

## CHAR DEVELOPMENT AND SETTLEMENT PROJECT II

## চর উন্নয়ন ও বসতি স্থাপন প্রকল্প ২

## BANGLADESH

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### Agricultural *Khas* Land Settlement in South Eastern Coastal Chars

### Of

*Bangladesh*

### ***Technical Report No. 16***

May 2004

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## **List of Abbreviations**

AC(L)	:	Assistant Commissioner (Land)
ADC(R)	:	Additional Deputy Commissioner (Revenue)
ADP	:	Annual Development Programme
BARD	:	Bangladesh Academy for Rural Development
BETS	:	Bangladesh Engineering and Technological Services Ltd.
BIAM	:	Bangladesh Institute of Administrative Management
BWDB	:	Bangladesh Water Development Board
CBD	:	<i>Char Baggar Dona</i>
CBT	:	<i>Char Bhatir Tek</i>
CCD	:	Commissioner <i>Chittagong</i> Division
CDSP	:	<i>Char</i> Development and Settlement Project
CV	:	Cluster villages
CI	:	Corrugated Iron
CM	:	<i>Char Majid</i>
DC	:	Deputy Commissioner
DCR	:	Duplicate Carbon Receipt
DAKLM&SC	:	District Agricultural <i>Khas</i> land Management and Settlement Committee
FA	:	Financial Assistance
FF	:	Farmers Forum
GoB	:	Government of Bangladesh
GIS	:	Geographical Information System
HH	:	House Hold
HYV	:	High Yielding Variety
IDM	:	Information dissemination meeting
LADC	:	Local Area Development Committee
LGED	:	Local Government Engineering Department
LRMS	:	Land Record Management Software
LRP	:	Land Reclamation Project
MAA	:	<i>Muhuri</i> Accreted Area
MoF&E	:	Ministry of Forests and Environment
MoL	:	Ministry of Land
MTR	:	Mid Term Review Mission
NECKLM	:	National Executive Committee on <i>Khas</i> land Management
NGO	:	Non Governmental Organization
PC	:	Project Coordinator
PCC	:	Project coordination committee
PCP	:	Project Concept Paper
PMC	:	Project Management Committee
PP	:	Project Proforma
PTPS	:	Plot-to-Plot Survey
RCC	:	Reinforced Concrete
RDC	:	Revenue Deputy Collector
RNE	:	Royal Netherlands Embassy
SAT	:	State Acquisition and Tenancy
SPC	:	Sub Polder Committee
TA	:	Technical Assistance
UAKLM&SC	:	<i>Upazila</i> Agricultural <i>Khas</i> land Management and Settlement committee
UALO	:	Union Assistant Land Officer
UNO	:	<i>Upazila</i> Nirbahi Officer
UP	:	Union <i>Parishad</i>
USALO	:	Union Sub Assistant Land Officer
WFP	:	World Food Programme
WMC	:	Water Management Committee

## **Summery**

# *Khas* Land Settlement in South-eastern Coastal *Chars* of Bangladesh

1. In the coastal and reverine areas of Bangladesh, new land accreted through deposition of silt is called *Char*. The new *Char* lands are generally Government land and called as *Khas* land. Ministry of Land is the owner of these accreted land and local District and *Upazila* Administration made out settlement of these lands among the landless families. The experience of LRP (1978-1992) and *CDSP-I* (1994-1999) leads *CDSP-II* for inclusion of *Khas* land settlement as a core component of *CDSP-II*. A total 6848 landless families were planned to settle in the 7 different *Char* areas spreading over five *Upazilas* of 3 Districts.
  
2. Land settlement is as old as the civilisation. Earlier the policy was like that one who clear the jungle becomes the owner of that land. At that time, settlement in a new land was not a big problem as the population was less and plenty of land available for cultivation. With the increasing population land settlement becomes complex. In 1950, after abolition of feudal *Zamindari* system, Government enacted law for the settlement of government *Khas* land among landless families. Since then settlement of *khas* land has got priority in the government policy. To streamlining, the settlement process government time to time promulgate settlement rules and policy based on the demand of the time.  
Lastly, in 1997 Agricultural *Khas* Land Settlement Policy has been made to settle out the available *Khas* lands among the landless families. The families having no agricultural land and or have less then .10 acre of homestead land are treated as landless. Before 1972, settlement were not free of cost, the lease had to pay a certain percentage of the market price for the settled *khas* lands. From 1972 and afterwards *khas* land settlement were made free of cost or nominal fees are *Charged* for settlement. The settlement policies promulgated after 1972 was inclined in favour of landless farmer or marginal farmer. In the Prevailing policy, a landless family could get maximum 1.5 acres of *Khas* land in the *Char* area.
  
3. The *khas* land settlement is the responsibility of the District and the *Upazila* Agricultural *Khas* Land Management and Settlement Committees. Deputy Commissioner and AC Land are the two key official in the settlement process. The National Executive Committee on *Khas* Land Management are mainly concerned with the policy matter, act as supervisory and appellate committee of the District Committee.  
The Agricultural *Khas* land settlement policy of 1997 is simpler than earlier policies.

The policy has given priority on the women ownership over the settled land and the land title document is prepared both in the name of husband and wife. Widow and deserted women's are getting priority in the *khas* land settlement. *Khas* land settlement policy is gender sensitive and provides ownership over 50 % of the settled land to the women beneficiaries.



A settlement case ends with the handing over of the possession of the settled land along with *Khatian* and lease deed. The *khas* land settlement process is complex and time consuming. Poor record management system in AC Land and Union land office makes it nearly impossible to identify the *khas* land for settlement. Rent seeking in the settlement process is widely spoken chronic disease.

4. In CDSP-II *Khas* land settlement process starts with the following steps: -

- Information dissemination meeting;
- Identification of *Khas* land through plot-to-plot survey;
- PTPS information publication and field hearing for landless selection;
- Settlement case initiation with the formal allotment proposal;
- Approval of District committee;
- *Kabuliyat* signing;
- Government fees realisation;
- *Kabuliyat* registration;
- *Khatian* preparation;
- *Khatian* and possession handover.

*Char* lands are usually occupied long before the start of official settlement and as a custom the possession on *Khas* land is vital for *khas* land settlement. Therefore, the *khas* land settlement in a new *Char* cannot start with a clean slate. This trend of occupying *Char* land is very old and is continuing till to date. Till mid eighties *khas* land settlement policy favours the land grabbers in grabbing *khas* land as at that time local representatives role were very limited in the settlement process. In 1987, the new *khas* land settlement policy has created opportunities to the local NGO and local representatives and landless representatives to be in the *khas* land settlement committees at District and *Upazila* level.

This change in government *khas* land settlement policy has forced the land grabbers to change their attitude in *khas* land grabbing. Since then *Char* land grabbing with the help of muscleman has become a non-operational style of land grabbing. But in the *Char* area new *Jotdars* has emerged and apparently they are well wishers of the poor landless but excessive rent seeking and selling out *khas* land possession, torture on women and other outlawed activities made them cruel *Jotdars*. Locally they are called '*Bhumi Dasshu*' (Land Criminal).

Officially it is the responsibility of Union MoL officials to inform *Upazila* MoL official (Assistant commissioner Land) about the formation of a new *Char* and subsequently the surveyor will make a *Charcha* (*draft*) map of the new *Char* so that AC Land can start *Eaksona* (*Yearly*) Settlement in a new *Char* only after getting approval of Deputy Commissioner (DC). Permanent settlement of *khas* land starts after getting *Mouza* map prepared by *Diara* Department under MoL. From 1997, permanent settlement can go ahead with the *Charcha* map Before *Diara* Survey.

## 5. Agricultural *Khas* Land Settlement and CDSP

During CDSP-I (1994-1999), 4500 landless families were settled in the three *Chars* of *Noakhali* District. In CDSP-II, 6848 families are planned to be settled in the different *Char* areas of *Noakhali*, *Chittagong* and *Feni* District.

Agricultural *Khas* Land Settlement process passes through several stages and ends with handing over possession along with *Khatian* and title deed. Three committees at *Upazila*, District and National level are directly involve in the settlement process these two committees are main approving authority of settlement cases. Assistant Commissioner (Land) a MoL *Upazila* level official plays the central role in land settlement procedure. Timely completion of settlement process mostly depends on the prompt action by Assistant Commissioner (Land). The *Upazila* Agricultural *Khas* Land Management and settlement Committee (UAKLMSC) is responsible for identification of *Khas* land, selection of landless families and preparation of proposal of the *Khas* land to be allotted in favour of selected landless families. Possession handover to the settlement holders is one of the main responsibilities of the *Upazila* committee. District Agricultural *Khas* Land Management and settlement Committee (D/AKLMSC) is the final forum for approval of *khas* land settlement proposal from the *Upazila* committee.

In the Coastal area of Bangladesh- Agricultural *Khas* Land Settlement is one of the major responsibilities of AC (Land) with his numerous other tasks. He is the member secretary of the *Upazila* Agricultural *Khas* Land Management and Settlement Committee. AC Land initiates the land settlement process in consultation with UNO of the concerned *Upazila*. *Khas* land settlement process under CDSP-II requires full secretarial and logistic supports of the AC (Land) office and the *Upazila* and District Committees. Union Land officials are also involved in the settlement process although it is not clearly mentioned in the policy.

Deputy Commissioner is the Chairperson of the DAKLMSC and settlement cases requires signature of DC after the getting approval of District Committee. In the *Khas* land settlement process, registration of *Kabuliyat* (lease deed) is very important stage and only after registration of *Kabuliyat* a secured tenancy might be created over the settled land.

6. Agricultural *Khas* land settlement with the project support starts from Land Reclamation Project (1978-1992) and continued in CDSP-I (1994-1999) and on going CDSP-II. Settlement in CDSP-II starts with the identification of *Khas* land through plot-to-plot survey. Identification of *Khas* land mentioned in the *Khas* land settlement policy of 1997 has great importance in settlement but seldom followed due to lack of logistics and skilled workforce. PTPS system in CDSP has proved its efficacy in the identification of *Khas* land. CDSP-II has identified the plot-to-plot survey work as the backbone of *Khas* land settlement, therefore, PTPS has been carried out under close supervision of the MoL officials as well as consultants of the project.

The PTPS generates two types of document – one is the information about land and landless and the other is the updated *Mouza* map and a *Charcha* map in the

absence of *Diara Mouza* map. PTPS updated maps are digitised after the approval and signature of MoL District and *Upazila* Officials. The soft copies of the digitised *Mouza maps* are used in the land settlement of CDSP-II.

In CDSP-II, from landless selection to *Kabuliyat* registration, all tasks are being done in the field session and this brings a transparent and hassle free atmosphere in *khas* land settlement. Landless families have to pay some fees for registration of *Kabuliyat*; initially payments are borne by the project and the landless families later on reimbursed the sum. This system could block the inlet of corruption in land settlement system. Land settlement in CDSP-II is popular among the landless people for its transparent process. The project always tries to keep inform the beneficiaries about the progress of the land settlement. Information dissemination system has driven out the land touts and intermediaries in the *khas* land settlement.

7. A study was undertaken in CDSP-II to find out the bottlenecks in *khas* land settlement and to make a proposal to modernise the land record process for the strengthening capacity of the DC, UNO and AC Land Offices. As per recommendations of that study, CDSP-II has taken steps to-
  - a) **arrange some training for the MoL District and *Upazila* and Union level officials;**
  - b) **prepare a software for the *khas* land settlement and to improve the record management system;**
  - c) **construct three AC Land offices for better office accommodation.**

The AC Land offices are the major areas that need strengthening as main load of settlement works borne by AC Land. As per agreed recommendation of the study in a workshop, CDSP-II introduced computerised land record system with customised Land Record Management Software (LRMS) in AC Land offices of the project area. The Bangla interface and old data entry system makes this software effective for the *Upazila* land offices for their other day to day land management work and hence, increase the efficiency and efficacy of the AC Land offices. CDSP-II has extended adequate training on the operation of LRMS Software and data entries. Computers and other accessories are provided to the all project concerned AC Land offices.

8. Women's access to property is very poor in Bangladesh but fortunately, the Agricultural *khas* land settlement policy of 1997 is gender sensitive. Like the previous policy of 1987, land settlement policy of 1997 also keeps the provision for the joint ownership over the settled land between husband and wife. Widows and deserted women are given priority in the policy for the *khas* land settlement. CDSP-II in its area ensures that the provisions are followed properly. Involving the female members of the union council and the female members of the LADC, PC/SPC members during landless selection ensure the women's priority in land settlement. The women of the polder area made aware of their role in land settlement and of their rights to land. Landless female-headed household are treated as a priority category of target groups in terms of land settlement. Local female Union *Parishad* members are trained to play an active role in land settlement. The land settlement process is monitored through a gender lens from proposed allotment sheet to the hand over of the title deed including possession of a land. The principle of treating landless female-headed households as a priority

group in the land settlement process is strictly followed. In CDSP-II about 900 acres of lands are found under possession of 652 selected landless female-headed households.

9. In CDSP-I, land settlement process passes 22 steps from identification of *Khas* land to possession handover. In 1997, Government has reviewed the Agricultural *Khas* Land Settlement Policy and formulate a shortened new policy. Plot to plot survey system introduced in CDSP-I was not in the MoL-CDSP-I PP; but in CDSP-II, MoL has incorporate PTPS as a steps of *Khas* land settlement in it's PP, which is inconformity with the *Khas* land settlement policy of 1997. Plot to plot survey is very important and essential step of Land Settlement in CDSP-II. The quality of land settlement depends upon the quality of plot-to-plot survey work.

Agricultural *khas* land settlement is the core component of CDSP-II but the process of settlement is complex and influenced by many outside factors. Some vested interest groups, *Jotdars*, sometime local NGO's, Forest department and MoL bureaucracy itself found against the *khas* land settlement to the landless farmer. Civil court cases are used as a dilatory technique to make the settlement process frustrated. Shrimp land issue is the new predicament with the agricultural *khas* land settlement. Forestland and *khas* land issue sometime discontinue the *khas* land settlement activities. In some areas inter district boundary issue was brought before to jeopardise the *khas* land settlement. MoL District and *Upazila* officials usually extend their support to resolve the matter but sometime support required from the Ministry level to ease out the predicament. Non-functioning of the *Upazila* and District Agricultural *Khas* land Management and Settlement Committee was a serious set back in settling out the *khas* land. Selling out the settled land is a violation of the lease deed and as per law if any one sold his land and if reported to the MoL authority, the land will be resumed as *Khas* land. But the reality is that some of the settlement holders after selling out the land and move into a new *Char* with a hope that he may get settlement again using fake name or the same name. Age-old manual record keeping and Poor database about the landless and the *khas* land could hardly check this sort of double settlement and therefore, a landless family after getting *Khas* land in one *Char* could easily get settlement in another *Char*. The availability of *Khas* land in the nearby *Char* areas and possibility of second time settlement may allure some of the settlement holders to sell their land. Land monitoring survey of CDSP-I area done in 2003 revealed that about 5% of the settled households completely sold out his settled land and left the area. The study revealed that in CDSP-I area about 95% of the settlement holders are still living in that area.

MoL Component of the CDSP-II was implemented by the dual administration- by District-*Upazila* authority and MoL. The District and *Upazila* administration mainly responsible for the *khas* land settlement, whereas the construction works and the financial control were in the hand of MoL officials. This arrangement is not a tested case; in CDSP-I the Deputy Commissioner was the Project Director and solely the responsible for the *khas* land settlement. He was responsible for the settlement. In CDSP-II a Project Coordination Committee (PCC) headed by Commissioner, *Chittagong* Division was suppose to coordinate the *khas* land settlement activities but till now the committee meet only once.

*Khas* land settlement among the landless families is directly making a rural landless farmer a landowner and providing him a social status, access to credit and access to many other avenue of the society. *Char* Development and Settlement Project is doing the *khas* land settlement activities in the Southeastern coastal *Chars* of Bangladesh since 1994. The *khas* land settlement process is not corruption free, poor information dissemination embedded lots of intermediaries in the settlement process. CDSP could successfully established a transparent and hassle free system of *khas* land settlement, which is popular to the landless people of the *Char* area.

10. The procedure laid down for *Khas* land settlement is general in application but the coastal area requires special provision and more logistic support due to the special problems and pressures found in the coastal area. A coastal *Char* Land Management and Settlement policy is required to deal with the huge *Char* land and the policy should clearly delineate the following issues:

- In which stage of new *Char* formation, the Deputy Commissioner will take possession over *Char* land;
- When and for which period the new *Char* land will be handed over to Forest Department for afforestation;
- Declaration of the handed over area as reserve forest is perpetual or not;
- Whether the *Diara* map or the revision maps of the new *Chars* would mention the tenure of Forest department;
- The procedure of handing over and taking back the *Char* land to and from the Forest department;
- When the official *khas* land settlement will start;
- Whether or any portion of the new *Char* land will be earmarked for shrimp cultivation or salt production;
- How much land will be earmarked for public utility;
- the budgetary provisions, skilled survey staff appointment for map preparation of new *Char*

The policy of the *khas* land settlement is made for the whole country. The coastal *Chars* land management requires separate attention a prototype *khas* land settlement policy in some time not applicable in the *khas* land settlement of coastal areas. A coastal *Char* land policy is required to handle the huge *Char* land and its resource. Some lands are required to keep free in a new *Char* for public utility such as road, community pond, public office and educational institutions. A quick start of *Khas* land settlement procedures certainly can inhibit many of the problems being faced now. If official land settlement can start in a new *Char* before autonomous settlement then planned settlement can be achieved; which will also check the misuse of land before official settlement.

# *Khas* Land Settlement in Southeastern Coastal *Chars* of Bangladesh

## 1. Introduction:

Bangladesh is one of the most densely populated countries in the world, and its land man ratio is very high, two third of its population depend on Agricultural for their livelihood and one third of its national income comes from the Agricultural sector. In an agrarian country like Bangladesh, ownership over land, determines the social and political status of a person in society. Landless in Bangladesh is almost asset less in society. Every year a significant number of the population become landless due to tremendous pressure on land, river erosion and the natural process of pauperisation. In the coastal area, river erosion makes this process of landlessness faster. <sup>1</sup>*Char* development and Settlement Project-II is working in the southeastern coastal area of Bangladesh where accretion and erosion is a common phenomenon.

Bangladesh has a 710 km long coastal area. In terms of accretion and erosion, the whole coastal area may be divided into three zones: -

- a) Eastern zone;
- b) Western zone;
- c) Middle zone.

The *eastern zone* is characterised by sandy beaches and hills along the coast where accretion and erosion is insignificant. The *western zone* is characterised by the forest and the accretion-erosion is insignificant, with silts coming through this region directly discharged in the <sup>2</sup>*swatch of no ground* of Bay of Bengal. The *middle zone* is very dynamic where accretion and erosion is very common. It is estimated that the three great Rivers *Padma*, *Jamuna* and *Brahmaputra* carry 2.4 billion Metric tons of silt every year from the upper catchments area and discharged it in the Bay of Bengal. The River *Meghna* situated in the middle region of the coast ultimately discharged these huge amounts of silt in the Bay of Bengal. Moreover, during monsoon, heavy rainfall causes floods that sweep away the firm land. New land accreted through deposition of silt is called *Char*. During <sup>3</sup>*Land Reclamation Project*, a study shows that (LRP, 1991) from 1940 to 1963, in the lower *Meghna* Estuary, an area of 1356 sq. km of land were accreted and 1077 sq. km lands were eroded.

*Chars* are also found in riverine areas of Bangladesh but riverine *Chars* are relatively unstable than coastal *Chars*. Coastal *Chars* are newly accreted land from the sea and consequently low lying and vulnerable to floods and cyclones from the Bay of Bengal. Coastal *Char* soils have relatively high salinity with comparatively low contents of organic nutrient, which causes lower productiveness than riverine *chars*. In a coastal *Char*, saline intrusion is a constant threat. CDSP-II is working in such an area where accretion and erosion are major factors, and the landless people are living without the support of safe drinking water, primary health care, education, sanitary latrine and poor

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<sup>1</sup> *Char*- The accreted land comes up from river or sea through recession of water or by siltation process.

<sup>2</sup> Swatch of no ground situated 24 km of South coast of Bangladesh and spread over Northeast to South-west of Bay of Bengal.

<sup>3</sup> Dutch financed project implemented by Bangladesh Water Development Board during 1978 to 1991 in *Char Baggar Dona-I* area of *Noakhali Sadar Upazila*. CDSP-I was the follow up project of LRP.

law and order, as well as having no secured tenancy over the *Char* land they are occupying. CDSP-II is working for the development of those *Chars* and its population, and is working to develop some social infrastructure such as roads, culverts, cyclone shelters etc. Also some basic infrastructure such as embankment, sluices, and canals. The objective of carrying out all of these activities is to bring about the change in the economic and living conditions of the southeastern coastal population. The *Char* population are extremely poor, mostly migrated from the nearby river-eroded areas for shelter and the chance of a better livelihood. The new *Char* lands are Government lands, which are called <sup>4</sup>*Khas* land. The Ministry of Land is the owner of the accreted land and the local District and *Upazila* Administration manage the land. CDSP-II is involved in the development of the economic situation of the landless population in the coastal *Char*, landless families who are living with uncertainty and fear of eviction. These landless families have no right and title over the land they have settled on over the last 5-10 years. Therefore, the development activities of CDSP-II become meaningless if the land tenure of the poor is not secured. With out secured land tenure, eviction threats make the population unstable and all the development activities become unreliable. The Government of Bangladesh and of the Netherlands agreed to put official land settlement to the landless families as a core component of *Char* Development and Settlement Project-II (CDSP-II, 1999-2004). The experience of <sup>5</sup>CDSP-I also leads CDSP-II for inclusion of *Khas* land settlement as a core component of CDSP-II.



**Picture 1: Migration in Boyer Char starts-a long ahead of official settlement.**

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<sup>4</sup> *Khas* land is the land under absolute ownership of Government i.e Ministry of Land recorded in the name of Deputy Commissioner (DC) in *Khatian* No one (1). The *Khas* land information is kept in a register called “Register VIII”. The lands under ownership of the Ministries other than Ministry of Land are not *Khas* land and not the subject of *Khas* land settlement.

<sup>5</sup> CDSP-I- Dutch-GOB financed project, implemented in *Noakhali* in 1994-1999.

CDSP-II is a multi-sectoral project and five Ministries are involved with the implementation of the project. The Ministry of Land is one of the Components and the specific objectives of Ministry of Land part as follows:

- 1) Carry out <sup>6</sup>plot-to-plot survey of the project area to identify the status of the *Char* land and the people in possession;
- 2) To select landless at the field level scrutiny by <sup>7</sup>*Upazila* committee;
- 3) To Cancel of existing unauthorized settlement if found contradicting with MoL policy;
- 4) To settle out the Agricultural *Khas* land among the landless families of the project area by providing them with title deed and <sup>8</sup>*Khatian*.
- 5) To rehabilitate the most destitute landless families in different cluster villages at South *Hatiya (SH)*, *Nijhum Dwip* and *Muhuri* Accreted Area (MAA);
- 6) To Prepare individual *Khatian* for the members of the 30 cooperative societies who were settled during Land Reclamation Project (LRP) at *Char Baggar Dona-I*;
- 7) To modernise the land record system and assist in computerisation of the *Upazila* District level land offices and
- 8) To construct Cluster villages in *Mhuri* Accreted Area, South *Hatiya*;

## 2. Land Settlement Procedure in Bangladesh

### 2.1 Land Settlement: Legal Coverage

#### 2.1.1 Land Settlement: from tax collection to landless rehabilitation

Land settlement is as old as civilization. During antiquity the law of settlement was, ‘a person who clears the jungle and cultivates the land will be the owner of that land.’ Before the emerging of the concept of state, the settlers/cultivators had to pay a portion of produce to the community and afterwards to the king/state. The system with some changes continued until 1793. In 1793, <sup>9</sup>*British East India Company* made settlement of land to the <sup>10</sup>*Zamindar* with fixed amount of tax. The settlement made by ‘East India Company’ in 1793 is popularly known as “permanent settlement”. In this system settlement had to pay land revenue fro settlement. The land revenue were generally paid either by produce or in cash and the system continued with a little variation till the abolishment of *Zamindari* (system introduced by British East India Company) through the *State Acquisition & Tenancy Act, 1950* (herein after referred as SAT Act). In 1950, after independence from British rule the SAT Act, 1950 (Act XXVIII of 1951) was abolished, and the century long land management system and for the first time government imposed a ceiling on private owned land. This reform brought large

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<sup>6</sup> Plot-to-plot survey is a cadastre survey through which *Khas* land identification is done in CDSP type land settlement.

