LAND PROBLEMS AND POLICY*

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SUMMARY

Some of the alarming changes over the past 15 years in the characteristics of land tenure in Bangladesh are:

1. the proportion of landless rural households has increased from about 17% in 1960 to more than 35% in 1974;
2. the average size of farm (operational holding) has decreased from 3.5 acres in 1960 to 3.2 acres in 1968 to 2.8 acres in 1974;
3. well over 40% of the farms and more than 25% of the farm area are involved in share tenancy; and
4. there are indications of an increasing trend towards the concentration of land ownership in the hands of a relatively small number of persons.

These characteristics of the land tenure system have contributed towards the increasing poverty and inequality of income, serious unemployment and the very slow technological and productivity growth. Since the extent of agricultural land available for cultivation is limited, these difficulties must increase with population growth. This is dramatically illustrated by the fact that there were 0.31 acres of agricultural land per head of population in 1975 and this extent will drop to 0.29 in 1980, to 0.22 in 1985, and to 0.18 in 1990.

The Government is well aware of these dangerous trends. It has set up numerous institutions and other organizations whose primary function is to increase agricultural productivity. Today the highest priority is being given to attain self-sufficiency in cereals as soon as possible. For this purpose it is essential that maximum utilization be made of all available agricultural land.

It is suggested that land tenure is at present a serious constraint to agricultural production. The benefits of new technology are not being realized largely because the present tenurial arrangements offer inadequate incentive to small farmers to take the risk of adopting new methods of agricultural production. These constraints are developing so rapidly that it might soon be too late to make an orderly reform. It is, therefore, necessary to change the present arrangements now.

There are several options for making such change. Unfortunately the scope of the moderate and less radical measures appears to be very limited. This is understandable, because Bangladesh is perhaps unique in having hardly any additional land that is available or could be made available for agricultural production. A constant area of land must, therefore, support all population growth.

This working paper examines the different policy options. The scope of these options is also discussed as well as the main problems that are likely to be faced in implementing these changes. It reaches the conclusion that a “land to the tiller” arrangement is possible and that the ceiling on family holdings could be reduced. There are, however, likely to be considerable difficulties in implementing such a change due both to the absence of up-to-date maps and records and also the non-cooperation and even active opposition of landowners and their supporters.
A further conclusion is reached that the present trends of population growth may soon compel the State to take even more radical measures. The mildest of these, which must conform to the requirements of the constitution regarding private property, is the introduction of the co-operative system of land holding and farming. This has unique advantages in that it will largely solve many constraints to production such as small holding, fragmentation, tenancy domination by large landowners, neglect of land due to sub-division, designing effective irrigation system on private land, need for new cadastral surveys etc.

This would appear to be a very drastic arrangement requiring a large number of trained staff. But it will solve so many tenurial problems that much of the existing staff in related departments could be diverted to build up an efficient co-operative system.

A suggestion is made that a land commission be appointed to examine these problems in detail and make clear recommendations.
LAND PROBLEMS AND POLICY

1. Land Ownership pattern

1.1 Landlessness

According to the 1960 Agricultural Census, 17.2% of the rural households were landless. This increased to 20% in 1968 and 37.6% in 1973-74. Landlessness varies substantially between different regions (Table 1). Although the sources do not provide a clear definition of landlessness, specific interpretation suggests that this includes those who do not own any land and those who own home-stead but not cultivable land.

**Table 1:** percentage of landless households by district and percentage of farms under different tenure classes in 1960 by districts

<table>
<thead>
<tr>
<th>District</th>
<th>Landless households (%)</th>
<th>Tenure Classes (% farms)</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1960</td>
<td>1973-74</td>
<td>Owner operator</td>
<td>Part tenant</td>
<td>Tenant</td>
<td>Total</td>
</tr>
<tr>
<td>Dinajpur</td>
<td>16.6</td>
<td>NA</td>
<td>42</td>
<td>50</td>
<td>8</td>
<td>100</td>
</tr>
<tr>
<td>Rangpur</td>
<td>14.9</td>
<td>29.4</td>
<td>57</td>
<td>39</td>
<td>4</td>
<td>100</td>
</tr>
<tr>
<td>Bogra</td>
<td>15.6</td>
<td>29.9</td>
<td>56</td>
<td>40</td>
<td>4</td>
<td>100</td>
</tr>
<tr>
<td>Rajshahai</td>
<td>22.4</td>
<td>42.8</td>
<td>43</td>
<td>55</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>Pabna</td>
<td>21.2</td>
<td>40.3</td>
<td>52</td>
<td>47</td>
<td>1</td>
<td>100</td>
</tr>
<tr>
<td>Kushtia</td>
<td>20.1</td>
<td>NA</td>
<td>40</td>
<td>58</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>Jessore</td>
<td>12.9</td>
<td>NA</td>
<td>54</td>
<td>45</td>
<td>1</td>
<td>100</td>
</tr>
<tr>
<td>Khulna</td>
<td>19.0</td>
<td>NA</td>
<td>61</td>
<td>38</td>
<td>1</td>
<td>100</td>
</tr>
<tr>
<td>Barisal</td>
<td>31.4</td>
<td>54.3</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Patuakhali</td>
<td>31.5</td>
<td>31.3</td>
<td>63</td>
<td>36</td>
<td>1</td>
<td>100</td>
</tr>
<tr>
<td>Mymensingh</td>
<td>16.1</td>
<td>44.9</td>
<td>55</td>
<td>44</td>
<td>1</td>
<td>100</td>
</tr>
<tr>
<td>Tangail</td>
<td>14.6</td>
<td>NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dacca</td>
<td>17.2</td>
<td>16.4</td>
<td>63</td>
<td>36</td>
<td>1</td>
<td>100</td>
</tr>
<tr>
<td>Faridpur</td>
<td>24.6</td>
<td>50.3</td>
<td>61</td>
<td>38</td>
<td>1</td>
<td>100</td>
</tr>
<tr>
<td>Sylhet</td>
<td>12.7</td>
<td>37.1</td>
<td>73</td>
<td>26</td>
<td>1</td>
<td>100</td>
</tr>
<tr>
<td>Comilla</td>
<td>9.8</td>
<td>27.8</td>
<td>80</td>
<td>19</td>
<td>1</td>
<td>100</td>
</tr>
<tr>
<td>Noakhali</td>
<td>16.2</td>
<td>NA</td>
<td>73</td>
<td>26</td>
<td>1</td>
<td>100</td>
</tr>
<tr>
<td>Chittagong</td>
<td>18.9</td>
<td>54.9</td>
<td>63</td>
<td>36</td>
<td>1</td>
<td>100</td>
</tr>
<tr>
<td>Chittagong Hill</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tracts</td>
<td>17.6</td>
<td>NA</td>
<td>96</td>
<td>4</td>
<td>1</td>
<td>100</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>17.2</td>
<td>37.6</td>
<td>61</td>
<td>37</td>
<td>2</td>
<td>100</td>
</tr>
</tbody>
</table>

