

# TOWARDS A FEASIBLE LAND USE POLICY OF BANGLADESH

*Prepared by*

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*Prepared for*

**Association for Land Reform and Development (ALRD)**

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Prof. Rowshan Ara, *Ph.D*  
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## **Abbreviation**

ALRD	Association for Land Reform and Development
BSCIC	Bangladesh Small and Cottage Industries Corporation
CLO	Certificate of Land Ownership
EPA	Environmental Protection Agency
FAO	Food and Agriculture Organization
GO	Government Organization
HDRC	Human Development Research Centre
KII	Key Informant Interview
NGO	Non-Government Organization
PNGO	Partner Non-Government Organization
RDC	Revenue Deputy Collector
UNEP	United Nations Environment Program
VPA	Vested Property Act

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# CHAPTER I

## PRIORITIES FOR LAND USE

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### 1.1. Introduction

Land is the father of wealth and labour is her mother. Land as wealth is scarce, finite, productive and decisive in determining individual's economic status, social standing and political strength and in determining key to economic development as social justice. All these are more so true in an agrarian economy like Bangladesh.

The importance of land and the concern for its uses associated with the ownership are built into people's needs and aspirations. The need to develop understanding of and respect for land and its many natural resources is essential to develop a *land ethics* which permeates thinking and engenders broad understanding. Further, it is believed that although land situations may vary widely in specifics, they share principles that can be recognized and usefully applied in practice. Besides land there are also inland flood plains, streams, lakes, ponds, beel, haor-baor and other areas from very large to small that are partially or fully covered with water either seasonally or permanently in greater or lesser degree. Important characteristic of land is its immobility. A parcel of land remains where it is; it is the basis for establishing ownership. Exercises of the rights of landownership are as complex as relationships between people and organizations or relationships between human being and natural environment.

The social science of land economics, the purpose of which is the formulation of a systematic body of knowledge concerning the characteristics and utilization of land that society may employ in determining allocations and uses that will best serve achieving the desired ends. The great importance of land in determining human person's economic and cultural progress is attributable largely to the diversification, relative scarcity, and localization of its resources. Arable farm land and the most useful minerals, especially, are not distributed evenly over the earth's surface but are highly localized.

A policy is a specific plan or settled course adopted and followed by a government, a group, an institution, or an individual to achieve desired ends. Land policies may be considered as major lines of public action aimed to improve the use of land resources and the conditions of property rights under which people work and live on the land. The major problems, with which land policy is concerned, therefore, occur in the fields of (i) land ownership, (ii) land use, conservation, and development; and (iii) issues related with waterbodies.

### 1.2. Land and Population: The Context

A growing population, rising per capita income, high rate of income growth among few, and other factors have intensified the competition for the fixed area of land in Bangladesh. Land uses are changing in numerous and often complex ways, and further changes in the future seem certain. In this dynamic situation, accurate, meaningful and current data on land use are essential.

The dynamic issue of land use must cover all essential aspects of economic and social life. They must be adequate in volume, accuracy; they must be adequate for decision-making by government and private business. The availability of such statistics is one of the distinguishing characteristics of an economically advanced, as compared with an economically retarded nation.

As Bangladesh is predominantly an agricultural country importance of land and water resources is immense. Land is the basic natural resource from which we derive all ingredients to satisfy basic needs such as food, raw materials for industrial goods, articles of general use, medicine etc. In Bangladesh country 150 million people live in 14.4 million hector areas; per capita land is 25 decimal and out of which only 15 decimal is agricultural. Population growth decreases availability of per capita land day by day. With the increased economic activity, industrialization, new road construction, hospital, education institution arable land is decreasing day by day. Total arable land was 22.7million-acre in 1983-84, which reduced to 20.7 million acre in 1997. Bangladesh has a sizeable population of indigenous communities who live mostly in Chittagong Hill Tracts and other areas of the country such as, Dinajpur, Rajshahi, and Tangail etc. They are losing their lands gradually because of lack of proper documentation, official records, and grabbing by others. The following tables show dynamics of land availability and use, and basic features of land and population in Bangladesh.

Table 1: Bangladesh: Land availability and use, 1974-1996

Land type	(Thousand Acre)			(percentage of total land)		
	1974	1990	1996	1974	1990	1996
Total amount of land	35,282	37,521	36,664	100	100	100
Arable land	23,199	23,209	21,560	66	62	59
Net arable	20,977	21,837	19,280	59	58	53
Arable fallow	2,221	1,372	2,281	7	4	6
Forest	5,508	4,591	5,315	16	12	14
	6,576	9,721	9,788	19	26	27

Source: BBS, 1998

Table 2: Amount of land by types: 1983/84-1997

Land type	(Thousand acre)	
	1983-84	1997
Arable land	22,674	20,209
Agricultural land	20,238	17,449
Arable fallow	2,436	2,760
Household	857	1,027

Source: BBS, 1998

Table 3: Basic features of land and population, 2007

Land/population	Amount
Total land (million acre)	37.4
Population (in million) (Extrapolated based on Population Census 2001)	150.0
Household (in million) (2007, extrapolated based on Population Census 2001)	30.0
Land under agriculture (million acres)	22.2
Privately owned (rural-urban, disputed, non-identified khas land including community forestry) (million acres)	21.0
Land under government use (rail, port, road, office, industry, educational institutions, health, utility service, etc) (million acres)	10.0
Khas land and khas water bodies (million acres)	5.0
of which, Agricultural Khas land	1.2
Waterbodies (closed and open)	1.2
Non-agricultural land	2.6
EPA/VPA (government as custodian) (million acres)	2.1
Abandoned ((government as custodian) (million acres)	1.0

Source: Abul Barkat., 2007



### **1.3. Rationale of Land Use Policy**

If a suitable land use policy is not formulated in a short time, it will have disastrous effect on common people and economy at large. So, it is urgently necessary to formulate a “National Land Use Policy” without any delay for the following reasons.

- a) Inadequate supply of land and its inelasticity
- b) Competitive and alternative use of land, and
- c) Increasing pressure of rising population on land.

Apart from this, the following issues should be included in `National Land Use Policy:

- a) Real objectives of land use policy
- b) Major uses and the users of land
- c) Strategic outlines for achieving the objectives
- d) Possible effects of implementation of the policy

### **1.4. Objectives of Land Use Policy**

The objectives of land use policy are governed by what people want or think they should have, and what the functions of government are conceived to be in bringing about better use of land including waterbodies. Changes in land use and waterbodies are desired only when people are dissatisfied with existing conditions or when people conceive of better use of land and waterbodies. These conceptions or notions as to how things ought to be, may be called value judgments or goals. Keeping above in view, the specific purposes of land use policy of Bangladesh may be as follows:

- To ensure suitable or best possible use of land and waterbodies and to restrict misuse and inappropriate use of land and waterbodies.
- To ensure best utilisation of khasland through rehabilitation of landless and marginalized poor
- To protect the gradual decreasing trend of agricultural land to feed the increasing population.
- To introduce zoning system in order to make demarcation of land and waterbodies according to rational criteria for use of land and waterbodies for various purposes.
- To ensure legitimate rights of the marginalized community (indigenous peoples) in respect of land and land related issues including community ownership and use.
- To prevent soil and water pollution in order to ensure environment-friendly land utilization.
- To ensure rights of women in land and waterbodies.
- To control speculative trading of land by the land grabbers.
- To reduce landlessness, alleviate poverty and promote income generation in the country.
- To conserve national forestry, reduce river erosion and effective utilization of embankments including using as roads for easy communication.
- To prevent cutting and leveling of hills particularly in Chittagong and Sylhet areas to protect environment.
- To ensure best utilization of Charland through rehabilitation of Landless and marginalized poor.

## **1.5. Methodology**

In preparing the draft the following methodology has been followed:

- Review of existing draft land use policy of the government of People's Republic of Bangladesh.
- Review of all relevant research studies on land (khas land and others) and waterbodies.
- Group discussion with the members of PNGO's of ALRD.
- Key informant interviews with the relevant land and waterbody related experts.