<sup>7</sup> *Upazila*- sub district level administrative unit comprises with several union, previously it was called as *Thana*

<sup>8</sup> *Khatian* is a land occupancy document where the name and address of occupant/s and particulars of plot/s with area including total area etc. are described.

<sup>9</sup> *British East India Company*- a British merchant company ruled Indo-Bangla-Pak subcontinent form 1757 to 1858.

<sup>10</sup> *Zamindar*- landlord who can collect the land revenue and evict the cultivators on non-payment.



quantities of land (known as *Khas* land) under government control, and the Ministry of Land has made provision for disposing off these *Khas* lands among the genuine cultivators. The other source from which the government becomes the owner of *Khas* land is the accretion of new land from river or sea through the siltation process. The first law regulating the ownership of alluvial and diluvial land had been enacted in 1825. Since then the law of alluvial and diluvial has undergone several drastic changes. The law classifies the *Char* lands into two categories—the *Char* reformed on the same place that was diluviated before and the *Chars* emerged up as completely new accretion from river or sea. In the case of accretion, that took place in the same place of diluviated land of a tenant within 20 years of diluvion, the ex-owner or tenant will be entitled to get back that land. This right to repossess the land reformed would not, however, extend to the *Char* which is gradually formed or accelerated as a result of any development work of government such as— construction of cross dam, embankment etc.

The law continues until 1972 when the alluvial and diluvial law underwent a drastic change and repealed the age-old rights of the tenant to claim a land reformed in situ as well as *Chars* formed adjoining to the land of a tenant. The new law extinguished the provision of the ownership claim over the accreted land or reappeared land after diluvion. The *Chars*, whether reappeared in situ or a new accretion whatever may be the case, vest absolutely with the government i.e. in the Ministry of Land for its management. Ministry of Land as per policy of the government generally settled these *Char* lands among the landless families through District and *Upazila* Administration. Therefore, from 1972 to onward government was contentiously acquiring *Khas* land. In 1994, again the provision was changed and the right of a tenant is admitted over the reappeared land if the land reappeared within 30 years of diluvion **Appendix-1**. Consequently, from 1994 the increment in the Government *Khas* land becomes slower as the ex-owners' right is admitted. The *Char* that is completely new accretion and the accretion was because of the public development works such as construction of cross dam, embankment etc. would be treated as government *Khas* land and ex-owners' claim will not exist in that case.

Through these reforms, the government has acquired complete authority over settlement of the lands vested with them. From 1951, the government started settling the lands including the coastal *Char* lands. Initially revenue collection was the objective of the settlement. Before 1972, settlements were given by taking <sup>11</sup>*Salami* and the settlement holders were liable to pay the land revenue as per prevailing rules. After 1972 settlement in *Khas* land were made free from *Salami*. Therefore, after Independence of Bangladesh (in 1971) a major shift was made in land settlement from land revenue collection to land reform.

The objectives of land settlement were as follows:

- a. To bring more land under cultivation;
- b. To increase agricultural production;
- c. To reduce rural landlessness;
- d. To reduce rural poverty and;
- e. To check rural urban migration.

However, after commencement of SAT Act 1950, two types of *Khas* lands were found under government control and these are:

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<sup>11</sup> *Salami* means payment of full or a certain percentage of market value of that land

- i) <sup>12</sup>*Ceiling surplus land* vested on Government and Forest land and *Hat/Bazaar* land and
- ii) Land accreted from the recession of river or sea or through depositing silts.

As per SAT Act, the Government retains the Forestland and Hat Bazaar lands. These lands are not the subjects of settlement, but the remaining agricultural *Khas* lands were supposed to be disposed off as per provision laid down in section 76 of SAT Act among the agricultural farmer. Moreover, the government from time to time formulate policies to settle out the lands vested in them.

Agricultural *Khas* land settlement among the landless families has got priority in various policy documents of Bangladesh. Including the fifth five-year plan (1997-2002), Land use policy, 2001 and Report of Task force Committee on Land Administration, 1991 and The National Strategy for Economic Growth, Poverty Reduction and Social Development by Economic Relations Division, Ministry of Finance, Government of the People's Republic of Bangladesh (March 2003) put emphasises on agricultural *Khas* land settlement among landless families.

The *Khas* land Settlement rules and policies so far framed by the government are as follows: -

- 1) Government Estate Manual, 1958
- 2) <sup>13</sup>Agricultural *Khas* land settlement policy 1963
- 3) <sup>14</sup>Agricultural *Khas* land settlement policy 1969
- 4) <sup>15</sup>Agricultural *Khas* land settlement policy 1972
- 5) <sup>16</sup>Agricultural *Khas* land settlement policy 1987
- 6) <sup>17</sup>Agricultural *Khas* land Management and Settlement policy 1997

These policies may be divided into two categories depending upon the settlement objective. Policies before 1972 were in favour of collecting more land revenue the policies of post 1972 were to rehabilitate the river eroded landless families, to check rural poverty, and to bring the *Char* land under cultivation for more agricultural production. Moreover, the land settlements Policies before 1972 were more bureaucratic in nature and in the settlement process, local people representatives were not involved, MoL Subdivision and <sup>18</sup>*Thana* (*Upazila*) level officials did the whole settlement work alone.

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<sup>12</sup> *Ceiling surplus land* is highest limit of individual ownership land; it was first 33.33 acres and then increased 123 acres, now it is 20 acres.

<sup>13</sup> Policy adopted on 19 November 1963

<sup>14</sup> Policy adopted on 14 November 1969

<sup>15</sup> Policy adopted on 2 August 1972

<sup>16</sup> Policy adopted on 1 July 1987

<sup>17</sup> Policy adopted on 16 April 1997

<sup>18</sup> *Thana*- Sub-district now it is called as *Upazila*, at present *Thana* means police Station

## **2.1.2 Settlement policies prior to 1972: For increasing tax collection**

### ***a) Settlement policies of 1950, 1958, 1964 and 1969***

*Khas* land settlement policies before 1972 were aimed to dispose off the *Khas* land and to increase land revenue income. At that time, settlements were made by realising *salami* from the settlement holders and *salami* was 50% of the market value of the settled land. State Acquisition and Tenancy Act' 1950 provides the first guiding principle for the settlement of *Khas* land. Later on, detail procedure of the settlement was delineated in the Government Estate Manual, 1958, then, in 1964 and 1969, the government has made the *Khas* land settlement policies.

## **2.1.3 Policies after 1972: For reducing the landlessness of rural area**

### ***a) Settlement policy of 1972: Salami free settlement***

The policy of 1972 was more progressive than previous policies of 1964 and 1969. The settlement were made salami free, which was a popular demand the farmers. The policy provides priority to the landless and marginal farmers having less than 1.5 acres lands in settlement. Earlier there was no such type of ceiling and for this reason the policy brings hope among the marginal farmers and landless people that, they will get settlement of *Khas* land. Involvement of local Union council committee for selection of deserving landless and marginal farmers was another breakthrough from the earlier policies.

### ***b) The settlement policy of 1987: Decentralised Settlement Policy***

The Agricultural *Khas* Land Settlement policy of 1987 was more representative in nature. In this policy the District and *Upazila* Task force committee were formed with a good number of local representatives. NGO's are involved in the settlement committees as watchdog of the poor beneficiaries aiming to make the settlement hassle free. In fact, the *Khas* Land Settlement Policy of 1987 was a self sufficient, and the procedure of settlement was delineated clearly. Some special features of this policy were as follows:

- Selling of settled land prohibited, inheritance transferred is allowed;
- Share cropping of settled land restricted;
- Wife becomes the owner of 50% settled land with her husband;
- Widow and abandoned women were given priority in settlement.
- District and *Upazila* Task force committee were formed with local representatives and NGO representative and given the task for selection of landless and other settlement activities.

In CDSP-I (1994-1999), 4500 landless families were settled in three different *Char* areas of *Noakhali Sadar Upazila* following the Agricultural *Khas* land Settlement Policy of 1987.

***c) Agricultural Khas Land Management and Settlement policy of 1997: The policy CDSP-II is following***

On the April 1997, the Government of Bangladesh adopted a new Agricultural *Khas* Land Management and Settlement Policy. The new settlement policy has ostensibly been further simplified and reduces some steps. Some remarkable changes have been made in this policy such as <sup>19</sup>*Kabuliyat* acceptance is given to Assistant Commissioner Land, previously Deputy Commissioner accepts the *Kabuliyat*, and this requires sending the settlement case twice to Deputy Commissioner.

There are three-tier committees are involved in the land settlement process as per 1997 policy and the committee's are-

1. National Executive committee on *Khas* land management (NECKLM);
2. District Agricultural *Khas* land management and settlement committee (DAKLMSC);
3. *Upazila* Agricultural *Khas* land management and settlement committee (UAKLMSC).

The National committee is mainly concerned with the policy formulation for Agricultural *Khas* Land Settlement and the committee acts as an appeal body against the decision of District Agricultural *Khas* land management and settlement committee. Land settlement activity mainly depends upon the District and *Upazila* committees. The formation of these three committees is shown in **Appendix-2, Appendix-3 and Appendix-4**. Each committee comprises with government officials and non-official member (public representative and or nominees of different class of people) and nearly half of the members of both committees are either people's representatives or nominee of the people's representatives. Therefore, the new *Khas* land settlement committees are made more representative in nature. The Agricultural *Khas* Land Settlement policy of 1997 has shifted the authority of Agricultural *Khas* Land settlement to the District and *Upazila* Committees in place of Deputy Commissioner and Assistant Commissioner (Land) of concerned District and *Upazila*. Prior to this policy, the role of these committees were limited and mostly confined with the selection of landless families but with this change, the settlement proposal requires approval of *Upazila* committee and in the District instead of Deputy Commissioner alone, it requires the approval of the District committee. Certainly, the policy of 1997 is more progressive but it doesn't mean the committee members can do any thing as per their desire. The influence of MoL district and *Upazila* officials are still vital. Still the land settlement activity completely depends upon the Deputy Commissioner, Additional Deputy Commissioner (Revenue), Revenue Deputy Collector, *Upazila* Nirbahi Officer and the Assistant Commissioner (land). *Tahsildar* (Union Assistant Land Officer) field level MoL official although he is not the member of the *Upazila* or any other committee, plays an important roll in *Khas* land settlement process and sometime this union level officials may jeopardize the whole settlement process.

The Agricultural *Khas* land settlement policy of 1997 is simpler than that of 1987 and this policy includes the provision of handing over the possession of land to the settlement

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<sup>19</sup> *Kabuliyat* is lease deed where terms and conditions of lease are written and it requires to be registered under the provision of registration Act, 1908 and State Acquisition and Tenancy Act, 1950

holders which was missing in all previous settlement policies. The policy of 1997 has re-fix the settlement ceiling of *Khas* land from 2 acres to 1.5 acres in *Char* area and 1 acre in other areas; this also changes the definition of landless. Now the definition of landless family is -

- a) ***A family who depends on agriculture for livelihood and have no homestead and agricultural land; and***
- b) ***A family having ownership of .10 acres of homestead land but no agricultural land and for livelihood the family depends on agriculture.***

The policy clearly delineated the priority list of selected landless families as follows-

- 1) Destitute Freedom fighter family;
- 2) Families who have lost all of their lands in river erosion;
- 3) Widow and abandoned women with adult son;
- 4) Families with no homestead and agricultural land;
- 5) Families who become landless due to land acquisition for development work

Some special features of the said policy are summarised below: -

- Nearly 50% members of the National, District and *Upazila Khas* land management and Settlement committee are either people's representative or their nominees;
- Responsibility of land settlement is entrusted to the District and *Upazila* Committee, earlier it was upon the MoL District and *Upazila* level officials;
- Redefined landless. Earlier owners of 0.50 acres land were treated as landless now the lowest ceiling for being a landless is .10 acres of homestead land or having owner of no land;
- *Kabuliyat* approval is given to AC land, earlier it was the function of Deputy Commissioner;
- Re-fix the maximum quantity of land to be settled to a landless  
1.5 acres in *Char* area and  
1.0 acres in the other areas;
- In the coastal area accreted land may be settled on the basis of <sup>20</sup>*Charcha* Map- earlier this was prohibited, before <sup>21</sup>*Diara* survey only Eksona lease was permeable;
- Possession handing over task is assigned with the *Upazila* committee, earlier it was not mentioned in the policy;
- Agricultural land may be settled for religious and educational purpose.

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<sup>20</sup> *Charcha*-means draft, the map of a newly accreted *char* prepared locally under the supervision of Deputy Commissioner.

<sup>21</sup> *Diara*- a department of Director Land Records under Ministry of Land responsible for survey and preparation of maps of the riverine and coastal accreted lands

#### **d) Settlement procedure of *Khas* land mentioned in the Agricultural *Khas* land management and Settlement Policy, 1997**

The land settlement procedure as laid down in the Government notification of 16 April of 1997, applicable for the whole of Bangladesh, and it needs some peripheral modifications at the implementation stage. The pragmatic steps of the land settlement process and possible volume and nature of work involved is given as below:

##### *i) Identification of available *Khas* land and publication of the information by UAKLM&SC*

This is the first and most crucial phase of the land settlement process. The available *Diara* records and the Register VIII of AC Land office will provide the basic information about the quantum of *Khas* land available for settlement. The *Diara* map does not always show the line demarcating the lands of the forest and other departments that are not available for settlement. The actual area of *Khas* land available for settlement needs to be determined on the ground by relaying the map through field survey with reference to *Khatian*. Moreover, ancestral lands and public easement lands used as canals, roads etc. are required to be identified in the map through survey. The list of the *Khas* lands is prepared in four types: -

- a) *Khas* land under public Easement use and not allowed for settlement;
- b) *Khas* land still unoccupied and ready for settlement;
- c) *Khas* Lands under possession of the persons who are otherwise found eligible for settlement;
- d) *Khas* lands under possession of persons who are not qualified for getting settlement required to recovered and redistributed among deserving landless families of the locality.

The list of *Khas* land so prepared is required to be published in the locality for inspection by the people and they are allowed to file objection about the entry of a particular plot/plots as *Khas* land.

##### *ii) Submission of objection petition and their disposal: Publication of final list of *Khas* Lands*

The aggrieved persons may submit an objection before the *Upazila* committee and AC Land. The member secretary of *Upazila* committee after scrutinizing the objection petition analyses the evidence with the records kept in his office and place for consideration by the *Upazila* Committee. The committee after hearing the objection on the date fixed and delivers decisions. Then the final list of the *Khas* land will be prepared and made available to the public.

##### *iii) Appeal to the District and to the National executive committee.*

Persons who feel aggrieved by the decisions of *Upazila* committee may submit appeal to the District committee and after the decision of the District Committee; and against the decision, one can file appeal to the National committee. A Final list of the *Khas* land will be prepared after the decision of the Appeal at District or National Committee.

iv) Application Invitation for land settlement

After publication of the final list of *Khas* land, applications are invited in the prescribed form (**Appendix-5**). The application forms are made available for the landless people both in the AC Land office and the union Land Office. These applications are required to be submitted at a specific time. After receiving the applications, date will be fixed for the landless selection. Generally, the selection process involves examination of records and registers, considering the evidence of neighbours, certificates from the local union council and by ascertaining the quantum of land owned by him or his family. Usually, the selection meeting are held in the union council office and in some cases in a suitable place near by. This is very time consuming and tedious work.

v) <sup>22</sup>Settlement Case initiation and approval of Upazila and District Committee.

The decisions of the *Upazila* committee about the selection of landless families for *Khas* land settlement are documented as minutes with priority as mentioned in the settlement policy. The *Upazila* committee will then formally make recommendation for allotment of *Khas* land in favour of each of the selected candidates in order of priority. A great deal of desk work is involved at this stage and AC Land has to prepare an individual settlement case along with a copy of the minutes of *Upazila* committee, land schedule in a prescribed form, a trace map of the proposed area, application form with photograph and certificate from concerned union council chairman. The Settlement cases will then be sent to the District Agricultural *Khas* Land Management and Settlement Committee (DAKLMSC) through *Upazila* Nirbahi Officer (UNO) and Additional Deputy Commissioner (Revenue). Revenue Deputy Collector (RDC) who is the member Secretary of DAKLMSC after scrutinizing the settlement cases places them before the District committee. After getting approval of DAKLMSC the settlement cases are sent back to AC Land with the proceedings of the District Committee.

vi) Realisation of Salami, Kabuliyat Execution and Registration:

For the approved settlement cases, AC Land then make necessary arrangement for realization of token *salami* (only one *Taka*) from each landless family and arrange for *Kabuliyat* signing (execution). *Kabuliyat* signing requires the signature of both the spouse of the landless. AC Land then sends the settlement cases to the Sub-Registrar office for registration after signing the *Kabuliyat*. In sub-registrar office, both husband and wife are required to be present and put their signature to complete the registration process. The landless family has to pay the registration fees before registration. After getting a registered *Kabuliyat*, AC Land can go for the preparation of *Khatian*. This step takes a long time.

vii) Preparation of Khatian and handing over Khatian and title deed.

Registration of *Kabuliyat* is the prerequisite of *Khatian* preparation. Generally, four copies of *Khatians* are prepared both in the name of husband and wife and these four copies are distributed as follows: –

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<sup>22</sup> *Settlement Case*- formal proposal for allotment of land with other relevant document

One copy is kept in the settlement case for reference, one copy sent to the Union Land office as official record, another one copy is kept in the record of AC Land office and the last one for the settlement holder i.e. for the landless family. *Khatian* fees are realised from the settlement holders before handing over the *Khatian* by AC Land either in the Union Land office or in his office.

viii) Possession handover:

A settlement case is completed with the handing over of possession to the landless families together with *Khatian* and title deed. Generally surveyor and *Kanungo* conducts the physical measurement of the allotted land in the presence of allottee and formally deliver possession by filling two copies possession certificate in the presence of two witness. One copy of the possession certificate is handed over to the allottee and the other copy is kept with the case record.

The process shown above is the normal procedure but usually these procedures are not explicit and transparent to the landless families. There is a gap between the *Upazila* committee and the landless and the existing capability in AC Land office could not eliminate the gap. Transparency is not apparent, the landless frustrated, and the longer time it takes the more chance of corruption.

## 2.2 Time Schedule: for a land settlement

In the Agricultural *Khas* land settlement policy of 1997, a time frame is clearly mentioned but this time frame in practice is never followed.

1. *Upazila* Agricultural *Khas* Land Management and Settlement Committee will prepare preliminary list of Agricultural *Khas* land and widely circulate the list in the locality;
2. Objection within 30 days before the *Upazila* committee about *Khas* land and decision by 15 days and publication of the final list of *Khas* land;
3. Appeal with in 15 days and decision by 15 days to the District committee;
4. Appeal to National Committee with in 30 days and decision within 60 days and then the final list to be published;
5. Application to be invited from the landless within one month;
6. Within one month the *Upazila* committee will finalize scrutiny of the landless and in a formal meeting prepare the list of selected landless candidates with a priority list and allocate land to the selected landless;
7. Within next 21 days of the allocation of land to the landless by the *Upazila* committee, AC (land) will initiate the settlement case by entering the information in prescribed register No. VIII and XII. The settlement case contains Application of the landless, family picture, <sup>23</sup>*Jomabandi* (allotment) of *Khas* land with a trace map and a resolution of the *Upazila* committee. AC (land) will send the proposal to *Upazila Nirbahi Officer* (UNO.)
8. UNO will send the same to the Deputy Commissioner (D C) within 21 days;
9. D.C will place the proposal before the District Committee within 30 days and after approval of the committee send the case record to Assistant Commissioner (Land);
10. AC (land) will send the settlement case to Union MoL office for realization of *Salami* (token lease money).

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<sup>23</sup> *Jamabandi*- formal allotment proposal of *Khas* land for settlement



11. *No time limit* for *Kabuliyat* Signing by the landless beneficiaries and acceptance by AC Land;
12. *No time limit* for Registration of *Kabuliyat* by Sub-Registrar ( a law Ministry Official) but in Registration Act the document after execution should be registered with in 120 days;
13. *Khatian* opened by AC Land *within 15 days after registration*;
14. *Within 15 days after Khatian Upazila* Committee will hand over possession of the land to the settlement holder.

### **2.3 *Khas* Land Settlement in a coastal *Char*: Actual Scenario**

When a new *Char* becomes fit for cultivation, the river eroded families from the adjacent areas started migrating in the new *Char* for shelter and livelihood. The settlers are mostly from the other coastal *Chars* and offshore islands who have lost their land due to erosion or due to natural process of pauperisation. These settlers start moving onto a new *Char* with the blessings of their patron. Possession on *Khas* land is secured through a number of factors. Factional lineage is instrumental. It is characterised by political affiliation, kinship bondage and previous neighbourhood relationships. A power broker, in many cases with ancestral links with newly accreted *Char* land tends to extend support and patronage to intending settlers coming from the same area. This type of autonomous settlement leads to a situation in which the official process of land settlement cannot start with a clean slate. Settlers are already present in new *Chars* with active control over land. Powerful people, commonly known as <sup>24</sup>*Jotdar* and the settlers controlled by them occupy more land while latecomers end up with tiny plots of homestead only. Informal transfer of money to powerbrokers to sustain possession and to get their influence to obtain the official title is common. This trend of occupying *Char* land starts from mid eighties with the change of settlement policy. Before mid-eighties, the trend of occupying the newly accreted *Char* land was different. At that time, *Jotdars* at first exercise their power to occupy the newly accreted *Chars* through <sup>25</sup>*Lathiyal*. Sometime in order to take control over new *Char* land, fierce fight took place between the two different frictions of *Jotdar* or *Jotdar* versus Landless. Obviously, the winner enjoys the usufruct of new *Char*, but in all cases, the landless poor were placed in frontline. The *Jotdars* always used the poor landless as a small fish to catch a big fish. After occupying the *Char* land, the *Jotdars* quickly deployed the poor landless families in the *Char* and these landless people start cultivation as a sharecropper of that *Jotdar*. Meanwhile, the *Jotdars* create some false, fabricated document, and file a case in the civil court claiming the ownership over the accreted *Char* and at the same time in collusion with the corrupt land officials, proceeds for the official settlement in the name of fictitious persons.

After independence of Bangladesh in 1972 Chairman Union Parishad were involve with the selection process of landless families and in 1987 peoples representatives, NGO and landless representatives were involved with the official land settlement process and with this change the process of acquiring *Char* land as mentioned earlier has lost its effectiveness. But it does not mean that with the change of the policy *Jotdars* have given up the practice of grabbing *Khas* land. In fact with the change in official settlement policy the settlement process has become more representative and the landless people become

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<sup>24</sup> *Jotdar*- persons forcefully occupy the *Khas* land in the *char* area.

