

Essay on Development Policy

**Access to *khas* land in Bangladesh:**

**Discussion on the opportunities and challenges for landless people,  
and recommendations for development practitioners**

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## Abbreviations

ALRD	Association for Land Reform and Development
ANGOC	Asian NGO Coalition for Agrarian Reform and Rural Development
DFID	Department for International Development
DS	Displacement Solutions
EED/Shiree	Eradicating Extreme Poverty/Shiree
FAO	Food and Agriculture Organisation
GED	General Economics Division
Helvetas	HELVETAS Swiss Intercooperation
HIES	Household Income and Expenditure Survey
ICTs	Information and Communication Technologies
ILC	International Land Coalition
NGO	Non-Governmental Organisation
SFYP	Seventh Five Year Plan
TIB	Transparency International Bangladesh
UN	United Nations
VPA	Vested Property Act
YPSA	Young Power in Social Action

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## Introduction

Land constitutes a key source of rural livelihood and employment all over Asia, as a large proportion of the population is involved and depends on agriculture or fisheries as a living. Whereas land is closely interlinked with food security, nevertheless many rural households are landless or have limited access to land, and these are among the poorest segments of the population. To address that, several initiatives have been developed and implemented in Asian countries (the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC), 2009).

In Bangladesh, the process of redistributing state-owned land, commonly named as *khas* land, to landless people started in the 1980s and is laid out in several policy documents. Land is not only an essential resource of livelihood, but possessing a piece of it is also a symbol of social status and security. Therefore, gaining access to land can make a significant change in the lives of poor households. In a country where approximately 25% of the population live below the poverty line and more than 10% are still considered as extreme poor, the distribution of *khas* land could have a serious impact for the poor and for society as a whole (General Economics Division (GED), 2015a).

When looking at the situation depicted in various publications however, one realizes that the number of landless people has increased in the last decades in Bangladesh, and that the beneficiaries of *khas* land distribution do not always belong to the poorest part of the population (Rahman and Manprasert, 2006; Raihan et al., 2009; USAID, 2010). In their article, Barkat, Zaman and Raihan (2000a) defined the distribution of *khas* land as being both a curse and a blessing for the landless people. What is wrong then with the implementation? What could development practitioners do to improve the situation? This essay will explore the opportunities and challenges that access to *khas* land offers to landless people and determine whether it finally benefits or harms. Suggestions will finally be drawn by focusing on not only the problems, but also the solutions as too what development organisations can do to tackle the challenges.

To answer these questions, first it is necessary to establish what being landless in Bangladesh implies; what are the root causes and the consequences? Next it is crucial to understand what distribution of *khas* land involves and the opportunities it promises as well as the problems it creates. For the purpose of this paper, the focus will be placed on the distribution of agricultural *khas* land, leaving aside non-agricultural *khas* land and *khas* water bodies. It's nevertheless important to know that all three types of *khas* land co-exist. Finally, suggestions for development organisations will be shared specifying what role they can play in this process and what activities they can do to improve

the current situation. Several organisations are working on *khas* land issues in Bangladesh, but two specific organisations will take focus, providing concrete examples of the reality of *khas* land projects; HELVETAS Swiss Intercooperation (Helvetas), through one component of its project Eradicating Extreme Poverty (EEP)/Shiree – Unnoti and the Association for Land Reform and Development (ALRD).

Most of the information presented in this paper is based on secondary literature available on the Internet. Several interviews with government and NGOs representatives and two focus group discussions at community level were conducted in Dhaka and in two villages belonging to Upazila Derai, Sunamganj, during my project assignment at the NADEL.

## 1. Landlessness in Bangladesh

This chapter will give a broad overview defining the landless people in Bangladesh while providing some statistics on the actual numbers, reasons why they became landless, and the impacts on the individual household and on the society as a whole. By exploring such issues, the interrelations between landlessness, poverty, and economic development will be highlighted.

### 1.1. *What does it imply to be landless?*

The definition of the landless people varies, but the Government of Bangladesh in its Khas Land Settlement Policy in 1997 defines them as those who “do not have homestead or agriculture land while their livelihoods depend on agricultural activities” (Helvetas, 2016).

In Bangladesh agriculture is still the most important employment sector involving nearly half of the total labor force and contributing to 16% of the country's gross domestic product (GDP) (Food and Agriculture Organisation (FAO), 2015). Economic development in Bangladesh is therefore still very much agriculture based, even though this sector is declining. More than 80% of the total population still live in rural areas; with land being their main productive asset. However, a majority of them have very little, or no cultivable land at all. Many are poor or the extreme poor. Comparing to the urban settings where respectively 21.1% and 7.7% of the total population fell below the upper and lower poverty line in 2010, the proportion of rural households considered as poor and the extreme poor is 35.2% and 21.3%. According to the Household Income and Expenditure Survey (HIES, 2010), poverty is therefore prevalent in rural areas.

Landlessness is a determinant aspect, a cause, and a manifestation of this rural poverty. The HIES provided evidence of the interrelation between land ownership and incidence of poverty. The bigger the land, the richer the owner tends to be (HIES, 2010). In Bangladesh, 89% of landowners have less than 2.5 acres of land, 10% between 2.5 and 7.5 acres, and 1% more than 7.5 acres. Despite the land reforms, 39% of the households own less than 0.5 acres (USAID, 2010). The average farm size is therefore very small, and most of the landless and near landless people fall into the poor or the extreme poor category.