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## **CHAPTER II**

### **SUSTAINABLE LAND USE**

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#### **2.1. Natural Principles of Use of Land, Forest and Waterbodies**

Although social and economic influences greatly affect the use of land and waterbodies, it is becoming generally recognized that the classification of land and waterbodies should be based on its natural characteristics rather than upon the skill of the individual operating it or upon prevailing economic conditions. This is essential if the classification is to serve as a basis for the most intensive sustained use consistent with preservation of the land and waterbodies as a permanent productive resource. The ultimate purpose, of course, is to sustain at a permanently high standard of living of the people who now live on and those who in the future will occupy the land and waterbodies. Classes of land according to use capability are determined by considering the physical factors influencing land use. These factors include soil conditions – physical, chemical, and biological, slope, kind and degree of erosion, and certain other environmental features, such as climate and drainage.

#### **2.2. Pre-conditions of Land Use**

Land refers to all natural resources which contribute agricultural production both in the narrow and broader sense of the term. It covers climate and water resources, landform, soils, and vegetation, including both grassland resources and forests (FAO 1976, UNEP 1992). Land degradation is the temporary or permanent lowering of the productive capacity of land. It thus covers the various forms of soil degradation, adverse human impacts on water resources, deforestation, and lowering of the productive capacity of rangelands. Sustainable land use refers to achieve production combined with conservation of the resources on which production depends, thereby permitting the maintenance of productivity intergenerationally by maintaining (or not degrading) the environment.

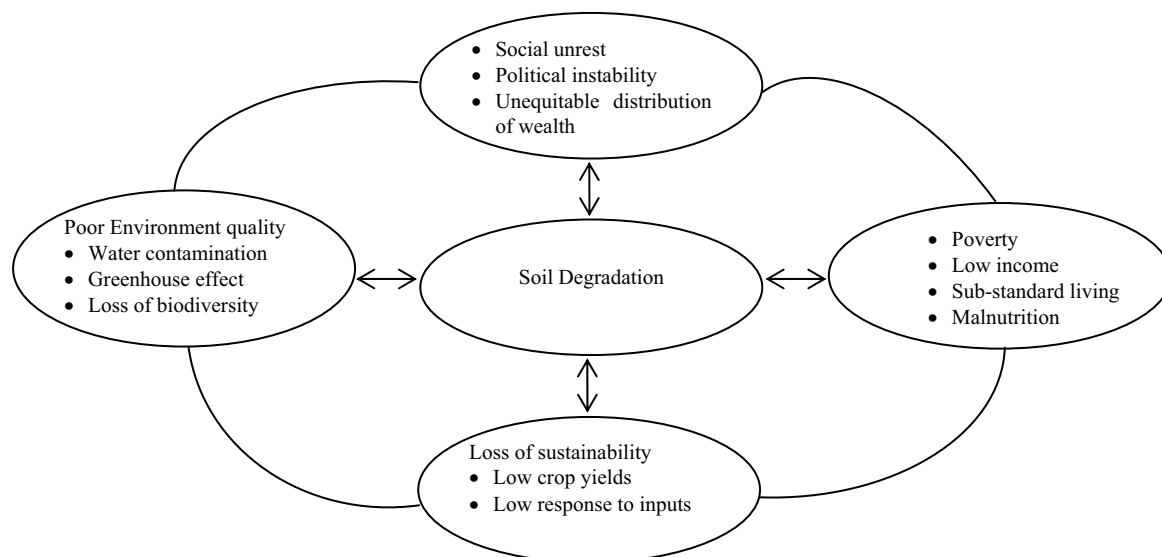
#### **2.3. Soil Erosion and Sedimentation**

Agriculture is mostly affected by the erosion process. Intensive rainfall washes away the shallow topsoil layer which reduces the soil fertility by removing plant nutrients. The loss of plant nutrients not only reduce crop yields but also worsened the quality of the crop. Lower intensity erosion processes cause the loss of fine soil particles that changes the soil texture and structure and reduces the water holding capacity of the soil. The removal of soil particles by wind erosion often denudes the roots of the vegetation which then wilts and dries. Soil degradation is a loss of soil productivity, quantitatively or qualitatively, through various processes such as erosion, wind blowing, salinization, water logging, depletion of nutrients, deterioration of soil structure, and pollution.

#### **2.4. Vicious Cycle of Soil Degradation**

Poverty, malnutrition, sub-standard living of the people are highly co-related with the landlessness and unequal distribution of land. Following diagram depicts the vicious cycle of soil degradation with agricultural sustainability, environmental quality, and social and political fabric of human society

### Vicious Cycle of Soil Degradation



## 2.5. Soil Conservation

Conservation means control of erosion and maintenance of fertility. Soil conservation is defined as the scientific use and protection of land including wise choice of land use and the pursuit of necessary measures of soil management and of erosion control. In other words, soil conservation means the application of all measures necessary to conserve the whole complex of land and water resources. Soil conservation is the positive task of devising and implementing systems of land use and management so that there should be no loss of stability, productivity or usefulness for the chosen purpose.

Soil conservation schemes must be well designed if they are to reduce soil erosion effectively. For this, suitable conservation measures should be selected to deal with the well identified problem and also there should be the willingness of the farmers to implement the proposed agricultural or land use systems. But changes of the crop sequence and acceptance of conservation practices depend not only on the farmers but also on the socio-economic factors, food habit of that region, and financial ability of the farmers. In Bangladesh, farmers do not change crop sequence willingly, in general. They do not want to go for expensive conservation practices like terracing. They, particularly the small farmers, due to short of means, are often suspicious of innovations and programs in which they are not convinced of benefits. They cannot afford to lose any money and interested to get more profit within a short period with less expense. That is why, pertinent recommendations are not always helpful for farmers. However, by rational land use under the prevailing soil and climate condition and having careful consideration on economical benefits, appropriate and acceptable techniques for soil conservation should be adopted to reduce soil loss below tolerance limit in the situations where it is excessive.

## 2.6. Physical Classification of Land

An example of the technique used to classify lands on the basis of natural or inherent characteristics is the composite index method developed for classifying agricultural lands. In this method, three factors are used: (A) character of the social profile, (B) soil texture, and (C) other modifying factors such as drainage, ease of irrigation, alkali conditions, and other miscellaneous conditions. Land capability classification is intended to record all the relevant data which will lead to a decision as to the combination of agricultural use and conservation

measures which allow the most intensive agricultural use of the land without risk of soil erosion. Some of the key facts required for this classification are the depth of the soil and its texture, the land slope, past erosion. Land of Bangladesh can be in classified in four forms.

### **2.6.1. Very good agricultural land**

Soils in this class have not the slightest limitations for crop production throughout the year and the widest range of agricultural use. These soils are very suitable for cultivation for most of the common agricultural crops.

### **2.6.2. Good agricultural land**

Soils in this class have limitation for crop production during most of the year, but moderate limitations during the remainder of the year. These soils are easy to cultivate.

### **2.6.3. Poor agricultural land**

Soils in this class have severe limitations for crop production throughout the year. Limitations may be due to the effects of one or more factors. These soils have little potential for improvement.

### **2.6.4. Very poor and non-agricultural land**

Soils in this class have severe limitations which either make crop production impossible or very hazardous or cause very low yield. Limitations may be due to one or more factors. From the above classification it transpires that first and second categories of land should be exclusively used for agricultural purpose and should be ensured that such lands are not used for non-agricultural purposes. Third and fourth categories of land can be used for non-agricultural purposes, such as, roads, highways, industrial and other non-agricultural purposes.

## **2.7. Urban Land Conservation**

The principal problem in conserving urban land is to secure utmost economy in movement and economic activity of large numbers of people concentrated in relatively small areas. Experience favors a large amount of public ownership or effective public regulation of urban land uses. The specific objectives of urban land conservation should be mainly to control private utilization through:

1. Segregating land use to prevent development of “blighted” or slum areas and resulting depreciation of land values and loss of utility or buildings.
2. Proportioning land going into various uses so as to prevent too much from going into commercial or industrial uses and too little into residential use, or vice versa. If this is effectively done, occurrence of many vacant and abandoned lands will be prevented.
3. Reducing congestion and the consequent economic and social wastes. Introducing desirable public control or regulation of land utilization through zoning, neighborhood unit planning, building, sanitation, plumbing, electrical and other codes, revising tax policies to aid rational urban land use, and in some cases increased public landownership, if other methods fail or prove to be ineffective.
4. Lowering costs of expanding the city area through subdivision control.

