

**REPORT ON
ENABLING LAND ACQUISITION FOR INFRASTRUCTURE :
A PARTICIPATORY APPROACH**

(English Version)



INTRODUCTION

COMPACT TOWNSHIP FOUNDATION

This report is based on a seminar titled 'Enabling Land acquisition for Infrastructure – A Participatory Research' organized by Compact Township Foundation (CTF). It can be noted here that the seminar on the above mentioned title was evidently the outcome of the scholarly discussions held in August 2013, on a title 'the Inauguration of Compact Township Foundation'. A large number of discussants and participants attended the inaugural sessions of CTF pressed the demand for a serious discussion on Land Question. It can be mentioned that Land has been a vital component for the Compact Township(CT) idea.

Recent research findings show that Bangladesh is losing about 1 % of its agricultural land every year to provide homes for the growing population. Dr. Salim Rashid, a Professor of Economics at the University of Illinois, USA, and his colleagues have been engaged for the last 15 years to find out solutions aligned with the huge problem of increasing population, present structure of scattered housing and protecting our agricultural lands. The generic name of Solution phrased by Dr. Salim Rashid was "Compact Township(CT)". The basic idea of a CT is an agglomeration of houses, hospitals, schools, markets, rural industries and local governmental units that provide all basic services to a population of about 20,000 or so. Instead of the traditional horizontal move to new land, Bangladesh needs to move vertically and reap the benefit of agglomeration and of economies of scale. With this Bangladesh can grow, economic growth, at 10% for the next thirty years.

About Compact Township Foundation (CTF): CTF is a formal 'Think Tank' registered with the Registrar of Joint Stock Companies and Commerce, Peoples' Republic of Bangladesh in July 2012. It is a non-political, non-profitable, non-communal, non-governmental development and charitable organization. The general objective of the CT Foundation is to provide an Institutional Platform to address the problem of land use in Bangladesh, with the focus upon a particular solution, called Compact Townships.

The Seminar on 'Enabling Land acquisition for Infrastructure – A Participatory Research' held on June 15, 2013. Prof. Salim Rashid, Chairperson of the CT Foundation, presented the Concept note on the theme 'Sharing of Benefits', Mr. Abdul Mueyed Chowdhury, former Advisor to the Caretaker Govt. of Bangladesh, presented a paper titled 'Land Record Digitization, and Mr. Karim Gazi made a presentation on Land Acquisition Documents. Dr. Akbar Ali Khan, Former Advisor, Caretaker Govt. of Bangladesh, presided over the discussion Seminar.



INTRODUCTION

COMPACT TOWNSHIP FOUNDATION

Noted policy makers, economists, urban and regional planners, academicians and development practitioners participated the seminar . And a large number of people have also helped and encouraged us to unlock the discussion on land question . We would like to express our indebtedness and gratitude to all of them. And in particular , we would like to put on record our sincere thanks to Mr. Imamur Hossain Rumman, a talented Architect, for helping us to fabricate the seminar report.

Dr. Abul Hossain
Secretary General
Compact Township Foundation (CTF)
November , 2013



DISCUSSION SESSION_1

DISCUSSION OF PAPER PRESENTERS AND PANELISTS



Dr. Abul Hossain
General Secretary
Compact Township
Foundation

Dr. Abul Hossain started his speech by thanking everyone on behalf of Compact Township Foundation. He said, this foundation is working as a registered firm and the prime objective of it is to do research and advocacy in relation to the Compact Township issues. He ended his speech sharing his thought that Compact Township Foundation will move on keeping the dream of implementing the ideas of Compact Township into reality.



Abdul Muyeed
Chowdhury
Chairperson
BRAC Net
Former advisor
Caretaker Government
Bangladesh

Abdul Muyeed Chowdhury started his speech by welcoming everyone. He stated that the root of all the land administrative problem is the process of preparing and storing records. The first map was noted to be prepared during the Mughal era with the contemporary technology. The first formal format of 'Mouza Map' was prepared during the Cadastal Survey. Printed forms of records were initially published in the early 20th century. The records that are stored in the offices of District Commission -er's offices are threatened to be damaged and unusable because there has been no steps taken to update these maps. Dr. Abdul Muyeed Chowdhury thinks it is the primary problem of land records. He said, the process of digitalization that has been taken in the Fotulla and Manikgonj zillas was a time consuming. 'I think if we want to modernize the records, we should take necessary steps to finish it within 5 to 7 years. In that case, the European Union and the other donor agencies who are interested in developing these sectors would bear the costs. Nonetheless the Government can earn revenue by selling the scanned copy of old CS and RS records.' He thinks, it is not a tough job to store and record the manuscript. Finally, the RS record which is recognized everywhere will need to be scanned and converted to word documents for further usage. The exposure of possibilities can be maximized if the government calls for tender to the private sectors.