1. Abdullah, April 1976.

The above trend is alarming. In 14 years, the proportion of landless households has more than doubled. This means that landlessness has grown faster than the rate of growth of population. Since future increases in urban intake will not keep pace with the rate of growth of population, the degree of landlessness will substantially increase. Apart

*A recent estimate put the extent of landlessness at 50% (Stepanek, 1976).
from population growth rate, the working of the law of inheritance, the existing working methods of credit, marketing and institutions providing high cost technology will also add to the growing landlessness.

1.2 Tenurial Arrangements

According to the East Bengal State Acquisition and Tenancy Act 1950, all rent receiving interests between the Government and the actual cultivators were supposed to be abolished. However, as a result of some flexibility in the definition of “cultivator”, intermediate rent receiving interests still exist (Read section 20 with section 2). The 1960 census indicates that 61 percent of the cultivators were owner-operations, 37% were part-tenants (those who owned some land and rented in additional land either on share or on cash basis) and only 2% were tenants (those who rented in all the land they cultivated). The 1968 Master Survey reported 66% as owner operators, 30% part-tenants and 4% tenants. A smaller survey in 1974 (Alamgir, 1975) reported 67% as owner-operators, 27% part-tenants and 6% tenants. A higher proportion of part-tenant and tenant farms are found in the North-West Region of the Country (Table 1). The actual degree of tenancy is probably much higher because many tenants who rent land from near relatives normally do not or are afraid to declare themselves as tenants.

All the above sources have classified tenure systems on the basis of operational holding so that they do not show from where the part-tenants and tenants rented their land. Ideally, tenure systems should be classified taking into account both owned and cultivated land. In that case, apart from above three, two other tenure classes may be identified: absentee owners (those who own land but do not cultivate themselves, in other words, rent out on cash or share basis to part-tenants and tenants) and part-operators (these who cultivate part of the land they own and rent out the rest).

In 1974, out of a sample of 300 farms each from the districts of Mymensingh, Rangpur an Dinajpur- 22% were found as part-operators, 44% owner-operators, 32% part-tenants and 2% tenants (Jabbar, 1976). There is no known written evidence of absentee ownership. It certainly exists, de facto. Its physical identification may be difficult but no effort has so far been made to ascertain its incidence.

Although the different systems of classification shown above do not permit meaningful comparison, the general trend seems to be a decline in the proportion of part-tenant farms and an increase in the proportion of owner-operated and pure tenant farms. The phenomena seems logical: tenant farms are increasing and part-tenant farms are decreasing because part-tenants are losing land and becoming landless; owner-operators are increasing because part-operators are probably withdrawing land from tenants and some owner-operated farms are getting sub-divided due to inheritance law but yet remain owner-operated.

There is no reliable estimate of the amount of land cultivated under share tenancy. The 1960 Census suggested 18 percent; the 1968 Master Survey suggested 17% and the 1974 BIDS survey (Alamgir, 1975) suggested that 25% of the cultivated land under share-tenancy. Whatever the figure, the proportional number of total farms depending on

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1 Absentee owners and landless agricultural workers were not included in this sample.

2 A recent estimate is that 60-90% of the land is farmed by arrangements other than direct owner cultivation (Stepanek, 1976).
share cropping is much higher than the proportional extent of total land cultivated under share cropping. This suggests that too many people are competing for their livelihood on too little land.

Crop-sharing without input sharing is the most common practice in Bangladesh although actual arrangements and shares vary across regions. In 1970, Zaman (1973) found ample evidence of input sharing (particularly fertilizers) in selected areas of Dinajpur and Mymensingh. In 1974, information from comparable areas in Dinajpur and Mymensingh revealed no evidence of input sharing in Dinajpur but very little evidence of input sharing in Mumensingh (Jabbar, 1976). In general, rental terms (both crop share and input share) are likely to be tougher on the tenant in areas where competition among tenants for renting land is high, as in the North-Western districts.

1.3 Size of holding

The size of farm is decreasing under increasing population pressure. The average size was 3.5 acres in 1960, 3.2 acres in 1968 and 2.8 acres in 1974 (Alamgir, 1975). The distribution of farms and farm area cultivated by size classes as shown in Table 2 suggests that the proportion of smaller farms is increasing.

Table 2: Distribution of farms and farm area in Bangladesh classified on the basis of acres operated

<table>
<thead>
<tr>
<th>Acres Operated</th>
<th>Farms (Cumulative %)</th>
<th>Farm area (Cumulative %)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over 12.5</td>
<td>4 3 1</td>
<td>20 16 11</td>
</tr>
<tr>
<td>Over 7.5</td>
<td>11 8 4</td>
<td>39 31 24</td>
</tr>
<tr>
<td>Over 5.0</td>
<td>23 17 11</td>
<td>58 49 43</td>
</tr>
<tr>
<td>Over 2.5</td>
<td>49 43 33</td>
<td>84 79 77</td>
</tr>
<tr>
<td>Over 1.0</td>
<td>76 75 58</td>
<td>97 96 96</td>
</tr>
<tr>
<td>Over 0.0</td>
<td>100 100 100</td>
<td>100 100 100</td>
</tr>
</tbody>
</table>

Source: Quoted in Alamgir, 1975

There is no data on the changing pattern of land ownership. To understand the pattern of ownership and pattern of cultivation, and the divergence between them, one must cross-classify farms on the basis of owned area, cultivated area and tenurial status. Such a classification is derived from Jabbar (1976) and are shown in Working paper 3 in this volume. The tables suggest that (a) the owned area is more unequal than cultivated area (also see Alamgir, 1975), (b) part-operators are generally large in size, owner-

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3 Alamgir [1975] using data from various sources has shown that Gini concentration ration is higher for owner area compared to cultivated area.
operators generally medium and part-tenants generally small whether measured by owned area or cultivated area. (c) part-operators, owner-operators and part-tenants owned land in the ratio of 1:2:4 but they cultivated land in the ration of 1:2:2: at most.

