



Land Governance Report

Land Poverty and Rights to Khas Land

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In rural Bangladesh, a family's future hinges on a small plot of land. This land, fertile and rich, has been their lifeline for generations. However, disputes over land ownership have thrown their lives into uncertainty. Land is finite and scarce; therefore, the competition to own land and access to land has always been a key issue in economic and social life. Land has symbolised wealth, security, and power for centuries—a reality that shows no sign of changing. The inherent power of land ownership is the key reason for the emerging disputes and conflicts. Understanding the complexities of land is crucial, necessitating thorough studies of its various dimensions. Unfortunately, the research bank on studying land and associated interests in Bangladesh is insufficient to facilitate informed policy and decision-making on pertinent issues. Land governance is a critical issue that demands people's and policymakers' attention.

Commissioned by the Association for Land Reform and Development (ALRD) and conducted by the Human Development Research Centre (HDRC), the study explores several critical aspects of land governance in Bangladesh. This research addresses the current governance framework and assesses the implementation challenges of land laws and policies crucial for securing land rights, which are increasingly viewed as fundamental human rights. The study delves into the specifics of khas land, including agricultural and non-agricultural categories and khas water bodies, providing governmental data alongside research estimates to elucidate discrepancies between reported and actual statuses. It highlights the distribution of khas land, contrasting government reports with research findings to reveal the real situation of undistributed khas land and its potential impact on the landless poor. Additionally, the study evaluates the roles and challenges various stakeholders face in ensuring land rights, security, and protection, underscoring the multifaceted nature of land governance and the urgent need for comprehensive reforms to address these systemic issues. Understanding land governance is not just an academic exercise; it has real-world implications for millions of landless poor in Bangladesh. This study aims to bridge the gap in research and inform policies that could transform lives.

This report is the outcome of rigorous work involving the dedicated time of our field data collection staff, the commitment of the respondents, and the effective participation of our in-house staff members of the Human Development Research Centre, such as key researchers, coders, editors, and transcribers. We are particularly grateful to Mr. Shamsul Huda, Executive Director of ALRD, for entrusting us with this monumental task and for his timely suggestions at different stages of the study. We also thank everyone at ALRD for their timely cooperation throughout the study.

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Abul Barkat
Study Team Leader.

ABBREVIATIONS

ADB	Asian Development Bank
AIEEP	Agriculture Innovations for Eliminating Extreme Poverty
ALRD	Association for Land Reform and Development
AMADER	Advancement of Marginalized Indigenous Deprived of Economic Resources
ASAUS	Anirban Samaj Unnayan Sangstha
ASK	Ain O Salish Kendra
AVAS	Association of Voluntary Actions for Society
BAPA	Bangladesh Paribesh Andolan
BBS	Bangladesh Bureau of Statistics
BDS	Bangladesh Digital Survey
BEA	Bangladesh Economic Association
BELA	Bangladesh Environmental Lawyers Association
BFF	Beneficiary's Friendship Forum
BIDS	Bangladesh Institute of Development Studies
BIWTA	Bangladesh Inland Water Transport Authority
BKF	Bangladesh Krishok Federation
BNPS	Bangladesh Nari Progati Sangha
BSDO	Barendra Bhumi Social Development Organization
BWDB	Bangladesh Water Development Board
CBOS	Community-based organizations cooperative societies
CCDB	Christian Commission for Development in Bangladesh
CDA	Community Development Association
CDSP	Char Development and Settlement Project
CDSP-B(AF)	Char Development Settlement Project-B(AF)
CHT	Chittagong Hill Tracts
CHTRC	CHT Regional Council
CLO	Certificate of Land Ownership
CNRS	Center for Natural Resource Studies
CNRS	Center for Natural Resource Studies
CSO	Community-based organizations
CSO	Civil Society Organizations
DCR	Duplicate Carbon Receipt
DLRS	Directorate of Land Records and Surveys
DP	Development Partners
EPA	Enemy Property Act
ESEP	Economic and Social Empowerment of the Extreme Poor
FHRC	Flood Hazard Research Centre
FIVDB	Friends In Village Development Bangladesh
GDP	Gross Domestic Product
GoB	Government of Bangladesh
GRAUS	Gram Unnayan Sangathan)
HDC	Hill District Council
HDRC	Human Development Research Centre
KKS	Karmojibi Kallayan Sangstha
LAB	Land Appeals Board
LDO	Local Development Organization
LGED	Ministry of Local Government, Rural Development and Cooperatives