The maps which are being recorded at present, are needed to be preserved initially. There is always a problem in defining the boundary of two adjacent 'Mouza's or Zilas. But these are never considered as major issues in the digitalization process.

DISCUSSION SESSION_1

DISCUSSION OF PAPER PRESENTERS AND PANELISTS

The change of ownership can be recorded in the digital map. The present map can be processed by updating the old maps.

“To convert the old records to new ‘Word’ documents, the cost of this process is needed to be considered. 10 percent of the costs should be carried out by the owners of the lands of each Mouzas. Thus by the sharing of the costs, digitalization of the records and maps can be done. Also rehabilitation is needed to be considered in each project,” - he stated.



Mr. Karim Gazi
Former Deputy Secretary

Mr. Karim Gazi started his speech by thanking the guests and the speakers. He said, ‘We should first acknowledge the fact that land acquisition is a subject of public interest. The District Land Committee must fix the objectives of it with the authority of District administration. If this is for the Compact Township then the inhabitants of the area should get the priority first. At the same time it would be meaningful if the higher authority of the Government gives compliance of this policy making activities.’

He thinks that the idea should be promoted to national level from the local level. We have to choose the most accurate process that would be less disadvantageous for the people. Many problems can be seen to arise after starting the work. Conflict of ownership is one of the most crucial problems. The process of land acquisition can be addressed to the District Land Allocation Committee by the District Administration with the permission of ministry. The District Land Allocation Committee would be liable to investigate and review of the condition of the land, the authenticity of the deeds, relocation and rehabilitation opportunities and most of all the environment and ecological congeniality and appropriateness. He thinks that this whole bureaucratic process can take a long time to finish.

He stated, the idea of collective farm which was published in the section of 119 and 125 in in the state acquisition act did not seem to come to success. We can rethink whether we can follow the same track again or not. It takes 466 days in total to finish the land acquisition process which consists notices, hearing and giving compensation. A continuous process of going to DC office, Commissioner’s office and Ministry is needed. To minimize this huge efforts a correction of records in the local sector is mandatory. People’s confidence towards the land acquisition can be

achieved if arbitration is managed for the inconveniences of ownership in a local scheme.

He thinks, compensation is a large issue in the discussion of land acquisition topic. In general the land value is to be paid 50 percent higher than the nearby plots. The reality is that the factual value of the land is never mentioned and noted in the documents in the Sub Registrar's office.



Professor Salim
Rashid

Chairperson
CT Foundation

Professor Salim Rashid noted that the problems related the land issues are the largest problems in Bangladesh and the 'CT Foundation' will create platform to discuss the issue to bring out a resolution.

If it is possible to make people understand about the advantages it would be beneficiary for all. He thinks, it is recognized economically that with the infrastructural development land price arises. He mentioned the experiences from India and South Korea that government pays the appropriate price to the land owners in exchange to their land properties and it is recognized there. We need to find a way how we can motivate the people of Bangladesh about the land acquisition process- he said.



প্রফেসর সারোয়ার জাহান
নগর ও পরিকল্পনা বিভাগ
বুয়েট

Dr Sarwar Jahan said as a developing country industrialization, infrastructure and investment are the three major issues of Bangladesh. The proper use of land is a must to sustain these issues. Unplanned urbanization has influenced increase of the land value in the market but can not assure the proper usage of the land. The investment of foreign remittance in the land sector contributes to increase the land value. 'Compulsory Land Acquisition' is followed in our country. Rapid development can be achieved by the proper implication of law by the process. But the real land owners can never get proper benefit with it. In many cases, people become poor by not be able to properly invest the benefit he received from his land acquisition.

He also stated that examples from the other countries can be taken as lesson of how the profit of land adjustment can be calculated. In Latin America the service range of an infrastructure development is measured. Then the profit is distributed by calculating the new values of the land. Development process of the adjacent areas follow the same pattern.



Mr. Shamsul Huda
Executive Director
ALRD

Shamsul Huda: Though it was stated in the manifesto of the current ruling political party to establish 'national land commission' but the statement did not come to implementation in the last four years.