Although the figures provided in Jabbar (1976) may not be representative for whole of Bangladesh, they indicate how farms may change status. Part-operators may become owner-operators by withdrawing land from part-tenants and tenants and cultivating it themselves thereby increasing the size of their operational holding. Part-tenants may become owner operators by losing rented land or may become landless by altogether selling the small amount of land they owned. The size of both ownership and operational holding and also the tenurial status of all the tenure classes may change due to sub-division of the ownership holding by inheritance. These are exactly the kind of changes that are taking place (see also sections (a) and (b) above).

1.4 Fragmentation

More than 95 percent farms in Bangladesh are fragmented and the degree of fragmentation is increasing along with a decrease in the average size of holding. Precise figures for the whole country are not available in a meaningful manner because of the difficulty of relating fragmentation to ownership or operational holding. In any case, the degree of fragmentation varies substantially across regions (Table 4). The sub-division of holdings is increasing rapidly because of the existing (religious) laws of inheritance and rapid growth of population.

2. Factors Contributing to the Existing Pattern of Land Ownership and use.

Population pressure is by far the most important contributory factor in growing landlessness. It is decreasing the size of farms, increasing fragmentation, and making share tenancy terms more difficult for the tenant. Other contributory factors are some inherent characteristics of the existing system of property relations and specific government policies (or lack of it) in relation to land ownership, technology, rural organization and credit.

The 1950 Act put the land ownership ceiling at 100 bighas (33.33 acres). In 1961 this was raised to 125 acres giving legal recognition to what really happened between 1950 and 1961 i.e. the actual increase in concentration of land. PO 98 of 1972 again reduced the land ceiling to 33.33 acres. Families holding land in excess of the ceiling were required to declare to the Government their ownership of land before mid November 1972. The land in excess of the ceiling was then to be redistributed.

As late as 1974, farms were found to own nearly twice the maximum permissible amount of land (Jabbar 1976). This suggests that PO 98 was not implemented properly. There is reason to believe that many large land owners evaded the provisions of PO 98 by registering land in the name of different members of the family although the entire family lived as single family unit. PO 98 achieved very little in terms of arresting growing

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4 The Agricultural Census of 1960 indicates that more than 90% of the farms were fragmented
5 e.g. the (religions) laws of inheritance which required that all children should inherit and the need for such an arrangement in the absence of alternative avenue of employment.
landlessness, fragmentation and decrease in farm size. Only 76,712 acres were declared as land in excess of the ceiling.

Share cropping as an institution prevails because of different reasons. On the demand side, the most important reason for renting in is that many farmers own less land in relation to their available supply of labour and capital (mostly animal-power). They, therefore, rent in additional land to fully utilize their labour and capital. On the supply side there is more than one reason for renting out land. Labour and bullock power are the main ingredients of traditional technology. Big land owners must hire labour, casually or annually, and maintain large number of work animals if they want to cultivate all their land themselves. On the other hand, their farms are highly fragmented. Given these conditions, there seems to be a technical limit to the efficient size of a cultivating unit. From the evidence of one study (Jabbar 1976), the limit appears to be 10-15 acres since none of the farms studied cultivated more than 15 acres although about 8 percent of the farmers owned more than 15 acres and about 5 percent owned more than 30 acres. Farms owning land in excess of the technical limit find it economical to rent out the excess land. Since many small farmers (not to speak of landless labourers) compete to rent land, land owners can dictate rental terms to their own advantage. They can also exploit tenants by limiting the amount of land rented to a single tenant, by frequently changing tenants, by not sharing non-land inputs etc. The share tenants in Bangladesh are not registered and are tenant at will.

Under traditional technology, fixed/cash renting is considered favourable to tenants. Under high cost technology, cash/fixed rental is less favourable to tenants because of the high risk involved. There are reports that land owners in areas using high cost technology prefer to give out land on fixed rental in order to dissociate themselves from risks of cultivation.

Some land owners rent out part or whole of their land because they have non-farm activities e.g. business, salaried employment. Some of these owners have strong urban connections but they do not abandon completely their rural land because land is a highly secured long-term investment. For some of them, farm income is a necessary supplement to non-farm income. To such land owners, high productivity may not be the main consideration in owning land. Social prestige and a regular fixed income are, perhaps, more important to them. These categories of land owners are probably more harmful to the society than rural-based landlords because although the latter oppose any change of land system, the farmer influences the Government not to take any decision at all.

It has been suggested that large owners resort to sharecropping because they do not have adequate capital (Khan, 1972). This is an inadequate (in fact wrong) explanation. Many large farmers invest their internally accumulated capital in non-farm business or in buying land rather than in new technology possibly because investment in new technology is relatively more risky. Movement of capital from non-farm to farming activities is rare. Where this occurs, it usually takes the form of investment in land which

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6 The wages are reported to be extremely low: 8 Takas per day with food or 10 Takas a day without food for casual workers and about 900 Takas a year for permanent agricultural workers (Stepanek, 1976).
often ultimately increases landlessness and sharecropping) rather than in increased productivity.

Even if large owners have inadequate capital from both farm and non-farm income, they can raise capital by borrowing. In practice they do; because the existing credit institutions are biased in their favour. In fact, capital scarcity is a more serious limitation for part-tenants and tenants for meeting cultivation expenses because they do not have adequate security to borrow from formal institutional sources. They, therefore, are obliged to fall back upon their landlords or village money lenders who lend at high interest rates. Even if Banks do not insist on collateral in land (as in the case of current 100 crore taka credit programme), they will require proof of the tenants right to cultivate the land. The landlord naturally will not issue any certificate for this purpose because it could be used later to establish the tenant’s right permanently.

Institutional credit is not normally available for purchasing land. This does not create any problem for the larger owners because they can purchase land with internal surplus and then borrow from institutional sources to finance the farm business. Bank sources suggest that small holders are better repayers than large holders. Yet the Government has on many occasions exempted overdue loans and thereby helped the large farmers still further to acquire land from small holders.