Several other characteristics distinguish the poor in Bangladesh, not only economic factors, but also dimensions related to food security, health, education, or marginalization. A majority of the landless people are poor or the extreme poor because they face multiple deprivations in this regard. Landless people are very vulnerable to internal and external shocks, and they lack resources and means. They are characterized by having very low levels of income and by mainly surviving on labour sale of land belonging to others. Usually resources are lacking to fulfill the nutrition needs of their families and to provide the basic necessities (Chowdhury, 2009). As the majority is illiterate, they also lack employment opportunities. In addition to that, landlessness is associated with social, political, and economic exclusion, and this prevents the people from participating in the local governance processes and expressing their opinions. Landless people are also very vulnerable to natural disasters and man-made hazards. Because of all the difficulties they encounter, they often need to take out loans to survive (Rahman & Manprasert, 2006).

In terms of number, the Agriculture Census of 2008 recorded 3.26 million of landless rural households in Bangladesh and 1.22 million of urban landless households, representing 15.63% of the total population. Out of them 73% lived in rural areas. In comparison, in 1996 the proportion of landless people was only 10.18% (FAO and United Nations (UN) Habitat, 2010). Looking back even further, one can see landlessness has increased at almost the same rate as the population. For instance, from 1960 to 1984, the number of rural landless households increased at 2.5% per year while the increase in the number of households was 2.2% (Rahman et al., 2006). These statistics need to be considered with some precaution, however, as they depend on what criteria are used to define landless people. During the interviews, Saidur Rahman, Program Manager, Shiree, and Moni Rawshan Jahan, Deputy Executive Director, ALRD, both mentioned that around half of the population is landless. This estimate, also reflected by others such as the FAO (2008) and USAID (2015) is based on the “functionally landless” people and includes the households owning up to 0.5 acres of land.

## **1.2. *Origins and Impacts***

Landlessness in Bangladesh has both historical and structural roots. Several socio-economic factors lead to landlessness in the rural countryside, such as inheritance, climate change and economic pressure. It can also occur as a consequence of loan payments or merely the pressure to cover family expenses. It was already established that the number of landless people has been increasing steadily. This can most notably be linked to the multiplicity of climatic hazards occurring such as floods, cyclones, and river bank erosion. As a result, people are forced to leave their homes (Displacement Solutions (DS) and Young Power in Social Action (YPSA), 2015). In addition, growth-led, market driven policies and vested interests have also led to land grabbing by corrupt and influential people (ILC, 2012).

As a consequence of these factors, landless people suffer from insecurity regarding their livelihoods, survival and dignity, as demonstrated before. Many of them migrate to urban areas in search of a job. The land prices increase, the slums are getting bigger, and this expansion generates further issues (Sen and Ali, 2015). Whereas 1.39 million people (around 1.1% of the population) lived in slums in 1997 in Bangladesh, the amount was 60% higher 17 years later. According to the Bangladesh Bureau of Statistics (BBS), 2.23 million slum dwellers, (approximately 1.5% of the total population), were recorded in 2014, with most of them living in dreadful conditions (BBS, 2014).

In addition, new social conflicts arise or previous ones are exacerbated while natural resources are depleting. According to Transparency International Bangladesh, land in general is the source of almost 60% of all legal disputes in Bangladesh (TIB, 2015). Not all of these disputes involve *khas* land issues or landless people, but this statistic clearly illustrates that land is a disputed and sensitive issue in the country. Furthermore, these disputes often lead to violence, rape or harassment. Bangladesh has one of the densest populations in the world. Due to the population growth and the scarcity of land, it has become an obvious source of conflict. The demand for non-agricultural land is constantly growing given the urbanization process. The agriculturally cultivable land is in return declining as it is being converted to non-agricultural land, which creates further problems (Hossain, 2015).

The issue of landlessness is therefore serious as it poses a threat to socioeconomic development. An increase in landless people means an increase of people unable to meet their livelihood requirements, which in turn leads to bigger issues such as urban migration or conflicts over land. The whole country is therefore affected by it.



## 2. Khas Land distribution: blessing or curse?

This second part will describe one of the solutions found to tackle the issue of landlessness: via the distribution of *khas* land. It will be divided into three parts. A brief historical background with general information will be presented, followed by an analysis of the opportunities and the constraints that the implementation presents.

### **2.1. Historical background and general description**

Distribution of agricultural *khas* land can be dated back to 1950 with the promulgation of the East Bengal State and Tenancy Act. This law put an end to over 150 years of the Zemindari landlord system (Permanent Settlement of 1793), and farmers were finally obtaining full tenure rights to their land (Alim, 2009). At the time the Act was passed, the maximum ceiling for owning agricultural land was 33.3 acres. The extra land would be transferred to the government. Over the years, this ceiling was increased to 125 acres in 1961, reduced back to 33.3 acres in 1972, and was finally stabilized at 20 acres in 1982 (Barkat et al., 2000a). Among the other laws in relation to *khas* land, a few can be mentioned, such as the Vested Property Act (VPA), enacted in 1965, known formerly as the Enemy Property Act, the Land Reform Policy of 1972 and the 1984 Land Reform Ordinance. The VPA allowed the appropriation of abandoned property of emigrated Hindus by the State. Approximately one million Hindus have since lost 2.1 million of acres of land due to this law (Barkat, 2004).

In 1995 the government issued the Non-Agricultural Khas Land Settlement Policy, which provided some guidelines for the management and settlement of *khas* land in urban areas. There are no official records on how much land has been distributed till present day, but according to Ms. Rashwan Jahan from ALRD and Mr. Rahman from Shiree, this policy is inefficient, and the government has no interest nor will to implement it properly. Due to the reasons explained under point one, a lot of non-agricultural land has been grabbed in the last decades. In addition to that, the policy doesn't provide any guidance on how to recover the land and how to hand it to landless urban poor (Hossain 2015). Consequently, the urban poor get very little access, and only the families who have become deprived after a natural disaster or families legally resettled by the government can put in a claim for a piece of land (BLAST, 2010).

