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## **LAND REFORM IN BANGLADISH\***

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The concept of land reform has two different aspects, land tenure reform and land operation, or use, reform. Land tenure reform refers to a change in the pattern of ownership of land; distribution from large to smaller owners is only one aspect of this type of change. Land use reform refers to changes in the pattern of cultivation, or terms of holding and scale of operations, and reform in this area may be independent of, or only indirectly related to, land tenure reform (Tuma 1956, pp.8-14).

In the geographical area now comprising Bangladesh, there have been only two major land reform measures undertaken during the last two hundred years. One of which formalized feudalism production relations and the other abolished them. Full scale feudalism production relations were instituted in India by the colonial government via the Permanent Settlement Act of 1793. The major objective of the 1793 Act was to create a class of loyal landed aristocrats (Zamindars), and this decentralized the system of revenue collection which had become costly to the colonial government in terms of manpower, money and time. Although the 1973 Act was later subjected to various amendments which curtailed the rights and interests of Zamindars, created more intermediaries under them and gave more rights to cultivators, the system yet enabled the colonial government to realize the twin objectives for more than 150 years. During this long period many peasant movements and revolts erupted throughout Bengal but they were unorganized and sporadic, centering on specific issues in specific areas. These movements became substantially organized only in the thirties and forties of this century, but even then their efforts were aimed at reforming some of the exploitative and torturous elements and not at the total overthrow of the Zamindari system. Only once during this long period was there an attempt to change the system with popular support. This was in 1937, when the election to the Bengal Legislative Assembly was fought by the Krishak Praja Party, led by A.K. Fazlul Hoque, with a promise to abolish the Zamindari system and to free the farmers from debts to the Zamindars. The party failed to get a majority in the election, so had to form a coalition Government with the Muslim League which represented the interests of the Zamindars. The Praja Party ultimately had to abandon the idea of abolishing the Zamindari system although one promise was fulfilled, and by the institution of Debt Settlement Boards throughout Bengal millions of debtor farmers were freed from the clutches of inherited debts to Zamindars.

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In: *Agrarian Structure and Rural Change*. Report prepared for the First FAO World Conference on Agrarian Reform and Rural Development, by the Government of the People's Republic of Bangladesh, Ministry of Agriculture, Dhaka. Chapter 14, pp.134-148.

The unsatisfactory tenurial situation also led to the inclusion, in the terms of reference of the commission of enquiry on agrarian conditions after the Bengal famine, of the issue of tenure. This, the Floud Commission, recommended in 1946 the abolition of the Zamindari system in Bengal and its replacement by direct settlement between the state and the cultivator. The British had already left India before this was carried out. Within three years of independence the Zamindari system was abolished as a result of the East Bengal State Acquisition and Tenancy Act passed by the East Bengal Legislative Assembly on February 16, 1950. This was done by the Muslim League Government which, as part of the 1937 coalition government, had earlier opposed abolition of the Zamindari system and ruthlessly suppressed peasant movements aimed at reforming the system between 1946 and 1949.

How it was possible for this government to take such a revolutionary step and carry it through almost without opposition needs thorough investigation, but the most important factor appears to be the objective situation created by the partition from India. Prior to 1947, the majority of Zamindars in East Bengal were Hindus, while the majority of cultivators were Muslims.<sup>1</sup> After partition, when most of those who left the area were Hindu Zamindars, and opportunity was created for Muslim cultivators and surplus farmers to dominate rural society. This situation, coupled with the inherent political philosophy of the Muslim League to protect Muslim rights, provided sufficient impetus to sponsor the 1950 Act even though its execution partly affected the Muslim Zamindars of the time.

The 1950 Act had two major objectives: (a) to abolish all intermediate rent receiving interests on all land (both agricultural and non-agricultural), (b) to put a ceiling on cultivable land holdings at 33.3 acres per family or 3.3 acres per member of the family whichever was the larger, and to put a ceiling on homestead land of 3.3 acres per family. Land in excess of these ceilings was to be acquired by the state and redistributed amongst bona fide cultivators holding less than 3 acres.

As a result of this Act, there was an enhancement of government revenue which increased from Tk. 1.74 crore in 1947-48 to 6.75 crore in 1957-58 and to 13.05 crore in 1958-59, eventually stabilizing between 13 and 15 crore Takas during the 1960s. However, the rent payers felt little relief under the changed circumstances because the Government revenue collectors were little better in their practice and frequently the same revenue collectors as under the former Zamindar (Abdullah, 1976, p.86).

The redistributive impact of the 1950 Act was very limited. The Act was later amended in 1962 by the then military regime which raised the ceiling to 125 acres per family. As a result, some of the land acquired earlier had to be restored to the previous owners. Many rent receivers also managed to retain some land having recorded it in the names of relatives. A very vague definition of the family as including up to ten members

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<sup>1</sup> A Survey in Bengal in 1946 revealed that 5% of the caste Hindus were landholders and supervisory farmers, 37% were self-sufficient cultivators, artisans and traders and 58% were labourers, sharecroppers and service holders. The corresponding figures for the Muslims were 3%, 44% and 53% respectively. Another source suggested that out of 2237 largest land holders in Bengal, only 358 were Muslims. (Quoted in Abdullah, 1976, p.88). Out of 330 individuals whose rent receiving interests were acquired by the government in 1952-53, 283 were Hindus, 44 Muslims and 3 Europeans (Abdullah, 1976, p.87).

provided opportunity for evasion of the ceiling. Altogether only 163,741 acres (less than 1% of the cultivable land area at the time) was acquired from 439 (a different source mentions 529) families. Not much is known about the recipients of this land, but landless families were unlikely to have benefited because originally land was envisaged to be distributed amongst bona fide cultivators owning less than 3 acres. In 1957 a priority listing was drawn up maintaining the 3 acre limit giving priority to:

1. Tenants of diluviated land
2. Ex-military men with meritorious service
3. Any tenant not employing hired labor
4. Refugees
5. Ex-rent receivers with no retainable Khas lands.

