

Land Acquisition Policy in Bangladesh: A Case Study on the Land Acquisition Activities of Tangail District.

A Thesis for Master of Arts in Governance and Development

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Preface

This paper is the outcome of a study undertaken in partial fulfillment of the requirements of M.A. course in Governance and Development (MGD), conducted by BRAC University. Total course of this MGD programme consists of 36 credits out of which Dissertation contains 9 credits. This dissertation is the output of Land Acquisition related topic dealing with the critical analysis of land acquisition policies of Bangladesh, its impact and adverse affects on the project affected people, people's grievance on land acquisition, their satisfaction about estimated compensation, impression about the officials related to land acquisition and so on.

Bangladesh is a land hungry country with the density of population of 913 persons per square kilometer which is the highest in the world. The very word "land" appears to be an indispensable and an indicator of power, pride, happiness and ecstasy to the people of Bangladesh. People still count the ownership of land as the base of political power as well as the hallmark of social prestige. Economic development relies on construction of new physical infrastructure to cater to the increasing needs of growing population. Infrastructure development, in turn, often requires acquisition of land and other assets that are privately owned. Such acquisition can adversely affect the socio-economic well-being of the people whose assets are acquired, as well as the communities they live in. Impacts include physical relocation, disruption of livelihoods, and potential breakdown of communities.

The area of the research was limited to Tangail district as it is an important district of Bangladesh where thousands of acres of land have been acquired in this district for establishing different sorts of government and non-government infrastructures including the Jamuna Bridge. The implementation of the project and the construction of the bridge involve acquisition of a huge land area of more than seven thousand acres causing involuntary displacement of a large number of people in Tangail and Shirajgonj districts. This research work will depict and critically analyze the activities of land acquisition of Tangail district, identify the adequacy of the compensation packages of different projects, identify the importance of the rehabilitation of the PAPs (Project Affected people), and identify the manner of the grievance of the PAPs caused by land acquisition activities.

A questionnaire was developed for assessing pattern of their living, land tenure, occupations, income, compensation received and utilization of compensation money, satisfaction about the compensation, conditions before and after land acquisition, grievances on land acquisition activities if there is any and so on. A total of 50 persons were chosen for interview through questionnaires on random sampling basis. For secondary data and literature on the issue, I reviewed and consulted books, relevant documents, reports and other information of the office of the Deputy Commissioner, Tangail. After analyzing data and information, findings of the survey and recommendations on the basis of those findings are incorporated in this paper.

Acknowledgement

It's a privilege on my part to have an opportunity to write a thesis paper on the topic "Land Acquisition Policies in Bangladesh: A Case study on Land Acquisition Activities of Tangail District." At the very outset I convey my heartfelt thanks to the BRAC University authority to be the pioneer of arranging such prestigious masters' course on Governance and Development (MGD) with the collaboration of foreign faculties. I must thank Dr.Akbar Ali Khan, the legendary personality of the country for spending his valuable time giving me guidance and instruction to materialize this paper. It's our great achievement that we have got such a talent like him as our Course Director. I am very much grateful to our Course Coordinator Dr.M.Motiur Rahman, a stalwart in the arena of training of Public Administration. He was also very kind to encourage me with his valuable advice.

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List of Abbreviations

AB	: Acquiring Body;
AC (Land)	: Assistant Commissioner (Land);
ADC	: Additional Deputy Commissioner;
CLAC	: Central Land Allocation Committee;
DC	: Deputy Commissioner;
DLAC	: District Land Allocation Committee;
DP	: Displaced Person;
JMBA	: Jamuna Multi Purpose Bridge Authority;
LA	: Land Acquisition;
LAO	: Land Acquisition Officer;
MGD	: Masters in Governance and Development;
OP	: Operational Policies;
PAP	: Project Affected Person;
PDB	: Power Development Board;
RB	: Requiring Body;
ROR	: Records of Rights;
RP	: Resettlement Plan;
R&R	: Resettlement & Rehabilitation;
VP	: Vested Property;
WB	: World Bank.

Abstract

Economic development relies on construction of new physical infrastructure to cater to the increasing needs of growing population. Infrastructure development, in turn, often requires acquisition of land and other assets that are privately owned. Such acquisition can adversely affect the socio-economic well-being of the people whose assets are acquired, as well as the communities they live in. Impacts include physical relocation, disruption of livelihoods, and potential breakdown of communities.

With the passage of time, the development of public laws related to property has narrowed down the freedom of the owner of property in respect of the use or disposal thereof. The right of property has now-a-days to make a compromise with concepts of human welfare at individual as well as community levels.

In a land hungry country like Bangladesh where the density of the population is highest in the world, the very word “land” appears to be an indispensable and an indicator of power, pride, happiness and ecstasy to the people of Bangladesh. People still count the ownership of land as the base of political power as well as the hallmark of social prestige. Provisions regarding possession of land and Land Acquisition are clearly mentioned in the Article 42 of the Constitution of the Peoples’ Republic of Bangladesh.

This dissertation is the output of Land Acquisition related topic dealing with the objectives of analyzing the trends, what type of land has been acquired and the purpose of land acquisition, examining the land acquisition activities of Tangail district, examining the adequacy of the compensation packages of different projects,

analyzing the impact of land acquisition on project affected people (PAP), examining the mitigation means for the project affected people.

The area of the research was limited to Tangail district as it is an important district of Bangladesh where thousands of acres of land have been acquired for establishing different sorts of government and non-government infrastructures including the Jamuna Bridge.

The methodology of the study was based on both primary and secondary data. Books, relevant papers and documents of the Tangail DC office were reviewed for secondary data. A total of 50 persons were chosen for interview through questionnaires on random sampling basis. The major findings of this study are: (a) 86% of the acquired land is agriculture land, (b) 92% of the project affected people are dissatisfied with the estimated compensation, (c) 36% of the PAPs didn't get entire estimated compensation for multidimensional complexities, (d) 84% of the PAPs overall condition worsened after land acquisition, (e) 58% of the PAPs had to shift their homestead after land acquisition, (f) the recipients spend 9.38% of the total compensation as extra money.

It is by the beginning of the '90s that the World Bank came forward to check on the tyranny to protect the human rights of the displaced people of development projects in Bangladesh and elsewhere. Based on the findings of the study, some important recommendations have been suggested to be considered by the authority concerned. The recommendations are pivoted to sufficient compensation package and resettlement activities with the directives of the World Bank so that the PAPs socio economic condition is enhanced after land acquisition.

Section – I

Introduction: The acquisition of private land by the Government for public purposes is not in the least unique. Similar acquisition of land is common to all countries. Nevertheless, there are some unique features of land acquisition in Bangladesh. First, land is very valuable because of the high density of population. Second, in a densely populated country like Bangladesh land is more than an asset. Land appears to be an indicator of power and pride. It is the hallmark of social prestige. Third, the attachment of the people for ancestral land is very deep. No compensation is sufficient to mitigate the feelings of loss of the ancestral land.

Though individual owners are not willing to part with their land, land is required for building physical infrastructures for the sake of public interest. Economic development relies on construction of new physical infrastructure to cater to the increasing needs of growing population. Infrastructure development, in turn, often requires acquisition of land and other assets that are privately owned. Such acquisition can adversely affect the socio-economic well being of the people whose assets are acquired, as well as the communities they live in. Impacts of land acquisition include physical relocation, disruption of livelihoods, and potential breakdown of communities.

The authority of the state to acquire or requisition private property located within its territorial jurisdiction is based on the ancient principles of “*salus populi*” and of “*necessities publica*”. In Europe and in the USA, the authority of the Sovereign to take away property for public use or public purpose against the consent of the owner is called “*eminent domain*”.

The phrase "*salus populi suprema lex esto*" is a Latin phrase that means – "Let the good of the people be the supreme law". (Source:http://en.wikipedia.org/wiki/Eminent_domain).

In common law legal systems, the lawful power of the state to expropriate private property without the owner's consent, either for its own use or on behalf of a third party has different terminologies. In the United States the term Eminent domain is used. In the United Kingdom, Newzealand and Republic of Ireland it is called Compulsory Purchase. In Australia it is used as Compulsory Acquisition. In Canda and South Africa the term is used as Expropriation. The term *eminent domain* is used primarily in the United States, where the term was derived in the mid-19th century from a legal treatise written by the Dutch jurist Hugo Grotius in 1625. The term *compulsory purchase*, also originating in the mid-19th century, is used primarily in England and Wales, and other jurisdictions that follow the principles of English law. Originally, the power of eminent domain was assumed to arise from natural law as an inherent power of the sovereign.

Governments most commonly use the power of eminent domain when the acquisition of real property is necessary for the completion of a public project such as a road, and the owner of the required property is unwilling to negotiate a price for its sale. In many jurisdictions the power of eminent domain is tempered with a right that just compensation be made for the appropriation.

Some coined the term **expropriation** to refer to "appropriation" under eminent domain law, and may especially be used with regard to cases where no compensation is made for the confiscated property. Examples include the 1960 Cuban expropriation of property held by U.S. citizens, following a breakdown in economic and diplomatic relations between the

Eisenhower administration and the Cuban government under Fidel Castro. U.S. nationals and corporations held vast amounts of Cuba's prime real-estate. Cuban authorities offered just compensation for US properties, as they had successfully done for Spanish, British and French properties when they nationalized private property in Cuba, for the common good. However, U.S. authorities refused, adhering to the notion that those properties are still privately owned by U.S. interests 46 years later.

The term "**condemnation**" is used to describe the act of a government exercising its authority of eminent domain. It is not to be confused with the term of the same name that describes the legal process whereby real property, generally a building, is deemed legally unfit for habitation due to its physical defects. Condemnation via eminent domain indicates the government is taking the property; usually, the only thing that remains to be decided is the amount of just compensation. Condemnation of buildings on grounds of health and safety hazards or gross zoning violation usually does not deprive the owner of the property condemned but requires the owner to rectify the offending situation.

In the United States, the use of eminent domain has been a powerful driver in the development of the country and its defense structure, enabling connections to be created that would have been unlikely without its use. In the last century it was a tool that enabled the construction of the many defense installations during World War II and the Cold War. Beginning in the early 1950's the Interstate Highway System began and eminent domain was used to purchase the 42,000+ miles of rights of way needed for construction. Without eminent domain the Interstate would never have been built out to its current extent. It has until recently been almost totally used for such public works, additionally including ports and airports and government complexes nationwide.

_ In England and Wales, and other jurisdictions that follow the principles of English law, the related term **compulsory purchase** is used. The operative law is a patchwork quilt of statutes and case law. The principal Acts are the Lands Clauses Consolidation Act 1845, the Land Compensation Act 1961, the Compulsory Purchase Act 1965, the Land Compensation Act 1973, part IX of the Town and Country Planning Act 1990, the Planning and Compensation Act 1991, and the Planning and Compulsory Purchase Act 2004.

_ Many countries recognize eminent domain to a much lesser extent than the English-speaking world or do not recognise it at all. Japan, for instance, has very weak eminent domain powers, as evidenced by the high-profile opposition to the expansion of Narita International Airport, and the disproportionate amounts of financial inducement given to residents on sites slated for redevelopment in return for their agreement to leave, one well-known recent case being that of Roppongi Hills.

There are other countries such as the People's Republic of China that practice eminent domain whenever this is necessary to make space for new communities and government structures. Singapore practices eminent domain under the Land Acquisitions Act which allows it to carry out its Selective En bloc Redevelopment Scheme for urban renewal. The Amendments to the Land Titles Act allowed property to be purchased for purposes of urban renewal against an owner sharing a collective title if the majority of the other owners wishes to sell and the minority did not. Thus, eminent domain often invokes concerns of majoritarianism.

