



An analysis on Women Land Rights In the rural community of Bangladesh



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The US Dept. of State
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Women's Issues

STAND FOR HER LAND
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**INTERNATIONAL
LAND
COALITION**

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ALRD

Association for Land Reform
and Development

An analysis on Women Land Rights In the rural community of Bangladesh

Identification of legal and policy gaps
regarding women's access to land rights, social norms and
behavioral practices among different communities

STUDY REPORT (ABRIDGED VERSION) PREPARED FOR:
Association for Land Reform and Development (ALRD)

IN COLLABORATION WITH:
Landesa

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ASSOCIATION FOR LAND REFORM AND DEVELOPMENT (ALRD)

1/3 Block-F, Lalmatia, Dhaka-1207, Bangladesh

Phone: +88 02 41022445-7

Email: alrd@agni.com

Website: www.alrd.org

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For queries about this report, please contact them at
rowshanmoni@alrd.org and jenniferb@landesa.org

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An analysis on Women Land Rights In the rural community of Bangladesh

LEAD CONSULTANT

Gazi Mohammad Suhrawardy

Independent Research Consultant; Coordinator, CfK

REPORTING TEAM

Shanjida Khan Ripa

Assistant Program Coordinator, ALRD

Monjurul Islam

Program Officer (MEL), ALRD

Apurba Das

Program Officer (Advocacy and Capacity building), ALRD

EDITING & SUPERVISION

Rowshan Jahan Moni

Deputy Executive Director & Country Coordinator Bangladesh Coalition

Jennifer Brown

Sr. Land Tenure Specialist, Landesa, USA

PREFACE

Women's land rights are practically denied in Bangladesh; here women have little access to agricultural and non-agricultural land. This is the reality at least for most of the women who are poor and marginalized. There are both demand side and supply side bottlenecks playing a role in the non-realization of women's land rights. Demand side hindrances include, among others, the illiteracy and ignorance of women and their disinclination to claim their land rights due to social norms and expectations. Supply side constraints include poor policies, poor implementation and a lack of institutional will and governance mechanisms to protect and promote women's land rights.

In this context, this assessment is commissioned for identification of legal and policy gaps regarding women's access to land rights, social norms, and behavioral practices among different communities.

We are very thankful to the Association for Land Reform and Development (ALRD) and Landesa for entrusting us with the responsibility to undertake this important study. Our appreciation goes to all the untiring souls of ALRD involved in the process of conducting the study and preparing the report. For facilitating the field study including community dialogues and key informant interviews, we would like to show our gratitude to Shah I Mobin Jinnah, Executive Director, Community Development Association (CDA); AHM Shamsul Islam Dipu, Mission Head, Speed Trust; and ANM Fazlul Hadi Sabbir, Executive Director, Beneficiaries Friendship Forum (BFF). We are also grateful to Farjana Akter, animator, BFF; Litush Kubi, regional coordinator (Dinajpur Sadar-Chirirbondor) and Sohel Rana, Manager (Field Operations) CDA; and Saiful Islam, animator, Speed Trust. Above all, we will remain ever grateful to the participants of the community dialogues and the key informants of the field study, without whose profound support, the implementation of the study would not have been possible.

Our efforts would be fruitful if the findings provide all the relevant authorities with the proper picture of women's land rights, and act accordingly for the best interest of the marginalized landless women of the country.

-Gazi Mohammad Suhrawardy

Abbreviations

ALRD	Association for Land Reform and Development
BFF	Beneficiaries Friendship Forum
CDA	Community Development Association
COVID 19	Corona Virus Disease 19
CSO	Civil Society Organization
DCT	Data Collection Tool
FDI	Foreign Direct Investment
GO	Government Organization
GDP	Gross Domestic Product
GoB	Government of Bangladesh
IEC	Information, Education and Communication
KG	Kilo Gram
KII	Key Informant Interview
MoA	Ministry of Agriculture
MoWCA	Ministry of Women and Children Affairs
NID	National identity
NGO	Non-Government Organization
PNGO	Partner NGO
S4HL	Stand for Her Land
SEZ	Special Economic Zone
SNBC	Social Norms and Behavioral Change
UP	Union Parishad
WLR	Women's Land Rights

About the “EQUAL STAKE IN THE SOIL” Project

This background field assessment is part of the four-year, US Department of State-funded “Equal Stake in the Soil” project, which is taking place in Bangladesh and Colombia. Globally, it is headed by Landesa with the support and cooperation of the International Land Coalition (ILC). In Bangladesh, the work is headed by the Association for Land Reform and Development (ALRD).

The overall goal of the project is to strengthen and sustain the capacity of networked, women-driven NGOs and CSOs in Bangladesh and Colombia (the “Country Coalitions”) to create the enabling environment needed to recognize and promote women’s land rights (WLR) for women’s economic empowerment (WEE).

To achieve this goal, the project’s first year focuses on foundational initiation activities, which includes this background assessment. This assessment will be used by the Bangladesh Country Coalition to create a three-year strategy and action plan. The action plan, which is currently under discussion by the Coalition, will focus on three objectives (1) generating demand and building political will for stronger WLR; (2) increasing social recognition by the public at large of the legitimacy and importance of WLR, measurably reducing social and cultural barriers to WLR; and (3) deepening local CSO’s experience and learning in innovative approaches to directly address social norms and legal literacy to spur local implementation of and accountability for WLR.

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EXECUTIVE SUMMARY

Context:

Women in Bangladesh have limited opportunities to access and control land and other natural resources. Women constitute 72.6 percent of total working farmers in Bangladesh, even though they are not actually recognized as farmers. Because of their lack of formal recognition, they are deprived of government programs and benefits. Fewer than 13 percent of women in rural land-owning households have formal title deeds and only four to five percent have effective control over land, particularly agricultural land.

Objectives and methods of this study:

The US Department of State-funded “Equal Rights to the Soil” project seeks to bolster women’s economic empowerment by increasing their land rights through policy advocacy, a national communications campaign, and local pilots on land literacy and social norms change. This study assessment serves the purpose of providing background guidance to the Bangladesh Country Coalition, which will be designing and implementing the project. The study assessment included desk research, community dialogues with separate groups of women and men in three diverse locations, and key informant interviews with local leaders and government officials. This work had the following objectives:

1. Identifying relevant laws, policies, regulations, and institutional practices regarding women’s land rights (WLR).
2. Identifying key problems and messages that can be used for advocacy towards WLR.
3. Identifying barriers to WLR and policy recommendations to remove them.
4. Supporting the development of pilots on social norms and behavioral change and land law literacy.

Key findings on laws and policies regarding WLR:

Most of the land laws, policies, and regulations governing Bangladesh’s land sector are not adequate to ensure the land rights and access of marginalized people, including especially women. Women’s inheritance rights are based on religious personal law, which grant women a lesser share than that of men. Though inequitable, even these laws are not followed in practice due to gendered norms of the society (“women do not need land,” “they will be taken care of by father, husband and son one after another,”

etc.). Women, irrespective of religion or ethnicity, try to be “good sisters” by not taking their portion of property. Women who are single, divorced, or household heads are also deprived of inheritance property. In terms of purchased land, there is a strong tendency for households to not put women’s names on the deed. Landless families can gain land through the distribution of government khas land. However, very few women have received khas land. The major constraints women face to access khas land include lack of resources to bribe relevant officials and lack of connections with the local political elite, among others. Further, most women have never received information on khas land distribution. Women also face a variety of tenure insecurity issues, such as land grabbing by the influential or well-connected, river erosion, climate change induced natural disasters, etc. Land administration and dispute resolution systems are not easily accessible to women and other marginalized groups. Women are only very infrequently recognized as farmers formally and this seriously disadvantages them in terms of access to a variety of farmer support services.

Key findings on women’s land literacy:

Women remain largely land illiterate. They are not aware of their rights to inheritance, right to khas land, and other land rights. They rarely go to land offices and are rarely able to access land rights training. They only infrequently access the services of land offices, which in turn contributes to their lower level of land literacy. In addition to their lack of formal education, mobility limitations and other social norms also reinforce women’s limited land rights awareness.

Key findings on social norms:

Women’s land rights are heavily influenced by social norms and religious beliefs. The attitude that “women cannot do what men can do” and purdah (veil/confinement) practices from religious beliefs, among others, limit women’s participation in land-based activities. Care work obligations and household responsibilities take a great deal of women’s time and leave women a step behind men in fostering their own livelihood activities. Because of their double responsibilities, women cannot fully access, use, and control natural resources compared to their male counterparts. Men dominate in decision making in households as well as in communities and at the national level.

Coalition’s WLR Priorities: Based on the existing knowledge and experience of Coalition members as well as the specific findings from this study assessment, the Coalition met in late July 2022 to identify the priority topics on WLR. They agreed to the following WLR priorities:

Policy advocacy

- Revision of Khas (public) Land Management and Distribution Policy to ensure women’s condition-free equal access
- Recognition of women as farmers in National Agricultural Policy and sub-district lists, making them eligible for government agricultural services and subsidies
- Adoption of the Anti-Discrimination Act
- Full ratification of CEDAW, including withdrawal of reservations from Articles 2, 16(a), and (c)

Social norms and behavior change (SNBC) / land literacy

- Women are recognized by communities, households, and themselves as people who can and should own land
- Local government services, including from land and agricultural offices as well as union council, are made available to women
- Local women advocates teach women land literacy topics and provide support to exercise their land rights

Capacity building for CSOs

- Enhanced land literacy awareness and ability to support women
- Strengthened local advocacy, dispute resolution, and media skills
- Increased understanding of social norms and implementation of interventions to change norms and behaviors.

Next Steps:

Based on these priorities, the Coalition is developing its strategy and action plan which will include detailed activities for policy advocacy, local and national communications plans, and capacity building for Coalition members. The Coalition is also planning land literacy and social norms pilots in three communities.

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CHAPTER

Introduction to the Study Assessment

1.1 Background

Women's land rights are essential to gender equality and women's economic empowerment, and to the realization of fundamental human rights. When women lack equal and active decision-making authority over land and property, they are seldom perceived as equal participants in social, political, and economic life within their households, communities, or countries. Land is a foundational resource that generates income, enables credit access, strengthens the ability to cope with economic shocks, provides a store of wealth, and enables women to engage in their country's broader economic development.