## **2.8. Conservation of Water Resources**

Water is regarded by many as a resource so necessary to the general welfare in its various uses that it should be publicly owned, with private beneficial use. It has been suggested that water rights should be established in a manner so that under suitable social regulation the water will naturally accomplish the largest results.

The problem of conserving water resources is mainly one of controlling rights to use water so that beneficial use can be distributed to the greatest possible number of people for the longest time. Practically every use of water is important to such a degree that restricted control or appropriation by selfish private interests might cause widespread suffering and social loss. The type of conservation program that will most effectively apportion the rights to use this resource will vary in different areas and for different uses. In designing future conservation of water resources it should be kept in view that higher economic development in the future will necessitate higher use of per capita water.

## **2.9. The Need for Forest Conservation**

Important causes of forest depletion include damage by fire, destructive logging, inefficient milling and wood utilization, failure to reforest or replant cutover areas, failure to practice sustained-yield forestry, damage from tree diseases and insect pests, taxation policies that levy burdens on the basis of “wreckage value” and force exploitative forest-use practices, and a tenure pattern of private forest land ownership often resulting in severe competition and exploitative practices.

## CHAPTER III

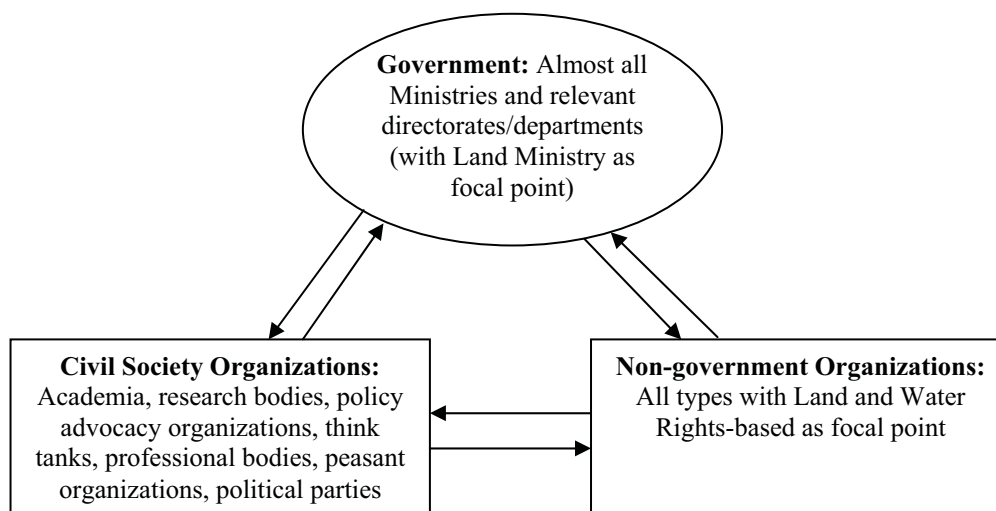
### LAND USE DATA FOR ZONING

#### 3.1. Definition of Zoning

Zoning implies the authority to classify land and waterbodies according to its suitability, and to enforce the classification of permitted uses. In practice, zoning in cities has dealt largely with the suitability of some lands for development, thus restricting industrial, commercial, or other development to those lands, and prohibiting it elsewhere. Rural zoning in a country seeks to prevent farm settlement where such settlement would create unwarranted burdens for schools, roads, and local administration and would, moreover, interfere with the best use of the region as a whole, such as for forestry and recreation. For zoning to be applied intelligently by those responsible for formulating its regulations, and for it to be upheld in the courts, substantial amounts of dependable and relevant information are necessary. Zoning has led, directly or indirectly, to substantial increases in knowledge about land and water bodies and in many instances, this knowledge has not been widely disseminated, nor well organized, nor preserved for future use.

The basic purpose of zoning is to delineate on the land and water bodies what are considered to be their non compatible uses. This means establishment and mapping of land-use classifications or zones. For each zone, regulations are established by legal action stipulating the kind of uses of land and water bodies. Land zoning includes both buildings and open-space uses, such as parks. Zoning ordinances include such stipulations as building density, lot size; height and kind of buildings permitted; use of buildings, such as for individual residences, apartments, commerce, and different kinds of industry. Aesthetic land-use considerations only can also be a valid criterion for zoning. More than one piece of land can have the same zone classification. Therefore, the whole exercise of land zoning – due to its long-term sustainable development implications and complexity – should involve active participation of all relevant stakeholders, as shown in the Figure below:

#### Stakeholders to be involved in land zoning and land policy building



### 3.2. Importance of Zoning

Zoning is essential because of the following key reasons:

- i. To facilitate planned and systematic utilization of land.
- ii. To ensure stipulated use of land to ensure maximum utilization of land and stop misuse of land.

For best possible zoning, a comprehensive survey of land of the whole country needs to be conducted.

### 3.3. Zoning of Urban and Rural Areas

Urban areas constitute about 6.49% of the total areas of the country. And 18.73% of the total population temporarily or permanently reside in the urban areas. On the other hand, 93.51% of the country constitute rural areas where 81.27% of the total population inhabits. It is therefore essential to take steps to stop massive migration from rural to urban areas. Such migration not only puts pressure on urban facilities, it also poses a threat to proper use of land. The areas which have been classified as urban should be identified appropriately as urban zone. Remaining areas which have not been classified as urban should be identified appropriately as rural zones. Lands of the urban areas have to be controlled rigorously and needs of residential, business, educational institutions have to be identified on the basis of their requirements.

Key issues of Land Zoning
<ul style="list-style-type: none"> <li>• Urban and rural areas</li> <li>• Agriculture</li> <li>• Housing</li> <li>• Forest areas, forest conservation, wild life</li> <li>• Waterbodies and water resources</li> <li>• Flood control embankments</li> <li>• Tree plantation</li> <li>• Roads and highways</li> <li>• Railways</li> <li>• Educational and health institutions</li> <li>• Industrialization</li> <li>• Mineral resources</li> <li>• Tea garden, horticulture</li> <li>• Fishermen/women</li> <li>• Charland</li> <li>• Coastal areas</li> <li>• Hill</li> </ul>

In the urban areas, a definite place has to be identified for disposal of garbage. Local/corporation/municipality authority may take steps for recycling the garbage into certain useful commodities. In an energy (electricity) hungry country like Bangladesh production of electricity through garbage recycling processes should be promoted. For keeping the urban areas neat and trim, public toilet system may be organised so that residents of the towns grow the habit to use public toilets.

Appropriately designed zoning affects sustainable development of almost all sectors of life and livelihood. Zoning of major heads of use of land is discussed below:

### 3.4. Agriculture

First and foremost, in zoning of land, National Agricultural Policy should be followed. Land in the rural area under agriculture should not be used for any other purpose. Agricultural land should not be left fallow for more than a usual period. Both unplanned and misuse of land are evident in Bangladesh. About 25% acquisition of land remains unused or used in unproductive purposes. This type of misuse of land should be stopped. Land use has to be designed in such a way that small and marginal farmers are not deprived of their lawful land-water rights. Size of land covered under irrigation has to be fixed on the availability of under



ground water. It will prevent desertification as well as ensure proper utilisation of natural resources like water. Acquisition of land under irrigation has to be stopped strictly. Agricultural land with two or three cropping intensity or potentiality should be prohibited for non-agricultural uses such as private construction, housing, brick field etc. Non-agricultural Khas lands should be used on priority basis for nonagricultural development activities. Only in absence of alternatives, minimum amount of less fertile agricultural lands could be used for non-agricultural purposes.

Agriculture includes many different land uses. In general, these uses are indicated by and follow soil classifications. These are mapped in considerable detail to define agricultural land capabilities. Cropland requirements can be narrow for particular crops, but they can be broadened by modern use of fertilizers and good water control. Crop rotation is commonly practiced so that a given area may produce different crops over some planned time sequence. This could be within a single year under intensive culture or over a sequence of several years. Improved pastures are usually so used for several years but may also go into crop use if the land is suitable.

### **3.5. Zoning of Land for Housing**

After agriculture, housing is the most important vehicle for use for land due to increase in population size and increased number of households, and increase in rural to urban migration, requiring enhanced quantum of land for housing. Construction of new housing should be limited to the land, already meant for housing. In the areas exclusively earmarked for housing settlement, no industry, factory, trade centre, office, hotel, guest house, hospital, educational institution etc. should be constructed. Also, due to high growth of slum population and population in the low income settlements appropriate amount of land has to be earmarked. Simultaneously, suitable drinking water sources, drainage and sewerage arrangements have to be ensured. A healthy and conducive environment has to be ensured in the housing areas.