The pauperization process also gets reinforcement from the Government’s input and output pricing and distribution policies. Since small farmers own a small proportion of the total land, their opportunity to derive benefits from subsidized, yield increasing technology is also small compared to large land owners. Moreover, the credit mechanism does not help them to derive any benefit. Small farmers also do not get the potential benefit of the Government procurement policies (be it rice, jute tobacco or anything else). Large farmers benefit much more than small farmers who have little to sell. Moreover, large farmers have greater control on resources, market and the decision making mechanism.7

3. Effects of the Land System on Production and Distribution

The present pattern of property and production relations are working towards a low growth potential and also an inequitable distribution of income. This pattern is getting reinforced by the land based power structure both at the village and the national level.

3.1 Poverty and Landlessness as a Deterrent to Production

In 1973-74, 94% of the rural population were estimated as living below the poverty line in the sense that their absolute level of wage, employment and real income are very low; so much so that it does not meet an objectively defined criterion of minimum living standard (Alamgir, 1975). This state of poverty depresses production

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7 For a discussion on how institutional mechanism works in favour on the rich, see Abdullah et al., January 1976.
from both supply and demand sides. On the supply side, poverty means poor health and stamina, poor quality and performance of work, low actual labour input in production from a comparatively large labour force ultimately resulting in low output. On the demand side, poverty and landlessness reduce the purchasing power and therefore the effective demand for grain and other consumption goods in the rural areas. This in turn affects the prices of food-grains and other agricultural commodities and ultimately stifles production. It is theoretically and practically possible (as has been pathetically demonstrated in the past) that there can be starvation while there is adequate food in the country. Even looking at it from the limited productive point of view alone, the lack of purchasing power in the rural areas will ultimately depress the price of food-grains and thereby dampen the production incentive to farmers reducing their willingness to invest in high cost but high output technology.

The Government’s supply of credit and input to fuel the expansion of new technology has often been intercepted or captured by the landlord-dominated institutional structure. This has often led to the dispossession of the smaller farmers. Their reduced purchasing power tends to deflate prices and takes the wind out of the sails of the production drive. It is often a self-defeating cycle.

3.2 Share Tenancy as a Deterrent

Share tenancy as an institution is both exploitive and production depressing mainly because of insecurity of tenure, unfavorable rental terms and unfavorable treatment given to tenants by credit and input supplying agencies. As a result, extensive use of high cost, high risk, high productive technology is not likely to come about on rented land.

The slow growth of yield-increasing technology on tenant farms will also depress the effective employment of the available labour force and will depress living conditions thereby. Since a substantial proportion of the total land and a still higher proportion of the cultivators are involved in sharecropping arrangements, any production-technology strategy which tends to bypass them is bound to be self defeating.

3.3 Land Concentration as a Deterrent to Production

The opposite side of poverty and landlessness is land concentration in a few hands. Although the degree of concentration is limited by the working of inheritance laws, fresh purchases from small holders partially off sets this trend. Larger land owners have in the past benefited most from the subsidized input and output price policies of the Government; yet they are not making full use of these benefits. For example, public investments in irrigation facilities have been grossly underutilized and low exploitation of those benefits by large owners is one of the major factors contributing to low capacity utilization. Rather than pursuing production in capitalist lines, most of them have continued to remain semi-feudal or feudal in nature and continue to practice sharecropping. Rather than intensifying production, they seem to prefer to extend land ownership horizontally by displacing smaller owners. The area characterized by largest holdings are often the areas of lowest cropping intensity.

Land concentration depresses the employment situation in two ways. Firstly, if large owners cultivate all their land themselves by hiring labour, they will do so until
marginal productivity of labour at least covers the wage paid. If they use improved technology, the demand for labour will increase but at far slower rate than increase in output. (Clay 1976). The nature of the technology may also induce them to go in for labour displacing methods resulting in further decreases in employment. Secondly, if large land owners continue to cultivate land through sharecropping, the effect again will be, (as explained earlier) a lowering of the potential output and employment.

4. The Need for a Change in the Land System

The avowed goal of the Government is to increase production as rapidly as possible compatible with distributive justice. Bangladesh has shown a considerable increase in production over the last two years but the extents of landlessness and inequality have, if at all, increased. Thus, despite the accelerated production programme, inequality and destitution have increased.

Achieving growth with justice will depend on devising a production strategy which has provisions to distribute the fruits of production on as wide a geographical base as feasible, distributed as widely as possible between different land classes and uses, different crops and different groups of people. Since the production base tends to determine the distribution base in a free market economy (or in a subsistence economy for that matter) the widest fall out of production benefits would accrue from such a strategy. As described in the last three sections, the existing land system (both of ownership and of use) is not conducive to pursuing such a production-distribution strategy.

Even if self-sufficiency in food grains were attained by 1985, the extent of unemployment in the agricultural sector is estimated to be 9 million man-years in 1985 compared with the present figure of 7 million man-years in 1985. Nor is there reason to believe that the current expanded programmes of investment for the extension of the high-yielding technology will make much of an impact on poverty and landlessness the roots of which also lie in the land system. The reason for this is that the main institutional structures prevent the inputs and subsidies provided by the Government from reaching the intended beneficiaries- the small farmers. For whatever credit, subsidies or inputs that are funneled through institutions distorted by the local power structure will, by definition, result in perverse consequences. Institutions supporting a non-neutral (highly inequalitarian) land system are never neutral although they pretend that they are. The working methods of all the Government institutions including the IRDP do not seem to recognize the class conflicts that exist in the villages. The IRDP proposition to form cooperatives for different groups, e.g. landless workers, share tenants etc. is likely to further strengthen the power of land owners.

Since land is the basis of increasing productivity, income and employment in the rural areas, and since their increase ranks among the major objectives of the Government and since the present land system and the Government institutions supporting it are the main obstacles towards achieving the stated objectives, it is imperative that a development programme must start by changing the land system and the supporting institutional structure.
It is certainly possible that a drastic change in the land system may result in reduced production. This may happen initially, but a far greater decline in output may result within a few years from a continuation of the existing system.

