

Seminar Paper

on

Simplifying Allocation Process of Agricultural Khas land among the landless: Experience of Shaturia Upazila, Manikganj

Submitted by

Mohammad Kamrul Islam Chowdhury

Deputy Secretary

Ministry of Land, Dhaka

Roll No: 110

129th ACAD Course



Bangladesh Public Administration Training Centre

Savar, Dhaka.

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Abstract

Bangladesh has graduated recently from Least Developed Country (LDC) status and moving towards the dream of being developed country by 2041 under the auspicious leadership of Honourable Prime Minister Sheikh Hasina. Land is a scarce resource and plays a vital role in uplifting the status of the landless. Government has different safety net provisions through various projects having Khas land redistribution as a component namely Gucchogram, Ekti Bari Ekti Khamar, Ashrayan and so on. A significant number of landless families had been rehabilitated through these projects and thus khas land has become an important scheme for poverty alleviation. Various study reveals that khas land allocation system has not been a case that is free from corrupt practices and the system has never been revisited to simplify the steps through use of information technology. In this study attempts have been made to find out the real case scenario through stakeholder consultation. Due to Covid pandemic situation, data could not be collected through field visit in Satoria Upazila of Manikganj district. Hence, the study may lack in-depth understanding of the gravity of the problems rooted in khas land allocation system and further research will be needed to find more interesting and useful outcome in this regard.

Abbreviations and Acronyms

Abbreviations/Acronyms		Elaborations
S A & T Act	:	State Acquisition & Tenancy Act
SDGs	:	Sustainable Development Goals
a2i	:	Access to Information
LDC	:	Least Developed Country
NiD	:	National Identity Documents
ULAO	:	Union Land Assistant Officer
AC (Land)	:	Assistant Commissioner (Land)

Chapter-1: Introduction

1.1 General Background:

Bangladesh had graduated recently from Least Developed Country (LDC) to a developing country by concerted efforts on policy developments and many reform initiatives in almost all sectors since independence. Land is a scarce resource and it has been redistributed among the landless since 1972 as a part of land reforms programmes by Government. As population grows, land had been divided into pieces among the population over the generations for personal consumption, developed for industrial purposes and in some cases lost due to natural disasters. However, very little changes had been made with regards to allocation of khas lands among the landless.

The term "**Agricultural Khas Land**" has been defined in Non-agricultural Khas Land Management & Settlement Policy 1995 as that cultivable land except non-agricultural khas land that includes all types of land in all metropolitan, municipality and thana sadar areas. In that policy, landless family has been defined as those families having no household and agricultural land although their livelihoods were dependant on agriculture. In addition, those agricultural families having not more than 10 decimals of land for household but no cultivable land available to earn their livelihoods are also considered as landless families. According to a recent report in September 2020 submitted to Prime Minister's Office by Ministry of Land, agricultural khas land available for allocation in the period from fiscal year 2017-18 to December 2019 was estimated as 519138.9668 acres out of which only 13714.7918 acres were allocated accordingly to 35,453 landless families. Of course, khas land allocation among the landless plays a vital role in improving the living standards of those families. There were reports from different media regarding malpractices in khas land allocation system in different areas and hence, Government had stopped the circular issued on 13.08.1996 in regard to khas land allocation procedure. Later, Agricultural Khas land Management & Settlement Policy 1997 was published in Bangladesh Gazzettee on 16.04.1997 to strengthen the monitoring process of khas land allocation system in place. Till date, the khas land allocation system as well as monitoring mechanism is fully manual and vested interest groups in rural areas always try to manipulate the process to grab land leaving the real landless poor people in risk of deprivation.

According to the preliminary report of Bangladesh Bureau of Statistic (BBS) on Agriculture Census 2019, almost one-fourth of the country's famer families are still landless. The report reveals that some 40 lakh, out of 1.65 crore, famer families are landless while some 91 lakh agricultural labourers and around 67.63 lakh households are involved in cultivating other's land, either on lease as tenant farmers or as sharecropper. However, due to Government's redistributive initiatives, the number of rural landless households dropped significantly from 12.84% in 2008 to 2019.

