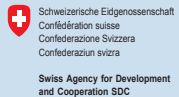


IMPACT

Khasland Settlement



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Khasland Settlement

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Introduction

Who are the landless?



The majority of the 160 million population of Bangladesh live in villages and rural societies, and the national economy is heavily dependent on their management of agriculture and the land. Furthermore, their own empowerment, prestige and authority are derived from their ownership of the land. Here, those without land are regarded as poor and are often forced into cities, where they become the 'urban poor'. At a base level, therefore, it is the degree of ownership of land which decides who is poor.

In 1997 the Government of Bangladesh (GoB) introduced the Agricultural Khasland Management and Settlement ordinance to redefine the landless as anyone who owns fewer than 10 decimals of land. Only agriculture based landless families in which one or more members are involved with cultivation are entitled to khasland.

According to government policy, the following groups should receive priority among the landless in getting khasland:

- a. Households having no satisfactory living home
- b. Poor freedom fighter's family
- c. Households who lost all land due to river erosion
- d. Widow/abandoned women with adult son (as per GoB policy)
- e. Households which neither have agriculture land nor homestead land but fully dependent on agriculture
- f. Agro-dependent family having homestead land of 10 decimals with no cultivable land
- g. Households of no fixed address

However, not all khasland is redistributed by the government. Any land which is communally used, such as public roads and highways, riverbanks, khal, sewerage systems, ponds, deeghis, public graveyards, and burning grounds.

There are two kinds of khasland:

1. Agricultural khasland
2. Non-agricultural khasland.

Only agricultural khasland is allocated to the landless people.

There are two types of settlement:

1. Permanent settlement
2. Eksona settlement (also known as duplicate carbon receipt, or DCR)

The 1997 government policy states that only the landless are entitled to the privilege of obtaining permanent settlement, and this is given by means of a 99-year lease. DCR, on the other hand, can be received by anyone who is in control of a particular land and is given for one year only. Only after this land is made suitable for cultivation can it be classed as permanent and acquire a 99-year lease.

Permanent Settlement



Procedure for acquiring permanent settlement

Step	Action	Responsible person(s)
1	Khasland identified and recorded	Upazila (Sub-district) Survey and Settlement Official
2	Khasland settlement application form collected and completed	Landless household
3	Citizenship certificate and photograph attached to the application form	Landless household
4	Landless household selected and proportion of their allocated land determined	Upazila Agricultural Khasland Management and Settlement Committee
5	Case record registered	AC (Land)
6	Case record recommended	UNO
7	Case record submitted to DC	UNO
8	Case record received	DC Office
9	Application form submitted to district committee for approval	DC
10	Application approved	District agricultural khasland Management and Settlement Committee
11	AC (Land) approval record made	DC
12	Landless and Assistant Land Officer of associate union informed by mail about the land settlement approval	UNO Office
13	Deed of land agreement registered	AC (Land)
14	Land handed over to household	Assistant Land Officer of associate union

Role of applicant landless households in khasland settlement

Applicant landless households should take the following initiatives in order to obtain permanent land settlement:

1. The head of the landless household should fill up the application form initiated by the government and submit it to the Assistant Commissioner (Land) Thana/ Upazila Agricultural Khasland Management and Settlement Committee
2. The head of the landless household should ensure his or her presence in the committee at the scheduled time during the selection process in their union
3. The landless household should collect the citizenship certificate and landless certificate from the UP chairperson
4. Two copies of photographs (husband/wife) must be attested by a ward member/ UP chairperson
5. The present and permanent address of the applicant landless household must be mentioned properly in the application form
6. More than one member of a joint family is not eligible to apply for settlement.

Role of committees in khasland settlement

In order to provide the agricultural permanent khasland settlement, the government engages local committees with specific roles and responsibilities in the handover process.