In 1997, the Khas Land Settlement Policy was promulgated, authorizing *khas* land to be distributed for a 99 years lease period, (or for a one year temporary lease). Some principles were already passed in 1987 but failed, which is why this policy is considered as the main legal document. In addition to

the land confiscated from Hindu households, there are other types of agricultural land owned by the state such as the newly emerged land reclaimed from the sea or rivers, acquisition of land during government auctions, as well as other sources of abandoned or confiscated land. The law does not only cover agricultural land, but also water bodies. This is not insignificant as a large proportion of the population of Bangladesh is involved in fishery activities while having limited or no access to water bodies. Whereas the agricultural *khas* land is distributed on a household basis, *khas* water bodies are only assigned to cooperatives for a lease period of 1 to 3 years (Das et al., 2012).

Landless families were targeted as the main beneficiaries for *khas* land according to the description provided in point 1. Certain groups got priority such as destitute families of freedom fighters, families that lost their land due to river erosion, widows and/or abandoned or divorced women with adult sons, landless families without homestead and families whose land had been earlier expropriated by the government (Das et al., 2012).

There is no accurate data on how much *khas* land is available at present. Several authors argue that the current area would be higher than the old estimate of 3.3 million acres divulged in Barkat, Zaman and Raihan's paper (2000a). At that time 0.8 million of acres of agricultural *khas* land, 1.7 million acres of non-agricultural *khas* land and 0.8 million of *khas* water bodies had allegedly been identified by the government. The three authors were already questioning these official records in their publication. They claimed that the amount should actually be higher because part of the *khas* land had not been identified as such due to the inefficiency of the land record system and the disputes between the government and the owners. Because of the lack of precise updated inventory, these figures continue to be cited even in the most recent reports.

There is a similar issue with regard to how much *khas* land has been allocated to the landless and poor people up to now. Several authors cited in the bibliography (such as DS and YPSA, 2015; Hossain 2015; ILC, 2012) agree that only a small portion has been distributed to them whereas a significant part of *khas* land is illegally occupied by influential people. Barkat et al. (2000a) stated in their study that only 11.5% of the agricultural *khas* land had been distributed and retained by the landless people whereas official sources claimed at that time that 44% received access to *khas* land. Again, it is impossible to precise information on how much of the *khas* land was acquired and who acquired it, but a considerable proportion was not given to the destitute who needed this land the most.

To understand how it works it is important to know the central actors involved or affected by the delivery mechanisms of *khas* land. Government officials and public representatives at different levels are the main players engaged in the process. Land administration and management is more

specifically under the jurisdiction of the Land Ministry whereas ownership of property transfer is under the control of the Ministry of Law, Justice and Parliamentary Affairs. The Ministry of Land has four divisions: Land Administration being the one in charge of issues related to *khas* land. In terms of identification and distribution of *khas* land, the District Commissioner at District Level, the Assistant Commissioner at Sub-District Level, and the Tahsil Offices at Union level have the major influence, even though some other people such as the head of the village and the political leaders can exercise pressure on land officials (Barkat et al., 2000b). The other actors who need to be considered are the beneficiaries themselves, the local influential people, and the NGOs, whose role will be further developed in the third point. The private sector also plays a part, but more in terms of commercial interests regarding the acquisition of *khas* land. Government can indeed make arrangements and provide *khas* land for business operations (GED, 2015b). The reality is more complex but this summary gives at least a general idea of the actors involved.

## **2.2. Opportunities**

The government of Bangladesh decided some decades ago to face the issue of distributing *khas* land and started divvying out a small amount of *khas* land to landless people. But what kind of benefits do landless people get from this? What does this approach have to offer?

By ensuring their access to property rights, the distribution of *khas* land can help empower the poorest citizens. Some socio-political, as well as economic impacts can be experienced (Das et al., 2012). In terms of personal changes, the previously landless people are usually less excluded and tend to have a stronger voice and participation in community matters (Raihan et al., 2009). Thanks to this newly accessible land, the household can also start producing resources and eventually increase the quantity and quality of food it consumes as long as the land is fertile. The distribution of land can also help households diversify their incomes and reduce some risks faced by the landless. Some studies have shown that the increase in income of households who have received *khas* land, has been spent in various ways. It has been reinvested in other economic activities like poultry, dairy farming, or small business activities and has been spent on food consumption, education, and health (Shiree, 2015). The increase in productivity brings therefore new income opportunities which in turn contribute on one side to poverty reduction and on the other to agricultural growth. In their report for the preparation of the 7<sup>th</sup> Five Year Plan (SFYP), Sen and Ali underline analytical relevance and potential of the *khas* land distribution as a powerful tool to reduce the poverty situation of landless and near landless.

Moreover, access to land helps reduce conflicts related to natural resources, social tensions and rural migration. It therefore has a positive impact not only on the household level, but on the country as a whole (BLAST). The development of Bangladesh goes therefore hand in hand with that of landless people who constitute a significant proportion of the population. The land is now concentrated among fewer large owners, and income disparities are widening. In 2012, it was estimated that 20% of the population owned over 80% of the land (International Land Coalition (ILC), 2012). Redistribution of land and ensuring land tenure can in this regard lead to a more egalitarian society and contribute to inclusive development. Through increased income and food productivity, it can also promote economic growth. As demonstrated by the Department of International Development (DFID) in one of their policy paper (2007), countries with more equitable land distribution experiment indeed greater growth rates.