Securing land rights, especially for women among other marginalized groups, remains unrealized in Bangladesh as in other parts of the globe. In Bangladesh, fewer than 13 percent of women in rural land-owning households have documented rights to land and further, only four to five percent have effective control over land¹, particularly agricultural land (Barkat et al., 2015). A conservative estimate reveals that not more than 4 percent (ranging between two and four percent) of land in rural Bangladesh is owned by women (Barkat et al., 2015).

Although laws protect, to some extent, women's rights to own, occupy, use, manage, inherit, and transfer land, housing, and property, these laws are not effectively implemented and enforced. While the Constitution of Bangladesh calls for equality regarding property rights, inheritance laws are based on religion and remain inequitable. This denies most women the ability to gain land rights, because most land in Bangladesh is acquired through inheritance. Even in cases where women do inherit land, they rarely receive the share accorded them under law—and even this share is inequitable relative to men (Halim, 2017).

Behind this lack of implementation are institutional indifference and a lack of sensitivity to women's land rights (WLR) within government, and a lack of social support and knowledge for women to realize their land rights within communities. Further, widespread patriarchal norms impede both government and community action on WLR. This combination creates a set of mutually reinforcing barriers to WLR: discriminatory norms stifle and dissuade attempts at implementation, and a lack of implementation reinforces the status quo, which views WLR as non-essential. Non-existent and/or

¹Effective ownership means having legal documents like deed of land, decision making ability over land use or sale and spending ability of earning from land.

insecure land, property, and housing rights significantly harm women's economic opportunities by denying them secure access to rights that are primarily for livelihood building, business investment, credit access, income, and savings.

In Bangladesh, an agricultural country, rural women actively participate in most of the steps of agricultural activities from cultivating the land to harvesting and marketing agricultural products (Barkat & Suhrawardy, 2019). Despite this, women's central role in the country's agricultural economy is not recognized and further, they are not recognized as farmers, either culturally or formally (by issuance of farmer cards, for example, which are explained below). While government documents, such as the Ministry of Agriculture's Annual Report, may mention women farmers, in reality women farmers are not provided with the same services (inputs, technical support, credit, etc.) or training as men farmers.

1.2 Objectives and scope

The broader objective of the study is to assist the Country Coalition in developing a three-year strategy and action plan to promote WLR for their economic empowerment. In this regard the specific study objectives are as follows:

1. Identify relevant laws, policies, regulations, and institutional practices regarding WLR.
2. Identify key problems and messages that may be used for advocacy towards WLR.
3. Identify barriers to WLR and other power minority groups and policy recommendations on how to change them.
4. Support the development of pilots on social norms and behavioral change and land law literacy.

The study findings will have the scope to catalyze the efforts of national and local CSOs (the Country Coalition) to create an enabling environment necessary to realize WLR by shifting public attitudes to recognize the legitimacy and importance of WLR; increasing the commitment and ability of government service providers to recognize, protect, and promote WLR; and increasing the knowledge, agency, and social recognition of women so that they can claim, protect, and exercise their land rights.

1.3 Methodology

The assessment included desk research of both primary and secondary sources as well as qualitative data collection in three diverse communities. The desk assessment included a review of relevant secondary literature, documents, contemporary research papers, and reports, government statistics and records, laws, policies and project documents, as well as relevant international documents and recommendations to the state.

ALRD and local CSO partners held community dialogues with land-poor women and men as well as key informant interviews (KIIs) with selected knowledgeable persons, such as local leaders/officials, policy practitioners, academicians, land rights activists and other relevant persons. These community dialogues were held between March and June 2022.

Table 1.1: Geographical locations of primary data and information collection

District	Upazila	Union	Village
Faridpur	Faridpur Sadar	North Channel	Kaimuddin Matubborer Dangi and Sultan Khar Dangi
Patuakhali	Bauphal	Nazirpur	Nimdi and Dhandi
Dinajpur	Sadar, Chirirbandar	Chealgazi, Bhail	Purba Kornai, Mukundapur

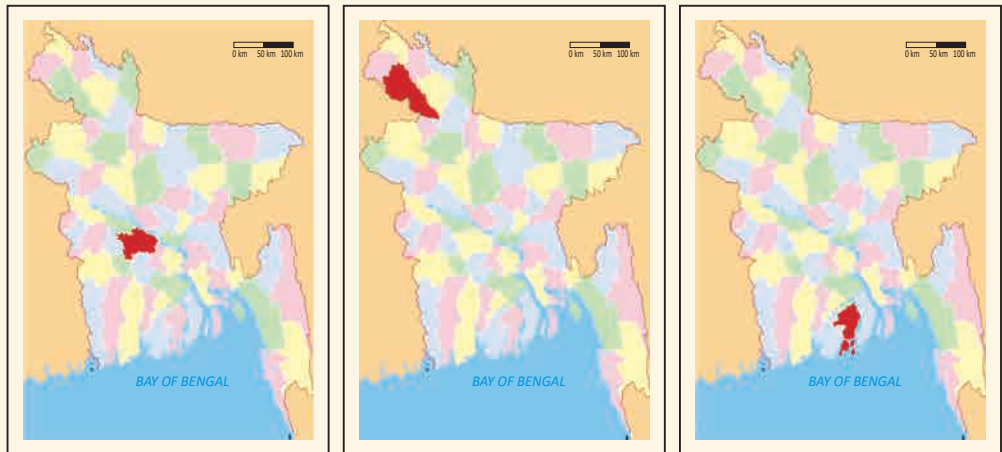
Study locations:

The research team selected communities for inclusion in the assessment based on the existence of a suitable local partner CSOs who could help with coordination, as well as geographic and community diversity. Three areas were selected for the study to represent both geographic and population diversity. The locations were:

Faridpur District: Located in the middle Bangladesh in an area with “mainland/mainstream” people.

Dinajpur District: Located in northern Bangladesh, it is the district with the highest number of Santal people—the country’s largest Indigenous group (Shamsuddoha & Jahan, 2016).

Patuakhali District: Located in the southern coastal Bangladesh in an area facing river erosion, flooding, and climate change issues.



District locations, from left to right, Faridpur District, Dinajpur District, Patuakhali District.
(Source: Wikimedia Commons at Category: Locator maps of districts of Bangladesh - Wikimedia Commons)

BACKGROUND

Local government in Bangladesh

Administratively, Bangladesh is divided into divisions (8), districts (64), upazilas (495), and union council areas, which are the most relevant at the rural community level. Union Parishads (“Union Councils”) are the smallest rural unit of local governance. Each union consists of up to nine wards, with each village usually being one ward. Union Parishads include a chairperson (UP Chair) and 12 members, including three seats reserved for women.

Local dispute resolution in Bangladesh

The Salish is a traditional, informal local dispute resolution system used for small

disputes, which usually relies on discussion and mediation, but can also include the judgment of Salish panel. The Salish can provide swift and accessible resolution, but also has a reputation for reflecting local power structures and imposing retrogressive norms. Somewhat parallel to this informal system, are the **Village Courts**², which should exist in every Union Parishad but are defunct in many areas. Village Courts have jurisdiction over small civil disputes and crimes.

Study sample:

The field team conducted a total of seven community dialogues (three with all women groups, three with all men groups and one with indigenous men and women group together) in three diverse communities. Each community dialogue with women included 15 participants, while each dialogue with men included 10 participants. A total of 66 women (including 36 Indigenous women) and 34 men (including 17 Indigenous men) participated in the community dialogues.

The team held 15 local-level, key informant interviews. These included five local government representatives, i.e., the Union Parishad chairman, nine government officials (including four land officials), and one Indigenous community leader.

Informal discussions with local partner CSO officials have also been added to the primary information pool.

Table 1.2: Overview of community dialogue participants and KII interviewees

Participant or interviewee type	Dinajpur	Faridpur	Patuakhali
Community dialogue with Bengali women			
Community dialogue with Bengali men			
Community dialogue with Indigenous women			
Community dialogue with Indigenous men			
KII with Union Parishad Chairman			
KII with Agricultural Officer (UP level)			
Key Informant Interview with Agricultural Officer (Upazila level)			
Key Informant Interview with Union Land Official			
Key Informant Interview with Community leader			
Key Informant Interview with Development Researcher (Gender Expert)- at National level			

Do No Harm Approach

This project follows a Do No Harm approach. In conducting this background assessment, the research team followed two important policies: Ethical Guidelines for Research (provided by Landesa) and COVID-19 protocols (developed by ALRD). The team strictly followed the Ethical Guidelines in collecting, preserving, and using the primary information collected through the community dialogues. For this reason, the team has not shared photographs taken from within the community dialogue sessions themselves in order to preserve the confidentiality of the participants and their statements. Photos shared in this report were taken outside of the community dialogues and with the consent of the persons featured. These policies are available on request.

²Village Courts Act of 2006.

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CHAPTER

Participants and Key Informants

2.1 Introduction

The participants and the respondents under the study were not randomly selected. Three local CSO partners of ALRD CDA in Dinajpur, BFF in Faridpur and Speed Trust in Patuakhali – selected them. They selected participants for the community dialogue with whom they had long-standing rapport. Their staff directly went to the community, discussed with the people, and invited those who were relevant and interested to participate in the community dialogue.



Land facing threat of river erosion in Nimdi Village, Patuakhali. May 2022.

2.2 Description of the Participants and Informants

Community Dialogue Participants: A total of 100 participants were present in the community dialogues – 66 women and 34 men³. Most participants were married, though a few were widows or younger unmarried participants. Most participants were between 30 to 40 years old. A few were between 20 and 30 and between 50 and 60. Most were illiterate and had not completed their primary education. A few had completed secondary school certificate (SSC) pass and above. Nobody was from a Madrassa (Islamic education) background.

³No participants identified themselves as members of the third gender or gender non-conforming community.

All participants made their livelihoods from land-based occupations. Some were involved with non-farm activities in addition to their agricultural activities. A few reported that their family members migrated to Dhaka or other cities, but none had migrated abroad.

Most of the participants were landless. Participants in the Faridpur community dialogue were ‘temporarily’ landless because they had lost land due to river erosion and may reacquire land emerging from the river one day. Those in the Dinajpur community dialogue were ‘functionally’ landless, meaning that they may have homestead land, but either no agricultural land or only a very small plot. More than half of the participants in the Patuakhali community dialogue were functionally landless, though a few were absolutely landless (even having no homestead land, residing on others’ land), and a couple of participants were slightly above the borderline of landlessness.



Local woman in Faridpur, March 2022.

Key Informants:

A total of 15 key informants were interviewed at the local level. Most of them were male and over 35 years of age⁴. All of them were above SSC pass. The government officials (land and agriculture officers) were university graduates. A faculty member of the Women & Gender Studies department of University of Dhaka was also interviewed.

