

Gender Equity in Bangladesh Agriculture: Legal and Policy Vacuums to Fulfill SDG Obligations

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Abstract: *Agriculture plays a significant role in increasing GDP (Gross Domestic Product) in Bangladesh. Though male farmers dominate the agriculture sector, the participation of women in agriculture is increasing day by day. Due to inherent lacunae in agricultural policies and legal framework, the agriculture sector of Bangladesh has not yet developed a gender-responsive way to uphold women's rights, environment, climate change, human rights and other SDGs issues. Though direct and indirect participation of women workers in agriculture is even more than male workers, most of them are out of the purview of the formal agricultural sector because of such defective policies and laws. Most of the laws are age-old and inadequate to address farmer-owned businesses and farmers' human rights issues properly. Therefore, the agriculture sector is not rising in a way required to address SDG priority to attain gender parity. Farmer-owned businesses have a significant impact on eight other SDG goals related to ending poverty, gender discrimination, inequality, environmental degradation, tackling climate change, and promoting and ensuring healthy lives.¹ Thus, the legal structure and policies relating to female-owned farm businesses will be effective and appropriate only when they incorporate and focus on gender equality, education, women empowerment, environment, climate change issues, and other fundamental human rights to fulfill SDG dreams. To explore these, the paper analyzes present agriculture policies, legislations, and the nexus between SDG and agriculture. It also recommends measures that may improve existing legal structures of agriculture by addressing human rights, gender parity, environment, climate change and principles of equality within the legal framework of farmer-owned businesses in Bangladesh to fulfill obligations under SDGs.*

Keywords: Bangladesh agriculture, Gender equity, Policy vacuum, SDGs.

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¹ Mathew Abraham and Prabhu Pingali, 'Transforming Smallholder Agriculture to Achieve the SDGs', in Sergio Gomez y Paloma Laura Riesgo Kamel Louhichi (eds), *The Role of Smallholder Farms in Food and Nutrition Security*, Springer, 174, ISSN, 978-3-030-42148-9 (eBook) < <https://doi.org/10.1007/978-3-030-42148-9>. https://library.oapen.org/bitstream/handle/20.500.12657/39585/2020_Book_TheRoleOfSmallholderFarmsInFood.pdf?sequence=1#page=176 accessed 24 March 2022.

1. Introduction

The economy of Bangladesh has a deep-rooted connection with its agriculture. The agriculture sector contributes 13.32% to its GDP², and absorbs a significant portion (39 % in 2018) of its total labour force³. Participation of women in agriculture (59% in 2018) remains even higher. However, a large segment of our rural women is still engaged in un-paid agricultural activities that are not counted in labor force participation survey. Further, women receive lower agricultural wages than their male counterparts.⁴ Due to inherent shortcomings in agricultural policies and legal framework, the agriculture sector of Bangladesh has not yet developed a gender-responsive way to uphold women's rights, environment, climate change, and other SDGs issues. Though more than half of the total agricultural workers are women, most of them are out of the purview of the formal agricultural sector because of such defective policies and laws. Therefore, women involved in agriculture are often deprived of benefits or advantages provided through supportive laws and policies to promote formal agriculture.

A few legal structures and policies are available to address the special need of female lead farmhouses in Bangladesh. However, most are dated and lack adequate provisions to address farmer-owned businesses and farmers' human rights issues properly. That is why the agriculture sector is not developing in a way required to address SDG priority to attain gender parity. Further, the fundamental objective of SDGs is to end hunger and malnutrition and double agricultural productivity and incomes of small-scale farmers— which is directly connected to small farm production.⁵ Farmer-owned businesses, on the other hand, have a significant impact on eight other SDG goals related to ending poverty, gender discrimination, inequality, environmental degradation, tackling climate change, and promoting and ensuring healthy lives.⁶ Thus, the legal structure and

² *Bangladesh statistics 2019* (Bangladesh Bureau of Statistics, 2019) <https://bbs.portal.gov.bd/sites/default/files/files/bbs.portal.gov.bd/page/a1d32f13_8553_44f1_92e6_8ff80a4ff82e/2020-05-15-09-25-dccb5193f34eb8e9ed1780511e55c2cf.pdf> accessed 15 February 2022.

³ The World Bank. 'Employment in Agriculture- Bangladesh' (*ILOSTAT Database*, January 2021) <<https://data.worldbank.org/indicator/SL.AGR.EMPL.ZS?end=2019&locations=B-D&start=1991>> accessed 14 June 2022.

⁴ Bangladesh Bureau of Statistics. 'Gender based Employment and Wage' (*Policy Brief*, Issue 2, May 2021) <http://bbs.portal.gov.bd/sites/default/files/files/bbs.portal.gov.bd/page/4c7eb0f0_e780_4686_b546_b4fa0a8889a5/2021-05-16-09-14-4b18b6a036c8d9ad87930d0705deb7bd.pdf> accessed 14 June 2022.

⁵ United Nations. 'Goal 2: Zero Hunger' (*Sustainable Development Goals*, 2022) <<https://www.un.org/sustainabledevelopment/hunger/>> accessed 13 February 2022.

⁶ Mathew Abraham and Prabhu Pingali, 'Transforming Smallholder Agriculture to Achieve the SDGs', in Sergio Gomez y Paloma Laura Riesgo Kamel Louhichi (eds), *The Role of Smallholder Farms in Food and Nutrition Security* (Springer 2020, 174).

policies relating to female-owned farm businesses will be effective only when they incorporate gender equality, education, women empowerment, environment, climate change issues, and other fundamental human rights to fulfill SDG dreams.

