

Book Reviews

Political Economy of land Litigation in Bangladesh: A Case of Colossal National Wastage by Abul Barakat and Prasanta K. Roy, 2004. Dhaka: ALRD and Nijera Kori.

Land, the fertility of which was once the wonder of the world, is still the most important asset for livelihoods in Bangladesh. So it is also a major source of conflict in society. It has been particularly so because of a combination of factors including firstly, the imprecise nature of land ownership during the pre-colonial era as evident from the meticulous research by Barry Morrison and a host of other scholars (1980; Ali, 2000) and hugely complex labyrinth of land rights of the colonial and post colonial times. A second factor has been the deltaic ecology of this region that causes regular erosion and accretion of land caused by the hydrological dynamics of more than 250 rivers. A third factor has been the explosion of population from the late colonial period to 1980s within a very small geographical area with only 0.83 acre of land being available for a household and thus making land largely the sole source for survival for a majority of people. These and other factors, as Hartman and Boyce (1983:71) showed, give rise to fierce competition for land that 'constantly pits villager against villager.' Pervasive land litigation thus has been a central feature of Bangladesh society. The book under review illuminates this unexplored aspect of the social life of the country. This is an important and almost an indispensable book for those who are interested in rural Bangladesh or land relations of the country.

This book grew out of an important research work supported by the Association for Land Reform and Development (ALRD) and Nijera Kori. The methodology included documentation, court visits ranging from village courts to divisional courts, and survey in six districts, each from one division of the country. The respondents comprised a sample of 340 people including plaintiffs, defendants or accused of both civil and criminal cases.

The authors also undertook 30 in-depth case studies with a view to achieving triangulation of quantitative and qualitative methods. The data of the research have been presented in 47 tables. The book also contains a rich store of additional empirical data within the text of over 452 pages and 18 chapters. Professor Abul Barakat, the first author is a leading political economist of the country who has made significant contributions to the study of the political economy of land in the country. The present book is a continuation of his engagement with this issue.

From the very beginning the authors have taken an empirical approach to the issue of land litigation and have provided a historical account of land rights in the country as a context for understanding the current problem of land litigation. The results of the study have been presented in 15 chapters which highlight nature, prevalence, costs, and consequences of litigation through numbers and narratives.

The authors provide the details of the staggering number of land litigations that occur in the country. They found that about four million litigations were being instituted annually and among these one million were being solved through *shalish* or informal arbitration. About 1.82 million cases were pending in the courts of the country. Of these 1.39 million (76.58%) were land litigation. The total operating cases of land litigation were 2.5 million. The authors make the projection that about 186 million people were affected by land litigation that represented, at the time of the study, 46 million (or about one third) more than the total population of the country! However as more than one person was involved in a case, one who was involved in litigation was also involved in several lawsuits. As much as 54 percent of the respondents were involved in from one to four lawsuits and 34 percent from five to eight. The annual total amount of land affected by litigation was 2.35 million acres or 25% of the total arable land. Lawsuits ran for years together even as long as 50 years. Each lawsuit on average ran for 9.5 years. Thus suffering due to land litigation, the projection shows, did run into 27 million years!! In a similar way the total amount spent for litigation was projected to be 250,387 million taka which was equivalent to 10%

of the GDP and was more than the allocation for annual development of the country. Land litigation provided ample scope for corruption. Bribes amounted to about one-third of the cost of litigation. The police and land officials took the lion's share of the bribe. Chairmen, and members of the local government and even members of Parliament also claimed it.

Litigations led to stress, sickness, and decline of income and food consumption; in many cases it triggered violence causing physical injury, riot and even murder. The economic consequences of litigation, the authors show, are very severe. It is a key factor for downward mobility and vulnerability. Litigation led to loss of household assets for most of the respondents. After litigation rich families were reduced by half, and the number of the poor doubled. It also led to the swelling of the lower middle income group by 10 percent. Thus land litigation creates 'an environment for exploiting the innocent people' and multiplying the process of pauperization. It has been an important cause for poverty and vulnerability of marginally well-off people. Land litigation "...accentuates distress and destitution among the families under litigation; acts as a powerful disincentive against human capital formation, and causes a colossal wastage for the whole national economy and the society" (p. 293).