The earliest known legislation related to land acquisition in Bangladesh is the Land Acquisition Act of 1870, which was followed by the Land Acquisition (Mines) Act, 1885 (being a part of the former). With the promulgation of the more broad-based Land Acquisition Act, 1894 (Act I of 1894), the former Act of 1870 was repealed. While the Land Acquisition Act of 1894 was still in force, the East Bengal (Emergency) Requisition of Property Act was promulgated in 1948 (Act XIII of 1948) reproducing the ordinance of 1947 with certain amendments in view of the partition of the sub-continent. Under the provisions of this latter Act, 'requisition' was defined as taking possession of property that would be required for a public purpose or in public interest. It gave the authorities power to deal with such property in such a manner as may appear to be expedient. The nature and amount of property to be requisitioned were left to the discretion of the Deputy Commissioner. Both immovable (land, building, etc) and movable properties (like cars, microphones etc) could be requisitioned under this Act.

The Land Acquisition Act of 1894 and the East Bengal (Emergency) Requisition of Property Act of 1948 have been replaced with the promulgation of the comprehensive Acquisition and Requisition of Immovable Property Ordinance (Ordinance II of 1982). This Ordinance governs all cases of acquisition and requisition by the government of immovable property for any public purpose or in the public interest. It may be noted that compared to the previous Act, i.e. Act XIII of 1948, this Ordinance deals only with immovable property (Land Acquisition Act I of 1894 also dealt with only immovable property i.e. land).

Notwithstanding the repeal of the 1894 and 1948 Land Acquisition Acts, all proceedings and matters relating to the acquisition and requisition of property under these Acts (including applications and appeals pending before any Arbitrator or Court) continue to be heard or disposed of as if these Acts were still in force.

Though in law a distinction is always made between the terms 'acquisition' and 'requisition', the term 'acquisition' theoretically includes 'requisition'. In the context of property the term has since been amplified to include taking its full ownership, taking its possession, and the acquisition of a right to have it (the property) used in a particular manner without taking possession.

Though land acquisition is very important as it is directly related to development, the operation of land acquisition process did not get due attention in academic literature. This paper seeks to examine the operation land acquisition policy in Bangladesh on the basis of an in-depth analysis of land acquisition in Tangail district.

Tangail is an important district of Bangladesh. Thousands of acres of land have been acquired in this district for establishing different sorts of government and non-government infrastructures including the Jamuna Bridge. Jamuna Multipurpose Bridge, the 11th longest bridge of the world, that connects the east and west parts of Bangladesh, which were historically separated by the mighty Jamuna river, is located in Tangail district. The implementation of the project and the construction of the bridge involve acquisition of a huge land area of more than seven thousand acres

causing involuntary displacement of a large number of people in Tangail and Shirajgonj districts.

According to the statement of the deputy commissioner's office, Tangail, 6829.361 acres of land has been acquired during the period 1945 to 1969 and 8,468.32 acres were acquired since 1970. Since 1970 the number of the L.A case stands to 557. A total of 24 L.A cases were disposed for the purpose of the construction of the Jamuna Bridge. For this purpose 3,821.2429 acres of land was acquired. The compensation package of the Jamuna Bridge was taka 52,23,25,348/00. Of this an amount of taka 3,40,60,673/00 still remains undisbursed due to multidimensional disorders. The total amount of undisbursed compensation in Tangail district is taka 29,16,85,606/02. 44.50 acres of land still remains unused in different places in Tangail district. This research work will depict and critically analyze the activities of land acquisition of Tangail district.

The objectives of this study are:

- (a) analyzing the trends and type of lands acquired and the purpose of the acquisition;
- (b) Examining the land acquisition activities of Tangail district;
- (c) Analyzing the impact of the land acquisition on project affected people;
- (d) Examining the mitigation means for the affected people.

This paper has been organized in eight sections:

The second section deals with the methodology and data. The third Section describes legal framework and historical background of land acquisition. The fourth section deals with the performance of land acquisition of Tangail district. Compensation packages of land acquisition are described in the fifth section. The sixth section deals with the impact on the Project Affected Persons (PAPs) and opinion of the PAPs about land acquisition activities. The seventh section compares compensation of Government projects and World Bank projects. The final section summarizes the main findings and recommendations of the study.

Section – II

Methodology and Data

This study is based on primary documents, interviews and secondary sources. The data on land acquisition were collected from the land acquisition records of the Deputy Commissioner's office in Tangail. The following records and registers were consulted: (a) Index register (b) Application register (c) Inquiry register (d) Guard file (e) L.A case register (f) Resume case register (g) Derequisition case register (h) Arbitration case register (i) Cash register (j) Ledger book (k) Movement register (l) Process register (m) Consignment register (n) Award book (o) Estimated compensation register (p) L.A cheque register (q) Arbitration case register (r) L.A contingency register (s) Advice register and so on.

In addition, case records were consulted. The case records provide information at various stages of acquisition. They are useful for examining the reasons for the delay in disbursement of compensation.

Data on project-affected persons were collected through interviews. 50 PAPs were selected on random basis.

A questionnaire was developed for assessing pattern of their living, land tenure, occupations, income, compensation received and utilization of compensation money, satisfaction about the compensation, conditions before and after land acquisition, grievances on land acquisition activities.

In addition to PAPs, local elected representatives and some of the social leaders of the locality were also interviewed. The officials of Tangail district Administration who were directly related to the land acquisition activities also provided useful information.

Besides collecting data from the project site, views were exchanged with common people. These views were useful in understanding behaviour patterns, life styles, attitudes, aspirations and expectations of the project affected people.

For secondary data and literature on land acquisition, relevant documents, reports and other information of the office of the Deputy Commissioner, Tangail were reviewed. The project documents and policy papers of different projects were consulted. Policy on land acquisition and involuntary resettlement followed by the World Bank and Asian Development Bank were drawn from the interest.

Time constraints and lack of access to the exact and relevant information is the major obstacle for the research. The survey was conducted on a very limited number of persons who were directly or indirectly affected by land acquisition activities. The area was limited to Tangail district. Questionnaires were distributed to only 50 PAPs (Project Affected People) and they are less likely to represent the opinion of all the people of the district as well as the country affected by land acquisition activities. There were two limitations of the data collected for this study. First, the sample is people. Second, the responses of many interviewees were incomplete and vague. Some of them seem to hesitate to disclose the facts, while some try to exaggerate their position and condition in a bid to get more assistance from the government. However,

despite limitations in collecting data and information, I am convinced that they represent opinion of majority of the affected people and the findings reached are sufficient to arrive at useful conclusion.

Section – III

Legal Framework and Historical Background of Land Acquisition

In Bangladesh there are two sources of Government power for land acquisition. First is the Constitution of the Peoples' Republic of Bangladesh. Provisions regarding possession of land and Land Acquisition are clearly mentioned in the Constitution of the Peoples' Republic of Bangladesh. Article 42 of the Constitution states: (1) "Subject to any restrictions imposed by law, every citizen shall have the right to acquire, hold, transfer or otherwise dispose of property, and no property shall be compulsorily acquired, nationalized or requisitioned save by authority of law." (2) "A law made under clause (1) shall provide for the acquisition, nationalization or requisition with compensation and shall either fix the amount of compensation or specify the principles on which, and the manner in which, the compensation is to be assessed and paid; but no such law shall be called in question in any court on the ground that any provision in respect of such compensation is not adequate."

The constitutional provisions regarding property rights gives citizens a fundamental right to own, acquire, hold, transfer or otherwise dispose of property. But the very same Article empowers the State acquire any piece of property; if required for public purpose or public interest on payment of proper compensation.

Secondly, Bangladesh Government inherited the Land Acquisition Act from the British Government. The earliest known legislation related to land acquisition is the Land Acquisition Act of 1870, which was followed by the Land Acquisition (Mines) Act, 1885 (being a part of the former). With the promulgation of the more broad-

based Land Acquisition Act, 1894 (Act I of 1894), the former Act of 1870 was repealed.

In the Act of 1894, the Collector (now Deputy Commissioner) was entitled to take possession of land to be acquired after the award had been made. However, in case of urgency, the Collector was entitled to take possession of the property even before making the award. The compensation would be determined on the basis of the average value of properties of similar description and similar advantages in the vicinity during the preceding 24 months (based on the amendment provided in ordinance XII of 1963).

The word requisition did not find place in the Act of 1894 but there was a provision for temporary occupation and use of waste of arable land needed for any public purpose or for a company for a period not exceeding three years. Payment of compensation would be agreed upon between the Collector and the persons interested in the land.

Though in law a distinction is always made between the terms 'acquisition' and 'requisition', the term 'acquisition' theoretically includes 'requisition'. In the context of property the term has since been amplified to include taking its full ownership, taking its possession, and the acquisition of a right to have it (the property) used in a particular manner without taking possession.

The principles of payment of a just, fair and equitable compensation as a pre-condition for the acquisition of property also became the basis of the provisions of Section 299 of the Government of India Act, 1935. During the Second World War, lands and buildings used to be requisitioned under the provisions of the Defence of India Act, 1939. In the wake of the partition of India in 1947, the law of requisition reappeared in the shape of an Ordinance.

While the Land Acquisition Act of 1894 still remained in force, the East Bengal (Emergency) Requisition of Property Act was promulgated in 1948 (Act XIII of 1948) reproducing the ordinance of 1947 with certain amendments in view of the partition of the sub-continent. Under the provisions of this latter Act, 'requisition' was defined as taking possession of property that would be required for a public purpose or in public interest. It gave the authorities power to deal with such property in such a manner as may appear to be expedient. The nature and amount of property to be requisitioned were left to the discretion of the Deputy Commissioner. Both immovable (land, building, etc) and movable properties (like cars, microphones etc) could be requisitioned under this Act.

When a property was requisitioned with a view to its permanent acquisition under the Act, the owner of the property was to be paid a provisional compensation in advance, based on a 'rough and ready' estimate. The final compensation would be based on the average market value during the 24 months preceding the date of service of the notice under Sec. 5 (1) of the Land Acquisition Act of 1948. The twenty-

four months were replaced by five years in 1963 (Ordinance XIII of 1963). The 1948 (Emergency) Requisition of Property Act was extended from time to time on triennial basis, the last time in 1981.

Over the years, the Government has established a series of special laws relating to the acquisition of land of particular nature or for a particular purpose. The East Bengal Acquisition of Waste Land Act was promulgated in 1950 with a view to regulate the acquisition of wasteland for any public purpose. In case of acquisition of land which generated some income, the recipient of this income would be entitled to a compensation equivalent to five times the net annual income or, alternatively, ten times the annual rent, whichever was greater, paid by the occupancy raiyats for a similar area of cultivated land in the locality.

Land acquisition in Dhaka Metropolitan Area was governed by the Town Improvement Act, 1953 (Act XII of 1953). Under the provisions of this Act, the Board of Trustees of the Dhaka Improvement Trust (now RAJUK) was authorized to acquire land under the condition of prior approval of the Government with the provisions laid down in the Land Acquisition Act of 1894.

Separate legislation was also applied in respect of land acquisition in Chittagong and Khulna. For Chittagong, there was a Chittagong Development Authority Ordinance (Ordinance II of 1959) and for Khulna, Development Authority Ordinance (Ordinance II of 1961). In both of the Ordinances land acquisition would follow the

provision of the East Bengal Emergency Requisition of Property Act of 1948.