### **3.6. Zoning of Forest Areas**

Forest plays pivotal role in maintaining environmental equilibrium and to protect from cyclone and tidal bores. Generally 25% of land of any country should be covered by forest. Because of use of land for inappropriate purposes, land covered by forestry has been receding in Bangladesh gradually over the years. For ameliorating the situation, Ministry of Environment and Ministry of Forestry should coordinate with Local Government Engineering Department, Union Parishad, Municipality, Ministry of Agriculture, Ministry of Local Government and Cooperatives, and NGOs for undertaking massive tree plantation program. Afforestation of charland and other suitable land including embankment areas should be encouraged. For preservation of existing forest land afforestation of demanded forest areas are very urgent. Actual implementation and enforcement of Environmental Policy 1992 and Forest Policy 1994 may improve the situation. Unauthorized cutting of trees should be stopped and the violators should be severely punished. Green belt should be created in the coastal areas.

### **3.6.1. Forestry and Related Wild Life**

Naturally forested lands, because of their self-renewing, flexible, and generally durable land cover, permit a number of combined uses. There are many natural compatibilities between wildlife species and forest cover. A food supply for year-round sustenance of wildlife is a basic need. As a general point, most food for wildlife has to be fairly close to the ground. Forests are extremely effective in watershed protection. They protect the soil and stabilize stream flow. Indeed, the maintenance of a sustained water yield from streams, lakes, and underground aquifers is of overriding importance in land use in which forests play a major role.

### **3.6.2 Land Use for Recreation**

The demand for recreational land rises with increased leisure, improved transportation, and high living standards characteristic of modern society, but there are serious problems associated with securing and maintaining lands for recreational use in competition with other uses. Only those lands will be developed by private enterprise on which alternative uses are less valuable or satisfactory. The amount of such land is far short of that required to meet current and prospective recreational requirements, so that public development is essential. Needs for picnic, camping and hiking can not be ignored in modern life. Outdoor recreation and forests naturally go together, but their relationships are complex. They are also often complicated by the deep feelings, people have about forests. People in general like trees and forests. But they also may have strong, varied, and often ill-formed ideas regarding them.

### **3.7 Zoning for Waterbodies**

About 25,000-kilometre riverine routes are there in the country. About 1.4 million tonnes of fish is produced annually in about 4.3 million hector areas in these rivers and other water bodies. Using modern technology, it is projected to increase fish production up to 2.0 million tonnes annually.

Gradual siltation in the riverbed, earth filling, unplanned road and embankment construction, shrinking water bodies etc lead to the following disastrous effects:

- a. Increased flood intensity;
- b. Lack of navigability in the rainy season;
- c. Limited scope of pisciculture;
- d. Scarcity of irrigation water;
- e. Increase in salinity;
- f. Water logging;
- g. Reduction of washing and bathing facilities.

Any unfavourable impediment to natural fisheries like river-tributaries, khal-beel, haor-baor etc should be checked. Many of these fisheries become dry in summer season. There is a tendency of converting these fisheries into paddy fields. We must remember that increase in the total coverage of rice field itself does not solve all the problems. Rather it will create other problems like disturbance of natural balance, reduced protein intake by local people etc. Simultaneous and harmonious application of National Agriculture Policy and National Fisheries Policy may contribute to increased production of both fish and crop.

Land in various areas which are used as waterbodies and recorded as such should be included among waterbodies. No alteration of the status of waterbodies should be allowed. Existing waterbodies should be kept open and should not be filled. Responsibility to ensure this shall be entrusted with the owners in case of small ponds, and in case of large waterbodies – rivers, canals, haors, baors and beels – the responsibility shall be vested with the user community people and the government including the local government as appropriate. For this purpose, waterbodies have to be excavated and re-excavated on a regular basis. To avoid possible arsenic contamination, surface water of the water bodies as alternative source of drinking water can be gainfully used after filtering. This water can be used for washing, household use and fire-fighting purposes. Thus pressure on ground water use can be obviated. This will be most effective in mitigating water crisis and associated environmental sustainability.

To meet shortage of water, arrangement for conservation of rain and flood water should be made, so that, it can be fruitfully used during dry season. During the monsoon, excess of water during flood period should be conserved scientifically, for example, by constructing water reservoirs etc. On the one hand, this will ensure supply of water during dry season, on the other hand, this will lessen the ravages of flood. National Water Policy, National Fisheries Policy and Inland Water Transportation Policy should be followed and applied strictly to ensure most optimum use of scarce waterbodies.

### **3.8. Zoning of the Flood Control Embankment**

Lands which are being used for embankment and where lands have been recorded as such, these lands may be used for zoning as embankment. For ensuring better use, embankments should be utilized as roads and highways. This has already began. With this end in view, embankments should be built in such a way to ensure better use for roads and highways as well as long-term socio-economic wellbeing of the people.

### **3.9. Zoning of Land for Tree Plantation**

Tree plantation in planned way has to be undertaken for success of afforestation policy of the government and safety of the embankment. Guidelines of the Ministry of Water Resources should be adhered to while constructing embankments and to ensure their proper use. Construction of embankments should be environment-friendly.

### **3.10. Zoning of Land for Roads and Highways**

While constructing roads and highways, residential houses and fertile agricultural land should be avoided. Minimum use of land for construction of roads and highways has to be ensured. While constructing roads and highways important aspects like connecting growth centres, communications with inaccessible areas, easy link up of rural with urban areas etc have to be kept in view. Easy communication of rural with urban areas, rural people going to urban areas for work, and after completion of job, to come back to rural areas – these have to be made easier and by this excessive and growing pressure on urban areas will be reduced.

### **3.11. Zoning of Land for Railways**

Lands in various areas used as railway and railway property where such properties have been recorded as such, these lands should be treated as zone of land for railway. While constructing new railways, residential houses and fertile agricultural land should be avoided.

Use of minimum land should be ensured while constructing new railways. While constructing new railways, aspects like connecting new growth centres, link-up with inaccessible areas, communication of rural with urban areas etc. have to be kept in view.

### **3.12. Zoning of Land for Educational Institutions**

For various types of educational institutions, such as, primary education, secondary education, college or university, requirement of land has to be ascertained as the minimum and has to be implemented accordingly. Playground would be inseparable part of educational institutions and should be used regularly. Suitable tree plantation should be made in educational institutions. If land of an educational institution is not properly used, the unused land should be resumed to Ministry of Land as per acquisition law. Construction of educational institutions should follow the rules and regulations of Ministry of Education.

### **3.13. Zoning of Land for Industrialization**

Industrialization is essential for employment generation and basis for sustainable socio-economic development. Setting of industries and factories should be guided by the Industrial Policy of the government. Wastes of industries and factories should be disposed off in an environment-friendly manner. Areas should be demarcated for setting up of industries to be treated as industrial zones.

### **3.14. Zoning for Mineral Resources**

While mining, we should be careful about harm, it may cause to land and tree plantation. Mining should be done on selected land falling fallow before prospectation.

### **3.15. Zoning of Land for Hospital, Clinic and Health Centre**

Construction of hospitals, clinics, etc should be vertical instead of horizontal to minimise use of land. Before construction of hospitals, clinics and other health facilities proper planning should be undertaken for setting up institutions at conducive areas.

### **3.16. Zoning of Lands for Tea Garden, Horticulture etc.**

Tea garden, horticulture etc should be set up following the rules and regulations of Ministry of Agriculture, Ministry of Environment and Ministry of Forestry. Cutting of hills should not be permitted for any purpose.

### **3.17. Zoning of Coastal Area**

In consultation with Ministry of Water Resources, Ministry of Environment and Forest, Ministry of Inland Transport, Ministry of Livestock and Fisheries, Ministry of Defense, Ministry of Land should identify the coastal land and that should be regarded as coastal zone. For ensuring best possible use of coastal land, it is urgently necessary to settle land use issues and its related conflicts. Proper use of land for the purposes, as such paddy/salt, and shrimp cultivation, and coastal afforestation has to be ensured in the coastal areas. The transformation of agricultural land to salt production at a faster rate causes a new crisis for food production, availability and access for poor in coastal region; this transformation of crop land into land for salt production has been a major problem for small and marginal farmers.