These committees are:

- National Agricultural Khasland Management and Settlement Committee (at national level)
- District Agricultural Khasland Management and Settlement Committee (at district level)
- Upazila Agricultural Khasland Management and Settlement Committee (at sub district level)

Structure of District Agricultural khasland Management and Settlement Committee

Member of Parliament (nominated by the GoB land minister)	Advisor
District Commissioner (DC)	Convener
Police Superintendent	Member
Additional District Commissioner (Revenue)	Member
Affiliate Divisional Forest Office	Member
Deputy Director, Agricultural Development Bureau	Member
Deputy Director, District Social Welfare Department	Member
Affiliate Upazila Nirbahi Officer (UNO)	Member
Representatives from farmer organisation in district level, nominated by honourable land minister	2 x Member
Representative of district farmer cooperative organisation (nominated by the GoB land minister)	Member
Freedom fighter representative from freedom fighter association in district level (nominated by the GoB land minister)	Member
Deputy Collector, Revenue	Member

Functions of District Agricultural Khasland Management and Settlement Committee

1. Circulate the ordinance to implement the Agricultural Khasland Management and Settlement programme in district level
2. According to Thana Agricultural Khasland Management and Settlement programme, sanction the proposal of distributing the agricultural khasland to landless and illustrate and supervise the activities of thana committee
3. Take steps to initiate an investigation if there is found to be any indiscipline in the procedure of agricultural khasland settlement
4. Organise a monthly meeting and submit the report to the land ministry, include the update on the activities of agricultural khasland settlement to the landless population.

Structure of Upazila Agricultural Khasland Management and Settlement (at sub district level)

Member of Parliament (nominated by the GoB land minister)	Advisor
Chairperson of Upazila Parishad	Advisor
Upazila Nirbahi Officer (UNO)	Chair
Upazila Agriculture Officer	Member
Police Superintendent	Member
Upazila Samabai Officer	Member
Affiliated Range Officer of Forestry Department	Member
UP chairperson	Member
Representative from destitute cooperative samiti (nominated by District Commissioner)	Member
Representative from Upazila Farmer Association (nominated by the GoB land minister)	Member
Honest, responsible personality who is respected and well reputed in his or her community (nominated by District Commissioner in consultation with the honourable MP)	Member
Principle of local college or high school (nominated by District Commissioner in consultation with the honourable MP)	Member
Freedom fighter representative from freedom fighter association in upazila level (nominated by the GoB land minister)	Member
Assistant Commissioner (land)	Member Secretary

Functions of Upazila Agricultural Khasland Management and Settlement Committee

1. Identify and recover the agricultural khasland in the upazila area.
2. According to GoB policy, recovered agricultural khasland is distributed into plot to make the settlement procedure easy
3. Publicise the agricultural khasland settlement programme as initiated by government
4. Request applications from the landless households and receive these through the Assistant Commissioner (Land)



5. Filter the applications and circulate the selection list of the landless on the basis of the rule of priority
6. Provide recommendations for allocating the khasland to the selected landless
7. Ensure the land possession of those landless applicants who do not receive approval
8. Investigate the proper utilisation of allocated khasland and ensure the fulfilment of obligations relating to the settlement agreement (otherwise the committee should inform the district commissioner and recommend taking legal action)
9. Perform all other tasks and responsibilities as specified by government.

Roles of field level employees in khasland settlement

Assistant Commissioner (Land)

According to Ordinance 23:

1. According to the principals laid down in sections 86(2), 87(2), 90 (4) (5), 92(2), 93(2) and 97 (8) in praja satta law, the government should amend the record in the case of land ownership being handed over.
2. After providing the permanent settlement of khasland, the name of the land owner should be recorded.

According to Ordinance 24:

1. Any government land under new possession will be recorded in the ledger (Khotian) to amend the previous record of the holding.
2. All khasland settlement must be recorded in the name of land owner
3. The owner must be given an attested copy of the document

According to Land Management Manual:

1. Process the distributing of khasland among the landless in accordance with the policies of the government
2. Ensure the recording of khasland in the government ledger book while the survey is ongoing
3. Distribute khasland to landless on the basis of the priorities
4. Ensure the survey of the char lands by the District Commissioner in consultation with the Department of Land Record and Survey and distribute to the landless as soon as possible.

According to Upazila Administration Manual:

1. Grant the khasland and rescued land settlement and update the records accordingly
2. Prepare the deed agreement of khasland on behalf of the District Commissioner.

