

LAND POLICY AND ADMINISTRATION IN BANGLADESH:  
A LITERATURE REVIEW

CARE RURAL LIVELIHOODS PROGRAMME

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Draft for discussion inside and outside CARE

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<b>GLOSSARY (BANGLA)</b>	
<i>amin</i>	Temporarily employed survey fieldworker. Responsible for preparation of <i>khatians</i>
<i>baor</i>	Ox-bow lake
<i>barga</i>	Share-cropping
<i>bargadar</i>	Share-cropper
<i>beel</i>	Lake-like depressions retaining water permanently or for the greater part of the year
<i>benami</i>	Land property purchased and recorded in name of person who is not the true owner
<i>bujharat</i>	Local explanation of <i>kistwar</i> . Draft <i>khatian</i> handed over to owners and entries explained
<i>char</i>	Alluvial land or land thrown up from river
<i>diara</i>	Riverine areas where alluvion and diluvion occur. Settlement operation in char or alluvial area
<i>haor</i>	Low lying drainage basins between two or more rivers
<i>ijaradars</i>	Waterbody lease holder
<i>jalmohal</i>	A designated fishing ground. A water estate
<i>jamas</i>	Interests
<i>janch</i>	Verification of record of rights before final publication in the settlement operation
<i>jotedar</i>	Rich peasants controlling land and revenue collection for <i>zamindars</i>
<i>kanungo</i>	Sub-assistant settlement officer. A revenue position junior to AC (Land)
<i>khalashi</i>	Person who assists the surveyor/ <i>amin</i>
<i>khals</i>	Drainage channels connecting <i>beels</i> to adjacent rivers
<i>khanapuri</i>	Preliminary land record writing. Filling in of columns of <i>khatian</i>
<i>khas</i>	State land under administration of MOL arising either from new formation or seizures in excess of 33.3 acres ceiling under land reform legislation
<i>khatian</i>	Cadastral
<i>kistwar</i>	Cadastral traverse plot to plot survey
<i>mouza</i>	Revenue village
<i>munsif</i>	The most junior civil judge – now re-designated as assistant judge
<i>nirbahi</i>	<i>Upazilla</i> executive officer
<i>peshkar</i>	Bench clerk to any judicial court or quasi judicial officer
<i>shalish</i>	Local adjudication
<i>tasdik</i>	Attestation
<i>tebhaga</i>	Sharecrop system where one third of proceeds goes to the land owner and two-thirds to the cultivator to cover labour and material inputs
<i>tehsil</i>	Lowest union-level revenue unit comprising several <i>mouza</i>
<i>tehsildar</i>	Local revenue collector
<i>zamindar</i>	Large landed proprietor from Mughal period with ultimate tax collection and extraction rights. Position modified under colonial Permanent Settlement Act of 1793

<b>GLOSSARY (ENGLISH)</b>	
Alluvion	Accretion of land by movement of water ( <i>see char</i> )
Attestation	Stage of settlement operation where <i>khatians</i> prepared by <i>amins</i> are checked, verified and attested by a revenue officer at the <i>mouza</i> level
Cadastre	Record of ownership, area and character of land (by plot or by owner)
Collector	District level official responsible for collection of revenue from government land, the Deputy Commissioner
Diluvion	Loss of land by erosion of river or sea
Mutation	Actions of <i>tehsildars</i> and ACs (Land) to update records reflecting change in ownership and physical alterations
Recorder	Officer in charge of land records
Settlement	Major survey and establishment of land ownership

<b>ACRONYMS</b>	
AC (Land)	Assistant Commissioner (Land)
ASO	Assistant Settlement Officer
CHT	Chittagong Hill Tracts
CLO	Certificate of Land Ownership (proposed)
CS	Cadastral Survey
DC	Deputy Commissioner
DCL	Deputy Commissioner (Land)
DLRS	Directorate of Land Records and Surveys
DOF	Department of Fisheries
EBSATA	East Bengal State Acquisition and Tenancy Act
GO-IF	CARE Go-Interfish Project
IP	Influential person
IPTT	Immovable Property Transfer Tax
LDT	Land Development Tax
LRAP	Land Reform Action Programme
LRB	Land Reforms Board
MLJPA	Ministry of Law, Justice and Parliamentary Affairs
MOL	Ministry of Land
MOLF	Ministry of Livestock and Fisheries
NFA	National Fishermen's Association
NFMP	New Fisheries Management Policy
RDC	Revenue Deputy Collector
ROR	Record of Rights
SRS	Survey and Re-settlement Operations
UFO	<i>Upazilla</i> Fisheries Officer
UNO	<i>Upazilla Nirbahi</i> Officer
UP	Union Parishad
ZSO	Zonal Settlement Officer

## 1. Introduction

As a part of its wider effort to move towards a more rights-based approach, CARE's Go-Interfish Project (GO-IF) is exploring a series of initiatives designed to improve the access of members of its target group to land.

The literature review presented here aims to contribute to this objective by introducing the key policies through which land rights are defined, and explaining the administrative structures and procedures that determine how far these rights can actually be enjoyed in practice.

It has been prepared in the course of a short consultancy, and is specifically required to investigate:

- post-colonial land policies and reforms, including those relating to *khas* land and water bodies
- the larger political economic context in which these were framed
- the structures and roles of different institutions in land administration
- the nature of the authority of different state actors (e.g. AC (Land))
- the land survey process
- the system of land registration and recording
- the system of land title transfer
- the capacity of the relevant agencies to implement policy

Some of the issues raised are complex, and it has not always proved possible to arrive at clear and comprehensive answers in the time available. Different sources can convey conflicting impressions on the same issue, and there are also instances of apparently contradictory statements appearing only a page or two apart within the same article.

What follows should therefore be regarded as no more than a preliminary and draft attempt to map the territory. Feedback is actively sought from readers who identify errors or any lack of clarity, so that an improved and hopefully more authoritative version can be produced at a later date.

The first part of the paper explores how land policy has evolved and outlines the present structure of land administration. Part two examines how privately owned land is administered, whilst part three looks at the systems operating on relation to land and water bodies falling under the control of the state.

Extensive use has been made of diagrams and charts in an attempt to keep ambiguities, which can easily become buried in plain text, to a minimum.

## **PART I: CONTEXT**

### **2. The evolution of policy and the wider political and economic context**

The way in which land is currently administered remains firmly rooted in practices established during the colonial era. The British, from the outset, gave high priority to the organisation of a centrally controlled management system that was designed to maintain political control and secure a steady source of state finance. Relatively little has changed in the post-independence era.

Attempts at re-distributive reform through the establishment of land ceilings have been a feature of both the Pakistan and Bangladesh periods. But whilst ostensibly designed to place land in the hands of the tiller and to return water bodies to those who fish them, these have largely been circumvented by the wealthy and powerful. High population densities and increasing fragmentation of holdings mean, in any case, that the scope for re-distribution declines as time passes.

Tenants' rights, including security of tenure, are enshrined in legislation. These are currently almost invariably ignored in practice, and may offer some scope for intervention.

Measures are also in place promising the landless access to government land created by alluvion, and a range of water bodies. NGOs concerned with the land issue have tended, in recent years, to focus their attention on the different means by which these rights may, in practice, be secured.

Figure 1 lays out the historical antecedents of land policy and explores, in outline, the major developments taking place in the post-colonial era, whilst Figure 2 provides more detail in the form of a time-line.

**Figure 1: Key developments in land policy and administration**

<b>Era</b>	<b>Key developments</b>	<b>Khas land</b>	<b>Fiscal policy</b>	<b>Surveys</b>	<b>Civil society</b>	<b>Land ceiling</b>	<b>Administration</b>
Pre-colonial	Indian Hindu rulers introduce first land revenue systems  C16 Sher Shah reforms introduce system of land measurement + revenue assessment & collection						
Colonial 1757-1947	1793 Permanent Settlement Act establishes <i>Zamindari</i>	1825 Bengal regulation 11  1868 Bengal Alluvion Act  1919 Government Estates Manual  1932 Bengal Crown Estates Manual	1882 Transfer of Property act  1908 Registration Act	1888-1940 Cadastral Survey (CS) of undivided Bengal creates first comprehensive record of land rights. Still accepted by contemporary courts	1946 Tebhaga Movement		
Pakistan 1947-71	1950 East Bengal State Acquisition & Tenancy Act abolishes <i>Zamindari</i> : land should pass to tiller		1950 Remains largely unchanged	1956- 62 State Acquisition Survey using CS as blueprint  1965 Present survey revisional settlement begins	1950s to early 70s Leftists Pursue land Reform agenda	1950 Ceiling of 33.3 acres imposed for first time  1961 Raised to 125 acres by Ayub Khan	
Bangladesh 1971-	1972 Revised State & Tenancy Act  1984 Land Reform Ordinance legally recognises share-cropper rights	1975 President's Order LXI  1987 Land Reform Action Programme  1997 Agric. <i>Khas</i> Land Management/Settlement Policy	1972 Tax exemption For smaller holders  1976 LDT (Land Development Tax)  1992 Revised LDT  2000 Stamp duty reform		1984 NGO role in <i>khas</i> land distribution?	1972 Re-established as 33.3 acres  1984 New acquisitions max 21 acres. <i>Benami</i> transfers outlawed	1972 Travel Allowances end  1989 Land Appeals Board  1991 New Land Admin manual

**Figure 2: Land policy and administration timeline****India period**

	Land revenue systems introduced by Hindu rulers of ancient India.
C16	Sher Shah reforms introduce a regular system of land measurement together with the assessment and collection of revenue.
C17-18	British establish an elaborate system of land surveys and registration based on the concept of net assets. This is designed to encourage the peasantry to settle remote and marginal land and thus boost revenue collection. It continues with some modifications in the very different circumstances that now obtain.
1793	The Permanent Settlement Act vests rights to land (and water bodies) in a class of <i>zamindars</i> . Whilst intended to usher in the re-organisation of agriculture along capitalist lines, this has the actual affect of creating multiple-layers of sub-tenants.
1882	Transfer of Property Act, the fore-runner relevant to present registration procedures, is passed.
1888-1940	A Cadastral Survey (CS) of undivided Bengal creates the original record of land rights. This is often still accepted as evidence by modern courts.
1908	The Registration Act establishes land registers kept by the sub-registrar, an official under the Ministry of Law. These assess and collect “ <i>ad valorem</i> ” based registration fees, stamp duty and transfer tax, and provide deeds relating to the transfer of land.
1927	90,000 cadastral maps covering the whole of contemporary Bangladesh are published. These are still considered the most reliable cartographic record by modern courts.
1946	The Tebhaga share-croppers movement campaigns for reforms in ratios and procedures governing division of produce. But nobody now really represents their interests or carries the movement forwards. Slogans for re-distributional land reform are part of the anti-colonial struggle.