A set of 17 Global Goals known as Sustainable Development Goals (SDGs) was sanctioned by UN member States as 2030 Agenda to be implemented over a 15-year period. SDG Goal-2 Zero Hunger states that by 2030, agricultural productivity and incomes of small-scale

food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers is expected to be doubled. It also states about securing equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment. In particular, **the 2030 Agenda for Sustainable Development** includes land-related targets and indicators under SDGs 1, 2, 5, 11 and 15. Stakeholders including Land related Government actors as well as Non-Government organizations are committed to fully implementing the SDGs and to monitoring the land-related indicators in order to promote accountable land governance. Land is an important resource considered to be cross-cutting and critical to achieving the SDGs¹

The Ministry of Land has a vision to ensure efficient, transparent, accountable and pro-people land management and a mission towards people-friendly services through efficient use of land by adopting modern and sustainable land management practices.² Ministry of Land has been awarded the prestigious UN Public Service Award 2020 for its achievement in delivering e-mutation services to people. According to section 143 of the State Acquisition & Tenancy Act, the Collector shall maintain up-to-date, in the prescribed manner, the record-of-rights prepared or revised by correcting clerical mistakes and by incorporating therein the changes on account of the following:

- (a) the mutation of names as a result of transfer or inheritance;
- (b) the subdivision, amalgamation or consolidation of holdings;
- (c) the new settlement of lands or of holdings purchased by the Government; and
- (d) the abatement of rent on account of abandonment or diluvion or acquisition of land³.

Ministry of land with the support from Access to Information (a2i) programme under Prime Minister's Office had started e-mutation since 2016 and necessary training and computer equipments had been placed at all the Upazila land offices in the country. Recently Ministry of Land in consultation with stakeholders reduced the mutation documents issue time from 45 days to 28 days only and necessary software development is under process to initiate payment gateway for online fees payment and also to integrate the National Identity Documents (NiD) information with the e-mutation application process. On the other hand, allocation of khas land had been operated manually and no electronic database is available. Moreover, khas land distribution has become a political issue and local administration has to face challenges to allocate land to landless people in need. At the same time, district administration may have to conduct mobile courts to keep possession of khas land by evicting land grabbers at regular intervals.

¹ <https://landportal.org/book/sdgs>

² www.minland.gov.bd

³ <https://bdlaws24.blogspot.com/2012/02/laws-acts.html>

It is noteworthy that Government has been implementing different safety net programmes specially named as the Prime Minister's Priority projects and commitments made during different Ministry visits for the last couple of years. Among many projects, Gucchogram Phase-2, Ashrayan Projects, "Ekti Bari Ekti Khamar" projects involves rehabilitation schemes of landless through allocation of khas land. Apart from those projects, homeless, poor freedom fighters, shelter less people due to river erosion, widow/abandoned women with adult son and agriculture dependant families having land of 10 decimals for household with no cultivable land gets priority among the landless in getting khas land.

This study aims to explore the real picture of agricultural khas land allocation system among landless in accordance with Agricultural Khas Land & Settlement Policy 1997 and may find out possible grey areas to address to ensure simplification of the khas land allocation system for future.

Based on the findings, this research will approach with a set of specific and realistic recommendations as a means of way forward to ensure transparent khas land allocation strategies through removing existing information gaps and challenges.

1.2 Problem Statement:

Khas land allocation is a part of social safety net program of the government. At present, upazila land administration requires the following documents to **process khas land application for allocation for landless:**

1. Filled in Application forms with photograph.
2. List proposed should be uniformed in meeting minutes, order sheet and proposal.
3. Certificate issued by local Union Parishad Chairman declaring landless.
4. Nationality certificate issued by local chairman.
5. Proper seals and signature with ID number in formal proposal for approval
6. Duly attested photographs of husband and wife (single photo in case of widow and single man)
7. Details of land mentioning daag, khatian, mouza and area in particular.
8. Sketch map (2 copies)
9. Meeting minutes of upazila khas land allocation committee
10. Proposal (Case Nothi) 2 copies
11. Information on civil or criminal cases on the proposed land for allocation
12. Information on possession of land
13. Field report by concerned Union Land Assistant Officer (ULAO)

14. Information on disputes if any and allocation history if any
15. Attested copy of khatian
16. Seals and signature of concerned officers in application form.
17. No religious establishment such as mosque, pagoda, church etc can be proposed for allocation.