LRB	Land Reform Board
MGD	Millennium Development Goals
MJF	Manusher Janno Foundation
MoCHTA	Ministry of Chottogram Hill Tract Affairs
MoL	Ministry of Land
MRDF	Methodist Relief & Development Fund
NATA	Non-Agricultural Tenancy Act
NGO	Non-government organizations
NK	Nijera Kori
PIL	Public Interest Litigation
PPP	Public Private Partnership
RAJUK	Rajdhani Unnayan Kartripakkha
RF	Reserve Forests
RFS	Rural Services Foundation(Rs
SAARC	South Asian Association for Regional Cooperation
SAP	South Asia Partnership Bangladesh
SATA	State Acquisition and Tenancy Act
SDC	Society Development Committee
SKS	Samaj Kallyan Shangstha
UBAF	Upazila Bhumi Adhikar (Land Rights) Forum.
UNO	Upazila Nirbahi Officers
USAID	US Agency for International Development
USF	Unclassified State Forests
VARD	Voluntary Association for Rural Development
VPA	Vested Property Act

EXECUTIVE SUMMARY

Land, a fundamental yet finite resource, underpins agricultural societies' livelihoods and economic stability. Establishing private property rights significantly influenced land governance, emphasising its importance in government agendas. The increasing global population has exacerbated land scarcity, diminishing per capita land availability and enhancing the association between land ownership, social status, and political power. Those with substantial landholdings have traditionally wielded significant societal influence.

Modern global challenges, such as climate change, urbanisation, resource depletion, food and water scarcity, energy crises, natural disasters, and conflicts, are intricately linked to land issues. Unequal land access, tenure insecurity, unsustainable practices, weak conflict resolution mechanisms, and ineffective pro-poor policies intensify these problems. Addressing these issues necessitates more than conventional technical solutions; it requires robust land governance frameworks.

The Bangladesh Bureau of Statistics (BBS, 2023) report indicates that agriculture is crucial in Bangladesh's economy, encompassing 2,57,96,776.338 acres or 78.31% of the country's major physiographic divisions. This sector supports 16,881,757 farming households (BBS, 2019), highlighting its importance in sustaining livelihoods. The cropping intensity of 214% demonstrates efficient land use, with land frequently cultivated more than twice a year. This efficient use of land is not just a statistic but a beacon of hope, showing that we can overcome the challenges we face with the right strategies. The Ministry of Land's 2023 report also identifies 38,044 Jalmahals, unique water bodies essential for both agriculture and ecological balance.

Bangladesh's land classification, a comprehensive system that considers physical characteristics, soil profile, texture, agro-climatic conditions, and intended use, is a powerful tool in our arsenal. The land is categorised into five classes, from Class I (very good agricultural land) to Class V (very poor agricultural land), aiding in land use planning and resource management to address diverse agricultural needs and challenges. When used effectively, this system can guide us in making informed decisions and ensuring sustainable land use.

In the Pre-Colonial Period, Land was controlled by local rulers and feudal lords, with farmers owning and freely using the land they reclaimed and cultivated. The East India Company introduced a system of intermediary landholders, leading to the Permanent Settlement Act of 1793 and the Zamindari system. This system commodified land, creating multiple layers of intermediaries and a class of landless peasants. Following independence in 1947 and 1971, land reforms aimed to abolish the Zamindari system and reduce land ownership ceilings. The Land Reform Act 2023 reduced maximum land ownership to 60 bighas.

Land tenure in Bangladesh has evolved under various socio-political and economic influences. Tenure encompasses different forms of land ownership and usage rights, including outright

ownership, leasehold, and communal ownership. Tenure security, the assurance that land rights will be recognised and upheld, is not just a legal concept but a vital pillar for social and economic stability. In Bangladesh, tenure security faces significant challenges, particularly for poor and marginalised communities, including the landless, women, and indigenous populations. Inadequate documentation, overlapping claims, and weak enforcement of land laws contribute to tenure insecurity, leading to conflicts, exclusion of vulnerable groups, and inefficient land utilisation. Secure land tenure is not just a legal concept but a powerful tool that incentivises investments and promotes sustainable land use. The distribution and security of land rights have far-reaching economic, social, and political implications, influencing agricultural productivity and socio-economic stability. Addressing tenure insecurity through policy reforms, legal recognition of land rights, and inclusive governance mechanisms is a challenge and an opportunity for fostering economic development and sustainable land management.