Khas land distribution also has the specificity of being more inclusive in terms of gender. Women in Bangladesh face various discriminations; they have limited and unequal rights regarding land as well as access to and control over resources because of the existing laws of inheritance, patriarchal values, and customary practices. As a consequence, women's names rarely appear on land titles, certificates, leases, and contracts. In addition, women rarely purchase land and usually do not make claims for their inherited property. This lack of land is an obstacle in many ways as it limits among others their access to credit and self-employment (Jinnah, 2013). In this context, the distribution of *khas* land can be considered as very progressive in the sense that it provides a joint ownership for husband and wife and confers rights to both of them.

By granting secure right to land, both men and women benefit among others through enhanced security and welfare, increased income, production and employment, as well as ability to access credit and government programs. Distribution of *khas* land also has a potential of reducing inequalities in the society. It contributes therefore to poverty reduction as well as a pro-poor economic growth in the rural areas. In addition, by granting equal land rights for women, they also feel more confident and gain greater bargaining power (Sourav, 2015). The distribution of *khas* land therefore helps reduce the gender gap. During the focus group discussions, women of the communities also mentioned further changes since the acquisition of *khas* land, such as a reduction of discrimination against them and an increase in joint decision-making. The access and distribution of *khas* land can definitely bring positive changes to the poor and landless, men and women.

### 2.3. *Obstacles*

Due to the numerous challenges explained further, Barkat, Zaman and Raihan talk about a “curse” in the sense that the distribution of *khas* land generates additional problems for the poor and landless. The law was created to improve their life conditions, but in practice they have to undergo many stressful difficulties and lose crucial time and money only to have their applications rejected or their new land grabbed out from under them. In addition, Das, Mallick and Vogt point out in the conclusion of their investigation: “the practice of *khas* land distribution has thus cemented, apparently even reinforced the social disparities in rural Bangladesh” and “the prevailing practice of *khas* land distribution thus arises and solidifies a patronage system, as it is typical of the rural society of Bangladesh. The investigation has revealed that just the only instrument that has been created to reduce social inequalities notably contributes to their amplification” (Das et al., 2012).

The range of problems associated with the distribution of *khas* land become quite obvious when studying this topic. Corruption practices are the first and most often cited during interviews and in the literature. Furthermore, the media often make references to corruption cases related to landless people being deprived of *khas* land or evicted from their newly acquired land. During discussions, government officials, NGO workers, and farmers all agreed that a significant part of *khas* land has not be allocated or retained by the beneficiaries due to the attitude of vested interest groups comprised of local influential people, politicians, or government officials who either occupy these lands by force or by producing fake legal documents. The problem can also happen after the decision is made, as the Tahsil Offices do not evict illegal occupants and handover the land to landless people as promised (TIB, 2015). The Land Reform Policy of 1987 already recognized this inherent problem at that time: “The Ministry feels that it may be very difficult for the destitute landless in this society surrounded by the selfish land-grabbers to retain the land given under settlement” (Hossain, 2015). In addition, the economic development agenda is a priority for the government so land which should have been distributed to the landless people goes instead into the hands of business men for commercial purposes (ILC 2012). On another hand, the government is unwilling to chase land-grabbers who are supporters of the same political party. The land in general, and *khas* land in particular, is therefore under threat of being unlawfully taken. Because poor people don’t have the political connections or financial means to fight such battles in court, they are more vulnerable, and *khas* land becomes disputed. According to Transparency International, Bangladesh’s National Household Survey on Corruption 2012, land was the third most corrupt sector after migration and law enforcement agencies (TIB, 2015).

This situation creates tensions and disputes over land, including *khas* land, are causing a widespread issue. Knowing that each dispute takes on average 9.5 years to resolve, landless people involved in some of these litigations can't afford legal services nor can they waste such valuable time. Furthermore, the landless people who receive the deed should only be paying Tk. 1 per acre as government fee. In practice, almost all individuals involved in the distribution process demand bribes. According to several reports, between Tk. 7000 and 10000 is required to obtain the land (Barkat, 2004). Corruption practices, widespread grabbing, and lack of political will are therefore among the most critical challenges of implementing *khas* land distribution policies.

Another weak area of distribution is coordination and efficiency of the governmental departments in charge of the dispersal of *khas* land. At present the people involved in land management and administration at national and local levels work with little coordination among themselves, and the whole system of land records is inefficient and inadequate. A National Land Use Policy was passed in 2001 and foresaw, among others, the elaboration of a data bank for *khas* land, fallow land, acquired land, char land etc.. to ensure their proper use. A nation-wide land zoning map has since been developed, but the progress has been very slow (Hossain, 2015). Moreover, in terms of financial resources, the budget for land administration and management has been continuously low, with only 0.3% of the national budget allocated for this sector in 2014-2015. The problems are not only related to financial resources, but also to human resources, with a considerable shortage of manpower (TIB, 2015).

While the *khas* land policy is equal on paper in terms of gender providing joint ownership to both men and women, according to the selection criteria, only widows and divorced or abandoned women *with a son* can apply. This is unfair as the policy prevents a single woman or widow, as well as women with girls to apply for *khas* land. Another concern is related to the potential separation of a husband and wife. If this happens, the *khas* land ownership is cancelled, and both husband and wife lose their rights over the land. This becomes a problem as people, particularly women, might remain in abusive marriages, being afraid of losing their territory (DS and YPSA, 2015). The government has recently put an emphasis on women development at policy level. However, there has been no reference of distribution of *khas* land to landless women in the latest development plans (Sourav, 2015).