To explore these and other related issues, Part 1 of this paper explores the relevant history of legal structures available for farmer-owned businesses in Bangladesh. Part 2 analyzes present agriculture policies in Bangladesh. Part 3 evaluates the gender sensitivity of agriculture policies in Bangladesh. Part 4 discusses current primary legislations available for farmer-owned businesses in Bangladesh. Part 5 discusses the nexus between SDG and agriculture. Part 6 depicts the role of agriculture organizations in developing the agriculture sector. Part 7 examines gender inclusivity and related SDGs issues within primary legislation, policies and agriculture organizations. The last part of this paper recommends measures that may improve existing legal structures of agriculture by addressing human rights, gender parity, environment, climate change and principles of equality within the legal framework of farmer-owned businesses in Bangladesh to fulfill obligations under SDGs.

2. History of Legal Structure for Agriculture in Bangladesh

Agriculture is the prime and dominant source of income for most people living in rural areas of Bangladesh. Approximately 77.3% of the country's total population depends directly or indirectly on agriculture for their livelihood.⁷ About 63% of the labor force is involved in the agriculture sector, of which about 57% is engaged in the crop sub-sector alone.⁸ Before the independence of Bangladesh, the agriculture sector was primarily governed by the set of statutes enacted by the British rulers and the then Government of West Pakistan.

The Government of Bangladesh has also formulated policies such as the National Fisheries Policy 1998, National Integrated Pest Management Policy 2002, National Livestock Development Policy 2007, Government Jalmahal (Water Area) Management Policy 2009, National-Women Development Policy-2011, National Agriculture Policy 2013, National Seed Policy, National Water Policy, to develop the farmer-owned business. Furthermore, to run the agriculture sector smoothly and assist the people involved in the farmer-owned business, the Government of Bangladesh has established the Bangladesh

⁷ Abul Kashem, 'Agriculture' (Banglapedia: National Encyclopedia of Bangladesh, 18 June 2021) <<https://en.banglapedia.org/index.php/Agriculture>> accessed 29 April 2022.

⁸ Ministry of Agriculture, 'Introduction', *National Integrated Pest Management Policy* (Ministry of Agriculture 2002) <http://fpmu.gov.bd/agridrupal/sites/default/files/National_IPM_Policy_2002.pdf> accessed 21 March 2022.

Agriculture Development Corporation, Department of Livestock, Department of Fisheries, Social Development Fund, and other agricultural organizations. These various initiatives play a significant role in improving the respective sectors of agriculture. However, despite establishing these institutions, the Government took different effective mechanisms considering the circumstances occasionally. For example, after independence, the Government continued to support agricultural mechanization by large-scale irrigation facilities by establishing Deep Tube Wells and renting out Low Lift Pumps to farmer groups. In addition, through the Bangladesh Agricultural Development Corporation, the Government of Bangladesh provided diesel for irrigation pumps at a subsidized rate of 75%.⁹

The objective of this paper is to examine whether various agricultural policies formulated by the Government can sufficiently address the gender issues and provide a framework for gender equity in Bangladesh agriculture.

3. National Policies in Bangladesh Promoting Gender-Sensitive Agriculture

As discussed above, to boost its agriculture sector, the Government of Bangladesh has formulated policies to bring positive change in the agriculture arena. Though these policies are neither legally binding nor mandatory, they form the basis of government actions that the Government must consider when making any decision, passing or amending a law or discharging its function. Following are the implications of policies regarding agriculture in Bangladesh. As the Constitution of Bangladesh provides positive discrimination, especially for the advancement of women and other backward sections of the society, various agricultural policies taken by governments from time to time also have some underpinning on gender parity in agriculture. This section will summarize the significant agricultural policies to identify gender parity in Agriculture.

3.1 The National Agriculture Policy 2018 ¹⁰

The National Agriculture Policy is a milestone in developing the agricultural sector in Bangladesh. Its objective is to cope with the current challenges and needs of the agriculture sector in Bangladesh. The main objective of this policy is to ensure food security and improve socio-economic conditions of people by increasing productivity and production of crops, farmers' income, crop diversification,

⁹ Mahabub Hossain, 'The impact of shallow tube wells and boro rice on food security in Bangladesh' 00917 *IFPRI Discussion Paper* (Washington DC, March 2022) <<http://www.ifpri.org/sites/default/files/publications/ifpridp00917.pdf>> accessed 21 March 2022.

¹⁰ Ministry of Agriculture. 'Main Objectives' *The National Agriculture Policy 2018* (Ministry of Agriculture, Government of Bangladesh 2018) <https://bangladeshbiosafety.org/wp-content/uploads/2021/03/National-Agriculture-Policy_2018_English.pdf> accessed 28 January 2022.

providing nutritious and safe food production, improving the marketing system, and ensuring productive agriculture and adequate consumption of natural resources.¹¹ It aims to ensure profitable agriculture, nutrition and food security in Bangladesh with a special focus on enhanced investment in agricultural research and extension, technology transfer, mechanization, specialized agriculture, ICT, marketing of agricultural products, women empowerment and nano-technology.¹² In addition, it provides significant facilities to women to encourage them in the agriculture sector.¹³

Article 9.2 of the National Agriculture Policy set research priority to explore the way out to remove barriers and enhance the participation of women in Agriculture. Further, to promote women's role in agricultural decision-making, Article 14.3 includes a provision for the inclusion of a 'Government nominated women representative' in every union, thana, district and national agricultural credit committee. It further suggests a mandatory inclusion of women representatives among other elected members of the union and thana agriculture credit committees. However, as discussed, women are already involved in various unpaid agricultural activities. Therefore, an explicit provision of research to enhance women's engagement in 'paid agricultural activities' might better impact attaining the MDG target of gender equality in this regard.

Article 18 of the policy has set an explicit provision for women, including separate agricultural extension programs for women involved in field-level agriculture. In addition, it also suggests extension services to promote other forward linkage activities such as the production of horticulture seeds, establishment and management of cottage industries etc.

3.2 The National Women Development Policy 2011¹⁴

This policy incorporates provisions to eliminate all forms of discrimination between men and women.¹⁵ In addition, the National Women Development Policy 2011 has chalked out four specific guidelines to improve the participation of women in agriculture.