Even now small farms on their own are not viable production units under traditional technology. Small size coupled with the high degree of fragmentation prevents them taking full advantage of yield increasing technology. However, these farms may still be made viable by a drastic redistribution of land and cooperative farming keeping individual ownership. If such a reform is postponed and if the present rate of growth of population continues, in the ten years from now very few farms will remain economically and technically viable. Then, very likely, there will be no scope for undertaking a reform retaining individual ownership. The price that must be paid to introduce a charge may be high, but we are already paying high prices in increasing installments. Further delay may mean a still higher price in fact it may soon be too late to make any orderly change.

A properly administered change may not disrupt production at all. Land redistribution with appropriate credit, input and institutional support should result in greater productivity, greater income and greater employment.

There is evidence to suggest that medium sized farms (2.5 to 5 acres) are relatively more productive compared to large and small farms (Hossain 1974, Jabbar 1976). These medium sized farms are normally owner-operated while small farms and large farms are respectively tenant/part-tenant and part-operated (Jabbar 1976). Therefore, a distributive policy aimed at increasing the land holding of part-tenants and tenants and decreasing the land holding of absentee owners and part-operators is likely to increase the total number of owner-operated farms and thereby increase output, decrease inequality and increase employment.

Such a policy should also aim at reducing the degree of landlessness in the country. Indeed, there is no patent or single measure by which the present problem can be solved; nor can any measure be exclusive and a once-for-all operation. Alternative options or combination of options must be examined and bold programme that could be implemented, even in stages, should be devised. Some of the policy options are discussed in the following section.

5. Some Policy Options

5.1 Distribution of Agricultural Land Belonging to the State

Large extents of state land that were suitable for settlement were distributed to farmers in 1973 and 1974. Thereafter, settlement operations tapered off and only about 3,363 acres were settled in 1976. There are now about 171,000 acres left. Possibly a further 48,000 acres would be fit for settlement on reclamation (Abdullah, 1976). It is likely, however, that much of this land is unsuitable for farming or is no longer available due to encroachment. It may be worthwhile, nevertheless, to locate and identify these lands and examine their suitability for settlement or for some other productive use such as pasture.

The policy regarding the settlement of agricultural lands at the disposal of the Government is set out in memorandum No. 2L-77/70/223-RL dated 2 August, 1972.
These procedures could be simplified and the size of unit now prescribed at 1.5 acres could be increased to raise the level of the allottee above subsistence. Even if all the land left over is suitable for agriculture the extent is too small to make an appreciable impact on the landlessness that prevails in the country.

5.2 Acquisition of Abandoned or Uncultivated Land

Land has a social purpose. This is particularly true in Bangladesh where it is essential that all available land should be fully utilized. Field enquiries by the Ministry of Land Administration suggest that there are several small plots of privately owned agricultural land that are now abandoned. The main reason why such lands are abandoned appears to be that there are now so many owners that none of them is interested in exploiting the land. It should be possible to acquire such lands and reallocate them in units of reasonable size. The benefits gained from such acquisition, however, will not justify the large amount of administrative and possibly legal work involved in this procedure.

It is known that some rich landowners find it worthwhile to purchase agricultural land purely as a buffer against inflation and sometimes also because site values are increasing rapidly with the development of the country. Such landowners could afford to leave these lands uncultivated or to cultivate them for only one season. Such under-utilized lands could be acquired by the State and redistributed to small holders. Less drastic procedures for dealing with this situation are:

(a) Levying a punitive tax on agricultural lands that are under-utilized;
(b) Allowing share tenants who want to grow a second or third crop on such lands to do so free of rent in respect of those extra crops;
(c) Introducing some system whereby the landowners bear the cost of inputs at the commencement of the cultivation, subject to recovery of these costs plus reasonable interest at harvest time on the customary share basis.

There are practical difficulties in these limited approaches. Special regulatory staff may be necessary to detect under-utilization of agricultural land and to assess the tax payable. The owner may not give the share tenant timely notice that he does not propose to undertake the cultivation of a second or a third crop. Short of compelling legislation it may not be easy to persuade the landowner to bear the cost of inputs even though this will be subject to recovery.

Whatever action is taken regarding these under-utilized lands the total impact on landlessness and unemployment will not be appreciable.

5.3 Redemption of Lands Sold by Small Holders

Small holders are often compelled in times of distress to mortgage their lands. Under the terms of these mortgages the small holder loses possession of his land. By degree he gets more and more indebted and is finally compelled to sell his land. At present there is no provision under which he can buy the land back. Even if the new owner were willing, the small holder would not have the money to buy back the land.
The State could, in the circumstances, make arrangements to redeem the land at a special valuation and alienate it under special conditions to the former owner. Such procedures are certainly likely to act as a deterrent against the encirclement of small landowners by the rich. But a vast amount of administrative and legal work would be required. The benefits gained are hardly likely to justify the effort involved.

5.4 Security of Tenure

The Bengal Tenancy Act of 1885 conferred on the tenants the right of permanent occupancy, heredity and transferability. The rent was fixed in perpetuity and these rights continued even when the landowner sold his rights.

These tenants later became owners (Maliks) under the East Bengal State Acquisition and Tenancy Act, 1950. This Act created, however, another class of tenants because, in effect, the share croppers (bargadars) were not regarded as tenants under this law. These bargadars were not entitled to receive ownership rights to the lands they cultivated as share croppers. Even now these share croppers have no permanent rights and are regarded as tenants at will. The share they get of the produce is not prescribed by law.

There is no reliable data on the numbers of such tenants and their distribution over the districts. The available information on tenancy is summarized in an earlier section.

All these tenants could be given security of tenure by making their righting permanent occupancy, heredity and transferability.

The legislation granting security of tenure to tenants of agricultural land could include provision that these tenants could purchase full ownership rights from the landlord. There is, perhaps, some justification for the tenants to become owners of the land automatically after a reasonable period of time.

It is likely that no immediate surveys will be required to implement such legislation because the boundaries of the lands now being cultivated by the tenants are known in the village. Much of the work, including disputes regarding tenancies, could probably be settled at village level. There should of course be provision for Tribunals to deal with appeals against decisions made at village level. An essential feature of this arrangement would be the preparation of formal lists of tenants in each village. Such lists could be prepared without much difficulty because there are cadastral maps and registers of owners and tenants.