It is seen in our country that land grabbers easily grasps the land of others showing their power and built buildings on it. It is time to rethink the policy and the overall system of our country. This clearly needs a national importance as well as administrative and political reform.

He thinks, land grabbing takes places in our country in two ways. The poor people who are destined by the natural disasters and lost their lands, occupy the land of the government and make shelters on it. These population is small in number, about 20 percent of the overall. The other 80 percent of the calculation are the land grabbers. But it can be seen that no actions are taken for this majority and always the minorities of the 20 percent are evicted.



Mr. Mahbub Jamil

Chairman
Singer Bangladesh LTD.

Mr. Mahbub Jamil thinks the geographical position and living of large population in small amount of land is the major obstacles in the path of development. The process of development can be eased if the scattered settlements come into a form of clustered settlements by proper usage of land.

'I have a faith that those who are miserably poor, they take the advice for their own development if they are properly motivated. We have always said to empower the local government. Though in legal terms the local bodies are not powerful, they always enjoy the power in a passive way.

He said, 'if we systematically approach to the people to assure them, we can easily resist the public wrath. If the process of rehabilitation is taken in account with the provision of a land and a home to every families, it would be much better. Many people can get jobs by backward and forward linkages. It is not wise to empower the local government in all aspects, because sometimes it can go against the poor people. The attraction of urban life effects the middle income and lower income groups and they do not want to return to the village. Nonetheless, the uprising prices of lands in the urban areas induce passively to corruption. He opined that, compact township can be a solution rather than this urban centered lifestyle.



Dr. Akbar Ali Khan

Former advisor
Caretaker Government
Bangladesh

Dr. Akbar Ali Khan thinks that digitalization of land record must be done before starting the compact township process. Although it can not be hoped that only digitalization can diminish all the problems related to land. The private sectors must work as a part of the government. Secondly, the land office, sub registrar office and the judicial court works in three different ways for their three different policies. He opines if these offices can work altogether people will get the benefit.

'Land acquisition can be a small part if we target for compact township. In that case, it is imperative to think that the present land acquisition law can be followed , or to find new ways for land acquisition law related to land acquisition must be find out. How the process of compensation should work in the case of a tribal community also need to be analyzed.'

A certain amount of money can be given to the land owner and later the profit can be shared with them. According to the urban development law of 1872 in our country, if the price of the adjacent land increases by developing infrastructure on the land, compensation is given initially but how the other plots are benefitted is never measured. Again before enforcing law the consent of people is never taken in account.

He opined, 'We have to take approach from the bottom and people can easily come to realize if several projects are taken in the area. Sudden regulations can make communities frightened and many cases it can make the scenario impossible.'

He gave three proposals as solution. Firstly, the bottom up approach needs to be followed. Secondly, we have to consider the alternatives to land acquisition approach. Thirdly, the government itself has its own sectors which are more active than the private sectors. How these can be taken in account needs to be thought.

DISCUSSION SESSION_2

DISCUSSION OF THE PARTICIPANTS

Participant 1: Munshi Alauddin Ahmed.

He wants to know where the initial capital for the compact township project can be collected.

Participant 2: Wants to know if the compact township houses school-colleges and industries along with residences or not.

Participant 3: Arefin Siddiqi, writer.

He stated, inequality of distribution of benefits can be seemed after development process. The rick farmers can get the large shares and there is a possibility of the poor people to be deprived. If the whole area is acquired initially in the land acquisition process then rehabilitation process must follow according to the ratio of land ownership, the impact will be more positive.

Participant 4: Dr. Shakil Akhter, Professor and Head of the Department of URP, BUET.

He stated that there is possibility to make the result win-win in the land acquisition process in Bangladesh and the students of BUET has done it in their class project.

To him, the new law of land acquisition in India which is known as 'Union of India', is a successful and effective process where land area is measured and allotted according to necessity. Germany and Turkey have their own land adjustment law. There it is stated in the law what ammount of land the government can acquire and what percent of it is refunded. We must follow these rules in our country.

By engaging the real estate agencies the land value can be documented, he said in reference to the statment of Mr. Mahbub Jamil.

Participant 5: Mr. Zakaria.

He said that we should reconsider that fact that how much viable it would be if we engage the vendors in the land acquisition process.

Participant 6: Mr. Khaliluzzaman.

Government works directly with their own funding or they manage the funding from the international donors in the land acquisition and infrastructure development process. The Deputy Commissioner is responsible to the process of land acquisition if it is done by the government. If the funding is done from the outside, then it is evaluated for the people to get their proper value. The process becomes lengthy because of lacks of necessary documents. The contractors from the executing agencies make the process more time consuming. Thus the donor agencies can not complete the project in a certain period and the people wouldn't get their benefits. If another donor agency engages in the process, it becomes incomplete. The rate of development can be much higher if the process of land digitalization can take place.