**Pakistan period**

1947	Pakistan continues with a version of the net asset system but this declines in importance with reduced frequency of settlements and poor maintenance of land records.
1950	Abolition of <i>Zamindari</i> system. Control of land passes to the Revenue Department, which subsequently becomes the Ministry of Land (MOL).
1951	East Bengal State Acquisition and Tenancy Act (EBSATA) 1951 promotes the goal of retaining the agricultural character of land by giving cultivators first right of purchase and prohibiting other use; but the large number of exceptions and poor enforcement dilute impact. A land ceiling of 33.3 acres is imposed.
1950-early 70s	A leftist movement targets landless poor and marginal farmers, but whilst land reform continues to excite the popular imagination, little is done by way of implementation.
1956-62	A State Acquisition Survey is conducted based on the CS blueprint
1961	Land ceiling raised to 125 acres
1965-	Survey and revisional settlement operation commences, but progress is very slow and by 1995 it has only been completed in 10% of all <i>thanas</i>

**Bangladesh period**

1972	A land ceiling of 33.3 acres is re-established and various presidential orders provide for the distribution of <i>khas</i> land amongst the landless. Expected that 2.5 million acres of excess land will be released, but in reality there is far less. Newly formed land vested in government, becoming a second type of <i>khas</i> . Exemption from land tax granted for families owning < 8.33 acres.
1976	A variety of land related charges are consolidated into the Land Development Tax (LDT), which covers the whole country except CHT, but deficiencies in the record system mean individual holdings cannot be checked, and switches to more heavily taxed non-agricultural uses frequently go unrecorded.
1984	The Land Reform Ordinance limits future land acquisitions to 21 acres whilst retaining present ceilings. <i>Benami</i> (ceiling avoiding) transfers to relations are outlawed, but again evasion is easy. Legal recognition to the rights of share-croppers is given for the first time and share-cropping is established as the only admissible form of tenancy contract.
Late 1980s	Only 0.2% of value added in agriculture collected as LDT revenue, of which collection cost is two thirds.
Late 1980s	Muyeed Committee recommends that functions of Land Registration (sub-registrar) and record ( <i>tehsil</i> ) be brought together in a single office at field level but this is ignored.
1988	Cluster village programme resettles landless people on state land, but only 800, with some 32,000 households, have been formed by 1996.
1989	Board of Land Administration split into Land Appeals Board and Land Reforms Board to deal with the ever increasing volume of quasi-judicial appeals.
1991	A survey shows 90% of the rural population are unaware of the 1984 reforms.
1991	A land administration manual lays down detailed instructions regarding inspection and supervision of Union and <i>Thana</i> land offices.
1992	Farms of up to 8.33 acres are exempted from LDT. 8.33 – 10 acres are charged at BDT 0.5 per acre, and larger holdings at BDT 2 per acre.
1997	New Agricultural <i>Khas</i> Land Management and Settlement Policy introduced.
1998	Total <i>khas</i> land is found to be 0.75 million acres (or 3% of arable land area). But the actual amount remains unclear as a result of <i>de facto</i> private control arising from informal local settlements.
2015-20	Estimated date for completion of survey of land rights.

(Developments relating to *khas* water bodies are recorded separately in Figure 17 below)

### 3. The structure of contemporary land administration

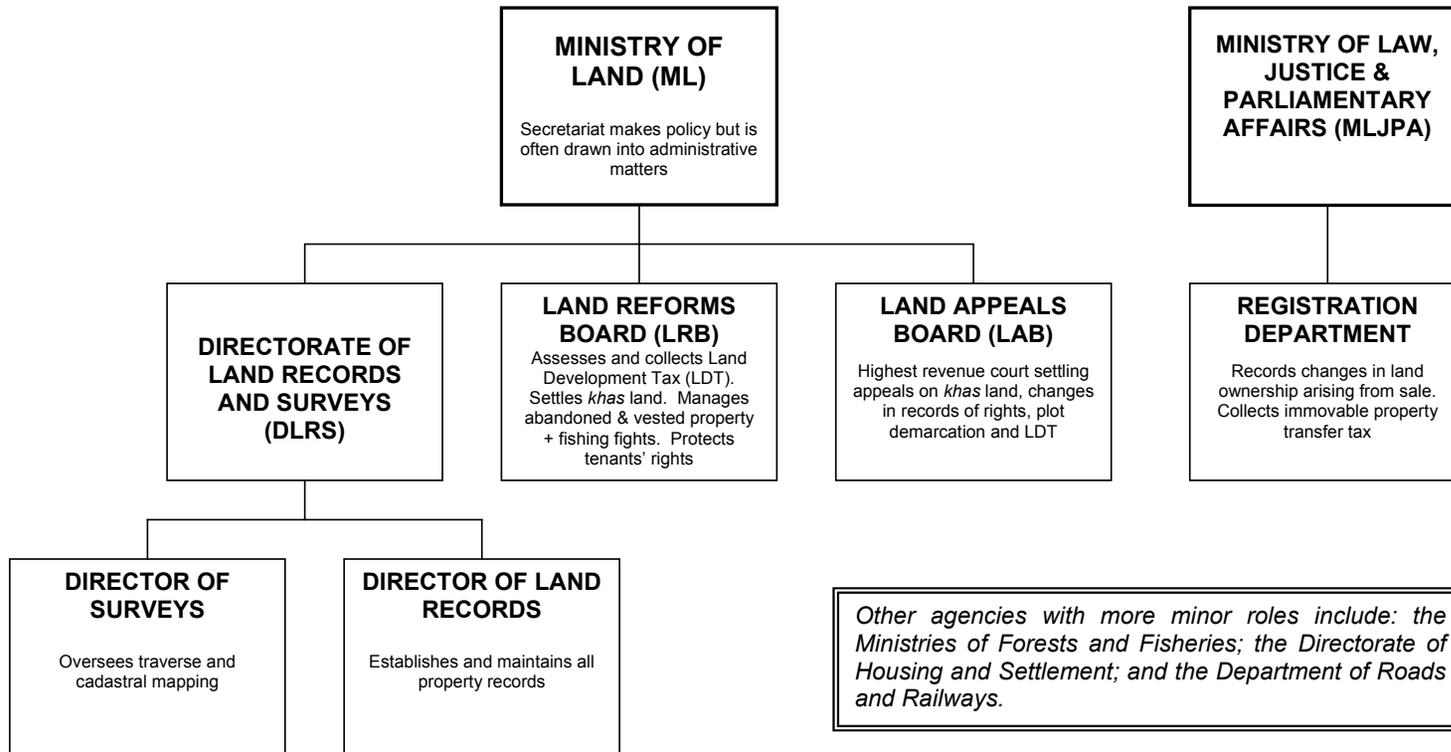
Land administration in Bangladesh has a long history that dates back to systems developed by the Hindu rulers of ancient India, and still carries the heavy imprint of the elaborate system of land surveys and registration for revenue collection purposes introduced by the British. The present day administration of land splits into four different functions, divided between two Ministries (see *Figure 3*).

- The Directorate of Land Records and Surveys (DLRS) in the Ministry of Land (MOL) conducts cadastral surveys, from which it produces *mouza* (revenue village) maps showing individual plots of land and *khatian* (individual land record certificates).
- The Land Reform Board (LRB), also in the MOL, has a number of functions that it discharges through *Upazilla* Land Offices and Union *Tehsil* offices. It administers *khas* (public) land, and manages abandoned and vested property. It updates maps and land records between surveys, and sets and collects the Land Development Tax (LDT). It is also formally responsible for the implementation of land reform legislation and the implementation of tenant's rights.
- The Land Appeals Board (again in the MOL), is the highest revenue court in the land, serving as the final arbiter in matters of *khas* land, changes in records, plot demarcation and taxation which cannot be resolved at lower levels. As such, it represents the final link in a chain running upwards from the Assistant Commissioner (Land) and the Nirbahi Officer at the *Upazilla*, through the Additional Deputy Collector (Revenue) and the Deputy Revenue Collector at the District.
- Finally, the Department of Land Registration in the Ministry of Law, Justice and Parliamentary Affairs records land mutations arising through sale, inheritance or other forms of transfer, reports changes to the Ministry of Land, and collects the Immovable Property Transfer Tax.

Other agencies playing a more minor part in the administration of land include the Ministry of Forests, the Fisheries Department (*whose role is discussed in Section 9 below*), the Directorate of Housing and Settlement, and the Department of Roads and Railways.

Further details of the key roles in land administration at divisional, district, *Upazilla* and union levels appear in *Figure 4*. *Figure 5* then gives more details of staffing patterns at *Upazilla* level and below, where most of the work is done; and *Figure 6* sketches the main relationships arising between different categories of staff within departments and across departmental lines.

**Figure 3: Land Administration at National Level**



**Figure 4: Key roles**

Some 6,000 staff are permanently employed in land administration plus seasonally recruited survey teams of up to 3,200 depending on finances