The Land Acquisition Act of 1894 and the East Bengal (Emergency) Requisition of Property Act of 1948 have been replaced with the promulgation of the comprehensive Acquisition and Requisition of Immovable Property Ordinance (Ordinance II of 1982). This Ordinance is (with a few exceptions which will be discussed later) governing all cases of acquisition and requisition by the government of immovable property for any public purpose or in the public interest. It may be noted that contrary to the previous Act, i.e. Act XIII of 1948 this Ordinance deals only with immovable property (Land Acquisition Act I of 1894 also dealt with only immovable property i.e. land).

Notwithstanding the repeal of the 1894 and 1948 Land Acquisition Acts, all proceedings and matters relating to the acquisition and requisition of property under these Acts (including applications and appeals pending before any Arbitrator or Court) continue to be heard or disposed of as if these Acts were still in force. Also the land acquisition provisions of the Town Improvement Act of 1953 as well as Chittagong and Khulna Development Authority Ordinances were to be repealed after the promulgation of the 1982 Land Acquisition Ordinance.

In the wake of the devastating floods in 1987 and 1988, the government decided to promulgate a new Land Acquisition Act entitled 'Property Emergency Acquisition Act (Act IX of 1989). The Act was formulated with a view to expedite acquisition of land on an emergency basis 'to control inundation, flood and upsurge caused by natural calamity and to prevent river erosion'. The Act will

remain in force for five years (Sec. 1).

This means that the 1989 Act is not replacing the 1982 Ordinance but rather complementing it for special circumstances. So far it has only been applied in respect of land acquisition for the Jamuna Bridge construction and the construction of the Greater Dhaka Flood Control Embankment.

Although there are many similarities between the 1989 Act and the 1982 Ordinance, there are also distinctive differences between them. The 1989 Act permits a quicker land acquisition process through the introduction of simplified procedures, delegated decision making and time limits for various stages of the acquisition process. On the other hand, it also does restrict the individual's right to appeal against decisions, as pointed out below. And there are no additional provisions to ensure fairer payment of compensation although stricter time limits may result in more prompt payment. The most significant differences with the 1982 Ordinance are summarized as follows:

1. The 1989 Act gives the DC, on the condition of prior approval or order by the government, the right to acquire any amount of land, up to the limit stated in the government's approval (Sec. 4). This may be compared with the provisions of the 1982 Ordinance, in which the authority of the DC for acquisition is limited to up to ten bighas of land and then only under the condition that there is no objection to the proposal. In other cases the land acquisition applications are referred to the Divisional Commissioner or the Ministry of Land, depending of the quantum of land acquired.
2. The 1989 Act governs acquisition of both movable and immovable

properties. Under the 1982 Land Acquisition Ordinance only immovable property can be acquired or requisitioned.

3. Under the 1989 Act the acquisition notice shall be served to the owner of the property in writing or, in his absence, any 'male' member of his family. Under the 1982 Ordinance, the order of acquisition shall be served through public notice only.
4. Persons with interest or right over the property to be acquired have ten days in the 1989 Act and 15 days in the 1982 Ordinance to submit claims to compensation (Sec. 4).
5. The 1989 Act emphasizes quicker compensation compared to the 1982 Ordinance by introducing the concept of a 'provisional compensation', which is to be determined by the Deputy Commissioner within ten days of the order of acquisition. Land may be acquired on payment of provisional compensation. The basis of the determination of the provisional compensation is the judgment of the DC about an approximate market value. Needless to say, if the DC is willing to apply his experience and wisdom, a very reasonable compensation value may be arrived at during the provisional stage. At any rate the final compensation is to be determined within three months from the date of acquisition. The same principles apply for the assessment of final compensation under the 1982 Ordinance.
6. There is no provision in the 1989 Act to abate or revoke acquisition cases as in the 1982 Ordinance.

In addition to the provisions in the law, the land acquisition process is regulated by certain administrative instructions. The most significant instructions are summarized below:

In order to arrest what at the time was considered as a practice of too lavish use of land and 'to ensure the most rigid measures of economy in the use of land for purposes other than agriculture', the Government in 1976 constituted District Land Allocation Committees (one in each division) and a Central Land Allocation Committee. The District Land Allocation Committee (DLAC) consists eight members including Executive Engineers of R&H Department and PWD and the Civil Surgeon, with the DC as Chairman. They would be entrusted with land allocation cases within the district not exceeding two acres. The Divisional Land Allocation Committees, which include members of Superintending Engineer/Deputy Director level, with the Divisional Commissioner as Chairman, would consider and dispose of land allocation cases above two but below five acres of land. Cases of allocation of more than five acres would be forwarded to the Central Land Allocation Committees (CLAC), which would also consider all land allocation cases in Dhaka city; CLAC has the Minister of Land Administration as Chairman and a number of Secretaries as members. The Land Allocation Committees would consider all land acquisition cases before the final decision is made at appropriate levels.

Land acquisition requires interaction between, on the one hand, the **Requiring Body**

(RB), which normally is a national infrastructure development government agency, such as the Water Development Board, Jamuna Multipurpose Bridge Authority (JMBA), etc, and, on the other, the Acquiring Body (AB) which normally is the Ministry of Land which delegates some of its authority to the Deputy Commissioner at the District level or the Commissioner at the Divisional level.

The division of responsibility between the Requiring Body and the Acquiring Body is in broad terms that the Requiring Body provides the technical input and the Acquiring Body the legal input in the land acquisition process. It is the Requiring Body, which must ensure that the project, which is the basis for the acquisition of land, is approved by the authorities, and that funds are available. The Requiring Body must also justify the need for land and other property on the basis of field surveys including detailed engineering design and prepare all necessary documents required for decision-making. At this stage the Acquiring Body processes the land acquisition cases including determination of the level of compensation and payment to the concerned people. When land acquisition is completed, the land is handed over to the Requiring Body.

The legal aspects of the land acquisition process starts with the Requiring Body (RB) submitting an application to the Deputy Commissioner with a request to acquire land for a specific purpose. The procedures for dealing with land acquisition matters are established in a Government Memo dated October 1985. In respect of proposals in the water resources sector, the Water Development Board issues

additional guidelines. The proposal must contain the following items:

- A Proforma indicating the quality of land required, a time table for the acquisition of land and the purpose for which the land is to be acquired;
- A Layout Plan, which shows the location of the project on a map;
- A Site Plan, showing the alignment in red ink on a Mouza map, -
- A Land Schedule showing classification of land and ownership of plots to be acquired;
- Certificate of Minimum Requirement, Issued by the Requiring Body stating that the quantity of land proposed for acquisition is the absolute minimum for a proper implementation of the project, -
- Administrative Approval, comprising a copy of approved Project Proforma.

After receiving the proposal the DC will arrange for field verification jointly with the staff of the Requiring Body. This includes a classification of the land to be acquired and an identification of trees and standing crops of value, which are involved.

The Requiring Body's application is then submitted to the District Land Allocation Committee (DLAC) or the Divisional Land Allocation Committee (depending on the area of land required) for the allocation of land. The latter may in turn refer the proposal to the Central Land Acquisition Committee for a decision. After clearance by the relevant Land Allocation Committee the DC issues the preliminary notice and, if required, hears objections against the proposed acquisition. If there are no objections, the DC may give the formal approval for land

acquisition under the condition that the area to be acquired covers less than ten standard bighas. However, if there are objections and/or the acquisition is above ten standard bighas of land, the DC submits the application to the Commissioner or the Ministry of Land for the final approval. The DC's submission shall be accompanied by the DLAC's (CLAC's) clearance, the DC's report on the objection petitions and information on the number of households likely to be affected. In respect of projects executed by the Upazila Parishad, the government has authorized the Divisional Commissioner to make the final decision even if the land to be acquired is above 10 bighas.

After the final approval by the President/Commissioner/Deputy Commissioner (as the case may be), the case is referred back to the DC for the assessment of compensation and the identification of the owner of the plots to be acquired. With the final approval to acquire land, the Requiring Body must place required funds for payment of compensation with the DC. If the Requiring Body fails to do that within one year of the date of final approval, for no fault of the person interested all proceedings shall stand abated and a declaration to that effect by the DC will be published in the official Gazette (Sec 12).

Compensation is paid by the DC's office. There are no specific rules on where or in which form compensation should be paid. Normally smaller amounts appear to be paid in cash whereas cheques are used for payment of larger amounts to persons who are identified by the Chairman or members of the Union Parishad or by

gazetted officers. In case the rightful owner of the plot of land cannot be identified or there is conflict over ownership or the distribution of compensation, funds are deposited in the Public Account. In case the person does not accept the award of compensation the person can go for Arbitration according to the provisions of the Land Acquisition Ordinance of 1982 or the Emergency Land Acquisition Act of 1989.

After payment of compensation the ownership of the land is formally transferred to the Requiring Body by mutation of the Requiring Body's name in the revenue records of the Government maintained in the Upazila Land office/Tahsil office. The transfer is also published in the Government Gazette.

The administrative set up for land administration has two tiers under the Ministry of Land. At the Divisional level there is an Additional Commissioner dealing with land administration under the Commissioner. At the District level there is an ADC (Additional Deputy Commissioner) in charge of land administration. Under him there is at least one LAO (Land Acquisition Officer) and several Assistant Land Acquisition Officers. The number of officers depends on the size of the District. Dhaka District, as an example, has five Land Acquisition Officers. Non-gazetted officers include Kanungos (normally two per district but more in larger districts), surveyors, etc.

The Emergency Acquisition of Property Act IX of 1989 was specifically adopted to expedite land acquisition for protection against floods and river erosions caused by

natural calamities, as indicated in the following preamble of the Act.