It advocates for the empowerment of women in the agricultural sector by

¹¹ *ibid*, s 2.2.

¹² *ibid*, preamble.

¹³ *ibid*, s 13.

¹⁴ Ministry of Women and Children Affairs. *The National Women Development Policy 2011* (Ministry of Women and Children Affairs, Government of the People's Republic of Bangladesh 2011) <<http://dwa.gov.bd/site/page/6a4ce1a7-44cd-4fe3-a74a-41b96fd9b599/National-Women%20Development%20Policy-2011English.pdf>> accessed 2 February 2022.

¹⁵ *ibid*, Part II, 16.8, 16.10.

- Enhance recognition of women's agricultural activities. Though not mentioned explicitly, the tone is to recognize women's unpaid agricultural activities as economic activities so that women's contributions to agriculture become more explicit and better accessible through policy interventions.
- removing wage discrimination
- ensuring equal opportunity to access agricultural inputs (e.g. fertilizer, seed, farmer's card, and credit) etc. and
- removing bottlenecks of participation due to climate change or other natural disasters.¹⁶

Thus, Part II, section 31 of this policy has a clear mandate to promote women's farmers by advocating women's equal access to agriculture, removing wage gap and providing equal facilities to women farmers. It also emphasizes the significance of the participation of women farmers in achieving food security and economic development.

3.3 The National Fisheries Policy 1998¹⁷ and The National Livestock Development Policy 2007¹⁸

The National Fisheries Policy inserts provisions to enhance fisheries production, maintain ecological balance, conserve biodiversity, and ensure public health by providing recreational facilities and by providing various incentives to the farmers in this sector.¹⁹ Part 7.3 of this policy has a special provision encouraging women in fish culture and training.²⁰ This kind of provision may contribute significantly in ensuring equal rights of women farmers in this sector. However, this policy lacks any initiatives to further SDG obligations and other human rights issues of women.

Women's participation in livestock and poultry sector increased from 43% in 1987 to 51% in 2000 which further increased to 69% in 2008 and Women's engagement

¹⁶ *ibid*, Part 31.2, 3, 4.

¹⁷ Ministry of Fisheries and Livestock. *National Fisheries Policy 1998* (Ministry of Fisheries and Livestock, Government of the People's Republic of Bangladesh 1998) <http://qamdhaka.fisheries.gov.bd/sites/default/files/files/qamdhaka.fisheries.gov.bd/policies/d09c6509_d6a1_4d86_bae5_a88803a1bc12/National%20Fisheries%20Policy%201998%20English.pdf> accessed 4 February 2022.

¹⁸ Ministry of Fisheries and Livestock. *National livestock development policy 2007* (Ministry of Fisheries and Livestock, Government of the People's Republic of Bangladesh 2007) <http://nda.erd.gov.bd/files/1/Publications/Sectoral%20Policies%20and%20Plans/Livestock_Policy_Final.pdf> accessed 5 February 2022.

¹⁹ Ministries of Fisheries and Livestock (n 17) Part 3.

²⁰ *ibid*, Part 7.3.

in homestead gardening has also increased.²¹ Therefore, National Livestock Development policy remains vital for women. However, this policy does not even mention the word 'women' a single time.

3.4 Developing National SDG Action Plan under the 8th Five Year Plan ²²

The Government of Bangladesh has taken a five-year plan to implement specific targets to fulfill obligations under SDGs. The fundamental vision of the eighth plan is proposed as "Promoting Prosperity Fostering Inclusiveness."²³ The core objective of this plan is to make Bangladesh a happy and prosperous nation. In this welfare state, everyone can lead a standard life and enjoy social, economic, political, cultural and human rights.²⁴ It has incorporated details provisions for fostering livestock and poultry sectors by using modern technology, developing modern livestock policies, adopting suitable poultry technologies, improving the breeding of national calf, heifer, sheep, and cattle, increasing bull production for milk and meat, introducing insurances for livestock, and creating awareness as to public health.

This policy has a great plan to foster multiple areas of agriculture by using modern technology and upholding the human rights of every person involved in farming. However, it does not insert a single specific provision for the empowerment of women in this sector.

3.5 National Sustainable Development Strategy 2010-21 (NSDS) ²⁵

The NSDS (2010-21) has acknowledged five Strategic Priority Areas along with

²¹ W. Jaim and Mahabub Hossain, 'Women's Participation in Agriculture in Bangladesh: Trends, Determinants and Impact on Livelihoods' (Dynamics of Rural Livelihoods and Poverty in South Asia, 7th Asian Society of Agricultural Economists (ASAE) International Conference, Hanoi, Vietnam, October 13-15, 2011) <https://ageconsearch.umn.edu/record/290424/files/pre_session3_W%20M%20H%20Jaim_Bangladesh.pdf> accessed 12 June 2022.

²² Department of Livestock. 'Developing National SDG Action Plan under 8th Five Year Plan' (Department of Livestock, Ministry of Fisheries and Livestock, Government of the People's Republic of Bangladesh, March 2021) <http://dls.portal.gov.bd/sites/default/files/files/dls.portal.gov.bd/page/69d52bdc_ad7f_46ec_aba6_e72e7896fb37/2021-03-11-21-47-45169d4ff8de333f4604f42fcd6a45ec.pdf> accessed 6 February 2022.

²³ Shamsul Alam, 'Implementation of 8th Plan towards achieving SDGs: Building partnership' The Financial Express, (Dhaka, 28 January 2020) <<https://thefinancialexpress.com.bd/views/implementation-of-8th-plan-towards-achieving-sdgs-building-partnership-1580222944>> accessed 20 April 2022.

