

Chapter 7

The Land Settlement Process

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The newly accreted land becomes the property of the government (*khas* land) and is transferred to the Forest Department to plant trees that help to stabilize the land. After 20 years, the land is considered as fit for settlement. However, while land is accreting, it is also eroding in other places and it is estimated that each year 26,000 people lose their land through erosion. Without anywhere else to go, many of them try to rebuild their lives on the newly emerged chars, often before the 20 years have expired. They occupy the land illegally and, in some cases, have to ‘buy’ it from local power brokers. There was previously hardly any administrative action of the government in the new chars. The influential people of the chars used to dominate the area. These so-called *Bahini* (Armed gangs) first distributed the land to the landless people taking money from them, and gradually the *Bahini* were divided into many groups guided by different leaders in different areas. Sometimes fighting took place between them to expand their own area to dominate or to take control of another area. The *Bahini* subsequently expanded their activities in several dimensions. They were trying to act as part of the administration and used to interfere in all sorts of matters of the local people, mitigating the problems in the char area by taking money from both parties. They took money from the people as inducement (*chanda*) regularly and tortured brutally those who were reluctant to pay the inducement. Over time the law and order situation in the project chars became worse. For example, the *Bahini* people used to take cattle from the char dwellers; they abducted teenage girls and raped them and kidnapped the people and demanded money from them. Char people had to obey their commands (CDSP-IV TR6, 2013).

Case profile of Sultan Ahmed (Story of land grabbing)

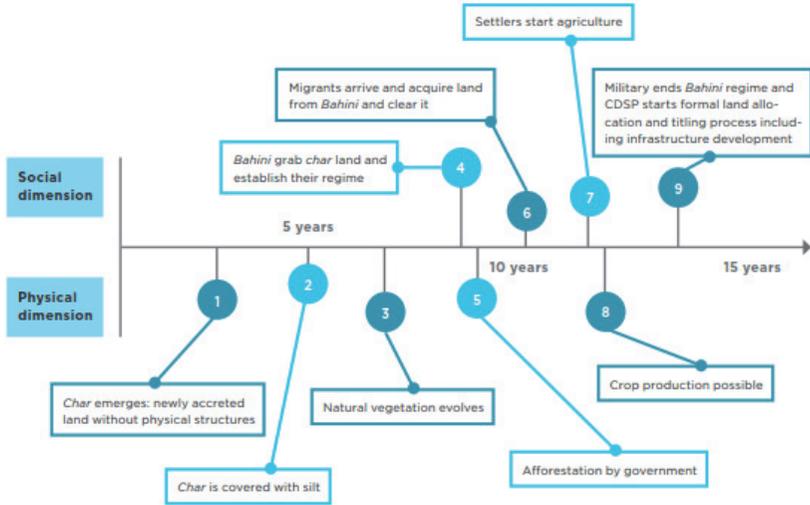
Nobogram appeared before 1970 and people started living there after its formation. This was a char dominated by the *Bahini*. Sultan Ahmed is from Nobagram. “We were the trespassers settled by the rich absentee land grabbers who claimed land of this char as their ancestral land. There were other people like them in the field and they claimed themselves as *boya* and occupied land claiming ancestral land ownership. There were four contending parties of the *boyas*. We cultivated their land as sharecroppers and got a small piece of land each for housing and farming. We were poor, landless and victims of the river erosion. Thus, we accepted them as our mentors. My mentor was from Kabir hat in the main land. He had 9.00 acres (3.5 hectares) of land here and gave me 1.00 acre (0.4 hectare) of land for my housing and farming. I had draft power and cultivated his land as a sharecropper. He was always ruthless towards me. If I could not produce enough rice due to natural calamities or shortage of inputs, he misbehaved with me as if I were his slave.”

“In fact, we were their *lathial* (musclemen, literally those who wield the stick) to protect their land that we cultivated from other contending parties. They forced us to pay them money for the land that we held on different pretexts such as annual revenue, permanent settlement. The *Tahsilder* (government revenue officer) used to come to collect annual land revenue. He contacted the local *neta* (leader), who was the *boya*, not us. The revenue collectors took much more money than the actual revenue. We could say nothing against them.”