<sup>25</sup> *Lathiyal*- *Jotdars* musclemen

aware about their rights. Change in government settlement policy with the involvement of NGO and representatives of landless and farmer in the settlement committees might force the land grabbers to change their strategies of occupying *Char* land.

## **2.4 *Char* land grabbing: The new stratagem**

In the recent years, a notable change has been found in occupying the new *Char* land. In the past, the newly accreted *Char* lands were cultivated for at least for 3-4 years before habitation and good results in cultivation persuaded the landless families to migrate to a new *Char*. From the mid Nineties, that habitation starts with by destroying mangrove forest. The *Jotdars* and land criminals promote this type of migration. At present *Jotdars*, do not follow the same system to occupy a new coastal *Char*. Occupying large quantities of *Khas* land might bring the *Jotdar* in the public eye, press and media may bring this issue to the newspapers. Therefore, instead of grabbing land openly, *Jotdars* have adopted a new *modus operandi* for occupying the *Char* land, and that is selling out the possession of government *Khas* land among the poor landless families. In absence of formal institutions in the new *Char*, the *Jotdars* develop their own administration that enables them to implement their system of selling the government *Khas* land. At the start of this process, mediators of the *Jotdars* invite the landless families from the nearby river erosion areas for shelter and to start a new livelihood. Initially migration in a new *Char* takes time but once it starts, it is a chain reaction i.e. when migration starts it automatically attracts others. The first group of migrants invite their relatives and other members of their society for support and security; consequently day-by-day the new *Chars* are being occupied by the landless families by purchasing *Khas* land from *Jotdar*. In this way, within a sort time the *Jotdars* turn out to be rich men with out directly occupying the *Khas* land.

Through this process, the purchaser got the possession over *Khas* land and the seller of *Khas* land i.e. the *Jotdars* become the leader of those poor landless people. In the past, *Jotdars* predominantly hail from the urban-based community, they have good liaison with the MoL Union and *Upazila* level officials, and as per their requirement they could produce *Khatian* from settlement cases secretly using fake name of landless. At present evidently two types of *Jotdars* are found in the *Char* area-

- a) *Jotdars*- earlier were the caretaker of the urban-based *Jotdars* and hail from landless class;
- b) *Jotdars*- mainly the fugitive criminal of the society establish connection with the urban based *Jotdars*

The first group of *Jotdars* came from the landless community, they are found sympathetic to the landless in protracting the possession over the *Khas* land and provide necessary support during official settlement. Sometimes they charged for this service, usually a portion of the land produce is charged till the finalisation of the settlement. However, in the absence of formal institutions those self-claimed leaders also play an important role in dispute resolution and maintain the law and order of the *Char* in their own way.

The other group is mainly the fugitive of law and use the mangrove forest as their safe hiding place from the eye of law enforcing agencies. They started selling out the forest wood and Forest department or the law-enforcing agency can do nothing due to bad communication system. Gradually, the Forest department has lost its control over the forestland and subsequently the new *Char* becomes the paradise for the criminals, and these criminals were able to started criminal act in an organised way. Piracy in the

riverine vessels, looting the cattle from the nearby area is a very common crime for this group. This group at one stage invite the river eroded helpless poor landless families and started allotting forestland to the new comer, and they give them permission to clear the forest. However, in most cases landless families are *Charged*, *Taka* 1000-5000 for allotment of *Khas* land. They also imposed informal tax on the occupancy and were very cruel about the collection of the tax. Cruelty to women, rapes are very common in the *Char* area and these criminal turned *Jotdars* have no compassion on women or children. In this way, the land criminals become powerful.

## 2.5 Official Land settlement: Start for legal tenure

In a new *Char*, when the official land settlement starts or who decides when the official settlement should go ahead, or what are the requirements to initiate the settlement work is the big question. The new *Char* formation passes through several stages and firstly the *Char* land is handed over to Forest Department for afforestation for 10 or 20 years. After that 10 or 20 years or in which stage of *Char* land formation the MoL *Upazila* level officials (AC Land) will go for official settlement is not clearly spelt out in any laws or rules of settlement. The interesting thing is that the laws of settlement are surprisingly silent about handing over the *Char* land to forest department. The decision of an inter-ministerial meeting is the basis of the handing over of *Char* land to forest department. To understand the official settlement procedures these questions should be answered first. Formally, it is the duty of *union* MoL officials (Union Assistant Land Officer) to inform *Upazila* MoL official (Assistant commissioner Land) about the formation of a new *Char* and subsequently the surveyor will make a *Charcha* (*draft*) map and AC Land can start <sup>26</sup>*Eaksona* Settlement of *Char* land after getting approval of Deputy Commissioner (DC). Before 1997, *Diara* survey was the precondition for <sup>27</sup>'permanent settlement' and Assistant Commissioner (Land) cannot starts official settlement with the *Charcha* map. In fact, in what stage of the formation of a new *Char* AC Land will go for official settlement is not clearly spelt out in any laws or rules of settlement. Therefore, official settlement in a new *Char* depends upon the will of the MoL Union and *Upazila* level officials. If the MoL officials decide to go for official settlement, they need an officially approved map of that *Char*. This map can be procure in two ways-

- i) From the *Diara* survey department and
- ii) *Charcha* map.

Usually in the coastal area, *Diara* survey department prepares official <sup>28</sup>*Mouza* maps of a new *Char*. Cadastral survey system is followed to prepare *Diara* map of a new *Char*. Generally, a *Diara Mouzas* map of a *Char* is prepared with big plots of 200-300 acres due to absence of physical boundaries there. The local inexperienced surveyors usually prepare *Charcha* map with no referencing and hardly any supervision from the higher authorities. Therefore, the product i.e. the *Charcha* map so prepared usually does not reflect the ground reality, in most cases; the surveyor prepares a hypothetical map without visiting the *Char* physically.

Since the official settlement starts 8-10 years after the autonomous settlement and possession of land by the landless, it is very difficult to identify the location of a particular area and the possessor on *Diara* or *Charcha* map. If official settlement starts by

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<sup>26</sup> *Eaksona* Settlement- Yearly settlement mainly leased out for cultivation having no permanent tenancy.

<sup>27</sup> Permanent settlement- official settlement given for 99 years virtually the lease is perpetual in nature.

<sup>28</sup> *Mouza*- Lowest unit of Land management, maps and the land title documents are prepared mouzawise.

using the *Charcha* map that map does not show the possession, as it is prepared hypothetically in the office. On the other hand, if the settlement starts with *Diara* maps the problem remains the same as the *Diara* survey put big plots of 200-300 acres in their maps. Therefore, to identify the location of landless in *Diara* map or in a *Charcha* it requires Plot to plot survey, which is not possible with the existing logistic support a Deputy Commissioner presently has. So how does the official settlement work proceed? The solution is very simple, the MoL *union* and *Upazila* level officials do not bother with the possession. They simply proceed with settlement as they think fit which result in further litigation. Therefore, the land occupied by one landless family, allotted another person is very common. This messy settlement creates a big social problem in the area and interestingly this problem also resolved by the self-claimed leaders, although they *Charged* money for it! It is to be noted that if any one wants to resolve this problem in an official way, his life will be made miserable and will without question become frustrated. After 2-3 years, he will place his problem before the local leaders. Sometimes the landless poor surrender a portion of their land to an intermediary to resolve the dispute. On the other hand, the information of official settlement moves slowly and sometimes it is kept secret to enable malpractice. Generally, the *Char* people don't know –

- when and where the application for official land settlement will be distributed and how much it costs;
- when and where officially landless selection will be held;
- whether the land he is possessing will incorporate in his settlement case;
- when government fees requires to be paid;
- when *Kabuliyat* will be signed;
- when registration of the *Kabuliyat* will done;
- when *Khatian* fees will be realised;
- when he will get *Khatian* and title deed .

Due to poor information, dissemination system the chance of exploitation of the landless families is increased. Moreover, some professional land touts always try to create problems in the official settlement process and due bad record keeping; they could throw out a settlement case easily. If any landless family fall in this vicious circle, they simply would not be able to get *Khatian* or have to pay a lot for it.

### 3. Agricultural *Khas* Land Settlement and CDSP

#### 3.1 CDSP-II Land Settlement: Project Area

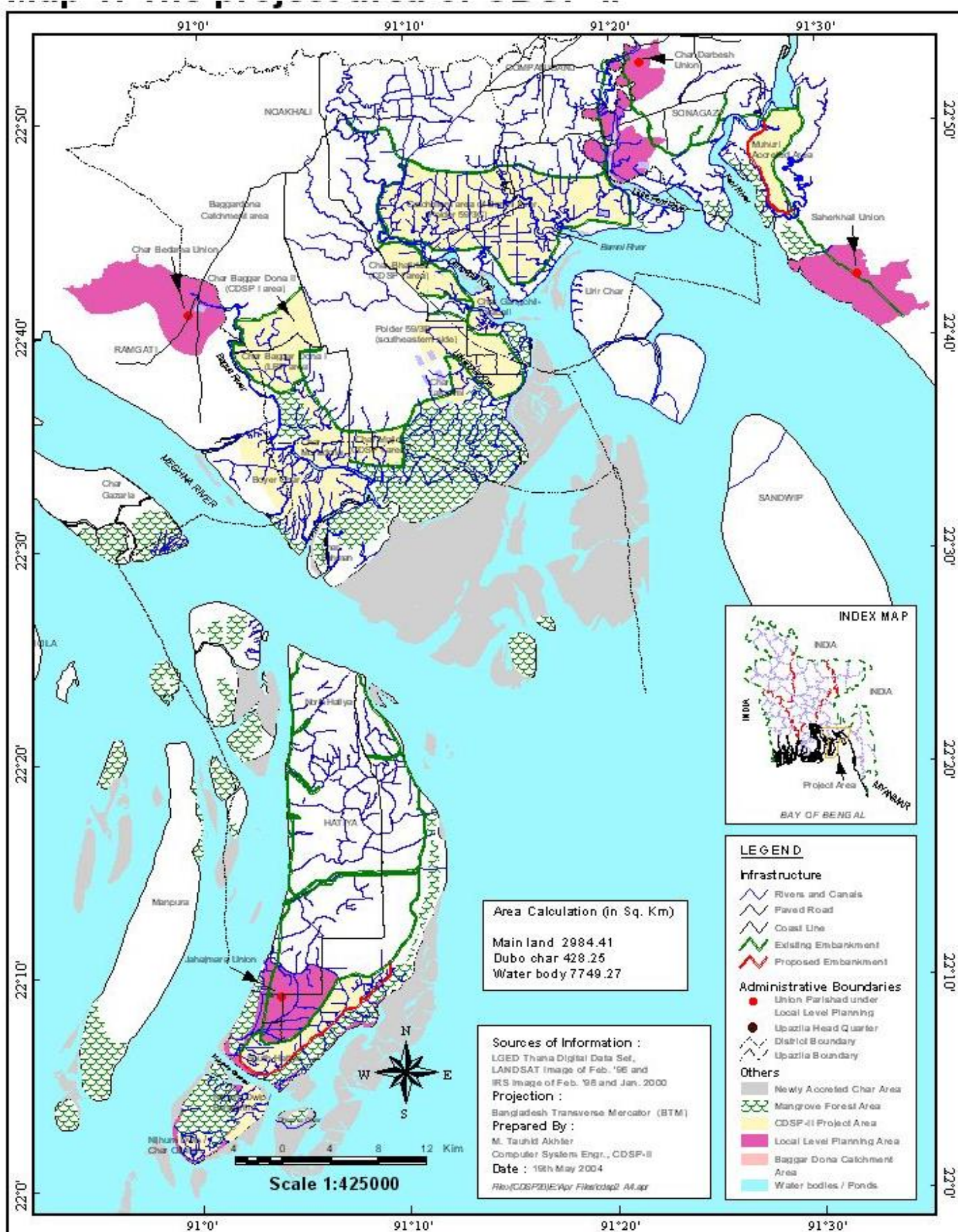
In CDSP-I Land Settlement activities were concentrated in three different *Char* areas of *Noakhali* District that involve 13 *Mouzas* of 2 *Upazila*. CDSP-II area is much bigger than CDSP-I and is spread over 24 *Mouzas* of 5 *Upazilas* under 3 Districts. The project area of CDSP-II is shown in Table: 1

District	<i>Upazila</i>	Union	<i>Mouzas</i>	
<i>Noakhali</i>	<i>Noakhali Sadar</i>	<i>Char Bata</i>	<i>Dakshin Char Majid</i>	
			<i>Char Majid</i>	
			<i>Paschim Char Bata</i>	
		<i>Char Jubilee</i>	<i>Char Bagga</i>	
			<i>Dakshin Char Bagga</i>	
			<i>Madhdhya Char Bagga</i>	
			<i>Char Mohiuddin</i>	
			<i>Dakshin Char Kachchhapia</i>	
		<i>Companiganj</i>	<i>Char Elahi</i>	<i>Gangchil</i>
				<i>Dakshin Char Elahi</i>
	<i>Hatiya</i>	<i>Jahajmara</i>	<i>Muktaria</i>	
		<i>Burir Char</i>	<i>Mohammadpur</i>	
			<i>Purba Char Birbiri</i>	
			<i>Mecpharson</i>	
			<i>Char Osman</i>	
<i>Sonadia</i>		<i>Notun Sukh Char</i>		
		<i>Sonadia</i>		
	<i>Burir Char</i>	<i>Bardail</i>		
<i>Chittagong</i>	<i>Mirsharai</i>	<i>Osmanpur</i>	<i>Banshkhali</i>	
		<i>Ichakhali</i>	<i>Paschim Ichakhali</i>	
			<i>Uttar Ichakhali</i>	
			<i>Companinagar</i>	
			<i>Nilakshar Char</i>	
<i>Feni</i>	<i>Sonagazi</i>	<i>Sonagazi</i>	<i>Thak Khowazer Lamsi</i>	

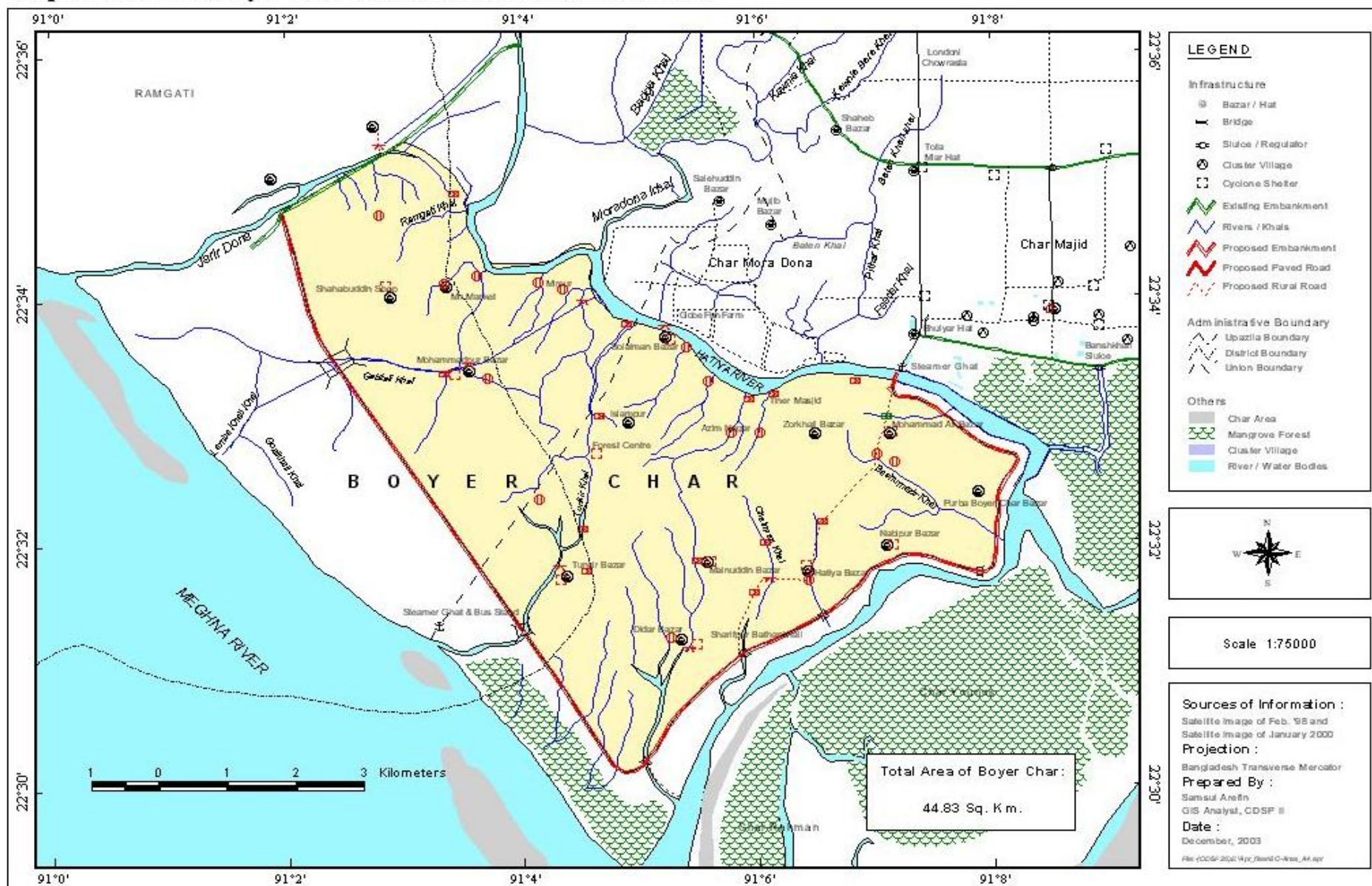
**Table-1 : Project area, CDSP-II**

*Boyer Char*, which is planned to be included in the project, falls under *Hatiya Upazila* of *Noakhali* District and *Ramgati Upazila* of *Lakshmipur* District. Land unit of CDSP-II has carried out Plot-to-Plot Survey in the *Boyer Char*. Brief information of *Boyer Char* collected from the PTPS and by the surveyor is given in **Appendix-6**.

**Map-1: The Project area of CDSP-II**



Map-2: Shows the Boyer Char area where PTPS has been done.



### 3.2 *Khas* Land Settlement in CDSP-II: Area wise Target

CDSP-II, MoL has planned to settle six thousand eight hundred and forty eight (6848) landless families in the project area. The project area is located in seven different location of the southeastern coastal area of Bangladesh and is spread over 5 *Upazilas* of 3 Districts.

District	<i>Upazila</i>	Polder/Area	<i>Khas</i> land	HH planned for settlement
<i>Noakhali</i>	<i>Noakhali Sadar</i>	<i>Moradona</i>	1813.47	1200
		<i>Char Baggar Dona-I</i>	2264.50	918
	<i>Companiganj</i>	<i>Gangchil</i>	1233.67	800
	<i>Hatiya</i>	<i>South Hatiya</i>	2364.00	2300
		<i>Bandartila</i>	550.00	370
		<i>Nijhum Dwip</i>	392.23	260
<i>Chittagong</i>	<i>Mirsharai</i>	<i>Muhuri Accreted Area</i>	1537.63	1000
<i>Feni</i>	<i>Sonagazi</i>	<i>Muhuri Accreted Area</i>		
Total			10,155.50	<b>6,848</b>

**Table-2: Area wise Land settlements Target and *Khas* land available**

### 3.3 Functional Participants: *Khas* Land Settlement

Agricultural *Khas* Land Settlement process passes through several stages and ends with *Khatian* and title deed. A number of MoL officials and three committees have to play a vital role to end the settlement process. The *Khas* land settlement process starts with identification of *Khas* land as per rule by Union Assistant Land Officer (UALO) and surveyor (*Amin*) and after passes through several stages ending with Registration of lease deed (*Kabuliyat*) by Sub-Registrar, an officer under Ministry of Law, Justice and Parliamentary affairs. Assistant Commissioner (Land), MoL *Upazila* level official plays the central role in land settlement procedure. Timely completion of settlement process depends on the prompt action by Assistant Commissioner (Land). Among the three committees, the *Upazila* Agricultural *Khas* Land Management and settlement Committee (UAKLMSC) is vital and responsible for identification of *Khas* land, selection of landless families and approval of the *Khas* land allotted in favour of selected landless families. One of the main tasks of the *Upazila* committee is handing over the possession of *Khas* land allotted to the selected landless. District Agricultural *Khas* Land Management and settlement Committee (DAKLMSC) is the supervising committee of *Upazila* committee and approves of the settlement cases sent to the committee from the *Upazila* committee. National committee is the regulatory and appeal committee of District Committee. The **Figure-1** depicts the structure of the MoL officials and the committees involve in Agricultural *Khas* land Settlement Process.



**Figure-1: Functional Participants: *Khas* Land Settlement**

UNION	UPAZILA		DISTRICT		OTHER OFFICIAL
MoL official	MoL Official	Committee	MoL Official	Committee	
<b>UALO/ USALO</b>	<div style="border: 1px solid black; background-color: #e0ffe0; padding: 5px; margin-bottom: 5px;"><b>UNO</b></div> <div style="border: 1px solid black; background-color: #e0ffe0; padding: 5px; margin-bottom: 5px;"><b>AC LAND</b></div> <div style="border: 1px solid black; background-color: #e0ffe0; padding: 5px; margin-bottom: 5px;"><b>KANUNGO</b></div> <div style="border: 1px solid black; background-color: #e0ffe0; padding: 5px; margin-bottom: 5px;"><b>SETTLEMENT ASSISTANT</b></div> <div style="border: 1px solid black; background-color: #e0ffe0; padding: 5px;"><b>SURVEYOR</b></div>	<b>UAKLMSC</b>	<div style="border: 1px solid black; background-color: #e0f0ff; padding: 5px; margin-bottom: 5px;"><b>DC</b></div> <div style="border: 1px solid black; background-color: #e0f0ff; padding: 5px; margin-bottom: 5px;"><b>ADC(R)</b></div> <div style="border: 1px solid black; background-color: #e0f0ff; padding: 5px;"><b>RDC</b></div>	<b>DAKLMSC</b>	<div style="border: 1px solid black; background-color: #ffe0e0; padding: 5px; margin-bottom: 5px;"><b>Zonal Settlement Officer</b></div> <div style="border: 1px solid black; background-color: #ffe0e0; padding: 5px; margin-bottom: 5px;"><b>Charge Officer, Diara Settlement</b></div> <div style="border: 1px solid black; background-color: #ffe0e0; padding: 5px;"><b>Sub Registrar</b></div>

*UALO* = Union Assistant Land officer

*USALO* = Union Sub Assistant Land Officer

*AC Land* = Assistant Commissioner Land

*UNO* = Upazila Nirbahi (executive) Officer

*U/AKLMSC* = Upazila Agricultural Khas Land Management and Settlement Committee.

*D/AKLMSC* = District Agricultural Khas Land Management and Settlement Committee.

*RDC* = Revenue Deputy Collector

*ADC (R)* = Additional Deputy Commissioner (Revenue)

*DC* = Deputy Commissioner.

A brief description of the functional participants in land settlement is given below:

**The Union Assistant Land Officer (UALO) or formerly *Tahsildar***

UALO is the union level official and with his other responsibilities, he maintains the *Khas* land information and the information of new *Chars*. He collects the official rent for settled land and lease money for *eksona* settlement. UALO maintains the information of public easement land that is not available for settlement and is also responsible for making the *Khas* land free from unauthorised occupation through continuous inspection. In the *Khas* land settlement process; UALO makes the formal proposal for settlement. Its UALO's responsibility to keep updated *Khas* land information register. The registers are poorly managed and one can hardly get any information about *Khas* land from that register. For this reason CDSP has introduced plot-to-plot survey system to identify, *Khas* land.