There are other obstacles regarding the *khas* land process in general as the time, from the identification and verification of *khas* land to the moment the household occupies it, is long and

complex. It takes on average 6-8 months for a household to obtain *khas* land (DS and YPSA, 2015)<sup>1</sup>. Besides, a landless household spends between 48 to 72 working days on the collection and submission of documents, which is a considerable loss of time and therefore money for a poor family. The process is also long because the application passes through several government offices which are active at different levels. As seen before, the lack of coordination creates further delays.

Several studies have listed the main problems of the process or encounter by the landless people (such as Barkat, 2004; ILC, 2012; DS and YPSA, 2015). These can be grouped and summarized as follows:

- Lack of official records on the availability of *khas* land
- Limited *khas* land available according to the Government or cases filed against it by occupants who claim that their land has been enlisted by mistake (seen before)
- Lack of information or no proper dissemination about the availability and distribution of *khas* land for landless people (usually done orally)
- Lack of transparency in the listing. The landless are not involved in the process and to be listed depends much on the linkages they have with local influentials, the same political party, religious leaders and/or government officials
- Difficulties for the landless people in acquiring the form because many District Commissioners do not have copies
- Complex application form which requires to submit many documents (landless certificate, photos, national ID card, freedom fighter certificate where applicable) difficult to acquire
- Bribes need to be paid at each stage (mentioned before)
- Long and complicated verification process for the government representatives. People claim there are landless which is sometimes not true
- Lack of representation of civil society in the existing committees at national, district and upazila level on *khas* land distribution

The process is therefore very complex and not accessible and responsive to the landless people who don't have the connections, resources, time, and capacities. Receiving only a one year temporary lease also creates a sense of insecurity. In addition, the legal framework only focuses on the distribution of *khas* land, not if the people are able to use their new productive asset and how which are equally important issues. Are the poor able to retain it? Only a few studies in English are available on that matter. In practice, there are no existing monitoring mechanisms or evaluations done by the government. It is therefore difficult to know if the strategy is sustainable. Acquiring *khas* land does not obviously mean that economic status will automatically improve. People might not be able to retain their lands because they lack access to credit, knowledge about irrigation techniques,

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<sup>1</sup> The description of the process differs from one author to another. According to DS and YPSA (2015), it can be divided into the following 11 steps: identification and verification of *khas* land, public announcement of *khas* land availability, classification and subdivision of *khas* land, call for applications for *khas* land, selection of landless families for agricultural *khas* land, plot distribution to successful landless families, preparation of case files for settlement, settlement of *khas* land, registration of distributed *khas* land, formal meeting for handover of the *khas* land and conditions of *khas* land possession.

fertilizers, etc. Success also depends on the soil, size, and location of the land. Low quality, under-sized land, and land situated in remote areas is less cultivable. Income generation is therefore closely linked to the sustainability aspect of acquiring *khas* land. The Department of Agriculture Extension provides some services to the farmers, but usually organisations take over the lead when it comes to offer livelihood support (Shiree, 2011).

### 3. What could organisations do to improve the situation?

There is abundant literature describing what kind of measures could be undertaken to improve the situation, in particular from the government's side. A list given by Barkat, Zaman and Raihan (2000a) can be found in the annexes as an example of these suggestions. This point will therefore only focus on the role of development organisations as well as their potential contribution to the process. In Bangladesh, outside of government initiatives there are more than 250 NGOs organisations promoting land rights, but sadly only a few work specifically on the distribution of *khas* land for landless people (ILC, 2012).

To propose solutions to this dilemma, the activities of two organisations intricately involved in *khas* land will be presented: the Association for Land Reform and Development and Helvetas, through its project EEP/Shiree Unnoti. Further suggestions will then be proposed.

#### **3.1. Two examples: ALRD and Helvetas Swiss Intercooperation**

The Association for Land Reform and Development is the only national land networking organisation in Bangladesh. It started its activities approximately thirty years ago and today encompasses over 200 local and national partner NGOs. Its work focuses mostly on policy, advocacy, and networking with regard to the promotion of land rights for landless, poor, and indigenous people, but also concentrates on capacity-building, legal aid, and information dissemination. With regard to *khas* land, ALRD has been among others involved in the lengthy process which led to the Amendment of the Vested Property Act in 2011, putting an end to the discriminating procedure of confiscating the abandoned properties of emigrant Hindus.

The government is conscious of the problems related to *khas* land and the benefits of the distribution, especially in terms of poverty reduction. In the SFYP (2016-2021), it is indicated that “the vision is to make appropriate integration of ICTs for ensuring better access to land records and bring about transparency and accountability in land transactions as well as better access to *khas* land by poor and community groups” (GEC, 2015: 614), and that “the most important asset that the poor



have is land” (GEC, 2015: 615). In the government development plans, land is therefore identified as one of the priority areas of intervention (ILC, 2012). Despite the fact that the promotion of *khas* land is part of the Poverty Reduction Strategy Paper, and the Five Year Plans, the problem resides in implementation. The predatory behavior of land grabbers is also openly acknowledged, but due to a lack of human and financial resources, as well as a lack of political will as exposed previously, the reality differs from the legal paperwork. To tackle this problem, ALRD is working on the supply side, on advocacy issues as well as on research, whereas its partner organisations are focusing mostly on the demand side.

HELVETAS Swiss Intercooperation, a Swiss NGO, has started supporting landless households in applying for access to *khas* land in 2005 and is continuing now through a project called EEP/Shiree – Unnoti. The latter is part of a bigger program aiming at helping one million people lift themselves out of extreme poverty and achieve sustainable livelihoods, and is funded by DFID. Shiree works in different geographic areas of Bangladesh and has a diverse portfolio. Distribution of *khas* land is therefore only one of the different types of interventions that the project supports (Sen and Ali, 2015).