⁴Age limit of being youth, according to the national youth policy of the country.

03

CHAPTER

Study Assessment Findings on WLR: Policy Perspectives and Reality

3.1 Introduction

This section begins with a brief overview of the relevant land-related laws and policies in Bangladesh, before presenting the combined findings from the desk study, community dialogues, and KIIs.

3.2 Overview of WLR laws and policies in Bangladesh

The Constitution of Bangladesh states, “women shall have equal rights with men in all spheres of the State and of public life. Nothing in this article shall prevent the State from making special provision in favor of women or children or for the advancement of any backward section of citizens” (*Laws of Bangladesh, n.d.a*).

There is a national policy for women’s rights in Bangladesh, called the “National Women Development Policy 2011,” but there is no specific, comprehensive policy for promoting and protecting WLR, let alone any precise law in this regard. However, various land laws, policies, and regulations marginally address WLR. For example, Article 16 (8) of the National Women Development Policy calls for the State, “to remove existing male-female disparities,” but the footnote of the Policy states, “Notwithstanding anything contained in this policy, during the enactment of the law, anything contrary to the Holy Quran and Sunnah shall be void” (MoWCA, 2011).

BACKGROUND

Key Land Related Policies and Laws

National Land Use Policy, 2001 – limits conversion of agricultural land to non-agricultural purposes; seeks to optimize land use efficiency and environmental sustainability

Constitution, 2011 – provides that all citizens have the right to hold, acquire, transfer, and dispose of property

State Acquisition and Tenancy Act, 1950 – sets a ceiling on landholdings; prohibits use of agricultural land for non-agricultural purposes; Indigenous people need permission of revenue officer to transfer land out of their community; inheritance of land follows religious personal laws

Land Reforms Ordinance, 1984 – places 20-acre ceiling on agricultural land; provides greater security to sharecroppers; provides eviction protections for occupants of farmland and homestead rights

Transfer of Property Act, 1882 and Registration Act, 1908 – procedures for titling and registration of land and updating land records

Adapted from: LANDac’s Food Security and Land Governance Fact Sheet (2016)

<https://www.landgovernance.org/assets/2014/09/Bangladesh-Factsheet-20121.pdf>

According to the Muslim Personal Law (Shariat) Application Act 1937, all matters regarding intestate succession, inheritance, dissolution of marriage, among other property-related matters, are to be handled according to Muslim Personal Law (Shariat) if the parties are Muslim (Laws of Bangladesh, n.d.b). The application of Muslim Personal Law to these matters is provided below in the section on inheritance.

There is a large body of land legislation in Bangladesh⁵. Most of these laws are not pro-poor and they are not sufficient to ensure the land rights and access to the land of marginalized people, including women. Even these insufficient, existing laws are not properly implemented. Moreover, the inherent contradictions of the existing laws, complexity, and the absence of pro-poor, pro-women policies give rise to many land conflicts and land litigations (Barkat & Suhrawardy, 2018).

Bangladesh's larger body of land legislation affects WLR to varying extents. There are many clauses in these laws which miss opportunities to promote gender sensitivity. WLR consideration is also overlooked in many clauses. For example, since independence, a number of agricultural khas land management related laws, policies, and regulations have been formulated and applied. In 1987, a "Land Reforms Action Program" was launched to distribute khas and unoccupied state-owned land to landless families through the "Policy for Distributing Khas Land among the Landless." Ten years later, in 1997, a full-fledged khas land management and settlement policy was formulated and remains in force today. Both policies contain anti-woman development clauses. For example, widows or women who have been abandoned by their husbands⁶ cannot not receive khas land if they do not have an able-bodied son.

BACKGROUND

Key Land Tenure Types

Common law freehold – Exclusive ownership for indefinite period. Applies to roughly 69 percent of agricultural landholdings.

Government land – Includes khas land as well as many other types of government owned land.

Khas land – Government land available for distribution (see details in section on khas land).

Waqf and Debottar land – Land dedicated for religious purposes and held and administered by the state in trust.

Leasehold – Use right to land that is owned by another.

Sharecrop (barga) – Formal sharecrop contract agreements are for at least 5 years and are heritable. Sharecropper has the first right of refusal to purchase.

Adapted from:
LANDac's Food Security and Land Governance
Fact Sheet (2016)
<https://www.landgovernance.org/assets/2014/09/Bangladesh-Factsheet-20121.pdf>

⁵Broad topical areas include: Abandoned Property Related Laws; Acquisition and Requisition Related Laws; Administration of Land Management Related Laws; Agricultural Khas Land Management Related Laws; Balu Mohal (sand excavation/management) Related Laws; Char-land (land developed through river deposits) Related Laws; Chingri Mohal (shrimp estate) Related Laws; Debutter Property (property dedicated to a god) Related Laws; Indigenous Peoples' Land (including Forest Land) Related Laws; Jal Mohal (water palace) Related Laws; Non-Agricultural Khas Land Management Related Laws; Pathar Mohal (plateau area) Related Laws; Land Reform Related Laws; Land Registration Related Laws; Land Survey Related Laws; Tea Land Related Laws; Trust Related Laws; Land Use Related Laws; Vested Property Related Laws; and Waqf Related Laws. Source: Barkat et al. (2014).

⁶"Abandoned" is the language the policy itself uses. It does not specifically reference "divorced" women.

3.3 Women's access to land rights: Major issues

Bangladeshi women can acquire land in four ways: inheritance, gift, purchase, and grant of government khas land. Women may also access community land or leased land. Below we describe inheritance; government land grants (khas land); land administration; and causes of tenure insecurity.

3.3.1 Discrimination in inheritance

Women are largely denied inheritance rights to land in Bangladesh. Inheritance is governed by “personal” (religious) law in Bangladesh, and each religious law discriminates against women.

Muslim inheritance generally: Muslim women are governed by Islamic Inheritance Law⁷. According to Islamic jurisprudence, a son will get a share which equals the share of two daughters (Quran, 4:11). The husband will get half of the deceased wife's property if she does not have any child while the wife will get one-fourth of the deceased husband's property if he does not have any child (Uthaimin, 1983:45; Bagovi 1999, vol. 3: 130). When the deceased has only one son, the son is entitled to the whole property (Atiyah, 2008:137), but if the deceased left only one daughter, then the maximum the daughter is entitled to is half of the property, and the remainder will be distributed among the brothers and sisters of the deceased.

Muslim daughters and inheritance: However, even this discriminatory inheritance law is not practiced, and women virtually never inherit land. Only three Muslim women out of 23 attending in two community dialogues in Faridpur and Patuakhali reported that they had inherited land from their father. These women were not sure whether they had received their proper share according to Islamic Inheritance Law, though two of these women mentioned that their land was less valuable compared to the land their brothers received. Despite these three women inheriting land, none of them have had the opportunity to actually use the land. Each of their brothers is currently using the lands, which the women allow because they do not want to harm their relationship with their brothers. Most of the Muslim women participants said they had never asked for their parents' land. The few that had asked, were reprimanded that they should not ask for it. Interestingly, the male participants in different dialogues opined that the daughters should be given their share according to the Inheritance Law.

Muslim wives and inheritance: None of the three Muslim widows who participated in community dialogues had inherited land from her husband. One lives in her son-in-law's house, while the other two live alone. At least two women made a direct financial contribution to land purchased by their husbands. A woman in the Faridpur dialogue reported that she sold her jewelry and gave money to her husband for land purchase. When she asked for her share in landed property, her husband answered that this land will be hers when he passes away. Another woman in Patuakhali dialogue said, “I've bought 12 decimals of land, but the land is registered upon the name of my husband. When I demanded my share, he responded- what do you want? Me or the land? I still wish I had even one decimal of the land!” When some women asked for land from their husbands, their husbands replied that there is no need for women to have land because their sons will look after them in old age, and hence the land should be owned by the sons. A woman in the Patuakhali dialogue said out of utter despair, “Men are so tough. They may obey anything else but must not compromise in case of property.”

⁷Muslim Family Law 1961; in some cases, people distribute land according to sharia law. But it is not legal. Mainly Muslim Family Ordinance 1961 is followed.

Hindu inheritance: Discrimination in inheritance is acute in the Hindu religion where women do not receive anything upon the death of their parents. In Bangladesh, Dayabhaga School⁸ is followed in Hindu Family Law⁹. Under this School, Hindu women have no right to inherit. They are deprived of their parents' and husbands' property. However, a Hindu daughter may own any property if given by the father by way of will or gift. The Buddhists in Bangladesh are also governed by Hindu law¹⁰.

There were seven Hindu women in the community dialogues of Faridpur and Patuakhali and no Buddhist or Christian participants. None of the Hindu woman had received any property from her father. The one Hindu widow also did not receive any property from her deceased husband. Only a few women said that they had asked their parents and brothers about their right to inheritance. Like the Muslims, they also fear losing good relationships with their brothers if they demand property. They also received negative answers from their husbands when they asked for land in their own name. One of the participants mentioned that her husband told her that if he registered any land in her name, their sons would be unhappy and would be reluctant to take care of her in her old age.

Indigenous inheritance: Indigenous women in Bangladesh are also discriminated against in inheritance rights (Besra, 2014). The Indigenous community included in this study was Santal, which follows patrilineal inheritance practices¹¹. In the Santal Indigenous community, descent and property are transmitted through the male line. Santal women are deprived of hereditary rights and have limited control over household resources.

None of the Santal women attending the Dinajpur community dialogue received any property from their fathers. They stated that because their fathers provide gifts at the time they are married, that there is no need to provide further property or land afterwards. If the father has enough landed property, he might give some to his daughter for her temporary use but would not grant it to her permanently. If the father has no sons, then his daughter(s) can receive some, but not the entire property. Some of the property will go to his nephews. Daughters will receive a share of their mother's property, if she has any. Sometimes in (non-Indigenous) Bengali families, wives are pressured by their husbands to seek out their share of parental property, and due to this pressure from their husbands, wives sometimes attempt to claim inheritance rights. This practice seems to be absent from the Santal community. Neither Santal husbands nor wives expect women to claim land from their fathers. Women also shared that they do not believe they should ask for their father's land since any land they gained from their fathers would be controlled and used by their husbands. The women questioned why they would request something for the use of their marital family from their birth family since they, as women, already do so much to support their husbands.