The grant of security to tenants would strengthen their hand in their dealings with the landowners. This will act as an incentive to higher production and the development of the land. The landowner also will not lose interest in the cultivation because he will still be entitled to his share of the produce.

The grant of security to tenants will certainly break many inter-personal rights in the village. In the present rural setting, where the rich landowner is also a patron of his tenants, it may well be that man such tenants will not risk the displeasure of the landlords by claiming tenancy rights. Under the present power structure in the village there is no reliable method of ascertaining tenancy except by a village organization weighted heavily in favour of the tenants. The establishment of such an institution is an essential precondition to the introduction of such a law.

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8 As, for example, prescribed in item (7) of memorandum No. 2L-77/70/223-RL dated 2 August 1972
For practical reasons the definition of the word ‘tenant’ will have to exclude hired workers and, of course, the land owners. There will be anomalies caused by landlords changing their tenants just before a tenancy law takes effect. It must, therefore, be retrospective. In most cases these difficulties will even off. Provision could be made in the law to deal with cause of hardship.

Any law granting security of tenure should be introduced simultaneously with a crop sharing law described below.

5.5 Changing Crop Sharing and Rental Arrangements

At present there is no law prescribing crop sharing and rental arrangements. The general, informal arrangement is for the landowner to receive one half of the gross produce merely for providing the land. In practice, it is likely that several individual arrangements are being made based largely on supply and demand. The tenant is in a weak position because he has no security of tenure. The landowner sometimes arranges to provide part or all of the inputs for a larger share of the produce.

Crop sharing and rental laws should be introduced simultaneously with the grant of security of tenure to tenant cultivators. In 1947 there was a movement (Thevaga movement) for reducing the landowner’s share of the crop to one-third while the tenant was to get the remaining two-thirds. There was considerable opposition by the landowners at that time. It may, perhaps, be opportune now to revise the crop sharing arrangements drastically in favour of the tenants. It is interesting to note that almost every country in S.E. Asia and the Far East that introduced tenancy regulation allowed no more than 25% to the landowner.

This would increase the incomes of the tenants and might act as an incentive for them to use modern technology.

An arrangement for granting a fixed rental annually could also be considered. Even now some landowners adopt this arrangement (Kot). It is used largely by absentee landowners who are unable to supervise farming operations. The risk of the cultivation is borne entirely by the tenant. As this is a real risk due to the incidence of flood and drought the rentals should be adjusted well in favour of the tenant. In the absence of agricultural insurance, however, the tenant should be allowed a waiver if his crop is destroyed by action beyond his control.

Theoretically, security of tenure and changing rental terms are very good measures for raising output and reducing income inequality. Practically, such programmes could not be successfully implemented anywhere in Asia except in Taiwan and Japan where special situation prevailed at the time of implementation.

5.6 Land to the Tiller

The word “tiller” would seem to include both the tenant who cultivated another’s land on a crop sharing or a rental arrangement and the hired agricultural worker. It is,

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9 It is claimed that there is a law, but this could not be traced. The Directorate of Land Administration is not aware of such a law
10 Sharecrop (borga), annual rent (lagit) and “usufructuary mortgage”. (rehan).
however, necessary to deal with these two types of cultivators separately. The hired worker is usually an employee who is engaged casually or permanently and he has no management responsibilities. His relationships to the land and to the cultivation operations are quite different from those of the share cropper.

Both as a distributory measure and as an incentive to the tenant the State could introduce legislation automatically to convey ownership rights to the tenants who cultivate the land. The word “tenant” should be carefully defined to exclude both the land owner as well as any hired workers.

This arrangement also will not require any immediate surveys or the investigation of land rights. The identity of the persons who are actually cultivating the land as tenants should be known in the village. Most disputes could probably be resolved at village level. There should, of course, be provision for appeals to a Tribunal at higher level.

An arrangement for granting land ownership rights to the tiller (tenant) is a continuous, but irreversible one. Measures could also be taken to ensure that every owner of agricultural land cultivates the land himself with the assistance of only his family. Hired workers then are likely to get an opportunity to own land. This, perhaps, could come later.

It must be realized that there are many small holders who even now have their lands cultivated by tenants. This may be because they work in areas distant from their lands or are old and feeble or are females who customarily do not engage in cultivation. There is no data on the numbers of such persons. Unfortunately the poorer landowners of this category will suffer hardship if the ownership of their land goes over to the tenant.

Compensation should be paid to the owners of tenanted lands. Since market values are high the tenant will not be able to make payment at such valuations. He could, perhaps, be required to pay compensation at a rate not exceeding the usual landowners share for a limited period of time. The adoption of a sliding scale for paying compensation would grant some relief to the small (absentee) landowner.

A “land to the tiller” arrangement has the special advantage that the land will continue to be occupied by the cultivator. The State will, therefore, not be burdened with the task of taking over a vast number of allotments of land and distributing the land to selected allottees. There will, of course, be differences in the size of the allotments that will vest in the tenants. This problem could probably be dealt with at a later stage.

Another advantage is that this arrangement is likely to reduce drastically the extent of land owned by large land owners. In effect, therefore, it is a relatively simple preliminary operation to a drastic reduction in the land ceilings. As a consequence, when the ceiling is reduced, there will be a much smaller number of families who will have to send declarations of ownership in excess of the reduced ceiling. This will considerably simplify the much more complicated task of reducing the present ceilings on agricultural land if such action is considered necessary.

The main difficulty that is likely to be encountered is that weaker tenants may be afraid to claim tenancy rights. Some of them would be reluctant to displease the landlord who is often a rich relative. This difficulty has already been discussed earlier.

A “land to the tiller” arrangement appears to have been conceived in the East Bengal State Acquisition and Tenancy Act 1950. Section 81 Stipulates that “there shall be only one class of holder of Agricultural land, namely the ‘maliks’.” Indeed, sub-letting was prohibited on any terms and conditions whatsoever. However, the definition
of the words “rayat” and “under rayat” in Section 2 seems to have denied the share croppers the right to become ‘maliks’.