²⁴ *ibid.*

²⁵ National Designated Authority to GCF, 'National Sustainable Development Strategy (NSDS) 2010-21' (Economic Relations Division, Ministry of Finance, Government of the People's Republic of Bangladesh, 2013) <<http://nda.erd.gov.bd/en/c/publication/national-sustainable-development-strategy-nsds-2010-2021>> accessed 7 February 2022.

three cross-cutting areas to achieve its specified dreams and address the long-standing sustainability issue of productive resources. The strategic priority areas include continuous economic growth, the progress of priority sectors, social security and protection, environment, natural resources and disaster management.²⁶ The three significant issues that will flourish the sustainable development of priority areas include disaster risk minimization and climate, good governance and gender.²⁷ The Sustainable Development Monitoring Council will be the supreme body to screen and estimate the improvement of the implementation of NSDS.²⁸ It admits crucial challenges of various sectors of agriculture.²⁹ It detects challenges like climate change, environmental issues, low production of livestock products, lack of access to credit, market and electricity and lack of education and training of entrepreneurs.³⁰ It also recommends strategies to overcome those challenges by improving infrastructure, rural electrification, better physical and electronic communication services, education, training and skill formation, technological upgrading, access to market, rural financial services, and business development services for all, including women and the poor.³¹ It recognizes that the contribution of the agriculture sector, which includes crops, livestock, fisheries and forestry, to GDP has been declining over time.³²

Though this strategy has a significant plan to upgrade and overcome various services and challenges that are vital for different sectors of agriculture, it does not have any specific mandate to focus on women farmers only. It only inserts a provision that all services shall be provided for all including women. It is assumed that this kind of provision is not enough to flourish for women in the agriculture sector.

4. Gender Sensitivity of Agriculture Policies in Bangladesh: An Appraisal

Most of the policies regarding agriculture have special provisions to empower women in this sector. First, they provide that women must be given the decision-making power in agriculture management so that they are encouraged to engage in this sector.³³ Second, they advocate that women must be given equal opportunity to receive agricultural assistance and use technology in agriculture.³⁴ Third, they

²⁶ *ibid*, Preamble.

²⁷ *ibid*.

²⁸ *ibid*.

²⁹ *ibid*, Executive Summary.

³⁰ *ibid*.

³¹ *ibid*.

³² *ibid*, s 3.3.1.

³³ *ibid* 13, Part II, 16.8, 16.10.

³⁴ *ibid*, Preamble.

allow women to participate in training programs and credit programs to design to grow the capabilities and capacities of their farms. They also call for equal wages between male and female farmers.³⁵

Though, in theory, policies are supposed to promote gender equality in the agricultural sector, women still face discrimination in practice. However, in practice, implementing these policies is a far cry. For example, Hindu women do not get any ownership over property by inheritance³⁶, and Muslim women generally get a half share as their male counterparts under *Hanafi* law.³⁷ In practice, there is still a wage gap between men and women farmers.³⁸ Moreover, in some cases, policies are enforced in a way that favors men only. For instance, men are granted access to storage space, drying floors, dryers, cleaning equipment, and related equipment and facilities over actual needs.³⁹ Furthermore, access is through custom services, lease, or lease-purchase arrangements, opportunities available only to men.⁴⁰ Thus, if the Government takes appropriate and robust steps to execute these policies or make these policies into laws, the women farmers of Bangladesh may get benefited tremendously, and that would help increase the number of successful women farmers in the agricultural sector who may play a crucial role in fulfilling obligations under SDGs.

Though policies regarding agriculture issues primarily focus on human rights, women empowerment, environment, climate change and SDGs issue to a large extent, women have been given little special advantages under these policies. Moreover, they are non-binding in nature. Thus, it is very much easy to ignore the obligations under these policies. However, suppose the Government takes initiatives to implement these policies through its action. In that case, it may bring a significant result to fulfill the demand for the country's nutrition and

³⁵ FAO. *The National Agriculture Policy 2013* (Ministry of Agriculture, Government of the People's Republic of Bangladesh) Part 12 <<http://extwprlegs1.fao.org/docs/pdf/bgd183265.pdf>> accessed 22 May 2022.

³⁶ Apurba Magumder, 'Hindu women's right to inheritance' *The Daily Star* (Dhaka, August 24, 2021) <<https://www.thedailystar.net/law-our-rights/news/hindu-womens-right-inheritance-2159216>> accessed 20 February 2022.

³⁷ Muhammad Ekramul Haque, *Islamic Law of Inheritance Rules and Calculation* (1st edn, London College of Legal Studies, Dhaka, Bangladesh 2016) 50.

³⁸ Mustazur Rahman, and Md. Al-Hasan, *Explaining Pro-Women Gender Wage Gap in Bangladesh* (Center for Policy Dialogue, Dhaka 2021) <<http://library.fes.de/pdf-files/bueros/bangladesch/19132.pdf>> accessed 21 February 2022.

³⁹ National Designated Authority to GCF. *The National Seed Policy - 2013*(Ministry of Agriculture, Government of the People's republic of Bangladesh 2013) Part 11.3.4. <https://moa.portal.gov.bd/sites/default/files/files/moa.portal.gov.bd/policies/4e465eac_1da9_48b0_91e2_f2c07d54ae63/NSP.pdf> accessed 22 April 2022.

⁴⁰ *ibid.*

ensure farmers' economic development. Thus, the Government should take robust action to develop the agriculture sector by inserting mandatory provisions in laws and regulations to meet SDG challenges.

5. Nexus between a Gender-Sensitive Agriculture and SDGs

There is a close and causal connection between agriculture and sustainable development. Sustainable agriculture may play a significant role in guaranteeing sustainable development. As food security and nutrition are a dire necessity for the lives of people and the planet, sustainable agriculture that provides plenty of food and nutrition can assist in achieving multiple SDGs, including zero poverty, zero hunger, good health and wellbeing. Adequately nourished, children can learn quickly and easily, people can lead healthy, happy and productive lives, and societies can prosper and develop in all respect.