Role	Level	Land Related Responsibilities
Commissioner (Co-ordinating officer of all govt activities)	Division	<i>As Chief Revenue Officer:</i> <input type="checkbox"/> hears appeals against DC's decisions <i>On behalf of LRB:</i> <input type="checkbox"/> sets district LDT collection targets <input type="checkbox"/> management of vested & abandoned properties <input type="checkbox"/> management of <i>khas</i> lands including fisheries
Additional Commissioner		<input type="checkbox"/> Assists Commissioner
Deputy Commissioner (Co-ordinating officer of all govt activities)	District	<input type="checkbox"/> execution of provisions of various acts <input type="checkbox"/> government land acquisition <input type="checkbox"/> oversees <i>thana</i> and union land offices
Additional DC (Revenue) Assists DC		<input type="checkbox"/> hears appeals <input type="checkbox"/> inspects offices/records of AC (Land)/ <i>tehsildars</i> <input type="checkbox"/> revenue collection/monitoring amounts collected
Revenue Deputy Collector Assists ADCR		<input type="checkbox"/> inspects offices/records of AC (Land)/ <i>tehsildars</i> <input type="checkbox"/> monitoring amounts collected
Assistant Commissioner of Land	Upazilla	<input type="checkbox"/> keeps land records up to date <input type="checkbox"/> determines LDT to be demanded of each landowner <input type="checkbox"/> dispatches <i>tehsildars</i> to collect LDT, supervising their work and inspecting their records <input type="checkbox"/> administers <i>khas</i> land & vested or abandoned properties
Sub-assistant Officer (Kanungo)		<input type="checkbox"/> attestation of <i>khatians</i> <input type="checkbox"/> supervises <i>tehsil</i> offices <input type="checkbox"/> reports on tax collection to AC (Land) <input type="checkbox"/> assists magistrate in investigation and preparation of files on land disputes
Local Revenue Collector ( <i>tehsildar</i> ) (and assistant <sup>^</sup> )	Union (1 or 2-3?)	<input type="checkbox"/> gathers taxes, files certificates for arrears <input type="checkbox"/> updates records of ownership ( <i>khatian</i> ) <input type="checkbox"/> on instruction of AC (Land) conducts preliminary enquiries regarding petitions to update land records <input type="checkbox"/> maintains list of <i>khas</i> lands <input type="checkbox"/> inspects incidence of alluvium and diluvium, making related map corrections and rent adjustments
Settlement Officer	Zone	<input type="checkbox"/> has revenue powers? <input type="checkbox"/> overall responsibility for settlement operation
Assistant Settlement Officer	Upazilla	<input type="checkbox"/> assists settlement officer run and supervise settlement operations <input type="checkbox"/> may be authorised to hear appeals
Survey Fieldworker ( <i>Amin</i> )	Local	<input type="checkbox"/> conducts traverse survey ( <i>kistwar</i> ) <input type="checkbox"/> makes/updates cadastral map and numbers plots <input type="checkbox"/> conducts field checks to determine accuracy and makes corrections <input type="checkbox"/> calls interested parties to meeting ( <i>khanapuri</i> ) to discuss details <input type="checkbox"/> fills draft record ( <i>khatian</i> ) and presents to owner
Registrar*	District	
Sub-registrar*	Upazilla	<input type="checkbox"/> keeps land registers, but not concerned with legal validity of documents brought to them for registration

**Comment [MB1]:** Does this have the sense 'plus', or does it refer to the symbol in the key at the foot of the figure?

\* Ministry of Law

<sup>^</sup> Employed by DLRS on 6 monthly contracts within settlement exercises

**Comment [MB2]:** The use of this symbol in the figure needs checking.

**Figure 5: Local level staff**

Role	Bangla	Class	No*
<b>Land Office (Upazilla)</b>			
Assistant commissioner land	<i>Sarkari commissioner (bhomi)</i>	I	1
Sub-assistant commissioner land	<i>Kanungo</i>	III	1
Head assistant accountant	<i>Prodhan sorkari</i>	III	1
Surveyor	<i>Amin</i>	III	1+
Cashier	<i>Nasir</i>	III	1
Bench clerk (certificate)	<i>Peshkar</i>	III	1
Assistant bench clerk	<i>Asst Peshkar</i>	III	1
Mutation assistant	<i>Joma Sorkari</i>	III	1
Sairat	<i>Credit checking assistant</i>	III	1
Process surveyor		IV	2
Chainman	<i>Shikal bahok</i>	IV	2
Office assistant	<i>Peon</i>	IV	??
<b>Total</b>			<b>13</b>
<b>Land Office (Union)</b>			
Local revenue collector	<i>Tehsildar</i>	III	1
Assistant local revenue collector	<i>Asst Tehsildar</i>	III	1
Office assistant	<i>Peon</i>	IV	2
<b>Total</b>			<b>4</b>
<b>Land Settlement (Upazilla)</b>			
Assistant settlement officer	<i>Shorkari SO</i>	I	1
Sub-assistant settlement officer	<i>Upazilla (?) shorkari SO</i>	II	7
Bench clerk	<i>Peshkar</i>	III	1
Bench assistant	<i>Bench shorkari</i>	III	1
Draftsman/sheet keeper	<i>Nokshakor</i>	III	2
Chainman	<i>Chainman</i>	IV	2
Office assistant	<i>Peon</i>	IV	1
<b>Total</b>			<b>15</b>
<b>Land registration (Upazilla)</b>			
Sub-registrar	<i>Upa Nibandhak</i>	I	1
Head clerk	<i>Kerani</i>	III	1
Clerk	<i>Muharrir</i>	III	2
Tax collector clerk	<i>TC Kerani</i>	III	1
Contract clerks	<i>Nokal Nobish</i>	-	15
Office assistant	<i>Peon</i>	IV	1
<b>Total</b>			<b>21</b>

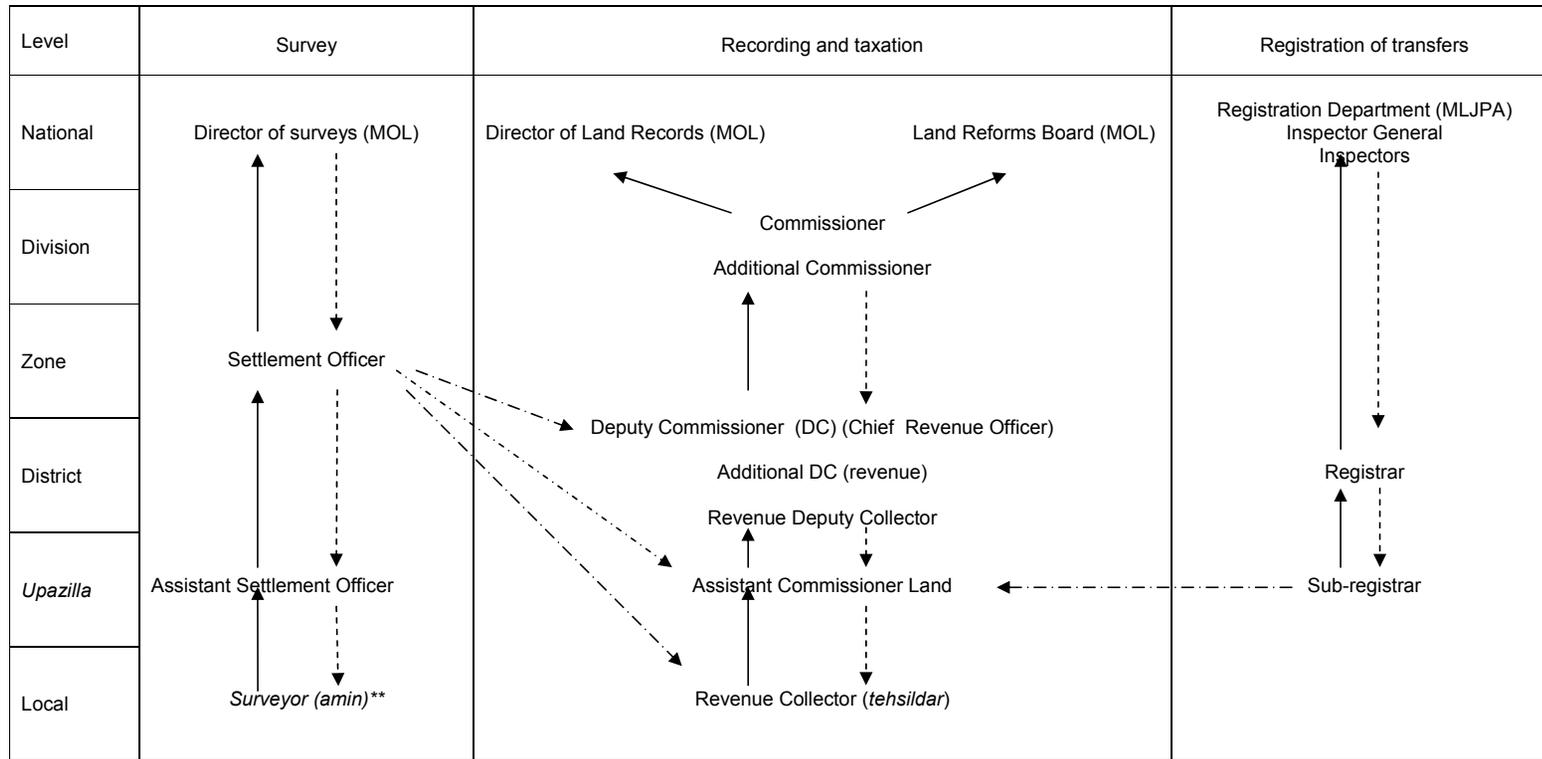
Comment [MB3]: Define

Comment [MB4]: Author verification required.

\* Full establishment. Posts vacated through transfer, retirement etc. will not always immediately or automatically be filled.

+ Covers 3 Upazilla

**Figure 6: Creating and Maintaining Land Records at Sub-national level: Key Roles, Reporting Lines and Supervision**



\*\* Surveyors (*amin*) only exist where survey is taking place, not in all locations

Reporting      —————>      Supervision      - - - - ->      Informing      - · - · ->