In order to secure tenure rights and ensure sustainability of the livelihoods of the landless, Helvetas has been working with both the supply and the demand side, and not only on the distribution of *khas* land, but also on its subsequent use. Among its activities, the following ones should be mentioned:

- Collaboration with the government land offices and public extension agencies in the identification and listing of eligible landless households
- Promotion of access to information (through public awareness campaigns and billboards displaying *khas* land information)
- Organisation of workshops to raise awareness and support the landless in applying for *khas* land
- Training of local service providers to provide support to landless in submitting their application
- Support in tracking and following up on the applications after submission and District Administrative assistance to speed up the application processing
- Technical and input support

In addition, both local and national media have covered the entire process, and success stories have been published to promote the achievements. Furthermore, Helvetas makes sure that the public extension agencies are providing the needed support regarding the use of the land. By working with both the beneficiaries and the government, Helvetas tries to minimize existing gaps. During the focus group discussions, the community members all stated that before the project began they had no clue

that *khas* land was available for landless people. Lack of access to information and the basic capacity to apply are among the main problems, as seen previously.

The examples provided by these two organisations show that both sides need to be addressed: the demand and the supply sides. Policy reforms for land rights, as well as the capacity of public sector land institutions should be enhanced on one hand, whereas support to the landless people should be provided on the other to help them throughout the process.

### **3.2. Further suggestions**

According to Ms. Rowshan Jahan from ALRD and as mentioned in other documents as well (such as Barkat et al., 2000a; ANGOC, 2009), people have to unite, to mobilise all over the country and claim their rights collectively; there is strength in numbers. It not only helps empower people, but also raises awareness among others who can then replicate the practices. Organisations can therefore help in mobilizing communities, in informing landless people about their rights, the transfer process, and how to build networks of connections.

Another important aspect relates to advice and legal assistance. Sometimes grabbers file cases against the poor people. The landless people do not have the financial means to fight nor the knowledge, and the verdict is usually pronounced in favor of the most influential people. Organisations can support the landless in these legal matters. They can also help by providing other types of support like micro credit, input subsidies, fostering connections in the market, and facilitating bank loans (DS and YPSA, 2015).

With regard to the follow-up, Barkat et al. (2000b) also suggested a watch dog committee be formed with representatives of the peasants communities, political parties, local, national, and international organisations, agriculturist, land officials and interested citizens which would analyze the post-distribution situation of the beneficiaries.

It is evident that a lot of interventions can be undertaken in order to decrease existing gaps and improve the situation of the landless people. The challenges are huge, and the issue cannot be resolved overnight. The involvement of the organisations depends on their capacities, mandate, will, as well as financial and human resources. This work also involves other challenges and risks.

### **3.3. Challenges faced by the organisations working on khas land issues**

Working on land governance, be it related to *khas* land or to other issues, is a sensitive topic. Some organisations have reported being intimidating and harassed, as land grabbers or influential people are opposed to their activities (Barkat, 2004). Because this process can be dangerous, a conflict sensitive approach is essential. Patience, flexibility, and commitment are also required. Projects have time limits, yet it is often not possible to provide a precise schedule or ensure there will be results when it comes to land rights. Donors can become quite reluctant to continue as they need to see progress and have positive outcomes. Financial constraints are therefore another issue which hampers the work of development organisations (Barkat, 2004). Another challenge is that working with *khas* land implies having to work both with the demand and the supply sides, and some organisations do not have the capacities, the resources, or the will to do so. Lastly, it also requires a great deal of collaboration among organisations at local and national levels as a single NGO cannot work alone on such a complicated topic.

## Concluding remarks

Landlessness is a serious issue in Bangladesh as a considerable proportion of the rural population has very limited or no access at all to land. This creates a lot of problems, not only in terms of food insecurity and low incomes, but also with regard to a lack of power, confidence and opportunities of affected households. Land is not only an economic resource, but it also has an influence on the social and political relationships of a family. Consequently, the distribution of agricultural *khas* land is an excellent way for reducing poverty, hunger, and marginalization as well as promoting inclusive development.

However, there are many challenges that make it nearly impossible for the policy to be fully effective and inclusive most notably because of corruption, favoritism, lack of transparency, efficiency and resources among the government departments in charge of distributing mechanisms, discriminative criteria for selection of beneficiaries, and obstacles regarding the whole identification, application, and selection process. Landless people are sadly not the only recipients of the policy and a significant part of *khas* land ends up in the hands of influential people with vested interests. Due to a lack of awareness, skills, financial means, and political connections, poor and landless citizens do not manage to obtain or retain the land to which they are entitled.

In line with what Barkat, Zaman, and Raihan (2000a) were saying, distributing agricultural *khas* land to landless people is therefore both a curse and a blessing. It has benefitted a certain number of people in several ways and improved their living conditions. However, as mentioned in all the consulted literature, the problems are numerous, and many poor and vulnerable people have also been badly affected by the whole process in terms of time, energy, money, litigations, or false expectations. Due to the aforementioned problems, the distribution of *khas* land has also widened the existing inequalities to some extent. Consequently, there is still a huge gap between the theoretical framework, which is good on paper, and the inefficient implementation.

As long as the government lacks the resources and the will to tackle these issues, development organisations must play an important role in trying to minimize the existing gaps. In order to face these problems, it is therefore essential for them to work with both the supply and the demand sides. Working on *khas* land requires funds, commitment, collaboration, time, flexibility, risk-taking, and precautions. It is therefore not a simple straight forward matter. Needs and opportunities are obviously there, but only a few organisations dare to face the issue in Bangladesh because of the numerous and overwhelming challenges.