**The Surveyor (*Amin*)**

The surveyor is responsible for preparing maps of the new *Char* and prepares accurate cadastral maps from block *Diara map* and *Charcha* maps for *Khas* land settlement. In *Char* area the first official map is *Diara* survey map prepared by Director Land Records and survey of MoL. *Khas* land settlement requires the division of the *Diara* block plot into small plots as per field position. This work is very important in *Khas* land settlement and the responsibility of this work lies with the surveyor.

**The Chainman:**

One surveyor requires two chainmen for measuring the plots. Chainman is required to have some technical know how of land measurement.

**Kanungo:**

Kanungo is the Second person in Assistant Commissioner (Land) office, generally well versed about the customs and usage of his working area. Kanungo is responsible in keeping the land records updated. In *Khas* land settlement process he is required to inspect the *Khas* land and prepare *Khatian* after registration of lease deed. Kanungo is responsible for updating the *Khas* land Register-VIII and regularly supervises the updating work of UALO's office.

**Settlement Assistant:**

The post is for secretarial work. Settlement Assistant is responsible for maintaining the application of settlement applicants, enters these applications in the register and provides all sorts of secretarial support to AC land and the *Upazila* Agricultural *Khas* Land Management and Settlement Committee.

**Assistant Commissioner (Land)- (AC Land):**

Each *Upazila* MoL office is run headed by an Assistant Commissioner (Land). The post is first class gazetted officer belongs to the Bangladesh Civil service Administration Cadre. Assistant Commissioner Land operates two broader groups of land related functions:

- i) Land Management and
- ii) Land Administration functions under supervision of UNO and ADC(Revenue)

The major land/revenue functions of AC Land offices and its subordinates are shown below:

Land Management works	Land Administration works
<ul style="list-style-type: none"> <li>❖ Management of all government <i>Khas</i> lands and all government land</li> <li>❖ Settlement of <i>Khas</i> lands (Agricultural and non-agricultural)</li> <li>❖ Management of <i>Khas</i> lands in which the public has easement rights</li> <li>❖ Handling and protecting government rights and interests on lands</li> </ul>	<ul style="list-style-type: none"> <li>❖ Mutation Of Land</li> <li>❖ Updating of all land records including issuance of new khatian</li> <li>❖ Collection of Land Development Taxes through subordinate offices</li> <li>❖ Collection of all other rents and levies on the government lands</li> <li>❖ Hearing and disposal of certificate cases</li> <li>❖ Providing information to the public</li> </ul>

In the Coastal area of Bangladesh- Agricultural *Khas* Land Settlement is one of the major responsibilities of AC (Land) together with his numerous other tasks. He is the member secretary of the Agricultural *Khas* Land Management and Settlement Committee. AC Land initiates the land settlement process and in consultation with UNO calls the *Upazila* settlement committee meeting. Almost the entire process of *Khas* land settlement under CDSP-II is undertaken with the active and full secretarial and logistics support of the AC (Land) office.

The role and level of responsibility of AC Land office in the process Agricultural *Khas* Land Settlement in CDSP-II areas is shown below: -

<b>Role in <i>Khas</i> Land Settlement Process</b>	<b>Role of AC Land Office</b>
1. Plot-to-plot survey (PTPS) for identification of available <i>Khas</i> land and draft publication of PTPS result	Full responsibility
2. Objection hearing and their disposal by U/AM&SC	Secretarial role
3. Compare with Register VIII and Register XII and publication of final list of <i>Khas</i> lands	Full responsibility
4. Invitation of application for settlement and selection of landless families	Secretarial role
5. Allotment of <i>Khas</i> land to the landless applicant by the U/AM&SC	Secretarial role
6. Initiation of settlement cases based on the <i>Jomabandi</i> proposal by UALO	Full responsibility
7. Updating Register VIII and XII	Full responsibility
8. Approval of the settlement by the D/AM&SC	No role
9. <i>Salami</i> collection by UALO <i>Kabuliyat</i> signed by Applicant and <i>Kabuliyat</i> acceptance	Full responsibility
10. Registration of the <i>Kabuliyat</i> by Sub- Registrar	Supportive role
11. Opening of New <i>Khatian</i> after registration and holding number is given by UALO.	Full responsibility
12. Handing over <i>Khatian</i> and title deed to the beneficiaries	Full responsibility
13. Handing over of possession of land by U/AM&SC	Supportive role

**Table-3 : Role of AC land in Agricultural *Khas* land settlement process**

*Note:*

Secretarial role: *All documentation is done and preserved and information is provided*

Supportive role: *All information is provided*

Full Responsibility: *All documentation, recording and updating is done and information is provided.*

**Revenue Deputy Collector (RDC):**

RDC is a mid level MoL official posted in the DC office who is the member Secretary of the District Agricultural *Khas* Land Management and Settlement committee. Role of RDC in settlement procedure is vital. RDC after scrutinising the settlement cases received from the *Upazila* Committee put up before the District Agricultural *Khas* Land Settlement Committee for approval.

**Additional Deputy Commissioner (Revenue):**

ADC (Revenue) is the member of the District Agricultural *Khas* Land Management and Settlement Committee and concurrently with the Deputy Commissioner; he is the head of the District Land Administration. Generally, ADC (Revenue) plays the vital role in the District committee. ADC (R) is the controlling officer of RDC and AC Land.

**Deputy Commissioner (DC):**

Deputy Commissioner is the Chief of the District Land Administration and the Chairperson of the District Agricultural *Khas* Land Management and Settlement Committee. Agricultural *Khas* land settlement proposal sent to the District Committee are required to get approval of District Committee and each and every settlement cases require the signature of the Deputy Commissioner. As per law and rules, it is the duty of the Deputy Commissioner to make settlement of all *Khas* land.

**Sub-Registrar : an officer under Law and Justice Ministry:**

An officer under ministry of Law Justice and responsible for the registration of the *Khas* land settlement lease deeds or *Kabuliyat* under the Registration Act of 1908 and the State Acquisition and Tenancy Act, 1950. Generally, in one *Upazila*, there will be a sub-Registrar but in some cases, there is more than one sub-registrar in one *Upazila* depending on population, awkward communication or excessive load of registration. All kinds of sales of property are legally registered in the sub-Registrar office. In the *Khas* land settlement process registration of lease deed is a very important stage and only after registration of *Kabuliyat* a secured tenancy might be created over the settled land.

### **3.4 CDSP-II and *Khas* Land Settlement:**

Land settlement is a very cumbersome and lengthy process entailing several stages. CDSP-I was the first project where MoL distributed *Khas* lands of the coastal *Chars* through a project. Although during Land Reclamation Project (LRP) *Khas* lands were distributed to the members of 30 cooperatives but MoL was not officially involved with LRP directly with PP. Therefore, CDSP-I was the pioneer project where agricultural *Khas* lands were settled with the landless families as per *Khas* land settlement policy of 1987. Certain adjustments were made to make the settlement process more efficient during CDSP-I.

CDSP's contribution is to restructure the whole process of surveys more clearly and to simplify a number of steps in the settlement procedures. The whole settlement procedure passes through two broad stages:

- a) Plot to plot survey and allied works (Identification of *Khas* land, selection of landless and allotment of land)
- b) Works related to preparation of *Khatian* and registered deed of *Kabuliyat*.

Usually the official settlement starts with a *Diara* map or with *Charcha* map of a new *Char*. As the autonomous settlement drastically changes the land situation of a new *Char*

and any of these two maps cannot provide up-to-date information about possession or the status of the land. To overcome this situation a plot-to-plot survey (PTPS) system was introduced during CDSP-I. PTPS is a census survey investigating the status of each plot of land. A questionnaire was developed and the surveyors engaged collect information using that questionnaire. The PTPS result provides information- whether the land is still *Khas* land or settled with the landless or private land, which controls the land on what legal basis. The PTPS information is used during settlement through CDSP. With some exception the procedure of *Khas* land settlement in CDSP-II is more or less similar with CDSP-I.

The Agriculture *Khas* land settlement procedure in CDSP-II runs as follows:

**a) Information Dissemination Meeting:**

One of the common complains of the *Char* people are that they are not informed about the steps and stages of the *Khas* land settlement procedure. To overcome this circumstance, an information dissemination system was introduced in CDSP-II. Plot-to-plot survey work in CDSP-II area starts after information dissemination meeting (IDM) with the stakeholders. The IDMs were held separately for male and females, as females are the owner of the 50% settled land. District and *Upazila* MoL officials, local union council chairman, members and consultants of CDSP-II attend these meetings. In these meetings, they inform the population about settlement procedure and explained the rules of settlement to the projected beneficiaries. In those meetings the stakeholders are informed the reasons and importance of Plot-to-plot survey and are requested to provide accurate information to the surveyors to ensure the correctness of the PTPS. After the Plot-to-plot survey, the necessary information obtained were also disseminated through mass meeting with Local Area Development Committee (LADC) or Polder/ sub polder Committees (PC/SPC) of CDSP-II. These meetings were held in the open place and the beneficiaries were encouraged to ask any sort of question related to land settlement. The information dissemination meeting creates a positive indication in the mind of the settlement seekers and initiate an atmosphere of transparency to the land settlement. CDSP-II has some institutions such as- Area development committee (in unprotected area), Polder/Sub-polder committee and Water management committees, during IDM these committee members are also invite to present in the meeting.

Picture- 2 show the attendance of the women and Picture- 3 shows the male gathering for information dissemination meeting.



Picture- 2: Female gathering in Information dissemination meeting of Land Settlement at Moradona



Picture –3: Male attendance information Dissemination Meeting at South Hatiya

**b) Plot to plot survey (PTPS):**

The constraint that MoL District and *Upazila* official's faces on the legal front in settlement of *Khas* land in the *Char* area is identification and determination of *Khas* land available. *Khas* land information is kept in AC Land office and union land office. Usually the *Khas* land information is collected from the Registers-VIII (part-2) but the register of *Khas* land is not maintained properly and not updated regularly. Manipulation of information of *Khas* land for dishonest practise is widespread problem in *Khas* land settlement. Therefore settlement by using the *Khas* land information from register VIII might create duplicate /double settlement of the same land. On the other hand, the information in register VIII do not speak about possession. The plot-to-plot survey could resolve those shortcomings. The Plot-to-plot survey system was first introduced during CDSP-I and the system has proven of great importance in *Khas* land settlement of coastal *Char*. The main objective of the Plot-to-plot survey is to determine the status of land and its occupier/owner.

According to the *Khas* land settlement policy 1997; identification of *Khas* land is required before selection of the land less family. In newly accreted *Char* area information of *Khas* land can be obtain from the latest survey documents and maps i.e. from *Diara Khatians* and maps prepared by MoL or locally prepared *Charcha* map. But these two maps cannot provide the up-to-date information about possession and the status of land. To overcome this situation a plot-to-plot survey (PTPS) system has proven its success in CDSP-I. Plot-to-plot survey is a census survey investigating the status of each plot of land. The PTPS result provides update information about the land and landless.

The provision for identification of *Khas* land mentioned in the *Khas* land settlement policy of 1997 has an important implication in settlement but unfortunately, always this step is ignored by the MoL *Upazila* and Union officials. In CDSP-II, the *Khas* land information collected from the MoL office are verified through Plot-to-plot survey. A questionnaire (**Appendix-7**) was developed to collect the information of the occupier/owner and his/her spouse, quantum of possessed land and its location, household members, basis of possession (leased out or not), information on previous settlement (if a settlement case is ongoing), period of stay in locality, type of land use, any dispute or court case etc. Usually PTPS work is carried out on the basis of *Diara* map prepared by Directorate of Land Records and Surveys. Generally, *Diara* survey has been operated before the start of human habitation in the new *Char*, therefore, there is hardly any remarkable spot/s, which can be reflected in the map. Due to this reason, the *Diara* survey team always prepared a block map covering an area of 200- 300 acres. This block *Diara* map does not reflect the exact location of a particular piece of land possessed by a landless family and hence, cannot be used for *Khas* land settlement of a new *Char*. Another reason for carrying out the PTPS is that the *Char* land has passes through a drastic change over time and that change cannot be reflected in the *Diara* map by sitting at the table. *Diara* block maps could not state the exact location of landless settlers and hence, could not be used during *Khas* land settlement, although these *Diara* block maps could be used as base map during plot-to-plot survey. Therefore, to determine the exact position of a particular piece of land it requires full cadastral survey and from the PTPS different types of land claimants are found.



From PTPS information different types of occupancy were found and these are as follows:

**Category-1**

1. Land physically occupied by Landless family with out any legal documents or papers of ownership.

**Category-2**

1. Land in possession of landless families and have <sup>29</sup>DCR a document for yearly occupancy right of a particular plot/s;
2. Land in possession of landless families and have DCR, but occupy more land then mentioned in the DCR;
3. Land in possession of landless families and have DCR, but occupy less land mentioned in the DCR;

**Category-3**

1. Land occupied by the settlement holders settled earlier;

**Category-4**

1. Land settled earlier and the settlement holder is not possessing of that land rather he is possessing the same quantity of land elsewhere;
2. Land settled earlier and the settlement holder is possessing a portion of that land along with some lands elsewhere;

**Category-5**

1. Land settled earlier and the settlement holder is possessing lesser quantity of land;
2. Land settled earlier and the settlement holder is possessing more land than allotted in that settlement;
3. Settlement holder is not possessing the settled land rather a new landless is possessing that land with no legal document;
4. Settlement holder is not possessing the settled land rather a landless farmer is cultivating that land as sharecropper;

**Category-6**

1. Land occupied by landless and have a settlement case only;
2. Land occupied by landless and have a settlement case and *Jomabandi* not yet approved by district committee;
3. Land occupied by landless and have a settlement case and *Jomabandi* approved by district committee;
4. Land occupied by landless and have a settlement case and *Kabuliyat* registration done but pending for *Khatian*;
5. Land occupied by landless and have a settlement case and have *Khatian*;

**Category-7**

1. Land occupied by a person on the basis of court order (injunction or stay order against settlement);
2. Land occupied by a person by courts verdict;

**Category-8**

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<sup>29</sup> DCR – Duplicate Carbon Receipt used to collect lease money for yearly settlement and other purpose also. The receipt is important to prove the possession of *Khas* land.

1. Landless families are occupying the land by purchasing it from a land grabber;
2. Have documents (Purchase deed) but no possession in the purchased land;
3. Have unregistered deed and possession;
4. Have unregistered deed but no possession.

**Category-9**

1. Land occupied on the basis of ancestral claim, have some document but those documents needs validation from courts (civil or land);
2. Land occupied on the basis of *Diara Khatian*;

CDSP-II has identified the plot-to-plot survey work as the backbone of *Khas* land settlement and CDSP-II has cautiously carried out the PTPS under the close monitoring of MoL District and *Upazila* officials. As the Deputy Commissioner is the ex-officio superintendent of survey under survey act of 1875 and he is authorised to act as settlement officer of “minor settlement operation” under the survey manual 1936. As with the existing work force and logistic support, in MoL District and *Upazila* offices could not operate a full-fledged cadastral survey or plot-to-plot survey and for this reason from the TA fund CDSP has appointed surveyors and chainmen as per order of the concerned Deputy Commissioner. *Khas* land settlement in CDSP-II starts with the information of PTPS. On the other hand, in a non-project situation, settlements were done without PTPS and thus the *Khas* land settlement is made having no knowledge of the field that results in further litigation. PTPS has established a great impact in quality of land settlement and in reducing the land dispute about possession. Impacts of PTPS are as follows: -

- ❑ Dispute over possession resolved on the ground at the initial stage;
- ❑ Big land grabbers can easily be detected;
- ❑ Substantially reduces torture of *Jotdars* on landless families;
- ❑ Land touts are evicted from the field;
- ❑ A data base of possessor can check the duplicate (double) settlement;
- ❑ Reduces the eviction threats of landless families.

Through PTPS, generally two things are done- one is the information of occupants and the other is the location of that occupant are identified in the block *Diara* map. After field hearing concerned Assistant Commissioner (Land) and Deputy Commissioner signed the updated *Mouza* maps through PTPS as mark of approval. After getting signature, these updated *Mouza* maps are digitised and then printed in 4 sets of each *Mouza* map.

Copies of the digitised *Mouza* maps are distributed as follows:

- 1) Record Room of the Deputy Commissioner- 1- set
- 2) Assistant Commissioner Land Office 1-set
- 3) Union MoL office 1- set
- 4) CDSP-II office 1-set

The soft copies of the digitised *Mouza* map are used in the Land Record Management Software (LRMS) developed for the use in land settlement of CDSP-II.

A brief description of the PTPS areas under CDSP-II is given as **Appendix-8**.

**c) Publication of PTPS result:**

After consolidation of survey data is published in the locality for inspection. The publication is made by attaching the survey information on the wall of cyclone shelters or in the convenient places of the adjacent to the area surveyed. The population is invited to review the list and file objections if they find any incorrect entry about land or the occupant. This publication is made under the provision of Agricultural *Khas* land settlement policy of 1997. Through this publication, landless families can get a clear idea about the area of *Khas* land they possess with plot/s number/s that will be allotted in his favour. Publication of PTPS result is the centre of the settlements from this landless can see the whole settlement process.



**Picture –4: A landless is watching the PTPS published list at MAA**

**d) Objection hearing and landless family selection:**

The objections are to be filed within the stipulated 30 days period, the *Upazila* Agricultural *Khas* Land Management and Settlement Committee meet in a field session for hearing and finalising the *Khas* land list and select landless families for settlement. PTPS information data provides information during selection of landless families. The hearing sessions were held in the *Mouza* level or at the convenient place for the people of that area. Landless selection requires the presence of both husband and wife and CDSPII always appreciate the presence of women and give special attention to the women. The objection petitions are received in the field session and *Upazila* committee make an effort to redress the grievance in the field hearing. During the hearing, if the problem is found complex and requires special attention the committee holds an on spot inquiry or appoints a surveyor or other officials for detail inquiry. Field hearing sessions are a vital stage of settlement and this forum is used for the dissemination of the progress of land settlement among the beneficiaries. During the hearing session, the members of LADC and PC/SPC and female members of the Union council are invited and their presence could help the committee in selecting the genuine landless families.



Picture- 5: Field hearing at Gangchil, during hearing the area submerged under tidal water, this type of tide happens once in a year.

**e) Lease Case starts, Preparation of *Jomabandi* and Approval of UAKLM&SC**

Selection of landless followed by opening a <sup>30</sup>*settlement case*. Assistant Commissioner Land then sent the settlement case to the Union Land office for the preparation of *Jomabandi* in a prescribed form (**Appendix-9**) as per PTPS information and a trace map (**Appendix-10**).

After getting a formal proposal from UALO, AC Land then formally places the settlement proposal before the *Upazila* Agricultural *Khas* Land Management and Settlement Committee. After approval of *Upazila* committee, it requires approval of District Agricultural *Khas* Land Settlement Committee. So much paperwork slowed down the settlement process in this stage. To expedite the settlement work CDSP-II has introduced a customised software programme for land record Management and settlement purpose in all project concerned AC land offices.

**f) Realisation of Govt. fees:**

To complete the settlement process the settlement holders are required to pay some government fees for settlement and the beneficiaries are supposed to make this payment in the Union land office. This step is simple and the fees are very nominal but the settlement holders become scared at this stage as they were *Charged* much more than that of the official *Charge*. Experience of the *Char* people leads CDSP-I team to introduce a system of payment of these fees in advance on behalf of the landless people, this system not only check the harassment of the landless but could expedite the land settlement process substantially. Moreover, the advance payment system could successfully reduce the scope of corruption. The landless people have to visit several times in the union MoL

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<sup>30</sup> *Settlement case*- formal lease proposal containing application, *Jamabandi* form containing proposed land schedule, Picture of applicants with spouse, Certificate from chairman Union council, trace map of the proposed area, minutes of the *Upazila* committee

office and they are often *Charged* more than once, it is often 800-900% more. The deposition of this money is the precondition of registration of *Kabuliyat* and preparation of *Khatian*. Experience shows that if we leave this task of deposition of tax on the landless families they were found reluctant and subsequently the whole process becomes slower. Therefore, like CDSP-I in CDSP-II that system is followed to make the settlement hassle free and transparent.

**g) *Kabuliyat* signing by landless families:**

During CDSP-I, *Kabuliyat* was required to be accepted by Deputy Commissioner. Now the system has been changed and the responsibility is shifted to AC Land at *Upazila* level which will expedite the *Kabuliyat* signing and execution work. *Kabuliyat* is a lease deed where some terms and conditions are mentioned along with the name and particulars of the allottee (**Appendix-11**). In the *Kabuliyat* AC Land offers the land to the landless on behalf of the government fixing some terms and conditions, this paper is required to be signed by both husband and wife and that signature is the proof of acceptance of those terms and conditions set by government. During dry season, *Kabuliyat* signing always takes longer than expected the reason behind this is- during this time the male members of *Char* households migrate to the other area for work and hence, a good number of settlement cases could not be finalised due to the lack of the husband's signature. The *Kabuliyats* duly signed by both husband and wife are placed before AC Land and with the signature of AC Land the settlement case becomes ready for registration and sent to the Sub-registrar office for registration. Like CDSP-I, in CDSP-II *Kabuliyat* signing sessions are arranged in the field but in the non-project situation both husband and wife have to come down in the AC Land office.

**h) Registration of *Kabuliyat*:**

*Kabuliyat* is registered in the Sub-Registry office and registration of *Kabuliyat* requires the presence of both husband and wife with payment of government fees. In CDSP-II, these fees are paid first by the project and then reimburse by the landless families, as rent seeking is widespread in the registration department. The registration process is ended by taking signature and thumb impression of both husband and wife. Registration of *Kabuliyat* has a great importance in the settlement process as only after registration is a tenancy legal. Therefore, a landless family feel relaxed after crossing this impediment i.e. the registration of the *Kabuliyat*. During CDSP-I, the registration of *Kabuliyat* was done in the field session and registration fees were met from the revolving fund that the settlers reimburse after getting *Khatian*. Mid term review mission of CDSP-II has recommended a registration payment. Registration in the field is found very effective and landless people feel comfortable. Registration in the field is highly appreciated by the settlement holders as it could substantially reduce the daylong journey to the registration office in the *Upazila* Head quarter.

**i) *Khatian* preparation and *Khatian* fees realisation and *Khatian* handover:**

After registration, an official document is prepared by AC land with an exclusive number against each case. In this document the name and address of the landless with spouse, plot number, amount of settled land, land class and settlement case number are written. This document is called a *Khatian* (**Appendix-12**). After preparing the *Khatian* AC land endorse it by putting his signature and send it to the Union land office for payment of

*Khatian* fees and holding fees. Settlement beneficiaries are supposed to collect the *Khatian* after paying these fees. In CDSP, *Khatian* fees are also paid from the revolving fund. The support extended by CDSP-II in this regards are not usually welcome by the union MoL officials as it reduces the chance of corruption.



Picture-6: *Khatian* handing over session, a landless is receiving *Khatian*, form Commissioner, Chittagong Division.