With the growth of huge populations, the demands for large quantities of food and nutrition have increased over time in Bangladesh.⁴¹ By fostering our land and implementing sustainable agriculture, the current and next generations will be capable of feeding an increasing population.⁴² Agriculture, covering crops, livestock, aquaculture, fisheries and forests, is the major financial segment for many countries and supplies the key basis of food and income for the marginal poor.⁴³ Sustainable food and agriculture have a great potential to rejuvenate the rural landscape, bring inclusive growth to countries and drive positive change right across the 2030 Agenda.⁴⁴ Economic development policies include small-holder agriculturalists that unswervingly contribute to SDG 2, which focuses on ending hunger, realizing food security and promoting sustainable agriculture.⁴⁵

Improving agricultural productivity and household incomes reduces poverty and global nutritional challenges.⁴⁶ The significance of agriculture and nutrition pervades goals and targets enshrined in SDGs.⁴⁷ The whole scheme of

⁴¹ FAO. *Transforming Food and Agriculture to Achieve the SDGs, 20 interconnected actions to guide decision-makers* (Food and Agriculture Organization, Rome 2018) < <https://www.fao.org/3/I9900EN/i9900en.pdf> > accessed 11 April 2022.

⁴² *ibid.*

⁴³ *ibid.*

⁴⁴ *ibid.*

⁴⁵ Mathew Abraham and Prabhu Pingali, 'Transforming Smallholder Agriculture to Achieve the SDGs', in Sergio Gomez y Paloma, Laura Riesgo and Kamel Louhichi (eds), *The Role of Smallholder Farms in Food and Nutrition Security* (Open, Springer 2020) 173.

⁴⁶ *ibid.*

⁴⁷ Chelsey R. Canavan, MSPH, Lauren Graybill, MSc, Wafaie Fawzi, MBBS, and Joyce Kinabo, PhD, 'The SDGs Will Require Integrated Agriculture, Nutrition, and Health at the Community Level' (2016) 37(1) *Food and Nutrition Bulletin* 113 <<https://journals.sagepub.com/doi/>

SDG emphasizes poverty reduction and health improvement, and they are more subtly entangled with issues of equity and equality, education, and women's empowerment.⁴⁸ They are unquestionably connected to water and sanitation, economic growth, energy and infrastructure, urbanization, and governance.⁴⁹ And they will be important determinants of climate change and sustainability.⁵⁰

Mainstreaming sustainable food and agriculture into national development strategies may assist in fulfilling all these targets of SDGs. However, once we attain premier goals like poverty reduction and zero hunger, our next target becomes gender equality, which is depicted as goal five in SDG. Therefore, achieving gender-sensitive agricultural policies is also essential to fulfill our SDG commitments. Further, investment in the agricultural sector reduces hunger and malnutrition and addresses challenges like poverty; water and energy use; climate change that, in many cases, more adversely affect women. Under this context, the next chapter analyzes and demonstrates how these agricultural policies and SDG commitment to attain gender parity in agriculture are reflected in different national legislations affecting agriculture.

6. Primary Legislations in Bangladesh Promoting Gender-Sensitive Agriculture

Following its independence in 1971, Bangladesh inherited all laws that were in force in Pakistan.⁵¹ Among others, they included the Land Improvement Loans Act 1883, the Private Fisheries Protection Act 1889, and the Agricultural and Sanitary Improvement Act 1920, which were related to the regulation of the farmer-owned business.⁵² As the population grew, the governments of Bangladesh attempted to reinforce the national economy by mobilizing more resources as agricultural credit to meet the rising necessity of farmers. In addition, more branches of nationalized banks and agencies were set up in rural areas.⁵³

Thus, specialized banks like the Bangladesh Krishi Bank and Sonali Bank and entities like Bangladesh Rural Development Board joined efforts to meet the needs

full/10.1177/0379572115626617> accessed 12 February 2022.

⁴⁸ *ibid.*

⁴⁹ *ibid.*

⁵⁰ *ibid.*

⁵¹ The Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order) (President's Order No. 48 of 1972) <<http://bdlaws.minlaw.gov.bd/act-details-388.html>> accessed 27 April 2022.

⁵² Agricultural and Sanitary Improvement Act 1920 (BD) <<http://bdlaws.minlaw.gov.bd/laws-of-bangladesh.html>> accessed 28 April 2022.

⁵³ *ibid.*

of farmers.⁵⁴ Furthermore, as the Government continued to realize the importance of agriculture, it passed various laws, including the *Bangladesh Krishi (Agricultural) Bank Order 1973*, *Alienation of Land (Distressed Circumstances) (Restoration) Ordinance 1976*, *Bangladesh Animal and Animal Product Quarantine Act 2005* to face and manage the modern challenges of the agriculture sector.

The following laws and regulations were passed and implemented in Bangladesh to address issues regarding agriculture. The core objective of these regulations is to develop the agriculture sector and support farmers, and some even include a provision requiring equal treatment among men and women. If these laws and regulations are analyzed critically, they may reveal how much they address women's rights, human rights, environment, climate change and SDGs issues. It is to be noted that while analyzing primary legislation, only significant laws are analyzed in this paper.

6.1 The Land Improvement Loans Act 1883⁵⁵

This Act provides government loans to farmers and farmer-owned coops for agricultural improvements.⁵⁶ It states that loans shall be granted to any person to improve the land.⁵⁷ The term 'any person' in section 4(1) includes males and females. Thus, this Act intends to assist any person involved in a farmer-owned business regardless of gender. However, this Act does not have any specific objective of providing loans to women farmers under favourable conditions. This Act does not even mention the term 'women' anywhere in it.