Field Sub-assistant Officer/ Revenue Inspector (Kanungo)

1. Before initiating the land map of the newly raised char, formulate the porcha/chita map and make a proposal of a one-year settlement scheme. Then submit it to the Assistant Commissioner (Land)
2. Identify the illegal land owners from which to recover the land
3. Provide the actual detail of khasland, according to Mouza, to the survey department during the land survey
4. Observe the proposal of tehsil for khasland settlement and submit it to Assistant Commissioner (Land).



Local Revenue Collector (tehsildar)

1. Maintain the record of the possessed land and khasland settlement
2. After the inspection of khasland and char lands, update its record to the management committee

Eksona settlement

Eksona land settlement refers to the process of allocating government khasland to the landless people through means of a Duplicate Carbon Receipt (DCR), valid for one year.

Only after this land is made suitable for cultivation can it be classed as permanent and acquire a 99-year lease.

Procedure of one year lease of khasland

Step	Action	Responsible person(s)
1	Gather information about the land with her/his self responsibility	Landless applicant
2	Collect the landless certificate from the UP chairperson	Landless applicant
3	Submit the application form by mentioning the boundary number and Bengali agricultural year in it	Landless applicant
4	Application and the report with the information of required land is sent to the Union Land Assistant Officer for verification	A C (Land)
5	The Union Land Assistant Officer investigates the land according to its map and checks if there has been any dewani litigation or prohibition from court.	Union Land Assistant officer
6	If no such cases are found, with recommendation the report is submitted for settlement to AC (Land) office	Union Land Assistant officer
7	The proposal of the Union Land Assistant Officer is verified and incorporated with the decree to prepare the record	AC (Land) office

Step	Action	Responsible person(s)
8	The record is submitted to UNO officer for approval	UNO
9	If satisfying with the authenticity of the proposal, the UNO officer will confer the approval and return the record to AC (Land) office	UNO
10	Mentioning the approval of UNO, The AC (Land) office sends a memo to the Union Land Assistant Officer. If there is not found any legal obligation then the AC (Land) Officer grants the permission to collect DCR through payment of the required fees	AC (land)
11	After getting the permission, the Union Land Assistant officer collects the fees for Bengali year and announces the land handover to the applicant publicly	Union Assistant Land officer

Role of applicant landless households in one year lease

Applicant landless households should take the following initiatives in order to obtain one year lease:

1. Collect the information about the khasland
2. Complete the application
3. Collect the citizenship certificate
4. Submit the application to the upazila land office
5. Be cooperative with Tehshilder during the investigation
6. Collect the memo number
7. Maintain the linkages and correlation
8. Take DCR collection by paying the lease fees.
9. Obtain the control over land by the support of Tehshilder.

Khasland settlement application form



Declaration

I am Father/husband Certify that the information given in this form, I have read or read to by others, is true to the best of my knowledge and belief. If there is anything given in the information above which is not true or incorrect, knowingly or unknowingly then the Land Settlement Agency reserves the right to refuse this application and I or my descendant never can claim on its ownership. I declare yet again that I with my wife cultivate in the sanctioned agricultural khasland of ours own and never handed over to other or for leasing. I confer my signature/ substitute sign (Tip soi) with all my knowledge and belief.

Sign/ substitute sign (Tip soi) of applicant

Sign/ substitute sign (Tip soi) of Guarantor

Name of person who fill up the application :

Father/ husband's Name :

Designation :

Address :

Filled up by Land Revenue Officer

Arrival Date of the application : Time :

Arrival Number :

Pay slips Number :

Signature of Officer Assistant (Land Revenue Officer):

Signature of Revenue Officer :

Khasland settlement in practise

“The difficulties of accessing khasland for extreme poor: A common scenario in Bangladesh”

A case study by Asaduzzaman, Assistant Research Officer, Uttaran Shiree/DFID Partnership (SEMPTI) Project



Par-Ramnathpur village
GPS Location:
Latitude 22.650498°N
Longitude 89.300997°E

Ramnathpur is a small village on the bank of the Kopotakkho River in Haridali Union of Paikgacha Upazilla under Khulna District. In 1960, erosion by the river caused the entire village and its 100 acres of land to disappear under water. Villagers lost their lands and homesteads, became destitute and started living on the streets and in other people's shelter in other villages. Over time, the people of Ramnathpur grew accustomed to such impoverished circumstances.

