

**CLAIMING AND REALIZING RIGHT TO LAND: CAN DEVELOPMENT  
ORGANIZATIONS ADDRESS THE GENDER DISPARITIES IN BANGLADESH?**

**FERDOUS JAHAN, SHARIF A. WAHAB**

Department of Public Administration, University of Dhaka, Bangladesh; International  
Development Studies, Ohio University, USA

sa885514@ohio.edu

**Paper prepared for presentation at the  
“2017 WORLD BANK CONFERENCE ON LAND AND POVERTY”  
The World Bank - Washington DC, March 20-24, 2017**

*Copyright 2017 by author(s). All rights reserved. Readers may make verbatim copies of this document for non-commercial purposes by any means, provided that this copyright notice appears on all such copies.*

## **Abstract**

Right to own property is an important component of the social contract upon which a modern state is established. The laws of inheritance vary from religion to religion in Bangladesh context. Principles of distributing the property of inheritance are deeply connected with patriarchal belief, cultural pattern, history and traditions. Consequently, women in Bangladesh, in most instances are the victims of unequal distribution of land as property. BRAC, as the largest NGO of the world has been addressing multiple human-rights based issues through development programs for more than four decades. BRAC's Human Right and Legal Aid Service (HRLS) program under the 'Property Rights Initiative (PRI)' aims to address the right to land problem by ensuring access to property rights for poor and vulnerable people, particularly women. This paper aims to respond: How effective is development organization's targeted intervention for women in claiming and realizing their 'right to land? This paper presents the findings of an impact assessment carried out on the project. The paper concludes although the project is addressing the practical needs of women by raising awareness, the strategic gender need has yet to be achieved.

## **Key Words:**

Bangladesh, BRAC, Gender discrimination, Land Rights, Women's property rights

## 1. Introduction

Right to own property is an important component of the *social contract* upon which a modern state is established. Every individual has a natural claim on the movable and immovable property left by his/her forefathers. These inheritors may be the sons and daughters, father-mother, sister-brother or some kith and kin of the deceased. Women represent almost 40 percent of global workforce (World Development Indicator, 2014), while less than 20 percent of the world's landholders are women (Commission on the Status of the Women, 2012). Bangladesh, where social contracts are controlled by the patriarchal culture and legal practice (Kabeer, 2011), is no exception.

Constitutionally Bangladesh ensures no discrimination against specific gender. However, the country considers inheritance property rights under personal laws. All these personal laws (Muslim, Hindu and Christian) are discriminatory to women. Moreover, due to information asymmetry, inferior status in patriarchal society and limited access to power, women even cannot claim and own their existing rights.

Internationally women's right to property has long been considered as human right (Wickeri & Kalhan, 2010; UN Women & the Office of the United Nations High Commissioner for Human Rights, 2013; Sida, 2015). BRAC, as the largest Non-Governmental Organization of the world has been addressing multiple human-rights based issues through development programs for more than four decades. BRAC's Human Right and Legal Aid Service (HRLS) program under the 'Property Rights Initiative (PRI)' started an intervention since 2013. PRI aims to empower poor and vulnerable people specially women by making them aware about their right on inherited land, developing outreach strategies to address procedural and social barriers for gaining rights, and converting latent claims to actionable for rights.

This paper is based on an ethnographic study and an impact evaluation on this project<sup>1</sup>. The objective of the paper is to assess the effectiveness of development organization's targeted intervention for women in claiming and realizing their right to land. The paper addresses the following questions -

- a) To what extent human rights based development programs can produce benefits (e.g. enhancing knowledge and empowering communities in terms of women's access to land) for poor and vulnerable women within the context of unfavorable social, religious and cultural contexts?
- b) How relevant, effective, sustainable and participatory are such intervention components?
- c) What lessons can be drawn from such development interventions that can lead to further women-friendly policies and programs by the government and development organizations to facilitate claiming and realizing right to land by women?

---

<sup>1</sup> The First Author of this paper was the Lead Researcher for both of the research projects. This paper used selective data from the impact evaluation report for the purpose of the analysis.

The paper is divided into four sections. In second section the conceptual framework of women's land rights, existing laws and social norms are discussed. The third and fourth section explains the methodology used for the research and the analysis of qualitative and quantitative data. The concluding section presents the findings of the research.

## **2. Literature Review**

### ***2.1 Defining Land Right***

The paper adopts the definition of rights from Feder & Feeny (1991). Rights are claims that legally and socially recognized and enforceable by an external legitimized authority. The authority could be a village-level institution or some higher level judicial body of the state. different forms are included under land right – freedom to lease out, mortgage or sell. In other words, women would have the full ability to make decision over any use of the property. Such right can stem from inheritance of an individual or from tenancy agreement, sale and so on. It is important to distinguish between access and rights. Access can be either through formal agreement or informal concessions granted by individuals to kin or friends. Access does not guarantee ownership for women. In this paper, our position is that women may have access to land from several sources, but, having rights provides a measure of ownership and security that the others typically do not.

According to Agarwal (1994), women's rights to own land is one of the most critical form of property rights in South Asian male dominant context. It challenges the assumption that women's needs can be adequately met by employment and other income-generating activities. Moreover, land is a highly valuable asset which determines socioeconomic wellbeing and shapes rural power relationships. Molyneux (1985 as cited in Agarwal 1994) and Moser (1989) distinguished between 'practical' versus 'strategic' gender needs. Practical need is defined as basic subsistence (such as income, food etc.). Agarwal (1994) argued, satisfying them does not challenge women's position within the gender division of labor, or a given distribution of property or political power. Strategic needs are those that would help overcome women's subordination including transformation of gender division of labor, removing institutionalized forms of discrimination, such as rights to own and control property, and establishing political equality. Feder and Feeny (1991) argued that rights need to be explained in the context of overall institutional and socioeconomic structure of society. Following their categorization, we have analyzed land rights of women in Bangladesh from the dimensions of institutional rules and normative codes:

#### ***2.2.1 Rules***

This dimension includes two sub-categories: constitutional/fundamental rules that guide the society to be organized which is *the rules for making rules*, and institutional arrangements which are created within the fundamental rules. Such arrangement includes law, regulations, associations, contracts and property rights in the land.

### ***a. Constitutional and Institutional Rules***

The constitution of Bangladesh includes equal rights for men and women (Constitution of Bangladesh, Article 27). However, there is no uniform civil law for family law matters (including inheritance and division of property) in the country. Such matters are determined by personal laws applicable to the religion of the individual (Muslim, Christian, Hindu, Buddhist, or tribal (Rural Development Institute, 2009). All these personal laws (Muslim, Hindu and Christian) discriminate women against men in terms of property rights.

**Islamic law of Inheritance for Women:** The Islamic inheritance law is formulated on the basis of the holy Quran and Hadith. Sura An-Nisa (4:12) specified widow's share in deceased husband's property, "and they [wives] shall have a fourth of what you leave if you have no child, but if you have a child, then they shall have the eighth of what you leave..." (Radford 2000, p. 175). The daughter's share depends upon whether the deceased parent is survived by sons or other daughters. If the decedent is survived by sons as well as one or more daughters, each daughter takes one-half of a son's share. If there is no son and the decedent is survived by only one daughter, she takes one-half of the property. If there are no sons but more than one daughter, the surviving daughters share two-thirds of the estate equally among themselves (Radford 2000, p. 176). Mother's share is also specifically mentioned in the Quran. If the decedent dies and is not survived by any children or son's children, and is survived by only one sibling, if any, the decedent's mother's share is one-third of the estate. If the decedent in this case is survived by two or more siblings, the mother's share is one - sixth. If the decedent is survived by one or more children or son's children, the mother also takes one-sixth of the land (Radford 2000, p. 177). If a decedent is survived by both mother and father and there are no surviving children, descendants, or siblings of the decedent, the mother is entitled to one-third and the father is one-sixth share plus the rest of the property, which is a total of two-thirds of the property. The inheritor can sell, transfer and donate the land which s/he has got by way of inheritance.