Therefore, in any future land use policy, government should take immediate steps to demarcate land in the coastal belt for salt production and agricultural crop production.

### **3.18. Zoning for Hill**

No brick field can be set up within the radius of 10 kilometers and no residential project should be constructed undertaken within a radius of 5 kilometers of the hilly area. If this is strictly implemented, incidence of hill cutting will be reduced to a great extent. Besides, landslides and land erosions can largely be stopped if social afforestation is undertaken forcefully in view of the fact that the hills have already been denuded of trees and plants.

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## CHAPTER IV

### PRIORITIES OF LAND USE POLICY

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#### 4.1 Mapping of Demarcated Zone

**Policy:**

- Map should be prepared for the demarcated zone.

**Framework:**

- Revenue section of Deputy Commissioner's office may provide support for preparation of map to Local Government authority.
- Zoning system should be undertaken based on land use. NGO's should be involved in facilitating the preparation of zoning maps.
- Union should be the unit of land-use policy. Union Parishad may be involved in resource mapping

**Action:**

- After preparation and approval, no zoning maps will be allowed to change without specific purposes.
- There shall be Zoning Law.
- Zoning map prepared by local Government Institutions will be mandatory to follow.
- Colored map on land settlement should be published.

#### 4.2 Inclusion of NGO and Civil Society

**Framework:**

- P-NGO and Civil Society should be included in the land management committee
- Peoples' representatives and NGO's should be included in the district and Upazila Committee for Lease Settlement and Waterbodies Management Committees.
- Representatives of women's organizations, NGO's and peasants organizations should be included in the National Land Settlement Committee.

In designing an appropriate land use policy, following issues should be given priority.

#### 4.3. Land and Women

**Policy:**

- Women's right to landed property is limited legally. As a matter of fact, women hardly have right on landed property. This constitute on of the major barriers to women's empowerment. Inheritance law, patriarchal values and social practice – all these are instrumental in denying women's right to landed property. In our country, women's inheritance law is based on religion-based personal law – in case of Muslims, it is *Sharia* law and in case of Hindus, it is *Daibhag*. In *Sharia*

law, women's right is particularly recognized and as per Daibhag, inheritance is not recognized.

- Among most indigenous peoples (except garo) women's right on land is not recognized.

**Action:**

- The existing inheritance law should be amended and implemented on the basis of recognizing equal rights for woman irrespective of cast, creed and religion.

#### 4.4 Indigenous People

**Policy:**

- Land right issues of the indigenous communities should be enshrined in Land use Policy.
- The issues of land ownership and land-rights of indigenous communities should be brought under consideration.
- Involvement of indigenous people with agricultural production should be clearly mentioned in the policy
- Land ownership of the indigenous people should be ensured for implementation of CLO.

**Framework:**

- Separate Land Commission should be formed for Adibasis of the plains. And Adibasi of Hill.

**Action:**

- Hill Tracts Land Commission should be made effective.
- Poor, landless and previous owners should be given priority in respect of lease of land.
- Forcible occupiers of plains and hill tracts Adibasis' lands should be immediately apprehended and given exemplary punishment. Adibasis' tradition of customary land-forest rights and systemic land rights should be recognized. Eviction of Adibasis from their land and infliction of oppression should be stopped.
- Forest resources to be preserved and rights of the Adivasis should be respected.
- Uprooting of indigenous peoples from their land should be stopped forthwith.

#### 4.5 Khas Land<sup>1</sup>

**Policy:**

- Land use policy shall be designed in such a way which will permit speedy and updated identification of all khas land by Zones and *mouzas*.

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<sup>1</sup> Most part related to khas land is drawn from Abul Barkat, S Zaman, and S Raihan (2001), Political Economy of Khas Land in Bangladesh, published by ALRD, ISBN # 984-31-1482-5.



**Framework:**

- Cooperation and support of respective government ministries to different development organizations' programmes in recovery and distribution of khas land should be further accelerated based on mutual respect and mutual trust.
- The committee for the identification of *khas* land should be reorganized. The representatives of peasants' organization, *khet-mojur* (agricultural labour), political parties, NGOs, social organization, school teachers should be included in the committees at all levels.
- *Khas* Land Management Committee at the national level, and a *Khas* land Management and Distribution Committee at the district level with strong presence of peasants and landless representatives are needed. The District Committee should be empowered to investigate the disputes over *khas* land and give decision about ownership. In addition, this committee will report to the Land Ministry of any misdeeds committed by any government officials regarding *khas* land.
- Legal support system needs to be institutionalized, which will ensure speedy resolution of problems of possession on land and control over crops. NGO and other professional bodies' support to provide legal aid to the affected landless should be strengthened.
- A "watch-dog" mechanism (e.g., citizens committee) needs to be developed to follow-up the post-distribution situation.
- Along with the government's survey, independent committee comprising the representatives of landless peasants, peasants organization, political parties, NGOs should be set up to identify the landless and *khas* land.

**Action:**

- Policy should permit immediate distribution of khas land among the genuine landless.
- 1994 Amendment to Alluvion and Diluvion Act should be cancelled.
- Eviction of slum dwellers and the rural landless from khas land should be stopped and they should be fast rehabilitated as promised.
- List of grabbers of khas land and khas waterbodies should be regularly updated and published.
- Occupation and filling of khas land, water body, *jalmahal* in the name of real estate business or housing should be strictly prohibited.
- Provisions should be made permitting regular publishing of information pertaining to the problems of identification of *khas* land in the daily Bangla Newspapers, TV, Radio and the same should be disseminated up to the grassroots level.
- All *khas* land distributed should be recovered from the illegal occupants, as soon as possible.
- Measures should be taken to minimize the influence of the local influentials and officials in the committee who exercise corrupt practice.



- The participation of the poor and their formal and informal institutions/ organizations in the process of identification, selection, distribution, and utilization of *khas* land should be maximized.
- The *khas* land distribution “application form” is a complicated one, which is difficult to fill-up even by an educated person. The form should be made easy and written in simple language.
- Mechanisms need to be devised to ensure effective retention of *khas* agricultural land by the landless poor which has already been distributed.
- Support system needs to be instituted to provide relevant productive assets (cattle, plough, irrigation machineries and equipments) and recurrent inputs (seed, fertilizer, water, pesticide, etc.) to the poor, as and when needed, without fail. As part of the support mechanism, credit system for the poor, and assistance in marketing of the outputs produced in the *khas* land should be instituted.
- Provide price-support system, so that poor-landless owner of *khas* land do not fall into the trap of “free market” and forced to go for “distress sale of assets”.
- All information relating to the distribution of agricultural *khas* land should be published in the daily Bangla Newspapers, telecasted and broadcasted, and be disseminated upto grassroots level.
- Organize cooperative farming in all possible situations, e.g., if relatively large compact area is available, or even if such compact area is not available - organize cooperative for input, credit, marketing and other productive purposes.
- Distribute available non-agricultural *khas* land for uplifting the livelihood of the urban poor and forest community (including the indigenous people, where applicable).
- Advocacy work of the civil society organizations who are involved in peasant movement and/or poor peoples’ land right movement should be strengthened.
- Intensive and continuous monitoring system should be developed to ensure transparency and efficiency of the land officials.
- Training should be imparted to those who are responsible for identification, management and distribution of *khas* land.
- Orientation training should be organized for the landless people to impart them with the knowledge about the necessary land-related laws.
- The process of computerization of land records should be speeded-up to stop the forging of deeds and other land-related documents.
- All-out efforts should be made to expand the housing arrangements for the poor on *khas* land.
- All cases launched by the local influentials against the landless peasants enjoying officially distributed *khas* land should be withdrawn.
- A *Khas* Land Bank should be set-up to preserve all types of records on *khas* land by types, locations, distribution status, status of dispute resolution, and so on.

#### 4.6 Agricultural Land

**Policy:**

- Arable land should not be used for other purposes.
- Separate procedures should be formulated for use of cultivable land for non-agricultural purposes.

**Action:**

- Arrangements should be made to prohibit the use of agricultural land for non-agricultural purposes.
- If cultivable land is not properly used, recourse against the violator should be mentioned in the policy.

#### 4.7. Industry

**Policy:**

- Zone should be specified for setting up industries. Care should be taken for easy availability of utility services.
- Only specific industries should be set up in selected areas.