Participant 7: Protection of agricultural lands is one of the most necessary needs in the land issues. Although there has been a draft law published by the Ministry of Land affairs, but the law was never been implemented.

Participant 8: The government should provide guidelines for land consolidation and land readjustments. Skilled persons are necessary for negotiation in the local level. Finally, The support of people is a must to make the process easy.

SEMINAR PAPERS

PAPERS PRESENTED IN THE SEMINAR

Digitization of land records: What is the way forward Abdul-Muyeed Chowdhury

Land has been the most valuable resource in Bangladesh since time immemorial when the economy was totally dependent on agriculture and revenue from land was the major source of income for the state. Since the second half of the 20th century progressively land has become a scarce resource in this country because of the manifold increase in the size of the population of this small country. Urbanization, development of physical infrastructure at various levels and sizes and expansion and proliferation of human settlements in the rural areas is increasingly eating up agricultural lands, wetlands and forest lands— even open public spaces like grazing lands, parks and playgrounds.

Population increase, very high demand for land and the government's failure to regularly conduct survey and settlement operations to update land records has created a totally unsatisfactory and grossly corrupt land management system in the country. Printed records of the Cadastral Survey operations and the Revisional Settlement operations of the colonial times are stored in damp and crowded record rooms of the offices of the Deputy Commissioners. Collectorate record rooms are in pitiable condition and are dens of forgery and tampering of records. The network of people involved in this rent seeking operation are diverse and includes officials, minor functionaries in land administration and land records preparation in the country. This "profitable" occupation has attracted a very large number of whole time touts and middlemen who are collectively playing havoc with the system at their sweet will. The lengthy legal system has only accentuated the problem and created opportunities for land grabbers with enough cash to do anything they want since poor land owners do not have the money or capacity to fight them through the hierarchical court system.

The situation would greatly improve if the land records can be modernized through digitization. The Regulatory Reforms Commission set up by the Caretaker Government of 2006-08 constituted a committee to recommend measures for modernization of land records. I was Convenor of that committee. We examined the problems in all its ramifications and also visited India to see their digitization programme in Pune and Kolkata. The committee prepared a report which was submitted to the government in 2008 after approval by the RRC. Nothing has happened since then.

SEMINAR PAPERS

PAPERS PRESENTED IN THE SEMINAR

Some experimental digitization of a limited nature was done in Demra and Manikganj at the initiative of the concerned Deputy Commissioners but that too has not been expanded by the Government for unknown reasons. Even if this was taken up, the process would take anything from 30-50 years because of resource constraints making a mockery of modernization. Some donors, including the EU, are reported to have shown interest in the matter but the involvement of donors with their own ideas will neither end in a satisfactory solution of the problem nor will this be completed within a reasonable time frame- say 10 years or less. That would make the modernization effort obsolete even before it is completed.

An acceptable and probably efficient way forward would be to undertake the digitization of the land records and computerization of the land administration at all levels of administration. I have always advocated and the RRC and my committee members agreed, — would be to do it using sufficiently large number of private operators for technical services so that after a one year pilot project it can be scaled up to cover the entire country in the shortest possible time. Private operators will provide technical support for scanning of all old records, making DVDs of that material so that sets can be preserved in various offices at present involved in the creation or management of these of records- offices of AC Land, DCs, District Judges, Commissioners of Divisions, Board of Land Administration, DG Land Records and Surveys, Land Ministry and also all offices of the Registration Department. Once this is done the first step would be completed to prevent tampering of records by unscrupulous persons and groups. One set of the manuscript records can be centrally preserved in a Land Ministry Archive which should have modern facilities for paper record preservation.

All mouza maps created through CS or RS operations should be similarly scanned and DVDs created for preservation at various locations- DC's offices, office of DG Land Records and Surveys, Board of Land Administration and the Ministry of Land. Scanned copies of maps would then be digitized and vectorised so that these maps become live maps for incorporating changes caused by partitions/divisions, erosion and accretion (using satellite maps for both) and changes in land classifications. Conversion of the maps will make it possible to update the map on a regular basis at the Upazilla level and every five years a new map can be prepared without resorting to a costly and time consuming mouza survey as is done now.