Char land grabbed

In 1985, around 46 bighas (approximately 15 acres) were raised as char land in Kopotakkho and occupied by land grabbers of the next nearest village, Shahajadpur. In the next year 18 landless and homeless households of Ramnathpur went to the 'char' to take possession of their inherited land and settle their homesteads there.

After only five months, however, they were forced off the land by the oppression and persecution of the land grabbers, who filed many false criminal cases including murder, house burning, 'gher' loot and others against the landless people, and looted their crops. Finally they left their places of inheritance but regrouped under the leadership of Santosh Gayne: a homeless, landless and destitute man just like them.



In 1988, a total of 103 acres of village land lying under the Kopotakkho River was raised as char and declared as khasland following a land survey by the Government of Bangladesh. Seven years later the 18 landless households again took possession of the khasland under the leadership of Santosh Gayne and renamed it 'Par-Ramnathpur', asserting that they were the rightful inheritors of the land. Because of these initiatives taken by Santosh Gayne and the landless poor people group, some other landless poor households of 'Ramnathpur' joined the movement on the other side of the river.

The conflict escalated when other land grabbers of neighbouring Habibnagar and Badam Tola villages joined the land grabbers of Shahajadpur in claiming a major portion of the land and resolving to retain their ownership of the entire plot at any cost. These land grabbers of three villages started to oppress and persecute the landless people again, beating them, looting their crops and firing their houses, and filing cases against them with the help of local elites.

Abdul Jobbar Morol

Born: 1955

Lives: Ramnathpur village,
Manirampur Upazila, Jessore

*"I was badly tortured and
beaten up by the land grabbers.
They made a big gash in my head.
They filed cases against me and I
was arrested."*



After an incident of rape against two girls from the village by the terrorists and the death after a brutal attack of Santosh Gayne, the villagers found the strength to rise up and protest their case even more strongly. In turn the grabbers became more violent in their oppression.

Uttaran steps forward

Uttaran had been trying to extend its help to the extreme poor of 'Par-Ramnathpur' from the beginning of the conflict, but had met it significant resistance from due to the barriers and pressures applied by the land grabbers. Many officers and staff tried to reach the village but many of them were insulted, threatened and even beaten by the terrors of the elites. Set against these difficulties, in 2008 Uttaran formed an action plan to help the poor and tormented people.

The staff of the Paikgacha branch office of Uttaran went door-to-door making a list of the 18 landless households, finding them all to be extreme poor. After a final survey they were earmarked as target beneficiaries of the Uttaran/Shiree partnership (SEMPTI) project. Just as the unity of the villagers was coming under increasing pressure due to poverty and financial expense, the staff of Uttaran started to organise them again by forming a group of 18 female members named 'Joyjatra Vumihin Nari Songothon' (Joyjatra landless women organisation). From the training of Uttaran, the villagers were able to better understand their land rights and form a future policy. With the

help of Uttaran, they decided to apply to the land office and pay for the ‘Duplicated Carbon Receipt’ (DCR) to give them a one-year entitlement to the Khasland.



*“Uttaran gave us courage and strength for our struggle. They also provided assets for our well existence. We are now in very good condition” **Shahanara Begum**, an Uttaran beneficiary who won her deed of permanent khasland settlement*

The khasland management committee of Uttaran made the communications on behalf of the landless to the higher authority and the office paid all of their fees and costs – including the application cost, court fee, and costs for transport, food, the surveyor and others. The poor villagers were granted legal ownership for one year and finally in 2012, permanent settlement was given to all of them. Each household received around one acre of land on a 99-year lease from the Government of Bangladesh.

Because of the security provided by legal ownership and support of Uttaran, the land grabbers of Habibnagar, Badam Tola and Shahjadpur retreated; they ended their campaign of victimisation and persecution

and stopped filing false cases. The number of filed cases fell from 57 to only eight (three criminal and five civil).

The story of khasland settlement in Par-Ramnathpur is a story of a conquest in a war, a conquest over the extortion by the ruled people. This is a story of bringing happiness to the poorest that can be a role model of mass graduation where people entering in a stair of improved life by gaining their rights.