⁸Salient features of Dayabhaga School are (1) The son has no interest in his father's property by reason of his birth and right to property arises by death of the last owner; (2) Father has absolute power of alienation over all the property, whether ancestral or self-acquired; (3) The interest of every person passes by inheritance on his death to his heirs; (4) Any member of a joint family can alienate in any manner his share even when undivided; (5) The principle of succession is based on spiritual efficacy; and (6) In this school, 'sapinda' means of same 'pinda', i.e., a ball of rice which is offered by a Hindu as obsequies to his deceased ancestors. So, 'sapinda' connotes those related by duty to offer 'pinda' to the other
(<https://samarthagrawalbooks.com/2021/08/11/mitakshara-and-dayabhaga-school/>).

⁹This is different than in India, where legal changes have granted Hindu daughters the right to inherit land, though, like in Bangladesh, they may not actually exercise this right.

¹⁰The Succession Act of 1925 governs inheritance for those who are not Muslim, Hindu, or Buddhist.

¹¹However, some Indigenous communities in Bangladesh, like the Garo and Khasi, who were not part of these community dialogues, are matriarchal and do grant women property and inheritance rights.

“Good sister” norm: Regardless of religion—Muslim, Hindu or Indigenous—all participants spoke of the need to be a “good sister” to their brothers. As one community dialogue participant said, “A brother is a great asset, having ties through blood. Nobody wants to make a feud with their brother.” Due to this notion, the few women that did inherit land, did not take possession of it and left it for their brothers to use and benefit from. This is in order to keep good relations with brothers. This “good sister” concept is prevalent in society, as noted by the community leaders and local CSO representatives, though they mentioned that the concept is decaying with growing awareness among the people.

Regardless of gender or religion, almost all community dialogue participants felt that it was acceptable for daughters to not inherit. The major reasons cited were:

- ◆ Son(s) take responsibility for caring for parents in their old age, while daughter(s) do not or cannot take on this responsibility as they are living in their husbands’ houses.
- ◆ Daughters do not work to contribute to father’s property when they are at home before marriage as they are not engaged in economic activities at that time.
- ◆ Daughters do not need to inherit as a safety net because they can get shelter or help from their brothers if they fall into a vulnerable situation after the demise of their husbands.

Single, widowed, or divorced women and inheritance: Women who have never been married or who are divorced or widowed were thought of sympathetically in the community dialogues. Participants said that if fathers have ‘enough’ land, brothers do not mind sharing land with their solitary or divorced sister. A female participant who heads her own household shared her own experience in the Patuakhali community dialogue: “After the death of my husband, I went to my brothers to ask for some land to support my livelihood and maintain my family. They refused saying that they don’t have enough land themselves, so how could they give me any land?”

Views of key informants on inheritance: Views amongst the key informants interviewed were far less unified. While one Union Parishad chairman strongly supported an unequal share or no share for women of their father’s land, other key informants were fair less certain. They cited women’s growing economic self-sufficiency in the country and spoke of the contribution daughters make to their parents. They opined that if even the discriminatory inheritance laws were implemented fully (meaning that women would inherit land, albeit a smaller portion than men), women’s land ownership situation would be greatly improved. Informants agreed that gendered notions of the society (“women do not need land because they will be taken care of by father, husband and son one after another,” among others) hinder the full implementation of the inheritance law. Some claimed that the lack of implementation was due to a lack of awareness by women of their land rights.

3.3.2 Constrained access to khas (government) land

Access to khas land is the right of the poor and marginalized people, according to the 1997 Khas Land Management and Settlement Policy as well as according to the spirit of the Constitution of Bangladesh.

Under the Khas Land Settlement Policy agricultural khas land can be distributed for a 99-year lease period¹². Under the policy, landless families (defined as those who own

¹²Details on the process of applying for khas land and roles of various government officials and committees are available in English here: <http://www.uttaran.net/publications/khashlandsettlement.pdf>

less than 0.10 acre) who work in agriculture should be the main beneficiaries with priority going to poor families of freedom fighters, families who lost their land due to river erosion, widows/abandoned/divorced women (only with an adult able-bodied son), landless families without a homestead, and families who have lost land due to government expropriation. While there is a clause providing that divorced women are to be prioritized, most of the time this clause is not utilized.

Poor men do not get khas land easily, let alone poor women. It is estimated that only 11.5 percent of the agricultural khas land remains under the control of the people who rightfully deserve it and that the remaining 88.5 percent agricultural khas land is held by powerful people, who are not eligible under any criteria of the policy (Barkat et al., 2022).

Access to khas land amongst community dialogue participants:

These desk study findings reflect the reality discussed in the community dialogues under the present study: eligible persons seem to have the least access to khas land. A few participants have access to non-agricultural khas land and water bodies. None of them have access to agricultural khas land as the surrounding agricultural khas lands are occupied by the local power elites. There is no forest in the vicinity of the three communities included in this

study, so there is no point of access to the forest here. However, some of the local key informants confirmed that where there is forest, there are vested interest groups who exclude the marginalized people from accessing forest resources.

The Indigenous participants of the Dinajpur community dialogue do not have any access to khas land in their vicinity. Three participants of the Patuakhali community dialogue have access to non-agricultural khas land in the char¹³ area, where they received houses

BACKGROUND

Khas Land

Khas land is usually government-owned land, however, not all government land is khas land. Khas lands are managed by the Ministry of Land. Government land owned by other ministries or departments are not necessarily khas land. Major sources of khas land includes land reclaimed from the sea or from changing river courses, land held in excess of the land holding ceiling, land acquired due to cancellation of ownership, unutilized ponds held by government and semi-government bodies, among others. Recent officially published statistics on khas land are not available. There are different estimates of the amount of khas land from the last twenty years with estimates ranging from 1.69 to 5 million acres. According to government sources, all khas land is not worthy of distribution and it is estimated that 17.3 percent of total khas land is non-distributable (Barkat et al., 2020). Similarly, data on how much khas land has been distributed to landless and other poor families is also unavailable.



House located on khas land in Nimdi Village Patuakhali. May 2022.

¹³Char is river island land that emerges from river deposits.

from the government in the celebration of “Mujib Centenary.”¹⁴ These individuals possess about 2.5 decimal (0.025 acre) each of khas land.

The participants of the Faridpur community dialogue have lost their land due to river erosion. They are living on other peoples’ land that they lease for one year, but they do not have access to khas land.

Widows and khas land: Rural poor widows are one of the vulnerable groups deserving of khas land. However, there is a clause in the Khas Land Management and Settlement policy that states that a widow is not eligible to receive khas land if she does not have an able-bodied son. Most of the participants across the community dialogues, at the beginning of the discussion, opined that the clause is sensible. They argued that a widow without an able-bodied son would not use her land and would ultimately lose the land to some powerful land grabber. As the discussion went on, a counter argument emerged among the participants that if khas land is acquired by a widow, she has the possibility of hiring others to till that land or could allow a sharecropper to use the land. By the end of the discussion, almost all the participants came to the consensus that a widow, whether she has an able son or not, should have access to khas land, especially considering her utter vulnerability. According to most of the informants across the three study areas, widows are not granted khas land, though one Union Parishad chairman and one land official strongly claimed that widows are provided khas land beyond the said clause of the policy.

Khas land nearly inaccessible for the landless and marginalized. All the participants of the community dialogues were landless or near landless and hence eligible to access to khas land. But very few of them have been able to access khas lands, and for those who have, access is not sufficient for their livelihoods. Despite the insufficiency, they consider themselves lucky compared to those who tried but failed to access khas land.

Even less lucky are those whose existing owned land becomes khas for distribution to others through the joint conspiracy of miscreant land grabbers and corrupt land officials. A female participant in the Faridpur dialogue mentioned this malicious process: “Sometimes private lands become khas. Local leaders do this. They always roam around Tahsil (Union Land) Office. The land documents of the poor people are not usually updated, they do not even understand these documents. The tout leaders take this opportunity. They make fake documents and turn the private land into khas.” Another participant said that they are in possession of their land, they have the records of land in Revised Survey and State Acquisition Survey, and even despite this level of formality, they have found that their land is considered as khas land in the documents of union land office.

Landless rural women do not have the money, power, or political patronage required to access khas land. Their inability to bribe land officials remains the prime reason they do not receive khas land. Participants in the Faridpur dialogue mentioned that over Tk. 5,000 (USD 54) needs to be given for a plot of khas land, while the amount is around Tk. 30,000 (USD 321) in Patuakhali. A participant in Faridpur dialogue said, “Khas land is available, if money is given. Where there is no money, there is no khas land. Again, only giving money will not do. Whomever can give more money, can avail themselves of the

¹⁴Mujib Year is the year declared to celebrate on the centennial birth anniversary of the founding leader of Bangladesh, Sheikh Mujibur Rahman

land!” This micro-level reality is the same as the findings of a national level study by Barkat et al. (2020), which shows that different levels of bribes - from Tk. 100 to Tk. 20,000 (USD 1 to 214) - was required at various stages in the process of khas land distribution. The total cost, including every stage of the process (from listing process to delivery process), requires a minimum expenditure of Tk. 6,410 (USD 69) to a maximum expenditure of Tk. 55,400 (USD 593). The average amount of bribes paid by a household to acquire khas is Tk. 30,905 (USD 331).

Apart from bribing, relationships with local elites and political parties in power play a key role in accessing khas land. In this regard, a participant in Patuakhali dialogue said, “He who is of use to the chairman, is bestowed with the khas land.” However, the local land authorities explained that the lack of access for poor households was due to other reasons such as an error in the application, complexities of rules and regulation, failing to recover already grabbed khas land, third party influence in land related matters, etc. However, while some participants in the community dialogues agreed with the reasons given by the authorities, others found these reasons unreasonable.

Additional reasons women do not access khas land: Aside from the inability to bribe, poor women in rural areas face other challenges in accessing khas land, which came up in discussions in all three community dialogues. First, women usually do not have relationships with local elites, like the Union Parishad chairman or members, members of political parties in power, or community leaders. They often cannot serve their political and social purposes, fail to stay in their good books, and ultimately fail to be able to draw on favors to access to khas land. Second, though women’s mobility has increased in recent years (due to involvement in income-generating activities, public development works, etc.), women’s access to public institutions like union or upazila level land offices, and the union parishad is still constrained. Finally, women’s lack of knowledge regarding land related issues also harms their ability to seek khas land. Land documents such as sales deeds, porcha (official enter in the record of rights) etc. are difficult to understand even for educated people, let alone for rural women who are illiterate or have low literacy.

