

IMPLEMENTATION OF KHAS LAND DISTRIBUTION POLICY AMONG THE LANDLESS AND POOR PEOPLE: AN ANALYSIS ABOUT THE RIGHTS OF LANDLESS AND POOR PEOPLE

Abstract:

Landless people are the part of our country, to develop our country the development of the poor section is must and inevitable because the Collective development is the development in real sense. The khas land distribution among the landless is the best initiative to develop the condition of the poor people, there are policies to ensure them but lack of implementation is the major cause of their untouched right.

Introduction:

Khas lands are the lands which are in the absolute ownership of the government, none can own these lands absolutely. The government can settle these lands to the persons who are perfect to get them. The most perfect persons and legitimate persons to get these lands are the landless people. There are policies of the government to settle these khas lands to the landless poor people. The land administration and management system in our country is corrupted, inefficient, untrustworthy and also contains systematic weaknesses and lacunas that intensifies sufferings and poverty rates among the poor section of the people. There are two policies of the government to ensure the distribution of khas lands, one of them is 'Agricultural khas land management and distribution Among the Landless policy 1987 and the other is about Non Agricultural Khas Land Management And Settlement Policy 1995'. This section of people has legal rights on papers, but these rights neither be exercised nor be enforced. The khas lands are illegally grabbed by the political influential people through the help of the corrupted officials, sometimes lands are being recorded in the own name of the officials. Through this paper I will try to show the rights given to the landless poor people about khas lands by means of policies regulating khas lands, the divesting of the landless poor from their rights to have the settlement, the reasons behind their divesting of right to get the lands, and in the last phase of my paper I have recommended some reformation about the policies and system of the allotment of khas lands to ensure the fair distribution of khas land among the landless.

Identification of Khas land how the government gets those:

All lands of khatian number one of every mouza are khas lands. Khas lands are the lands absolutely vested to the government, none except the government can hold them as owner. These lands are managed by the government and the government can settle them to the persons according to the policies regarding khas land.

Government can be the owner of the lands by means of:-

Which lands were acquired under State Acquisition And Tenancy Act 1950 by the government when exceeded 375 standard bighas, and then under section 4 of the Land Reforms Ordinance 1984 which tells the limitation of 60 standard bighas.

Which lands are fallen under the category of dilluvion under section 87 of State Acquisition And Tenancy Act 1950.

If any land is bought by the government in execution of sale under Public Demands Recovery Act 1913.

Any land that have no rightful owner, and the government holds the land.

If any person dies intestate and having no legal heir.

And the lands compulsorily acquired by the government.

Rights of the Landless or poor people to get the settlement of khas land:

Khas lands are of two types, one is agricultural khas land and another is non-agricultural khas land. The government has different policies to manage and settle these lands for the landless section of the society.

Agricultural khas land distribution policy among the landless -

Agricultural khas land distribution is run according to the policy formulated by the government in 1987 for the landless and then in 1997. In this country the government identified the landless and laborers as a priority group for receiving agricultural khas land. The main component of these reform measures has involved in the distribution of Khas land. In 1987 Land Ministry Of Bangladesh stepped forward to the Land Reforms Action Programme, an initiative to distribute Khas and unoccupied state owned land to landless people.

On 1st July 1987 the government of Bangladesh took the “Policy for Distributing Khas Land among the Landless”. If distribution of Khas land becomes completely succeeded then following progress could be achieved-

Just distribution of land and income,

Maximum production from the land

Provide work for landless and improve the economy of local edge.

Refraining people from migration to town and make the village environment livable.

During the allocation of agricultural Khas land the persons mentioned below will have priority:

- The family that becomes landless by the erosion of river.
- Family of martyr or wounded freedom fighter that has an able man who involves in agriculture.
- Widow who has an adult boy.

Though there are many provisions for the favor of the landless, this excludes many from their legitimate rights, as there were no any provisions for unmarried poor women who did not marry anymore, widow with daughter and widow with no issue.

Non Agricultural khas land distribution policy among the landless:

Non-agricultural khas land is defined ,managed and settled by the policies formulated in "Non Agricultural Khas land Management and Settlement Policy 1995" .This policy keeps a small space for the distribution of agricultural khas land among the landless people.

Section- 3(d) of the policy provides very small access of poor to the Non-agriculture Khas land. It only allows the land to be settled among the family who have become destitute by natural disaster or any family legally reallocated by the government.

It was formulated by section-7 of the Land Reform Ordinance 1984 that the government shall give priority to the landless farmers and labor class during distribution of Non-agriculture Khas land. But the policy of 1995 did not look to the landless farmers and laborers for the allocation of Non Agricultural Khas land.

The distribution of khas land among the landless; what we see in reality:

Khas lands whether agricultural or non-agricultural, are illegally grabbed sometimes by the political powerful persons sometimes by the persons related to the land administration. The right persons who are legally as well as legitimately eligible to get these lands are deprived of their land rights. Khas land grabbing is widespread in the country by powerful and politically influentials. Eviction of the landless poor people in the name of shrimp cultivation, Eviction of Aborigines in the name of making Eco-park, grabbing the rivers namely Turag, Buriganga and etc. in Dhaka are some instances of khas land grabbing. For this kinds of illegal land grabbing the government is losing its important land resources and the landless persons are losing their legal and legitimate right to get the lands. When the landless people are forwarding to have their rights they are being suffered by many unwanted threat, oppression, fake suit, harassment.