5.7 Reduction in the Ceiling on Family Holdings

The present ceiling on agricultural land that can be held by a family is 100 bighas (33.33 acres). This ceiling was in force from 1950 until 1961 and again from 1972 as set out in Presidential Order No.98 of 1972. The Revenue Officers received declarations from 5,371 families notifying ownership in excess of the ceiling (under Clause 7 of P.O. 98 of 1972). They have dealt with all these declarations and the total extent of land that vested in the State in the region of only about 77,000 acres (Table 3). Most of these lands have already been redistributed.

Table 3: Submission of Statement by Heads of Families Owning Agricultural Lands Exceeding 25 Bighas and All Kind of Lands Exceeding 100 Bighas under P.O. No 96 and 98 Respectively of 1972

<table>
<thead>
<tr>
<th>District</th>
<th>No. of returns filed by families holding land over 100 bighas</th>
<th>Area of excess land as per such returns (acres)</th>
<th>No. of returns filed by families holding land in excess of 25 bighas</th>
<th>Total area covered by such returns (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Dinajpur</td>
<td>579</td>
<td>6,592</td>
<td>33,513</td>
<td>33,497</td>
</tr>
<tr>
<td>2. Rangpur</td>
<td>486</td>
<td>4,385</td>
<td>33,071</td>
<td>68,068</td>
</tr>
<tr>
<td>3. Bogra</td>
<td>185</td>
<td>3,942</td>
<td>11,708</td>
<td>70,913</td>
</tr>
<tr>
<td>4. Rajshahai</td>
<td>800</td>
<td>5,892</td>
<td>7,488</td>
<td>69,965</td>
</tr>
<tr>
<td>5. Pabna</td>
<td>261</td>
<td>3,248</td>
<td>16,097</td>
<td>39,227</td>
</tr>
<tr>
<td>6. Kushtia</td>
<td>176</td>
<td>2,003</td>
<td>15,893</td>
<td>36,975</td>
</tr>
<tr>
<td>7. Jessore</td>
<td>302</td>
<td>268</td>
<td>27,230</td>
<td>57,740</td>
</tr>
<tr>
<td>8. Khulna</td>
<td>363</td>
<td>7,095</td>
<td>26,245</td>
<td>88,239</td>
</tr>
<tr>
<td>9. Bakerganj</td>
<td>131</td>
<td>1,483</td>
<td>16,085</td>
<td>66,161</td>
</tr>
<tr>
<td>10. Patuakhali</td>
<td>137</td>
<td>371</td>
<td>10,739</td>
<td>70,771</td>
</tr>
<tr>
<td>11. Faridpur</td>
<td>211</td>
<td>10,825</td>
<td>20,475</td>
<td>95,826</td>
</tr>
<tr>
<td>12. Dacca</td>
<td>89</td>
<td>1,534</td>
<td>7,212</td>
<td>11,034</td>
</tr>
<tr>
<td>13. Mymensingh</td>
<td>479</td>
<td>5,066</td>
<td>43,033</td>
<td>24,057</td>
</tr>
<tr>
<td>14. Tangail</td>
<td>60</td>
<td>568</td>
<td>9,225</td>
<td>29,538</td>
</tr>
<tr>
<td>15. Comilla</td>
<td>93</td>
<td>1,452</td>
<td>8,829</td>
<td>32,397</td>
</tr>
<tr>
<td>16. Noakhali</td>
<td>205</td>
<td>2,971</td>
<td>9,082</td>
<td>25,611</td>
</tr>
<tr>
<td>17. Chittagong</td>
<td>74</td>
<td>2,179</td>
<td>3,258</td>
<td>58,269</td>
</tr>
<tr>
<td>18. Sylhet</td>
<td>728</td>
<td>16,367</td>
<td>28,490</td>
<td>32,446</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>5,371</td>
<td>76,712</td>
<td>3,28,403</td>
<td>55,32,002</td>
</tr>
</tbody>
</table>

Source: Ministry of Land Administration and Land Reforms (Quoted by Abdullah)
The distributive effect of the imposition of ceiling in the past has been disappointing. The total area that vested in the state under the Act of 1950 is reported to be in the region of only 170,000 acres. Similarly the extent of land that vested in the State under Presidential Order 98 was only in the region of 77,000 acres. This may largely be due to evasion.

In spite of evasion and, perhaps, non-declaration it is evident that the land distribution pattern in Bangladesh is more egalitarian than in most neighbouring countries. There are certainly only few very large holdings.

There is insufficient data on which the extents of land that would vest in the state under different, reduced ceilings could be computed. According to a return of the Ministry of Land Administration and Land Reform (Table 3) about 328,400 families declared (in 1972) that they owned land in excess of 25 bighas (8.33 acres). The area covered by the returns is 5,532,022 acres.

If the 328,400 declarant families are allowed a ceiling of 25 bighas (8.33 acres) the extent of land they could retain would be in region of 2,737,000 acres. The extent in excess of the ceiling that would be available for redistribution will then be in the region of 2.8 million acres. Other estimates are 2.63 million acres for a ceiling of 7.5 acres by Khan (1972) and a similar figure by Zaman.

It is realized that the estimate for the 25 bighas (8.33 acres) ceiling is prepared on 1972 data. Since then there has been fragmentation due to the operation of inheritance laws. At the same time there may have been some degree of under declaration or evasion. It is, nevertheless, likely from these figures that quite an appreciable extent of land will be available for redistribution on a ceiling of 25 bighas. Handling such a large acreage and so great a number of declarants will be a formidable task. Fortunately this would be greatly simplified if simultaneously a “land to the tiller” policy were adopted. The number of declarants and the extent of land would be considerably reduced.

The ceiling of 100 bighas for a family now in operation may not appear to be unduly generous because a “family” is defined as: “A person and his wife, son, unmarried daughter, son’s wife, son’s son, and son’s unmarried daughter; provided that an adult and married son who has been living in a separate mess independently of his parents, continuously before the 16th day of December 1971, and his wife, son and unmarried daughter shall be deemed to constitute a separate family”. (President’s Order No.135 of 1972).

In practice, however, it is very likely that most of the large landowning families split up to evade the ceiling limitations. Present experience shows that, even with this ceiling, land ownership has become a source of power which can dominate the village and syphon off the benefits of credit and subsidy directed by the Government towards the small holder.