In addition to organising the people and transferred assets to them, Uttaran made them aware of their social and human rights; of issues of gender, child marriage, dowry, violence against women and others through primary group meetings. The nutrition team of Uttaran also provided advice and medicines for mothers, adolescent girls and children. Uttaran helped people to get khasland allocation are as follows;

Activities	Allocated	BHH
DCR	6,769.14 acre	26,267
Permanent settlement	2,755.51 acre	3,981
Jalmohal (water bodies)	5,116.5 acre	4,210
Total	14,641.15 acre	34,458

“Uttaran helped us to secure our DCR (one year lease)”

Hafiza Begum is a mother-of-two who lives in Teorpara village in Debhata Upazila of Satkhira District. She speaks about the contribution made by Uttaran in securing khasland settlement for her family and others in her village.



“My family had lived in Teorpara for the past six years. In that time I have witnessed corrupt government officials in the land office who attempted to uproot us from our land, but Uttaran was on our side and gave us more courage to protest our rights. Right now, 13 families in our village including mine have secured DCR for 1.12 acres of khasland, while the process is underway for the two remaining families. I acquired my DCR last July and I am hoping to get permanent ownership this year. We had worked hard on our own for getting the land but we failed; only with Uttaran support have we been able to successfully secure the DCR. Before, we felt very uncertain and unhappy as the land officials threatened to evict us from our land and they demanded big money which we could not afford, given our hand-to-mouth existence. Now, after being given the khasland settlement we are very happy because we all hold the legal document that says we can live on our land and that nobody can disturb us from our land.”

Widow wins settlement thanks to Uttaran

For many years, Alimuddin resided on his two decimals of ancestral homestead land. He spent his days working as a sharecropper or as a labourer on the agricultural land of others. Because of extreme poverty, however, Alimuddin was forced into selling his ancestral homestead, and he settled instead alongside many other landless families on a char of Mara River in Amtali, on government khasland.

Alimuddin took ownership of 30 decimals of the char land. He built a dwelling on five decimals and grew vegetables on the rest. Occasionally the revenue collector of tehshil office threatened the char dwellers and told them to leave the land, but the landless people grouped together and gave him some money to buy his silence. At the same time, a number of brokers took their money but misled them, saying they would make settlement of their land but in practise doing nothing.

One day, Alimuddin caught a fever and died leaving his wife, Khodeza, to run the household with a minimum of income. She directed her son, Kasiruddin, into agriculture and returned her daughter, Jarina, to school. But she always felt insecure about being evicted from her homestead. When the market price for the land rose sharply, the landowners beside the khasland boundary became aggressive in trying to evict her and the other landless people.

During such difficult time, Uttaran came to the area and started its activities to ensure the rights of the landless in gaining khasland. They organised the landless people. Khodeza was involved as a member in a primary organisation formed by Uttaran, and was elected the leader. At one meeting of the primary organisation, the Uttaran field facilitator discussed the process by which the landless people could get control of their khasland legally. According to the advice of that employee, those landless needed to collect the certificate of being landless from the UP chairperson, fill up the government application form and hand it to the AC (Land) office.

Khodeza requested to the AC (land) to sanction her primary

organisation the permanent settlement of their khasland. In the resulting meeting of the Upazila Agricultural khasland Management and Settlement Committee, it was been decided that khasland settlement would be sanctioned in the name of Khodeza. This decision was been sent to the District Commissioner (DC) for his approval. When that was forthcoming, then AC (Land) registered the khasland in the name of landless people. To succeed in this entire venture, Khodeza had to be tactful and make endless efforts. Some financial contribution was also required and all of the group members had donated in this case. Beside this, the employee of Uttaran supported them in every step of this work. The landless people are very satisfied to have the deed agreement (dalil) of the khasland. They no longer fear eviction from their land and their economic condition has been raised subsequently.



“What we have achieved so far in Khasland recovery and distribution is not the end but a new beginning of a bigger challenge given the present situation of the landless people and vested interests groups behind the khasland issue. But through a collective effort and with local government support, plus the intensification of solidarity works in local, national and international level, we are not far from realising land for the landless.” Shahidul Islam – Uttaran Director