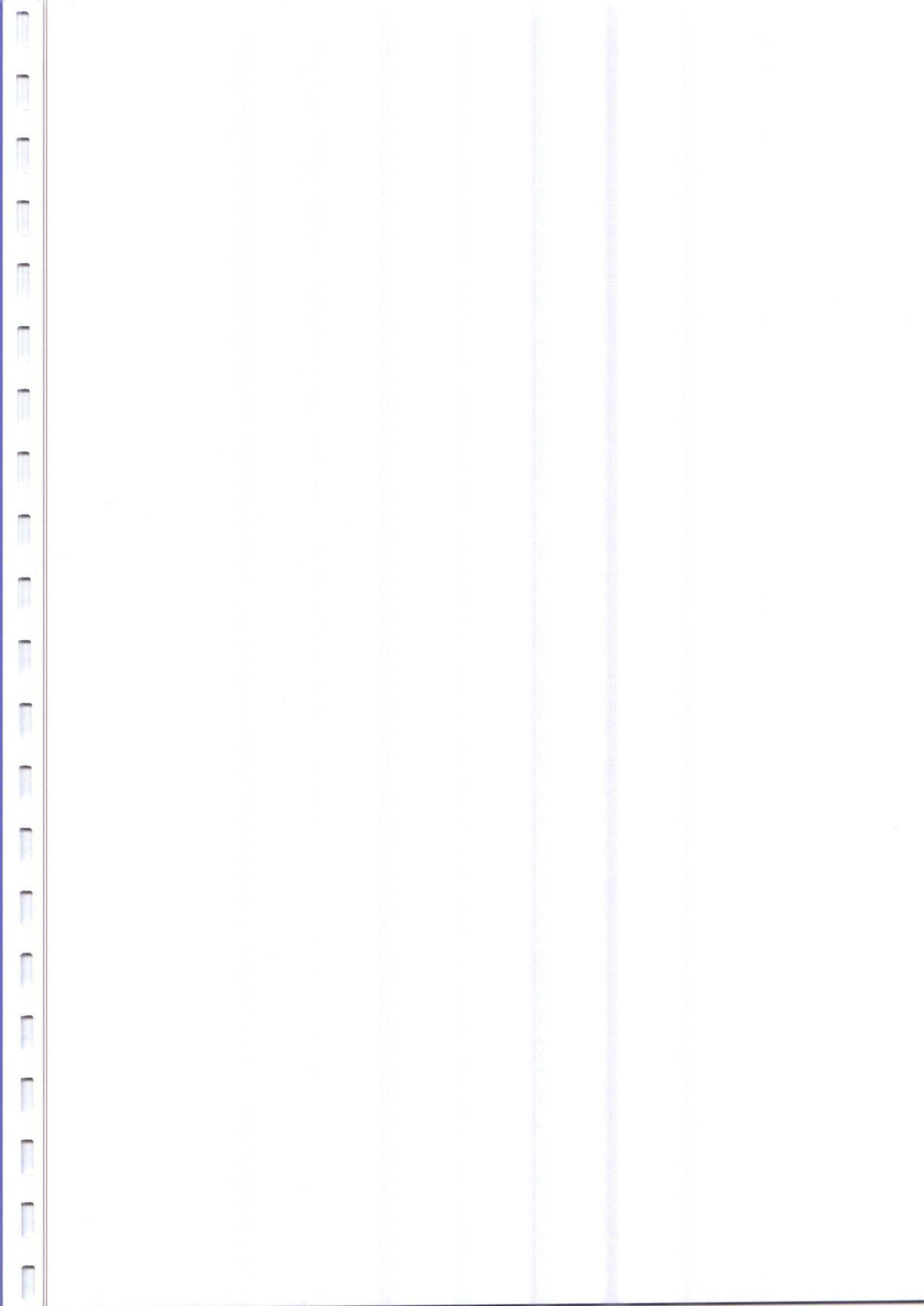
'.... it is expedient and desirable to acquire land on an emergency basis in order to undertake permanent arrangements to control floods and tidal surges caused by natural calamities and to protect against river erosion'

There have been two major applications of this Act since its inception, namely in the Jamuna Bridge Project and the Dhaka Embankment Project.

The application of the Act in case of the Jamuna Bridge Project has been questioned privately in several quarters. It is doubtful, these sources maintain, if a bridge that has been mooted for many years and whose completion will take many more years, can truly be called a project of an emergency nature.

The Dhaka Embankment Project can be treated as one that relates more directly to emergency situations, although the absence of any serious flooding in the city since 1988 has given rise to some controversies in this regard as well,

What emerges from these debates is a concern about the anomaly arising as a result of the coexistence of two pieces of legislation. There is general agreement that some of the special provisions for expeditious implementation as available under the 1989 Act should also be available for projects of major national importance such as the Jamuna Bridge Project. Furthermore, the 1989 Act was promulgated for a period of five years only and is due to expire in 1994.



Time Frame for Payment of Compensation are mentioned below:

- (a) Payment of compensation must be made before the authority take possession of the property (Ordinance of 1982).
- (b) Compensation must be paid or deposited within a period of one year from the date of decision of acquisition. All proceedings shall stand abated on the expiry of that period (Ordinance 1982).
- (c) Persons with interest or right over the property to be acquired have 10 days in the 1989 Act and 15 days in the 1982 Ordinance to submit claims for compensation.
- (d) The 1989 Act emphasizes quicker compensation by introducing the concept of "provisional compensation" which is to be determined within 10 days of the order of acquisition. Land can be acquired on payment of provisional compensation. However, the final compensation is to be determined within three months from the date of acquisition.

Time Frame for Legal Procedure and Appeal is as follows:

- (a) The aggrieved party may raise objection in writing against the decision of acquisition within 15 days from the date of serving the notice of acquisition. It may take about a month to take a final decision.
- (b) If a landowner is dissatisfied with the amount of compensation offered, he may apply for arbitration to an Arbitrator not less than the level of a Subordinate Judge within 45 days of the award.

(c) Subject to the decision of the arbitration, either party may appeal against the decision to the Arbitration Appellate Tribunal within the stipulated period allowed by the court.

It is evident from the past experience of land acquisition that there are serious problems in the procedures of Valuation and Compensation. The problems are mentioned below:

For the calculation of compensation, the land acquisition officials at the district have to depend on the available records of rights and records of transfer of property. The common practice of under reporting the value of land in transfer deeds (in order to avoid taxes) results in too low a level of compensation. On the other hand, there are also a few examples of fake transfers at an artificially high level-taking place in anticipation of land being acquired, in order to raise the level of compensation.

The practice of not registering inherited land and property in the name of the present owner, in combination with an outdated and disorganized land record system means that the identification of the recipients of compensation becomes very time consuming. The imperfect land record system also provides scope for manipulations.

In many reported cases, payment is not made in full, even if there is an agreement between the parties. In the field survey it is found that the recipients had to spend 9.38% percent of the estimated compensation as extra expenses in different steps like frequent journey to and from DC office, middlemen, and

satisfying the officials in the LA office. In the assessment of land acquisition for the construction of Jamuna Multipurpose Bridge, it was reported that the recipients had to pay the officials around ten percent of the awarded compensation as service charges.

Non-payment or delayed payment of compensation is, however, not only due to a slow functioning of the district administration. The policy of disbursing government funds for land acquisition in three or four installments, spread out over the year, means that the district administration may not have sufficient funds available when payment is due.

The property owners incur high transaction expenses for traveling to and from the district office to claim the rights and to receive compensation. Objections against acquisition are often heard and payment of compensation is normally done in the district town. This means that the Recipients not only face high costs for traveling to the district town, but also lose income.

The notice for acquisition of land (under the 1982 Ordinance) is not served to the individuals concerned but is only made known through public notice, results frequently in forfeiture of rights. People get to know about the government's intention to acquire land too late to make necessary preparations.

The households having clear titles on the land are eligible for getting the full package of compensation on land, house and other structure, crops in the fields and trees

in the homesteads. There are categories of people who suffer indirectly but substantially from land acquisition and have to resort to squatting on unauthorized land, but are not entitled to any compensation and resettlement benefits. The same is the case with the sharecroppers and tenants. Legislation is needed to cover these cases and to provide a comprehensive set of provisions for compensation as well as resettlement and rehabilitation.

Further, law or regulations have never coherently established the principles of resettlement issues. In the absence of any legislative guidelines, resettlement is left to the understanding and judgment of incumbent authorities and is determined by the existence of internal and/or external pressures.

Government has formed different committees in national and district levels supervise land acquisition. According to the Government Instruction of 1997 regarding land acquisition, the committees are as follows:

(1) District Site Selection Committee –

Deputy Commissioner	Chairman
Police Super	member
Civil Surgeon	Member
Executive Engineer (Public Works Department)	Member
Executive / Assistant Engineer (Department of Public Works)	Member
Representative from Land Requiring Body	Member
Additional Deputy Commissioner (In charge of Land Acquisition)	Member Secretary

(2) Central Land Allocation Committee:

1.	Honourable Minister, Ministry of Land	Chairman
2.	Secretary, Ministry of Land	Member
3.	Secretary, Ministry of Local Government and Rural Development	Member
4.	Secretary, Ministry of Housing and Construction (?)	Member
5.	Secretary, Planning Division	Member
6.	Secretary, Ministry of Industry	Member
7.	Secretary, Ministry of Forest and Environment	Member
8.	Secretary, Ministry of Agriculture	Member
9.	Secretary, Ministry of Communication	Member
10.	Commissioner, Dhaka Division	Member
11.	Chairman, RAJUK	Member
12.	Deputy Commissioner, Dhaka	Member
13.	Director, City Development Directorate	Member
14.	Deputy Commissioner, Gazipur	Member
15.	Deputy Commissioner, Norshingdi	Member
16.	Deputy Commissioner, Narayanganj	Member
17.	Deputy Secretary, Ministry of Land	Member

(3) District Land Allocation Committee:

1	Deputy Commissioner	Chairman
2	Police Super	Member
3	Civil Surgeon	Member
4	Executive Engineer (Public Works Department)	Member
5	Deputy Director, Agriculture Department	Member
6	Chairman, Pourashava (If exists)	Member
7	Upazilla Nirbahi Officer (Concerned)	Member
8	Land Acquisition Officer	Member
9	Representative from KDA, CDA, RDA (For Khulna, Chittagong, Rajshahi)	Member
10	Additional Deputy Commissioner (Revenue) / (Additional Deputy Commissioner L.A) will be member secretary for those districts where this post exists	Member Secretary

In the '90s the World Bank adopted policies to check on the tyranny or the state and to protect the human rights of the displaced people of development projects in Bangladesh and elsewhere. The World Bank, as a pioneer of the Resettlement &

Rehabilitation (R&R) campaign, published its guidelines for the first time in 1980. Describing its policy and procedures on Involuntary Resettlement, as well as the conditions the borrowers are expected to meet in operations involving involuntary resettlement, “Operational Directives – 4.30” was issued in 1990. From then on it became necessary to undertake resettlement and rehabilitation operations for the PAPs (Project Affected People) with the goal to help restore their socio-economic rights. The World Bank is updating its policy with the passage of time. The latest directives regarding this have been described in its “Operational Directives – 4.12” that is published in “Involuntary Resettlement Sourcebook” in 2004. The guidance is intended to increase the likelihood that Bank-financed projects will achieve the objectives of OP (Operational Policies) 4.12: -

- To avoid or minimize adverse impacts and to conceive and execute resettlement activities as sustainable development programmes;
- To give DPs (Displaced persons) opportunities to participate in the design and implementation of resettlement programmes;
- To assist displaced persons in their efforts to improve their livelihoods and standards of living, or at least to restore these to pre-project levels.

The Bank adopted its first involuntary-resettlement policy in 1980, after it recognized the painful shortcomings in development practice that in some cases led to the impoverishment of thousands of people. Most obvious among these shortcomings, perhaps, was the failure of some governments to pay fair compensation for expropriated assets as their own laws required. But for many reasons impoverishment also occurred in projects in which

compensation was duly paid. In an effort to ensure that Bank-supported projects do not contribute to impoverishment through land acquisition and resettlement, the Bank initiated a policy differing in three significant aspects from most borrower legislation.

First, Bank policy is directed at improving (or at least restoring) incomes and living standards, rather than merely compensating people for their expropriated assets. This improvement of incomes and living standards broadens the objective of the policy to include the restoration of income streams and retraining of people unable to continue their old income-generating activities after displacement. The broader focus on living standards brings a wide array of factors into resettlement discourse, including social and cultural relationships, public health, and community services. The resettlement process in Bank-assisted projects is no longer the mere mitigation of externalities but an integral part of the development project itself. This new view of the process poses practical and legal challenges to borrowers.

Second, the emphasis on incomes and living standards, in contrast to the conventional emphasis on expropriated property, expands the range and number of people recognized as adversely affected. Recognition of this broader range of adverse impacts leads to a greater appreciation of the issues to be considered in resettlement. However, this recognition has also contributed to confusion in the use of terminology, as the aggregate number of people statistically categorized as "resettled" or "displaced" fails to reflect the variety and severity of resettlement impacts. Whereas the conventional approach is to compensate only people with property rights, as defined by domestic law, the Bank policy extends assistance to others

who are affected but did not own property-renters, sharecroppers, and wage-earners, for example-and those who lacked legally recognized property rights for the land or assets they occupied or used. This policy explicitly recognizes people whose welfare may otherwise be overlooked, but in so doing it also brings complex and contentious issues into project planning.