## PART II: ADMINISTERING PRIVATELY OWNED LANDS

### 4. Land surveys

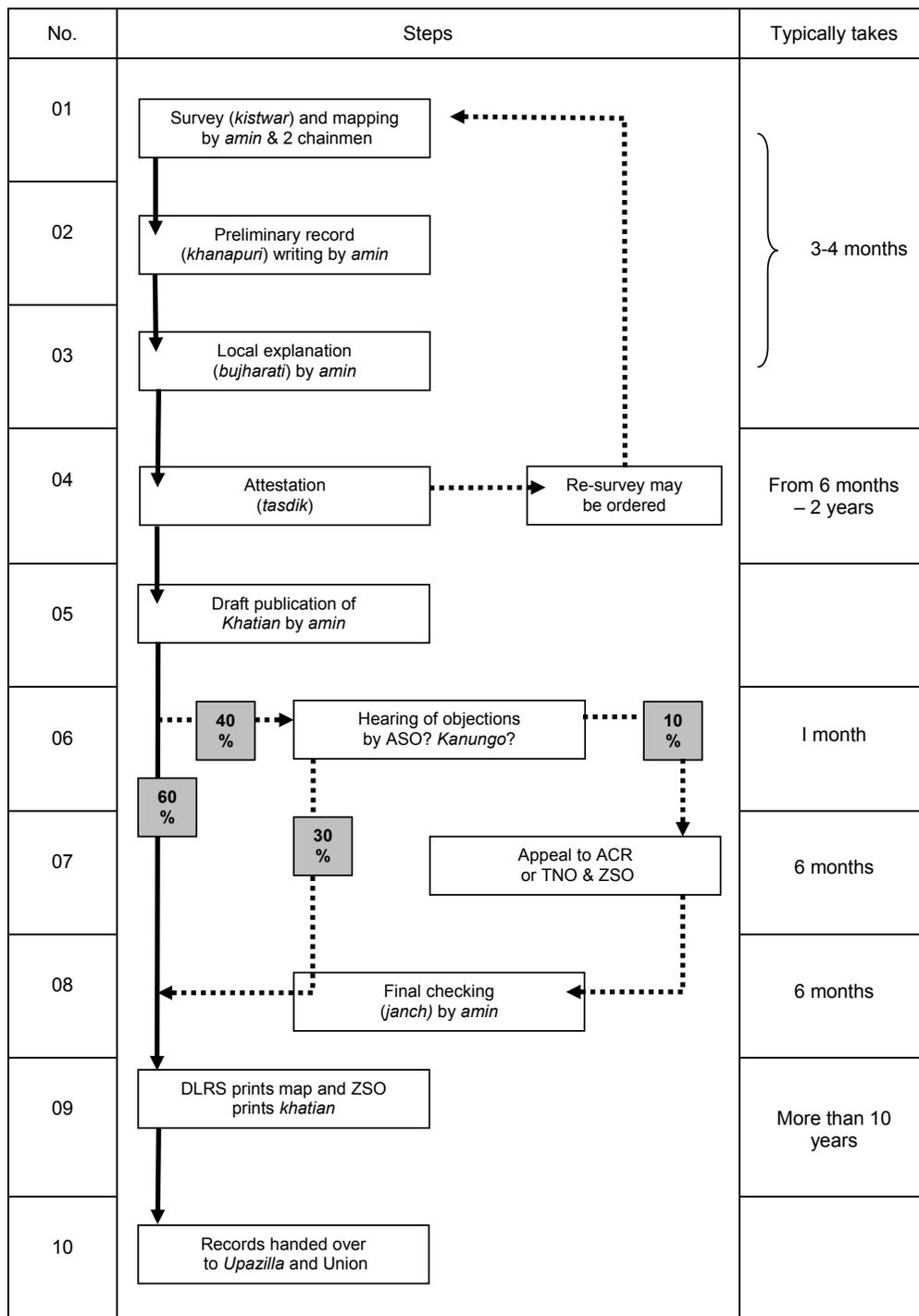
The land survey process is referred to as land settlement and is administered by the Directorate of Land Records and Surveys (DLRS). At headquarters there is a *diara* settlement officer who oversees surveys in riverine areas and major urban centres where frequent changes of ownership take place. Elsewhere the system is as indicated in Figure 7 below, whilst the nature of the survey process in individual locations is summarised in Figure 8.

**Figure 7: Land Surveys: coverage, administrative responsibility and rate of completion**

Level	Operating in 1997 (a)	Span of control (b)	Average coverage	Persons responsible (c)	Average rate of work
Zone	12	(17-18)	2-3 districts	Zonal Settlement Officer (ZSO)	12-15 years to complete
Upazilla	209		125 square miles	Assistant Settlement Officer (ASO)	5-10 years to complete
Mouza	1150		1.33 square miles	Amin + 2 chainmen	1.5 per season

- (a) Settlement is seen as a temporary process where only certain parts of the country are covered at particular points of time.  
 (b) The average number of *Upazillas* per Zone and *Mouzas* (Revenue Villages) per *Upazilla*.  
 (c) For details of responsibilities see Figure 4 above.

**Figure 8: The land survey process**

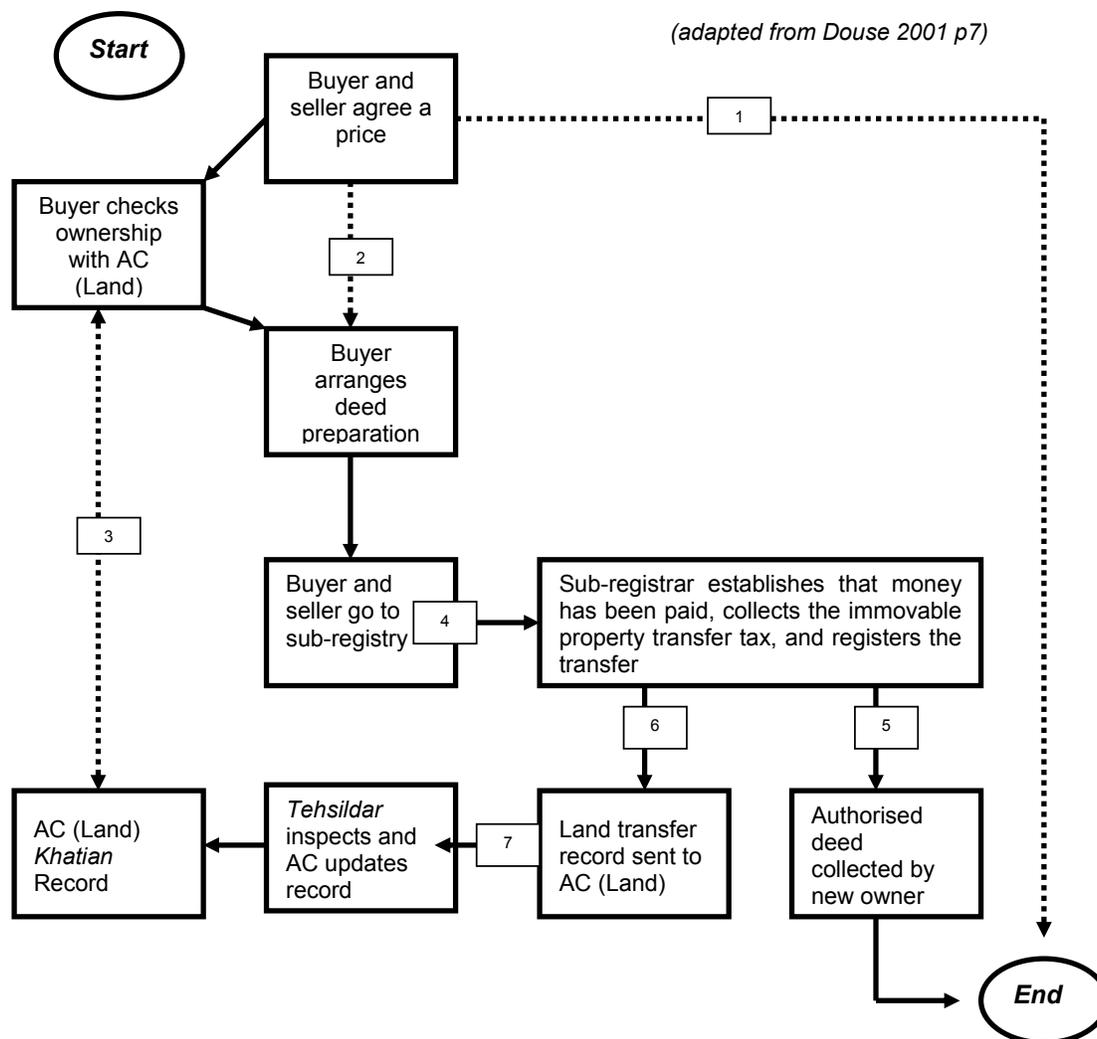


**Figure 8: The land survey process (continued)**

Explanation of procedure	Potential problems arising
<b>01. Cadastral survey (<i>kistwar</i>)</b> <ul style="list-style-type: none"> <li>❑ <i>Amin</i> and 2 chainmen to draw revised <i>mouza</i> map showing changes in area, location and characteristics of land</li> <li>❑ Followed by demarcation of boundaries</li> </ul>	<ul style="list-style-type: none"> <li>❑ These are temporary junior staff. Insecurity and low pay affect morale, performance, accuracy and reliability</li> <li>❑ They have to depend on the local elite for board and lodging during season and are thus open to their influence</li> </ul>
<b>02. Preliminary record writing (<i>khanapuri</i>)</b> <ul style="list-style-type: none"> <li>❑ Display of notices and beating of drums summons owners, neighbours and interested parties to <i>khanapuri</i> at which each claimant presents their case</li> <li>❑ <i>Amin</i> fills up the columns of the <i>khatian</i> (record of rights) form giving plot number, <i>khatian</i> number, classification of land (that affects land revenue), area, crops grown, name of owner, agricultural practices</li> <li>❑ <i>Khatian</i> also officially contains information on tenancy since 1984 Land Reform</li> </ul>	<ul style="list-style-type: none"> <li>❑ Poorly paid field workers are again susceptible to bribery here</li> <li>❑ In practise tenancy is rarely recorded because of pressure from the rich</li> </ul>
<b>03. Local explanation (<i>bujharat</i>)</b> <ul style="list-style-type: none"> <li>❑ <i>Amin</i> hands draft <i>khatian</i> over to the “owner” and entries are explained</li> </ul>	
<b>04. Attestation (<i>tasdik</i>)</b> <ul style="list-style-type: none"> <li>❑ <i>Tehsildar</i>, assisted by clerk, hears from each owner, listens to any disputes and, if satisfied, attests the <i>khatian</i> by signing it in red.</li> <li>❑ Otherwise a re-survey may be ordered</li> </ul>	<ul style="list-style-type: none"> <li>❑ 60 may be attested in a day, but there are particular backlogs at this stage. It may take two years to clear the work of one field season</li> </ul>
<b>05. Draft publication</b> <ul style="list-style-type: none"> <li>❑ Senior <i>amin</i> records all details on a draft <i>khatian</i> and presents certified version to “owner”</li> <li>❑ Regarded by villagers as culmination of the exercise</li> </ul>	
<b>06. Hearing of objections</b> <ul style="list-style-type: none"> <li>❑ Where objections arise, cases heard by ASO with decisions recorded in violet</li> </ul>	<ul style="list-style-type: none"> <li>❑ Mid level staff have few chances for promotion and extra field allowances that used to be provided have been stopped. This encourages corruption</li> </ul>
<b>07. Appeal</b> (see also Figure 11) <ul style="list-style-type: none"> <li>❑ ZSO and ASO hear appeals at <i>Upazilla</i></li> <li>❑ Some referred on to District level where decisions marked in black.</li> </ul>	<ul style="list-style-type: none"> <li>❑ Long delays caused by shortage of suitably qualified staff to hear appeals</li> </ul>
<b>08. Final checking (<i>janch</i>)</b> <ul style="list-style-type: none"> <li>❑ Entails map correction, amalgamation and splitting up of <i>jamas</i> (interests) by the permanent surveyors and their supporting staff</li> </ul>	<ul style="list-style-type: none"> <li>❑ As documents about to be dispatched for printing, powerful local people often intervene to lobby for changes</li> </ul>
<b>09. Printing and publication</b> <ul style="list-style-type: none"> <li>❑ Formerly both <i>khatians</i> and maps were printed centrally at DLRS presses</li> <li>❑ Zonal offices now produce <i>khatians</i>, which has speeded process, but maps continue to be printed centrally</li> <li>❑ Compositors names are now printed on <i>khatians</i> which has significantly reduced tampering at this stage</li> </ul>	<ul style="list-style-type: none"> <li>❑ Methods antiquated and equipment obsolete</li> <li>❑ Newly promoted, inexperienced officials given responsibility for complex tasks</li> <li>❑ <i>Khatians</i> and maps arriving heavily exceed capacity to process, causing increasing backlog (estimates of size of which vary widely)</li> </ul>
<b>10. Handover of records</b> <ul style="list-style-type: none"> <li>❑ Once completed, copies of the ROR are passed to DC, <i>thana</i> and union land offices for land management with originals retained at district under lock and key</li> <li>❑ Records are then updated as a consequence of sale and transfer through mutation process (see Section 5)</li> <li>❑ <i>Tehsil</i> registers are not freely open to inspection, but for payment of a small fee, land owners are formally entitled to a certified copy of the ROR and <i>mouza</i> map</li> </ul>	<ul style="list-style-type: none"> <li>❑ Local officials unable to keep records updated. (If they could, there would be no need for revisional settlement)</li> <li>❑ In practice a substantial bribe must be paid to access registers, effectively restricting access to the better off</li> </ul>