The ordering of priority was again altered in 1960 and 1962 and for the third time following the Hussain report (1963). The landless and the 'borga' sharecroppers were never identified as priority groups.

The sharecroppers (bargadars) did not benefit from the East Pakistan Tenancy Act, even though the Act was intended to abolish all intermediate rent receiving interests, and also to forbid subletting. Sharecropping was not recognized by the Act as subletting. In fact, the position of the sharecropper was legally worsened under the provisions of the East Pakistan Tenancy Act, because the provisions of the 1885 Bengal Tenancy Act which allowed for the recognition of sharecropping interest in land, after they had cultivated that land for a period of 10 years, were replaced (Januzzi and Peach, 1977).

The most important amendments to the East Pakistan Act were effected through Presidential Orders 96 and 98 of 1972: the former exempting land revenue for families holding up to 8.33 acres (25 bighas) and the latter putting a ceiling on family holdings at 33.3 acres (100 highas). As a result of P.O.96, the Government also lost revenue of approximately Tk. 7.54 crore per year without any significant reduction in the costs of collection. The holdings exempted from payment of revenue were still liable to pay other taxes (development tax, redevelopment tax, education cess, etc.) which are calculated on the basis of land revenue paid. The land revenue therefore had to be assessed in all cases and there was no economizing on the collection. P.O.96 was further amended in 1976 with the imposition of a new land tax of Tk. 3 per acre with a limit of Tk.90 per family for holdings below 8.25 acres and Tk. 15 per acre for families above 8.25 acres.

As a result of P.O. 98, only 5,371 families surrendered 76,712 acres of land. The figures are surprisingly small, even allowing for population growth and the working of the Muslim law of inheritance. Both P.O.96 and 98 provided fresh scope for avoidance through the redefinition of the family. Previously the family was defined as consisting of up to ten members of whatever relations, but under the new orders it was defined to include "husband, wife, son, unmarried daughter". This redefinition allows a joint family to be considered as several distinct families and thus to avoid the provisions for redistribution under both P.O.96 and P.O. 98.

If the land acquired under the redistribution provisions is any indication of the results that would follow on further legislative measures for redistribution, then it is unlikely that this type of redistributive reform would go very far to solve any of the

problems of land hunger amongst the landless and small farmers who constitute the great majority of the rural population.

The discussion above relates to land tenure reform measures which only indirectly affected the pattern of land use. No direct measures have been taken to affect land use directly and de facto there is no land use law in Bangladesh. The 1950 East Pakistan Tenancy Act posited that all raiyats, later to be called maliks or proprietors, will have permanent, heritable and transferable rights to their land and would be entitled to use their land in any way whatsoever. The land ceiling fixed by the Act was also relaxed in the case of large scale farming by use of power driven mechanical appliances, large scale dairy farming, and tea estates. There was a further relaxation in 1964 when the provisions of the Act were extended to allow for large scale cooperative farming, provided the ownership of land is transferred unconditionally by the individual members (Kabir, 1972, p. 442). P.O. 98 also includes similar exemptions. There is however no mechanized large scale farms excepting the tea estates, or large scale commercial dairy farms outside the state sector or cooperative farms in Bangladesh. It is however quite possible that these exemptions would provide an opportunity for many families to evade the redistribution provisions of the Act if it were so desired.

There are provisions in the case of the resettlement of Khas lands which allow for:

- a) when compact blocks of more than 50 acres of land are available for settlement to be made on the condition that settlement holders will form cooperative societies;
- b) when compact blocks of 500 acres or more are available that attempts will be made to establish clustered villages for cultivation of the block on cooperative basis (Abdullah, 1976, p. 94).

The First Five Year Plan also suggested that “the cooperative laws/Acts should be modified and the regulatory functions (audit, registration, etc.) should be strengthened and made more effective in a positive sense so that acts and regulations help in the healthy growth of cooperatives.” It was also suggested in the plan that “land reform programmes should be closely related to development of cooperative organization. The programme of redistribution of land to landless cultivators should also be implemented by organizing the beneficiaries into cooperatives” (Bangladesh, 1973, p.159). So far no such settlements have been made. From the personal knowledge of the author a few attempts were made by groups of landless labourers to get block settlements in Mymensingh district, but these were unsuccessful mainly because of the complications and contradictions in the existing tenure laws. The Ministry of Land Administration under the existing rules can settle land only with a registered cooperative society; but under existing cooperative laws the society to be registered has to have members owning land.

In early 1975 there were proposals to change the cooperative laws to provide for compulsory cooperative societies in which the land owners would still retain their legal rights to the land but cultivation would be practiced jointly, but these ideas were not developed in great detail. The proposals lapsed with the assassination of the president and the collapse of the BAKSAL regime in August 1975.

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