Finally, the Bank policy underscores the importance of explicit and distinct resettlement planning. Compensation for expropriated assets requires little more than the identification of eligible persons, the establishment of compensation rates, and a one-time payment process. Improvement (or restoration) of incomes and living standards, by contrast, may require attention to many potentially relevant variables and the synchronized or coordinated action of many agencies over an extended period. This approach poses numerous issues of responsibility. A compensation-only approach transfers all risk management to the affected persons after payment of the compensation. A focus on incomes and living standards, by contrast, requires careful delineation of responsibilities and elaborate risk management.

"Resettlement," in Bank terminology, covers all direct economic and social losses resulting from land taking and restriction of access, together with the consequent compensatory and remedial measures. Resettlement is not restricted to its usual meaning-physical relocation. Resettlement can, depending on the case, include (a) acquisition of land and physical structures on the land, including businesses; (b) physical relocation; and (c) economic rehabilitation of displaced persons (DPs), to improve (or at least restore) incomes and living standards.

Finally, "displaced persons" are defined as "persons who are affected in any of the procedures of land acquisition". The word thus connotes all those people who lose land or the right to use land, or who lose "access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods". The term "displaced persons" is synonymous with "project-affected persons" and is not limited to those subjected to physical displacement.

According to the World Bank Directives, the Resettlement Plan (RP) provides "prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project".

For households with land-based livelihoods that lose a significant portion of their holdings, Bank policy gives preference to land-based strategies. "These strategies may include resettlement on public land, or on private land acquired or purchased for resettlement. Whenever replacement land is offered, resettlers are provided with land for which a combination of productive potential, location advantages, and other factors is at least equivalent to the advantages of the land taken".

Payment of cash compensation may be appropriate "where (a) livelihoods are land based but the land taken for the project is a small fraction of the affected asset and the residual is economically viable; (b) active markets for land, housing, and labor exist, displaced persons use such markets, and there is sufficient supply of land and housing; or (c) livelihoods are not land-based. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets". "Replacement cost" is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs.

The World Bank Directives also applies when the involuntary taking of land results in "loss of income sources or means of livelihood, whether or not the affected persons must move to another location". In those instances, "displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher".

More particularly, "the resettlement plan or resettlement policy framework also include[s] measures to ensure that displaced persons are

- (i) informed about their options and rights pertaining to resettlement;
- (ii) Consulted on, offered choices among, and provided with technically and Economically feasible resettlement alternatives;
- (iii) Provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project;
- (iv) Provided assistance (such as moving allowances) during relocation;
- (v) Provided with residential housing, or housing sites, or, as required, agriculture sites with a combination of productive potential, locational advantages, and other factors at least equivalent to the advantages of the old site;
- (vi) Offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living.

Section – IV

Performance of Land Acquisition in Tangail District

1.8% of the land has been acquired in Tangail district for establishing different sorts of government and non-government infrastructures including the Jamuna Bridge. According to the statement of the deputy commissioner's office, Tangail, 6829.361 acres of land has been acquired during the period of 1945 to 1969 and 8,468.342 acres since 1970. Since 1970 the number of the L.A case stands to 557. A total of 24 L.A cases were disposed for the purpose of the construction of the Jamuna Bridge. For this purpose 3,821.2429 acres of land was acquired. The compensation package of the Jamuna Bridge was taka 52,23,25,348/00. Of this a large amount of taka 3,40,60,673/00 still remains undisbursed due to multidimensional disorders. The total amount of undisbursed compensation in Tangail district is taka 29,16,85,606/02. 44.50 acres of acquired land still remains unused in different places in Tangail district. The total area of this district is 3,414 square kilometer. The area of acquisition varies from year to year.

Year wise land acquisition table:

Year	No. of cases	Amount of compensation	Land (acre)
1970 – 71	05	78,372 / 29	17.39
1971 – 72	01	39,804 / 40	3.15
1972 – 73	10	7,30,670 / 37	280.035
1973 – 74	09	10,79,079 / 87	52.315
1974 – 75	04	2,99,133 / 26	11.80
1975 – 76	04	5,39,744 / 34	26.67
1976 – 77	16	49,61,140 / 36	303.5875
1977 – 78	15	27,13,879 / 15	67.48
1978 – 79	17	79,56,619 / 15	109.83
1979 – 80	07	9,80,369 / 23	5.7325
1980 – 81	08	33,27,932 / 32	241.53
1981 – 82	07	6,76,432 / 68	436.84
1982 – 83	34	71,56,834 / 04	97.11
1985 – 84	22	44,20,037 / 72	49.60
1984 – 85	13	18,38,073 / 29	20.44
1985 – 86	20	42,79,506 / 47	58.497
1986 – 87	11	22,23,562 / 51	23.034
1987 - 88	04	42,79,506 / 47	78.86
1988 – 89	19	10,94,98,196 / 51	712.15
1989 – 90	22	28,30,48,337 / 43	2594.455
1990 – 91	04	6,01,668 / 76	2.3375
1991 – 92	09	19,15,088 / 20	92.772
1992 – 93	12	51,25,430 / 99	91.7720
1993 – 94	34	131,90,39,889 / 52	465.616
1994 – 95	59	5,09,94,845 / 46	190.9683
1995 – 96	47	60,30,88,888 / 99	1443.5572
1996 – 97	18	2,85,87,922 / 20	89.786
1997 – 98	11	4,15,68,541 / 31	79.87
1998 – 99	03	4,6,08,591 / 74	8.45
1999 – 2000	08	23,93,276 / 32	10.1275
2000 – 2001	04	21,03,797 / 93	4.37
2001 – 2002	03	11,94,927 / 06	3.84
2002 – 03	12	43,73,69,272 / 57	785.10
2003 – 04	04	40,55,810 / 37	4.67
2004 – 05	02	14,71,23,40 / 45	4.60
Total	478	295,74,87,522 / 00	8,468.342

Source: Deputy Commissioner's office, Tangail.

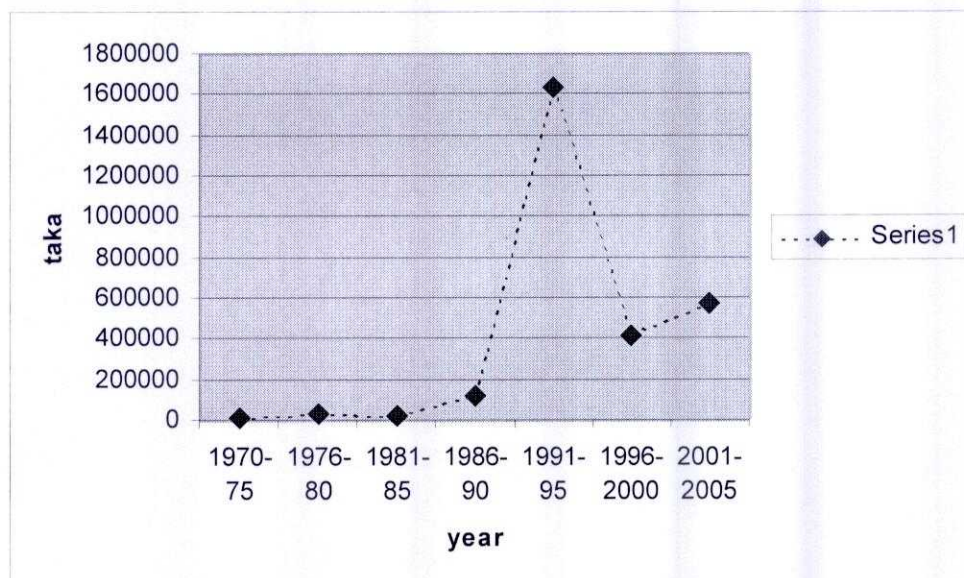
From the above table we can find that since 1970 with in a period of 35 years, 8,468.342 acres of land was acquired in Tangail district. So, the average quantity of acquired land in Tangail per year is 241.952 acres. The total compensation package of this 35 years stands to Tk.295,74,87,522 /00 (two hundred and ninety five crore seventy four lak eighty seven thousand five hundred and twenty two taka). If we make a slab of five years of compensation since 1970 to 2005 we can find the following information:

Year	Land (acre)	Compensation	Compensation per acre
1970-1975	364.69	22,27,060.19	6,106.72
1976-1980	513.3	171,51,752.23	33,414.67
1981-1985	845.52	174,19,310.05	20,601.89
1986-1990	3,466.996	40,33,29,109.40	1, 16,334.08
1991-1995	843.4658	137,76,76,922.00	16,33,363.67
1996-2000	1,631.79	68,02,47,220.50	4,16,871.79
2001-2005	802.58	45,94,36,148.30	5,72,449.03

From the above mentioned table it is clearly evident that there was an increase in per acre compensation from 1970-1975 to 1976-1980. The percentage of the increase of per acre compensation with in these five years is 81%. Then per acre compensation with in the period of 1981-1985 was Tk.20,601.89. From there we can see a sudden jump in the compensation of 1986-1990, 1991-1995 and onward where the per acre compensation stand to Tk.1,16,334.08, 16,33,363.67, 4,16,871.79 and 5,72,449.03 respectively. If we compare these amounts with that of

1981-1985, we can see that the percentage of these increases stand to 82.2%, 98.73%, 95.05% and 96.4% respectively. This is to mention here that the compensation of structures and trees are included in the per acre compensation.

The following chart is sufficient enough to indicate the rise and fall of compensation with the passing of time:



Statement regarding disposal of L.A cases in Tangail district till 2006:

Sl. No.	Nature of cases	Number of cases
1.	Cases formulated by the Requisition Act of 1948 and before that	207
2.	Number of disposed L.A cases sent for gazette notification	161
3.	Number of pending L.A cases (1 – 2)	46
4.	Number of cases formulated by the Acquisition Act of 1982 and after that (Excepting rejected cases)	458
5.	Number of cases sent for gazette notification	456
6.	Number of pending cases (4 - 5)	2
7.	Total pending cases (3 + 6)	48

Source: Deputy Commissioner's office, Tangail.

From this table we can find that 46 cases out of 207 cases initiated under Requisition Act of 1948 are pending for various reasons. So, the rate of pending cases according to this law is 22.22%. On the other hand only 2 cases out of 456 initiated under the Act of 1982 are remaining pending which is very negligible in comparison with that of 1948 Act. This empirical data bears the testimony that the procedures of the Act of 1982 are more convenient than the procedures of 1948 Act. However, 48 cases out of total 665 cases are pending and the average rate of pending cases stands to 7.21%.

There are so many reasons behind pending cases. Major reasons are: (i) failure of handing over the estimated money by the RB in stipulated time frame, (ii) absence of required official papers including administrative approval, (iii) missing of required papers including award books owing to division of Tangail district from greater Mymensing district, (iv) existence of cases in civil courts, (v) unclear ownership, (vi) dispute over ownership and so on.

In some cases, the possessions have been transferred to the Requiring Bodies according to the government rules and regulations after getting money on the basis of temporary estimates. In the meantime, the RBs had already gone for their constructions. In spite of repeated reminders to provide funds for final estimate, the RBs didn't respond properly. A clear picture regarding performance of disposal of cases is reflected through the case studies in the following chapter.