Rural poor women know about khas land to a limited extent, though they receive little information about government land distribution. Except for three women participants in the Patuakhali community dialogue, no other women could remember whether they had even heard any information about khas land distribution from government sources. This is despite the fact that article 22 of the Agricultural Khas Land Management and Settlement Policy explicitly calls for broad public publicity among the landless and poor, including public announcements by public loudspeaker. Women who were informed about khas land, received the information mostly from non-official sources. The leading three sources of information on khas distribution named were other residents of the locality, other landless persons who were already informed, and the local partner NGOs/CSOs working with ALRD.

Khas land distribution committees: There are two khas land distribution committees at the local level: upazila and district committee. According to written guidance, the committees should include women representatives, but this is not the reality. Representation of marginalized people including Indigenous people is poor in the committees. No community dialogue participants were aware of the functioning of these committees. Participants said that the committees seem to work in secret, and they are not aware of their work. Even local government representatives who were

present¹⁵ were not aware of the functioning of these committees. They stated that their chairman might know but the chairman did not discuss the issues of khas land distribution with the female members.



Smallholding in rural Bangladesh

3.3.3 Discrimination in land administration and registration

Bangladesh's land administration is not women-friendly and the land registration process¹⁶ – which is complex, expensive, and time consuming – is not easy for women, most of whom are illiterate. People often take aid from middlemen to complete the registration steps necessary when they acquire land. Moreover, the processes of mutation (updating records to reflect a sale transaction), partition, survey, and payment of land development tax are not women-friendly (Sourav, 2015). In fact, land administration in Bangladesh is not service-seeker friendly – irrespective of whether the users are men or women – though all agreed that these processes are more difficult for women. This was noted by the partner CSO representatives who work closely with women on land rights issues.

BACKGROUND

Institutional Arrangements

Land Ministry – land administration and management

There are four divisions within the Land Ministry:

1. Land Administration – record keeping and updating, protection of public water bodies, khas and water body management, land tax fixation and collection; land acquisition in the public interest, implementing sharecropping protections.

2. Land Appeal Board – resolving lower-level cases

3. Land Reform Board – monitoring implementation of law and proposing changes to law and policy

4. Directorate of Land Records & Survey – preparing maps and records

Ministry of Law, Justice and Parliamentary Affairs – property transfers (mutations and transfers)

¹⁵There were two Union Parishad members present in the Faridpur and Patuakhali dialogues, one present and one former.

¹⁶A digital system has been partially introduced to preserve land records and make them searchable.

A woman can achieve legal ownership of land purchased by her family only when her name appears on the deed or other land related documents. But very few women own land and there is a tendency to not to put women's name on the deed for family-purchased lands. These family-owned lands are usually held in the name of the male heads of household (Sarwar, Islam & Monzoor, 2007). The female community dialogue participants, especially in Faridpur and Patuakhali, noted this type of discrimination from their own experience.

According to the Constitution, there is a private right to dispose of (sell) property including land¹⁷. However, most women cannot independently exercise the right to sell property freely; social norms dictate that women must obtain the consent of their husbands before the sale of land, even land held in a woman's own name. Husbands usually do not need the consent of wives to sell land. Most of the female participants and all the male participants in the community dialogues agreed that this was proper and appropriate for the sake of happiness in the family. Only one woman in the community dialogue claimed that she could sell her land independently, which she did to support the marriage of her offspring.



North Channel Union Land Office. Sign displays land registration process.

¹⁷Constitution of the People's Republic of Bangladesh, Art. 42(I) on "Rights to Property." Article 152 makes clear that "dispose of" can be interpreted as "sale of." The 1882 Transfer of Property Act governs land sales and also does not require spousal consent from either husbands or wives.

3.4 Tenure insecurity

In Bangladesh, tenure insecurity is caused by both human and natural causes. Human caused insecurity results from land disputes, land acquisition (government expropriation for public or private projects or for protected area designation), and complexity in the land registration process, among others. Natural issues threatening tenure insecurity include river erosion, flooding, salinity, and various climate change impacts. Women and other marginalized groups also face tenure insecurity caused by unscrupulous actions by others such as through usufructuary mortgages that cannot be repaid, excess land transfer in case of a sale, land grabbing by influential people, etc.

3.4.1 Land disputes

Land disputes are common in Bangladesh and are extremely difficult to resolve through legal channels. Formal, regulated, and transparent land dispute mechanisms are not fully developed in the country (U.S. Embassy in Bangladesh, n.d.). What formal mechanisms exist are not often used; 70 to 80 percent of people involved in land disputes do not use the formal court system to resolve disputes because they fear they will not find justice and will even suffer further loss of property (Islam, 2010). In 2000, the Government of Bangladesh passed a Legal Aid Act intended to help the country's poorest sections in legal cases, but few people have so far received support¹⁸.

Local dispute resolution: The community dialogue participants stated that when marginalized groups are faced with land problems, they go to Salish (Community Mediation), village court, or other local dispute resolution system but usually they do not get justice easily. Sometimes when the case continues to linger, they discontinue the process simply because they cannot afford to continue to pursue the case. One participant in Patuakhali spoke of a Salish case which lasted for a couple of years and cost a total of Tk. 400,000 (USD 4,281). In Dinajpur, a Santal woman participant reported that the Santal community has a land dispute case with the Bengali community, but that those they are in dispute with refuse to come to Salish, even after repeated calls from the Santal community. In cases where the Salish is used, when one party or both do not agree with the Salish decision, they go to the lower court. In the Patuakhali community dialogue, participants mentioned the village court where they go for their land dispute settlement. In the Salish as well as in the village court, Union Parishad Chairman and members play a key role while the land officials occasionally attend those meetings.

Land officials under the study claimed that marginalized people have access to land administration and dispute resolution systems, while community leaders/NGO representatives disagreed with this view and agreed with the community dialogue participants, that women, Indigenous people, and other marginalized communities have only very limited access to land dispute mechanisms and land administration support. The Union Parishad Chairmen opined in between the two extremes.

From their own experiences, female community dialogue participants stated that women are not well represented in dispute resolution institutions. Santal participants mentioned that if they are a party to a dispute in Salish, they do feel able to appear and represent themselves. In line with them, the key informants also noted that if women

¹⁸In addition to the 2000 Legal Aid Act, Sections 8, 9, and 42 of the Specific Relief Act 1877 are applicable to legal support for land tenure disputes and access to the judicial system for all people. In addition, Order 33 of the Code of Civil Procedure 1908 applies to legal support for land tenure disputes and access to the judicial system for all people, especially the poor, of Bangladesh.

and Indigenous people are the parties of the Salish, there is representation from them in those bodies. However, the community leaders and NGO representatives observed that marginalized people, including women and Indigenous people, have “insignificant non-performing” representation in the more formal dispute resolution institutions.

Community sense of bias and unfairness in dispute resolution. It was commonly said by community dialogue participants and CSO representatives that dispute resolution institutions often cannot implement formal laws due to interference of vested interest group(s). The Union Parishad chairmen and the land officials did not agree with this observation. They claimed that when one party receives an unfavorable verdict, he or she will always say that the law is manipulated and not implemented properly.

Sometimes the formal law has its own limitations. One land official argued that customary land rights of Indigenous people are not guaranteed by law, so when those people cannot show proper documents but rather insist on their historical possessions over the land, the law cannot do much in that regard because there is no process for them to claim land rights through long term possession or customary use.

Community dialogue participants, community leaders, and CSO representatives unanimously mentioned the serious impact of corruption in land administration and the dispute resolution systems and the resultant biases towards bribers or the party linked with the local power structure. This allegation was rejected by the land officials. Community dialogue participants and the CSO representatives also believed that, due to corruption and biasedness, laws are implemented differently for different groups, while the land officials claimed that laws are implemented evenly for all groups. As usual the Union Parishad chairpersons opined in between these two extremes.

Table 3.1: Perception/Opinion/Observation on land administration and dispute resolution systems

	Community Dialogue			Key Informant Interview		
	Dinajpur	Faridpur	Patuakhali	UP Chairman	Land Official	Community Leader/NGO Representative
Land administration and dispute resolution systems accessible by marginalized groups	Poor	Poor	Poor	Moderate	Good	Poor
Women/IP/Marginalized sub-groups represented in the dispute resolution institutions	No	No	No	Some-times	Some-times	Some-times
Institutions implement the formal law as intended	No	No	No	Yes	Yes	No
Corruption in land administration and dispute resolution systems	Yes	Yes	Yes	Some-times	No	Yes
Administrative biases in dispute resolution systems	Yes	Yes	Yes	Some-times	No	Yes
Administrative biases in dispute resolution systems	Yes	Yes	Yes	Some-times	No	Yes

Source: Author's analysis of community dialogues and KIIs

Land disputes and violence: Community dialogue participants were asked about violence related to land disputes. None of them stated that they had personally experienced such violence, but they had heard of incidents where women faced violence for land related disputes. In the Patuakhali community dialogue, a participant even mentioned a killing incident in this regard. Violence against women for land related issues was also confirmed by the key informants.

3.4.2 Land acquisition (government expropriation)

The key law governing government land acquisition is the Real Property acquisition and Requisition Act, 2017. Under the Act's rules, compensation must be provided to those whose land is compulsorily acquired; however, the process is viewed as corrupt and sometimes those who lose land are not paid their due compensation. Further, under existing law, financial compensation is only provided for the loss of the land itself. There is no provision to provide compensation for non-financial losses like resettlement, rehabilitation, and environmental impacts. Finally, those due compensation often faces delays, because of the harassment that occurs in different government land offices and the high rate of extortion (Barkat et al., 2022).

Within the study areas, the government has not compulsorily acquired land for an Eco Park¹⁹, SEZ²⁰ or other commercial purposes. Therefore, the participants of the community dialogues did not have any experience in this regard. However, the key informants shared their views.

According to the key informants, the government consults with affected people as part of the process of land acquisition. Key informants noted that sometimes this consultative process is not as participatory as it should be.



Rowshan Jahan Moni (ALRD Deputy Executive Director) with community women in Faridpur. March 2022.

¹⁹Eco Park is the short form of Ecological Park. It refers to an amusement park which does not hamper its natural environment so that the biodiversity remains unaffected. Usually, a particular area of a forest is demarcated and brought under intensive management for this purpose.

²⁰A Special Economic Zone - SEZ is a specially designated economic area of a country where the rules and regulations differ from other areas of that same country. The regulations related to SEZs are thought to be conducive to Foreign Direct Investment - FDI. The companies operating in an SEZ get unmatched tax incentives and the opportunity to pay lower tariffs.