**Hindu Inheritance Law for Women:** Historically the greater India including Bangladesh has accommodated innumerable followers of Hindu religion. There is a variety of castes among the Hindus. In broader sense, there are two types in the Hindu inheritance law – *Dayabhaga* and *Mitakshara* law. The Hindus living in Bangladesh usually follow the *Dayabhaga* form of law in distributing the inheritance property. According to the principle of *Dayabhaga*, three kinds of individuals will be the heir. These are- *Sopindo*, *Sokulya* and *Somanodok*. Among these three classes, if some one of the *Sopindo* remains alive, the *Sokulya* would not get any property by way of inheritance. If the *Sokulya* exists, *Somanodok* cannot be the heir of the property. According to the Hindu custom, 53 persons of whom five being women can be

the *Shopindo*. These five women are – the widow of the deceased/wives, daughter/daughters, mother, grandmother and great grandmother; they hold the 4th, 5th, 8th, 14th and the 20th places respectively among 53 *Sopindos*. When the bill for Hindu women’s right of property was passed in 1937, the provision was that the widow (single or more than one) would get together the property equivalent to one son’s property which they can enjoy as long as they live. But this property can never be sold out, made out a will, transferred or donated. The inheritor next to the wife is the daughter. The unmarried daughter, and the married or widowed daughter having son will enjoy the property all life and they all together will get a property equivalent to his son’s property. But the sonless widow and married daughter cannot be the heir to this property. Apart from this, in case of the deceased’s mother, if the father dies before the deceased, the mother will get a son’s share. But if the father is alive, mother would not get any property. The same rule will be applicable to grandmother and great grandmother.

The Hindu women can inherit property in these few cases and enjoy the property but they have no right to sell, donate, bequeath and transfer them. they can sell or transfer the property on three special grounds. These are – for the funeral ceremony of the deceased person whose property they inherited, to collect the dowry money of the unmarried daughter and for pilgrimage. The Hindu women are entitled to gain wife’s wealth (*stridhon*). If a woman possesses a property with her own earning, that property will be called wife’s wealth. She can do whatever she wishes to do with that property. While distributing the mother’s property, a mother can give her “wife’s wealth” to her sons and daughters according to her wish (Mahmood, 1972; Menski & Rahman, 1988).

When multiple laws intersect on the question of women’s property rights, the complexity might result into further negative consequences. If formal laws grant rights to women that they may not have in custom, and if those same formal laws recognize customary laws as valid, then potentially progressive provisions for women may not be implemented in practice (Rural Development Institute, 2009). This is what happening in Bangladesh. In next section, the paper analyzes how normative codes in Bangladesh controlled women’s right including their right to land.

### ***2.2.2 Normative Codes***

Normative behavioral codes include political and cultural values which legitimize the arrangements and constraints behavior. These codes interpret and in some cases modify the institutional rules for the sake of serving interest of the dominant socioeconomic class of the society.

Institutions are legitimate when the values people hold match up with rules that actually in practice (Lipset, 1959). In Bangladesh, the societal values are being dominated by men where women are subjugated. Women’s differential access to material resources mostly emerge from the gendered identities shaped by gender norms and stereotypes (Ridgeway, 2011). Women are very often ‘ignored socially and politically, deprived legally, exploited economically’ in Bangladesh (Halim, 2001). Hofstede’s cultural

dimension categorized the society of Bangladesh as “masculine in nature” (Hofstede, 1994) where women are more likely to be engaged in household works and men are responsible for the family incomes. Social, cultural and religious traditions define the rural Bangladeshi women as docile daughters, compliant wives and dependent mothers (ANGOC and ALRD, 2011). Such sociocultural norms and expectations compel women to be dependent on their male counterparts and restrict women’s right to claim their share of inherited property. However, according to Jahan, Wahab and Hafiz (2016), “woman” in Bangladesh cannot be defined as a collective identity rather particular groups or classes of women are more deprived than that of other women. Apart from mainstream Bengali women in Bangladesh, ‘ethnic minority women remain among the poorest, most violated, most oppressed, most scorned and most exploited sectors of society’ (Halim, 2005; cited in Wazed, 2012 p.16).

It is customary for a woman in Bangladesh to surrender her legal right to family property in exchange for the right to visit her parental home and the right to seek support from her brothers in the case of marital conflict (Rural Development Institute, 2009). There are some interrelated reasons for this matter. The brother either manipulates property information, puts emotional burden on sister or simply force them to leave their share (either in exchange of minimum amount of financial compensation or for nothing). The sister, on the other hand, considers brother’s house as their parental resort and value the relationship over their share of inherited property. There is a problem of self-image and domination by their husband as well. Research by Jahan et al. (2016) shows that, Bangladeshi women think, if they claim their ownership, that would just be a transfer from their brother to their husband. The women would not have the actual ownership, so they try to keep the bonding with their brother by leaving their share. In many cases, the husbands also create pressure on their wives to claim the inherited land. Such pressure often turns into physical and mental abuse. The research also emphasized on the shallow knowledge of women about their inherited property rights across religion.

## ***2.2 Politics of Women’s (Property) Rights in Bangladesh***

Women development has been a political agenda since the independence of Bangladesh. Such strategy worked both in favor and against women empowerment in Bangladesh. In one hand, women’s participation in the mainstream social and political arena has significantly increased, and on the other, religion-based political parties brought limit to achieving their equal rights.

Both of the two major political parties promoted women’s development to fulfil their political agenda and secure power. Bangladesh Awami League’s (BAL) ideological emphasis on secularism created space for women in the social and political arena. According to Kabeer (1998), such ideology reduced the power of enforcing religious codes of conduct and allowed less rigid and immutable models for women’s behavior to emerge. Such model is more open to change through contest and struggle

(Kabeer 1991, p. 126). In the similar vein, Jahan and Shahan (2013) argued that the majority of Bangladeshi people follows a secular civic religion, not the fundamental Islamic version of it.

President Ziaur Rahman who formed the Bangladesh National Party (BNP) also promoted women participation in the political and social arena in order to build international relationship, extract funds and strengthen political power. The year he came into power (1975) coincided with the declaration of United Nation's women decade (Kabeer, 1998). He replicated the essence of Women in Development (WID) agenda in the Second Five Year plan, increased the reserved seat for women from 10 to 30 in the parliament, formed fully functional Ministry of Women Affairs, and established National Women's Organization. This organization actively worked for President Ziaur Rahman during election (Ibid).

At the same time, Zia also opened the door for religion-based political parties in the mainstream politics of Bangladesh. The involvement of religion-based political parties in mainstream politics have further consequences in the women's rights issues in Bangladesh. President Rahman was assassinated by military coup in 1981. His successor H.M. Ershad continued to close the gap between religion and state. His government rejected to sign on the Convention of Elimination of All forms of Discrimination against Women (CEDAW) on the ground that several clauses are incompatible to *Shariah* (Islamic law). With the passage of time, both BAL and BNP increased patronization of the Islamic organizations leading to failure of women's development policy implementation (Jahan and Shahan, 2013). The incumbent government used a draft Women Development Policy as their election manifesto during election campaign in 2008. In section 7.2 of the policy, it was stated that "Women would be given full and equal rights, and control over earnings, inheritance, wealth, loan, land and wealth earned through technology and market management, and new laws would be enacted to achieve this goal." However, after winning the election when it was time to approve the draft as bill in the parliament, the government moved to a safe political space and changed the language to "women would be given full control over the wealth that they have obtained so far through earnings, inheritance, loan, land and market management" (Gayen, 2011). Even after making that change, they could not avoid extreme criticism by the religious fundamentalists. A large group of Islamic activists went for violent movements on road claiming that this women development policy is against the law of holy Quran. The Prime Minister herself had to announce in public that there is nothing in the policy that contradicts with the holy Quran.