**5. The Land transfer process**

**Figure 9: How land is transferred through sale *What is supposed to happen..***



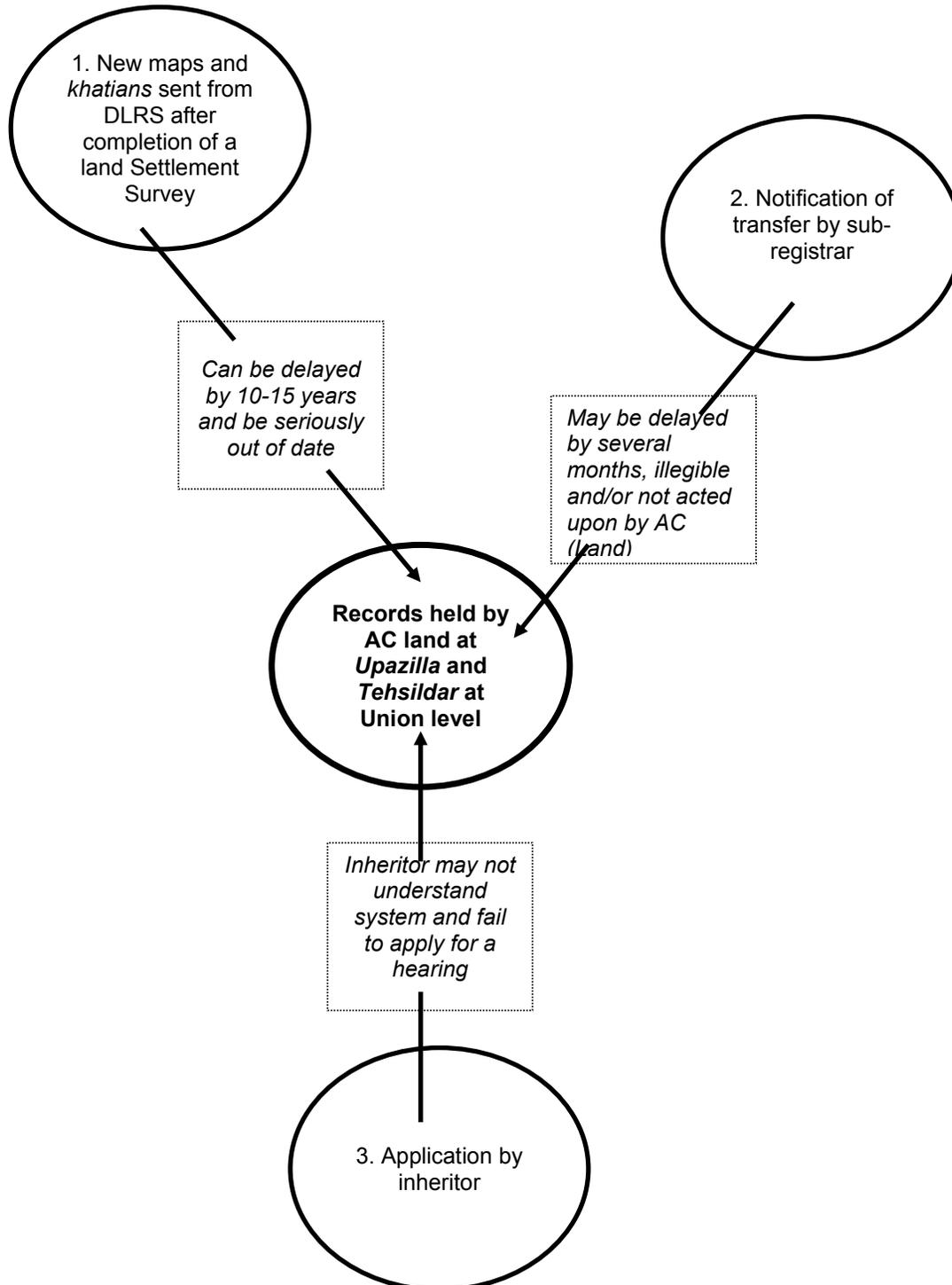
**....and how reality may differ**

1. Some transfers occur on an entirely unofficial basis, perhaps when land is mortgaged, but this is becoming less common.
2. Some buyers may not try to check the AC records first...
3. .... and even if they do, these may well not be up to date.
4. The deed writers and Sub-Registrar collude to ensure that this step only proceeds if a bribe is paid first (see Table 2 for typical amounts), whilst the buyer and seller may also collude to reduce the amount of Immovable Property Transfer Tax (IPTT), which is levied at 10% of the sale value. There is no requirement to check the legality of the transaction and it is not uncommon for the same plot to be "sold" to several different buyers, although this is much more frequent in urban areas
5. This is supposed to be issued within a month, but frequently takes a year and the payment of a bribe.
6. This is supposed to happen immediately, but is also subject to delays of several months. Notifications are frequently illegible.
7. The AC (Land) generally does not update the record unless first paid a bribe to do so

### 6. Land registration and recording

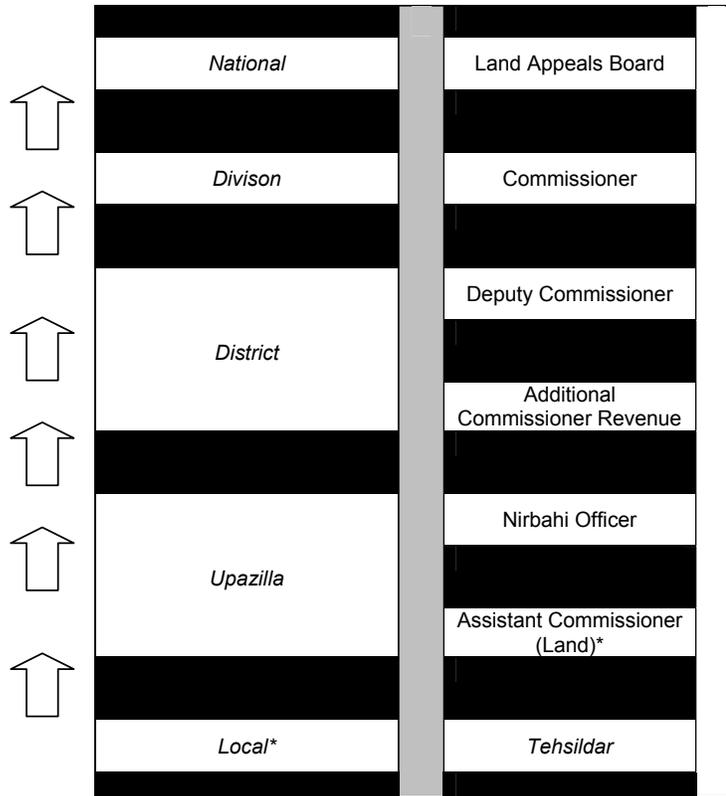
**Figure 10: Updating land records**

*Land records may be updated: 1. as a result of surveys (see Section 4); 2. via the sub-registrar; and 3. through inheritance. Each can easily prove problematic.*



The diversity of ways in which land records may be updated, and the problems associated with each, give rise to numerous disputes in which the rich and powerful inevitably enjoy the upper hand. Where a decision relating to the recording of land title is disputed, the appeals process starts at the lowest rung of the ladder represented in Figure 11 and then moves progressively upwards until the appellants and other interested parties either accept the judgement given or lack the resources to proceed further.

**Figure 11: The appeals ladder**



Many issues are dealt with in informal local *shalish* and so never reach the first rung. Where cases do enter the formal system, the cost is considerable and cases can take 15-20 years to resolve, with different parties often each in possession of documentation from different official bodies. Only the rich and well connected are able to climb all the way to the top.

\* Where a settlement survey is under operation, appeals passing beyond the *tehsildar* are supposed to be heard by the ASO and if not resolved there then pass on directly to the District level. All civil court proceedings relating to land should formally be suspended when a settlement is in process, but this would lead to even further delays and is thus generally ignored, adding further confusion by having two channels in operation at the same time.

Figure 12 below provides an illustration of how complex disputes may become and how the powerful are able to manipulate them for their own advantage.

**Figure 12: An escalating land dispute**

Parmesh Shah, a Hindu, was the wealthiest person in his *para*. He had a daughter but no sons, and as he grew older he relied increasingly upon his sister's son, Arwin, to look after his seven acre holding for him. This led Arwin to expect that he would inherit at least a part of the land. In the meantime, however, Parmesh's daughter had a son, Biplab, and Parmesh decided that he, not Arwin, should be the recipient.

When Parmesh eventually died and the land duly passed to Biplab, Arwin felt a strong sense of injustice. He approached Parmesh's widow (his aunt) who expressed sympathy with his position, and encouraged by her support, he obtained a document that falsely registered ownership of the land in his own name. Next, in an attempt to legitimise his position locally, he called a *shalish*, made up of local influential people, to make a ruling on the matter. In an attempt to affect a compromise, the *shalish* determined that he should receive three of the seven acres. Biplab, however, refused to accept the ruling and proceeded to sell all the land to a third party, another Hindu named Mohan; the transaction duly being registered at the land office.