There are always a tug of war happens to avail khas land by powerful local elites as they take it as a symbol of prestige and demonstration of power locally. Since, land is always a scarce resource and information is manually kept by local land offices, risk of overlapping allocation and information gap on land available for allocation, possession and fake documentation (both applicant and land information) are always there and local land authority faces difficulties in handing over the possession even after allocation due to legal issues.

As an officer of Ministry of land, I am very much proud to be part of the team led by Hon'ble Land Minister and respected Land Secretary as Ministry of Land has been awarded the Prestigious UN Public Service Award 2020 this year for its tremendous achievement in e-mutation programs. Ministry of Land has been trying hard to combat malpractices in providing services at field level offices and initiated digital services in many areas specially the documentation part. Revisional Survey (R.S) khatians of the most of the mouzas can be available now online for citizen and the remaining mouzas are under process and will be available soon for all. In fact, digital land records management is a priority agenda of the land Ministry to ensure transparent and people-friendly services for all. In a recent inspection report conducted by audit official of land Ministry, a grave malpractice was found to forfeit 80 acre of khas land in Kurigram where attempts were made to manipulate the concerned khas land record register by removing pages to book the said land in favor of private parties. Immediate suspension and criminal cases were filed against the concerned Union Land Assistant Officer (ULAO). So, it is evident that proper documentation of total khas land area available for allocation is always a challenge indeed. The application process and allocation process may also requires some changes to make it simplified and people-friendly.

1.3 Objectives:

- ☐ To assess the existing Agricultural Khas land Management & Settlement Policy 1997 and finding simplified process map to enable access of landless poor people to khas land in an efficient manner;
- ☐ To identify opportunities of using information technology and put forward recommendations by which the access of landless poor can be ensured to khas land in a hassle free system

1.4. Research Questions:

- a) Is the Agricultural Khas land Management & Settlement Policy suitable enough to ensure access to khas land by poor people in real case scenario?
- b) What are the challenges faced by poor people due to existing rural power structure to get allocation of khas land and how to address the issues to make the process simplified and non-discriminatory?
- c) Is the adoption of e-application procedures enough to remove the barriers of rural political elites in the distribution process of khas land?

1.5 Methodology

Most of the information in this study has been collected from secondary sources available on the Ministry of Land library and the Internet. Several interviews with relevant government officials, stakeholders including the landless people who received agricultural khas land over cell phone and a focus group discussion at the fellow participant level will be conducted in Dhaka and in villages belonging to Shaturia Upazila, Manikganj for this study. Necessary statistical tools will be used for analyzing the data thus collected during my course period at the PATC.

1.5 Rationale of the Study:

In Bangladesh, the redistribution process of khas land to landless families started in the 1980s and is laid out in several policy documents. Land is an essential source of livelihood and possession of land is considered to be a symbol of social status. Therefore, khas land allocation may play a vital role in uplifting the status of poor people. Since a significant portion of the population live below the poverty line and more than 10% are still considered as extreme poor, the redistribution of khas land has undoubtedly portrays a severe impact for the poor and for society as a whole (General Economics Division (GED), 2015a)⁴. Against this backdrop, the research explores the simplification of allocation process to make it transparent so that landless poor may not face any challenges to access the khas land in particular.

1.6 Scope & Limitations of the Study:

The study has made effort to find out the gaps between policies and implementation strategies of Government specially Ministry of Land and other agencies in implementing accessibility rights of landless to avail khas land in accordance with the Agricultural Khas Land Management and Settlement Policy 1997. However, due to Covid pandemic situation and time constraint, the study has mainly focused on the existing policy

⁴ https://ethz.ch/content/dam/ethz/special-interest/gess/nadel-dam/documents/mas/mas-essays/MAS%20Cycle%202014%20-%202016/Essay_Aline%20Herrera.pdf

regarding agricultural khas land allocation to overcome obstacles of political influence to capture the khas land by vested quarter. Under the above circumstances, face-to-face interviews were not be possible to ensure personal safety. As a result, the study may not be able to analyze adequate data and may lack in-depth understanding of the problem properly. Therefore, further validation may be required to authenticate the results obtained.