The land poor in Bangladesh face numerous obstacles in securing their land rights, including lack of clear documentation, unequal access to Khas land, challenges for marginal farmers and sharecroppers, vulnerability to land grabbing and eviction, and gender disparities in land rights. Addressing these issues requires strengthening the land governance framework, improving documentation and enforcement of land rights, and ensuring equitable access to land resources.

The Land Reform Ordinance 1984 and subsequent policies have recognised women's rights in land allocation. However, entrenched patriarchal norms and conflicts over Char land pose significant challenges. The Agricultural Khas Land Management and Settlement Policy of 1997 prioritises land distribution to landless peasants. Despite these policies, societal barriers often impede practical implementation. Indigenous communities have faced marginalisation concerning land rights. Customary rights to their lands are usually overlooked, and their land is frequently at risk of arbitrary acquisition. Indigenous peoples' land rights need greater recognition and protection.

Land governance involves the exercise of politico-economic and administrative authority to manage land resources effectively. In Bangladesh, land governance is characterised by a complex system that includes statutory, customary, and religious institutions. This framework integrates traditional and informal practices with state entities such as the Ministry of Land, local land offices, and the judiciary. Despite a structured legal framework, land governance in Bangladesh faces numerous challenges, such as inefficiency, corruption, lack of transparency, and conflicts arising from land scarcity and population pressure. Efforts to reform land governance focus on improving land administration, enhancing the transparency of land transactions, and ensuring equitable access to land resources.

The land governance system in Bangladesh has evolved through various dynasties and administrative regimes, each contributing to the current framework. From the Aryan and Hindu periods, where land was often controlled by local rulers and farmers had the freedom to use the land they cultivated, to the British Colonial period, which introduced a system of intermediary

landholders, and the post-colonial period, which saw land reforms aimed at reducing land ownership ceilings. These historical changes have shaped the contemporary land tenure system, influencing ownership, revenue systems, and land rules. The Ministry of Land (MoL) is Bangladesh's primary government department, which is responsible for land administration and management. It operates through various directorates and agencies, such as the Directorate of Land Records and Surveys (DLRS), the Land Reform Board (LRB), and the Land Appeals Board. These entities manage land records, collect taxes, distribute khas land, and implement land reforms. The MoL's responsibilities include preserving land rights, assessing land revenue, managing khas lands, conducting land surveys, and ensuring equal land rights for women. Recent initiatives like the Bangladesh Digital Survey (BDS) and the Smart Mutation system aim to digitise land services, enhancing transparency and efficiency.

Land governance in Bangladesh encompasses a complex network of legislative frameworks, administrative bodies, and institutional mechanisms. Key entities include the National Parliament, the Cabinet Division, the Ministry of Land, the Land Records and Survey Department, the Land Reform Board, and the Land Appeal Board. Collaboration among these stakeholders is essential for effective land governance and policy implementation. In the Chittagong Hill Tracts (CHT) region, a unique legal regime blends customary and formal law, recognising the traditional jurisdiction of indigenous leaders over land and natural resource management. The administrative setup in CHT involves various entities, such as the Ministry of CHT Affairs, the CHT Regional Council, and the Hill District Councils, ensuring effective land governance in the region.

The implementation of land laws and policies in Bangladesh faces numerous challenges. Khas land is categorised into agricultural, non-agricultural, and water bodies, but a significant portion remains illegally occupied or poorly managed. The trend of decreasing agricultural land exacerbates landlessness among peasants, and existing laws are often outdated and not pro-poor, failing to ensure the rights of marginalised groups. Land acquisition for development projects often leads to the displacement of people without proper compensation, further exacerbating their vulnerabilities. Corruption, inefficiency, and lack of transparency in land administration hinder effective governance. The policies, such as the Agricultural Khas Land Management and Settlement Policy (1997) and the Non-Agricultural Khas Land Policy (1995), face implementation challenges due to unclear definitions and lack of accountability. The Government Khas Jal Mohal Policy (2009) aims to support fishermen, but short-term settlements and inadequate communication of opportunities limit its effectiveness. The National Land Use Policy (2001) and the draft Agricultural Land Protection and Use Act (2016) address land use challenges but lack detailed implementation guidelines.