**j) Possession hand over:**

As CDSP-II type settlement based on the PTPS information and PTPS provide the information about the settled land and pre settlement occupied land. PTPS makes clear which land is allotted to whom and whether the allottee requires formal possession handing over or not. In CDSP-II as the *Khas* land settlement is done as per previous possession, therefore, formal hand over is not so important and it is not the demand of the settlers. But when a landless family is allotted land, which was not under his possession before settlement, he requires formal handing over. The excess lands (more than 1.5 acres) possessed by a landless or the *Khas* land possessed by big land grabbers required to be distributed among those landless families who possess only homestead or a small quantity of *Khas* land. Only in those cases, the allotted lands are required to be handed over to the landless families after preparing *Khatian* in favour of the allottee. Agricultural *Khas* Land Management and Settlement Policy of 1997 entrusted the task of possession handover to the *Upazila* agricultural *Khas* Land Management and Settlement Committee. Usually a possession certificate is given to the settlement holder signed by MoL *Upazila* officials in presence of two witnesses.

**k) Land Monitoring Survey:**

This survey was introduced in CDSP-II to monitor the land retention capacity of the landless settled during CDSP-I. In 2001, 100% of settled beneficiaries were surveyed.

10% sample is surveyed every year to understand the land retention capacity, migration and selling out the settled land.

### **3.5 Enhancing Transparency in Land Settlement:**

*Agricultural Khas* land settlement among the landless families is the policy of the government to rehabilitates mainly the river erosion affected families. Access to *Khas* land information was difficult for the landless people as well as the members of the committee. The *Khas* land settlement policy of 1997 emphasis was on information dissemination of *Khas* land. Generally, the information dissemination system is hardly seen in the normal land settlement process but in CDSP-II, this is the precondition of land settlement. These field meetings held separately for men and women of the *Char* area where the District and *Upazila* level MoL officials are present. The officials in those meeting explain the *Khas* land settlement procedure to the projected beneficiaries. Chairman union Parishad, male and female members of Union Parishad, members of polder/sub-polder committee and area development committee and consultants of CDSP-II attended the meeting. The objective of such meeting is to make the projected beneficiaries aware of the land settlement procedure, hence, to keep them detached from the land touts who can mislead them, and through this minimise the chance of corruption. In the information dissemination meeting following issues are discussed: -

- a) Agricultural *Khas* Land Settlement Procedure;
- b) Importance of Plot-to-plot survey;
- c) Responsibility of the landless people during Plot-to-plot survey;
- d) The procedure of PTPS;
- e) When PTPS results will be published and
- f) Registration cost and other cost involved in the settlement process till handing over of *Khatian* and title deed;
- g) Any other information about land settlement;

In the female group meeting, the ownership over settled land is explained to the women, as they will be the owner of 50% of the settled land.

In *Moradona*, *Gangchil*, *Bandartila* and *Nijhum Dwip* huge number of the people were present in all meetings, but in MAA and South *Hatiya*, the attendance was not spontaneous. These two areas were unprotected by embankment and almost all land claimants reside far from the project area. In these areas, special efforts were made to arrange the information dissemination meeting.

Land settlement in CDSP-II has achieved popularity among the landless people for many reason, the main one being the transparent process of land settlement. IDM is identified as the foundation of transparency where people can easily get information about their settlement case. In CDSP-II from field hearing to *Khatian* handover is done in the field session and open to all. The project always tries to inform the beneficiaries about the progress of the land settlement, and disseminate land settlement information through some other institution of CDSP-II. These are Water management Committee (WMC), polder Committee (PC), Sub Polder Committee (SPC), Farmers Forum (FF) and the Local Area Development Committees (LADC) on regular basis. Members of these committees are also invited in all field sessions through PC/SPC or LADC.

In CDSP-II, all the settlement procedures- objection hearing, landless selection, *Kabuliyat* signing and registration were done in the field. These services make the landless people confident about the land settlement under CDSP-II. A computerise data base of *Khas* land and landless of CDSP-I and the CDSP-II make it easy to gather and keep this information for quick dissemination. Moreover, this information is also kept in MoL *Upazila* offices for their use.

### **3.6 Improvement of Land Settlement bureaucracy at District and *Upazila* Level**

Settlement of Agricultural *Khas* land is the responsibility of District- and *Upazila* Agricultural *Khas* land management and settlement committee. Working with the *Khas* land settlement in CDSP-I it was experienced that the District and *Upazila* committee members are not aware of the task of the committee. They don't know the terms of reference of the committee, definition of landless, priority among landless group, ceiling of *Khas* land for settlement and terms and conditions of the lease mentioned in the *Kabuliyat* etc. Some time the ex-officio members (except UNO and AC Land) are also not aware of the task of the committee. Therefore, the committee members took the land settlement issue in a casual fashion with the thinking that this is the business of the UNO and AC Land. There are hundreds of different committees at *Upazila* level to discharge the various activities of the Government but the Agricultural *Khas* Land Management and Settlement committee is the most powerful, and this committee can award land to a landless and ultimately providing him a social status in the society.

In 2001, CDSP-II carried out a study to assess the need in land settlement procedure. The study recommended training of MoL District, *Upazila* and Union level officials and orientation training for the District and *Upazila* committee members. The out come of the study agreed in a workshop held at *Feni* Circuit House chaired by Secretary, MoL. Accordingly, CDSP-II has arranged different training and orientation courses for the concerned officials in different venue. Generally, national resource persons were invited to those training courses. District and *Upazila* MoL officials were the resource person in the orientation courses of the District and *Upazila* *Khas* land settlement committee.



Table- 4: shows the training and orientation arranged for the concerned officials during CDSP-II.

Subject	Participants	Place/ Training venue	Time Schedule & nos. of participants
Land Management Training and Tour	ADC (Rev.), RDC, UNO, AC (Land) of project area	West Bengal, India	May 2000
Orientation Training for District and <i>Upazila</i> Land Settlement Committee	Members of <i>Upazila</i> Agricultural <i>Khas</i> Land Management and Settlement Committee.	In Project Concerned <i>Upazila</i> Head quarters.	In 2001
Advanced Land Management and Settlement Training	ADCs (Rev.), UNOs	Bangladesh Institute of Administrative Management (BIAM), Dhaka	14.10.2000 10 participants
Advanced Land Management and Settlement Training	Revenue Deputy Collectors of 3 Districts and Assistant Commissioner Lands of 5 <i>Upazilas</i>	Bangladesh Institute of Administrative Management (BIAM), Dhaka	04.11.2000- 16.11.2000 10 participants
Land Management and Settlement Training	KGOs, Surveyors, Office Superintendent, Office Assistants, Union Land Officers and project staff of CDSP-II Land Unit	BARD, <i>Comilla</i>	28.01.2001- 01.02.2001 31 participants
Land Management and Settlement Training	Surveyors, Office Superintendent, Office Assistants, <i>Sub Assistant Land Officer</i> and project staff of CDSP-II Land Unit	BARD, <i>Comilla</i>	04.02.2001- 08.02.2001 29 participants
Land Record Management Software (LRMS) Orientation	ADC ( <i>Revenue</i> ) <i>Kanungo</i> , Computer Operators and Office Assistants of AC Land offices	In house	22.07.2001
National Seminar on LRMS	MoL, GoB and other related experts	BETS Centre, Dhaka.	29.05.2002
Training on LRMS software at <i>Upazila</i> MoL office	<i>Noakhali Sadar</i>	Concerned AC Land office	17.06.02-18.06.02
	<i>Companiganj</i>		17.06.02-18.06.02
	<i>Ramgati</i>		19.06.02-20.06.02
	<i>Mirsharai</i>		22.06.02-23.06.02
	<i>Sonagazi</i>		22.06.02-23.06.02
	<i>Hatiya</i>		25.06.02-26.06.02
Orientation Training on GIS use	ADC (Rev), UNO; s, AC Land	In CDSP-II project office	
Modernisation of Land Administration Training	<i>Kanungos</i> , UALO's, SAULO's. Surveyors, Office Assistants, Comp. Oprt.	Training Venue of DC office, <i>Noakhali</i>	

**Table-4: Training, orientation, and seminar held during CDSP-II**

### 3.6.1 LRMS Software: Steps towards modernisation of land record system

The experience of CDSP-I (1994-1999) in land settlement has clearly established that the *Khas* land settlement process is very complex and cumbersome and did not progress in the same speed as other components of the project. In fact, the slowness in land settlement had slowed down the entire process of CDSP-I implementation.

CDSP-II had undertaken a comprehensive study for identifying the bottlenecks and determining the solutions, including building adequate capacity of the government machinery involved in land settlement activity at District, *Upazila* and grass-root levels. The study revealed that each of the major steps in the process starting from identification of *Khas* lands up to settlement of the landless families on the *Khas* land are being carried out as per existing government policies, using a set of complex, sometimes duplicate and outdated instruments. Moreover, the District and *Upazila* land offices do not maintain unified standards and procedures for recording and documentation of settlement and mutation processes. The following problems were identified by the study:

- Incorrect identification of *Khas* Land;
- *Khas* land found in the records do not match with the land on the ground;
- Duplicate application for different *Khas* lands;
- Illegible applications or same person is getting *Khas* lands more than once;
- Same land is allotted to different applicants causing unnecessary litigations;
- Over allotment of *Khas* land;
- False allotment of *Khas* land recorded in the Register;
- *Khatians* issuance is extremely delayed even after registration of *Kabuliyat*;
- Takes several days simply to track an application of *Khas* land;
- Requires couple of visit to AC Land office to obtain information on the progress/status of a settlement case, and so forth;
- Up-to-date version of the lease Register (Register XII) and *Khas* land information Registers (Register VIII) cannot be maintained on regular basis, which is causing illegal occupation of *Khas* land.

The study findings and recommendations were presented and discussed in a seminar held on 23 July 2000 at *Feni* Circuit House chaired by Secretary Ministry of Land. Key recommendations of the study about improving the land settlement and management system were:

- a) Modernisation i.e. computerisation of land records and the settlement and change processes;
- b) Development of institutional capacity and strengthening of the concerned offices. The AC Land offices are the major areas that need strengthening as main load of settlement works borne by AC Land.

As recommended at the study workshop, CDSP-II initiated a process of computerisation of land record system, and provided a computer system with a customised Land Record Management Software system in each of its five *Upazila* land offices. The specific objective of the proposed computer and information system was to establish a system of accurate and speedy documentation of *Khas* land identification, selection of landless families and secured land tenure (*Khatian* and title deed) over the *Khas* land available for settlement.

As a part of this initiative, CDSP-II started working on it and Info Consult Pvt. Ltd. was awarded the job of developing the said software. They carried out requirement analysis, designing and develop a customised and user-friendly Land Record Management Software System. Consultants of CDSP-II arranged a series of meetings with the District and *Upazila* level MoL officials and as per recommendation, software was developed which is known as “Land Record Management System (LRMS) software”. During designing the LRMS following specific functions of AC Land office was take into considerations:

- Documentation of the *Khas* land identification;
- Building database of eligible landless applicants families;
- Documentation of settlement process with relation to the Agricultural *Khas* land;
- Issuance of new *Khatians* along with a sketch map of the plots;
- Updating and producing Registers linked with the settlement/Mutation process of *Khas* Agricultural lands only;
- Produce miscellaneous reports on the progress of settlement/mutation process.

The Land Record Management System is a well-designed information system and the capabilities of the system are as follows:

- Recording, storing, querying and reporting on the entire settlement cum mutation process of agricultural *Khas* lands including issuance of new *Khatians* along with the sketch map and thus automatically maintaining the up-to-date land records;
- Recording, storing, querying and reporting on the entire mutation process of lands that are not subject for settlement and issuance of new *Khatians* along with the sketch map and thus automatically maintaining the up-to-date land records;
- Searching, querying and reporting on land records and providing land title related information and land holding status of individual landholders within a *Upazila*;
- Recording, storing, querying and reporting on the case movement i.e. all cases opened and maintain at the *Upazila* Land Office; and
- Maintaining the case management diary for AC Land

LRMS is a stand alone and independent software package developed for operating at *Upazila* Land Offices containing a series of functions covering the above and related capabilities. The LRMS user interface is structured in such a way that the end users having experiences with land record maintenance at *Upazila* land offices would be able to easily perform various tasks even with elementary computer skills. The Bangla interface and old data entry system will make this software more effective for the *Upazila* land offices for their other land management work and the efficiency of the AC Land offices will certainly increase.

#### **LRMS Software User Interface:**

The LRMS software user interface was developed using a combination of the process and function based structure. Under the main menu, the processes are

generally included and the sub-menu and /or Wizards/ forms include the different functions to be carried out under different processes or sub-processes. A mix of simple English and Bangla Keywords commonly used in similar applications were used in the user interface.

### **Systems platform:**

The LRMS requires windows/98 or Windows 2000 based PCs. Two different releases of the LRMS have been made, one is for AC Land Office and the other is for District Land Office enabling of more than one *Upazila* land records in a single installation.

The final version of the developed Land Records Management System (LRMS) Software was installed in the six *Upazila* AC Land offices (Ramgati *Upazila* is the sixth office that comes under CDSP-II area). Two days in-house training on the operation of LRMS Software and data entries was held with computer operators, one staff of land office and AC (Land) were trained from each 6 *Upazila* Land Offices.

### **Expected benefits from LRMS:**

It is expected that by establishment and operation of a full-scale LRMS, it would derive at least the following direct benefits to the government, the public and the organisation itself:

#### **Benefit to the Government:**

- *Khas* lands and other government land will be protected from illegal occupation;
- Identification of illegal occupation of *Khas* land would be easily identified and thus eviction programme would be easier for the government;
- Government's land revenues will increase;
- Government policies and programme of social development and poverty eradication would be better and effectively achieved through the settlement of *Khas* lands to the landless families and slum population in the urban areas.

#### **Benefits to the public:**

- Security in land tenure and title will improve;
- Land related litigation will reduce, thus, the cost on land holding will reduce;
- Speedy land settlement or mutation will provide cost benefits to the landholders;
- Transparency in the land administration will bring trust for investment on land;
- Land purchaser can easily get an official copy of a chain title.

#### **Benefit to the Organisation and Land Offices:**

- A modern IT based work culture would be established which would serve as a demonstrative model of computerisation at *Upazila* level;
- The entry-level officers i.e. AC Land will be introduced and trained on operation of a computerised system and it will help them to develop their career as well as benefiting the Government;
- With LRMS, the much-talked dependency of AC Land on Kanungo and Union Assistant Land Officers can be reduced. The unknown and undue delays during field investigation by the Kanungo's, Union Assistant Land Officers, and holding different cases for long time could now be easily detected with the help of LRMS.

The performance of the LRMS depends upon how effectively the AC Lands are using the software and the primary requirement is the data entry. The work forces recruited for CDSP-II work are entering the *Khas* land information of CDSP-II areas only. The clerical staffs of AC Land office are reluctant in using the LRMS software as they thought the LRMS system might make him surplus or jobless.

### **3.6.2 Hardware: Equipments for modernization of AC (Land) Offices**

A Computer with accessories has been supplied to all six AC (Land) offices of *Noakhali Sadar, Companigonj, Hatiya, Mirsarai Upazilas* and ADC (Rev.), *Chittagong* from Ministry of Land while CDSP-II supplied computers to AC (Land) Offices of *Ramgoti and Sonagazi Upazila* and ADC (Rev.), *Noakhali*. Four motorcycles are supplied to *Noakhali Sadar, Companiganj, Mirsharai* and *Hatiya Upazila* Land Office from the MoL and in addition to those two motorcycles are given to *Noakhali Sadar* and *Hatiya* AC Land office.

### **3.6.3 Construction of *Upazila* Land Offices:**

The need assessment study for modernisation of DC, UNO and AC Land office done by BETS in 2000 give emphasis to the need for the better office accommodation for three AC Land Offices. Through the FA budget three AC Land Offices- *Noakhali Sadar, Hatiya* and *Companiganj* were constructed through CDSP-II. Those three AC Land offices have been moved to the newly constructed office building.

### **3.6.4 Construction of *Horni-Chanandi* Union Land Office at *Boyer Char***

*Boyer Char* is a *Char* under *Hatiya Upazila* and situated on the other side of the *Meghna* River approximately 40-45 km from *Upazila* Head quarters. Nearly 10,000 HHs are living in *Boyer Char*. MoL decided in 2001 that the *Khas* lands of the *Boyer Char* would be settled with the landless families through CDSP-II. The project has done the plot-to-plot survey work in *Boyer Char* with the support of MoL District and *Upazila* officials. Government of Bangladesh and RNE has agreed to work in *Boyer Char*. MoL has started their work in *Boyer Char* but the union land office is situated on the other side of the *Meghna* River. *Khas* land settlement activities in *Boyer Char* requires continuous support of Union land office. Major part of *Boyer* falls under *Horni-Chanandi* Union land office located in *Hatiya*. MoL office will construct a union land office in *Boyer Char* to expedite the forthcoming land settlement activity.

### 3.6.5 Registration coast: Revolving fund:

In the *Khas* land settlement process; the landless families have to pay some fees to the government exchequer. The fee includes *Salami*, Land development Tax, *Khatian* fees and *Kabuliyat* registration cost and some other miscellaneous *Charges*. The landless families have to purchase and submit forty non-judicial stamps for *Kabuliyat* that costs *Taka 30*. *Taka 300-400* is required in completing the settlement process, but frequently they are over charged. Sometime they are charged 10 to 15 times more for the land registration. During CDSP-I no NGO was found working to support the landless families with the problem. CDSP-I had introduced a revolving fund system with 150,000 *Taka* and by revolving this amount, 4500 settlement cases were completed which costs almost 16,00,000 *Taka*. The revolving fund system in CDSP-I was successful and could substantially reduced the chance of corruption as the payments were made by the project and the officials of settlement had no connection with the landless families. The revolving fund in CDSP-I was generated from the TA (Technical Assistance) fund and Assistant Commissioner Land, *Noakhali Sadar* regulates that fund. In CDSP-II the revolving fund system certainly helps to check the rent seeking in land settlement and make the settlement hassle free.

## 3.7 Gender and Land Settlement\*

In the agrarian economy of Bangladesh, arable land is the most valued form of property for its economy as well as its political and symbolic importance. In the rural area of Bangladesh it is the only productive, wealth creating and livelihood-sustaining asset. Traditionally it has also been the basis of political power and social status. For many it provides a sense of identity and rootedness with a particular village and often in people's mind land has a sense of permanence, which no other asset possesses like this property.

The women play an important role in creation of habitat in newly accreted *Char* land. The women of the landless poor families migrate to the new *Chars* almost with empty hand. They belong to no other property except newly occupied land, children and a few old utensils. To ensure possession over the land women of migrant families start living in the *Char* in what looks like a desolate land without trees. Even at the risks of their lives, women start living on low-lying strip of *Khas* land. In these new *Chars*, women face problem in the collection of drinking water and the basic daily supplies. Sometimes women have to travel 10-12 kilometres to fetch safe drinking water from a settled village of the surrounding areas. The women do not get a chance to bath even once in a week during dry season. In addition to all these difficulties, women have to undergo different types of oppression. They are unsecured and victims of sexual assault and other forms of repression and suppression in newly settled society in *Char* areas. The women continue to live with all difficulties and bear the burden of all types of oppression, in the hope of getting a piece of land. In the face of all these problems, women manage to survive in the new *Chars* to ensure legal rights to a piece of land for their families.

It is still a real struggle to establish legal rights to land by the poor in coastal *Chars*. However, CDSP-II as a bilateral project of the Government of Bangladesh (GoB) and the Government of the Netherlands is not in a position to go beyond national policies about

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\* Gender and NGO Adviser, CDSP-II, Ms. Nuzulee Begum write this part.

land distribution of the GoB. Land distribution under CDSP-II has been carried out according to the Agricultural *Khas* land Management and Settlement Policy of 1997. Within the framework of this policy, CDSP-II makes an effort to maximise the benefit for women from land settlement. The following has been the focus of these attempts:

- The women of the polders are made aware of their role in land settlement and of their rights to land.
- The women folk of the project area are kept informed about land settlement procedures and the plot- to-plot survey results are shared with them.
- The land title is provided in the names of both spouses.
- Landless female-headed household are treated as a priority category of target groups in terms of land settlement.
- The women who are widows or who have been deserted, lacking an able bodied son or any children, attempts has been taken to give them a bigger homestead (at least 0.50 acre per women) as assuring them of shelter as this is not prohibited by the law, though they are not entitled to arable land.
- A list of female headed households are prepared and these families are assisted by NGOs in order to make them familiar with all stages of land settlement and to prepare them to take action whenever needed at all stages of land settlement.
- Women's presence in hearing sessions is ensured.
- The women who are in a conflicting or problematic position are listening carefully and feedback supposes to be provided to them within two weeks.
- Local female Union Parishad members are trained to play an active role in land settlement. They are actively involved in the preparation of the list of landless and finalize the selection of landless in locally organised hearing sessions.
- The land settlement process is monitored through a gender lens from proposed allotment sheet to the hand over of the title deed including procession over land.

### **3.7.1 Activities: gender**

- In total, 38 information dissemination meetings for women were organized in all concerned project areas (*Gangchil, Moradona, South Hatiya, Bandartila and Nijhum Dwip*) on land settlement laws and procedures. To make it convenient for women to participate in these meetings, 2-3 meetings were organised in different corner of big villages while one meeting was conducted in a small village. Feedback to women on the progress of this component was started since the field hearings were begun. It will continue through providing information to SPCs and LADCs, up to the end of the settlement programme.
- The principle of treating landless female-headed households as a priority group in the land settlement process is strictly followed. Overall, around 12% of the selected landless household are female headed. This is more or less double than the percentage of female-headed households among all households, based on the data, provided in the baseline surveys. The impression of project staffs and partner NGO staffs exist however that the figures in these surveys are lower than the actual situation. Around 14% of the selected landless households in *Gangchil*, 10% in *Char Moradona* and 12% in *South Hatiya*. The baseline surveys of the respective areas give an overall percentage of female-headed households of 5%, 7% and 5% respectively.

- Around 900 acres of land under possession of 652 selected landless female-headed households. Out of that, 117 acres in *Gangchil* under possession of 118 female-headed households, 91 acres in *Moradona* under 135 female-headed households 180 acres of land under possession of 196 female-headed households in South *Hatiya* and 10 acres of land under the possession of 15 female-headed household in *Nijhum Dwip*. Another 29 acres of land under possession of 31 female-headed households in *Bandartila*. Upon handing over the title deeds, an average per household ownership would be 1.40 acre.
- Conventionally, the name of the male spouse is put first in the *Khatian*. This gives males a favourable position to exercise the power of ownership. For example, a land title is used to secure a bank loan; the bank manager usually checks only the first name. This means that in practice one of the owners can mortgage the land. In the prevailing social system, men exercise ownership of land. Hence putting the wife's name first in the *Khatian* would be of benefit to them. Consultants in meetings at *Upazila*, District and Ministerial level raised the issue. Officials of the Ministry of Land (MoL) confirmed that there is no legal impediment to such a procedure. The local MoL staffs fully supports the idea and has promised to pursue the office of the Secretary of the MoL to issue a circular to this effect. However, no firm decision was made yet. This matter should be pursued at different level of the MoL.
- According to the AKLMSC 1997, widowed or deserted women without an able-bodied son are not entitled to get agricultural *Khas* land. However, this restriction does not apply in case of victims of river erosion. Because river erosion is a common feature in CDSP-II areas, widowed or deserted women, lacking an able-bodied son, are listed as erosion affected families. In this way, they are entitled to participate in the land settlement process as any other landless household. This strategy indeed proves easy and successful. No deviation from the settlement procedures is needed to provided widowed and deserted women with larger homesteads as it was planned in the beginning of CDSP-II.
- After plot-to-plot survey, the list containing all the names and addresses of female-headed household was prepared and was given to the concerned NGOs, SPCs and LADCs to assist them in all stages of the settlement procedures.
- Two training courses of two weeks were organised at the Bangladesh Institute of Administrative Management in Dhaka on laws, circulars and procedures of land settlement and land management in October and November 2000. Women's rights in land issues were included in this training module. 20 government officials attended the courses from District and *Upazila* level (four ADC(R)s, six UNOs, four RDCs and six AC(L)s).
- A session on women's right to land and social aspects of it was incorporated in the orientation workshops for the members of the *Upazila* Agricultural *Khas* Land Management and Settlement Committee of *Noakhali Sadar*, *Companiganj*, *Hatiya*, *Mirsharai* at *Upazila* head quarters.
- Fifty local MoL officials attended a five-day training course on laws and circulars related to land settlement in two batches at the Bangladesh Academy for Rural Development *Comilla*. Women's rights to lands and genders issues in *Khas* land distribution procedures at the field level were incorporated in this training module. The Gender and NGO Adviser was facilitated a half-day session on the same subject. These courses were participated by six *Kanungos*, six Surveyors, six Office Supervisors from UNO offices, twelve Office Assistants of AC(L) offices,



eight Union Assistant Land Officers and ten Sub Assistant Union Land Officers and two staff of CDSP-II land unit.