SEMINAR PAPERS

PAPERS PRESENTED IN THE SEMINAR

Scanned RS records (one which is now being used in any district) would then be converted into word documents by the vendor by engaging computer operators unless a soft ware can be developed for automatic conversion. The word document s would require printing and countersigning by authorized land management officials with appropriate stamps/seals. These then would be scanned and saved in DVDs like the originals to ensure integrity of the records.

Next step will be to change the records into plot by plot records of rights by hearing the owners as listed in the RS records. These would then be published as draft records by amending the survey and settlement rules. All recorded owners would be required to come to the vendor's office for taking their digital photographs which too would be incorporated in the Record of Rights (RoR). The operation would then move on to objection and appeal stages as is the case now to finalize the records. Once the process is completed the RoR of a mauza would be published and would be made available on the website fo the DG LR&S and that of the DC of the concerned district.

The cost of scanning and conversion of maps would have to borne by the government. Cost of scanning of old RoRs would also have to be borne by the government. But the conversion of the latest RS record from scanning to finalization would be collected from the land owners. An equitable system will be to divide 10% of the the total cost among the recorded land owners at an equal rate. Remaining 90% should be divided by the total land area of the mauza to ascertain the per decimal cost. Land owner(s) would then pay according land holding and get a digital laminated RoR with photograph(s) of owner (s) to make it equitable.

A system of land valuation will also have to be introduced which we suggested in our report along with a simultaneous correction of records at the time of sale or transfer and within a fixed time period where the land is inherited by family members on the death of the recorded owner.

SEMINAR PAPERS

PAPERS PRESENTED IN THE SEMINAR

Taxing incremental land values to finance infrastructure in Bangladesh: A brief outline formats

Prof. Salim Rashid

Suppose a road is to be built and land needs to be acquired for this purpose. Suppose further that there is no dispute about the need for a new or improved road. If my land is acquired, say for a road, I will only be paid a nominal compensation. So I will fight to avoid acquisition. Surrounding land values will shoot up. All my neighbors will make millions because of the road on my land. Is this fair? What did my neighbors do to deserve such a windfall gain and what did I do not to get a share?

Equity requires that my neighbors share the unearned increment with me. Why not tax part of my neighbor's incremental value, to compensate me and to support the costs of road construction?

The most important point is to agree to the equitable principle of this rough schema.

Then we will also see that this proposal requires good land records and acceptable land valuation mechanisms. Hence the three parts of the discussion.

Our task is to discover what enabling laws are needed from the GoB to sustain such a participatory mechanism.

SEMINAR PAPERS

PAPERS PRESENTED IN THE SEMINAR

Necessary Documents for Land Acquisition

by Karim Gazi

Land acquisition is a age old process which is done by the public interest. The guidelines that are stated in the fixed property acquisition manual in 1997 by the GoB is needed to be followed.

a. The non-government organization/personals are required to submit the following documents along with acquisition proposals (5 copies each):

1. Abstract of the proposed acquisition project and the sources of finance with confirmation papers of the donors/ funding organization

2. Certificate of the minimum land required for the project

3. Concerning information related with name of the Mouza, J.L number, 'daag' number and class, total land required.

4. Lay out plan.

5. Latest survey map.

6. The clearance paper of related Union Parishad/ Pourashava.

8. Details of the project.

b. Proposal submitted to the District Commissioner.

c. The proposal of the District land distribution committee to Land Ministry.

d. Verification at the Ministry.

e. A file may be open up in the District Commissioner's office after the permission of ministry.

f. Calculation of compensation after the acquisition is permitted.

g. Transfer of the acquisition, publication of gadget.

h. The facts that are frequently verified and reviewed in the Land Acquisition Committee's meeting:

1. Papers those are submitted along with proposals
2. Necessity and the feasibility of the amount of lands requested for acquisition
3. Rehabilitation and compensation planning for the inhabitants of the land acquisition area.

THE EVENT

The Seminar Event



Discussion with the Participants

Profession Salim Rashid is delivering his speech



Compact Township Foundation

The general objective of the CT Foundation is to provide an Institutional Platform to address the problem of land use in Bangladesh, with the focus upon a particular solution, called Compact Townships, involving the provision of urban facilities in rural areas in small, flood protected and eco-friendly townships. While Land is posited as the fundamental constraint in the development process, it is recognized that there are many resource constraints facing Bangladesh, particularly Water.

Vision

CT Foundation envisions the planned and governed society through its activities (e.g. policy research, advocacy, awareness & promotions) for a better society addressing all sorts of challenges and possibilities