The possibility of reducing the present ceiling, also as a measure weakening the power of the large land owner in the village, must therefore, be considered. Under present circumstances this would be quite a formidable task both because a large number of landowners would be involved and also because land records and cadastral surveys are not kept up-to-date. As stated earlier, the operation of a “land to the tiller” programme will considerably reduce the number of large land owners who will have to declare lands held in excess of a new ceiling.
Suitable provision will have to be made in any law that reduces the present ceiling on family land holdings to prevent evasion. The most obvious method that is likely to be adopted is for the present (joint) family to break up into more than one family. The word “family” may, therefore, have to be more rigidly defined.

If the tenants have already obtained ownership rights over the holdings they are cultivating, the direct beneficiaries of a reduction in the present ceiling on land ownership are likely to be the hired workers. The indirect beneficiaries will, of course, be the vast number of small holders who were in the past dominated by the large land owners.

5.8 A land use or an Agricultural Lands Law

At present there is no law under which farmers could be compelled to grow certain crops or be prevented from growing such crops. The land owner can, therefore, neglect or under-utilize his land if it suits him. The demand for agricultural land and the need for increased productivity are so great that it may be desirable to introduce legislation to ensure that agricultural land is fully utilized in accordance with the policy of the government.

The approach need not be negative by only imposing penalties for neglect or for under-utilization. Rather, there should be arrangement to assist the owner. There should, however, be provision for the land to be taken over by the State and handed over to a village organization or to another farmer for cultivation. This will, of course, be done only if, after suitable warning, the owner continues to under-utilize his land or fails to conform to government directives. The mere fact that such provision exists and, perhaps, could be enforced is likely to induce owners to make adequate arrangements to cultivate their lands. The scope of such a law could be expanded to provide for:

i. Security of tenure to tenant cultivators;
ii. The rent or share of the crop payable by the tenant and the preparation of lists of tenants;
iii. The establishment of Cultivators Committee or other village organizations with powers to supervise the operation of the law and
iv. Simple procedures for the determination of tenurial and other disputes relating to agricultural lands.

It should be recognized that the implementation of such a law must be supported largely by institutions at village level.

5.9 Land Revenue

According to Notification No. 1151-Pub published in the State Gazette of 13 December 1976, the only tax on agricultural land that will be imposed from 1977 is:

a) Three poisha per decimal for family holdings that do not exceed 8.25 acres.
b) 15 poisha per decimal for family holdings owning more than 8.25 acres.
This tax appears to be extremely low and represents only a minute fraction of the gross yield of the land. The State Acquisition and Tenancy Act, 1950 suggests that the tax should not exceed 10% of the gross yield which, even if calculated at low yields, would be in the region of 100 takas per acre. The land tax in other countries is much higher, for example, 4% of the gross yield in Indonesia.

There seems, therefore, to be some scope for increasing the rate of taxation. The increased revenue could initially be used to finance food production under improved technology. When higher yields are obtained there would be no difficulty in paying a higher tax. The initial investment may have to be in the form of an advance or a grant (for example under the taka 100 crore credit scheme) because the increased taxation can only follow advanced technology and cannot precede it.

5.10 Cooperative Farming

The tenurial problems discussed earlier are so complex and the solutions equally complicated and difficult to implement that it is necessary to consider more radical changes that may simplify procedures.

One such solution is cooperative farming. Already several forms of cooperative farming have been tried out in the country e.g. Bamail Cooperative Farm. The general verdict seems to be, however, that cooperative credit and other simple forms of cooperatives should be developed before cooperative farming, in which the holdings are merged, could be undertaken (Zaman, 1974).

Theoretically, it would seem that cooperative farming could simplify a host of difficulties and eliminate many land problems. Fragmentation and sub-division of holdings will not be a constraint to cultivation under some cooperative systems. There are also arrangements that could progressively combat the evils of unequal distribution. Under cooperative farming there need be no problem in laying out the most efficient irrigation system on land owned by several persons. Lands and ponds that are neglected due to there being a very large number of owners could be rehabilitated and developed under this system. Cadastral surveys and registration could be greatly simplified under certain systems of cooperative farming and “common” lands could be more fully utilized.

Several types of arrangements passing through stages and a time scale are possible ranging from systems where the individual ownership of specific land is maintained to the more extreme arrangements where the individual owners have only shares in the cooperative but no ownership of any specific parcel of land. The political implication of such a programme is obvious. In the long-term, such a programme should lead to a drastic change in the socio-economic system; whereby private ownership of the means of production will be abolished.\footnote{Modern cooperatives reflect the general increase in the scale and the increasing intrusion of the state, which are characteristic of all forms of activity in modern society- capitalist or socialist (Worsely, 1971).}

Ideally, cooperative farming should be introduced following a land to the tiller and/or a ceiling on family holdings and land redistribution programme. Otherwise, cooperative farming is not likely to be successful in terms of its long term objectives. Further, cooperative farming is likely to be more successful if accompanied by improved production technology. Already some small-scale experiments in Mymensing and
Comilla have proved that a cooperative farming system based on individual ownership but joint use of land is better than individualistic production organization (with or without involvement in traditional service cooperatives) in terms of employment, income distribution, loan utilization and loan repayment. Further progress with these cooperatives may be difficult unless the land ownership pattern is changed. It may be advisable to initiate this program in selected geographically contiguous areas, especially those with high land concentration. Large scale irrigation project areas may also be considered for this purpose.

Much preparation work will, of course, be necessary before such schemes can be extended all over the country. But this is not a valid reason for rejecting this option. It should be possible to devise scheme for training large numbers of dedicated workers for this purpose. Since the advantages are so great it may be possible to divert staff from other departments to undertake this work. Perhaps determined efforts will be made to set up pilot projects to test these arrangements and train staff to guide the farmers.

5.11 Appointment of a Land Commission

It is clear that the tenurial problems of the country are acute. These are becoming increasingly complicated due to the rapid growth of population. The fact that the extent of agricultural land in the country cannot be appreciably increased adds to the problems. The options suggested in this paper need to be examined closely to assess the impact of implementing these options. It is suggested, therefore, that a Land Commission be appointed to examine the tenurial problem in all its aspects and the economic, social, financial and administrative considerations. What is needed is first to examine the existing laws and regulations. If they conform to the present policy of the Government but are not operative, the reasons for this should be studied. If effective remedial action is not possible the commission can recommend changes.

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