- Forty-two female Union Parishad members were trained on basic gender issues including laws, circulars and procedures related to land settlement. Thirteen female Union Parishad members from the project areas participated in the study tour to West Bengal, where land issues were discussed quite extensively. Most of the female UP members have indeed played an active role during the plot-to-plot surveys and the subsequent field hearings. Ms. Maya Begum, members of *Char Elahi* Union Parishad under *Companiganj Upazila* of *Noakhali* District was become a role model for her active participation in land settlement in *Gangchil*. The MoL officials and local community appreciated her role in hearing sessions.
- The male members of SPC, LADC and UP were made aware about women's rights to land. This issue was continuously discussed in their regular meetings. This minimise male leaders antagonistic role in ensuring women's right to land.

### 3.8 Cluster Village House

In CDSP-I, 34 nos. of cluster villages (CV) were established in the three *Char* areas of *Noakhali* District. These cluster villages were built around a pond which is jointly owned by the settlers. These prototype Cluster villages were constructed by MoL and usually 30 houses were constructed by MoL and each of the CV allottee were allotted .12 acre homestead land and .04 acre land in pond. In some area CV settlers were allotted with arable land also. The poorest of the poor landless were settled in the cluster village. CDSP-II has also kept the provision of cluster village at south *Hatiya* and *Muhuri* Accreted Area.

Secretary, MoL emphasises the design of cluster village that will be environment friendly, socially acceptable and economically viable and easy for repairs by the landless settlers. As per request of secretary MoL, consultants of CDSP-II construct 3 types of CV houses in South *Hatiya* as per design developed by Sheltech consultant pvt. Ltd. After construction, local people were asked to put their comments/suggestions good or bad side of the each type and were asked to choose best one or most suitable one for them. Three cluster village houses were:

- a) Twin house with RCC roof, brick walls, a separate pit latrine with a cow shed;
- b) Twin house of CI Sheet and fitting and fixing with iron angle plus a separate pit latrine;
- c) Twin CI sheet house fitted with wooden structure plus a separate latrine.

Local people choose the wooden structure CI sheet house as maintenance in future will be easy and they understand the technical aspects of small repairs. The other reason for choosing the wooden structure CV house is that it can be easily removed during natural calamities such as cyclone and river erosion. Saline weather and the salinity in the soil are not favourable for the other two types of cluster villages.

After considering the local people's view, MoL finally approved the wooden structure twin house with CI sheet as a model for cluster village in CDSP-II. As per MoL PP in MAA a total 674 poorest landless families were targeted for settlement in 337 nos. of

twin house of cluster village in South *Hatiya* and MAA. In each Cluster village, there is a pond with common ownership of the allottee and houses are built on the bank of the pond. Local Government and Engineering Department (LGED) excavated the ponds of the CV and Ministry of Land constructs the cluster village houses through LGED as deposit work.

MoL and LGED were very slow in cluster village construction and pond excavation works. Although the site selection and possession hand over to the LGED for pond excavation is the task of MoL, due to an absence of clear guideline MoL could not hand over all the CV sites to LGED. On the other hand, LGED were not serious in doing the pond excavation and CV house construction programme. By this time MoL has given its clear instruction to the District and *Upazila* MoL officials to hand over the CV sites to LGED after selection. MoL officials handed over 6 sites at South *Hatiya* and 4 sites at MAA for pond excavation but until the beginning of 2004 LGED were not able to excavate any pond. Some time it is very difficult for the MoL officials to find 4 -5 acres of free land for CV. Claims and counter claims over the *Khas* land sometimes lead to civil court cases that will make delay pond digging. CDSP-I had faced problems and strong support from the Deputy commissioner by engaging the police force to make it possible to materialise the CV construction programme. In *Hatiya*, *Upazila* Nirbahi Officer and the Assistant Commissioner Land took bold steps against the persons who were opposing the CV house construction programme. The police force were engaged at the selected CV site for smooth pond digging work but still LGED could not finalise the pond digging. In MAA, local influential people with the blessing of local leaders of ruling party are occupying the *Khas* land as shrimp/fisheries. These people always try to keep control over unlawfully occupied *Khas* lands and naturally, they are not in favour of the land settlement and construction of cluster villages in MAA. In MAA 4 CV sites are handed over to LGED but one of the partially dug pond was occupied by local leader and LGED informed the police and administration but they could not make it free from the illegal occupation.

In South *Hatiya* 5 civil court cases were filed against pond excavation, impudent steps are taken by UNO and AC Land, *Hatiya* to help ease out the situation. Therefore, the cluster village work needs strong support from Deputy Commissioner, UNO, AC Land and as well as from Police.

Consultants of CDSP-II were not involved with the site selection and construction process of cluster village rather they were involved in CV settlers' selection, which is an important step in Cluster village programme. In fact, the *Upazila* Agricultural *Khas* land Settlement committee selects the cluster village beneficiaries and consultants of CDSP-II are members of that committee. Plot-to-plot survey information is used during selection of cluster village settlers.



Picture-7: A typical cluster village under CDSP, houses around the bank of a pond.

## 4. Results

### 4.1 Number of People received *Khatian*

*Khas* land settlement in CDSP-II faces numerous problems starting from plot to plot survey to preparation of *Khatian*. After plot-to-plot survey the available *Khas* land was identified and the target for land settlement in CDSP-II was fixed with the available *Khas* land and the households found during survey. Area wise the house holds having *Khatian* are given below:

<i>Area</i>	Households found during PTPS	Landless Families Selected for settlement	<i>Khas</i> Land Avail able for settlement (Acres)	Landless families having <i>Khatian</i>
<i>Moradona</i>	2245	1410	1813.47	1200
<i>Gangchil</i>	1651	805	1233.67	800
<i>South Hatiya</i>	4805	1687	2364.00	2300
<i>Nijhum Dwip</i>	780	109	392.23	260
<i>Bandartila</i>	609	400	550.00	370
MAA	2870	311	1537.63	1000
<i>CBD-I</i>	918	931	2264.50	918
<b>Total</b>	<b>13878</b>	<b>5851</b>	<b>10155.50</b>	<b>6848</b>

**Table-5 : PTPS and landless information**

In *Khas* land settlement the approval of the *Upazila* and District Committee is vital and CDSP-II experienced the delay in approval of the settlement proposal from District committee in *Noakhali* District. The *Upazila* committee became frustrated as the settlement proposal sent to the District committee remain pending for months. This is because some of the official members of the District committee give priority to the shrimp land settlement rather than Agricultural *Khas* Land settlement among the poor Landless families. The settlement activities under CDSP-II could be better understood if we split the whole settlement process into two part; one is approval and the other is *Kabuliyat* registry and *Khatian* preparation stage. The second part is dependent on the approval part i.e. the first part.

The table below shows the settlement of the households in various stages in May2004

**Table-6 : Settlement cases in various stages: Approval part:**

Area/ Polder	PTPS	Hearing Completed		Target of Settlement (HH)	Landless Selection		Settlement case open		Jomabandi prepared		Jomabandi approval			
		H/H	H/H		%	H/H	%	H/H	%	H/H	%	Upazila Committee		District Committee
											H/H	%	H/H	%
<i>Moradona</i>	2245	2145	96	1200	1410	117	1107	92	670	56	670	56	0	0
<i>Gangchil</i>	1651	881	53	800	805	101	619	77	100	13	55	7	0	0
<i>South Hatiya</i>	4805	3950	82	2300	1968	86	930	40	700	30	700	30	453	20
<i>Nijhum Dwip</i>	780	410	53	370	174	47	109	29	50	14	41	11	41	11
<i>Bandartila</i>	609	609	100	260	436	168	186	72	100	38	0	0	0	0
MAA	2870	507	17	1000	311	31	311	31	311	31	311	31	68	7
CBD-I	918	918	100	918	945	103	927	101	927	101	927	101	0	0
<b>Total</b>	<b>13878</b>	<b>9420</b>	<b>68</b>	<b>6848</b>	<b>6049</b>	<b>88</b>	<b>4189</b>	<b>61</b>	<b>2858</b>	<b>42</b>	<b>2704</b>	<b>39</b>	<b>562</b>	<b>8</b>

**Table-7 : Settlement cases in various stages: *Kabuliyat* & *Khatian* Preparation part:**

Area/ Polder	Target of Settlement (HH)	<i>Kabuliyat</i> Execution		Fees Realisation		<i>Kabuliyat</i> Registration		<i>Khatian</i> Preparation		<i>Khatian</i> Hand over		Possession Handover	
		HH	%	HH	%	HH	%	HH	%	HH	%	HH	%
<i>Moradona</i>	1200												
<i>Gangchil</i>	800												
<i>South Hatiya</i>	2300												
<i>Nijhum Dwip</i>	260												
<i>Bandartila</i>	370												
MAA	1000												
CBD-I	918												
<b>Total</b>	<b>6848</b>												

## **4.2 Shortened procedure of land settlement accepted:**

In CDSP-I, land settlement process passes 22 steps from identification of *Khas* land to possession handover. At that time, settlement cases had to send twice to Deputy commissioner- once for approval and later for approval of *Kabuliyat*. After discussion with the Deputy commissioner, *Noakhali* the settlement steps were reduced in 12 steps and afterwards the Deputy Commissioner approved the settlement proposal and *Kabuliyat* simultaneously.

In 1997, Government reviewed the Agricultural *Khas* Land Settlement Policy and formulate a new policy. In this policy the shortened process is accepted as the *Kabuliyat* signing responsibility has been moved from DC to AC Land, which could save time.

The Plot to plot survey system introduced in CDSP-I was not in the MoL PP, but in CDSP-II MoL has incorporated PTPS as a step of *Khas* land settlement and in the *Khas* land settlement policy of 1997 kept the provision for *Khas* land identification.

CDSP-I has concentrated on the possession handover to those households who were allotted land, which was not in their possession. These lands were recovered from the possession of the big landholders and allotted to the small landholders. In the previous policy possession hand over was not spelt out clearly although there was a custom for possession handover. As per Settlement policy of 1997, Upazila Agricultural *Khas* Land Settlement committee is entrusted the task of possession hand over to the settlement beneficiaries.

## **4.3 MoL Bureaucracy improved: Software accepted:**

At the beginning of the CDSP-II, the project carried out a study for ‘need assessment and preparation of proposal to modernize land records and processes for strengthening capacity of DC, UNO and AC (land) offices’. Bangladesh Engineering & Technological Services Ltd. (BETS) was engaged for the study. The recommendations of the study was accepted in a workshop held at *Feni* Circuit house with Secretary MoL in the chair, and agreed modernisation of the land settlement system. As the follow up of that agreed resolution CDSP-II developed customised software for *Khas* land settlement, mutation and record management purpose. The software is Land Record Management System (LRMS) software, in May 2002, MoL accepted the software, and it was installed in all six project AC Land offices. The use of the software depends upon the capability of the MoL officials and is designed in Bangla interface, and has reduced the workload of Assistant Commissioner Land office substantially and will improve the land management system.

## **5. Constrains:**

### **5.1 Problem during PTPS:**

Plot to plot survey is very important and essential step in Land Settlement in CDSP-II. The quality of land settlement depends on the quality of plot-to-plot survey work. PTPS work achieves full support of the landless but the land grabbers always try to create problems. They try to intimidate the survey team but with the help of the landless people, the team could carry out the survey work. Sometime the land grabbers file application to the Minister or Deputy Commissioner with false and frivolous information with an intention to stop the PTPS work. They Even file civil court cases against PTPS work and a stay order or injunction from the civil court could give them an opportunity for enjoying the *Khas* land in perpetuity as the landless and the MoL officials become frustrated with the endless battle in the court. MoL union officials sometime extend their support to the land grabber and in this case, it will be very difficult to settle out these lands among the landless.

In MAA, some vested interested people used the boundary issue of *Chittagong* and *Feni* District as mask and try to create disturbance during PTPS. These people are the beneficiaries of *Khas* land and they were scared that PTPS could unveil their identity and they might lose the possession over the illegally occupied *Khas* land. They filed criminal cases against the survey team and consultants and filed Writ Petition in the Supreme Court. Local political leaders and the people's representatives were against the PTPS and land settlement.

In *Moradona*, Forest Department and the land grabbers were created problem during PTPS. Excessive court cases were filed in *Gangchil* -Torabali and South *Hatiya*. In *Nijhum Dwip* and *Bandartila* there was a problem raised by Forest department. However, in all areas of CDSP-II the survey team found strong support of the landless people.

The PTPS required an experienced surveyor and chainman and a lot of time had been spent in search of them. Surveying in a *Char* area is very difficult and the survey team had faced difficulties in accommodation, water both for drinking and bathing, sanitation and communication. Health hazards, i.e. Diarrhoea, dysentery were very common diseases. Snakes and Leeches were the problem in surveying at MAA. In *Boyer Char* survey team were very much worried for their safety and due to deteriorating law and order situation the teams were closed twice. In *Boyer Char*, the survey team had to walk every day at least 4-8 km to reach the survey spot, as the survey camp could not be established near the survey area due to poor infrastructure and necessary support.

### **5.2 MoL PP: Uncertainty about Project Co-ordinator and delayed in approval**

The implementation strategy mentioned in the MoL, PP put the responsibilities of land settlement on the District and *Upazila* MoL officials but the project management is kept in the hand of MoL officials. Initially it was thought that the Divisional Commissioner, *Chittagong* would be the project Director of CDSP-II MoL component. Afterwards MoL changed the decision and put the responsibility of project coordinator to an officer who is junior to the district MoL officials having no experience in *Khas* land settlement at the field level. Moreover, the MoL PP was approved in June 2001 two years after commencement of the project. Therefore, after two years of the commencement of the project (JUNE 1999) the MoL District and *Upazila* officials came to know the activities of MoL set in the PP.

### **5.3 Suspension of District and *Upazila Khas* Land Settlement Committee:**

In *Khas* land settlement process; the key institutions involved are the District and *Upazila* Committee. No settlement activity can be moved forward in the absence of these two committees. Appendix 1 and 2 show that half of the committee members are either people's representative or nominee of them and the nominations were made considering the political affinity with the party in power. In 2001, before the National Parliamentary Election, the National Executive Committee for *Khas* Land management in its 13<sup>th</sup> and last meeting on 01 July 2001 decided that *Khas* settlement among landless families would be suspended till formation of new elected government after election in October 2001. The decision of the National Executive Committee makes the *Khas* land settlement within CDSP-II blocked. Attempts have been made by the project to request MoL to end the embargo for CDSP-II but due to absence of National Committee, the decision of the previous committee was effective till November 2002. In November 2002, the reorganised National executive committee in its first meeting decided to move forward with *Khas* land settlement among landless families and lift the embargo made by the earlier committee. The NECKL decided to reorganise the District and *Upazila* committee. That decision of the National Committee was gazetted in January 2003. Therefore, the *Khas* land settlement in CDSP-II was virtually blocked for the period.

### **5.4 Resistance from vested interests:**

In the rural setting, land is a symbol of power, and politicians and powerful persons are always found occupying huge *Khas* land in the name of civil court case, waqf Estate or as Shrimp land. These land grabbers occupied the *Char Khas* land long before the MoL intervention for settlement. Land grabbers always try to maintain their possession as long as they can, and they adopt various means and ways to keep the possession. The most common style is to file a civil court case on the basis of false papers claiming the right and title. Some time inter District and inter *Upazila* boundary issue is brought up just to delay the settlement process. The land grabbers occupy the *Char* land in the name of shrimp cultivation but rarely they are cultivating shrimp.

### **Court Cases:**



Agricultural *Khas* land Settlement is itself a complex process and this process becomes slower when a court case has been filed against the *Khas* land settlement process. Mostly the *Jotdars* file these cases as a way to occupy the government *Khas* land as long as they can. Sometimes the land grabbers file writ petition in the Supreme Court. The injunction, status quo or stay order from a court results in delay in the formal delivery of *Khatian* as well as possession. If the lands involved in the court case are being settled with the landless, the settlement holders often exercise effective possession over that land. Disposal of court cases takes years and the poor settlement holders become upset by losing money and time. Thus, the court cases involved with the *Khas* land work against the objective of the land settlement for providing landless people with land that will be the means of their livelihood.

Civil courts are empowered by the law to entertain and dispose of all cases involving disputed right to property or office. A person is; therefore, free to invoke the jurisdiction of the civil court for declaration or determination of his/her right and title over the land. Although the *Khas* lands are recorded in the name of the Deputy Commissioner they are apparently free from any private claims, the civil courts have the jurisdiction to enquire and determine the exact legal status of such land and the legitimacy of the claims of the litigants. When a person challenges in the civil court the *Khas* status of the land or the competency of the District and *Upazila* committee to lease out the same, the Deputy Commissioner is invariably made a party thereto and the government pleader on behalf of the Deputy Commissioner fights the civil cases. Disposals of these civil cases are very slow and if the *Khas* land involved in settlement process is in question in civil court cases the fate of that settlement is exceptionally bad. CDSP-II has faced a number of civil court cases in the different courts of the project concerned Districts and *Upazilas*. Two writ petitions were filed in the Supreme Court and in *Mirsharai* police station one criminal case was filed against members of the PTPS survey team and consultants of CDSP-II.

*Torabali Mouza of Noakhali Sadar Upazila* was intended to be within the CDSP-II for land settlement but excessive civil court cases filed during PTPS against the land settlement activity of CDSP-II made an atmosphere to leave out that area from the land settlement activity. A list of court cases filed against CDSP-II is given in **Appendix-13**.

## **5.5 Non-responsiveness of MoL officials like PC change, posting of AC Land:**

The MoL PP was originally planned- Commissioner, *Chittagong* Division (CCD) as Project Director (PD) of MoL-CDSP-II. Accordingly, MoL had issued a formal letter to the Commissioner, *Chittagong* and consequently CCD starts working as PD, MoL - CDSP-II. Later on, in consultation with the Cabinet Division MoL had reviewed its earlier decision and instead of Project Director a senior Assistant Chief from Ministry of Land was made as Project Coordinator (PC). Surprisingly the appointed project coordinator for MoL had never served in the field office and had no experience of *Khas* land settlement and junior to the District MoL officials. Whereas as per MoL, PP the *Khas* land settlement was entrusted with the District and *Upazila* MoL Officials. Therefore, in one hand, the implementation of the project virtually lies with the District and *Upazila* MoL officials and on the other hand the management of the project lies in MoL, and this system creates distress among the field officials and is not acceptable to those officials responsible for implementation. Deputy Commissioner *Noakhali* in a letter requests the secretary MoL for the appointment of a suitable Project Coordinator. To

streamline the issue, the consultants of the project hold a meeting with the secretary MoL and bring this issue to the notice of the secretary; subsequently MoL has changed the Project Coordinator with a senior officer from MoL.

The post of the Assistant Commissioner Land is vital in *Khas* land settlement, as he is the member secretary of the UAKLMSC. Out of five AC Lands concerned with the CDSP-II activities three posts of AC Land are lying vacant for quite some time. At present the AC land of *Hatiya* of *Noakhali*; Mirsharai of *Chittagong* and Sonagazi of *Feni* are vacant and a part time AC Land is working in *Companiganj Upazila*. The *Khas* land settlement work especially in *Hatiya* and MAA are suffering for the want of AC Land.

## **5.6 Muhuri issue:**

*Muhuri* accreted Area (MAA) is located on boundary of *Chittagong* and *Feni* District.

CDSP-II has faced a lot of problem in MAA and these are as follows:

- a) Boundary dispute between Mirsharai & Sonagazi *Upazila* of *Chittagong* and *Feni* District;
- b) Illegal shrimp cultivation threat to Land Settlement activity; official shrimp cultivable areas are not demarcated;
- c) *Jotdars* against the CDSP-II as there was no *Khas* land settlement before CDSP-II and hence they might loose the illegally occupied land;
- d) People are claiming land in MAA as per Revision Survey records done in 1926-1930 that becomes obsolete after the Revision Survey in 1972-74 and that survey as per law declares these accreted lands as *Khas* land;
- e) Land claimants are possessing the land as their ancestral land and they are not willing to treat themselves as Landless;
- f) Increasing illegal pond excavation for shrimp cultivation;
- g) Settlements were made with the Freedom Fighters without possession and still they are fighting for the possession.
- h) Lands Settled with a Co-operative society are not demarcated and not yet finalised;
- i) *Motizan waqf* Estate is claiming about 800 acres of *Khas* land and the basis behind their claim is not strong or unquestionable;
- j) Propaganda against Land Settlement and activity of CDSP-II. e.g., in a hand bill there was a point– “GoB has sold the entire MAA land to a Dutch company and that Dutch company are planning to evict them from their land and they will settle it out among the landless from the other District.”

## **5.7 Forestland Versus *Khas* land conflict/ national park issue:**

### **CDSP-II and Forest Department:**

*Char* development and settlement project- was planned to start with six departments of five Ministries but from the beginning of the project the department of Forest was not willing to join. Some officials of the Forest department believed that the afforestation program of Forest department would suffer if they join with a project like CDSP-II due to the *Khas* land settlement activities of CDSP-II. Afforestation in the *Char* area is a big concern of CDSP-II and willing to include Forest Department as its activity. The reason

why the forest officials are not in favour of *Khas* land settlement with in CDSP-II is the notification of Ministry of land and Ministry of Forest made in 1976 and 1977 Notification (**Appendix-14 and Appendix-15**). Through that notification Ministry of land had transferred accreted *Char* lands of coast laying between 22° 30' and 21° 30' North latitude and 91° 00' and 91° 30' East longitude of *Noakhali*, Lakshampur and *Feni* Districts for a period of 10 years for afforestation. Later on, the stipulated 10-year was extended up to 20 years. Afterwards, in September 30, 1999 Ministry of Forests and Environment (MOF&E ) has made another notification declaring an area of 3,80,000 acres lying in between 22° 55' and 21° 30' North latitude and 90° 50' and 91°30' East longitude as “reserved forest” under the Forest Act, 1927 (**Annex-16**). These notifications lead the Forest department that the area mentioned in those notifications are exclusively the land under the MOF&E and stands excluded from the control and management of MoL District officials i.e. the Deputy Commissioner. Therefore, CDSP-II always found the Forest Department as a hostile mate of CDSP-II. In fact, the Ministry of Land has determined the CDSP-II project area for *Khas* land settlement in consultation with the Deputy Commissioner concerned. The lands of the project area are recorded in the name of Deputy Commissioner as *Khas* land in the *Diara* record and that document is the base document for the ownership over accreted land.