**Framework:**

- Local institutions will ensure 500 yards of land for future industrialisation on both the sides of main roads.

**Action:**

- Disposal of industrial wastes should be monitored and disposed off very carefully to avoid environment pollution.
- Small and cottage industries within the radius of 10 kilometre should be discouraged, if plot is available in BSCIC areas.
- In the name of industrialization, acquiring of agro-land or giving lease, sale and handover of agri-land to multi-national or national companies should not be allowed.
- If someone fails to set up industry after allotment of land, the allotment of land should be cancelled. The principle of not setting up industries within radius of 10 Km should be repealed.

#### 4.8. Waterbodies

**Policy:**

- Khas waterbodies should be distributed based on principle “waterbody to the fishermen”: Land use policy should assign high priority in identification and regular updating of information about khas waterbodies by geographical areas.

**Framework:**

- Related issues of water bodies should be decided primarily by Ministry of Fisheries and Livestock, if necessary, with the assistance of other concerned ministries.
- The policies of ponds under control of Barind Development Authority (BDA) should be reviewed and such ponds should be leased to real professional and organized poor men's cooperative societies

**Action:**

- Water bodies to be reclaimed periodically. Ponds owned by private persons should ensure not to fill with earth. Water bodies like river, khal, haor, baor, beel, will not be allowed to be filled. Government and people in general will act as a watchdog.
- Burrow pits to be used for pisciculture and duckery. As far as possible old water bodies should be re-excavated without creating new burrow pits.
- Classification of river, beel and haor should be changed. This should be made workable through excavation and reform without disturbing natural eco-system.
- Reservoirs, lands, beels, ponds and other water bodies should not be filled in.
- Water bodies Management enshrined in the Bangladesh Gazette (January 5, 2006) should not be leased out and should be declared as sanctuary to be preserved as such.
- All Jalmahals should be given in settlement to bonafide professional fisher men/women.
- Shrimp culture detrimental to farmers' interest and destructive to environment should be stopped.
- Misclassification of khas lands and transformation of paddy (crop) fields into waterbodies (e.g, shrimp cultivation in coastal areas) should be stopped.

**4.9. Waterbodies for Fishermen and Fisherwomen****Policy:**

- Out of 1 crore 32 lakh fishermen and women, 80 lakhs are poor. Family members dependent on fishing are about 4 crores, half of whom are poor under any criterion and income-flow is extremely uncertain. Out of 12 lac acres khas waterbodies, only 5% has been leased to poor fishermen and women and 95% of the leasees are waterbody-grabbers. Therefore, maximum efforts has to be made in leasing-out khas waterbodies to the poor fishers' community following the Agriculture Khas Land and Waterbodies Distribution Policy of the Government. This should be treated as one of the key poverty eradication strategies in Bangladesh.

**Framework:**

- Region-wise list of real fishermen should be prepared for inclusion in the proposed committee.

- The Management Committee of water bodies should consist of representatives of fishermen and women and elected representatives.
- Formation of committees with real fishermen and women should be encouraged and participation of such persons in committee deliberations should be ensured.

**Action:**

- As regards lease real fishermen's society and indigenous communities should be given preference
- As the lease money is quite substantial, the fishermen should be allowed to pay the lease money in easy installments.
- To ensure that influential persons cannot take lease of water bodies in their name or fake name fishermen and women should be involved in the process of leasing.
- Waterbodies should be leased to real fishermen. The process of leasing should be transparent. Sub leasing should be stopped with iron hand.
- If fish below the size indicated by government is brought to the market for sale, the law breaker should be brought to book

#### **4.10. Forest Related**

**Policy:**

- Initiative to be taken to conserve, maintain, and extend existing forest.

**Action:**

- Green belt of forest to be created in the coastal areas.
- Social forestry should be encouraged.
- For ensuring bio-diversity, trees bearing fruits and trees with medicinal value should be planted. Endangered species should be encouraged and exotic species should be discouraged.

#### **4.11. Rural Housing**

**Policy:**

- As there is no housing policy for rural area as such. Building model housing in the rural areas should be encouraged.

**Action:**

- Construction of multistoried buildings in both in urban and rural areas should be encouraged.
- House Building rules should be provided for planned housing in the villages.
- Provision of bank loan should be arranged at easy terms for construction of multi-storied housing in the rural areas.

#### 4.12. Charland<sup>2</sup>

The amount of charland is approximately 1723 square k.m. which constitute 1.2% of the country's total land. Charland is primarily khasland. Only 7% of charland are in possession of 77% of the population and 23% of population who are primarily land grabbers, are in possession of 93% of charland. This signifies extreme disparity in the ownership of charland, which causes, amount others, extreme poverty among most people in the chars.

##### **Policy:**

- Land policy towards chars should give high priority that all accreted new chars are undertaken by the government and protected from illegal occupation of land grabbers.

##### **Framework:**

- A charland management committee should be set up both at the central and the local level. Participation of the representatives of peasants and their organization should be ensured at both level committees. The committee should be responsible for maintaining records of lost lands by households and newly accreted lands. It should also be responsible for maintaining records of migration of families. The committee should be equipped with the satellite images in identifying the newly emerged char. Training should be imparted to the members of the committee and all relevant information should be updated periodically. The local level committee should be empowered to investigate the dispute at the charlands and give decision about the ownership. In addition, the committee should report to the land ministry of any misdeeds committed by any government officials regarding the identification, registration, survey and settlement of the char lands.
- The participation of the poor and their formal and informal institution/ organization in the process of identification, selection, and distribution of alluvion and diluvion lands should be instituted.
- Organizing a pressure group comprising of local landless and conscious citizens is needed to launch a movement against grabbing of char lands by the influentials.
- Measures should be taken to ensure security at the chars. Permanent police stations should be set up and there should be all time supervision by the local administration. Monitoring and supervision should be extended particularly at the time of harvest of *boro* and *aman*. There should have a close coordination among the police department, char people and local political leaders.

##### **Action:**

- River eroded households should be rehabilitated on the newly accreted chars and settled to their original homesteads after reformation of eroded lands.
- *Diara* survey of the alluvial and accreted lands should be completed within minimum possible time.
- All char lands that are still under occupation of land grabbers should be recovered immediately and distributed among landless households.
- Duration of the claim of ownership on diluvion lands should be minimized by taking opinion of the char people.

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<sup>2</sup> All suggestions towards land use policy for the charland is adopted from Abul Barkat, PK Roy, and MS Khan (2007), Charland in Bangladesh: Political Economy of Ignored Resources, Dhaka: Pathak Samabesh, ISBN # 984-8120-67-X.

- All sorts of confusion regarding the laws relating to alluvion and diluvion lands should be removed.
- Demarcation lines should be made among different districts at the coastal regions. All relevant disputes regarding the demarcation of district boundaries should be settled immediately.
- All information relating to the distribution of charlands should be published in the daily Bengali newspapers, telecasted, and broadcasted, and be disseminated up to grassroots level.
- Orientation training should be organized for the landless char people to impart them with the knowledge about the necessary land related laws.
- Punishment of the land grabbers and the political elites of the chars should be ensured immediately.
- Chars should be classified based on their physical and socio economic characteristics and specific intervention programs should be devised and implemented based on specific unique needs attributed to those.
- Physical and social infrastructures (roads, culverts, schools and colleges, hospitals, union parishad) should be built and developed in the chars. In this context the physical condition of the char particularly its stability should be considered important. In case of relatively less stable chars mechanisms should be developed to improve infrastructure with relatively less damage at times of flood and erosion.
- Support system needs to be instituted to provide relevant productive assets (cattle, plough, irrigation machineries and equipments) and recurrent inputs (seed, fertilizer, water, pesticides, etc.) to the poor, as and when needed, without fail. As part of the support mechanism, credit system for the poor, and assistance in production and marketing in the output produced in the char lands should be instituted.
- Community storage facilities should be created on the chars so that people can better cope with the crop failures caused by flood and erosion. Post-flood recovery measures should include the distribution of seeds, fertilizer, pesticides, credit and so on among the affected households.

#### **4.13. Embankment**

***Policy:***

- Water-logging due to construction of embankment should be avoided. Opinion of neighboring areas should be considered while construction of embankment is undertaken.

***Action:***

- As far as possible embankments should be used as roads.
- Planned plantation should be carried out on the embankments.
- Care should be taken during construction of dam.