6.2 The Agricultural and Sanitary Improvement Act 1920⁵⁸

The provisions of this Act relate to constructing drainage and other works to improve agricultural and sanitary conditions.⁵⁹ Any person can apply to improve agricultural conditions under this Act.⁶⁰ Any person aggrieved due to such improvements act of agriculture and sanitary conditions may apply for compensation to the proper authority.⁶¹ Therefore, prima facie, this Act also gives

⁵⁴ *ibid.*

⁵⁵ The Land Improvement Loans Act, 1883 (BD) Act No XIX of 1883 of Bangladesh <<http://bdlaws.minlaw.gov.bd/search.html?year=1883&actNo=&partNo=&chapterNo=§ionNo=>> accessed 21 April 2022.

⁵⁶ *ibid.*, Preamble.

⁵⁷ *ibid.*, s 4(1).

⁵⁸ The Agricultural and Sanitary Improvement Act 1920 (BD) < <http://bdlaws.minlaw.gov.bd/act-117.html?hl=1>> accessed 22 January 2022.

⁵⁹ *ibid.*, Preamble.

⁶⁰ *ibid.*, s 3.

⁶¹ *ibid.*, s 23.

any person, irrespective of gender, to apply for the improvement of conditions which is necessary to upgrade their farmer-owned business. However, it does not have any provision which gives women any special facilities. It shows that it has no objective to empower women in the agriculture sector on a priority basis.

6.3 The Agricultural Debtors Act 1935 ⁶²

The primary purpose of this Act is to provide relief for agricultural debt and amend the law governing the relations between agrarian debtors and their creditors.⁶³ Except for the principal amount, the farmers may get relief from the interest on their principal amount of agricultural loan.⁶⁴ Any person, irrespective of gender, may get relieved from the interest of a loan under this Act. It has provisions to establish a debt settlement board comprising a chairman and board members but no mandatory provision to include women.⁶⁵ Though from the previous discussion of policies regarding agriculture, it is required that women's representations must be ensured in every committee formed under agricultural legislation, this Act is totally silent as to this. This Act also does not mention any privileges or any special right for women to empower them in the agriculture sector and use the term women even a single time.

6.4 The Bangladesh Krishi (Agricultural) Bank Order 1973 ⁶⁶

The Bangladesh Krishi Bank was established under this Order. This bank provides credit services to agriculturists for agriculture purposes and persons engaged in cottage industries and other allied industries in remote as well as urban areas for the purpose of such industries.⁶⁷ It contains provisions to give preference to the credit needs of small cultivators, including any such farmers who involve a crop sharer (*bargader*).⁶⁸ Though women can apply for services, none are favorable enough to attract women to the agricultural sector. This Act does not contain any provision which can empower women especially in the agriculture sector.

⁶² The Agricultural Debtors Act 1935 (BD) <<http://bdlaws.minlaw.gov.bd/act-details-169.htm>> accessed 24 January 2022.

⁶³ *ibid.*

⁶⁴ *ibid.*, s 23.

⁶⁵ *ibid.*, s 3.

⁶⁶ The Bangladesh Krishi Bank Order 1973 (President's Order) <<http://bdlaws.minlaw.gov.bd/act-details-454.html>> accessed 27 January 2022.

⁶⁷ *ibid.*, s 15.

⁶⁸ *ibid.*, s 17.

6.5 The Bangladesh Agricultural Research Council (BARC) Act 2012⁶⁹

The establishment and formulation of the Bangladesh Agricultural Research Council (BARC) Act 2012 is a milestone in strengthening the National Agriculture Research System (NARS)⁷⁰ in Bangladesh. NARS system in Bangladesh is working on the challenges like the development of high-yielding, stress-tolerant, hybrid and transgenic crop varieties for rising the production and productivity; soil health management, development of the cropping pattern, water-saving technologies, farm machinery, post-harvest management, distribution of appropriate technologies, women's participation in agriculture etc., for life on land goal and the goal - for climate-resilient agriculture how the various programs viz., precision agriculture, crop modelling, ICT in agriculture etc., are being promoted.⁷¹ It also provides that there shall be a governing body to govern the BARC.⁷² However, there is no special provision to include women in that governing body. It also does not contain any provision regarding women's rights issues in the agriculture sector.

7. Government Organizations, Non-Government Organizations (NGOs) and Co-operative Agriculture

The Government of Bangladesh has established significant numbers of agricultural institutions to assist farmers that are playing a pivotal role in developing the agricultural sector. It is worthy to mention here that in analyzing the role of agriculture organization, only significant organizations are discussed below.

The Bangladesh Agricultural Development Corporation is an autonomous government body established under the Bangladesh Agricultural Development Corporation Ordinance 1961.⁷³ It manages the agricultural inputs *i.e.* agricultural seeds, non-nitrogen fertilizer, and minor irrigation facilities to farmers of Bangladesh.⁷⁴ Its main objective is to increase agricultural production in Bangladesh.⁷⁵ The main functions of this corporation are to provide agricultural supplies and other facilities either free of cost or at a subsidized rate and to grant

⁶⁹ The Bangladesh Agricultural Research Council (BARC) Act 2012 <http://barc.portal.gov.bd/sites/default/files/files/barc.portal.gov.bd/page/e576be41_2636_4da5_90f9_ed13ef703a15/2020-12-23-15-34-cf06ecf25701e4e1bfe039c87c161912.pdf> accessed 28 January 2022.

⁷⁰ *ibid*, s 3.

⁷¹ *ibid*, s 9.

⁷² *ibid*, s 6.

⁷³ Laws of Bangladesh, Act No XXXVII of 1961 of Bangladesh <<http://bdlaws.minlaw.gov.bd/act-320/section-16363.html>> accessed 26 January 2022.

⁷⁴ Bangladesh Agricultural Development Corporation <<http://www.badc.gov.bd/site/page/1643c1ee-3ea5-4485-8202-40139a094a47/->> accessed 7 February 2022.