3.5 Impact of climate change on women's access to land

According to the Stern Review (2007) report, Bangladesh is extremely vulnerable to the impacts of climate change. Similarly, a briefing paper (2008) presents a detailed list of impacts and implications of climate change and informs that few places in the world will experience the range of effects and the severity of changes that will occur in Bangladesh. The paper listed the following as probable impacts of climate change: average weather temperatures rising; more extreme hot and cold spells; decreased rainfall when it is most needed for agriculture and increased rainfall in the monsoon season when it already causes floods; melting of glaciers in the source areas of Bangladesh's rivers altering the hydrological cycle; more powerful tornadoes and cyclones; and sea level rise displacing communities, turning freshwater saline and facilitating more powerful storm surges (Ali, 2016). All these impacts severely impact agriculture, which is increasingly dominated by rural women.

Many women remain unaware of these impending and growing climate impacts. Only a few of the women community dialogue participants had heard about climate change and its impacts. However, despite not knowing about "climate change," all the women were aware of the changes happening in the weather and its impact on their lives. They observed that the six seasons of Bangladesh do not now fall in the same months as they did in childhood; sometimes summer is excessively hot, and winter is extremely cold; and floods and cyclones are frequent and severe. In Patuakhali, women participants mentioned the negative impacts of increasing cyclones, floods, and salinity on their land and agriculture. Frequent cyclones and floods destroy their physical resources and deplete their asset base; intrusion of saline water squeezes their arable land. They also mentioned the negative impact of season shifting on crop production and other agricultural activities.

3.6 Impact of COVID-19 pandemic on women's land rights

Recent studies and the news have both pointed to the impact of COVID-19 lockdowns on land rights. Over-engagement of administration and law enforcement agencies during lockdown hurt livelihoods. Further, the closure of regular court proceedings allowed land grabbers, occupiers, and even government agencies to take advantage of the vacuum to conduct misdeeds. (Suhrawardy, 2021a). Similarly, forcible occupation or attempted forcible occupation of land (threats, physical assaults, forgery, harassment, false cases/charges, etc.) have occurred at a higher rate; women were especially targeted.

Community dialogue participants were also asked about the impact of COVID-19 and shared that land rights were impacted during pandemic lockdowns due to increased debt burden (people took loans for survival purposes, such as for food, when they could not work during lockdown), distressed sale, and inability to secure a fair price for their agricultural products. A participant in the Faridpur community dialogue said, "We have lagged behind because of the Corona...crop production fell down...we were forced to take loans." The same experience was mentioned by the Patuakhali dialogue participants. Rising prices of agricultural inputs during lockdown disrupted production, increased production costs, and in many cases deprived farmers of a fair price for their products. As a result, their debt burden increased, many have mortgaged their land, and some may even have sold their land.

3.7 (Non) Recognition of women farmers

While the government officially recognizes women farmers, in reality women are not recognized as farmers by either social or state institutions. In the Annual Report of the Ministry of Agriculture (MoA, 2021), it is noted that many women farmers have been given farmer's cards and many women farmers have opened bank accounts (Table 3.2). The numbers are still far smaller for women than men.

Some of the women participants heard about the farmer's card for the first time during the community dialogues. Those who had heard about it have not tried to apply for a card because they do not hold land in their own names. According to agricultural officials, those who cultivate land themselves (even if they are not landowners, but cultivate by sharecropping, for example) are entitled to receive a farmer's card.

Table 3.2: Number of farmer's cards and bank accounts by the men and women farmers

	Number of Farmers		Proportion of Farmers	
	Men	Women	Men	Women
Having farmer's card	19,234,639	1,365,230	93%	7%
10 Tk. Bank Account	9,875,739	629,627	94%	6%
Active Bank Account	8,828,692	576,859	94%	6%

Source: MoA (Annual Report 2020-21, P.65)²¹

Access to credit: It was clear in the community dialogues that a significant portion of women farmers do not access credit. Some of the women do not feel the need for credit because they say they are comfortable with the production possible through their own financing. Some do not like credit due to religious beliefs or cultural views. Some avoid credit because they have had bitter experiences of failing to make payments.

The women farmers who do seek credit usually access it through informal means such as money lenders (mahajans), friends or relatives, dadan (high interest money lenders), and semi-formal credit sources (NGOs, micro-credit financial institutions, cooperative societies/Samity, self-help groups (SHGs) with credit functions under various government and non-governmental projects etc.) rather than formal means such as private and public commercial or specialized banks and non-bank financial institutions.

Those who take semi-formal loans fall into problems in re-payments, which creates feuds among family members, especially between husband and wife. This type of microcredit sometimes fails to meet the demand of the women farmers for making greater production and ends up being used for a purpose other than the purpose for which it was sought (Suhrawardy, 2021b). A few women farmers tried to access bank credit, but very few of them received credit from commercial banks. A couple of participants from the Faridpur and Patuakhali community dialogue received bank loans. No one from the

²¹http://www.moa.gov.bd/sites/default/files/files/moa.portal.gov.bd/annual_reports/b09e06e5_15c8_4bb8_9b90_537e36fed45/report-20-21.pdf

Dinajpur community dialogue received a bank loan. Those who did not try to access formal credit mentioned reasons like the requirement of a land ownership deed, time consuming loan processes, and the requirement of the signature of the Union Parishad chairman. Most of the women farmers do not know where to access formal loans, although there is a provision in agricultural and rural credit policy that agricultural loans should be distributed in some open place with public notification. Rarely had anybody among the community dialogue participants applied for a loan with a National Identity card (NID).

Table 3.3: Women's access to credit, farmer's card, and training

	Out of 45 (%)
Having credit demand for their agricultural pursuits	45(100%)
Tried to get any type of loan	45(100%)
Got any type of loan	42(93%)
Tried to get formal (bank) loan	8 (18%)
Received formal (bank) loan	3 (7%)
Heard about farmer's card	25 (56%)
Tried to get farmer's card	5 (11%)
Got farmer's card	1 (2%)
Heard about government training on agriculture	25 (56%)
Tried to get government training on agriculture	5 (11%)
Got government training on agriculture	2 (4%)

Source: Community Dialogues

Agricultural extension services: A portion of the male participants in the community dialogues shared that they had received training, while very few women had received training from the agricultural offices. Most of the women do not know about the training or about the agricultural offices. Those who know about the training opined that those trainings are for the males only. Somebody also commented that training is only for those who are beloved by the agricultural officer.

Agricultural wage discrimination: As per the Bangladesh Bureau of Statistics (BBS) and the Labour Force Survey (LFS) (2016), there are 649,000 women day laborers in Bangladesh and 72 percent of the female labor force are now engaged in agriculture. Marginalized women who do not have their own land work on other people's land as day laborers. Even though women are employed longer hours per day in agricultural labor than men, they are victims of wage discrimination. According to the government's Agricultural Information Service, women are not remunerated for 45.7 percent of the labor they provide in the agriculture sector, which is spent working on household farms. Further, for the remaining 54.3 percent, the remuneration they get is less than the market price. So, while the increase in women's participation in the agricultural sector could appear as a step toward their economic empowerment, behind this story is the reality that women's labor is being used at unfairly low wages compared to those paid to men in the agricultural sector.

More than half of the women participants of the community dialogues were engaged in wage-labor in the fields of other well-off farmers and all of them mentioned that they

were paid less than their male counterparts. In many cases women receive half of the wage received by men. A woman in Faridpur said,

“When a man gets Tk. 400 [USD 4.28] [per day], we get Tk. 200 [USD 2.14]. We are told that we are women, we cannot do hard work like men do.” Another participant of the dialogue illuminated the issue, “Tk. 200 [USD 2.14] is allocated for women from the government. Some men are placed there in the name of women (in the pretext of shortage of women labourers) and they are given Tk. 400 [USD 4.28]. However, the government issued the work for women only. Wage may be much higher (for men), but women cannot get more than Tk. 300 [USD 3.21] in any situation.”

Women receive lower wages than men, and in many cases half of the wage received by men, under the pretext that they do less work than men or that they cannot do the same type of work as men. This excuse is not supported. The gender expert interviewed rejected the notion of women not being able to work as long or hard as men based on her many research experiences in the field.

04

CHAPTER

Land Literacy

4.1 Introduction

The “Equal Stake in the Soil” project will include community-based pilot activities on land literacy and social norms and behavioral change. Therefore, one of the areas for exploration in the community dialogues was on current awareness of land rights amongst participants as well as knowledge of and attitudes about WLR. This topic has been mentioned throughout the above sections, but specific questions and answers with the participants on this topic are discussed in this section.

Knowledge of land rights, laws, and procedures (“land literacy”) can be gained through training, education, or exposure to information on land rights, governance, and other related issues, as well as through experience or interactions with land institutions and actors. Women community members who gain land literacy may gain the capacity to generate sustained demands for secure rights to land, to retain titles, and to access required legal services to ensure tenure security (Mohapatra, 2015).

4.2 Land literacy among women

Women in Bangladesh, in both rural and urban areas, have a lower literacy rate than men and have low levels of formal education. It is highly likely that cultural issues are a reason for that fact; early marriage excludes girls from receiving education, in particular secondary level education (Ramon, 2014). In addition, it is a common practice in rural households not to send young daughters to school as they believe women are born to solely run households (Amin & Nuzhat, 2016). The reality for the women in the community dialogues is no exception. They are less literate in terms of formal education which fuels their relative land illiteracy as well.

During the community dialogues, the field team found that women lacked knowledge of land issues. They have gained some knowledge about land issues and women’s land rights from their surroundings, and they have some knowledge of discriminatory inheritance laws from their families. They have very little conceptual understanding, but they do have a degree of practical knowledge and savvy. The women especially understood that they must be vigilant to monitor their khas land (to ensure that it remained theirs) as well as their lands currently under water due to river erosion. However, most of the women and men participating in the dialogues (actively and passively) think that women do not need to own land and therefore the question of land literacy is also not important for them.

In Bangladesh, there is no literacy program on land issues for the women from the government offices. There are some training programs provided by national level land rights NGOs like ALRD for marginalized women. These programs provide only small pockets of awareness.

4.2.1 Awareness of land rights

Women are not very knowledgeable about land rights, and most of them admitted this frankly in the community dialogues. When issues of inheritance, khas land, registration, land disputes, tenure insecurity, etc. were discussed in the community dialogues, women mentioned with surprise that they were discussing many of the issues for the first time in their lives. What awareness of land rights they did have was gained from their families, the surrounding community, and based on prevailing norms.