Interestingly the Deputy commissioner who is the chief authority of the District land administration is managing the land as per *Diara* record prepared by Director, Land Records and Survey under MOL. The Forest department is claiming the land on the basis of a notification issued from Ministry of Forest and Environment with longitude and latitude. The reality is that, the Deputy Commissioner and its subordinate offices are not equipped with the technology to demarcate an area mentioned in longitude and latitude. Therefore, claims and counter claims over an area is regular problem with forest department. Therefore, both DC and Forest Department are claiming same land, DC is claiming on the basis of land ownership *Diara* record and the forest Department on the basis of that notification of longitude and latitude.

The notification of 1976 and 1977 shows that MoL has transferred the right of possession of newly accreted *Char* lands to Ministry of Forest and Environment for the limited period of twenty (20) years for afforestation and to make the *Char* land fit for cultivation. As per notification after expiry of that period, forest department has lost the occupancy right and are liable to return the same to Ministry of Land through Deputy Commissioner. MoL District and *Upazila* officials have sufficient reason to believe that after expiry of that stipulated 10 or 20 years they can go for the management as per government *Khas* land settlement policies. CDSP-II project area is entirely *Khas* land and MoL after careful examination of the *Diara* records declares the CDSP-II area that is suitable for agriculture *Khas* land settlement. In spite of the Forest department, objection raise during Plot-to-plot survey at *Moradona*, *Bandartila* and in *Nijhum Dwip* area were over ruled by the District and *Upazila* Agricultural *Khas* Land Settlement Committee. By the time, the Forest Department has lost its control over the whole *Char* areas and hence changed its attitude about CDSP-II and now they are the part of CDSP-II with afforestation program in the coastal *Chars*.

The feasibility study of the Baggar Dona River Catchments area under CDSP-II has explored the possibility of *Khas* land settlement in a new *Char* area called *Boyer Char*. The forest Department initially raise objection against the *Khas* land settlement activity in *Boyer Char* claiming the ownership over the *Char*. This issue was cleared following the

decisions of the inter Ministerial meeting with Forest and Environment Ministry held on 26.11.2001 in Ministry of Land. The meeting decided that the lands of *Boyer Char* are exclusively *Khas* land and will be distributed among the landless families under CDSP-II.

### **5.8 MoL low capacity/lengthy procedure (bureaucratic and administrative):**

First phase of CDSP observed land settlement as the slowest component. To identify the bottlenecks, CDSP-II at the start of the project had carried out a study for 'need assessment and preparation of proposal to modernize land records and processes for strengthening capacity of DC, UNO and AC (land) offices' The study identify constrains in *Khas* land settlement as flows:

- Lack of transparency;
- **Shortcoming in land management bureaucracy;**
- People's claim and counter claim on same land;
- Constant influence of power broker/ *Jotdars*.

The study unveils the low capacity of MoL *Upazila* and Union officials in *Khas* land settlement. The agricultural *Khas* land settlement policy of 1997 has made the provision for identifying the *Khas* land, and publication of the *Khas* land list. The existing work force in the union and *Upazila* Land office are not capable of carrying out these huge tasks of Plot to plot survey. Some time the union MoL officials are assisted with the surveyor of AC Land office but that assistance was made very rarely. Therefore, the vital stages in *Khas* land settlement- the identification of the *Khas* land faces serious setback at the beginning. Hence, the lengthy *Khas* land settlement procedure again faced trouble for the low capacity of the MoL officials and made the process of settlement slower.

### **5.9 Friendly approach of land settlement and its drawbacks:**

Like CDSP-I, CDSP-II is popular with the landless for its friendly approach in *Khas* land settlement process, as the land settlement policy of CDSP-II is possession based and possession is identified through plot-to-plot survey. Some households were found to possess more land than the settlement limit (Highest 1.5 acres) of *Khas* land, as there is a tendency to get this excess lands in the name of relatives. The friendly approach of CDSP-II to the landless them encourages them to approach CDSP-II to settle these excess *Khas* land in the name of their family members. CDSP-II together with the *Upazila* Agricultural *Khas* land management and Settlement committee in some cases approved the excess occupied *Khas* land go to the other members of the same family or their relatives if the committee finds them landless. In CDSP-I, at the start, the excess occupied land was allotted to other persons without asking the occupant and that made a serious social problem. The landless families brought the issue into the notice of the higher MoL officials. The landless families came up with a suggestion that if the excess lands that they were occupying was allotted among their relatives, which would reduce the social problem. Accordingly, this was done during CDSP-I to keep the harmony in the society. In CDSP-I, at *Char Bhatirtek* polder one *Wajiullah*<sup>31</sup> Sareng was found occupying land more then the allowable amount for settlement. *Wajiullah* had 9 wives and in the field hearing the wives of *Wajiullah* came and informed the committee that if the land they are occupying was allotted to any one else, how could they survive as it was their only means

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<sup>31</sup> Sareng- *Captain of a country made boat.*

of livelihood. They informed the committee that they were the active controller of the land not their husband *Wajiullah*, so the land may be allotted in their name. The Land settlement committee then allotted the land among the 9 wives of *Wajiullah*. The land was settled in such a way that it will not inherit to *Wajiullah* rather the children of his wives.

CDSP-II has not yet achieved the capacity to moderate this approach to land settlement due to some unusual field situations. In MAA, and South *Hatiya* the land was earlier ancestral land and went under water for some time and again reappeared, with households occupying the same land over the last 30 years and in these areas CDSP-II could not overcome the established approach to land settlement.

### **5.10 Settlement in Fake name, missing and left area:**

In the Coastal *Chars* river erosion on one hand makes the population landless and on the other hand a new *Char* attracts the landless, touts, *Jotdars*, criminals and some influential people having good connection with political party. Trespassers of a new *Char* lands are broadly categorized in two groups- first group is river erosion affected poor landless who encroach in a new *Char* for shelter and livelihoods and *Jotdars*/Influential person encroach to exploit landless and to occupy *Khas* land in the name of shrimp or fake landless families. In some cases, the people moved in a new *Char* after selling out his land, which was settled on his behalf earlier. Poor database system and age old manual record keeping system could hardly check this sort of double settlement and therefore a landless family after getting *Khas* land in one *Char* could easily get *Khas* land in another *Char*. Although from 1987, the settlement seekers have to submit three copies of pictures along with spouse but due to poor preservation system these pictures become faded within 3 to 4 years. Therefore, a landless family can easily go through the multiple opportunities of *Khas* land settlement in his name or in the fake name. Selection of landless in the field could substantially decrease this opportunity where the people present provide information to the committee during selection. In May 2003, CDSP-II has carried out a land monitoring survey in CDSP-I areas; the survey was a sample survey covering 10% of the total *Khatian* holder under CDSP-I. 452 *Khatian* holders (10%) were selected through systematic random sampling process and out of which 381 *Khatian* holders were found for interview. That is 84.5% of the sample population were surveyed and the other 71 *Khatian* holders, which is 15.7% of the sample population, were not available for interview. The reasons are numerous such as non-availability due to migration in a new *Char*, Fake settlement, sold out and left the area etc. Although the selling of the settled land is strictly prohibited and violation of the conditions of the lease deed at least 5.1% settlement holders sold their land fully or partially in the CDSP-I areas. The availability of *Khas* land in the nearby new *Char* areas and possibility of second time settlement may encourage some of the settlement holders to sell their land. The prevailing system of landless selection could hardly check this. The LRMS software introduced by CDSP-II may perhaps check the multiple settlement of *Khas* land settlement to a landless.

### **5.11 Weak /no coordination for land settlement:**

The co-ordination mechanism in *Khas* land settlement with in CDSP-II is spelt out in the PP as- “ for proper execution and coordination of the land settlement activities of the project, a project Co-ordination Committee (PCC) will be established with the following members: -

(i)	<i>Commissioner, Chittagong</i>	<i>Chairman</i>
(ii)	<i>Deputy Commissioner, Noakhali</i>	<i>member</i>
(iii)	<i>Deputy Commissioner, Chittagong</i>	<i>member</i>
(iv)	<i>Deputy Commissioner, Feni</i>	<i>member</i>
(v)	<i>Representative of Ministry of Land</i>	<i>member</i>
(vi)	<i>Project Director, LGED</i>	<i>member</i>
(vii)	<i>Project Director, BWDB</i>	<i>member</i>
(viii)	<i>Team Leader/Sr. Land Adviser, CDSP-II</i>	<i>member</i>
(ix)	<i>Project Co-ordinator, CDSP-II</i>	<i>Member secretary.</i>

*Project coordination committee will meet by every three months.*

*The senior Assistant Chief of Ministry of Land will work as the project coordinator in addition to his own duties. It will be difficult for him to monitor the project activities at the field level very closely. So, a post of Deputy Project coordinator has been proposed in the PP in place of Project Coordinator given in the PCP. He will assist the project coordinator for execution; monitoring and maintaining close liaison with the District and field administration/ Project Team. The Deputy project coordinator 's office will be based at the centre of the project i.e. Noakhali."*

The Project Coordination committee (PCC) meets only on one occasion since its formation in January 2001. This PCC would be an important if it works effectively but it could not produce any effect on the *Khas* land settlement activities under CDSP-II. The reason of non-functioning of the PCC is that the committee is not a self-starter and its member secretary is the Project Coordinator, MoL /CDSP-II who sits in Dhaka and looks after CDSP-II as an additional job. MoL could not make this committee critical for CDSP-II land settlement monitoring purpose. Therefore, the activities of District and *Upazila* Agricultural *Khas* land settlement committees feel no pressure about the *Khas* land settlement.

The Project Management Committee (PMC) of CDSP-II chaired by Lead Project Director of BWDB usually monitors the progress of the all component of the project. In PMC the land settlement activity is an important agenda item and the committee always discusses the land settlement progress of CDSP-II but this committee has no has no power to influence the District and *Upazila* MoL land settlement committees. Moreover, the MoL District and *Upazila* MoL officials are not the members of the PMC and if they were invited, they were found unwilling to join the meeting.

The MoL monthly Annual Development Programme Review meeting is another forum where the CDSP-II is the subject of discussion in every month but the former MoL, project coordinator in his occupancy (1999-2003) never took the opportunity for reviewing the progress of land settlement, rather he put the other activities of CDSP-II forward for discussion. As a result, for a long time the review committee could not play any role in monitoring the *Khas* land settlement. Eventually, in the last quarter of 2003 the consultants were invited in the MoL ADP review meeting where the Minister in *Charge* of Land Ministry was informed the progress and problems of land settlement in detail. The out come of that meeting is a working group headed by secretary MoL and that committee is now holding meeting every month and monitoring the land settlement progress. Therefore, the MoL District and *Upazila* committees are now realising that they should go ahead with land settlement works. In CDSP-I the Deputy Commissioner was

the Project Director and he monitor the land settlement activities on a quarterly and sometime weekly basis.

### **5.12 Fissure coordination between MoL District Officials and PC MoL:**

CDSP-I (1994-1999) was a successful project, through that project, 4500 landless families were settled in the three *Char* areas of *Noakhali* District. The Deputy Commissioner *Noakhali* was the Project Director (PD) of the MoL component of CDSP-I. After the completion of the CDSP-I, CDSP-II started working with a Project Coordinator (PC) having no experience of field and junior to the MoL District officials. But the *Khas* land settlement in CDSP-II, is the task of MoL District and *Upazila* officials and they were not happy with this arrangement. One Deputy Commissioner of the project-concerned area informed the secretary MoL in writing. After that letter, MoL has changed the PC and a senior officer having field experience was put in *Charge* of PC. The situation has been improved significantly after that change but still the dual administrative arrangement- financial control in the hand of the PC and implementation is the responsibility of the MoL District and *Upazila* officials is identified as the main setback of the project by MoL District and *Upazila* officials.

### **5.13 Law and order situation in the *Char* area:**

The law and order situation in the *Char* area is as fragile as the river erosion. Fortunately, CDSP-I had not experienced the unpleasant law and order situation as in CDSP-II. *Chars* under CDSP-I were located closer to the main land but in CDSP-II the areas are more remote and near to the mangrove forest area. In CDSP-II the law and order problem were mainly in *Moradona*, *Char* Baggar Dona-I and in *Mirsharai* area. In MAA, the conflict between *Mirsharai* and *Sonagazi* about the boundary issue was apparently the main problem but illegal encroachment in the government *Khas* land, shrimp culture and rent seeking in the development work is the main cause for deteriorations of law and order. Every year during the paddy plantation and harvesting season, serious law and order problem forced the project to wind-up the activities for the time being. During paddy plantation and harvesting season manslaughter is very common incident.

The Law and order situation in *Moradona* area was always unpleasant for the working atmosphere of CDSP-II. Inside the *Moradona* area, two big housing projects were established where nearly 1400 families were rehabilitated. Another housing project near the *Moradona* rehabilitates 1800 homeless people. These houses were allotted to the homeless people who were residing near or on the embankment. Most of the houses of the project were remain vacant, as the settlers are not willing to migrate to the remote area with out the support. These houses become the safest hiding place for the land miscreants of the nearby *Chars*. These miscreants in the beginning use the forest of the new *Char* as a hiding place from the law-enforcing agency, afterwards they started destroying the forest and welcoming the landless people from the nearby river erosion affected area. As a result within a very short span of time the whole mangrove area under went a serious threat and the miscreants with the blessing of some influential leader could successfully rehabilitated *Char Nanguliya*, *Noler Char*, *Lakshmir Char*, and *Boyer Char*. The land criminals started rent seeking from the poor settlers 100-200 *Taka* per month. With the passing of time the land criminals become more powerful than the law enforcing agency. They started torturing the women and the settlers who defy their orders. The whole

Southern Char areas of Noakhali were covered by five groups of gangster. These groups were found active until December 2003. These groups were:

- 1) *Shafi*<sup>32</sup> *Bathaniya*
- 2) *Solaiman* Commander
- 3) *Zahingir* *Dacoit*
- 4) *Bashar*<sup>33</sup> *Majhee*
- 5) *Naboya*<sup>34</sup> *Chora*

The activity of these groups often stops the CDSP-II programme. These groups were the rivals to each other and gun battles between them took many lives. The bandits and dacoits abducting people for ransom, looting of the cattle and torture went beyond imagination. At one stage, these *Chars* become cattle less and the women of the *Char* for their security left the *Char*. Some influential political person initially backed these bandits and dacoits but at one stage, these bandits and dacoits become totally out of control. The deteriorating law and order situation were the agenda of the meeting with the District Minister in the month of December the law enforcing agency pushed forward with the help of the local people and finally they successfully drove out the bandits and miscreants from the *Char*. At least 40 people were beaten to death to keep the peace in the *Char* area. The people of the *Char* areas are now scared- whether they can keep control over the land, which they purchased, from the land criminals. If they are evicted from the land, they will lose everything.

## 6. Effect of Land Settlement Programme under CDSP-II\*

### 6.1.1 Introduction

This section deals with the effect of land settlement programme of CDSP-I implemented in three old polders during the period of 1996-2000 as a part of the monitoring activities of CDSP-II. It presents only an abstract of findings of a sample land monitoring survey (henceforth Sample Survey, 2003) carried out in December 2002-January 2003<sup>35</sup> and the findings of a Census Survey on Clustered Village (henceforth CV Census Survey, 2003).

### 6.1.2 Contours of effects

The study has looked into the following aspects of the land settlement programme to assess its effects.

- Efficiency of CDSP-I Land settlement programme
- Possession over allotted *Khatian*/land
- Retention of allotted *Khas* land (Land loss/sale)
- Land lease in (share cropping in, mortgage, etc.)

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<sup>32</sup> *Bathaniya- Chars Cowboy*

<sup>33</sup> *Majhee- Boatman, pilot of local boat*

<sup>34</sup> *Chora- Thief*

\* enior Socioeconomic Adviser M A Latif writes this section

<sup>35</sup> Report on Land Monitoring Survey 2003; Internal Resource Report; May, 2003; M A Latif, Senior Socioeconomic Adviser; CDSP-II



- Land lease out (share cropping out, mortgage out, etc.)

### 6.1.3 Efficiency of CDSP-I Land settlement programme

Out of a sample of 452 *Khatian-holders*, 381 *Khatian-holders* were found in the locality either in the polder or adjacent to the polders and they represent 84.3% of the total selected sample households<sup>36</sup>. The other 71 households (15.7%) of the sample population were not found for a number of reasons such as migration, *Benami* (Fake-name) *Nothi-holders/Khatian-holders*, etc. This means that the land settlement programme has a system loss of approximately 16% of the total land recipients.

**Table-8: Distribution of Khatian-holders by Residing Status in Polders**

Polder	Availability of the survey households (%)		Total
	Available	Not available	
CM	87.2	12.8	100
CBD-II	96.3	3.7	100
CBT	79.1	20.9	100
Total	84.3	15.7	100

## 6.2 Possession Status of Allotted Land

The settlement holders receive land from two different sources. The first source is the pre-settlement possession of the land by the land settlers<sup>37</sup>, and the second source is the additional land given from the reserve land<sup>38</sup> recovered from the illegal occupants; mostly from the *Jotdars*. Most of the land recipients received land from their own possession (pre-settlement occupation), some have received from both sources and some have received only from the reserve source.

Table-9 shows the average land allotment status of the surveyed households by sources of land. It appears that per household land allotment is 1.36 acres. The settlers had an average 1.21 acres of *khas* land under their possession before the land allotment for which they received the official title through CDSP-I and they got an additional land of 0.15 acres per household.

Table-10 shows the possession status of the allotted land. The settlers do not have possession over 0.08 acres per household in three polders altogether though it varies from polder to polder. In CM it is 0.06 acres and it is highest in CBT with 0.08 acres.

<sup>36</sup> CDSP-I distributed *khas* land among 4450 households. 10% sample was drawn for the survey.

<sup>37</sup> When the *chars* appeared from the riverbed new settlers settled down their through their own mechanisms, mostly patronised by the local power structure. The settlers occupied land and began their lives there. After some years, official settlement began and the settlers got land allotment based on occupation subject to the fulfilment of the official criteria for getting land allotment.

<sup>38</sup> When *chars* appeared some *jotdars* occupied some big chunk of land in the *chars*. When the land settlement started there through CDSP those land were recovered from the *jotdars* and gave the land title of this land to the landless people.

**Table-9: Average Land Allotment of the Surveyed Land Recipient HHs by Land Source**

Polders	Total allotment (acres)	Land allotment by sources	
		Pre-settlement (acres)	Reserved land (acres)
CM	1.01	0.87	0.14
CBD-II	1.49	1.31	0.18
CBT	1.53	1.38	0.15
Total	1.36	1.21	0.15

Source: Sample Survey, November 2002-January 2003

**Table-10: Average Land Possession**

Polders	Total allotment (acres)	Land possession (acres)	
		Possess	Do not possess
CM	1.01	0.95	0.06
CBD-II	1.49	1.42	0.07
CBT	1.48	1.40	0.08
Total	1.36	1.28	0.08

Source: Sample Survey, November 2002-January 2003

Table-11 shows that about 14 percent of the total surveyed households have not got the possession of land in three polders altogether. It is the highest in CM (17%) and the lowest in CBT (12%).

**Table-11: Distribution of Surveyed Households by Land Possession Status**

Polders	N=	% of Households	
		Possession	Not possess
CM	117	87.3	17.1
CBD-II	82	89.0	13.4
CBT	253	92.9	12.3
Total	452	93.4	13.7

Source: Sample Survey, November 2002-January 2003

*\*Population includes both interviewed 381 households and non-interviewed 71 households and the latter's land have been considered as under possession. It has been observed during the survey that most of the settlers of this kind had tampered the settlement process in their favour unscrupulously and both field experience and the belief of the local people corroborate it. It is very much logical that people who could have manoeuvred the settlement process for getting land title they could have been able to possess it too.*

*\*\*Figures are inclusive as some of the households received possession partly and they are included in both categories*

The settlers have not got possession over 5.6 percent of the total allotted land of all sample households (both interviewed and non-interviewed) though it varies from 4.9 in CBD-II to 6.2% in CM (ref. Table-12). About 89 percent of the settled land was allotted to the settlers from their respective pre-settlement occupied land, and about 11 percent of the land was additional land allotted from the reserved land occupied by the illegal occupants. Half of the additional land allotted from Reserved Land has been recovered when the survey and the process of recovery of unoccupied land was underway. The land recipients recovered land through village *salish* though there are many examples of selling unoccupied land by the official settlers to the illegal occupiers being unable to recover it.

**Table-12: Distribution of Allotted Land and Possession Over Allotted Land (percent)**

Settlement index	Polders			Total
	CM	CBD-II	CBT	
1. Land from pre-settlement occupation	86.4	88.1	89.9	88.9
2. Additional land	13.6	11.9	10.1	11.1
3. Additional land under possession*	7.4	7.0	4.5	5.6
4. Land not under possession*	6.2	4.9	5.6	5.6
5. Total land under possession (1+3)	93.8	95.1	94.4	94.4

Source: Sample Survey, November 2002-January 2003; \*Percent with respect to total allotted land

### 6.2.1 Land Retention and Land Sale

All land sellers have been divided into two categories. The first category of sellers has left the polders. The second category is still living in the polders. There is a common belief among many people that the poor land settlers cannot retain their land and very often sell their allotted land to migrate to other new *Chars* for new land settlement. The study with an aim of investigating this issue collected information on land sale.

Table-13 shows that about 9 percent of the total sample households have sold the allotted land partly or wholly and almost half of them have sold all the allotted land and have left the area. It also appears that the land sale is highest in CBT (11.5%). Table-14 presents the volume of land transacted. About 5 percent of the total allotted land have been sold in three polders altogether during last 7-8 years (1994-2002). However, land sale is higher in CBT (6.2%) and lowest in CBD-II (2.1%).

**Table-13: Distribution of Households by Land Sale Status**

Category of households	Polder			Total
	CM	CBD-II	CBT	
	N=117	N=82	N=253	N=452
Land sold and left the area	4 (3.4)	2 (2.4)	15 (5.9)	21 (4.6)
Land sold but live in the area	2 (1.7)	3 (3.7)	14 (5.5)	19 (4.2)
Total	6 (5.1)	5 (6.1)	29 (11.5)	40 (8.8)

Source: Sample Survey, Nov 2002-January 2003;

Note: Figures within parenthesis are percentage

\*Total population is the sample households that include both households who are interviewed and who are not interviewed. This has been done to assess the proportion of land sold to total allotted land sold.

**Table-14: Distribution of Land Sold by Types of Settlers**

Category of households	Polder			All polders
	CM	CBD-II	CBT	
Land sold and left the area	2.9	1.5	4.4	3.6
Land sold but live in the area	0.5	1.4	2.1	1.5
Total	3.5	2.1	6.5	5.1

Source: Sample Survey, Nov 2002-January 2003

Note: percentage is with respect to total allotted land of all sample households (452).

## 6.2.2 Reasons for Land Sale by the Land Settlers

Although the Agricultural *Khas* Land Management Policy legally prohibits the land settlers from selling any parts of allotted for 99 years, the land transfer through inheritance is eligible. However, the reality is that people sell land frequently for various reasons, as Table-15 shows. It appears from Table-15 that the most important reason is for investment as about 37.2 percent of the total land sale money has been used for asset purchase or in other investments or buying better land. Land sale for treatment and consumption is also high and loan repayment to NGOs' is also obvious fact (26.6%).