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## Annexes :

### Annexe 1: Application Form

#### খাস কৃষি জমি বন্দোবস্ত পাওয়ার দরখাস্ত (১২ই মে ১৯৯৭ খ্রিঃ তারিখের গেজেটে প্রকাশিত নীতিমালা মোতাবেক)

পরিবার প্রধান  
পরিবার গ্রুপ  
ছবি

১। (ক) দরখাস্তকারী কোন শ্রেণীর ভূমিহীন (প্রযোজ্য ক্ষেত্রে/ক্ষেত্রসমূহে টিক চিহ্ন দিন) :

- ১) দুঃস্থ মুক্তিযোদ্ধা পরিবার
- ২) নদী ভাঙ্গা পরিবার
- ৩) সক্ষম পুত্র সহ বিধবা বা স্বামী পরিত্যক্তা পরিবার
- ৪) কৃষি জমি নাই পরিবার
- ৫) অনধিক ০.১০ একর বসত বাড়ি আছে কিন্তু কৃষি জমি নাই এমন কৃষি নির্ভর পরিবার
- ৬) অধিগ্রহণের ফলে ভূমিহীন হইয়া পড়িয়াছে এমন পরিবার।

(খ) ভূমিহীন শ্রেণীর স্বপক্ষে দাখিলকৃত কাগজ পত্র

- ১) যথাযথ কর্তৃপক্ষ কর্তৃক প্রদত্ত মুক্তিযোদ্ধা সনদ পত্র
- ২) ইউনিয়ন চেয়ারম্যান/পৌর চেয়ারম্যান/ওয়ার্ড কমিশনারের সনদপত্র।
- ৩) অন্যান্য

৩। দরখাস্তকারী পরিবার প্রধানের নাম :

বয়স :

৪। দরখাস্তকারীর পিতার নাম/স্বামীর নাম :

জীবত/মৃত

৫। দরখাস্তকারীর জনাস্থান/ঠিকানা :

গ্রাম :

ইউনিয়ন :

উপজেলা :

জেলা :

৬। পরিবার প্রধানের স্ত্রী/স্বামীর নাম :

বয়স :

৭। দরখাস্তকারীর পরিবারের সদস্যদের নাম :

ক্রমিক নং	নাম	বয়স	সম্পর্ক	কি করেন	মন্তব্য

৮। দরখাস্তকারীর নিজের বসত বাড়ির বিবরণ :

৯। নিজের বসত বাড়ি না থাকিলে পরিবার যেখানে বাস করে উহার বিবরণ

(বর্তমান ঠিকানা) :

১০। দরখাস্তকারী অথবা তাহার পিতা/মাতা পূর্বে কোন খাস জমি পাইয়া থাকিলে উহার বিবরণ

১১। খাস জমির জন্য কোন জায়গায় দরখাস্ত দাখিল করিলে উহার বিবরণ

১২। নদী ভাঙ্গা পরিবার হইলে কবে কোথায় কিভাবে নদী ভাঙ্গিয়া ছিল এবং সেই

জায়গায় কোন দলিল দস্তাবেজ থাকিলে উহার বিবরণ (প্রয়োজনে পৃথক কাগজ

ব্যবহার করিতে হইবে।

১৩। পরিবারে কেহ শহীদ বা পঙ্গু মুক্তিযোদ্ধা হইলে তাহার বিস্তারিত পরিচয় ও শহীদ কিংবা পঙ্গু হইবার বিবরণ ও প্রমাণ

(প্রয়োজনে পৃথক কাগজ ব্যবহার করিতে হইবে।)



১৩। দরখাস্তকারীর দখলে কোন খাস জমি জায়গা থাকিলে উহার  
বিবরণ কবে হইতে কিভাবে দখলে আছেন এবং জমির বর্তমান  
অবস্থা কি তাহা জানাইতে হইবে। (প্রয়োজনীয় পৃথক কাগজ  
ব্যবহার করিতে হইবে) :

১৪। দরখাস্তকারী কোন বিশেষ খাস জমি পাইতে চাহিলে তাহার  
কারণ ও বিবরণ :

১৫। প্রার্থিত জায়গা বন্দোবস্ত দেওয়া সম্ভব না হইলে অন্য কোন এলাকা  
হইতে জমি চাহেন। :

(ক্রমানুসারে ২/৩টি মৌজার নাম উল্লেখ করিতে হইবে)

১৬। দরখাস্তকারীর সম্পর্কে ভালো জানেন এমন দুইজন গণ্যমান্য  
লোকের নাম ও ঠিকানা :

#### শপথ নামা

আমি ..... পিতা/স্বামী..... শপথ করিয়া বলিতেছি যে, আমার সম্পর্কে উপরোক্ত বিবরণ  
আমি পড়িয়াছি অথবা আমাকে পড়িয়া শুনানো হইয়াছে। প্রদত্ত বিবরণ আমার জ্ঞান ও বিশ্বাস মতে সত্য। উক্ত বিবরণের কোন  
অংশ ভবিষ্যতে যে কোন সময়ে মিথ্যা প্রমানিত হইলে আমাকে প্রদত্ত বন্দোবস্ত কৃত জমি বিনা ওজরে সরকারের বরাবরে  
বাজেয়াগু হইবে এবং আমি বা আমার ওয়ারিশানগন উহার বিরুদ্ধে কোন প্রকার আইনত দাবী দাওয়া করিতে পারিবে না  
করিলেও কোন আদালতে গ্রহণ যোগ্য হইবে না। আমি শপথ পূর্বক আরোও বলিতেছি যে, আমার এবং আমার স্বীর নামে খাস  
জমি বন্দোবস্ত দেওয়া হইলে উহা আমরা নিজে চাষাবাদ করিব, বর্গাদার দিয়া কোন ভাবে চাষ করিব না এবং হস্তান্তর করিব  
না। আমি দরখাস্তের সকল মর্ম জানিয়া শুনিয়া এবং বুঝিয়া সুস্থ জ্ঞানে সই করিলাম/টিপসই দিলাম।