#### 4.14. Land Litigation

Land dispute and litigation is a major curse in Bangladesh causing colossal national wastage. Therefore, the issue of land litigation should be dealt with in any land use policy. Appropriately designed land use policy has the potential to minimize land dispute. The gravity and urgency of the problem in Bangladesh is evidenced in the following: (in Bangladesh) the total number of annual land-related operating cases is 2.5 million (77% of all operating cases); a total of 120 million people is affected by land litigation; total suffering-years of those involved directly in pending land litigation would be about 27 million years; The annual total amount of land under litigation would be about 2.35 million acres (around one-fourth of all privately owned cultivated land); annual amount of incidental expenses would be Tk.248,599 million, of which at least 50% constitute bribe; total cumulative amount of money spent by those affected by land litigation to meet-up litigation costs would be about Tk.250,387 million, which is higher than the amount allocated in the government annual development budget; the actual costs of litigation would be much higher, because the opportunity cost of time, cost of physical and mental sufferings, cost of corruption; and land litigation fuels corruption in the total politico-administrative-legal system involving land officials, court system, advocate, local government, political entities, middlemen etc<sup>3</sup>.

The key suggestions to be considered in the land use policy pertaining to the problem of land litigation are as follows (adopted from Barkat and Roy 2004):

##### **Policy:**

- Good governance is a must in the judicial system and land administration. Therefore, corruption should be eliminated from courts and land offices. Steps should be taken to uproot the forgery and bribery from the judicial system and land administration. Especially ‘*Tahsil* office’ and other land offices are the centres of manipulation, corruption and bribery. If the government takes steps against the corrupt land officials, land disputes as well as distress of people-in-litigation can be reduced to a large extent.

##### **Framework:**

- Government should devise speedy settlement/disposal procedures for land litigation, but by not compromising with appropriate lawful judgment. Reduction in sufferings of land litigation and quick disposal of litigation will help in reducing physical and mental sufferings and improving overall health of the families involved in litigation. This, in turn, will release productive time for the people involved in litigation to devote invaluable time and energy more for their family's welfare, and social and economic development.
- Prior to receiving a land related case in the court the issue or complain should be investigated by the chairman and members of Union Parishad along with the representatives of civil society so that the court may have opinions of local people regarding the case. In addition, the court authority should arrange an impartial investigation on the specific spot before initiating trial of a suit.
- A committee should be formed under the leadership of Union Parishad having representatives from judicial department, local administration, law enforcing agencies, upazila and union land offices, landless groups, CBOs/NGOs, and local

<sup>3</sup> Abul Barkat and PK Roy (2004), Political Economy of Land Litigation in Bangladesh: A Case of Colossal National Wastage, Dhaka: ALRD and Nijera Kori



people for resolution of land related disputes at the local level. Land related disputes should be tried to resolve at the Union Parishad before filing the suit at the district level court.

- Re-introducing of the Upazila Civil Court should be reassessed as a potential positive step towards reducing the burden of land litigation.
- To avoid the substantive basis for fictitious recording, dual ownership and multiplicity of record of rights by different offices under two un-coordinated ministries (of Land; and Law) an unitary system of Certificate of Land Ownership (CLO) shall be instituted. Under this reform the three Land offices, namely the *Tehsil* office, Sub-registrar's office, and Settlement office shall be merged under one ministry.
- The court should be involved in land record system and land registry office should be involved in share distribution of land among the co-sharers or inheritors.
- The activities of the court should be monitored through an investigation cell which must be comprised of strict and honest officers. The monitoring cell should be set up to regulate the activities of the land officials. The cell might also provide various directions and guidelines towards the officials what they actually require.
- The government should establish a "Land Bank". This land bank shall have a computerized database containing detailed information about the following: records of all disputed land including status by locations; records on khas land and waterbodies by types, locations, distribution status, disputes and conflicts; account of all vested land by types, location, lease status, and other variables; data on illegal takeover of indigenous people's land by force, fraud and manipulation, as well as subsequent disputes and conflicts. The information should be suitably classified and organized, so that it can be retrieved quickly, in forms suitable for specific purposes.

**Action:**

- Police department should help the persons who win the title of a land through court's verdict to repossess the land and to drive out the illegal occupants.
- Attempts should be made to identify the real owners or the successor(s) of the land. Prior to registration of a land the sub-registrar or land office should investigate to make sure about the land ownership status of the seller (whether the seller is the real owner) and registration system should be made modernized so that forgery in land registration process gets stopped.
- A system could be adopted at the time of registration i.e. Union Parishad Chairman may certify the seller of a land when he/she wants to sell it. When a person will sell a land then she/he must show a certificate of declaration from the Chairman of UP that the land belongs to him.
- Mutation procedure should be implemented through village level investigation ensuring participation of the community people and verification of original document of land. Mutation process should be made efficient and free from corruption. The litigation arising out of the mistaken records should be settled at the Record Office so that it cannot reach the ground of the court.



- The Government should make the compensation procedure for acquired land property more efficient and make quick and equitable arrangement resettlement of the evicted people.
- Persons along with the government officials engaged in preparing fake land document should be punished severely so that people be aware on the issue and get disinterested in forgery. Government should enact strict laws of punishment for the people who adopt fraudulent measures and terrorism to grab land property.
- To attend the court in a distant place causes sufferings and harassment for the rural people. If the village courts are empowered to deal with the village level disputes, people could be benefited. Decentralization of power and empowerment of the local government bodies can solve the land related disputes to a large extent. Therefore, government should institute arbitration, *shalish* and dispute resolution systems at the community level before going to the court.
- All obsolete land laws should be repealed and/or revised and new laws should be enacted.
- The Government should ensure fair and impartial land settlement by the surveyors.
- People should be made aware about the laws regarding usufructuary mortgage (share cropping) and proper execution of these laws should be ensured. The law of sharecropping shall be implemented in its totality.
- Lawyers' activities should be transparent (fees for specific service should be fixed) and regulated by the government for ensuring better services for the people.
- The local government representatives along with land officials should take the responsibilities to resolve disputes regarding easement rights.
- All vested property under the custody of the government should be leased-out to real owners or their legal heirs who are permanent residents of Bangladesh till the final settlement of the problem. In this regard, preferences should be assigned in accordance with the law of inheritance.
- All 99 years leasing-out of vested properties should be declared null-and-void and the ownership rights of the original owners or their inheritors should be established if they are the *bona fide* citizens of Bangladesh.
- All vested deity property and places of cremation should be unvested and be brought under public trust. The leased out or sold-out properties belonging to this category should be declared void.
- The Abandoned Property Act should be revisited to ensure citizen's property right.

#### 4.15 Other Critical Issues

##### *Policy:*

- Maximum productive use of lands of the absentee land lords should be ensured.
- Fragmentation of land plots should be limited to a reasonable size.
- Land earmarked for tea and rubber garden to be demarcated so that it can not be used for other purposes. Efficient use of these lands should be ensured.

- Hill districts should be brought under land-waterbody-forest survey.
- Unplanned and harmful use of insecticides and chemical fertilizer should be stopped.
- Separate policy for construction of brickfield should be prepared. Zoning for brickfield should be done.
- Place for building religious institutions should be specified in definite zones.
- Open pit-mining of coal should be prohibited.

***Framework:***

- City Corporation, Pourashava and Upazila Parishad should demarcate land of their respective jurisdiction.
- Data bank for land settlement should be created and updated electronically on a regular basis.

***Action:***

- Land cannot be acquired for road construction except national, regional, District Upazila and inter Upazila connecting road. In case of urgent necessity care should be taken to avoid dwelling houses and fertile land.
- Public awareness should be raised for use of cultivable and non-cultivable land.
- If industry, educational and religious institutions are to be set up on non-cultivable land, permission of government should be taken. This should be strictly enforced.
- Arrangements should be made so that non-cultivable land is used for graveyard and cremation ground. Community graveyard should be encouraged.
- All floating people including the *Bedeys* should be rehabilitated.

## CHAPTER V FORMATION OF LAND USE MANAGEMENT COMMITTEE

### 5.1 National Land Use Committee

Draft Land Use Policy of the government of Bangladesh contains land use committee at national level. Only a national level Committee may not fulfill the needs and aspirations of people related to land-use. Committees may be constituted at various levels in the following form.