Arwin countered by drawing in the largest landowner in the area, a Muslim who was known colloquially as "Shuri" (miser). Aided by a relation who was a lawyer, Shuri had built up considerable expertise in matters of land administration that he had then employed to effect a series of "land grabs", by intervening in precisely these types of intra-familial conflict. Drawing on his expertise, Shuri now entered into a compact with Arwin, where further false registration documents for the land were first obtained in the latter's name, on the basis of which the land could then be sold on to Shuri himself (presumably at considerably less than the going market rate).

With the original protagonists removed from the stage, the scene was now set for a showdown between Mohan and Shuri, the two new claimants to the land. Shuri first attempted to take possession of the area by force, using a gang who were indebted to him. Mohan was able to mobilise some supporters of his own to offer resistance, but in the ensuing fight a number of them were injured, one of them seriously.

Mohan now filed a case with the criminal court and the police embarked upon an investigation. Shuri was able to stall the process for a time by paying the police off, but eventually a trial was called. As a result he was found guilty and sentenced to three months in prison, but after a month he was able to bail himself out by paying a further bribe.

In an attempt to formalise their claims to the land, both Shuri and Mohan now filed cases at the civil court. These dragged on for several years, but eventually Mohan died. With their father gone, the sons were then unable to pursue the case further, and having obtained a further set of papers confirming his "ownership", undisputed control has now passed into Shuri's hands.

The conclusion of the affair comes at a time when the traditionally good communal relations in the area have been coming under increasing strain, and is widely seen as a further example of a new, more aggressive and anti-Hindu posture on the part of powerful Muslims.

(Source CARE 2002 p108. Names have been changed)

## 7. Counting the cost

The inefficiencies and corrupt practices that have been described incur heavy costs.

Table 1 suggests that land administration by itself accounts for almost 40% of the total cost of corruption at the local level, and this records only the direct payments. If the indirect costs of having to travel to the office and of income earning opportunities foregone are also taken into account, a further 60% would need to be added to the expense incurred.

But even this does not measure the full cost, since a significant part of the expenditure recorded here as relating to courts, and a smaller proportion of police expenditure, also arise in relation to issues having their origins in land related matters.

Tables 2 and 3 below provide a more detailed breakdown of costs between different parts of the land administration, whilst Figure 13 details the expenses typically incurred by those engaged in attempts to secure access to *khas* land.

**Table 1. Costs of corruption by local government offices (BDT 1,000s)**

Government Office	Bribes paid	%
Land administration	1,219	39.1
Courts	710	22.7
Police	482	15.4
Government bank	339	10.9
Education	91	2.9
Health	69	2.2
<i>Upazilla</i> Nirbahi Office	64	2.1
Union Parishad	63	2.0
Agriculture	46	1.5
Electricity	13	0.4
Taxation	12	0.4
Trade	10	0.3
Public health	3	0.1
Total	3,121	100

Source: *Kaneez Siddique 2001 p20-22, 40-41*

**Comment [MB5]:** Nationwide? Annually?

**Comment [MB6]:** Source for these data?

**Table 2: Bribes paid to land administration officials in last year**

	Monthly income group			Overall
	< BDT 1,000	BDT 1-3,000	> BDT 3,000	
Households in survey	595	1981	541	3117
%	19.1	63.6	17.4	100.0
Households going to land offices	194	973	326	1493
as % of all households	32.6	49.1	60.3	47.9
Households paying bribes				
Land survey office	9	64	13	86
Land registration office	14	137	70	221
Land settlement office	122	671	186	979
<i>Tehsil</i> office	6	52	18	76
Total	151	924	287	1362
as % of those going to offices	77.8	95.0	88.0	91.2
Amount paid in bribes (BDT)				
Land survey office	4,280	23,025	7,100	34,405
Land registration office	34,850	134,985	53,230	223,065
Land settlement office	153,976	564,210	215,249	933,435
<i>Tehsil</i> office	1,570	20,635	5,735	27,940
Total	194,676	742,855	281,314	1,218,845
Average size of bribes (BDT)				
Land survey office	476	360	546	400
Land registration office	2,489	985	760	1,009
Land settlement office	1,262	841	1,157	953
<i>Tehsil</i> office	262	397	319	368

Source: *Kaneez Siddique 2001 p20-22, 40-41*

Comment [MB7]: Source?

**Table 3: Bribes paid to land tax officials in last year**

Households paying land taxes	33	107	64	204
as % of all households	5.5	5.4	11.8	6.5
Households paying bribes	10	28	15	53
as % of households paying taxes	30.3	26.2	23.4	26.0
Amount paid in bribes (BDT)	506	4585	7067	12158
average size of bribe (BDT)	51	164	471	229

Source: *Kaneez Siddique 2001 p20-22, 40-41*

### PART III: ADMINISTERING STATE OWNED LAND

#### 8. *Khas* land

There are a number of different types of Government owned or *khas* land. These are laid out in Figure 13, in relation to which a number of points should be noted:

- Non-agricultural *khas* land includes forest and urban areas and is not relevant as a category to potential activities currently under review by GO-IF.
- *Khas* water bodies are administered differently from *khas* land and are considered separately in Section 9 below.
- A considerable area of land is in principle available from holdings exceeding the land reform ceiling of 33.3 acres, but in practice, for reasons discussed in Section 2 above, this remains under the effective control of its original owners.
- No reference can be found to the size of other government acquisitions, which include land acquired through cancellation of ownership, auction and other channels, but this category is not believed to be of a significant size.
- This leaves new land created by alluvion and former agricultural land subject to diluvion as the only significant category of agricultural land from GO-IF's point of view.
- A significant amount of land falling under this category is believed not to have been formally identified in government records (see "*identification*" under Figure 14). The project may wish to conduct pilot local surveys to test this proposition.
- Of the identified portion, some will already have been distributed and therefore be of little interest.
- Of the part which has not been distributed, the area available for allocation will clearly be the easiest focus, but the project may also wish to test the possibility of seeking to expose and reverse instances of illegal occupation.

*Khas* land is legally reserved for distribution to landless households, with priority being given as follows:

1. Diluviated tenant's family
2. Martyred or crippled freedom fighter's family
3. Widowed or divorced lady with working son
4. Family without a homestead and agricultural land
5. Landless family with homestead land only
6. Family with homestead land and less than 0.5 acres agricultural land

*Source: Barkat et al 2001, p 65 reporting LRAP 1987*

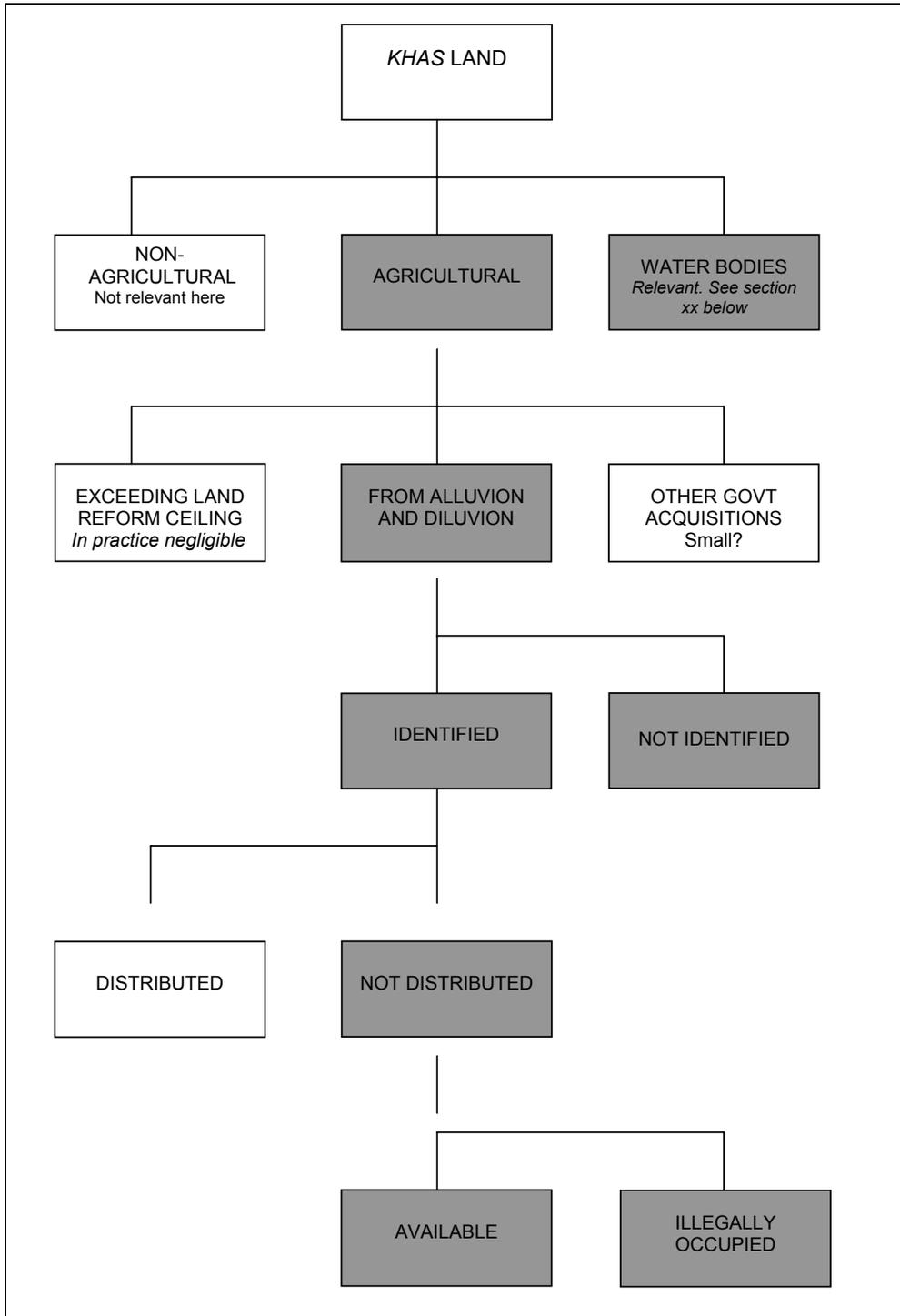
The quantity of *khas* land to be distributed to individual households varies by class as follows:

- Class 1: Triple-cropped with irrigation facilities -1.00 acre
- Class 2: Double cropped with irrigation facilities - 1.50 acres
- Class 3: Single cropped with no irrigation facilities - 2.00 acres

The procedure for distributing *khas* land is summarised in Figure 14, and the bribes that must typically be paid at different stages are summarised in Figure 15.

The amount of *khas* land in the Rajshahi division and in Bangladesh as a whole are summarised in Annexe Tables A1-A4.