Chapter-2: Literature Review

Different poverty literature in Bangladesh reveals that one key method of poverty alleviation is to enable access of poor to secure ownership of productive means. S. Tariquzzaman & Sohel Rana in their study titled “Understanding the Effectiveness of access to Khas land: Comparing Khas land receivers to Non-receivers” highlights the livelihoods of khas land receivers in comparison to non-receivers, their income opportunities, women’s engagements with laboring activities, household asset management and emphasizes particularly on the political process of getting khas land including the role of landless leaders. Finally, the paper shows the need of organizing community movement to get the landless access to khas land.(Sheikh Tariquzzaman & Sohel Rana : 2014)

Mick Howes (2003) in his paper titled “ Land Policy and administration” shows the evolvment of land law and policy, traces the origins of key institutions, and outlines the major features of contemporary land administration. It also denotes how private ownership of land is established, transferred and recorded. And finally examines the procedures governing access to public land and water resources. He emphasizes particularly on the allocation process of water bodies (Jalmohals) but did not focus on agricultural khas land distribution system.

Aline Herrera (2014-2016) in his paper titled “ Access to Khas land in Bangladesh : Discussion on the Opportunities and Challenges for Landless People and Recommendation for Development Practitioners describes about the challenges in distributing mechanisms, discriminative criteria for selection of beneficiaries, and obstacles regarding the whole identification, application, and selection process. The study shows that the landless people are miserably not the only recipients of the policy and a considerable part of khas land ends up in the hands of powerful people with vested interests. Barkat, Zaman, and Raihan (2000a) describes that distributing agricultural khas land to landless people has two-fold impact. It improved the living conditions of the landless who gets it on the one hand and on the other hand many poor people have also been affected badly in terms of money, energy, time, litigations and false expectations. Finally, the paper shows how the development organizations may play an important role in trying to minimize the existing gaps.

In a study titled “ *Accessing Khas land :Negotiating the obstacle course* Barkat has identifiedthe process of khas land allocation system and the possible obstacles in the same . The following table summarizes the steps of khas land iden

Steps	Ideal Scenario	Possible Obstacles
Identification	In case of diara settlement the amin records the area as part of the cadastral survey and notifies the assistant settlement officer (ASO) who places it on the register • In non-settlement areas the UALO (tehsildar) is responsible for identifying and maintaining record of any new khas land (eg arising through accretion)	Bribery to land officials and staff not to record the land illegally occupied by powerful local elites. Proper maintenance of records is absent in most case until the
Notification	Announcement by District Information Officer by microphone at big market places. . .Beating of drums at all popular market places in Upazilla and in Union • Publicized through notice on all notice board in Upazilla• Disseminate informations agenda of Upazilla meetings for two consecutive months	Those responsible for notification only pass word to contacts, friends and relations with some eligible and potentially interested parties not finding out at all, or until it is too late
Application	Interested applicants fill out an application form stating what type of landless household they are and providing various other details. These forms must be signed by two rural elite ; one preferably by the concerned UP Chairman and the other is a school teacher.	False applications may be lodged by powerful elites by managing tehsildars. Illiterate people can not fill up the form and pay bribes sometimes to land staffs to prepare application. Those who endorse the application may take bribe to sign the application.
List Names	UALO checks the	The Union Assistant Land

	qualification of applicants and a list is prepared.	Officer (Tehsildar) or UP chairman may seek bribe • Applications are (often falsely) cancelled due to incorrect information.
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Source: *Accessing Khas land: Negotiating the obstacle course* (Summary based on Barket et al, 2001)⁵

No study was conducted systematically on this specific area of adoption of simplified policies to enable access of landless to khas land and combat with malpractices in khas land distribution mechanism.

Therefore, assessing the existing Agricultural Khas Land Management and Settlement Policy is the key focus of this study, and it intends to recommend some realistic actions for governments to overcome barriers of vested interest group through simplification of the khas land allocation system.

Chapter -3: Methodology

3.1 Method:

This study is based primarily on data collected from primary and secondary sources. Since the study aims to analyze a policy, the data will be qualitative in nature.

3.1.1 Primary Source:

Primary data was collected through interview of the khas land receivers of Saturia Upazila through mobile phone voice/video call and the sample was randomly selected and provided to me by upazila land offices. Besides, relevant officials of land offices and Ministry of land were also consulted to get better understanding and perceptions about the real case scenario.