⁷⁵ The Bangladesh Agricultural Development Corporation Ordinance 1961, preamble.

loans in favorable conditions. The Department of Fisheries plays a significant role in developing fisheries through research, and by supplying modern technology and credit facilities to the farmers involved in this sector.⁷⁶

The Social Development Fund is dedicated to increase livelihood opportunities of the poor by organizing them in producer groups, co-operatives or federations, and improving their market, business orientation, and forward and backward linkages in the market systems.⁷⁷ It enables the poor, and particularly women, to build, secure, and use social assets to improve their well-being. It also empowers women to reduce vulnerabilities, create new opportunities, exercise their rights, and play a more active role in society.⁷⁸ It especially focuses on women's empowerment in agriculture by engaging them in the livestock business, farming, fisheries, etc. The Department of Livestock provides valuable advice to farmers in response to their questions and assists farmers in guiding their projects.⁷⁹ Most organizations do not have any mandate to empower women in the agriculture sector. Only a few organizations have a specific agenda to empower women in the agriculture sector. Many organizations do not even use the term 'women' anywhere in their functions and plan.

8. Evaluation of the Agricultural Legal Structure

Once we have visited our agricultural policies and considered our SDG commitments to attain gender parity in agriculture, the next task is to pest pose agriculture policies with different national laws affecting agriculture. The purpose is to examine the extent to which national laws may or may not reflect national policy and SDG priority to attain gender parity in agriculture.

As is demonstrated throughout Section 6, the agriculture sector of Bangladesh is being governed by a set of age-old laws where there are no explicit provisions touching human rights, environment, climate change, women's empowerment and obviously no SDG issues. It is worthy of mentioning that there are no special provisions offering women any particular facility to encourage them in the agriculture sector. It is explicit from these legal structures that they regulate credit, loans, and other kinds of technical facilities only. So far, the author knows that there is no legal structure to organize farmers closely for agricultural production, which can fulfill or further human rights like environmental protection, nutrition demand, health care, women empowerment and SDGs issues involved in the agriculture sector.

⁷⁶ Department of Fisheries of Bangladesh <<http://www.fisheries.gov.bd/site/page/43ce3767-3981-4248-99bd-d321b6e3a7e5/>> accessed 8 February 2022.

⁷⁷ The Social Development Fund <<https://www.sdfbd.org/>> accessed 9 February 2022.

⁷⁸ *ibid.*

⁷⁹ The Department of Livestock <<http://www.dls.gov.bd/>> accessed 10 February 2022.

Except for this, some Acts have provisions for the formation of a committee for the distribution of facilities or regulation or monitoring of specific agricultural issues. However, there are no specific guidelines regarding the appointment of women as chairman and members of such committees. Therefore, women may be deprived of getting appointed as a member of the committee due to a lack of special provisions for their appointment, which may likely result in an all-male board. The lack of women's representation in such committees may frustrate the interest of women farmers because such male-dominated committees may decide a way that may serve the interest of the male farmers only. Similarly, there is no provision in those Acts providing loans at more favorable terms for women farmers. Though there is no direct, explicit provision which discriminates between male and female farmers, there is no provision which offers special advantages to women farmers or encourages them to engage in agriculture.

Where women are in a vulnerable position, they deserve more protection. Considering this thought, most current laws like National Human Rights Commission Act 2009⁸⁰ have inserted special provisions for the appointment of women members in the said commission. Particularly where women's rights are in question, they are given special preference or rights like the reservation of 50 seats in the parliament for women.⁸¹ In the rural area of Bangladesh, about 30 per cent of women are somehow involved in the fish sector.⁸² Thus, women should be given special facilities in this sector equally with men under laws so that they are empowered to flourish in this sector. As the Government can validly insert special provisions in legislation to empower women in any sphere of State⁸³, it can give special facilities to them by passing laws that may encourage them to engage on a large scale in the agriculture sector. Nonetheless, as the significant policies regarding agriculture advocate for the empowerment of women in the agriculture sector by providing special facilities to them, the Government should take appropriate action to execute those policies by passing gender- friendly agriculture laws.

The government agricultural organizations play an essential role in developing the agriculture sector or farmer-owned businesses in Bangladesh. However, most organizations are not concerned about empowering women in the agriculture sector. A few institutions have a mandate to empower women in farmer-owned

⁸⁰ The National Human Rights Commission Act 2009 (BD) <<http://bdlaws.minlaw.gov.bd/act-details-1023.html>> accessed 17 February 2022.

⁸¹ The Constitution of the People's Republic of Bangladesh, 17th Amendment, 8th July 2018.

⁸² Mehedi Hasan, 'Women's Empowerment and their Role in Fisheries Development in Bangladesh' (*BDFish Feature*, 5 October 2020) <<https://en.bdfish.org/2010/10/women-empowerment-role-fisheries-development-bangladesh/>> accessed 19 February 2022.

⁸³ The Constitution of the People's Republic of Bangladesh, art 28.

businesses. However, they do not have specific mandates to encourage women in this sector. As women form about half of the total population, it may be impossible to think about actual development in this sector by keeping them out or within the four corners of the house or leaving them behind.

Further, some co-operatives, national and international NGOs are playing a significant role in developing the agriculture as well as human rights, environment, climate change and SDGs issues involved in this sector by closely working with farmers, especially females. For example, BRAC and HEIFER are doing significant functions in developing livestock and other agriculture sectors by closely connecting with the farmers. They also play a role in protecting the environment, fulfilling the family's nutrition demands and empowering women.⁸⁴

Similarly, by inventing and making production and distribution systems, offering excellent seeds at just prices, and evolving better crop varieties and practices, BRAC is improving various sectors of agriculture.⁸⁵ It also promotes human rights by developing and distributing climate-smart agricultural technologies and rising markets that inspire entrepreneurship and assist the country in becoming self-reliant in food production.⁸⁶ HEIFER Bangladesh's Beef and Dairy Value Chain Program connects and empowers local women farmers.⁸⁷ They provide tools and education, enabling women farmers to boost their incomes and reliably feed their families and communities as they bring more quantities of milk and beef to market.⁸⁸ Thus, like the co-operative, national and international NGOs, if the Government works closely with the farmers, that may assist Bangladesh in attaining its goals in the agriculture sector and fulfilling its obligation under the SDGs.