Kabeer (1998) summed up the government's position regarding women's rights, as current policies reproduce past attitudes where state is paternalistic "... as long as social responsibilities are maintained, repressive when they are transgressed" (p. 131). On this ground, non-governmental organizations and even grassroots level organizations are also active outside the boundary of official efforts to promote women's rights. The steps to engage women in the political arena by President Ziaur Rahman paved the way for NGOs to start their activities focusing on women's development issues. We

argue that, the expansion of women's rights based approach is a part of what Kabeer termed as *social responsibility* by the government. In the next section, we have analyzed the contribution of NGOs in Bangladesh in terms of achieving women's rights in general and their property rights in particular.

### ***2.3 Contribution of NGOs in Women's (Property) Rights***

NGO activities in Bangladesh are now synonymous with women's empowerment. They have become a critical role player for addressing the *women question*. For example, the Aga Khan foundation in Bangladesh works directly with locally elected female officials to improve their knowledge about the impediments that prevent women from realizing property rights. Another NGO, the Center for Development Services (CDS) takes a slightly different approach with its advocacy campaigns. It conducts interactive and informative media campaigns on women's property rights, taking a human rights based approach. The CDS focus, however, is on the boys and girls who will be the women and men of the next generation (Rural Development Institute, 2009). The Association for Land Reform and Development (ALRD) aims at developing strategies for promoting gender equality in land rights. They do advocacy for gender equality in inheritance law and practice on a secular and uniform basis for all communities, promoting legal literacy, registering women's inheritance shares, and changing gendered attitudes in the society.

NGO's role in a society can be defined as Social Intermediation. According to Bennett and Goldberg (1993), social intermediation is a process to build up both human resources and institutional capital. The aim here is to increase the self-reliance of marginalized groups, and preparing them to engage in formal mediations. NGOs which follow right-based approach, can engage in such process by direct, indirect, and strategic use of existing laws, holding the state accountable by questioning its service delivery mechanism, and building capacity of the citizens to claim their rights (Gready, 2008). In this article we focus on BRAC's HRLS-PRI project that aimed to raise awareness and build capacity of poor people in general and women in particular to claim and realize their inheritance rights utilizing the existing laws.

### ***2.4 BRAC's HRLS-PRI project***

BRAC's Human Rights and Legal Aid services (HRLS) Program is dedicated to protecting and promoting human rights of the poor and marginalized through legal empowerment. HRLS operates over 473 Legal Aid Clinics in districts across Bangladesh and is the largest NGO-led legal aid program in the world. HRLS launched the second phase of the Property Rights Initiative (PRI) in June 2013. The program aims at developing linkages between laws and rights by helping poor communities identify their entitlement to property rights and supporting them in accessing their claims. The objective of PRI is to

ensure access to property rights for poor and vulnerable people, particularly women in Bangladesh. The PRI project was implemented in 491 Unions of 54 Upazilas under six Northwest districts (Rangpur, Gaibandha, Dinajpur, Rajshahi, Natore and Naogaon) of the country.

PRI has been implementing the project in two levels. The first one is activities to increase awareness about claiming property right (e.g. Yard meeting, Human Rights and Legal Education Classes, Formation of Odhikar Bastabayan Committee Right Implementation Committee). Also the program provides legal support to the clients. The Second level is, training men and women with necessary skills for surveyor as Land Entrepreneur (LE). BRAC commissioned an independent impact assessment of the PRI project. The assessment followed a mixed method approach and collected primary data. This article uses relevant quantitative and qualitative data from this impact assessment.

### **3. Impact Assessment Methodology**

The impact assessment has followed a mixed-method approach of combining quantitative survey data with qualitative group discussions, interviews, and case studies. Primary data have been collected from households, Human Rights and Legal Education<sup>2</sup> (HRLE) graduates, *Odhikar Bastabayan* Committees (Realization of Rights Committee), Local Community Leaders, Barefoot Lawyers<sup>3</sup>, Land Entrepreneurs<sup>4</sup>, clients of legal aid services and from government officials. For the quantitative component of this evaluation, this research used a cross-sectional survey of four types of respondents: Connected communities (those who have been exposed to HRLS-PRI interventions): These are the treatment group consisting of the following sub-groups:

- a. HRLE graduates: households with at least one member who have graduated from LE classes.
- b. Service users of HRLS and PRI program: This groups included two types of service recipients
  - o Households that received legal services from the mainstream HRLS program (not from PRI and not on land issues)

---

<sup>2</sup> Customized training course for rural poor citizens on human rights and legal education provided by HRLS program

<sup>3</sup> Community level paralegals trained by HRLS program

<sup>4</sup> Selected local area residents trained by PRI to become professional land surveyor. The LEs provide measurement precision at affordable rates that would be accessible by the vulnerable poor. BRAC LEs do not only measure land but also provide advice regarding property laws and rights without any charge. They also participate in the dispute resolution process at the *Shalish* level along with Union Parishad Members and Chairpersons.

- Service users of HRLS-PRI program: Households received legal services from the PRI project on land related issues
- c. d. Not-connected communities (those who have not been exposed to HRLS-PRI interventions): household who does not have any connection with the project (neither LA graduate nor service recipients).

400 households have been surveyed from each of the three groups, leading to a survey of 1,200 individuals in total. For the intervention groups (LE graduates and HRLS/PRI service users), two-stage random sampling has been conducted. From the six intervention districts: Naogaon, Dinajpur, Rangpur, Gaibandha, Natore and Rajshahi, two upazilas (one sadar Upazila and another rural Upazila- to compare between urban and rural impact), and two unions from each upazila have been sampled. This gave a total of 24 clusters or unions. From each union, 18 HRLE graduates and 18 HRLS/PRI service users have then been sampled. These samples have been drawn randomly by using the union/branch level list of HRLE graduates and service users as a sampling frame. For selecting HRLE graduates, a list of 18-25 HRLE graduates was compiled for each group (groups that received a common training) and 18 graduates were randomly surveyed. If the number was not fulfilled from one group, the rest of the numbers were randomly taken from the list of another group. Therefore, surveyed HRLE graduates sometimes are from a single village of a union or sometimes from several villages.

In addition to a quantitative survey, qualitative data collection methods were also used to measure the outcome of the project. Qualitative data was collected from two intervention districts: Rangpur and Naogaon. To understand the difference between urban and rural outcomes from every district, the *sadar* upazila (sub district head quarter) and another upazila were selected. Twenty-four Key Informant Interviews (KII), 10 Focus Group Discussions (FGD), and 40 case studies were held using qualitative data collection tools.

## **4. Analysis of the Findings**

### ***4.1 Socioeconomic Profile of the surveyed households***

Adult women in the households were the respondents for this survey. As shown in table 1, more than 90 percent of the households in the program groups were Muslim, while about 85 percent of the households in the comparison group were Muslim. The rest of the households both in the comparison and program groups were Hindus. Almost all of the households in both the comparison and program groups were either native to the community or have been residing there for more than one year.

**Table 1: Household Level Characteristics**

Characteristics of the households		HRLE Graduates	HRLS Legal Aid Service Recipients	PRI Legal Aid Service Recipients	Comparison Group	Total
Religion: Islam	(n)	404	158	236	368	1,166
	Percent	93.52	98.75	95.16	85.19	91.67
Religion: Hindu	(n)	28	2	12	64	106
	Percent	6.48	1.25	4.84	14.81	8.33
Residential status of the household (residing in same place)						
Less than 12 months	(n)	3	0	3	3	9
	Percent	0.69	0	1.21	0.69	0.71
More than 12 months	(n)	304	76	189	320	889
	Percent	70.37	47.5	76.21	74.07	69.89
Native	(n)	125	84	56	109	374
	Percent	28.94	52.5	22.58	25.23	29.4

The table below presents the basic socio-demographic information of the respondents. Overall, 7.08 percent of the respondents were household heads, while 81.6 percent of the respondents were spouses of household heads. About 87 percent of the respondents were married, while about 6 percent were widowed, about 3 percent were divorced, about 4 percent were separated, and about 1 percent of the respondents were unmarried. The marital status information may provide some indication that claimants of property rights are more likely to seek legal aid from PRI if they are married. In other words, husbands may provide the necessary stimulus and support to seek property rights related legal services. Qualitative interviews revealed that, while it appears that the women are demanding their right to property through legal institutions, it is typically their husbands who perform all the background work and facilitate the whole process of claiming and dispute resolution. The average years of education across all the groups were 4.51 years. This implies that the HRLE classes are targeted toward areas where typically women who have a low level of education compared to women in other areas. These women and their households are more likely to access legal aid services from the program with enhanced knowledge received from LE classes compared to the other similar households who did not receive such information on legal rights.