A National Land Use Committee can be constituted to implement, monitor and guide National Land use policy under the leadership of Hon'ble Prime Minister as follows:

Hon'ble Prime Minister	Chairman
Land Minister	Member
Local Government, Co-operative & Rural Development Minister	Member
Finance Minister	Member
Education Minister	Member
Water Resources Minister	Member
Industry Minister	Member
Home Minister	Member
Agriculture Minister	Member
Communication Minister	Member
Health and Family Welfare Minister	Member
Forest and Environment Minister	Member
Law, Justice and Parliamentary Affairs Minister	Member
Housing and Public Works Minister	Member
Fisheries and Livestock Minister	Member
Planning Minister	Member
Cabinet Secretary	Member
Principal Secretary to Prime Minister	Member
Concerned Secretaries	Member
One representative from land related NGOs	Member
Federation of Bangladesh Chamber of Commerce and Industry (rep)	Member
Secretary, Land Ministry	Member Secretary

## 5.2. Land Use Implementation Committee

Land Ministry will provide all secretarial/service/assistance to the committee. Committee will have all the power to co-opt any person as member and invite in any meeting.

A Land Use Implementation Committee will be constituted to assist National Land Use Committee.

Land Minister	Convenor
Local Government, Co-operative and Rural Development Minister	Member
Agriculture Minister	Member
Communication Minister	Member
Forest and Environment Minister	Member
Planning Minister	Member
Secretary, M/O Local Government Co-operative and Rural Development	Member
Secretary, M/O Agriculture	Member
Secretary, M/O Communication	Member
Secretary, M/O Forest and Environment	Member
Secretary, M/O Planning	Member
One representative from Land Related NGO's	Member
Secretary, M/O Land	Member Secretary

Land Ministry will give all secretarial service/assistance to the committee. Committee will have all the power to co-opt any person as member and invite in any meeting.

## 5.3. District Committee

District Land Use Committee may be formed in the following way –

A. Deputy Commissioner	-	President
B. Addl. Deputy Commissioner (Revenue)	-	Member
C. District Fisheries Officer	-	Member
D. Representative of Land Related NGO	-	Member
E. District Women Affairs Officer	-	Member
F. Revenue Deputy Collector (RDC)	-	Member Secretary

## 5.4. Upazilla Committee

Upazila Land Use Committee may be formed in the following way –

A. Upazila Nirbahi Officer	-	President
B. Upazilla Cooperative Officer	-	Member
C. Upazilla Fisheries Officer	-	Member
D. Upazilla Youth Development Officer	-	Member
E. Upazilla Women's Affairs Officer	-	Member
F. A representative of the Land Related NGO	-	Member
G. Assistant Commissioner (Land)	-	Member Secretary

### 5.5. Policy for the Unemployed Youth

In Bangladesh one third of total population is youth (age of 18-35). Most of them are unemployed illiterate and handicapped with severe poverty. Govt. of the People's Republic of Bangladesh has formulated Waterbodies Policy 2005 which is very much pro-poor and pro-youth. Youth and Sports Ministry was entrusted with the responsibility of leasing to the youth community of khas waterbodies upto 20 acres with a view to creating self employment among the youths. For management of the development of projects upto 20 acres of derelict water-body, a **derelict water-body management committee** consisting of following members should be formed.

A. Deputy Commissioner	-	President
B. Addl. Deputy Commissioner (Revenue)	-	Member
C. District Fisheries Officer	-	Member
D. District Cooperative Officer	-	Member
E. Concerned Upazilla Nirbahi Officer	-	Member
F. Representative of Land Related NGO	-	Member
G. Revenue Deputy Collector (RDC)	-	Member Secretary

For a period of 4-10 years lease of derelict water bodies of more than 20 acres may be allowed to real fishermen and women cooperative society development projects with a view to developing fisheries wealth, reducing poverty among the fisher men and women and socio-economic development.

### 5.6. Upazila Waterbody Management Committee

For management and supervision of the water bodies at upazilla level, a Upazilla Water-body Management Committee consisting of the following may be formed.

A. Upazila Nirbahi Officer	-	President
B. Upazilla Cooperative Officer	-	Member
C. Upazilla Fisheries Officer	-	Member
D. Upazilla Youth Development Officer	-	Member
E. One Representative Nominated by National Fisheries Cooperatives	-	Member
F. A representative of the Land Related NGO	-	Member
G. Assistant Commissioner (Land)	-	Member Secretary

If there is no Assistant Commissioner (Land) in a particular District, Upazilla Fisheries/ Cooperative Officer may act as member – Secretary of the Committee.

Primary job specification of Upazilla Water-body Management Committee may be as follows:

- To observe if the Fisheries Cooperative Society under the concerned Upazilla are operating in conformity with the rules and regulations of the societies.
- No fisheries society should get lease of more than three water bodies under any circumstances.

Management of waterbodies up to 20 acres should be entrusted with Youth and Sports Ministry

To be considered for leasing the following may be taken into account:

- A. Registered Youth Cooperative Societies and Young Women's Societies only
- B. Youth Organizations (certified) trained by Youth Development/Fisheries Development
- C. Youth Organizations (registered) enlisted by Department of Youth Development.

### 5.7. Committee for Leasing of Khas Waterbodies

Youth and Sports Ministry may arrange for leasing of khas waterbodies upto 20 acres in areas except city corporation through a committee which may consist of the following:-

- |   |   |                  |
|---|---|------------------|
| A. Upazilla Nirbahi Officer                 | - | President        |
| B. Assistant Commissioner                   | - | Member           |
| C. Upazilla Cooperative Officer             | - | Member           |
| D. Upazilla Fisheries Officer               | - | Member           |
| E. One Representative from Land-Related NGO | - | Member           |
| F. Upazilla Youth Development Officer       | - | Member           |
| G. Assistant Commissioner (Land)            | - | Member Secretary |

Officer in a particular upazilla, District Youth Development Officer may nominate Youth Development Officer of the neighboring upazilla to act as member-secretary of the Committee. Water bodies leased out through Tender cannot be sub-leased under any circumstances. Otherwise Deputy Commissioner of the District/Upazilla Nirbahi Officer will cancel such lease and the lease money along with securities will be confiscated in favor of the government. If someone participates in lease by concealing the facts or providing false information, the lease will be cancelled by the Deputy Commissioner/Upazilla Nirbahi Officer. Securities alongwith deposited lease money will be confiscated in favour of the government.

The water bodies should be open for conducting scientific investigations and research and the scientists should be free to move around for conducting scientific investigations and for collecting relevant data and information. Sanctuaries should be created seated for breeding of fish and such sanctuaries should be treated as reserved water bodies.

### 5.8. Certificate of Land Ownership (CLO)

Ownership of land doesn't depend on a single document. Registered deed, khatian and survey records are components of ownership. Land litigation and forged deeds are very common. As a result landowners are harassed through land litigation. To mitigate this suffering introduction of a single authoritative document is necessary. Implementation of this Certificate of land Ownership will significantly reduce illegal conversion of Khas land to private land. This system may contribute positively in maintaining and updating land data.

## 5.9. Training for Land-related Issue and Institution Building

In order to continue mass mobilization campaign effectively a group of skilled trainer should be prepared who are well-equipped in explaining land use policy to the people and make them aware to ensure their legitimate rights over land. Building up institutional mechanism is necessary to maintain land use policy and its proper implementation.

## 5.10. Mass Mobilization

Mobilization of the community is an important strategy for raising awareness of the people about use of land and waterbodies. Land use policy cannot be implemented without participation and acceptance of the general people. People should be more aware regarding population explosion, limited agricultural land, limitation of growing sufficient food production, conservation of forests and hills, promotion of pisciculture in the waterbodies for easy availability of protein and ecological balance etc. Awareness can be mounted by organizing seminars, workshops, dialogues, training programmes. IEC materials i.e., poster, bill board, leaflet, brochure etc may be developed to conscientize the people.

## 5.11. Conclusion

Land-use policy is a complicated issue, requiring views and opinions of different types of people related to land. Before finalizing the draft land-use policy, government may arrange open dialogues with Go's, NGOs, landless people, indigenous and ethnic groups and women, who are the worst sufferers due to deprivation of their land rights. In this direction, seminars and symposia may also be organized with members of the civil society, media people, lawyers and other stakeholders of the society.

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## Discussion Meeting on Land Use Policy

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