**Table-15: Use Pattern of Income from Land Sale in CDSP-I Areas**

Uses	Polders			All polders
	CM	CBD-II	CBT	
Consumption	0	0	10.1	8.3
Treatment	100	29.6	11.3	20.7
Land/asset/investment	0	37.0	41.2	37.2
Business	0	0.0	8.6	7.1
Loan repayment	0	33.3	28.8	26.6
Total	100	100	100	100

Source: Sample Survey, November 2002-January 2003

## 6.3 Land Operation and Control

The prime objective of the Agricultural *Khas* Land Management Policy 1997 is to ensure better agricultural *khas* land management for extracting optimum production from the land. The Agricultural *Khas* Land Management Policy 1997 has stipulated the conditions for distributing *khas* land among the actual tillers of the soil, who give more attention to land management, for achieving the goal of higher yield. So, the success of a land settlement programme depends on how efficiently and accurately it has allotted land to the actual tillers. This section presents some findings on the land management pattern of the land recipient households (not necessarily only their allotted *khas* land).

### 6.3.1 Landownership Category<sup>39</sup>

<sup>39</sup> Landownership category has been done based on agricultural land of a household instead of its total land. It is an analytical category and conventionally all the survey categorises the households based on the agricultural landholding rather than on the basis of the total land since agricultural land provides direct income and employment opportunity.

Many households have acquired land beyond the land for which they got the official title through CDSP. They have acquired such land by using different means of which purchase, gift, occupying *Khas* land in new chars, concealing joint families status during the settlement period were notable. On the other hand, settlers may have lost their land through sale, gift, household split, etc. All these factors were taken into consideration to categorise the households into Land-ownership Categories. This means a household has been categorised based on his actual agricultural landholding, not on the basis of land it has received from the land settlement programme.

Table-16 shows that 50 respondents (13.1%) out of 381 respondents have not have received allotment of agricultural. It appears that about 36% of the surveyed households have 0.01 to 1.00 acres (below subsistence level) agricultural landholding. However, more than half of the land recipients have got land more than 1.00 acre.

**Table-16: Distribution of Surveyed Land Recipient HHs by Agri. Landownership Category**

Land ownership size (acres)	Polder						Total	
	CM		CBD-II		CBT			
	number	percent	number	percent	number	percent	number	percent
Landless	26	25.5	4	5.1	20	10.0	50	13.1
0.01-0.50	15	14.7	17	21.5	33	16.5	65	17.1
0.51-1.00	18	17.6	10	12.7	42	21.0	70	18.4
1.01-2.00	30	29.4	33	41.8	80	40.0	143	37.5
2.00+	13	12.7	15	19.0	25	12.5	53	13.9
Total	102	100	79	100	200	100	381	100

Source: Sample Survey, November 2002-January 2003

### 6.3.2 Land Operation and Control over Land<sup>40</sup>

Agricultural land owning households are divided into three categories-- non-operating, partially operating and fully operating land owning households based on the operation status of their allotted agricultural land. The first category landowner leases out (sharecrop or/and mortgage out) their all land, while the second category leases out partly and the third category leases out not at all.

Table-17 shows that only 18% of the total agricultural land-owning households are non-operating landowners and more than 67% of them are fully operating households. In terms land management Table-11 shows that about 11.3 percent of the total arable are share cropped out and 12.2 percent of the total arable are mortgaged out though it varies from polder to polder. This means that the actual tillers cultivate more than two-thirds of the allotted *khas* agricultural land is cultivated by the actual tillers.

**Table-17: Distribution of the Agri. Landowning HHs by Operating Status of Land**

Polders	Total # of households	Operating types (%)			Total
		Non-operating	Partially operating	Fully operating	
CM	76	21.1	17.1	61.8	100
CBD-II	75	13.3	21.3	65.3	100
CBT	180	18.3	10.6	71.1	100
Total areas	331	17.8	14.5	67.7	100

Source: Sample Survey, Nov 2002-January 2003

<sup>40</sup> The Agricultural Khas Land Management Policy set principle for allotting land to the actual land tillers for the best land management of the agricultural land, hence the maximum yield from per acre of land. The land management is therefore an important indicator for the success of lands settlement programme.

**Table-18: Distribution of Own Agricultural Land by Land Management Types**

Polders	Management types (%)			Total
	Own cultivation	Share crop out	Mortgage out	
CM	68.0	14.9	17.1	100
CBD-II	81.7	8.3	10.0	100
CBT	77.1	11.2	11.2	100
All polders	76.2	11.3	12.2	100

Source: Sample Survey, Nov 2002-January 2003

### 6.3.3 Farm Operation

Like landowners there are three types of farm operators -- owner-farmer, farmer-cum-tenants and pure tenants. The first category farmers operate only their own land, the second category operate both own and leased land and the third category operates only leased land and they do not have their own land under their own operation (either landless or have leased out their all land).

Table-19 shows that somewhat little more than 6 percent of all farms are pure tenant farms while owner-cum-tenant farms constitute 40.5 percent of the total farms. The rest of the farms (52.9%) are the owner operators. The pure tenant and owner-cum-tenant indicate that 47 percent of the total farms are tenants and sharecropping is a predominant mode of tenancy among the land recipient households as about 47% of them are either owner-cum-tenants (4.5%) or 6.5% of them are pure tenants. These people share crop in land from other landowners within the polders and/or outside the polders and both from other land settlement beneficiaries and non-land settlement beneficiaries.

**Table-19: Distribution of the Surveyed Land Recipient Farm HHs by Farm Category**

Farm Categories	Polders			All polders
	CM	CBD-II	CBT	
Owner Operators	45.2	61.8	52.2	52.9
Owner-Cum-tenant Operator	51.6	33.8	39.1	40.5
Pure tenants	3.2	4.4	8.7	6.5
Total	100	100	100	100

Source: Sample Survey, Nov 2002-January 2003

Table-20 shows the distribution of farmland by tenancy pattern in the study area. A little more than 59 percent of the land belongs to own farms while about 41 percent of the total farmland is leased in land; 32% under share cropping in and 9% under mortgage in. Own land is lowest in CM with 53% and highest in CBD-II. This means that absentee landowners are more in CM than other polders. The settler share in land because the amount of *khas* land they have received through CDSP-I as per the government policy is

too small for optimum farm size. However, the allotted *khas* land provides them the base for running their farms activities, otherwise they could not run any farm activities and they would become wage labourers.

**Table-20: Distribution of the Farmland of the Surveyed HHs by Tenancy Pattern**  
(percent)

Polders	Farm with			Total
	Own land	Share in	Mortgage in	
CM	53.2	37.7	9.1	100
CBD-II	66.4	18.6	15.0	100
CBT	58.6	34.5	6.9	100
Total	59.2	31.7	9.1	100

Source: Sample Survey, November 2002-January 2003

### 6.3.3.1 Cropping Pattern/land utilization and cropping intensity

Both in CBT and CBD-II have almost similar coverage of triple cropped areas with 15% for the first polder and 13% for the second polder. Table-21 shows that single cropped areas is considerably high in CM (75%) compared with other two polders. On the other hand single cropped area is considerably low in CBT where double crop area is higher than other two polders. In CBT triple crop area is also higher than other two areas. It also appears that the cropping intensity in the whole study area is 168% though it varies from polder to polder. In CBT it is 188%, the highest of all polders, and in CM it is 129%, the lowest of all three polders.

**Table-21: Cropping Pattern of the Surveyed Land Recipient Farming Households**

Cropping pattern	CM	CBD-II	CBT	Total
Single cropped area	75.2	58.8	26.8	43.9
Double cropped area	21.0	28.1	58.4	44.0
Triple cropped area	3.8	13.0	14.8	12.1
Cropping intensity	128.6	154.2	188.0	168.0

Source: Sample Survey, Nov 2002-January 2003

### 6.3.3.2 HYV Rice and Rabi Coverage

The project assumed that in a post-project situation the coverage of the HYV rice and that of the *rabi* crops will increase by many-folds for a number of reasons of which the protection of land from the intrusion of the saline water and the title over the *khas* land were most important. However, though the increase of HYV is not as per assumption yet it is increasing slowly. The reasons behind the slow increase of HYV acreage has been identified in a separate study that points out the unfavourable tenancy system (sharecropping) and physical properties of soil like salinity and water logging.

Table-22 presents the HYV coverage of rice both in *Aus* and *Aman* seasons and *rabi* crops in Polders. The HYV *Aman* coverage is slightly more than 19 percent for the whole study area, and it is high in CBT with about 26 percent and low in CBD-II with about 9 percent. The proportionate coverage of HYV *Aman* in CM is almost half that of the CBT. It is to be noted that the drainage system is better in CBT than other two polders. Both

CBD-II and CM suffer from water congestion and road and embankment cuts occur in these polders almost every year to ease the water logging problems.

The HYV *Aus* coverage as is seen in Table-15 is also very low in CBD-II compared with other two polders; 12% in CBD-II, 43.9% in CBT, and 38.2% in CM. On the other hand, the rabi coverage are 22.1 percent in all study area while it is high in CBD-II with 29.4 percent of its total *rabi* land and low in CBT with 19.3 percent of its total *rabi* areas.

The HYV coverage is higher in *Aus* season than that of the *Aman* season; almost double. In *Aus* season, it is slightly over 40 percent for the study area as a whole. Considering from the individual polder's point of view HYV is higher in *Aus* season than in *Aman* season holds in all polders.

**Table-22: HYV Rice and Rabi Crop Coverage of the Land Recipient Farming HHs**  
(percent)

Crop season	Polders			All area
	CM	CBD-II	CBT	
Aman HYV	12.6	8.6	25.9	19.3
Aus HYV	38.2	12.0	43.9	40.3
Rabi	22.4	29.4	19.3	22.1

Source: Sample Survey, Nov 2002-January 2003

## 6.4 Land Settlement and Gender Perspectives

Table-23 shows the average land allotment and average land possession status of the surveyed female-headed<sup>41</sup> households. It appears that per household land allotment is 1.48 acres, and it is lowest in CM with 0.89 acres and highest in CBD-II with 1.63 acres. They had an average of 1.14 acres of pre-settlement possessed land, higher in comparison with general allotment pattern (see Table-9).

**Table-23: Avg. Possessed Land of Female-headed HHs Recipient by sources of Allotted Land**

Polders	Total allotted land	Land allotted from		Additional land under	
		Pre-settlement possession	Additional land from Reserve	Possession	not under possession
CM	0.89	0.63	0.25	0.11	0.12
CBD-II	1.63	1.32	0.31	0.17	0.13
CBT	1.60	1.22	0.37	0.16	0.21
All areas	1.48	1.14	0.33	0.15	0.17

They got an additional land of 0.33 acres per household from the reserve land. On an average the female-headed households have recovered 0.15 acres of additional land from the illegal occupants but they have not got the possession over of 0.17 acres of this additional land per household in three polders altogether though it varies from polder to polder. In CM it is 0.12 acres and in CBT with 0.21 acres, the highest of all polders.

<sup>41</sup> At present many of the surveyed female-headed households are headed by the male members> However, the present survey consider those household as female-headed households which got land as female-headed households.



## 6.5 Clustered Village (CV)

CDSP-I rehabilitated 990 households in 34 Clustered Villages (CV), 30 households in each CV. The rehabilitated poor in the CVs were the poorest of the poor. Each household got 0.16 acres of land for housing including 0.04 acres of land in a community pond of 1.20 acres and roof house. Some of them also received agricultural *khas* land recovered from the *Jotdars*. This section deals exclusively with the effect of land settlement programme on these poor households.

### 6.5.1 CV House Settlers

A little more than 82 percent of the CV houses dwellers are living in their allotted houses, and almost 9 percent of the houses are still vacant (ref. Table-24). Some of the CV houses have gone astray and they constitute 3 percent of the total CV houses. Half of them have been sold, and the buyers have taken away those houses from the CV, and the other half of houses have been shifted by the house owners to their old homesteads. The trespassers have illegally entered into 1.3 percent of the houses.

**Table-24: Distribution of CV Houses by the Living Status of the Allotment-holders**

Status	CM		CBD-II		CBT		All polders	
	#	%	#	%	#	%	#	%
Allotment-holders	387	85.8	207	77.0	218	82.2	812	82.2
<i>Rayet</i> /tenants	13	2.9	10	3.7	23	8.6	46	4.7
Trespassers	6	1.3	7	2.6	0	0	13	1.3
None	44	9.8	16	5.9	27	10.1	87	8.8
House sold and displaced	1	0.2	14	5.2	0	0	15	1.5
Displaced			15	5.6			15	1.5
Total	451	100	269	100	268	100	988	100

Source: CV Census Survey, January 2003.

### 6.5.2 Land Retention vis-à-vis Sale by CV households

Table-25 shows that 15.5 percent of the total CV households (895 households were available for interview) have sold their land. It is highest in CBT with about 37% of the interviewed households of the polder. It is lowest in CM with 5% and a little somewhat higher in CBD-II where it is about 11%. In CBT many of the sellers were forced to sell their additional land to the previous *Jotdars* who occupied it before the official settlement. It should be noted that land sale is high among the non-available CV households (93 households) though they are not considered here because they have remained beyond the reach of interview

**Table-25: Distribution of CV Households by Land Sale Status**

Polders	Households with				Total	
	Land sale		No land sale			
	Number	Percent	Number	Percent	Number	Percent

CM	21	5.2	381	94.8	402	100
CBD-II	26	10.7	217	89.3	243	100
CBT	92	36.8	158	63.2	250	100
All	139	15.5	756	84.5	895	100

Source: CV Census Survey, January, 2003

### 6.5.3 Forced Land Sale

Out of 505 CV households that received additional land (see Table-26), 72 households (14.3%) have sold their additional land to the *Jotdars* i.e. previous illegal occupants having failed to recover the land. Such a forced sale is very high in CBT where more than 30 percent of the CV households have been forced to sell their additional land from the Reserve to the previous illegal *Jotdars* at a nominal price being unable to recover it.

**Table-26: Distribution of CV HH Received Adnl.. Land Allotment by their Land Sale Status**

Polders	Households with				Total	
	Forced land sale		No forced land sale			
	Number	Percent	Number	Percent	Number	Percent
CM	4	1.9	207	98.1	211	100
CBD-II	0	0	70	100	70	100
CBT	68	30.4	156	69.6	224	100
Total	72	14.3	433	85.7	505	100

Source: CV Census Survey, January 2003

### 6.5.4 Agricultural land management by CV households

More than 69% of the CV settlers cultivate their allotted land under own management, and about 19% and 10% of them share crop out and mortgage out their land (Table-27). About 16% CV households have land under other uses that include previous homestead or ponds or agricultural land now occupied their fathers or brothers.

**Table-27: Distribution of CV Households by Different Land Management Pattern**

Polders	Total hh*	Households with different land management							
		Own		Share crop out		Mortgage out		Other use	
		number	percent	number	percent	number	percent	number	percent
CM	212	144	67.9	54	25.5	13	6.1	12	5.7
CBD-II	176	132	75.0	20	11.4	28	15.9	45	25.6
CBT	138	89	64.5	25	18.1	9	6.5	26	18.8
All	526	365	69.4	99	18.8	50	9.5	83	15.8

Note: Figures are mutually inclusive \*Households with allotted agricultural land under possession.

**Table-28: Distribution of Agri. Land CV HH By Land Management Pattern**

Polders	Land under different management (%)				Total
	Own land	Sharecrop out	Mortgage out	Other uses	
CM	68.5	20.4	7.1	4.0	100
CBD-II	72.1	11.3	9.2	7.4	100
CBT	68.7	18.4	5.1	7.8	100
All	70.3	15.6	7.6	6.5	100

The landowners cultivate more than 70 percent of their total agricultural land and lease out the other 23%. They have given about 7% of their land to other people for free uses. These lands are mostly their old land.

### **6.5.5 Social effect<sup>42</sup>**

The Land Settlement Programme has brought significant social changes among the settlers. It has enhanced the social status of the settlers from landless to land owners. More significantly, it has brought social peace reducing the social conflict, which was a common phenomenon for controlling over land. Now social cohesion and solidarity has increased. In a settled and peaceful society the authority of the society has increased and the society can resolve any conflict efficiently dispensing justice.

After land settlement people with official land title invest more in to land development, and productive investment like pond excavation both for fish culture and domestic water need, improved housing and health, and sanitation. Moreover, their accesses to different service sectors including banks have increased.

The village has a traditional rural village set up which once was absent in new *Chars* and has taken a permanent shape with infrastructure and natural beauty. It does not appear as a new *Char* area to a visitor and the past turbulence has been buried. Life is more peaceful compared with the pre-settlement situation.

## **6.6 Conclusion on effect of land settlement programme**

### **6.6.1 Land Possession Status**

About 86% of the land recipients got possession over their all land and they do not have any unoccupied land. The other 14% of the households have unoccupied allotted lands, either a part or the total allotted land, mostly additional land given from the Reserve. About 89% of the total allotted land came from the pre-settlement occupied land and the other 11% came from the Reserve, which prior to official land settlement were under the possession of the land grabbers i.e. *Jotdars*.

### **6.6.2 Land Retention Status**

Although there are cases of land sale, both partial and fully yet the land retention is good, with about 91% of the households have not sold any land. Of the other 4.6% of the households have sold all their allotted lands and left the polders. Another 4.6% of the households have sold a part of their land. The settlers of the first category are mostly the absentees who somehow managed to get the land allotment.

### **6.6.3 Land Allotment and agricultural land**

Though through CDSP all land recipients have got the land title yet there are some people who have got no agricultural land (13.5). They are the poorest of the poor and have been rehabilitated in the Clustered villages (popularly known as CV or colony). Most of the

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<sup>42</sup> Informal discussion with the land settlement beneficiaries.

land recipients belong to the land ownership Groups (agricultural land based) of 1.01-2.00 (37.5%).

#### **6.6.4 Land Operation and Land Allotment**

Almost 82% of the agricultural land recipients, operate land under own management, and of them 15% partially and 67.7% fully. The other 17.8% of the agricultural land owning households are non-operating landowners they have either land share cropped out or mortgage out their allotted land. The agricultural land operating households operate have 76% of their total land under their own cultivation and share crop out (11.3%) or mortgage out (12.2%).

#### **6.6.5 Farm Economy**

Of the total number of farms, 53% are pure owner operator, meaning they do not have any share in and/or mortgage in land. The other 41% of the farms are owner-cum-tenants farms and 7% are pure tenants. In all but CBT there are many absentee landowners from who they have share cropped and/or mortgaged in land. Besides, many of them share crop in land from outside polders, particularly in CBT.

#### **6.6.6 Cropping Pattern and Cropping Intensity**

Approximately 44% of the net cropped areas are single cropped area and almost similar areas are under double crop. The area under triple crops is very small varying from 3.8% in CM to 14.8% in CBT. The cropping intensity varies from 128.6% in Cm to 1.88 in CBT and total intensity is 168%.

#### **6.6.7 Land settlement and Gender Perspectives**

Female-headed households have received an average of 1.48 acres; 0.33 acres from the Reserve. They are in possession of almost half of the land given from the Reserve. About 28% of the female-headed households have not got possession over the allotted land from the Reserve.

#### **6.6.8 Living Status in CV Houses**

More than 82% of the CV house dwellers are living in their allotted houses and 9% of the houses are still vacant. The illegal occupants occupy 9% houses. Some of the settlers have sold houses that have been moved from the CVs. Some of the settlers have moved their houses to their old homesteads where they now live leaving the CVs.

#### **6.6.9 Land Retention by CV Dwellers**

About 1.5% of the CV allotment-holders have sold their agricultural land and many of them (about 52% of the land sellers) have sold the land to the previous land grabbers being unable to recover their land from them. In other words, 14% of the total CV house allotment-holders with additional land from the Reserve (72 CV Households out of 505) were forced to sell their additional land to the previous occupants.

### 6.6.10 Agricultural Land Management by CV Dwellers

Approximately 70% of the households with agricultural land under possession cultivate their land under their own management. The other 29% of the households share crop out and/or mortgage out land. A little more than 70% of the agricultural land is under own management and 30 % of the land is under the sharecropping and/or mortgaging system.

### 6.6.11 Social changes

Social security has increased and life has been more peaceful after land settlement. People invest more in land development and increase living standard after getting a secured land title.

## 7. Lesson Learnt and Conclusion

*Khas* land settlement in the coastal *Char* is very important as on going land erosion makes some people landless and those people need rehabilitation through official *Khas* land settlement process. *Khas* land settlement provides ownership over a land and a landless family becomes a valued member of the rural society. The official settlement usually starts 8-10 years after habitation through autonomous or jotdar lead settlement. The procedure laid down for *Khas* land settlement is general in application but the coastal area requires special provision and more logistic support due to the special problems and pressures found in the coastal area. A coastal *Char* Land Management and Settlement policy is required to deal with the *Char* land and the policy should clearly delineate the following issues:

- In which stage of new *Char* formation Deputy Commissioner will take possession over *Char* land;
- when and for which period the new *Char* land will be handed over to Forest Department for afforestation;
- declaration of the handed over area as reserve forest is perpetual or not;
- Whether the *Diara* map or the revision maps of the new *Chars* should mention the tenure of Forest department;
- The procedure of handing over and taking back the *Char* land to and from the department;
- when the official *khas* land settlement will start;
- whether or any portion of the new *Char* land will be earmarked for shrimp cultivation or salt production;
- How much land will be earmarked for public utility;
- the budgetary provisions, skilled survey staff appointment for map preparation of new *Char*

A separate Coastal *Char* Land Management Authority (CCLMA) may be entrusted the planning and management of a newly accreted *Char*. A District and *Upazila* committee may be formed to implement the decision of that authority. In 2000 on request of the secretary MoL, CDSP-II consultants have prepared a draft Coastal *Char* Land Management policy and forwarded to MoL for consideration (**Appendix-17**).

A quick start of *Khas* land settlement procedures certainly can inhibit many of the problems being faced now. If official land settlement can start in a new *Char* before autonomous settlement then planned settlement can be achieved; which will also check the misuse of land before official settlement. Payment of nominal fees creates scope of corruption, as the amount is insignificant and the beneficiaries have to pay 200 to 300 times more than the official rate; it would be better to waive the cost. According to the landless people- ‘ the *Upazila* committee may collect the all dues at the time of selection of landless and make the procedure hassle free.’

CDSP-II acts a bridge between the MoL officials and the landless families and disseminates the information about *Khas* land settlement and ultimately makes the land settlement transparent and brings the service to the doorstep of the *Char* people. That’s why the *Char* people like CDSP type settlement, but some people whose interest is disturbed are against CDSP type land settlement.

### **Lesson learnt:**

- ❑ Before taking an area under CDSP-II or similar project MoL should arrange series of meeting with District, *Upazila* and Union MoL officials;
- ❑ Project Implementation and its management should be kept in one hand and preferably in the District level to DC;
- ❑ Apart from the District Agricultural *Khas* land settlement committee, a committee may be formed to review the MoL activities DC concerned with the Chair;
- ❑ MoL could involve the Divisional Commissioner in the implementation process as Adarsha Gram or Abasan Project;
- ❑ MoL may take steps that the general circular of the MoL about the non-functioning of the *Upazila* and District committee may not affect the settlement work under project like CDSP-II, ex-officio members can go a head with the *khas* land settlement;
- ❑ MoL may increase the logistic support in coastal AC land and Union Land offices which will expedite the settlement work;
- ❑ Vacant posts in MoL *Upazila* and Union offices should be filled before going a project like CDSP-II;
- ❑ MoL may made some allocation available for Legal aid to the landless families to face the civil court cases against *khas* land settlement;
- ❑ Any sort of boundary dispute must be resolved before inception of the project;
- ❑ MoL may wave out the land registration cost and other cost as this is the gateway for the corrupt practice;
- ❑ NGO’s having national footage could be involved in the *khas* land settlement process, as local NGO’s could not go against the powerful *Jotdars* and sometime local NGO’s are the beneficiary of *Khas* land.