**Figure 13: Types of *khas* land**



Source: adapted from Barkat, 2002 p84



Of potential interest to Go-IF

**Figure 14: Accessing *khas* land: negotiating the obstacle course**  
(Summary based on Barkat et al, 2001)

Steps	What should happen	Possible obstacles (a)
Identification	<ul style="list-style-type: none"> <li>If the land is under ordinary or <i>diara</i> settlement the <i>amin</i> records the area as part of the cadastral survey and notifies the assistant settlement officer who places it on the register</li> <li>In non-settlement areas the <i>tehsildar</i> is responsible for identifying and recording any new <i>khas</i> land (eg arising through accretion)</li> </ul>	<ul style="list-style-type: none"> <li>Much <i>khas</i> land is not properly surveyed or not surveyed until occupation is well underway</li> <li>It is often unclear whether land is <i>khas</i> or not</li> <li>IPs may occupy the land illegally, by bribing the police and/or <i>tehsildar</i>, AC (Land) and UP Chairman by paying them a share of the produce and bribing the surveyor/<i>tehsildar</i> to falsely record it as their own</li> </ul>
Notification	<ul style="list-style-type: none"> <li>Microphone announcement by District Information Officer at big market places</li> <li>Beating of drums at all markets in <i>Upazilla</i> and in Union</li> <li>Notice on all public notice boards in <i>Upazilla</i></li> <li>Publicity programme included in agenda of <i>Upazilla</i> meetings for two consecutive months</li> </ul>	<ul style="list-style-type: none"> <li>Those responsible for notification only pass word to contacts, friends and relations with some eligible and potentially interested parties not finding out at all, or until it is too late</li> </ul>
Application	<ul style="list-style-type: none"> <li>Interested parties fill out an application form stating what type of landless household they are and providing various other details.</li> <li>Two members of the local elite (typically a UP chairman, member or school teacher) must sign</li> </ul>	<ul style="list-style-type: none"> <li>Uneducated people cannot fill in the form themselves and are either deterred from applying or incur obligations to people who help them</li> <li>Elite signatories demand bribe or a share of land produce for supporting application</li> <li><i>Teshildar</i> demands a fee for providing and completing or accepting the form</li> <li>False applications from larger land owners accepted because they are powerful and/or pay a bribe</li> </ul>
List names	<ul style="list-style-type: none"> <li>Qualifications of applicant are checked by <i>tehsildar</i></li> <li>A list of all suitably qualified people is prepared</li> </ul>	<ul style="list-style-type: none"> <li><i>Tehsildar</i> or UP chair may require a bribe</li> <li>Applications are (often falsely) screened out for being filled out incorrectly</li> </ul>

**Accessing khas land (continued)**

Selection	<ul style="list-style-type: none"> <li>The most qualified candidates are selected using the established criteria by the <i>tehsildar</i>, UP chairman and AC (Land).</li> <li>Details are posted same day on <i>Upazilla</i> noticeboard</li> </ul>	<ul style="list-style-type: none"> <li>Bribes are paid to pass the selection stage both by legitimate and illegitimate applicants</li> </ul>
Recording	<ul style="list-style-type: none"> <li><i>Kanungo</i> surveys the land and registers it with AC (Land)</li> <li>The holding number of the <i>khas</i> land is placed on the application by AC (Land) and UNO.</li> <li>The file is sent to the DC for approval</li> </ul>	<ul style="list-style-type: none"> <li>Bribes must be paid at each stage</li> </ul>
Distribution	<ul style="list-style-type: none"> <li>Deeds (<i>kabuliyat</i>) are issued granting title to the land for 99 years by AC (Land)</li> </ul>	<ul style="list-style-type: none"> <li>The number of applications exceeds the available plots and many are unsuccessful</li> <li>Certificates are only handed out after payment of bribe</li> <li>Land is given to ineligible people</li> </ul>
Utilisation	<ul style="list-style-type: none"> <li>The recipient cultivates the land</li> </ul>	<ul style="list-style-type: none"> <li>IP is already in possession and blocks access</li> <li>IP files a competing claim (often supported by false documentation)</li> <li>IP, <i>tehsildar</i>, or UP chairman or member seize or demand a share of the produce</li> </ul>
Follow up	<ul style="list-style-type: none"> <li>If obstacles are encountered, the case goes back to the <i>shalish</i>, land office or court for resolution</li> </ul>	<ul style="list-style-type: none"> <li>IP bribe officials to swing outcome in their favour</li> <li>IP uses or threatens force to deter recipient from proceeding</li> <li>Expense proves prohibitive/poor recipient gives up</li> </ul>

(a) This is not to say that such difficulties will be encountered in all instances. There appear to be examples of influential persons (IPs) and officials acting in accordance with the law and the interests of the disadvantaged, but this only seems to arise in a minority of cases

(b) For the bribes typically required for this and other *khas* land related procedures, see Figure 15

**Figure 15: Bribes that may be required at different stages in the *khas* land distribution process**

Stage in process	Local		Union			Upazilla				District		Size of bribe (BDT)
	Local touts	Local Influentials	Tehsildar	UP chair	UP members	UNO	AC (Land)	Kanungo	Police	DC	ADC revenue	
<b>Getting on list</b>			X	X								200-1,000
<b>Application process</b>												
- buying form			X									20 –100
- filling form			X									15-50
- signing form			X									20-50
- submitting form				X								40-100
<b>Selection process</b>												
- primary			X	X								200-1,000
- final			X	X			X					1,000-2,000
<b>Delivery process</b>												
- putting holding no. on application	X					X	X			X	X	100-300
- survey recording and registration							X	X				100-300
- moving file	X						X			X	X	100-300
- getting <i>khas</i> land deeds			X				X	X				200-600
- getting <i>khas</i> land allotted			X	X			X					1,000-4,000 (a)
<b>Permission to stay without de jure rights</b>			X	X			X		X			?
<b>Harvesting permission where occupation is illegal</b>			X						X			300-500 (b)
<b>Harvesting/maintaining possession of legally occupied land</b>		X	X	X	X							300-500 (b)

(a) per acre (b) per acre per crop

Adapted from Barkat et al 2001 p158

## 9. *Khas* water bodies

*Khas* water bodies are regarded as a sub-set of the more general category of *khas* land and are themselves further sub-divided in various ways. The situation is further complicated by the fact that not all water bodies are *khas*.

As a first step in trying to sort out a rather complex situation, it is helpful to distinguish different types of naturally occurring water bodies. In addition to rivers and floodplains, this category includes a number of other entities that are outlined in Figure 16.

**Figure 16: Types of naturally occurring water body**

Name	Definition	Where found
<i>Haor</i>	Low lying depressions between two or more rivers functioning as small internal drainage basins	North-East
<i>Beel</i>	Lakelike depressions, sometimes found within <i>haors</i> retaining water permanently or for the greater part of the year. Adjoining <i>beels</i> may merge into a single continuous sheet of water under a unified floodplain during the wetter part of the year	Almost everywhere
<i>Khals</i>	Drainage channels connecting <i>beels</i> to adjacent rivers	Almost everywhere
<i>Baor</i>	Ox-bow lake made of former meandering bends in river that got cut-off from the main stream. Not strictly part of the open-water system	Jessore, Jhenaidah, Kushtia

Beyond this, and with regard to the wider category of water bodies as a whole, a number of further distinctions are important.

Individual water bodies may be:

- ❑ **naturally occurring** or **constructed** by individuals and communities
- ❑ **state** (*khas*) or **privately** owned
- ❑ **closed** where fish cannot move beyond their boundaries (and can therefore readily be privately appropriated) and **open** where they can move freely.
- ❑ **open access** (common property) or **leased** for private individual use
- ❑ **seasonal** (either through inundation in monsoon or drying up in winter) in which case all fish must be harvested in a single season, or **perennial** with potential to build up stocks for harvesting in later years
- ❑ **Waqf estates** and **Debottar property** which support Muslim and Hindu religious organisations respectively.

Against this background, Figure 17 explores how policy for the administration of *khas* water bodies has evolved over time, Figure 18 attempts a classification of present *khas* and private water bodies, Figure 19 summarises how responsibility for different types of *khas* body is currently divided, and Figure 20 looks in more detail at the procedures for the allocation of water rights (*jalmohal*).

**Figure 17: Key events in the evolving administration of rights to water bodies**

1793	<i>Zamindars</i> were granted rights ( <i>jalmohal</i> ) over rivers and other waters under the Permanent Settlement Act (which was designed to generate revenue for the Colonial Government). As with land, these were then sub-divided among <i>jotedars</i> , using a leasing system that has continued with only slight modification until the present day. In the large majority of cases, the lessees ( <i>ljaradars</i> ) were not fishermen themselves. The fishermen they controlled were low caste Hindus. The most able of these over time became informal managers, collecting tolls and taxes on behalf of the <i>jotedars</i> . Muslims generally did not fish, but some lower status Muslims did become traders.
1951	The <i>Zamindari</i> was abolished under the EBSATA. The Department of Revenue (which subsequently became the Ministry of Land) assumed responsibility for all <i>jalmohal</i> outside Reserved Forest areas.
1965	In an attempt to help poor fishermen, preference in the granting of <i>jalmohal</i> was given to fishermen's co-operative societies registered with the Dept of Co-operatives
1974	Auctioning of <i>jalmohals</i> was now restricted exclusively to registered co-ops, the numbers of which as a result mushroomed. But this provision was easily circumvented, with former <i>ljaradars</i> generally using co-ops as fronts, taking <i>jalmohals</i> on sublease arrangements and retaining effective control.
1980	Under a presidential order, all <i>jalmohals</i> were transferred from MOL to the Ministry of Fisheries and Livestock. Initial attempts were made to move from purely revenue-based to more sustainable systems of management, but before this could be fully implemented...
1983	<i>Jalmohals</i> <20 acres were transferred to the newly formed <i>Upazilla</i> parishads as a means of augmenting their income, whilst those >20 acres reverted to MOL control (although with 50% of the income accruing earmarked for <i>Upazilla</i> parishads).
1986	The New Fisheries Management Policy (NFMP) made a further attempt to restrict access to genuine poor fishermen (those who owned nets) and thereby to promote equity and conservation. Where development projects were initiated with this end in mind, the affected <i>jalmohals</i> were placed under direct management of the Department of Fisheries (DOF). Annual licences replaced leases for producers with the Ministry of Livestock and Fisheries (MLOF) itself holding the lease with MOL. Credit was made available and different institutional arrangements (including NGO management) were explored. Progress was slow, with MOL unwilling to give up its major source of income under circumstances where net revenue from land was very small and other vested interests were opposed. However, over time, about 20% of all water bodies (some 400) have passed into this kind of joint administration. Opinions differ as to how successful it has been.
1991	Further changes in method of leasing <i>jalmohals</i> were introduced, with sealed tenders replacing lease by auction, and decisions handed to a committee dominated by the DC, ADC and Revenue Deputy Collector (RDC) at district level (but it is not clear how extensively this has been implemented)
1991	With the abolition of <i>Upazilla</i> Parishads, water bodies of < 3 acres were transferred to the supervision of the Union Parishad for use as open access resources by poor local people, whilst those of 3-20 acres were transferred to the administration of the Ministry of Youth at <i>Upazilla</i> level under an employment creation scheme with training provided.
1992	Registration is finally granted to the National Fishermen's Association (NFA) that has been in existence since 1946. It now represents the interests of the fishing community and its representatives sit on national, district and <i>Upazilla</i> level NFMP committees.