'Khas land' refers to state-owned land in Bangladesh. This includes various types of land, such as char lands (newly formed from riverine or maritime sediments), excess land holdings, and government-auctioned, unclaimed, and reclaimed lands. The Khas Land generally includes the agricultural Khas land, non-agricultural Khas Land, and Khas Jal Mahal (water bodies). To calculate the amount of Khas land all over Bangladesh, we have accounted for the government statistics (provided by the Ministry of Land) and the research estimates based on the findings

collected from the surveyed six Upazilas such as Paikgacha, Pirganj, Madhupur, Raiganj, Saghata and Subarnachar to have a better picture of total Khas land amount.

There is a significant discrepancy between government data and research estimates regarding the total amount of Khas land in Bangladesh. According to our research, the total Khas land is 49,69,160 acres, whereas government (as per the Ministry of Land) data reports 36,60,273 acres. This discrepancy of 13,08,887 acres highlights underreporting, illegal occupation, and litigation over Khas land. Our research indicates that actual Khas land, including identified and not-identified land, is significantly higher than reported by the government.

According to the government statistics (data provided by the Ministry of Land), the country's total khas land is 26.3% less than our estimate (calculated for 2023). Based on official data, it is estimated that the total khas land in the country is 36 lacs 60 thousand 273 acres. Separately, the agricultural khas land accounts for 22 lacs 70 thousand 705 acres (62% of total khas land), while the amount of non-agricultural khas land is 8 lacs 14 thousand 212 acres (total khas land-water 22.3%), and 5 lacs 74 thousand 357 acres (15.7% of total khas land) for Khas water bodies.

According to our research, out of the total 49,69,160 Khas land in the country, 11,82,964 acres have been distributed, leaving 37,86,196 acres (76.2%) still not distributed. Of the undistributed Khas land, 22,76,204 acres are agricultural Khas land, 10,67,737 are non-agricultural Khas land, and 4,42,255 are Khas water bodies. In contrast, government data suggests that 67.7% of total Khas land remains undistributed, including 65.2% of agricultural Khas land, 94% of non-agricultural Khas land, and 40% of Khas water bodies.

According to our proposal, if 2,932,006 out of 3,786,196 acres (77.4%) of not-distributed Khas land is distributed, 5 crores 64 lacs peoples of 1 crore, 49 lacs 64 poor, lower-class, and lower-middle-class households (33.2% of the total population of the country) will get direct benefit from it. Upholding the country's constitution, transparently executing the government policy for distributing Khas land, and ensuring sustainable growth for development might be the potential but most important roadmaps to reduce growing inequality and alleviate multidimensional poverty.

Various NGOs, cooperative societies, community-based organisations (CBOs), civil society organisations (CSOs), and associations play a vital role in advocating for the rights of the landless. They raise awareness, provide technical and intellectual support, and advocate and campaign for equitable land distribution. NGOs have been instrumental in preparing accurate lists of landless individuals, ensuring their inclusion in the land distribution process, and providing necessary support to retain control over allocated land. Their efforts have significantly increased awareness among the landless about their rights. CSOs and NGOs in Bangladesh focus heavily on advocacy and campaigning for land rights. These efforts involve engaging with politicians, government officials, and the media to promote policy changes. For example, strong advocacy by CSOs has led to the drafting of several vital land-related acts.

Recommendations for Existing Khas Land Policies

Agricultural Khas Land 1997

The 'Agricultural Khas Land Management and Settlement Policy, 1997' needs to be amended to address its limitations and failures over the past two and a half decades. The rights of landless peasants, marginalized people, widows, and abandoned women should be better protected. The policy should also account for the rights of marginal farmers, indigenous peoples, and third-gender individuals. Additionally, there should be a specific plan to identify agricultural khas land in municipal areas and measures to recover illegally occupied land for distribution to the landless. A new and effective law, such as the "Khas Land Recovery and Settlement Act," is necessary to ensure these changes and prevent influential land grabbers from repeatedly taking ownership of the land.