3.1.2 Secondary Source:

⁵ https://carebangladesh.org/publication/Publication_7013284.pdf

Necessary secondary data was collected from Ministry websites, reports, books, journal and previous seminar papers in particular.

3.2 Focus Group Discussion:

Gathering of information/data through discussing among the participants who belong to BCS (Admin) cadre.

3.3 Questionnaire Design:

Initially, the respondents are divided into two categories based on the purpose of this study.

1. Given the fact that this study aims mainly to assess the existing allocation process of agricultural khas land in accordance with Agricultural Khas land Management & Settlement Policy 1997, relevant officials at field level administration were consulted and interactive discussions were held separately and in small groups with senior officials of the Ministry of Land as well as current ACAD course participants who had worked before in different capacities in land administration to share perceptions and understanding of their insights regarding khas land distribution process.
2. The second category was the receivers of khas land in Saturia Upazila to understand their perception as well as real case scenario. The core purpose of selecting them as respondents is that author of this paper took note of the fact that their opinions may add significant value to the findings of the seminar paper. It is always better to consult the stakeholders who becomes the principal beneficiary or victim of any given policy scenario.

After the category was made, wholehearted efforts were made to draw a fruitful questionnaire which helped the author to come up with some policy recommendations.

Chapter-4: Result and Discussion

4.1 Study Location

Saturia Upazila under Manikganj Upazila has an area 140.12 sq km, located in between 23°51' and 24°03' north latitudes and in between 89°55' and 90°08' east longitudes. It has a population of total 155137 and it is bounded by Nagarpur and Dhamrai upazilas on the north, Manikganj Sadar upazila on the south, Dhamrai upazila on the east, Doulatpur (Manikganj) and Ghior upazilas on the west⁶. It was evident during the study that agricultural khas land allocation was bit slow over the years. During my discussion with AC (Land), I had found the following data regarding khas land distribution since FY 2012-2013 :

Year	No. of Khas land Receiver
2012-2013	53
2013-2014	51
2014-2015	31

Ac (Land) also informed me that total 38.22 acres of land were allocated so far and .80 acres has been under process for distribution among16 landless families during the FY 2020-21. Then, Upazila Nirbahi officer (UNO), Saturia and the Ac(Land) were interviewed with a brief questionnaire. During the interview, both Upazila Nirbahi officer and the Ac (Land) have opined the following problems regarding agricultural khas land distribution:

- 1. No electronic database has been in place to maintain track record of the availability of the khas land. Rather it is maintained manually.
- 2. There are some vested interest group to grab khas land
- 3. Due to civil suit, possessions can't be handed over in some cases. These suits were filed due to record failure in sequence. For example, land was khas in RS khatian but in SA khatian it was recorded as private property, So, whenever the land is allocated to landless as khas, the SA khatian owners files suit to stop the handing over possession of said land.
- 4. There are some unattractive khas land where the receivers are unwilling to live even they get allocation
- 5. Local political leaders grab the khas land and build temporary shops and markets illegally in some cases. In case of eviction attempt, they sometimes create legal barriers.
- 6. Alluvian Land can be considered for distribution to keep possession of the Government.

Then, necessary brainstorming was done to get an idea towards probable solutions. Finally, I discussed the issues with some of my colleagues at Ministry of Land and ACAD course mates to get an overview of the problem and get some policy recommendations

On another note, to get clear picture from the grass root people who are actually the real story teller ,the following 10 (ten) khas land receivers were interviewed.

SL No	Name of the Union	Name of the Khas land Receiver	Mobile No
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⁶ http://en.banglapedia.org/index.php?title=Saturia_Upazila

01	Baliati	Md Kuddus	01718930395
02	Do	Batashi	01729129787
03	Tilli	Amejuddin	01313857307
04	Do	Anowara	01735839073
05	Do	Mojiron	01741657371
06	Do	Chandu	01775363943
07	Saturia	Ananda Chandra Das	01712774718
08	Do	Kohinur Begum	01785692164
09	Do	Awlad Hossain	01725213761
10	Do	Ilimuddin	01742140213

These respondents were asked to feel free to express their experiences regarding khas land allocated to them. They were asked the following question:

1. Was there any political influence needed to get the khas land allocation?
2. Was the application system for khas land allocation user friendly?
3. Did anybody ask for any bribe to get the allocation?
4. Do they prefer online application system to apply for khas land?
5. Do they face any problem in getting possession of the allotted land?