Section – V

Performance in Payment of Compensation

This section attempts to explain why delay takes place in disbursement of compensation. It also measures the satisfaction of the affected persons with the compensation package.

For the purpose of calculation of compensation, the land acquisition officials at the district have to depend on the available Records of Rights (ROR), and records of transfer of property. The common practice of underreporting of value of land in transfer deeds (in order to avoid taxes) results in too low level of compensation.

The practice of not registering inherited land and property in the name of the present owner, in combination with an outdated and disorganized land record system means that the identification of the recipients of compensation becomes very time consuming and the imperfect land record system also provides scope for manipulation. The property owners incur high transaction expenses for traveling to and from the district office to claim the rights and to receive compensation.

Apart from the facts mentioned above, during the study it is found that the office faces many problems in distributing compensation among the recipients. Some of those problems are mentioned below:

- i) Some of the acquired land remains with in the schedule of VP (Vested Property) land;

ii) In most of the cases the records of the land are not properly maintained in the record room during verification;

iii) In some cases problems are found among the successors of the awardees of the compensation;

iv) The value of land sometimes becomes under evaluated during the time of acquisition. So, people sometimes are not interested to take compensation;

v) The required papers of acquired land sometimes are found to be false;

vi) Sometimes problems are found during the mutation of the land;

vii) Compensation procedures sometimes become hampered owing to existence of cases in the civil courts for the possession of the acquired land.

Following case studies of land acquisition in Tangail district will depict a clear picture about compensation:

1) L. A. Case No – 14 / 78 – 79

This case was instituted under The (Emergency) Requisition of Property Act, 1948. The requiring body of this project is the Circle Officer, Bhuapur. The name of the project was “Construction of Thana Training and Development Centre (T. T. & D. C) at Bhuapur. The proposal was submitted on 27th December 1978 to acquire 8.00 acres of land Fashalandi and Ghatandi mouza of Bhuapur Thana for the said project. The approval of The District Land Allocation Committee came on the 23rd January 1979. To fix up the sale figure, 30 sale figures from local sub registrar office of concerned mouza were collected. Out of these figures only 7 sale figures have been taken into consideration for being with in the vicinity and of similar advantages. The rate of the sale figure came to taka 38,850 / 00 per acre. An

amount of taka 3,60,994 / 20 (three lac sixty thousand nine hundred and ninety four taka twenty paisa) was approved by the Deputy Commissioner as provisional estimate on the 19th April 1979. The Circle Officer of Bhuapur placed an amount of tk. 46,000 / 00 in the first installment as compensation on the 27th April 1979 and the cheque was deposited on the 18th May 1979. Notice under section 3 was served on the 18th May 1979. It is to be mentioned here that though the proposal was to acquire 8.00 acres of land, the notice was served to acquire only 2.13 acres. The Land Acquisition Officer signed the provisional award of compensation on the 4th May 1979. The payment of compensation started from 28th May 1979. Then the notice under section 5(1a), 5(3) was served on the 5th December 1979. Further an amount of Tk. 100,000/00 (one lac taka only) was submitted by the Circle Officer (Requiring Body) on 20th February 1980 and again notice under section – 3 was served to acquire 2.00 acres of land. Notice under section 5-1(a), and 5(3) was not valid thereafter. Accordingly 6.25 acres of land is to be included and the Requiring Body was asked to place a fresh proposal. Further notice under section 3 was served for 2.25 acres of land. Again notice under section 5-1(a), and 5(3) was served on the 22nd July, 1980. Payment of compensation further started on the 13th September 1980. The sale figure was revised accordingly and it came at Tk. 97,400/00 per acre. Final estimate was Tk. 7,14,782/00 (seven lac fourteen thousand seven hundred and eighty two taka only) and it was sent to the Commissioner for his approval on 27th December 1980. Objection was raised by the Commissioner's office and the file was sent back with an instruction of doing a revised final estimate. Accordingly the revised final estimate was done and it came to an amount of Tk. 5,24,429/00 (five lac twenty four thousand four hundred and twenty nine taka only).

But in the mean time, the possession of 6.25 acres was handed over to the Requiring Body on the 22nd November 1980.

Comments: If we critically analyze the above-mentioned L.A case, we can see that so many anomalies and disorders exist in the procedure of the case. At first the Requiring Body placed its acquisition proposal on the 27th December 1978 to acquire 8.00 acres of land and the District Land Allocation Committee accordingly approved the proposal on the 23rd January 1979. The provisional estimate was prepared considering sale data of 1977 and 1978. But the Requiring Body failed to place the fund at a time. It placed different amount of money at different times. Finally, 6.25 acres of land was acquired with in the span of two financial years. At first the sale figure was Tk.38, 850/00 per acre according to which the notice under section 3 was served. Then the revised sale figure came to Tk.97,400/00 per acre. The final estimated amount of money was Tk.5,24,429/00 (five lac twenty four thousand four hundred and twenty nine taka only). But the Requiring Body in different installments provided Tk.3, 92,000/00 (three lac ninety two thousand taka only). An amount of Tk.1,32,429/00 (one lac thirty two thousand four hundred twenty nine taka only) is yet to be paid by the Requiring Body. But in the meantime the possession was handed over to the Requiring Body. The recipients are deprived of their legal compensation. The case still remains pending as it cannot be sent for Gazette Notification. This case is the example of delay in disposal of cases. The RB went for placing the funds in installments and failed to place the last installment. For this reason, the recipients are deprived of their compensation and the case is still remaining pending for a long period of time!

(2) L.A. Case No: - 5 / 2003 – 2004

This was instituted under “The Acquisition and Requisition of Immovable Property Ordinance, 1982”. The requiring Body is the Divisional Forest Officer of Tangail. The requiring Body placed its project proposal on the 31st May 2004 to acquire 1.00 acre of land to establish social forestry centre at Ghatail upazilla. It got the approval of the District Land Allocation Committee on the 27th June 2004. The notice under section 3 was served on the 14th July 2004. Then there was an objection by a section of people against acquisition. The hearing of the objection by the Deputy Commissioner started on the 18th August 2004 and after the hearing the objection was rejected. The file was sent to the Commissioner for final approval on the 23rd August 2004. It got the approval of the Commissioner on the 5th September 2004. Then the notice under section 6 was served on the 27th September 2004. The rate of the land was as follows:

Nature of land	Rate per acre (taka)
Viti	8,86,800 / 00
Kanda	3,11,700 / 00

The rate of the land got the approval of the Deputy Commissioner on the 10th November 2004. The total estimate of the land was Tk. 6, 40,462 / 75 (six lac forty thousand four hundred sixty two taka and seventy five paisa). The Requiring Body placed total amount of the estimate on the 3rd January 2005. Notice under section 7 was served on the 4th January 2005. The possession of the land was handed over to the Requiring Body on the 6th February 2005. It was sent for gazette notification on the 26th February 2005. It was published in the gazette on the 29th September 2005 in its 6th volume.

Comments: The Deputy Commissioner's hearing rejected the rising objection raised by the possessors of the land and the Commissioner finally gave the approval in favour of the acquisition. The case was disposed in the normal procedure with out any obstacle. It took less than one year for the disposal of the case. Both the RB (Requiring Body) and the district administration were sincere enough to dispose the case in time.

(3) L.A. Case No: - 46/ 94 – 95

This is a case whose Requiring Body is a public company. On behalf of the Nahid Cotton Mills Ltd. the managing director placed the proposal to the Deputy Commissioner, Tangail to acquire 0.6 acres of land at Gorai mouza of Mirzapur upazilla on 06th October 1994. It got its approval of the DLAC on the 20th November 1994. Notice under section 3 was served on the 15th January 1995. After that notice the owner of the land Mr. Shafiul Alam Khan objected against the requisition procedure and accordingly the Deputy Commissioner arranged the hearing of objection on the 18th February 1995 and the objection was dismissed. Then it was sent for the approval of the Commissioner under section 4(3)/GHA of the Acquisition and Requisition Act of 1982 and it got the Commissioner's final approval on the 13th September, 1995. Notice under section 6 was served on the 24th October 1995. A total of 286 sale figures were collected from the local Sub Registrar office to fix up the value of the land and 191 sale figures were found with in the vicinity and of similar advantages. The value of the land came to Tk.1,72,900/ per acre and the value of trees was Tk.32,090/. Total estimated amount of money was fixed at Tk. 2,34,306/75 (two lac thirty four thousand three

hundred six taka and 75 paisa). According to the law the estimate was done as follows:

Value of 0.6 acres of land	Tk.1,03,740/
Value of existing trees	Tk.32,090/
Total	Tk.1,35,830/
50% of Tk.1,35,830/	Tk.67,915/
Total	Tk.2,03,745/
15% of Tk.2,03,745/	Tk.30,561/75
Grand Total	Tk.2,34,306/75

Total estimated money was handed over by the RB on the 04th January, 1996. Then notice was sent to the owner of the land under section 7 and the owner didn't receive the notice as he was unwilling to receive the compensation since it was against his will. Since the owner didn't receive the money, the Deputy Commissioner deposited the money in the head of "Deposit Account in the Public Account of the Republic" according to the instruction of section 10(2) of the Acquisition and Requisition Act of 1982. This action of the DC been deemed to the distribution of the compensation according to the law. Accordingly the land was handed over to the RB on the 12th February 1996. The owner of the land filed a case (case no: 117/95) against the acquisition procedures in the Assistant Judge's Court of Mirzapur and the case was dismissed. Then he filed an appeal case (case no: 132/2002) in the Court of the District Judge, Tangail. This time also the verdict went against him and the case was dismissed with the findings that all procedures taken by the DC regarding land acquisition were legal and in favour of public interest. Finally, the case was disposed with the gazette notification.

Comments: This is a very interesting LA case that the owner of the land willingly didn't receive the compensation since it was against his will. Instead, he fought

against the land acquisition procedures in the civil courts and could not win. The courts dismissed his objection and appeal with the findings that all the procedures taken regarding land acquisition were justified since it was in favour of the public interest. Though the case is officially disposed, the owner of the land is the worst sufferer. In the race of suits the owner lost and it caused a huge financial loss of the owner of the land.

(4) L.A. Case No: 8 / 2002 – 2003

The Requiring Body of this L.A.case is the Administrator, Defence Land Property, Central circle, Dhaka Cantonment. The case was instituted to acquire 108.73 acres of land for the establishment of cantonment on the east side of the Jamuna Bridge. The land is with in Charpathailkandi, Polisha and Sharpolisha mouza of Bhuapur upazila. The RB placed its acquisition proposal on the 20th July, 2002 and it got its approval of the DLAC on the 04th November, 2002. Joint survey was held on the 23rd November 2002 and notice under section 3 was served on the 06th January 2003. The numbers of sale figures of those three mouzas with in the vicinity and of similar advantages were 72, 77, and 172 respectively. Total estimated amount of compensation was Tk.10,04,19,340/17 (ten crore four lac nineteen thousand three hundred forty taka 17 paisa). Total estimate was as follows:

Value of total land	Tk.3,47,68,416.75
Value of Construction	Tk.5,37,44,766.25
Value of Trees	Tk.99,37,150.50
Drafting expenditure 2%	Tk.19,69,006.67
Total	Tk.10,04,19,340.17

Total number of awardees is 741. Of the acquired land, 42.75 acres of land is government khas land. It was declared khas after alluvial and diluvia survey. But there is a serious complexity about this khas land. The former possessors of this land are still paying L.D (Land Development) tax and they are claiming the possession as well as that portion of compensation. The amount of compensation of that portion of khas land is Tk.89,20,176/. The case got the approval of the Land Ministry on the 08th April 2003. Notice was served under section 6 on the 14th May 2003 and the RB placed its total estimated amount of money on the 17th June 2003. In the meantime, an amount of Tk. 8,77,72,431.54 has been disbursed among the recipients as compensation and an amount of Tk. 1,26,46,908.63 still remains undisbursed for multifarious complexities. The land has already been handed over to the RB and the case still remains pending.

