indisputably an increase in accruable income of the share-cropper constituting about 39% of all rural households along with the needed institutional support and land development measures will arrest their otherwise gradual demotion down the ladder to the rank of the landless labour and limit their unhealthy competition with the landless that keeps down the wage level of the latter. These together with avenues for owning land and limitations imposed on buying agricultural land by the non-tiller affluent are likely to arrest the process of pauperisation and polarisation, give a new strength to the voice of the actual tiller of and toiler on soil and thus provide an economic basis to the process of 'conscientization' to originate and gather support for undertaking an appropriate distributive land reform conforming to the socially accepted objectives of equity, productivity and participatory management at various stages of socio-economic change. Mao Tse Tung, perhaps the greatest reformer of land ownership and management once said — 'the land reform should be determined according to the circumstances, the level of political consciousness of the masses and the strength of the leading cadres'³⁸, and made it a fundamental condition that 'the overwhelming majority of basic masses (the farm labourers, poor peasants and middle peasants) not just a majority, must already be demanding the distribution of land'³⁹ before such reform and

38. This was stated by Mao as early as on Feb. 15, 1948. See, Mao Tse Tung: *Selected Works of Mao Tse-Tung*, Foreign Languages Press, Peking, 1969 Vol. IV p.201.

39. This was enunciated by Mao on May 25, 1948. See, Mao Tse Tung: *Selected Works of Mao Tse Tung* Vol. IV pp. 254-255.

measures are undertaken. Hopefully, inspired by conscientization' if not awed by performance elsewhere, one may as well say that tenancy reform along the indicated line will start the catalytic process leading to the ultimate change in ownership and management of lands as productive assets by the basic masses in the situational context of Bangladesh.

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