**Table 2: Characteristics of the Respondents**

Characteristics of the respondents		HRLE Graduate s	HRLS Legal Aid Service Recipients	PRI Legal Aid Service Recipients	Comparison	Total
Category of sample households	(n)	432	160	248	432	1,272
	%	34	13	20	34	100
Average age of the respondents (years)	Mean	35.42	33.20	38.90	37.20	36.43
Average Education of the respondents	Mean	4.16	4.54	5.09	4.52	4.51
Proportion of Female respondents	(n)	428	160	247	429	1,264
	%	99.07	100	99.6	99.31	99.37
Proportion of respondents as Household heads	(n)	30	14	14	32	90
	%	6.94	8.75	5.65	7.41	7.08
Proportion of respondents as spouses	(n)	375	68	217	378	1,038
	%	86.81	42.5	87.5	87.5	81.6
Marital status of the respondents						
Unmarried	(n)	7	0	0	1	8
	%	1.62	0	0	0.23	0.63
Married	(n)	397	84	231	394	1,106
	%	91.9	52.5	93.15	91.2	86.95
Divorced	(n)	4	26	3	2	35
	%	0.93	16.25	1.21	0.46	2.75
Widow/widower	(n)	20	9	13	31	73
	%	4.63	5.63	5.24	7.18	5.74
Separated/Abandoned	(n)	4	41	1	4	50
	%	0.93	25.62	0.4	0.93	3.93

Overall, the average age of the household heads was 45.07 years, and only 8.73 percent of the household heads were female. The monthly average income of the household heads was BDT 8,682 (USD 108.525<sup>5</sup>).

<sup>5</sup> Exchange rate used: 1 USD = 80 BDT

On an average, total households surveyed owned 8.79 decimals (0.036 hectares<sup>6</sup>) of homestead land, 300.1 decimals (1.21 hectares) of cultivable land, 0.16 decimals (0.0006 hectares) of land used for business activities, 4.79 decimals (0.019 hectares) of pond area, 3.41 decimals (0.014 hectares) of gardening area, 0.97 decimals (0.004 hectares) of unused land area (fallow land and bush area).

The study reveals socioeconomic shocks (e.g. physical assault, business shutdown, missing work days due to the fear of attack, costs for being arrested) in the lives of respondents who experienced land related disputes. On an average, such economic shocks can range from BDT 3,300 (USD 41.25) to BDT 50,000 (USD 625). Thus, such economic shocks can be 0.38 times to 5.76 times of the average monthly incomes of all households surveyed, and 0.29 times to 4.36 times of the average monthly incomes of households receiving PRI legal aid services. The cost of land related disputes do not simply comprise of the market price of the disputed land, but also the numerous hidden financial and time costs that the parties need to pay until a resolution is reached. The subsequent legal and administrative expenses can be deterring people from seeking help with making claims and seeking resolutions. While lawyers' fees are the largest court related expenses, collecting the documents required for filing court cases (e.g. Collecting copy of deeds, Mutation and collection of land tax documents, Collection of maps, Photocopies of multiple documents, Deed writer's fees, surveyor') form the second largest expense.

PRI offers an opportunity to the poor and vulnerable to circumvent many of the hidden costs involved, including time costs, and hence, levels the playing ground for both the financially stronger party and the vulnerable party to the dispute resolution.

#### ***4.2 Effectiveness of Land Entrepreneurship (LE) initiative***

This section discuss the effectiveness of the LE initiative by PRI in terms of availability, utilization and cost of the service.

##### ***4.2.1 Availability of Surveyors***

The respondents were asked about the availability of different types of land surveyors and entrepreneurs in the area: Government surveyors (male only, as there are no female government land surveyors), BRAC LEs (male), BRAC LEs (female), and non-government land surveyors. Each row in the table indicates the type of respondents and each column represents the category of land entrepreneurs. Figures in the table 3 indicate only the number and corresponding percentage of the respondents who reported yes when they were asked whether a particular category of LE is available in the area. For instance, in row 1 of column 1 the figure implies that 19.4 percent of the HRLE Graduate respondents said that Government surveyor is available in their community.

---

<sup>6</sup> 1 decimal = 0.004046 hectares

**Table 3: Availability of Different Types of Land Entrepreneurs**

Respondent Type		Government land surveyors	BRAC LEs (male)	BRAC LEs(female)	Non govt. land surveyors
		(1)	(2)	(3)	(4)
(1)	HRLE Graduates	84	103	2	310
	Percent	19.4	23.8	0.5	71.8
(2)	HRLS Service Recipients	15	30	6	123
	Percent	9.4	18.8	3.8	76.9
(3)	PRI Service Recipients	31	212	4	151
	Percent	12.5	85.5	1.6	60.9
(4)	Comparison	60	24	0	340
	Percent	13.9	5.6	0.0	78.7
(5)	Total	190	369	12	924
		14.9	29.0	0.9	72.6

The table portrays several important patterns. First, of the four different types of BRAC LEs, respondents were mainly aware of the availability of male BRAC LEs. In total, 85 percent of PRI service receivers (row 3, column 2) reported that BRAC male LEs are available in their area. In contrast, only 1.6 percent of the PRI service receivers were aware of the availability of female BRAC LEs. Another important observation is that a large proportion of the respondents were aware of the availability of non-government land surveyors in their community, which is highest for respondents of comparison area (78.7 percent) and lowest for PRI service receivers.

#### ***4.2.2 Utilization of Service***

The level of utilization of various types of land surveyors and entrepreneurs by different categories of respondents. In total, 244 households in the study area used BRAC male LEs. PRI service receiver households contributed 88 percent of the total utilization of BRAC male LEs. One important observation is that only one respondent said that she used BRAC female LE. In the comparison group (not connected), of the respondents who used LEs, a significant proportion of them used Non-government surveyors.

**Table 4: Utilization of Land Surveyors and Entrepreneurs**

Resp. Type	Government surveyor	BRAC LEs (male)	BRAC LEs (female)	Non govt. Surveyor
HRLE Graduates	46 49.5	16 6.6	0 0.0	156 30.1
HRLS Aid Service Recipient	10 10.8	8 3.3	1 100.0	72 13.9
HRLS LE Service Recipient	13 14.0	216 88.5	0 0.0	97 18.7
Comparison	24 25.8	4 1.6	0 0.0	193 37.3
Total	93 100	244 100	1 100	518 100

#### ***4.2.3 Cost of Service***

The following table reports the average cost of services incurred by the households for different types of LEs. The table focuses on three main types of land entrepreneurs only for average cost calculation (Government surveyor, BRAC LE (male) and non-government land surveyor) as there are not enough observations for other groups.

**Table 5: Incidence of Costs and Average Expenses**

	Government surveyor	BRAC (male)	LE Non- government land surveyor
Yes	79	196	492
Percent	85.0	80.3	95.0
Average (BDT/USD)	Cost 641/8.01	473/5.91	573/7.16
No or Don't Know or NA	14	48	26
Percent	15.1	19.7	5.0
Total	93	244	518
Satisfaction level	3.9	4.03	3.54

The table highlights several important findings from the survey. First, in the table, it is evident that BRAC LE (male) is the least costly service provider between the three major types of land entrepreneurs. Of the 244 households who used BRAC LE (male), 196 (80 percent) households incurred costs for the service and spent 473 BDT (USD 5.91) on average. The average cost of service for Government surveyors was 641 BDT (USD 8.01) and for Non-government surveyors was 573 BDT (USD 7.16), which are both more than the BRAC LEs average. Second, the average level of satisfaction for BRAC male LEs is comparatively higher than that of other service providers. The last row of Table 5 reflects the clients' average satisfaction level across different types of services. In a scale of 1 to 5 (not satisfied to very satisfied) it appears that the average score of level of satisfaction is marginally higher for the BRAC (male) LEs compared to Government surveyors.