Comments: If we critically analyze the case, we find that the main complexity of this case is the existence of government khas land. A vast quantity of acquired land measuring an area of 42.75 acres is khas and remaining under the possession of many awardees. The amount of compensation of this khas land is Tk.89,20,176/ which is a large portion of the compensation. The former possessors of this land are still paying LD (Land Development) tax. They are also claiming the compensation. But the authority is unable to pay the compensation to the encroaches of khas land. Thus, the case remains pending. This is an example of unclear ownership of the land.

(5) L.A. Case No: 2 / 2004 – 2005

This case was started to establish Electricity Sub Station at Shakhipur Upazilla. The Requiring Body of this case is the Executive Engineer, PDB, Tangail. Proposal to acquire 0.60 acres of land of Gobindapur mouza of Shakhipur upazilla was placed on the 06th February 2005. It got the approval of the DLAC on the 09th March 2005 and notice under section 3 was served on the 07th April 2005. It got the final approval of the DC on the 25th April 2005 and the notice under section 6 was served on the 02nd June 2005. A total of 99 sale figures of land were collected from the local Sub Registrar office to fix the amount of compensation out of which only 9 sale figures were considered to be with in the vicinity and of similar advantages. The average sale figure came to Tk.8,48,500/ per acre. Accordingly the compensation was as follows:

Value of 0.60 acres of land	Tk.5,09,100/
Value of constructions and trees	Tk.69,488/
Total	Tk.5,78,588/
50% of the Total	Tk.2,89,294/
Total	Tk.8,67,882/
10% of the total as contingency	Tk.86,788/20
Total Compensation	Tk.9,54,670/20

Thus, the total compensation was Tk.9,54,670/20 (nine lac fifty four thousand six hundred seventy taka 20 paisa). The RB placed total amount of compensation on the 20th November 2005 and notice under section 7 was served on the 08th December 2005. The land was handed over to the RB on the 20th December 2005. It may be mentioned here that the compensation could not be distributed owing to dispute over family property among the recipients. On the other hand from the report of the AC (Land), it is found that the acquired land is with in the nature of government khas land. So, disbursement of the compensation remains uncertain.

Comments: This is also a case where ownership is unclear. The purpose of land acquisition was served and the land was handed over to the Requiring Body. But the main problem arose during the distribution of the compensation. The dispute over family property right among the recipients is yet to be solved. On the other hand from the report of the AC (Land), it is found that the acquired land is in the nature of government khas land. So, the disposal of this case remains pending. This is also an example of unclear ownership of land and dispute over land ownership.

Conclusion: An analysis of case studies suggests that the main reason for the delay in the disbursement of compensation is dispute over ownership. The title of the occupiers is not always clear. There are also disputes over the family owned properties. In some cases, adequate funds for compensation are not provided by the RB (Requiring Bodies). Such delays are caused by administrative inefficiency and should be remedied.

In the case studies we have found that there are multifarious difficulties in the disposal of cases. The worst sufferers of these complexities are the owners of the land or the project affected people (PAP). In the field study there were some questions regarding compensation and the satisfaction of the PAPs over compensation. The response of the respondents depicts a clear picture about the compensation packages and their satisfaction over the compensation. Some of the main responses of the respondents are given below:

- (a) Question: Are you satisfied with the estimated amount of the compensation?

In response to this question, only 4 respondents out of 50 replied in the positive. The percentage of satisfaction with the compensation stands to 8% only! 46 respondents out of 50 answered that they were not at all satisfied with the estimated amount of the compensation. The rate of dissatisfaction with the compensation is 92%. For the purpose of calculation of compensation, the land acquisition officials at the district have to depend on the available Records of Rights (ROR), and records of transfer of property. The common practice of underreporting of value of land in transfer deeds (in order to avoid taxes) results in too low a level of compensation.

Comments	Number of Respondents	Percentage
Satisfied	4	8%
Not Satisfied	46	92%

Another interesting fact was revealed through this query. Of the 4 respondents who were satisfied with the compensation, all of them possessed various kinds of structures and different sorts of trees in their acquired land. Though the estimated amount of the acquired land was too low, the amount of structures and trees was sufficient enough to neutralize the grievances about the compensation.

(b) Question: Did you get your entire estimated amount of compensation?

Among 50 respondents, 32 of them answered in the positive. It means 64% of the recipients got their entire estimated amount of compensation. Rest 36% recipients didn't get their entire compensation for various reasons and disorders. The reasons for not getting entire amount of compensation are like (a) existence of civil suits in the courts, (b) disorders in the relevant

papers, (c) faulty demarcation of land, (d) land in the list of VP (Vested Property), and so on.

(c) Question: - Did you spend any extra money to get your compensation? If so, how much and in which purpose.

This is such a question that all the grievances of the PAPs relating to land acquisition are reflected from the answers to this question. Five of the respondents answered that they couldn't draw a single penny as their acquired land was within the list of VP (Vested Property). They even don't know whether they will get the compensation at all or not. Rest all 45 respondents answered that they had to spend a large portion of speed money for getting the compensation. They spent speed money for satisfying officials in the LA office, frequent journey to the DC office, and for the satisfaction of middlemen. The unanimous response of all 45 recipients shows that 100% of the recipients some how had to spend money for collecting their compensation. Total compensation package of these 50 recipients was Tk.88,52,593/ (eighty eight lac fifty two thousand five hundred and ninety three taka), the amount of compensation of those five recipients who could not draw their money was Tk. 1,53,048/ (one lac fifty three thousand and forty eight taka). So, the compensation package of the rest 45 recipients who drew their compensation was Tk. 86,99,545/ (eighty six lac ninety nine thousand five hundred and forty five taka) and they had to spend an amount of Tk. 8,16,702/ (eight lac sixteen thousand seven hundred and two taka) as speed money. So, the rate of speed money comes to 9.38%. Of the extra spending money they spent Tk.2,13,000/ (two lac thirteen thousand taka) for

frequent journey to and from the DC office, Tk. 5,38,702/ (five lac thirty eight thousand seven hundred and two taka) for satisfying officials of the LA office, and Tk. 65,000/ (sixty five thousand taka) for the purpose of middlemen. From the above mentioned data we can find that 65.96% of the extra spending money goes for satisfying officials of the LA office, 26.08% for frequent journey to and from the DC office, and 7.96% for satisfying middlemen.

Estimated Amount of Compensation (taka)	Extra Expenditure by Recipients (taka)	Percentage of Extra Expenditure
86,99,545/	8,16,702/	9.38%

Extra Expenditure at a glance: -

Head of Extra Expenditure	Amount of Money	Percentage
Satisfying Officials of LA Office	5,38,702/	6.19%
Conveyance to and from DC Office	2,13,000/	2.44%
Satisfying Middlemen	65,000/	.75%
Total	8,16,702/	9.38%

Section – VI

Impact of Land Acquisition on PAPs

Land acquisition can adversely affect the socio-economic well being of the people whose assets are acquired, as well as the communities they live in. Impacts include physical relocation, disruption of livelihoods, and potential breakdown of communities. In the previous chapter impression of the PAPs on compensation has been described. About the satisfaction of the compensation, we find that 92% of the recipients are not at all satisfied with the estimated amount of compensation. Another interesting fact has been revealed that the recipients had to spend 9.38% of the total estimated compensation as extra expenditure of which 6.19% was for satisfying the officials of the LA office, 2.44% was for frequent conveyance to and from DC office and .75% for satisfying intermediaries. In the field study the recipients were asked questions those were relevant to the impact of land acquisition from where interesting findings came out. Some the important questions are described below:

(a) Question: How much land was acquired from you?

Fifty persons from whom land was acquired at different times were selected on random basis and were asked this question. From their answer it was evident that the maximum amount of land acquired from an individual was 4.00 acres and the minimum was .02 acres of land. Among the respondents the average amount of land acquired came to .795 acres.

Maximum acquired land	Minimum acquired land	Average
4.00 acre	0.02 acre	0.795 acre

(b) Question: What was the nature of your acquired land?

Through this question the respondents were asked about the nature of their acquired

land. They were asked whether their land was agricultural, non-agricultural, nal (uncultivated), viti (homestead), forest, pond or other quality. Among the respondents, 43 of them answered that their acquired land was agricultural land. So, the percentage of the agricultural acquired land stands to 86%. Only one of the respondents' acquired land was non-agricultural, 24 were viti (homestead), 3 were forest and only 1 answered that his acquired land was with in the nature of pond. Thus the percentage of acquired non-agricultural, viti (homestead), forest and pond came to 2%, 48%, 6% and 2% respectively.

If we analyze the above-mentioned statement, we can find that maximum amount of agricultural land (86%) becomes the target of land acquisition, which is alarming for a densely populated land hungry country like Bangladesh.

(c) Question: Were there any trees or constructions in your acquired land?

28 of the respondents answered that there were different kinds of trees in their acquired land. They were various kinds of fruit bearing trees like mango, black berries, jackfruit, coconut, chestnut etc. and trees with timber value. The percentage of the acquired land with trees is 56%. Among the respondents, 22 of them answered that their acquired land included pucca, semi-pucca, cottage and tin shed houses. It means 44% of the respondents possessed constructions in their acquired land.

Possession	Number of Respondents	Percentage
Trees	28	56%
Construction	22	44%

(d) Question: Did your over all economic condition improve, deteriorate or remain same after land acquisition?

In response to this question, only 4 persons out of 50 respondents answered that their over all economic condition improved after land acquisition. 42 respondents' condition deteriorated and 4 persons replied that their condition remained unchanged after land acquisition. If we analyze these figures, we can find that 8% of the recipients' condition improved, 84% recipients' over all economic condition deteriorated and 8% remained unchanged after land acquisition.

Condition after land acquisition	Number of Respondents	Percentage
Better	4	8%
Worse	42	84%
Unchanged	4	8%

It is interesting to note that four recipients of compensation were satisfied with compensation received by them and four persons reported that their economic condition remained unchanged after land acquisition. Of those satisfied persons, economic condition improved for one, economic condition remained unchanged for two and another one's economic condition deteriorated. This suggests that the level of compensation is not only determinant of economic satisfaction of land acquisition.

(e) Question: Was the acquired land your only source of income?

About this question, 24 of the fifty respondents replied that their acquired land was only source of income. 26 of them replied in the negative as they had alternate source of income other than the land acquired. So, 48% of the affected people lose their only source of income owing to land acquisition and 52% of the affected recipients have other alternative source of income apart from the acquired land. This suggests that emphasis should be laid on economic rehabilitation of PAPs rather on the amount of compensation alone.

(f) Question: Do you reside in your previous home or you have shifted your residence after land acquisition?

This was a very interesting question. 29 out of fifty respondents answered that they still stay in their previous homes and didn't shift their residence after land acquisition. 21 respondents replied that they had to shift their homestead to somewhere else after land acquisition. The data reflect that 42% of the affected people lost their homestead and were forced to shift their residences somewhere else after land acquisition.