4.2 Analysis & Insights:

It was evident that the majority of the respondents from Government officials including Ministry of Land think that the existing Agricultural Khas land Management & Settlement Policy 1997 is sufficient enough to control malpractices in khas land distribution system but significant portion of them think that the process may be simplified for ensuring better service to people and necessary budget is required to contest law suits on behalf of Government and keep possession by constructing boundary wall or fencing after eviction they opined. If I summarize their inputs it may include the following:

1. Khas land selection and distribution system is still backdated.
2. Necessary automation in the application system may reduce overlapping problems in allocation.
3. Maintenance of khas land records digitally may give clear picture to authority and reduce problems in handing over possession.
4. Integration with NiD database may ensure accuracy of the real landless data.
5. Necessary mobile court drive may keep Government's possession secured from land grabbers.
6. Transaction of bribe in getting khas land is not significant.

7. Political influence is the factor that creates barrier to get khas land for those who really need those.
8. Necessary budget for keep possession of recovered land should be allocated to filed administration and sufficient fund also needed to contest cases against powerful land grabbers to recover government land.

On the other hand, the beneficiaries of the khas land interviewed could hardly express clear view on the application process simplification rather they pinpointed some other issues. If I summarize their opinion it may include the following:

1. According to Respondent 1 & 3, current khas land allocation policy need to be updated with time so that it may go in line with the e-mutation system.
2. Respondent 2, 5, 6 & 8 believe that enough scope is available for the political leaders to make money by demanding for their lobbying efforts to get the land for the poor.
3. All the respondents are not at all aware at all about the documentation process.
4. All the respondents except respondent 7 & 4 had no experience of spending money to get khas land. Rather, they offered voluntarily little pocket money to staff level employees of the upazila land office.

Chapter-5: Conclusion and Recommendations

5.1 Conclusion:

Bangladesh is a densely populated country. Land is considered as scarce resources and most of the litigation among people is related with land issues. The land administration system in Bangladesh is not well-developed. It is overwhelmed with multiple shortcoming and problems. Although digitization of land records system is ongoing and Ministry of land has been awarded UN Public Service Award this year, allocation process of khas land requires to be free of corrupt, inefficient practices and inherently systematic weaknesses. In a World bank report, it has estimated that more than 3.2 million land-related cases are pending before the judiciary. Almost 80% of the criminal offences are derived from land disputes leading to violence. Poor people lack resources to face courts to demand justice for them.

In a developing country like Bangladesh, khas land distribution system is often considered as a safety net schemes to alleviate poverty and inequality in the society. As the land management system is age-old, corruption has been a deep-rooted systemic crisis and we should get rid of this worrying cycle. If we can automate the khas land application system, there may be less chance of illegal influence by vested interest group.

5.2 Recommendations:

It is evident from the data being analyzed that khas land allocation process requires modification to get rid of the corrupt practices. Most of the respondents were of the opinion that there should be an online database to check the availability of the khas land and also the list of beneficiaries. After analyzing all the suggestions and valuable opinions given by respondents, the following recommendations can be noted for future policy roadmap:

- To ensure successful implementation of the khas land allocation policy, constant support from the police force during mobile courts operation should be ensured to recover grabbed land from local powerful elites.
- Online database should be maintained in line with NiD documents so that beneficiary selection process become transparent and exact khas land area available for distribution can be sorted out clearly.
- Online application system may reduce the chance of taking bribe by local UP Chairman and elites for endorsing application.
- Necessary budget should be allocated to keep possession of the recovered land though necessary fencing and construction of boundary wall whenever necessary.
- Necessary budget should be placed to contest civil suits to recover dispossessed land.

To sum up, Khas land allocation should be more simple and transparent and strict monitoring is needed though surprise field visit by senior officials to ensure accountability and RAJUK's building permission process should be more simple and transparent. Adequate database, cross checking of data, frequent field supervision, provision of accountability, provision of strong penalty in case of default etc. should be regulated and made compulsory.

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