দরখাস্তকারীর সই/টিপ সই  
সনাক্তকারীর সই/টিপসই

দরখাস্ত ফরম পূরণকারীর নাম :  
দরখাস্ত পূরণকারীর পিতাস্বামীর :  
পদবী :  
ঠিকানা :  
সংশ্লিষ্ট ভূমি রাজস্ব অফিস পূরণ করিবে  
১। দরখাস্ত প্রাপ্তির তারিখ :  
২। প্রাপ্তির ক্রমিক নং :  
৩। প্রদত্ত রশিদের ক্রমিক নম্বর :

ভূমি রাজস্ব .....

রাজস্ব কর্মকর্তার স্বাক্ষর

## Annexe 2: Picture of women holding their deeds



Focus Group Discussion in Gopalpur, Charnarchar Union Parishad, Derai Upazila, Sunamganj District

Source: A. Herrera, 2015.

### Annexe 3: List of suggestions and recommendations (Barkat et al., 2000a)

1. *All khas* land - agricultural, nonagricultural and waterbodies - should be identified immediately.
2. Information pertaining to the problems of identification of *khas* land should be published in the daily Bangla Newspapers, telecasted, broadcasted, and the same should be disseminated up to the grassroots level.
3. Mis-classification of *khas* land should be stopped, e.g., transformation of paddy fields into waterbodies for shrimp cultivation in the coastal areas.
4. *All khas* land distributed and distributable should be recovered from the illegal occupants, as soon as possible.
5. 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.
6. Measures should be taken to minimize the influence of the local influentials and officials in the committee who exercise corrupt practice.
7. *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.
8. 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.
9. 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.
10. Mechanisms need to be devised to ensure effective retention of *khas* agricultural land by the landless poor which has already been distributed.
11. 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.
12. 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.
13. 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".
14. Distribute all agricultural *khas* land (identified 803,308 acres) to the poor and landless immediately. This should form the real corner stone of our national poverty eradication agenda.
15. 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.
16. 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.



17. Distribute available non-agricultural *khas* land for uplifting the livelihood of the urban poor and forest community (including the indigenous people, where applicable).
18. Proactively pursue distribution of *khas* water-bodies to uplift the life of the fishermen and other professional communities.
19. The peasants should be prepared to fight both at the field level to face the opponents physically, and at the same time, at the level of local Tehsil office, AC Land, TNO, Police station and ultimately at the level of the Court for their just cause.
20. Advocacy work of the civil society organizations who are involved in peasant movement and/or poor peoples' land right movement should be strengthened.
21. Success stories about peasants land right movements should be published and disseminated widely.
22. Intensive and continuous monitoring system should be developed to ensure transparency and efficiency of the land officials.
23. A "watch-dog" mechanism (e.g., citizens committee) needs to be developed to follow-up the post-distribution situation.
24. Diara survey of the alluvial and accreted land should be completed within shortest possible time.
25. Training should be imparted to those who are responsible for identification, management and distribution of *khas* land.
26. Land-related laws should be upgraded to speed-up the distribution process which take unusually long time due to bureaucratic procrastination.
27. Security of the land officials should be ensured during conduction of the survey and distribution of *khas* land.
28. 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.
29. Orientation training should be organized for the landless people to impart them with the knowledge about the necessary land-related laws.
30. Organizing a pressure group comprising of local landless and conscious citizens is needed to launch a movement against grabbing of lands by the local influentials.
31. The process of computerization of land records should be speeded-up to stop the forging of deeds and other land-related documents.
32. An effective Land Policy needs to be developed.
33. The civil law should be upgraded and made understandable to the commoners.
34. All-out efforts should be made to expand the housing arrangements for the poor on *khas* land.
35. All cases launched by the local influentials against the landless peasants should be withdrawn.

36. 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.

The implementation of the above suggestions and recommendations is, no doubt, a challenging task. In order to materialize the proposed suggestions and recommendations, the following **preconditions** should be fulfilled:

1. The government should acknowledge that there exists a vested group who amassed their fortune by grabbing *khas* land. This vested interest group stand in the way of a relatively fair distribution of *khas* land.
2. The government should recognize that a large number of illegal occupants of *khas* land always belong to the 'present party in power' (PPP).
3. The land recording system is out-dated and land officials are inefficient and corrupt. The age-old system should be changed which will ensure transparency, to an acceptable extent.
4. The government should realize that the poverty level in the rural area could be brought down to a minimum level if the landless peasants are distributed with *khas* land.
5. A special session of the Parliament should be devoted to discuss the whole range of issues pertaining to the identification, distribution and retention of *khas* land.
6. The thana level courts should be upgraded to the extent so as to *khas* land related law-suit could be solved at that level.
7. Each and every political party should clearly clarify their positions in their election manifesto about the whole range of issues pertaining to the *khas* land.
8. All the peasants' organizations should be united on the question of poor people's right over *khas* land, and launch movement against government officials' corrupt practices and inefficiencies of the government regarding *khas* land.
9. The local and thana level social organizations, NGOs, student fronts of the political parties should raise their voice for a free and fair distribution of *khas* land.