#### ***4.2.4 Satisfaction of Service***

In Table 6 it is clearly noticeable that the proportion of households who were satisfied (row 1 to 3) with BRAC (male) LEs is relatively higher than that of other categories of surveyors across different level of satisfaction. Overall, approximately 77.9 percent (sum of row 1 and 2) users of the BRAC LE (male) service stated that they were either satisfied or very satisfied with the service, which is 7 percent greater than that of corresponding figure for Government surveyors and 21.4 percent greater than that of other surveyors.

**Table 6: Level of Satisfaction by different Types of LE services**

	Government surveyor		BRAC LE (male)		non-government land surveyor	
	Freq.	Percent	Freq.	Percent	Freq.	Percent
	(1)	(2)	(3)	(4)	(5)	(6)
(1) Very Satisfied	20	21.5	66	27.1	40	7.7
(2) Satisfied	46	49.4	124	50.8	253	48.8
(3) Somehow satisfied	24	25.8	49	20.1	175	33.8
(4) Dissatisfied	3	3.2	5	2.05	48	9.27
(5) Not at all satisfied	-	-	-	-	2	0.39
(6) Satisfaction level	3.9		4.03		3.54	

Qualitative interviews revealed that community members prefer consulting with BRAC trained LEs regarding land related issues. One incident of the dispute was shared by the interviewee. a female BRAC trained LE from Koyra Para, Sundora, Dhamoirhat, Naogaon helped a man realize his share of property from his elder sister who had illegally acquired possession of their father’s lands. The female LE contacted another male BRAC trained LE and helped the claimant obtain all the land related documents from government institutions without bribing any of the officials. The claimant used those documents at the local Union Parishad Salish to obtain his share of the property.

The overall data shows that PRI’s LE initiative has been effective. However, female LEs has yet to achieve any significant outcome gaining people’s importance and satisfaction. Based on the discussion on the sociocultural practice of Bangladesh in previous sections, it is understandable that communities are not ready yet to accept women such technical position dominated historically by male.

#### ***4.3 Role of PRI in enhancing knowledge about Property Rights***

This section evaluates to what extent PRI has been successful in enhancing the communities’ knowledge on entitlement to property rights. Two separate sets of questions were designed for Muslim and Hindu respondents. In order to assess the level of understanding of Muslim respondents, this section asks six questions based on Islamic Laws. Table 7 shows the differences in knowledge about property rights between different groups of respondents. In terms of level of difficulty, these questions can be

divided into two sets: general (1-3) and specific (4-6). The table presents the number and percentage of respondents who possess correct knowledge about property rights.

Several patterns are noticeable in this table. First, a large proportion of the respondents provided right answers for the first set of questions, while a majority of the respondents were unable to answer the second set of questions correctly. Second, for three questions (2-4) households covered by HRLE and PRI project performed relatively better than those who remained outside the catchment area of the program, where for rest of the three questions there is no significant difference between the program and control group.

**Table 7: Knowledge about entitlement to property based on Islamic Laws**

		HRLE	HRLS	HRLS		
		Grad	LAid	LE S	Comparison	Total
		(1)	(2)	(3)	(4)	(5)
(1)	Who possesses right to property in accordance with Muslim inheritance law? (N)	398	153	235	364	1,150
	%	98.5	96.8	99.6	98.9	98.6
(2)	How much share of land/property does a son/daughter get from his father by inheritance? (N)	339	136	206	294	975
	%	83.9	86.1	87.3	79.9	83.6
(3)	In your opinion, how much share does a wife get from her husband's property? (N)	324	108	191	251	874
	%	80.2	68.4	80.9	68.2	75
(4)	How much share does a husband get from her wife's property? (N)	45	11	21	22	99
	%	11.1	7	8.9	6	8.5
(5)	How much share does a son inherit from his mother's land? (N)	108	51	51	94	304
	%	26.7	32.3	21.6	25.5	26.1
(6)	How much share does daughter get as inheritance from her mother's land? (N)	100	49	48	85	282
	%	24.8	31	20.3	23.1	24.2
Total		404	158	236	368	1,166

The impact of the program in enhancing the knowledge of the targeted communities has been reflected in the latter half of the questions. In row 2 of Table 7, for the question on the son's/daughter's share in father's property, approximately 87.3 percent of PRI service receivers provided the correct answers, which is approximately 7.4 percent more than that of comparison respondents. For

the third question, regarding the specific share of a wife from her husband’s property (row 3), the difference between PRI service receivers and comparison households is more than 12 percent with 80.9 correct response in PRI and 68.2 percent for comparison respondents. A similar pattern emerges in knowledge gaps between HRLE graduates and the comparison group, with the former clearly surpassing the later.

However, the program’s impact is less straightforward in terms of questions that require advanced level awareness of inheritance laws. When respondents were asked about the share a daughter (son) gets from her (his) mother’s property, only 24.2 (26.1) of the total respondents knew the correct answer. Noticeably, 23.1 percent of the comparison respondents provided correct answers for the question on the daughter’s share (row 6), which is 2.8 percent greater than that of PRI service receivers. On the other hand, both HRLE graduates and HRLS legal aid service receivers performed relatively better than that of comparison respondents in the last two cases.

**Table 8: Source of Property Rights Knowledge (Muslims)**

Information Source	Right to Property		sons'/daughter' share		Wife's Share		Son's share in Mother's property		Daughter's share in Mother's property	
	Freq.	Percent	Freq.	Percent	Freq.	Percent	Freq.	Percent	Freq.	Percent
PRI	379	48.2	324	47.6	313	50.2	38	49.4	95	45.2
BRAC (other)	39	5.0	28	4.1	18	2.9			4	1.9
All other	368	46.8	329	48.3	292	46.9	39	50.7	111	52.9
Total	786	100	681	100	623	100	77	100	210	100

Note: BRAC (other) includes BRAC *shikkha shebi* and BRAC HRLS program.

Table 8 reflects the source information for each question regarding Islamic inheritance laws only considering the respondents who are Muslim and correctly answered a question and live in the program area. Since a respondent can indicate multiple sources of information, the figures in the tables need careful interpretation. The PRI includes three important stakeholders of the intervention: Rights Implementation Committee (Odhiker Bastobayon Committee), BRAC LEs (male) and BRAC LEs (Female). On the other hand, BRAC (other) includes BRAC school teacher and BRAC HRLS program.

The key finding from the table is that approximately 50 percent of the respondents' mention PRI as one of the sources of direct information.

**Table 9: Knowledge about entitlement to property based on Hindu Laws**

	Question	Comparison	Program	Total
(1)	Who possesses the rights to property in term of Hindu inheritance law?	9	3	12
		14.1	7.1	11.3
(2)	Can a widow sell or donate land received from her husband?	47	34	81
		73.4	81.0	76.4
(3)	How much property does a Hindu daughter inherit from her father (if her father has a son)?	57	41	98
		89.1	97.6	92.5
	Percent			
	N	64	42	106

Table 9 shows the performance of Hindu respondents on three particular questions on Hindu Inheritance Law. Since the number of Hindu respondents is inadequate for PRI service receiver and HRLS-legal-aid service receiver group, a single group program, is constructed by merging the HRLE graduates with these two groups. For the first question only a small fraction of Hindu respondents was successful in providing the correct answer. When respondents were asked whether a widow can sell or donate land received from her husband, 81 percent of targeted respondents (Hindu) were successful in answering the question correctly, which is 7.6 greater than that of corresponding comparison respondents.

Based on an analysis of the above information, it can be observed that in general, LE classes and PRI legal aid services have a positive impact on the knowledge level of households regarding property rights when compared to the comparison group households, with PRI legal aid services having a more pronounced effect on the knowledge regarding children's shares on father's property, and the wife's share on her husband's property and vice versa. Moreover, PRI has a greater impact on enhancing the knowledge of the community people compared to the HRLS program staff alone. However, other sources have a similar level of contribution to the knowledge of property rights in the communities, as evidenced

by the percentage of respondents who have learned about property rights from other sources (ranging from 46.8 percent to 52.9 percent across the different types of knowledge questions asked).