So, for example, women were taught that discriminatory inheritance laws and practices are right considering woman's role and responsibility compared to that of fathers, husbands, and sons. Though all the Muslim women were aware that under personal law, a daughter gets half of what a son gets from the parent's property, few of them were aware about their right to husband's property. Very few of them questioned the inequality of inheritance.

Most of the women did not know that access to khas land is the right of the landless. Very few have heard that there is a khas land distribution policy. Because of this lack of knowledge, most had never even made a primary attempt to acquire khas land, i.e., by registering themselves as a landless person in the union parishad.

Most women did not know about the use of the land administration system for titling or transfers, or the use of the justice system for governance or dispute resolution. Very few of them went to the union land office, let alone upazila level or district level land offices. Some of them knew about some land related documents, but not most of the documents. Those who had visited land offices reported that they were not treated well. Lack of awareness on land rights is one of the reasons they were ill-treated, in addition to their being poor and women. Finally, most of the women were not aware of the land dispute resolution process or roles.

A small number of women in the dialogues had a basic understanding of land rights that they had acquired from the training programs of local CSOs.

4.2.2 Attitudes about women's land rights

Attitudes among community dialogue participants largely reflected the norms of the status quo. Men viewed women's land rights as being rightly limited by the existing practices of personal or religious laws. It is notable that while a majority of the men felt that women's smaller inheritance as determined by religious law is just, in most of the cases they did not follow the discriminatory personal laws in their practical life and women inherited no share of land. Women themselves also viewed this current practice as "just" because of their own understanding of men's responsibility in taking care of their parents as well as women's lower contribution to their parent's family. An idea frequently noted by Indigenous people and Hindus was that if a woman gets land from her parents, her husband will ultimately enjoy it, so it is better to seek nothing from a woman's parents.

Considering the importance to livelihoods and social standing of being a landowner, it is usually assumed that everyone would consider land ownership as a 'boon,' however, a

substantial number of women in the community dialogues consider land ownership as 'bane.' Two women participants in Patuakhali uttered, "Land is of course a curse...It is better not to have land; killing occurs, feuds increase due to land."

4.2.3 Participation in local land governance

Rural women usually do not go to land offices. This is because they have little land and land related interests. Women's low level of visits to the local land offices also contributes to their lower level of land literacy and circularly, their lower level of land literacy discourages them from accessing land offices. Further, not a single woman land official was found in the union land offices under the study. The in-charge officials admitted that having a woman official or dedicated official for making services available to women would increase women's visits to the land offices.

A few woman participants had gone to the land offices once or twice, and in most of the cases were accompanied by their husbands or male relatives. It is notable that poor men also have little access to the services of the land offices. The problem here is that of class i.e., the well-off versus poor, and the powerful versus marginalized. As women are the poorest of the poor and most marginalized of the marginalized, they have little or no access to the services of the land offices.

05

CHAPTER

Social Norms Affecting WLR

5.1 Introduction

One of the objectives of the “Equal Stake in the Soil” project is to shift social norms²² and change behaviors that limit WLR. This background analysis gathered preliminary information on such social norms and behaviors. Based on this background, and the Coalition members’ own knowledge, they will identify key norms and behaviors that they intend to shift through pilot interventions. The overall project also includes capacity building activities to help the Coalition better understand social norms and to design interventions to shift norms and behaviors.

While this section is specifically focused on social norms, many key norms affecting WLR have been mentioned throughout the report—for example, the “good sister” norm as well as other norms related to inheritance.

5.2 Social norms affecting WLR

5.2.1 Differentiated ways of women in accessing and using land

Women’s involvement in agriculture:

There are differentiated ways that women and men access, use, and control agricultural land. The Santal community participating in the Dinajpur community dialogue does not have adequate agricultural land of their own and so they lease land to farm. Both Santal men and women also work as day laborers on the lands of others. Gender norms affect their roles as day laborers both in activity and outcome. Women do not get access to mechanized agriculture work and thus they end up with lower wages compared to their male counterparts.

The same thing was found in the case of women agricultural laborers in the Faridpur community; however, religious beliefs and practices affect the women’s participation in agricultural labor there in a way not seen among the Santal. To maintain ‘purdah’, women limit their participation in outside agricultural activities to a certain extent. The community dialogue members in Faridpur also do not have much agricultural land of their own (because it was lost due to river erosion); men commonly lease land to cultivate paddy and non-paddy crops. The women in the Faridpur community dialogue said that they did not have the opportunity to lease in land and reported that very few women in and surrounding their community directly lease land for agricultural production.

²²Social norms are informal rules that govern behavior. Descriptive norms are what individuals believe others do. Injunctive norms are what individuals believe others will approve/disapprove of doing. Sanctions are the rewards or punishments that an individual and community believe will follow a given behavior.

The women agricultural laborers of the Patuakhali community seem to fare better than those of Dinajpur and Faridpur. They labor in the cultivation of mung beans where exclusivity of women gives them a lucrative advantage in better wages.²³ A few women in the Patuakhali community were found who lease in land, but the lease contract itself (oral) took place between male household members.

Overall, while women have a growing presence in agricultural fields, in some cultivation like paddy, men do most of the work in the field, while women mainly do pre-cultivation works (starting from seed storage) and post-harvest activities. These labor divisions of men and women pose implications for their 'farmer' identity and land utilization, among others. The agricultural officers interviewed who observe the differentiated ways that women and men access, use, and control agricultural land and believed that while norms are changing, they are changing only very slowly.

Women's involvement in fisheries:

Water bodies of Bangladesh are both private and public. There were ponds and other types of small water bodies in the communities under the study. A few women, side by side with men, use those water bodies for their livelihoods. There are open water bodies, like rivers surrounding the communities of Patuakhali. Only fishermen fish there. No fisherwoman was available in the community dialogue and the dialogue participants assured that there were no fisherwomen in their community who fish in the open water. A few were involved in fisheries in the nearby ponds.

Women's involvement in forestry: There were no forested areas in the communities under the study. However, Bangladesh has a forest area covering about 16 percent of its territory. The destruction of forests has had a singularly negative impact on the forest dwellers, half of whom are women, and many of whom belong to Indigenous communities. These peoples have a frequently contested existence with the government's Forest Department which views them as encroachers and illegal occupiers

Women's mobility

Social norms in Bangladesh limit women's mobility and therefore their ability to pursue a full range of livelihood activities or to approach government institutions such as the land office. However, economic pressure has forced the loosening of mobility norms for some women.

For example, in the community dialogue one woman shared the story of a friend who had started a tea stall in the market. She said, "Many people talked filthy at the beginning. That woman came to me and told me that she started the shop because she had no other way to live. She asked me what she should do. I told her to continue as there is no alternative for her. Now she seldom faces any problem."

Another woman shared a similar personal story: "My husband died when my son was eleven years old. Finding no other way to support us, I started doing agricultural work with my little piece of land. Now I am well, all my debts are paid. If I had paid heed to the talking of society, I would be a beggar." This year her son will sit for the secondary school exam.

Similarly, Indigenous women also do not face the same limitations on mobility. When asked, "Does anyone criticize women working in the fields?" the Indigenous community dialogue respondents agreed, "There is no such problem here. Women work mostly in agriculture."

Mobility norms and behaviors vary by community and shift over time and are especially influenced by economic realities.

²³Cultivation of mung bean typically involves more labor of women, and low involvement of male labor.

of forest lands. The disregard of the forest dwellers' rights and livelihood by the government, in the recent past had resulted in violent clashes with cases of fatalities (Suhrawardy, 2020). When men have so many constraints in accessing forests, it is easily arguable how difficult it would be for women to access forest in a patriarchal society. Lack of forest and lack of access to forest have been a bane of the Indigenous people. In the Dinajpur community dialogue, they lamented that if there were still forests like in earlier days, the livelihood opportunities available to them would put them beyond fear, even in the time of Corona.

5.2.2 Women's care and livelihood work

Historically, in rural Bangladesh, women are subject to social marginalization due to the patriarchal structure of Bengali society, which leaves women with little say over household decision making. They also typically have little mobility, which as Agarwal (1997: 16) explains, hinders women's earning opportunities as well as their opportunities to participate in public spaces and community decision making. Further, because in every stage of their lifecycle, women are primary caregivers and domestic workers (FAO, 2005), women have limited time to devote to other non-care work.

Domestic work performed by women includes child rearing, looking after the aged, cooking, washing, housekeeping, etc. These are viewed as the regular work of women and remain unpaid and not recognized in terms of economic value. Failure to recognize the value of women's unpaid work is failure to recognize the value of women themselves (Saadat, 2018).

According to the ILO report titled 'Care Work and Care Jobs for the Future Decent Work,' women spend four times more compared to men in domestic non-salaried work at home (ILO, 2018). Another study has shown that women perform over 12 unpaid tasks on an average day, while this number is only 2.7 for men. These tasks are not included in Gross Domestic Product (GDP). It is estimated that if the contribution of women to GDP were considered, women's share of GDP contribution would rise from 25 to 40 percent (Khatun et al., 2015). Unfortunately, no indicators have been specified for evaluating the domestic care work of women in the Five Year Plan of Bangladesh. Also, the National Sustainable Development Strategy (NSDS) has also avoided the subject (Ahmed, 2019).

Despite the many obstacles, such as mobility norms (see box on the previous page) and demands on women's time for unpaid care and household work, rural women are increasingly working as paid laborers in different informal and formal sectors. About 60-70 percent of women from landless and near-landless households now work as agricultural wage laborers, as well as in earthworks—activities that traditionally were conducted only by men (FAO, n.d.). One of the key reasons behind this change is the increased financial stresses on rural households, which cause them to seek out additional diversified livelihood opportunities. This is especially true for poor households, where women's additional earnings are increasingly vital. This was reflected in the community dialogues. Another notable reason for increased participation in paid labor is the rising numbers of female-headed households in rural areas. Twenty-five percent of landless households in rural Bangladesh are female headed and completely dependent on female earnings (Saleh, 2011).

In all the women's community dialogues they emphasized how heavily burdened they are with unpaid care work, limiting their time-available to access and use agricultural land, water, and forests. Further, they shared that they cannot access the natural

resources in a free and comfortable way like the men do because they must always first do their care work and only then with any remaining time can they take on other activities.