Land litigation is a complex process and it leads to a broad range of deprivation. With a view to understanding this process the authors undertook 30 case studies that represented six major forms of deprivation. First they highlight cases of illegal land grabbing, irregular registration with the help of forged documents, problems with property of people who left the country at the time of partition of India and Pakistan in 1947, collusion of the police, land grabbers and local government bodies, and violence and death in the *charlands*. Through these case studies the authors show that the state, political parties and local government all act together to deny effective rights to the bulk of the citizens. The cases in fact highlight a variety of low human rights regimes and institutional linkages within each regime. The major causes of land litigation, according to the respondents of the study, are irregular possession, irregularities in sale, purchase and registration of land, dispute about inheritance, dispute among co-sharers and forged documents.

On the basis of their study the authors provide a comprehensive policy package for reduction of litigation. The list includes good governance, speedy disposal of cases, increase of courts and judges, provision for ADR, re-introduction of Upazila Civil Court, merging of different land-related offices, affixation of photographs of buyers and sellers, repeal of obsolete land laws, provision for meticulous and fair land records, identification of *khas* lands, completion of the survey of accreted and alluvial land, revision of the Abandoned Property Act, setting up of a land data bank.

It is to be mentioned here that the Government of Bangladesh has already introduced some of these reforms and hopefully it will reduce land litigation to a certain extent. But many of these reforms are yet to be achieved.

I have several trivial critiques of this unusually good book. The historical section does not do justice to the highly debated issue of land ownership in South Asia. The sample size [340 respondents] is technically inadequate for national projection. The use of some kind of theoretical framework such as social capital would have made this work more fascinating. The empirical approach is also reflected in the use of concepts like middle class, upper middle class or lower middle class. It is not clear if the categories refer to the social divisions of the peasantry or class divisions within the country in general. I could not find rural-urban distribution of litigation among the large number of tables. The comprehensive list of suggestions does not set up priorities for action. There are a few printing errors (the word *Zamindar* has been shown to have originated from the French, p22, n5 and so on).

In spite of some limitations, it is a major study on the legal pathology of developing countries and shows with a wealth of empirical information why good governance is such an important policy agenda for Bangladesh. The book will be very useful to scholars, policy makers, development

practitioners, and general readers who have interest in land relations and rural society of the country.

References

Ali, Atahar M.2000."Political Structures of the Islamic Orient in the Sixteenth and Seventeenth Centuries'. Pp 129-140 in *Medieval India 1: Researches in the History of India 1200-1750*, edited by Irfan Habib. New Delhi:Oxford
Hartman, Betsy and James Boyce.1983. *A Quiet Violence: View from a Bangladesh Village*. London: Zed
Morrison, Barry M.1980. *Political Centres and Cultural Regions in Early Bengal*. New Delhi: Rawat

S Aminul Islam

Professor and Chair, Department of sociology
University of Dhaka. Email: aminuls2000@yahoo.com

Election Under a Caretaker Government: Empirical Analysis of the October 2001 Parliamentary Election in Bangladesh by Waresul Karim,(second edition), 2007. Dhaka: UPL, Pp 478.

It is extraordinary how quickly people these days move across disciplinary boundaries and move on to new areas. This work by Waresul Karim of the Department of Finance and Banking of the University of Dhaka is a testimony to that. This book provides a meticulous examination of the history of voting pattern since the era of democracy in 1991, especially the 2001 parliamentary election of Bangladesh.

The study of electoral behaviour is a highly important area of research in political science and political sociology and has given rise to an extensive body of literature. Since the classic studies of Herbert Tingsten in 1937, and V.O Kay in 1949 and pioneering election studies by Columbia University sociologists – Berelson, Lazarsfeld and McPhee, a huge body of scholarly works have sought to explore the interfaces of individual citizens, social contexts and elections. The key concern of electoral studies is the nature of people's preferences and the way these preferences are socially shaped. In the West key variables such as social class, ethnicity, religion, generations, on the one hand, act as important and stable social determinants of electoral behaviour and political party, personalities, party programs, party performances as direct and often variable determinants of electoral choice, on the other.

There are few studies of electoral behaviour in Bangladesh. Karim's book, first published in 2004, is a very welcome addition to this vitally important area of study. In some ways it is a different kind of book – different from social science tradition in the way the literature review has been done and the logical structure of the study conceived.

Divided into 13 chapters and 3 broad sections the main objective of the book is to provide an empirical analysis of parliamentary election of 2001 with focus on party performance in violence-prone area, swings, party performance and voter turn out and finally multivariate analysis. The multivariate analysis seeks to find robust answers for three research questions:

1. What are the factors that lead to the success or failure of a candidate in the election?
2. What factor or factors influence the share of a party's vote in the constituency?
3. What were the factors that were responsible for the retention or loss of a seat won by a party in 1996?