Non-agricultural Khas Land 1995

The "non-agricultural Khas Land Management and Settlement Policy, 1995" requires important changes, including increasing the number of metropolitan areas from 4 to 8 and renaming thanas to Upazilas. The policy also needs to address the development of marginalized communities in cities, and it should include a clear legal provision for recovering illegally occupied non-agricultural khas land. Additionally, the policy needs to include a provision for cancelling settlements if conditions are violated, and it should establish clear criteria for prioritizing land distribution. Moreover, it should specify that cultivable khas land in municipal and Upazila Sadar areas cannot be considered non-agricultural khas land and provide guidelines for allocating such land to government institutions, religious organizations, and educational institutions.

The Government Jal Mahal Policy 2009

"The Government Jal Mahal Management Policy, 2009 needs to be executed with amendments such as reviewing lease prices to ensure the affordability of poor fishermen. Allow payment in instalments for young fisherman associations; extend lease periods to protect biodiversity and guide water body use; define procedures for public-private partnerships and ensure women's participation in the Jal Mahal Committee.

Land Use Policy 2011

A comprehensive Act is essential for land use. The draft 'Agricultural Land Protection and Land Act, 2016' requires right-based amendments, insertions, and extraction with descriptions to ensure the participation of the poor and women in the National Land Use Committee. The committee should include the Minister of Food and the Ministry of Disaster Management and Relief, representatives of Land Rights Organizations, and representatives of women's organizations. Additionally, it's important to specify the work plans of the National Land Use Committee and develop a mechanism for citizen supervision. Implementing the "Land Data Bank" and "Certificate of Land Ownership" should be structured and time-bound. It's essential to ensure the right use of unused land and to coordinate among different ministries, institutions, agencies, and government departments on land use issues. Furthermore, the policy should have a provision for action against individuals violating this land use policy.

Recommendations for Implementation of Existing Policies

Agricultural Khas Land 1997

Updates and specific information related to Khas land should be easily accessible to all. The application process for Khas Land should be simplified, and monitoring is essential to avoid unnecessary delays. Establishing a Khas land information bank to store all relevant data is necessary. A specific strategy for delivering information related to Khas land distribution should be implemented through campaigns and media publicity. Agricultural Khas land management and settlement committees with work plans at the union level should be formed. Supervision and ensuring the accountability of the committees, as well as the representation of women, peasants, and land rights activists, are also essential.

Non-agricultural Khas Land 1995

A dedicated information centre is essential to preserve information about non-agricultural khas land. This centre should provide easy access to updated information and simplify the application process for obtaining it. Committees at district and upazila levels should be formed to oversee the distribution and ensure transparency. Additionally, environmental concerns, especially in areas inhabited by Indigenous people, should be taken into account when allocating non-agricultural khas land.

The Government Jal Mahal Policy 2009

A complete database containing all information related to Jal Mahal should be prepared on a common platform. Organized social monitoring should be initiated to ensure that the Real Fishermen's Association manages Jal Mahals. Sub-leases should be cancelled, and social monitoring should be organized. Protection of the environment and regular supervision of management should be prioritized. The National Jal Mahal Management Committee should play a proactive role. Strict monitoring against illegal water flow obstruction is necessary. Social forestry should be ensured on the banks of Jal Mahal, and specific instructions for providing loans to fishermen should be given to banks. The policy should ensure the accountability of the Jal Mahal Committee to the people.

Land Use Policy 2011

The main issues should be highlighted, such as elaborate zoning map and open to all, recovery of mal-used or illegally used land, establishment of social monitoring for ensuring the best use of land, diyara survey through a structured design, introduction of a digital zoning map, identification of coastal areas, and consideration of environmental issue.

Overall Recommendations

Computerised Land Information System (LIS) can aid land use control, land administration, and utility service provision, reducing labour, time, and costs. The system can prevent tampering with land records and maintain the original land volume. It is vital for storing record-of-right

information and preventing fraud. Properly trained personnel should be engaged in survey and mapping work, with appointed magistrates and transparent committees involved. Khas land of different types should be identified and published, and illegally occupied land should be recovered. An intensive monitoring and supervision mechanism should be initiated to ensure transparency and efficiency. An overall monitoring committee should be formed to address corruption, bribery, and harassment during document processing, and the security of land officials should be increased. Necessary amendments to policies and laws related to Khas land should be made based on identified challenges and limitations. The judiciary process related to land cases should be made dynamic and pro-poor, and the land survey system should be modernized through satellite survey approaches. Awareness build-up campaigns should be implemented to make the landless poor aware of Khas Land application procedures.