The Santal women under the study shared that they give a great deal of time to income generating occupations. However, the Santal women also expressed their despair that due to heavy care work requirements they cannot engage themselves in the agricultural work at the same level as their male counterparts can.

5.2.3 Decision making & accessibility

In households. In most households, men make final decisions in the household, except in the case of female-headed households. In the Faridpur and Patuakhali community dialogues, most of the women participants were from traditional Bengali households and had less control over household decision making. Three female-headed households and a few male-absentee households were included in the dialogues and in these cases female members made various household decisions. Some of the Indigenous households in the Dinajpur community dialogue included women who out-earned the men and in these cases the women reported taking on a more significant role in decision making. Local community leaders and NGO representatives noted that women's decision-making ability has been increasing, though slowly, due to their increased economic activities and awareness.

In the community. Male dominance is also prevalent in community decision making, but the situation is changing. In the community dialogues, in addition to women who are housewives, there were also women members of Union Parishad, community leaders, teachers, social workers, businesspersons, among others. The space for these women to hold these roles and have a say in community decision making has increased over time.

The following table provides a summary of the views of the decision-making status of various groups as shared during the community dialogue. Being a woman, a man, non-conforming to gender, being young, Indigenous, or low income affects people's ability to participate in decision making within households, villages, local organizations and at the national level.

Table 5.1: Decision making status of different groups

Group	Household	Village level	Local	National level Organization
Man	Dominant	Dominant	Dominant	Dominant
Woman	Mostly subordinate	Mostly subordinate	Mostly subordinate	Mostly subordinate
Young people	Somewhat dominant	Somewhat dominant	Somewhat dominant	Somewhat dominant
Indigenous people		Extremely little	Extremely little	Extremely little
Low-income people		Subordinate	Subordinate	Subordinate

Source: Author's analysis of community dialogues and KIIs

5.3 Impact of COVID-19 on social norms

According to the key informants the pandemic caused an increase in the prevalence of child marriage—a norm which had been decreasing pre-pandemic. This was also supported by community dialogue participants. For example, participants in Faridpur noted, “Child marriage soared at that time. I married off my 16-year-old girl at that time...Girls at secondary level got married at high rate.”

Gender Non-Conforming People

Gender non-conforming people are recognized by the Bangladesh government. Compared to other groups in the LGBTQI+ community, the government and society of Bangladesh are more open to gender non-conforming people, transgendered, or third gender people because of the historic existence and recognition of Hijra communities in South Asia.

While none of the community dialogue participants identified themselves as gender non-conforming, Ms. Ivan Ahmed Kotha, a leader within the transgender community shared her well-researched views with the Country Coalition. She shared that transgender people do not know about their land rights, either private (inheritance) or public (khas land distribution) land rights and that they cannot access land in the same way as non-transgendered people. They are also excluded from mainstream society and activities, despite the recent recognition of transgendered people by the government, such as in the census and in the provision of National ID cards recognizing their gender. She also raised the issue of sex workers and their similar lack of recognition and rights.

This is a topic that the Country Coalition plans to include in its advocacy work, including through promoting the adoption of an Anti-Discrimination Act that would protect the rights of vulnerable persons including Dalits, transgender persons, Indigenous people, etc.



Agricultural land in Dinajpur. June 2022

06

CHAPTER

Summary of Key Findings & WLR Priorities

6.1 Summary of Key Findings

6.1.1 Women's Land Rights: Policy Perspectives and Reality

Land laws: Most of the land laws, policies, and regulations governing the country's land sector are not adequate to ensure land rights and access for marginalized people, including women. Further, women's land rights are not equitably recognized in law and in many cases, women are explicitly discriminated against. For example, the 1997 Khas Land Management and Settlement Policy states that widows or abandoned women are not eligible for khas land if such women do not have an able son.

Inheritance laws and purchased land: Inheritance laws, irrespective of religion and ethnicity, also discriminate against women. Further, even if the discriminatory inheritance laws were to be followed to the letter (which they generally are not) women are legally entitled to a lesser share than men. These laws are rooted in gendered notions of the role of women in society ("women do not need land," "women will be taken care of by father, husband and son one after another," among others). Sisters, irrespective of religion and ethnicity, try to be "good sisters" by not claiming their inheritance property rights. Women who have never been married or who are divorced or widowed are also deprived of inheritance property rights. Finally, looking at purchased land (rather than inherited land), women also lose out because of the attitude that women do not need land. When families purchase land, there is a strong tendency to not put women's name on the deed of family-purchased land.

Khas land distribution: Without money and political connections, men cannot access khas land, let alone women. Very few women have received khas land. Perversely, instead of receiving khas land, poor women remain anxious about whether their small plots of land could become khas anytime due to the conspiracy of miscreants. Major constraints women face to access khas land include lack of ability to bribe and lack of connection with the local political and social elite, among others. Further, most women do not receive information on khas land distribution from government agencies. Finally, there is almost no representation of marginalized groups, including women, in the khas land distribution process.

Tenure insecurity: Women face tenure insecurity issues such as loss of land by reclassification to khas, usufructuary mortgages, excess land transfer in case of a sale, land grabbing by influential, river erosion, natural disaster, climate change, etc. These sources of insecurity affect women differently and more severely than men.

Land administration: Land administration and dispute resolution systems are not easily accessible to women, Indigenous groups, and other marginalized groups. These groups are not effectively represented in the dispute resolution institutions. There are insufficient mechanisms of assistance for women in dispute resolution. Corruption is an issue, especially for the marginalized. Women often face violence related to land-related disputes.

Climate change: Climate change impacts rural agricultural women in the form of frequent and severe droughts, cyclones, floods, and salinity. Climate resilient agricultural technologies and inputs could be an effective adaption mechanism for the marginalized women farmers in this regard.

Women as farmers: Women are mentioned as farmers in the government documents, but they are not treated as farmers in implementation of government programming. Due to lack of land ownership, women cannot access formal credit, farmer's cards, input support, training etc. Women agricultural laborers face wage discrimination, sometimes acutely.

6.1.2 Land Literacy

Women are largely land illiterate. They are not aware of their rights to inheritance, khas land, and other land rights. They rarely go to land offices and have limited access to land rights training. As women are often the poorest of the poor and most marginalized of the marginalized, they have little or no access to the services of the land offices. Women's meager participation in the local land offices contributes to their lower level of land literacy. In addition to a lack of formal education and limitations on their mobility, patriarchy, social norms, and behavioral expectations also reinforce the land illiteracy of Bangladeshi women.

There is a lack of adequate training from both the government and from NGOs to improve land literacy among the women. Thus, a strong intervention could be advocating for government programming as well as CSO/NGO initiative on land literacy.

6.1.3 Social Norms Affecting Women's Land Rights

Women's land rights are strongly affected by social norms and religious beliefs. The patriarchal social construct that "woman cannot do what man can do" and "purdah" practices, among others, limit women's participation in land-based activities.

Care work and household responsibilities leave women a step behind men in their ability to foster their own livelihood activities. Because of their double responsibilities, they cannot access, use, or control natural resources in a manner comparable to their male counterparts.

Men dominate decision making in every sphere of Bangladesh's patriarchal and class-based society. In community and social decision-making, the rich and power elites reign over the poor and the marginalized.

6.2 Coalition's WLR Priorities

6.2.1 Coalition's National Strategy Workshop

Based on this assessment and the existing knowledge and experience of the Coalition members, the Coalition came together July 23 and 24, 2022 for a National Strategy Workshop (NSW) to discuss findings and agree on WLR priorities.

Participants in the national workshop were largely Coalition²⁴ members, including:

- ◆ A broad group of land-rights focused NGOs and ALRD partners
- ◆ Members of the International Land Coalition's (ILC) National Engagement Strategy (NES)/Bangladesh Land Rights Network (BLRN)
- ◆ Individuals such as journalists, activists, and lawyers
- ◆ The Women Journalist Center (Nari Sangbadik Kendro)
- ◆ Indigenous People's organizations
- ◆ Women-led organizations.



National Strategy Workshop participants during the second day's session of planning and prioritization

A total of 42 participants (20 women, 21 men, and 1 transgender person) attended the workshop. Out of the participants, 10 were from outside the Coalition and 6 participants were from the communities where the background assessment community dialogues were held.

Eminent women's rights activist and chairperson of ALRD, Ms. Khusi Kabir, was the chair while Mr. Abu Sayeed Khan, Editor, the Daily Samakal and Ms. Nasimun Ara Haque Minu-President of Women Journalist Center (Nari Sangbadik Kendro) were the special guests of honor.

6.2.2 Coalition's WLR Priorities

A major goal of the NSW was for the Coalition to discuss and agree upon a set of 2-3 legislative priorities, 2-3 social norms change priorities, and to agree on capacity strengthening needs of CSO members.

Policy advocacy

- ◆ Revision of Khas (public) Land Management and Distribution Policy to ensure women's condition-free equal access

²⁴At this time of the National Workshop, Coalition CSO members included the Association for Land Reform and Development (ALRD), which also leads the Coalition; Association for the Realisation of Basic Needs (ARBAN); Badabon Sangho; Beneficiary's Friendship Forum (BFF); Community Development Association (CDA); Kapaeeng Foundation (KF); Nagorik Uddyog (NU); Sundarban Adibasi Munda Sangtha (SAMS); Society for People's Education, Empowerment and Development Trust (Speed Trust). It also included seven individual members who are journalists, lawyers, academics, and activists. For more information on the Coalition membership, please contact ALRD.

- ◆ Recognition of women as farmers in National Agricultural Policy and sub-district lists making them eligible for government agricultural services and subsidies
- ◆ Adoption of the Anti-Discrimination Act
- ◆ Full ratification of CEDAW, including withdrawal of reservations from Articles 2, 16(a), and (c)

Social norms and behavior change (SNBC) / land literacy

- ◆ Women recognized by communities, households, and themselves as people who can and should own land
- ◆ Local government services, including from land and agricultural offices as well as union council. are made available to women
- ◆ Local women advocates teach women land literacy topics and provide support to exercise their land rights

Capacity building for CSOs

- ◆ Enhanced land literacy awareness and ability to support women
- ◆ Strengthened local advocacy, dispute resolution, and communications skills
- ◆ Increased understanding of social norms and implementation of interventions to shift them

6.2.3 Next Steps

Based on these priorities, the Coalition is developing its strategy and action plan which will include detailed activities for policy advocacy, local and national communications plans, and capacity building for Coalition members. The Coalition is also planning land literacy and social norms pilots in three communities.

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