**Figure 18 Classification of water bodies**

Type of fishery	CLOSED		OPEN	Type of fishery
Type of Ownership				Type of Ownership
STATE	Open access		<i>Beels</i> etc* < 3 acres	Floodplain when inundated
	Lease	1 year	Seasonal <i>beels</i> etc.	River
		> 1 year	Perennial <i>beels</i> etc > 3 acres <i>Zamindar</i> ponds and reservoirs+	
PRIVATE	Religious institutions		<i>Waqf</i> estate/ <i>Debottar</i> property	
	Individual		Household ponds	<i>Khals</i> breaching embankments+

\* *Beels* etc. refers to the combined category of *beels*, *khals*, *haors*, and *baors*. *Beels* and the *khals* by which they are linked occur far more commonly in the NW where Go-IF operates.

+ With the exception of the ponds and reservoirs formerly belonging to *zamindars* that were converted from private to *khas* land under EBSATA in 1947, and the *khals* flowing across private land as a result of an embankment being breached, all state water bodies are naturally occurring and all private water bodies are constructed.

**Figure 19: Administration of closed water bodies**

Area (acres)	Administered by	Access allowed to	Access determined by	Typical duration
< 3	Union Parishad	Poor people in locality	Common property resource principle	Indefinite
3-20	Youth Ministry	Unemployed youth	Tendering process (?)	1 year for seasonal and 3 years for perennial bodies
>20	Ministry of Land (80%)	Fishermen's cooperatives	Tendering process	
	Department of Fisheries (20%)		Tendering process or negotiation	From 4 – 10 years

*There is however, considerable scope for confusion and hence manipulation....*

- ❑ The extent of a water body may differ from one year to another according to the level of flooding, creating ambiguity as to who is entitled to the use of land at the margins
- ❑ A number of small *beels*, which might otherwise have been of a suitable size to be included in the common property category, may sometimes be combined for registration as a single larger *jalmohol*
- ❑ A *beel* of a certain size may silt up over time and move from one category to another

**Figure 20: Procedures for awarding *jalmahols* on areas exceeding 20 acres (where administered by MOL) at September 1991**

<b>Official procedure</b>	<b>What may actually happen in practice</b>
<b>Listing.</b> DC in each district prepares a list ( <i>sairat</i> ) of all <i>jalmohals</i> under his management, copies of which are maintained at District and <i>Upazilla</i> Headquarters	Water-bodies may be left out and then privately leased by officials. Larger bodies may be split to avoid procedure & smaller ones combined to invoke it.
<b>Committee.</b> The tender committee comprises DC, ADC (revenue) District Fisheries officer, District Cooperative Officer, Revenue deputy Collector (a)	
<b>Notification.</b> Publication of details in advance in national and local newspapers. Display of details on local notice boards 15 days in advance. Extensive publicity through beating drums & radio	Some water bodies on list are not put out for tender and then privately leased by corrupt officials
<b>Forms.</b> Tender forms are made available at <i>Upazilla</i> and District level at cost of BDT 200 for <i>jalmohal</i> of < BDT 500K and BDT 500 for > BDT 500K and have to be submitted to UNO or DC	
<b>Duration.</b> Leases are normally for one year (starting 15 April) for open and three years for closed water bodies (b).	
<b>Awarding of leases.</b> Initially only Fishermen Cooperative Societies can apply but contract is only awarded in the event of a bid exceeding the previous years lease value by 25%. If no such bid is received anybody can apply in the second round. If a bid of a suitable size has not been made by a third round, then lower bids can be entertained in a fourth round. (c)	Co-ops generally serve as front organisations for powerful former lease-holder interests.  Lease fee may be under-recorded with the difference being pocketed by the officials
<b>Complaints.</b> Must be lodged with the Committee with 10 days of a decision and appeals made to the MOL within 30 days	Decisions are made behind closed doors, making it difficult to detect malpractice and successfully lodge complaints
<b>Approval.</b> The DC must be notified within 15 days of a decision having been made. Where special circumstances arise (e.g. when a closed water body is connected to a river) lease settlements must be submitted for MOL approval	
<b>Payment.</b> Due annually in advance. 3 year leases are automatically voided if instalments for ensuing periods are not made a month before current arrangements expire.	
<b>Changed circumstances.</b> If an open <i>jalmohal</i> changes its course due to siltation, the <i>jalmohal</i> is considered closed and new listing must be prepared.	

*Variations under development projects:*

(a) *Upazilla fisheries officer (UFO) and 2 members of NFA first draw up a list of genuine fishermen. Upazilla Fisheries Management Committee – comprising: UNO, UFO, AC (Land), Co-operative officer, Manager Krishi Bank, Project Implementation officer, and 2 NFA members - makes initial decision. Similar committee sits at district level under DC.*

(b) *With approval of MOL leases of 4-10 years may be awarded*

(c) *A process of negotiation may be substituted for tendering.*

*(No literature has been identified regarding procedures for areas of less than 20 acres which are likely to be of primary interest to GO-IF, but understanding what happens on the large areas may at least help to identify what questions should be asked here).*

**REFERENCES**

Ali, M. Youssouf, *Fish, Water and People. Reflections on Inland Openwater Fisheries Resources of Bangladesh*, The University Press Ltd., Dhaka, 199t

Bangladesh Centre for Advanced Studies, *Third Fisheries Project. Second Lease Holder Study*, Dhaka, 1995

Barkat, Abdul, *et al, Political Economy of the Vested Property Act in Rural Bangladesh*, Association for Land Reform and Development, 1997

Bode, Brigitta, "Advocacy Update: Land Tenure Arrangements and Land Laws" in *Field Review. The Newsletter of GO-Interfish Issue 5*, April 2002, Dhaka

Centre for Policy Dialogue, *Election 2001: Policy Brief on Land Administration*, Dhaka, 2001

Chowdhury, Jamil H and Shahana Hayat, "Flaws in the Land Administration System: Roots of Corruption and Disputes" in *Newsletter of the Program for Research on Poverty Alleviation Vol.5, No.2,*, Grameen Trust, 1999

Douse, Mike, *Land Administration and its Reform in Bangladesh*, Divine Word University, Madang, Papua New Guinea, 2001

Rahman, Atiur *et al, The Share Cropping System in Bangladesh*, Bangladesh Insititute of Development Studies, 1997

Rahman, Zillur, "Rethinking Land Reform" in Rashid Faruqee, *Bangladesh Agriculture in the 21<sup>st</sup> Century*, The University Press Ltd., Dhaka, 1998

Siddique, Kaneez, *Cost of Corruption and Misgovernance at the Local Levels: Findings of a Survey*, Programme for Research on Poverty Alleviation No.57, Grameen Trust, Dhaka, 2001

Siddiqui, Kamal, *Local Governance in Bangladesh. Leading Issues and Major Challenges*, The University Press Ltd., Dhaka, 2000

Siddiqui, Kamal, *Land Management in South Asia: A Comparative Study*, The University Press Ltd., Dhaka, 1997

SASRD, *Bangladesh. Study of Land Issues*, World Bank, Dhaka, 2000

**Table A1 : Distribution of *khas* land and water bodies by region ('000 acres)**

	Rajshahi Division	Bangladesh	Rajshahi as %
Agricultural <i>khas</i> land	163	803	20.3
Non-agricultural <i>khas</i> land	126	1686	7.5
<i>Khas</i> water bodies			
Closed	212	346	61.3
Open	72	485	14.8
Total <i>khas</i> land	573	3,320	17.3
Total land	9,478	36,962	25.6
<i>Khas</i> as a % of total	6.05	8.98	

**Table A2: Amount of *khas* land by district (acres)**

District	Agricultural	Non-agric	Total
Dinajpur	14,360	119	14,478
Joypurhat	2,424	5,902	8,326
Kurigram	7,475	322	7,797
Lalmonirhat	8,282	4,077	12,359
Nilphamari	18,071	1,437	19,508
Panchagarh	5,574	6,689	12,263
Rangpur	28,436	285	28,720
Thakurgaon	4,350	9,157	13,507
Rajshahi Division	163,008	125,946	288,954
Bangladesh	803,309	1,686,354	2,489,663

**Table A3: Amount of *khas* land/landless household by district (acres)**

District	No.landless households[a]	Agricultural	Non-agric.	Total
Dinajpur	70,582	0.203	0.002	0.205
Joypurhat	13,372	0.181	0.441	0.623
Kurigram	55,510	0.135	0.006	0.140
Lalmonirhat	41,105	0.201	0.099	0.301
Nilphamari	50,952	0.355	0.028	0.383
Panchagarh	28,856	0.193	0.232	0.425
Rangpur	72,779	0.391	0.004	0.395
Thakurgaon	37,681	0.115	0.243	0.358
Rajshahi Division	786,605	0.207	0.160	0.367
Bangladesh	2,180,040	0.368	0.774	1.142

[a] Agricultural census, Preliminary Report, 1996

**Table A4: Distribution of Agricultural *Khas* Land by District (acres)**

District	Total agricultural <i>khas</i> land	Amount distributed	Amount not distributed	% not Distributed
Dinajpur	14,360	8,717	5,643	39.3
Joypurhat	2,424	2,336	88	3.6
Kurigram	7,475	2,165	5,310	71.0
Lalmonirhat	8,282	4,916	3,366	40.6
Nilphamari	18,071	5,543	12,528	69.3
Panchagarh	5,574	3,520	2,054	36.8
Rangpur	28,435	6,874	21,561	75.8
Thakurgaon	4,350	3,742	608	14.0
Rajshahi Division	163,008	64,418	98,590	60.5
Bangladesh	803,309	349,228	454,081	56.5

*Source: Barkat et al 2001pp 86 –102*