The qualitative research provides further evidence that PRI has a direct positive impact on the knowledge level of men and women on property rights and the process of resolving land related disputes in the study areas. People can now identify certain areas of their rights as well as direct others to institutions such as the Union Parishad, PRI staff or PRI trained community members for attaining their property rights. According to a male LE from Naogaon, increased level of education and religious awareness of the people contribute to strengthening the impact of PRI on the knowledge outcomes regarding property rights.

Particularly, the HRLE classes and courtyard meetings held by the PRI staff have contributed greatly to this end. For instance, prior to the PRI's HRLE classes and courtyard meetings, people at Fatehpur, Naogaon had very limited knowledge of property rights, especially the women. These project activities have been quite effective in increasing people's knowledge of property rights. Also, people now know where they should go to learn more about property rights, claiming property, and dispute resolution. In addition, according to the KII with a barefoot lawyer at Dubolhati, Naogaon, most of the women in the community had little knowledge of property rights owing to their lack of education. However, after completing the HRLE classes conducted by PRI, these women have attained some level of understanding of their property rights. Hence, they now can provide some advice to people who are facing property rights related disputes or issues, or at least they can direct such people to BRAC's barefoot lawyers and other PRI project staff so that they may find solutions to their land related problems. For instance, an OBC member from Rangpur who also attended HRLE classes explained that she learned about the required documents and where to collect those forms to facilitate dispute resolution. When she gave this advice to her husband who has facing some land related disputes, he initially rejected her advice because he did not think that women could provide proper information regarding land issues. However, when he discussed the matter with other members of the community, he realized that his wife was correct. Hence, he began taking advice from his wife regarding the dispute resolution. Thus, knowledge enhancement of women regarding land and property rights is having the effect of enhancing the relative status of women within the households.

Yet, a participant from Naogaon says that poor education levels of the participants of the HRLE classes and courtyard meetings have acted as a barrier to realizing the enhanced knowledge outcomes of the project. Nonetheless, FGD with male participants at Naogaon suggest that people from the poorer sections of society and those who lack knowledge of property rights mostly join the courtyard meetings arranged by PRI in the hopes of enhancing their knowledge. The participants had not attended such meetings before since no organization other than BRAC has launched such a project, and hence, people

express their interest in joining the courtyard meetings. Men and women learn about property rights, the process of accessing their rights and which institutions to knock in order to get their rights from such meetings. The FGD participants said that they know about BRAC's project activities that help with land related dispute resolution, and provide lawyers to deal with cases for the vulnerable poor.

Moreover, the Local Community Leader (LCL) trainings have enhanced the knowledge of key local elites and proactive representatives of the communities regarding property rights. This has proved to have an important impact since people within the community facing land related disputes would first resort to such local elites and representatives for resolving their issues. If these key actors have a good level of knowledge of property rights, then they are able to make a significant contribution to the resolution process and ensure justice according to the existing laws. Also, with their leadership and influence within the community, they would then be able to foster the dissemination and practice of the correct application of property rights and land-related laws within the community, improving the knowledge level and practice.

Similarly, BRAC trained LEs are a great source of enhancing the community's knowledge of property rights and land laws. According to a male BRAC LE from Naogaon, BRAC LEs provide advice and information regarding land and property documentation without any charge that makes it to people to safeguard their property. In other words, people come to them for advice, meaning that they are interested in property rights and believe that PRI staff or trainees can be of help. In the same way, a male BRAC LE from Naogaon shared that BRAC LEs are often a source of information related to property rights, as people seek information about property sharing and the institutional process and documentation required for ensuring property rights. Even though the LEs may not always be able to provide exact information on how to share property, they contact the PRI staff to convey the accurate information to the seeker of such information. Hence, they work to ensure that people know the accurate information based on existing laws and claim their rights according to such laws.

#### ***4.4 Claiming & Realization of Property Rights***

The emerging theme from the interviews with the respondents showed that women are mostly reluctant to claim their property rights in the study area. The following factors were identified from the research:

##### ***4.4.1 Lack of interest to go beyond family decision***

While some women may know that they have property rights, they are not interested in claiming those rights. According to a female LE from Naogaon, this happens for a number of reasons. First, if parents legally transfer the property to their sons in their lifetimes, then women do not want to claim their share of the property. Because, they respect their parents' decision and prefer not to go against it. Second,

even if parents do not legally transfer property to their sons in their lifetimes, the sons still tend to consume the property and daughters are either refrained or they themselves refrain them from claiming their rights on the property to avoid disputes that may strain their relationships with their family. Women often let go of their entire share or sell their share for half the price to their brothers. In addition, the amount of land or property left by the parents may not be significant enough, and so, women realize that if they claim their meager share, their brothers would be left with nothing to maintain their livelihoods. An FGD participant from Rangpur says that even though she has only one brother. The brother has three sons, and the land that the brother has inherited is not adequate for maintaining the families of the three sons. Hence, the participant willingly let go of her rightful share from the land to enable her brother's sons to maintain their livelihoods. Besides, claiming property rights would strain their relationships with not only their brothers, but also their brothers' wives. Often, brothers' wives do not let the women enter their parental homes nor maintain a normal relationship with other members of their parents' families. Such behavior often leads to mental stress and depression for women. Thus, they let go of their shares willingly to maintain peaceful relationships with their brothers and other members of their parents' families.

#### ***4.4.2 Forgoing property right as a strategy***

Most interestingly, women often tend not to claim their rights. As FGD with females at Patnitala, Naogaon showed that, if women are forced to get divorce or separate from their husbands, then they may come and live with their brothers. However, if they sever their ties of kinship with their brothers by claiming their share of property in the event of a divorce or separation, they would not have any support from their family. Moreover, spouses typically get into minor fights, and in such cases women have the option of resorting to their parental homes or brothers' homes for a few days until the situation improves with their husbands. Furthermore, when women do not have a good relationship with their brothers, the husbands take this into account while dealing with them. Often times, husbands tend to physically and mentally abuse their wives; however, women participants at the FGD believe that when husbands know that women have a good relationship with their brothers, the women may always resort to the latter for help and support during the event of an abuse. Husbands would have the fear that the wives seek shelter and complain to their brothers and parents following some case of domestic violence or abuse. Hence, these women's husbands would be more likely to avoid incidents of violence and abuse toward their wives. This means that securing relationships with their brothers safeguards women's position within their homes, and gives them some power over their marital relationships. In the same way, FGD participants from Rangpur express that women believe that their children (particularly sons) may abandon

them when they grow up, but if they maintain good ties with their brothers, then their nephews may visit them and even perform their last rites when they pass away.

#### ***4.4.3 Lack of understanding and information asymmetry***

Some women may want to claim their rights but do not know the institutional process for accessing their rights, and hence, do not effectively claim their rights. A BRAC panel lawyer says that women often do not claim their rights because they do not understand the documents related to land and property. This is often the case since women are not educated enough to understand what is written in the relevant documents, and also because women are hardly exposed to such documents (the documents remain at their parents' while the women live with their husbands). Sometimes brothers do not even inform their sisters about their rightful share to the inheritance, meaning that women do not even know that they have property to claim. This lack of understanding and information create a gap between women and the institutional processes that they need to go through to attain their property rights. Sometime women may know that they are entitled to a share of the property, but they do not understand exactly how much of the property they are entitled to.

#### ***4.4.4 Cost of the process***

Economic barriers deter women from claiming their rights too. Women have the perception that they would not be able to bear the high cost of litigation given their financial conditions, and are therefore indifferent to claiming their shares. While some women may decide to incur the cost of litigation by selling productive assets such as livestock and even incurring microfinance loans, it is not feasible for most women to overcome such economic barriers to attain their share of property.