9. Recommendations

Though many legal structures are available to regulate and develop the agricultural sector, they are flawed when it relates to equalizing the industry for women. They also lack or less focus on human rights, environmental, climate change and SDGs issues. Most of the legal structures are dated and do not have sufficient provisions to face the current challenges. As stated above, the primary regulations cover

⁸⁴ BRAC. 'Solutions for Social Challenges and Surplus for Greater Impact' (*The Good Feed*, 2022) <<https://www.brac.net/program/agriculture-food-security/>> accessed 25 February 2022.

⁸⁵ *ibid.*

⁸⁶ *ibid.*

⁸⁷ HEIFER Internatioal. 'Farmer Owned Cooperatives in Bangladesh Driving Economic Growth' (*Bangladesh*, 2022) <<https://www.heifer.org/about-us/where-we-work/bangladesh.html>> accessed 27 February 2022.

⁸⁸ *ibid.*

only a few areas of the agriculture sector but not the empowerment of women and gender equality issues. Most of the vital issues of agriculture like women empowerment, environment, climate change and SDGs are covered by different non-binding policies.

Another problem is that though few provisions deal with gender equality and women empowerment issues within the legal framework, they are not properly implemented by the Government or its agents. Women make up about half of the total population in Bangladesh, and many women are actively involved in the agriculture sector. Nonetheless, they are not given special attention. The fundamental target of SDGs is that no one should be left behind.⁸⁹ It is the duty of the Government to enact gender-inclusive laws and policies to fulfill the obligations under SDGs.⁹⁰ Therefore, if proper initiatives are not taken to focus on women on a priority basis, developing the agriculture sector up to the benchmark may be implausible. Thus, given the flaws in laws, policies, and functions of Government organizations and NGOs, if the Government of Bangladesh takes the following steps in cooperation with the national and international NGOs, the agriculture sector may be developed, and women may be encouraged to contribute to this sector to fulfill the dreams of SDGs.

- The existing laws relating to agriculture shall be amended, modified, or upgraded to cope with the current challenges and needs of this sector.
- Policies shall be made into law as early as possible, or the Government shall take robust actions to implement policies as soon as possible.
- The Government may allow national and international NGOs to make the farmers, especially women, aware of their rights under the legal structures of Bangladesh so that they can avail those rights as an entitlement.
- The Government can either itself or, in collaboration with national and international NGOs, arrange special training programs for the women to make them aware that they have equal rights and access to all facilities provided by the Government to promote agriculture.
- The Government, in cooperation with national and international NGOs, shall provide sufficient credit facilities schemes for the vulnerable as well as women farmers to fulfill its obligation under the agricultural legal structures.

⁸⁹ UN Sustainable Development Group. 'Operationalizing leaving no one behind' (*Universal Values*, March 2022) SDGs, <<https://unsdg.un.org/resources/leaving-no-one-behind-unsdg-operational-guide-un-country-teams>> accessed 28 April 2022.

⁹⁰ UN Women. 'Goal 5: Achieve gender equality and empower all women and girls' (*Women and the SDG*), <<https://www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-5-gender-equality>> accessed 18 April 2022.

- Each policy and law formulated by the Government regarding agriculture must have a special focus on women empowerment, gender equality, environment, climate change and SDGs issues.
- The Government shall ensure that women have equal rights and opportunities to access all facilities with male farmers provided by it or national and international NGOs.
- The Government itself or in cooperation with national and international NGOs shall encourage women to participate in agriculture by providing special facilities to them.
- The Government shall provide special soft loans to women farmers under favorable conditions.
- The Government must include the provisions regarding fundamental human rights issues, gender equality, climate change issue, environment and SDGs issue at the time of passing, modifying or amending laws and policies regarding agriculture.
- The Government may pass an Act to work closely with the farmers in collaboration with the national and international NGOs to promote and develop the agricultural sector in Bangladesh.
- The Government may execute “*Green Revolution Technologies*”⁹¹ in agriculture through a legal framework to address SDGs.

10. Conclusion

Laws relating to farmer-owned businesses have been left behind in the agriculture sector, significantly increasing Gross Domestic Product (GDP) and per capita income of Bangladesh. Most people, including women of the total population, are involved in the agriculture sector, but legislatures did not pay much more attention to passing updated laws to regulate this sector. As a result, most laws governing agriculture issues are outdated and insignificant to address the current challenges and needs of farmers or agriculturalists. Though the Acts of the parliament regarding this area shall create positive discrimination between male and female farmers in providing and distributing facilities and advantages, they do not have any special provision for the effective engagement of women in agriculture. Most of the laws are completely blank regarding women’s rights and environmental and climate change issues involved in agriculture. They also have no provisions to comply with the obligations under SDGs. It is worth mentioning

⁹¹ The Green Revolution refers to a transformative 20th-century agricultural project that utilized plant genetics, modern irrigation systems, and chemical fertilizers and pesticides to increase food production and reduce poverty and hunger in developing countries. < <https://www.treehugger.com/agriculture-4846039> > accessed 4 April 2022.

that policies regarding agriculture are sophisticated and a bit suitable to address the present demands of agriculture, but they are not enforceable or binding. They also include provisions regarding human rights, women empowerment, environmental protection and climate change issues that may pave the way for the legislature to pass an Act providing solid legal structures to fulfil the demands of SDGs. However, legislatures have not made any effort to modify, amend or pass laws to cope with SDGs' obligations. Therefore, it is high time to amend the age-old laws and pass new laws relating to farmer-owned businesses to boost this sector in Bangladesh and fulfil the SDGs' dreams.