The key problems of distribution of Khas lands among the landless or other poor people:

❖ Political influence :

Through the political influence the political leaders are illegally grabbing the khas lands, none has any counter speech about their illegal act. There are many instances of land grabbing of the political leaders only through their political influences .There are many khas lands besides

the river and railways or canals which are illegally grabbed by the local political leaders by means of their political influences. The poor people are really helpless against their politically powerful counterpart.

❖ Corruption of the Land administration officials:

The land administration of our country is very much corrupted, the officials of the land officials help those who help them financially. They took part of the persons who have money or power. They do not talk in favour of the poor because they have no money and power. In case of distribution of land among the landless, the landless persons, if seek help from the officials then the officials seek money from them, and then the poor has to retreat from claiming of lands. This is the reality which they have to admit.

❖ Complex Procedure of land administration :

The procedures of land administration is very complex, it is very difficult to understand for the landless illiterate people. Sometimes, because of the complexity of procedure the landless people do not forward to claim their right to have khas land. So, lengthy process, non-transparent system, complex procedure is one of the major causes of the deprivation of the landless.

❖ Lack of coordination among the offices dealing with land :

In our country, there is lack of coordination among the registry offices, land offices and settlement offices. Sometimes there arises disputes about the ownership of land. It is also seen sometimes that one piece of land is sold thrice by the person having no ownership to the land. Because of this lack of coordination the landless people are depriving of the distribution of khas land.

❖ Slow and lengthy judicial process :

The judiciary of our country is very slow and the process of it is very lengthy. Once a suit is started relating to land, none knows when that will end, sometimes it takes a decade or a century to finish a land related suit. To survive in this lengthy process one has to spend a lot of money, but the landless poor people has no such capacity to afford, and so they do not step forward to have their land through judicial process.

❖ Corrupted khas land distribution committee :

The khas land distribution committee is very much politically influenced, for this reason the committee cannot complete its work independently. The local MPs are the advisors of the committee, the committee acts according to the will of the MP, and the MP always tries to give the settlement to the persons who have political affiliation with him, and this is really unfair, because of this corruption the right persons are deprived of their rights of khas lands.

Recommendations for the fair and just distribution of khas lands among the landless and poor people:

The present condition should not continue for the development of the country, and the development of the poor section of the society. In the present, the government is losing its land and the perfect persons who are the legal and legitimate claimer, the landless people. To improve the khas land management and settlement for the poor and landless people is the must thing to resolve, but it is not really a simple matter to resolve. The recommendations mentioned below can be helpful to resolve the problems relating to the fair distribution of khas lands among the landless and poor people.

➤ Favourable policy for the poor regarding the khas land distribution among the landless :

The policies regarding the distribution of khas lands among the poor must be rearranged, so as to give the maximum security of fair and just distribution of khas lands among the poor and landless people. There should be some punishment provisions which can ensure the maximum penalty for the land grabbers. Maximum safeguard should be provided for the landless and poor people to have their rights.

➤ Speedy judicial system and process must be ensured :

The present judicial process is very much slow and lengthy, the poor people fears to move to the court. ADR (Alternative Dispute Resolution) can be introduced, which could be very useful for the landless and poor people. There can be introduced special and speedy trails court specially dealing with khas land related issues. If these alternative systems could be followed, then the people of the landless and poor section would be facilitated.

➤ Introduction of independent committee to supervise :

There should be introduced an independent supervisory committee to observe, supervise and control the matters relating to the distribution of khas lands. The committee will be free from all kinds of external influences like political influence. The committee will have the power to formulate the policies to further the fair distribution of khas lands among the poor people. If this committee can be introduced then there will be a great chance of fairness in terms of khas land distribution among the poor and landless people.

➤ Digitalize the identification and data keeping system:

The survey system of our country is very ancient and archaic for this reason sometimes it is very tuff to identify kha lands and some lands are excluded from the list of khas lands. The data keeping system is also to be updated. Khas land distribution policy will be very much soft, if the land management system of our country is digitalized.

- There must be coordination among different land offices :

There is lack of coordination among different land offices which hinders the fair and fast distribution of khas land among the poor. So, there must exist coordination among different land offices, there should be coordination between AC (land) office and registrar office.

- Regular updating of land records in terms of khas land :

Land records are not regularly updated in our country, for this reason sometimes the khas lands are kept behind and not enlisted in the list of khas land. Power elites in our society takes this benefit, they grab the lands ought to be enlisted in khas land list, and then they make false documents in favour of them and then enjoy those lands without any interruption. If the records are updated regularly, the khas land committee could distribute the khas lands among the poor.

- Reformation of land administration :

Land administration of our country needs to be reformed, the administration is not very much helpful to the poor people. If the poor comes in front of them then they does not care of their problem. There are many instances in our country in this regard that the poor man comes to seek help from land officer and he has to stand over the day in front of the office of the officer to meet with him.

- Increase of awareness among the poor and landless people:

There is lack of awareness among the poor people in our country about their rights, the do not know about their rights, sometimes the procedure of getting the rights. None will give your right back if you do not claim your right, the person who does not know about his right how can he claim about the right. Government, for the betterment of the people of this section, should arrange the training about land related matter, so that they can be aware of their rights.

Conclusion:

The marginal farmers are persecuted by the land laws and policies that are mostly anti poor. Equality before law is recognized on paper, but in reality it is against the poor due to discriminatory system, legal and administrative. Poverty comes from the unjust nature of societal order and from economic and political inequality within the society at large. So to wipe out poverty we must present the issues as well as change and reconstruct the system, law and policy that deprive poor class, especially landless.

References:

1. Khas land workshop notes, July 12, 2011, Shiree.Org
2. Distribution and Retention of Khas Land in Bangladesh, Human Development Centre (HDRC)