#### ***4.5 Impacts of HRLE-PRI services on Claiming & Realizing Property Rights***

HRLE classes and courtyard meetings, through increasing people's knowledge of property rights and institutional processes for attaining those rights, have led to enhance rate of claiming, especially for women in Rangpur. According to the Rangpur Court Judge's interview, the price of land has escalated over the years, and hence, there exists growing pressure from the husbands and children of women that they claim their share of inherited property. In many cases, women themselves are motivated to get their share. Also, a LE woman from Naogaon says that, people within the community has a good level of education. Therefore, the awareness created by PRI activities (particularly the HRLE classes and the courtyard meetings) have more impact on women's realization of property rights. Hence, brothers are now willing to give away the share of their sisters without leading to any kind of disputes in most cases when sisters who gained knowledge demand their respective shares. Brothers are realizing that if they do

not provide their rightful shares, the sisters would be vocal about their claim and place the issue to the Union Parishad or BRAC. Therefore, the brothers, not being interested in handling disputes, tend to comply with the existing laws and rights.

Odhikar Bastobayon Committee (OBC)<sup>7</sup> members have proved to be quite effective in aiding women community to attain their shares. Most women from Rangpur are vocal about claiming their property rights. However, their brothers are not interested in providing them with their share. The problem compounds since parents are not interested in giving the share to their daughters, and often times are biased toward their sons. Referring to a particular case, an OBC female member from Rangpur says that she has helped a woman claim her share of inheritance land in the correct proportion by connecting her to BRAC's barefoot lawyers and other PRI staff. Previously, the claimant resorted to the local *Salish* to claim her share, but the *Salish* committee gave the verdict that she would receive just three decimals of land instead of her rightful share of eight decimals. The claimant was not satisfied with this verdict, and hence resorted to BRAC. At present her case is being continued at the court through support from BRAC's panel lawyers. Given the typical trend of women being reluctant to claim or being satisfied with whatever they receive from their inheritance share, this case demonstrates a shift away from being complacent with the unfair social practices and PRI's contribution toward helping such women voice their claims and act toward their realization.

In some cases, local elites and Union Members can direct claimants to PRI staff for seeking help with property rights, as indicated by a Union Member interviewed at Naogaon and Legal Aid Clinic Official from Potnitola BRAC Office. For instance, one of the participants during the male FGD at Rangpur, informed that he directed one woman to seek legal help from BRAC when she came to him for securing her property rights that her brothers had deprived her of. Since the brothers did not respond to the notices sent by BRAC for dispute resolution, BRAC filed a case against them at the court without any cost on the part of the woman. Yet, the brothers did not appear at the court even after receiving court notices, and hence, the court's verdict favored the woman.

#### ***4.6 Impact of BRAC Trained LEs***

The qualitative data suggests that BRAC trained LEs have a significant role in increasing claiming and realization of rights compared to the other components of PRI. BRAC LEs help vulnerable women realize their rights even if they do not belong to the same religion as the LE. This shows the level of trust and the liberal attitude of LEs to actually help the community regarding property claims instead of just making money from their business. In one case, a BRAC LE from Rangpur played a significant role

---

<sup>7</sup> Realization of Rights Committee

in claiming the orphan grandsons' rights from a person in the community. The land owner was unsure about whether the children of his deceased son would receive any share in his property. Although the grandchildren were confident that they should get a share from the property, they did not know the exact calculation method for determining their share from the land. Hence, the parties to this case sought help from the BRAC LE and asked him to determine their share. The reason is, they had a good level of trust with him because of his networking with BRAC staff and his knowledge that he had acquired from the trainings held by PRI. Since the BRAC LE was not sure about how to determine the exact amount, he called up BRAC staff and BRAC panel lawyers, who informed him over phone about the exact share that the grandsons would receive. Thus, the level of trust that PRI trained professional LEs have garnered demonstrate the effectiveness in ensuring claiming the rights of the vulnerable poor.

#### ***4.7 Impact of Other BRAC Projects & Programs***

Other program staff (not working under HRLS or PRI) may also influence people to claim their rights through PRI. For instance, a current client of PRI at Rangpur explains that she was reluctant to file a case for her share of property because of the litigation and bureaucracy involved, but her daughter-in-law motivated her to file the case since PRI would handle the case without any financial incentives. The Legal Aid Clinic Official from Potnitola BRAC Office explained that BRAC's varied programs have ability to generate employment and engage with local community members. Such activities helped disseminating information about PRI.

#### ***4.8 Potential Barrier to Claiming Process***

Complexity arises when a claimant wants to start the procedure. Claimants need to provide required documents; otherwise, BRAC will not fight the case. If potential claimant cannot provide the required documents, then the lawyer would not be able to find the legal ground to move forward with the case. Collecting documents related to land and property from the relevant government institutions requires paying bribes to the authorities amounting to approximately BDT 20,000. While PRI bears the cost of litigation for the claimant, it does not provide any financial support for collecting land and property documents. Therefore, the claimants must collect these themselves. Often times, the claimants may not have the economic ability to collect the documents, and they fail to effectively make claims on their share of property.

### **5. Conclusion and Lessons Learned**

Bangladesh has a predominant patriarchal culture where women are perceived with certain roles and responsibilities. Moreover, property law follows the religious rules and no religion practiced in

Bangladesh actually provides equal rights on inherited property for men and women. As a consequence of these two factors, it is understandable that women in most cases do not know, claim and receive their share of property offered by law.

BRAC's HRLS-PRI initiative aims at transformative change in realizing and claiming women's right to inherited land. In order to achieve this aim as an NGO, the program developed the capacity of the targeted community with necessary skills (land entrepreneurship training), mobilized the community with knowledge about rights women have in society (yard meeting), and provided low cost services to the clients (legal advice, alternative dispute resolution). According to the research findings, the land entrepreneurs are proved to be effective in terms of availability, utilization, cost, and client satisfaction compared to the other available entrepreneurs. Qualitative evidence shows that, women from the study areas are more comfortable to reach out to the BRAC trained land entrepreneurs as they provide legal advice and suggestions which the government surveyors and others do not offer. However, the effectiveness of women land entrepreneurs has not seen for several reasons. First, women are mostly absent in the public domain of land management and ownership. Even the households where a woman has the property issue to solve, the husband (if alive) usually handle the arbitration or legal procedure. In such society where dominant perception undermines women's capacity to be functional in the demand side, it is obvious the society is not ready yet to accept women on the supply side.

Between the two gender needs – *practical* and *strategic* as defined by Molyneux and Mosser respectively, we argue that HRLS-PRI has been successful to add value to the first. Gender HRLS-PRI's awareness raising activities have a significant positive impact on raising awareness of women about their inherited property rights in study area. Women have better understanding of their rights to the inherited property. They now consider higher socio-economic value of such property over traditional practice of forgoing it to secure relationship with brother's family. Raising number of women now seek legal advice from the available legal aid services. In past, brothers of these women were mostly reluctant to provide the actual share to their sisters, and used to manipulate or hide information. When their sisters are making claims with sufficient knowledge, the brothers have started to show their willingness to give the share. Apparently, they want to avoid the complex, lengthy and expensive legal procedure or arbitration to keep the possession. Women now know where they should go to learn more about property rights, claiming property, and dispute resolution.

The challenge lies in the legal court system or alternative dispute resolution mechanism as well. Along with the direct cost, there are some hidden cost with the legal procedure. Also, both of these procedure requires collection and submission of multiple documents related to property. It costs both time and money to manage the documents and have good understanding of it. The challenge is even higher for lower educational status of targeted women who are hardly exposed to such documents. Now that women

in the study areas know their rights in inherited property and have started to make their claims, they are experiencing challenges to continue the procedure.

Following the idea of NGO's role in social intermediation, we argue that HRLS-PRI has been effectively developing *human resources* through its training programs and they should now focus on enhancing *institutional capital* to add value to this rights-based approach. Such process should be at two tiers – gender-sensitive policy advocacy at the top and mediation between government officials and clients at the grass-root level. It has now been widely accepted in the academic and policy arena that ensuring women's right to property has both efficiency and welfare values (Agarwal 1994, 2002; Grown, Gupta, & Kes, 2005). Therefore, policies should focus on direct and strategic utilization of existing laws that would minimize the complexity of legal procedure for claiming inherited property.