Residence	Number of Respondents	Percentage
Staying in previous Residence after land acquisition	29	58%
Shifted Residence after land acquisition	21	42%

We can find a correlation about the information of the previous question and this question. From the previous question we find that 48% of the affected persons lose their entire source of income due to land acquisition. Here, from this question we can see 42% of the affected persons are bound to shift their residences or homestead somewhere else after land acquisition. Time has come to ponder over this matter seriously. The only way for the government is to abide by the Directives of the World Bank where there is direction to rehabilitate the project affected persons with proper resettlement, adequate package of compensation, and source of income to ensure economic well being of the affected persons after land acquisition.

Section – VII

Comparison with the JMBP (Jamuna Multipurpose Bridge Project)

The land acquisition laws of 1982 and 1989 ensure only statutory cash compensation to legal owners of the properties under acquisition, but guarantee neither replacement value of the acquired properties nor restoration of the standard of living of those affected by the acquisition. Furthermore, the acquisition laws have no provisions for compensating people who are not property owners, but nevertheless stand to lose from the acquisition process (tenant farmers, sharecroppers, farm labourers and other customary of illegal occupants of land under acquisition). Under the circumstances, JMBA decided to adopt a “Resettlement Policy” that would compensate for these weaknesses of the land acquisition laws and at the same time would ensure proper resettlement and rehabilitation of the project affected persons. Now let us see the condition of land acquisition regarding JMBP at a glance:

Sl. No.	Case No.	Amount of Land	Estimated Compensation (Taka)	Undisbursed Money
01.	4 / 88-89	103.14	2,24,80,789/72	4,44,140/10
02.	5 /88-89	120.08	1,63,55,847/88	3,51,339/22
03.	6 /88-89	90.44	1,61,96,532/30	12,78,740/66
04.	7 /88-89	140.07	1,74,24,240/05	2,77,404/49
05.	33 /88-89	38.98	45,64,259/41	3,99,148/51
06.	2 /89-90	175.93	4,26,85,709/21	1,18,83,756/10
07.	3 /89-90	153.24	3,30,21,455/18	44,03,964/67
08.	4 /89-90	156.41	3,59,02,453/64	26,32,526/88

09.	6 /89-90	310.29	3,54,26,442/48	9,92,204/69
10.	7 /89-90	447.75	4,80,23,657/86	17,68,683/33
11.	8 /89-90	397.59	4,49,12,019/93	23,25,326/74
12.	9 /89-90	544.25	5,68,39,419/76	36,34,007/84
13.	13 /89-90	30.03	20,31,296/99	73,368/15
14.	26 /89-90	88.30	53,23,548/35	7,41,133/70
15.	27 /89-90	95.92	56,81,790/60	11,06,937/37
16.	28 /89-90	132.36	80,52,589/95	10,11,493/13
17.	5 /93-94	159.64	3,70,18,577/16	35,15,631/48
18.	6 /93-94	79.60	1,96,00,419/40	7,55,500/53
19.	7 /93-94	108.64	3,22,26,702/27	3,49,940/26
20.	6 /95-96	266.34	54,18,520/84	54,18,520/84
21.	7 /95-96	97.57	1,68,48,943/29	19,73,670/16
22.	24 /95-96	4.2622	11,26,552/37	1,62,370/85
23.	44 /95-96	39.63	1,31,35,393/58	14,26,011/31
24.	45 /95-96	40.89	3,17,178/61	3,17,178/61
	Total	3,821.3522	52,06,14,340/83	4,72,42,999/62

In Section- IV we have seen that in comparison with the per acre compensation of 1980, the maximum percentage of increase was 98.73% that was with in the range of 1990-1995. Land was acquired for the purpose of JMBP with in these years and it continued up to 1996. The compensation of structure and trees are also included to this.

The primary objective of the Resettlement Policy is to enable all PAPs to regain at least their pre acquisition standard of living and preferably to improve upon it. It is based on the principles that people who sacrifice for the project ought to be also the beneficiaries of those development interventions. The core components of this resettlement policy are:

- People who are losing farm / homestead lands will be given a grant in addition to the compensation under the law to cover the difference between the compensation and the actual replacement costs of those properties. In addition, they would be provided with institutional assistance and liberal credit facilities to purchase replacement lands from the open market.
- People who do not own a homestead but are displaced from their place of residence will be given a cash grant to purchase a minimum size of plot elsewhere of a house plot at the resettlement site.
- People losing their residential and other structures will be given transfer and reconstruction grants.
- Assistance in the form of maintenance grant, vocational training and subsequent credit facilities to those who are affected by loss of sharecropped land and / or wage employment.

The project was successful to resettle about 16,773 households (approximately 100,000 people) affected by land acquisition for JMBP both in the west and east sides of the Jamuna bridge from Shirajgonj and Tangail districts. Of them 9,455 households were resettled from Tangail district who were directly or indirectly affected. Under the “Resettlement:

Compensation and Rehabilitation Policy” following components are included for compensation:

- Loss of agriculture land;
- Loss of homestead land;
- Loss of living quarters and other physical structures (except commercial and industrial structures);
- Loss of economically valuable perennial;
- Loss of occupied home stead land (illegally or with permission from the owner);
- Loss of tenant contract for farming;
- Loss of wage income;
- Loss of commercial plots;
- Loss of structures used or commercial and industrial activity;
- Displacement from rented / occupied commercial premises;
- Loss of standing crops;
- Persons who have already parted with properties and have relocated elsewhere;
- People adversely affected by the bridge, i.e. change in water levels upstream or down stream or in unforeseeable ways.

420 plots of different sizes ranging from 2.5 decimals to 15 decimals were allotted among the affected families in Tangail district. Under the Resettlement Project ample community facilities such as approach and feeder roads, drainage, drinking water, sanitation, schools, health centres, mosques, playgrounds, graveyards, markets, plantations etc. were provided. There was a serious impact of acquisition on the land holdings. The size of average land holdings got drastically reduced after the acquisition. Though the average size of the land

holdings became smaller and some of the big holdings were even marginalized, a very interesting fact came out of the study. Before the acquisition some of the households were literally landless having no land of their own. They used to live on others land, sometimes with the consent of the owners and sometimes without consent. They did not lose any land because of the acquisition but were equally affected having lost their place of residence. Under the existing law, they were not even entitled to get compensation for their structures. It is interesting to note that under the JMB Resettlement Project, these landless people were not only given financial support for replacement of their houses, they were given cash grant to buy a plot of minimum size in the host villages or a plot of 2.5 decimals in the government arranged "Resettlement Sites" for a token money of TK.10/ only. These homeless people, with whom I shared my views during interview, expressed their satisfaction with the project.

Section – VIII

Recommendations and Conclusion

Before having recommendations we must observe the findings of the study. The major findings of this study are:

- In the findings of the survey a very important fact has been revealed that the nature of 86% of the acquired land is agriculture land. So, it is alarming that agriculture land is becoming the prime victim of land acquisition and reducing day by day.
- 48% of the affected people lose their entire source of income after land acquisition.
- 92% of the respondents answered that they were not at all satisfied with the amount of estimated compensation.
- 64% of the respondents got their entire estimated compensation. Rest 36% didn't get it for multifarious complexities.
- After land acquisition 84% of the respondents' over all economic condition worsened, 8% of them improved and 8% of them remained unchanged.
- 42% of the respondents answered that they had to shift their residences after land acquisition.
- The recipients spend 9.38% of the total compensation as extra money for collecting their compensation.

- Of the extra expenditure, they spend 6.19% for satisfying different officials concerned, 2.44% for frequent journey to and from the DC office, and 0.75% for satisfying middlemen.

Recommendations:

Based on the findings of the study, the following measures are recommended to be considered by the authority concerned:

- Stringent legal requirement for award of compensation create scope for manipulation and corruption. As a result suffering people suffer further. Legal requirements to the extent possible should be relaxed for payment of compensation.
- For the calculation of compensation, the land acquisition officials at the district have to depend on the available records of rights and records of transfer of property. The common practice of under reporting the value of land in transfer deeds (in order to avoid taxes) results in too low a level of compensation. Alternative way of calculating compensation should be introduced so that the recipients are not deprived of their legal and appropriate compensation. The latest value of the acquired land can be considered by forming a Value Calculating Committee consisting of representatives from the government, requiring body and the PAPs. This may mitigate the grievances of recipients about too low a compensation package.
- The identification of the recipients of compensation becomes very time consuming. The imperfect land record system also provides scope for manipulations. Identification of the recipients can be finalized during the joint

survey and calculating time of compensation. An Identification Token System against the recipients can be introduced during calculation so that this token can be considered and verified during disbursement of compensation. This can simplify the complex procedures.

- Non-payment or delayed payment of compensation is, however, not only due to a slow functioning of the district administration. The policy of disbursing government funds for land acquisition in three or four installments, spread out over the year, means that the district administration may not have sufficient funds available when payment is due. So, strict instruction and regulation should be there that the Requiring Body must surrender entire estimated money at a time rather than in installments.
- The property owners incur high transaction expenses for traveling to and from the district office to claim the rights and to receive compensation. Objections against acquisition are often heard and payment of compensation is normally done in the district town. This means that the Recipients not only face high costs for traveling to the district town, but also lose income. Payment of compensation should be made at the project site, not from the office of the Deputy Commissioner or from any other office. The recipients should be informed earlier of the date, time and place of disbursement through notice or announcement about the payment of compensation. This will ensure the transparency in the process of disbursement of compensation among the recipients.
- Since it proved that manipulation is done with the collaboration of most of

the officials concerned, and allegation is there that the recipients of the compensation have to spend a large portion of money in order to satisfy different officials, punitive action must be ensured against those alleged corrupt officials.

- Involuntary displacement should be avoided or minimized by exploring all viable project options, where feasible, because of its disruptive and impoverishing effects. This aspect should be given due consideration with utmost importance at the formulation stage of any development project.
- It should be ensured that population displaced by a projects benefit from it and not made poorer by any means.
- Displaced Persons should be (i) compensated for their loss at replacement value, (ii) given opportunity to share in project benefits, and (iii) assisted in the transfer and in the transition period at the relocation site.
- Legislation providing comprehensive set of provisions for compensation as well as resettlement and rehabilitation for the directly and indirectly affected people should be made. In this connection an amendment to the existing land acquisition law might be considered.
- A set of legislative guidelines and National Policy for Resettlement and Rehabilitation of the PAPs must be issued. Initiative undertaken by the Ministry of Land to formulate a National Policy on Involuntary Resettlement should be expedited.
- During the study it is observed that only resettlement of the PAPs is not enough. Employment opportunities should be created for the relocated

people; otherwise adverse effect of land acquisition on the PAPs cannot be avoided.

- Project Affected Persons should be involved in the implementation of the resettlement project along with NGOs and other government agencies.

Conclusion:

The right of property has now days to make a compromise with concepts of human welfare at individual as well as community levels. Infrastructure development often requires acquisition of land and other assets that are privately owned. Such acquisitions adversely affect the socio-economic well being of the people whose assets are acquired, as well as the communities they live in. Impacts include physical relocation, disruption of livelihoods, and potential breakdown of communities. Land Acquisition procedures are taken for the benefit of the people. Government proceeds to this action if it is found viable for public interest. But the existing land acquisition policy of Bangladesh causes project-affected people's suffering and their grievance beggars description. The government should consider this fact seriously and formulate up to date policy following the guidance of the World Bank's directives regarding land acquisition, which will ensure proper resettlement of the displaced persons with ever increasing economic supports.

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