An essential achievement of CDSP has been the provision of legal and secure land titles to people who are occupying land on the project chars. These people qualify for land titles (a 99-year lease) under the government’s policy for distribution of char land. The settlement process follows the Government Khas Land Distribution Policy (1997) that stipulates that one landless household can get not more than 0.6 hectare of land for each household. Getting legal title to the land releases them from the clutches of the land grabbers that exploit their vulnerable position.

Rahena, aged 55 years, from Noler Char says, “I lost my husband in the hands of ‘*Bahinis*’. The *Bahinis* used to put extreme illegal pressure on us to take our land but we did not surrender. They have forcibly taken five of our cows, four boats, cooking pots, food and other household stuff. Thankfully since CDSP IV started working, we received permanent land settlement by government and now nobody will be able to evict us”.

The process of char evolution is shown below.



Typical char evolution. Source: Rosendahl et al (2015)



Fig. 7.1. Mr. Laurent Umans, 1st Secretary, EKN is handing over the land title to the landless Mr. Shahe Alam and his family of Purba Ramahatpur, Noler Char, Hatiya at the location of Saddam bazar, Hatiya, Noakhali, 2015.

Table 7.1. Settlement status of households.

	CDSP-I & II	CDSP-III	CDSP-IV baseline	CDSP-IV
Settlement programme / land title	58	87	1.2	71
Occupying <i>khas</i> land	7	8	91	32
Purchased land	42	28	8	6
Inherited land	18	6		1
Sample size (n)	200	200	1400	200

Land titles are granted in the joint names of husband and wife, with the wife's name coming first on the title deed. This has had far-reaching benefits for women which has been described in Chapter 5.

In recognition of its Gender Equality on Land Settlement to the landless families, Char Development and Settlement Project-IV has been awarded IFAD Gender Award for Asia and the Pacific Region for 2017.



Fig. 7.2. Mohammad Chuttu and Nasima Begum of Solaiman bazar, Char Nangulia, Subarnachar Upazila showing their land title after getting the land settlement from CDSP-IV.

With official land title, people of the project areas experience greater economic security and are no longer forced to pay fees to land grabbers. Secure tenure of land encourages people to invest in their property – building better houses, digging fish ponds, cultivating crops, and improving the quality of their land, thus enabling them to improve their economic situation and livelihoods (CDSP III TR7, 2010).

Land settlement under CDSP-IV

The land settlement process under CDSP-IV follows the provisions of agricultural *khas* land management and settlement policy 1997, published by the Ministry of Land, and can be divided into the following broad stages:

1. Plot-to-plot surveys (PTPS)

During a plot-to-plot-survey (PTPS), cartographers measure each plot on the respective char, draw an exact map of the land based on cadastral surveys and note down the details of the inhabitants under the general supervision of the Deputy Commissioner of the District. The maps and the information about the families are then deposited and published in the Upazila (sub-district) Land Office. Complaints against the findings can be submitted within 30 days. Information about the upcoming *khas* land settlement and PTPS is disclosed in the locality through public notice and local meetings which are known as ‘Information Dissemination Meetings’.

2. Hearings for Landless Family Selection

The Upazila Committee holds public hearings in the field for disposal of the objections and selection of landless households. While in standard land settlement processes the settlers are requested to travel to the Upazila Land Office to look into the files, CDSP-IV organizes public hearings at the village level. During these hearings, each case is called out to confirm that the family and all listed members are living on the plot. Other participants can object, for example if they know that an applicant owns a plot of land somewhere else. Settlers are assisted in filling up the official forms quickly and correctly. One family can get not more than 0.6 ha (1.5 acres) land according to the government policy.

3. Settlement Case initiations and legal formalities

Once the hearing is concluded, the list with the identified landless households is transferred to the Upazila Land Office which prepares the official resolution of the meeting and the Assistant Commissioner (Land) officially initiates the settlement cases (*Jamabandi*) for each family according to the resolution. District Committee approves the list and the Deputy Commissioner approves the *Jamabandi* cases and sends these cases back to the Assistant Commissioner (AC)

(Land). After receiving approval from the district level, the *Kabuliat* (deed of agreement) has to be signed by both the selected landless households and the land authority. Under CDSP, *Kabuliat* signing by the AC (Land) and the deed registration by the Sub-Registrar are done at the village level due to a special arrangement (in other cases this is done at the Upazila Offices), which saves the families time and costs for the often-difficult travel to the Upazila Office.