PRI's community focused activities need to be developed with close linkage with the government (Union Parishad) so that it becomes easier to implement property rights initiatives within the communities. PRI could arrange courtyard meetings where Union Parishad staff could be present so that community members and the staff could interact regarding property rights. PRI needs to network effectively with all the land related government institutions, and arrange for workshops where government officials could exchange ideas on how to make service delivery more effective and gender sensitive at these institutions. Also, PRI could arrange some meetings where claimants would receive information and even get to meet government officials, and learn about the whole process of service delivery in detail. This incremental step to improve institutional capital would be a forward move towards achieving strategic gender needs as well to improve subordination of and discrimination against women.

## Reference:

- ANGOC and ALRD (2011). Asian Regional Workshop on women and land rights. Workshop Proceedings. Philippines.
- Agarwal, B. (1994a). *A Field of One's Own: Gender and Land Rights in South Asia*. Cambridge University Press.
- Agarwal, B. (1994b). Gender and command over property: A critical gap in economic analysis and policy in South Asia. *World Development*, 22(10), 1455–1478.
- Commission on the Status of Women 2012. (n.d.). Retrieved February 17, 2017, from <http://www.unwomen.org/en/news/in-focus/commission-on-the-status-of-women-2012>
- Constitution of the People's Republic of Bangladesh. (n.d.). Retrieved March 7, 2017, from [http://bdlaws.minlaw.gov.bd/pdf\\_part.php?id=367](http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367)
- Donnelly, J. (2013). *Universal Human Rights in Theory and Practice*. Cornell University Press.
- "Economy Data - Women, Business and The Law - World Bank Group". *Wbl.worldbank.org*, 2017. Web. 7 Mar. 2017.
- Esposito, J. L., & DeLong-Bas, N. J. (2001). *Women in Muslim Family Law*. Syracuse University Press.
- Feder, G., & Feeny, D. (1991). Land tenure and property rights: Theory and implications for development policy. *The World Bank Economic Review*, 135–153.
- Gauri, V., & Galef, J. (2005). NGOs in Bangladesh: Activities, resources, and governance. *World Development*, 33(12), 2045–2065. <https://doi.org/10.1016/j.worlddev.2005.05.009>
- Gayen, K. 2011. 'Equal Property Right': Much Ado about Nothing. In *Forum*. Volume 5, Issue 5, May, 2011
- Gready, P. (2008). Rights-based approaches to development: what is the value-added? *Development in Practice*, 18(6), 735–747. <https://doi.org/10.1080/09614520802386454>
- Grown, C., Gupta, G. R., & Kes, A. (2005). *Taking Action: Achieving Gender Equality and Empowering Women*. Earthscan.
- Halim, S. (2003). Insecurity of Ethnic minority Women: A case from the Chittagong Hill Tracts. In

Ensure the Security of Ethnic minority Women, Solidarity, Bangladesh Ethnic minority Peoples Forum.

- Hofstede, G. (2011). Dimensionalizing Cultures: The Hofstede Model in Context. *Online Readings in Psychology and Culture*, 2(1). <https://doi.org/10.9707/2307-0919.1014>
- Hosken, F. P. (1981). Toward a Definition of Women's Human Rights. *Human Rights Quarterly*, 3(2), 1–10. <https://doi.org/10.2307/761853>
- Jahan, F., Wahab, S. A., & Hafiz, F.B. (2016). Gender and Ethnic Discrimination: Life of Mainstream and Indigenous Women in Bangladesh in Mahtab, N., Parker, S., Kabir, F., Haque, T., Sabur, A., & Sowad, A. S. M. (Ed.), *Revealing Gender Inequalities and Perceptions in South Asian Countries through Discourse Analysis* (pp. 148-163). IGI Global. <https://doi.org/10.4018/978-1-5225-0279-1>
- Jahan, F., & Shahan, A. M. (2014). Power and Influence of Islam-Based Political Parties in Bangladesh: Perception versus Reality. *Journal of Asian and African Studies*, 49(4), 426–441.
- Kabeer, N. (2011). Between affiliation and autonomy: navigating pathways of women's empowerment and gender justice in rural Bangladesh. *Development and Change*, 42(2), 499–528.
- Kabeer, N. (2000). *Resources, agency, achievements: Reflections on the measurement of women's empowerment*. Blackwell Publishers.
- Kabeer, N. (1991). The Quest for National Identity: Women, Islam and the State of Bangladesh in Kandiyoti, D. (Ed.), *Women, Islam and the State* (pp. 115 - 143)
- Kabeer, N. (1988). Subordination and struggle: Women in Bangladesh. *New Left Review*, (168), 95.
- Lipset, S. M. (1959). Some Social Requisites of Democracy: Economic Development and Political Legitimacy. *American Political Science Review*, 53, pp. 69–105
- Mahmood, T. (1972). Personal Laws in Bangladesh—A Comparative Perspective. *Journal of the Indian Law Institute*, 14(4), 583-589. Retrieved from <http://www.jstor.org/stable/43950158>
- Menski, W. F., & Rahman, T. (1988). Hindus and the Law in Bangladesh. *South Asia Research*, 8(2), 111–131. <https://doi.org/10.1177/026272808800800202>

- Radford, M. F. (1999). Inheritance Rights of Women under Jewish and Islamic Law. *BC Int'l & Comp. L. Rev.*, 23, 135.
- Rao, N. (2005). Women's Rights to Land and Assets: Experience of Mainstreaming Gender in Development Projects. *Economic and Political Weekly*, 40 (44/45), 4701-4708
- Ridgeway, C. L. (2011). *Framed by gender: How gender inequality persists in the modern world*. Oxford University Press. doi:10.1093/acprof:oso/9780199755776.001.0001
- Rural Development Institute. (2009). *Women's Inheritance Rights to Land and Property in South Asia: A Study of Afghanistan, Bangladesh, India, Nepal, Pakistan, and Sri Lanka*
- Sarwar, G., Islam, R., & Monzoor, S. (2007). Women's rights to land in Bangladesh: Roles, limitations and transformation. *Unnayan Onneshan—The Innovators, Bangladesh*. Retrieved from [http://www.bdresearch.org.bd/home/attachments/article/624/Women\\_Land\\_Right\\_in\\_Bangladesh.pdf](http://www.bdresearch.org.bd/home/attachments/article/624/Women_Land_Right_in_Bangladesh.pdf)
- SIDA. (2015). *Women and Land Rights Briefing*. Retrieved from <http://www.sida.se/contentassets/3a820dbd152f4fca98bacde8a8101e15/women-and-land-rights.pdf>
- UN Women & the Office of the United Nations High Commissioner for Human Rights. (2013). *Realizing Women's Rights to Land and Other Productive Resources*.
- Wazed, S. (2012). *Gender and social exclusion/inclusion: a study of ethnic minority women in Bangladesh*. (Doctoral dissertation). University of Birmingham.
- Wickeri, E., & Kalhan, A. (2010). *Land rights issues in international human rights law*. Retrieved from [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1921447](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1921447)
- World Bank. (2014). *World Development Indicators 2014*. Retrieved from <https://openknowledge.worldbank.org/bitstream/handle/10986/18237/9781464801631.pdf>

**List of Tables:**

Table 1: Household Level Characteristics .....	12
Table 2: Characteristics of the Respondents .....	13
Table 3: Availability of Different Types of Land Entrepreneurs .....	15
Table 4: Utilization of Land Surveyors and Entrepreneurs .....	16
Table 5: Incidence of Costs and Average Expenses .....	17
Table 6: Level of Satisfaction by different Types of LE services .....	18
Table 7: Knowledge about entitlement to property based on Islamic Laws .....	19
Table 8: Source of Property Rights Knowledge (Muslims).....	20
Table 9: Knowledge about entitlement to property based on Hindu Laws.....	21