4. *Khatian* (Land Title) distribution

Once registered, the details of the settlement cases are entered into the land database of CDSP-IV. The project has developed a Land Records Management System (LRMS), which allows record keeping of every land attribution and helps to prevent double assignments. The LRMS produces computerized *Khatians* (Land Titles). As the last step in the process, *Khatian* distribution ceremonies are arranged to hand over the land titles, making the selected family the owner of the respective plot on a permanent basis. The *Kabuliyat* (Lease Deed) is valid for a period of 99 years. The land, once allocated, cannot be sold and only be transferred by inheritance. The beneficiary family can construct a house on 0.03 ha of land with the remaining land strictly reserved for agricultural purposes.

Process Innovations

Under CDSP, a number of innovations, such as the Plot-to-plot surveys, information dissemination meetings, the public hearings, the *Kabuliat* signing and registration of deeds on village basis, and the Land Records Management System, have been introduced to the land settlement process. The aim of this is to make records less vulnerable to improper alteration and more accessible to the public. Online based modified LRMS software is now running in the district and Upazila level project Land offices. A server computer with required IP Address has been established and installed in the PD Office (Deputy Commissioners' Office) of MoL, Noakhali.

Another change that CDSP introduced to the process is improving the position of women regarding land rights. The wife's name is now written first in the legal document. As a result, she is legally entitled to 50 percent of the owned land. This strengthens her position in the family, provides her uninterrupted access to the land and a legal position in many decision-making processes. For example, if the family wants to use the land as a collateral for credit. Also, if the husband should abuse his wife or it is proven that he is involved in illegal activities, legal steps against him can now result in him losing his share of land.

These elements are unique to land settlement under CDSP. Over the years of CDSP implementation the process has been streamlined and simplified making it faster and more accessible for the char settlers.

Minimum time needed: PTPS to Title distribution

The land settlement process is a time consuming, multi-staged complex work. A minimum of 14 months' time is needed to complete a settlement case and distribution of land title. Many upazila and district level offices and committees are involved in this process. Procedure and CDSP practice to complete a land title (*Khatian*) and required minimum time frame is stated below:

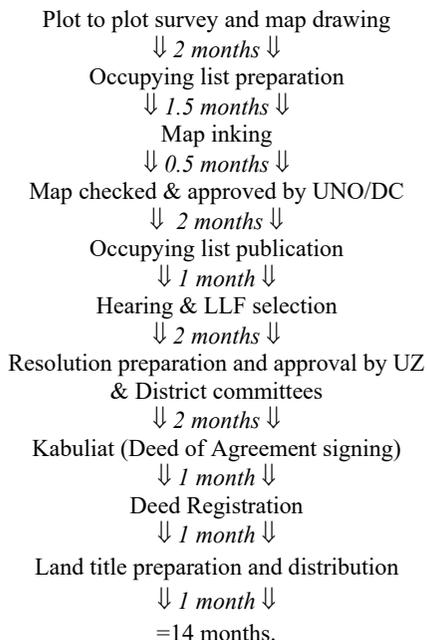


Table 7.2. Land Settlement Achievement under CDSP concept (CDSP-I to CDSP-IV).

Project Phase	Settled Land (Acres)	Total Beneficiaries (HHs)
CDSP-I (1994-2000)	5,842.00	4,494
CDSP-II (2000-2005)	10,188.00	7,837
CDSP-III (2005-2011)	10,820.00	8,323
Sub Total	26,850.00	20,654
CDSP-IV (2011-2018) (Progress till Dec 2017)	15,527.00	11,944
Total	69,227.00	53,252

Note: The number of female and male beneficiaries are equal. Husband and wife share equal (50:50) ownership of the settled land.

Since inception of CDSP-IV, the project has successfully handed over *khatians* to more than 12,000 households for over 6,300 ha of land (CDSP-IV TR13, 2018).