

“Development Project, Land Acquisition and Resettlement in Bangladesh; A Quest for Well Formulated National Resettlement and Rehabilitation Policy”

Syed Al Atahar

PhD candidate

Graduate School of Environmental Management

Nagoya Sangyo University

Japan

Abstract

Land acquisition for various development projects has become a critical issue in Bangladesh. The country's large population and small geographical size have put land at the center of any policy implication. Many people have already been displaced, and large numbers will also be displaced in the near future, as various infrastructural development projects are currently going on and many are planned with the aim of fostering economic growth and developing new governmental institutions. Nevertheless, the country has no clear land acquisition and resettlement policy, and displaced people are seldom compensated or resettled adequately. This paper analyzes the current practice of land acquisition and Bangladesh's resettlement policy with reference to the Jamuna Multipurpose Bridge (JMB) land acquisition and resettlement project. The paper concludes with future policy implications based on the identified shortcomings and the discrepancies between the stated policy and actual practice.

Keywords: Land acquisition; Displacement; Compensation; Resettlement policy; Jamuna multipurpose bridge project; Bangladesh

Introduction

Acquisition of private land by the government for public purposes is a common practice globally. But in a land-hungry country like Bangladesh, land acquisition means something threatening and frightening to landowners. Overpopulation and a scarcity of land put enormous pressures on land property. Land thus becomes the most valuable asset in Bangladesh, and not only a means of livelihood but also a great sign of social power, pride, status, and happiness. Significantly, owning a vast tract of land bears testimony to a person's great wealth. Most families are tied to their ancestral land, which is very much a psychological bond, and the feelings and emotions they experience with the ownership of their land can never be compensated for through any means if they should lose it.

Thus, land acquisition by any organization, whether a governmental or a non-governmental entity, and for any purpose is seen as a vital issue in Bangladesh. In almost all cases, owners are completely against land acquisition. But land acquisition is essential for infrastructural development, which is crucial to accelerating economic growth. Moreover, in order to meet the growing demand of its huge population, the government needs more institutions, which in turn requires the acquisition of land. Therefore, there is no way to stop land acquisition; however, the amount of land thus acquired can be reduced by prudent analysis and relevant considerations. In addition, the entire process of land acquisition can be accomplished within a certain legal framework to ensure transparency for all the stakeholders. A vital issue concerns the current policy responses against land acquisition and how the government's policy might be able to give the best returns to those who lose their land due to various development projects. In light of this vital issue, the paper will analyze the present status of land acquisition and resettlement in Bangladesh with a special reference to the Jamuna Multipurpose Bridge (JMB) land acquisition and resettlement project. In addition, the paper will attempt to identify the gaps and challenges that exist between

the country's current legal framework for land acquisition and international standards. The paper will also show the fundamental breaches of the World Bank (WB) guidelines in case of the Jamuna Bridge Resettlement Project, although the project earned worldwide appreciation and set an example as the best practice of development-induced displacement and resettlement that has ever been carried out in Bangladesh. The paper concludes with policy implications for reshaping the future resettlement policy of the country to protect affected persons from becoming impoverished, which is often caused by land acquisition for development projects.

Magnitude

We must consider Bangladesh's enormous magnitude of displacement if we are to understand its resettlement policy and other activities. It is almost impossible to obtain statistics on displacement that is the result of development projects except for some recent cases. However, it is estimated that an average of 20,000 to 30,000 people have recently been affected annually in Bangladesh by infrastructure development projects (The Daily Star, July 13, 2010).

In the 1960s and 1970s, many development projects were completed without any resettlement plan being implemented, although those projects acquired large amounts of land and evicted large numbers of population arbitrarily. For example, one of the biggest projects, the Kaptai Hydroelectric Dam, was completed in 1961, and 54,000 acres of land were acquired and nearly 100,000 members of native tribes were displaced and never received adequate treatment (Zaman, 1996; IDP report by Norwegian Refugee Council, 2005). Bangladesh is a developing country, and it has been attempting to accelerate economic growth, which requires a physically dynamic infrastructure. In order to carry out this process, many projects are being undertaken and many are being proposed that require vast amounts of land. Bangladesh has a small geographical area with a large population. In fact, it is highly dense and overpopulated, and every inch of land is occupied; therefore, any project with a footprint means the displacement of population. Therefore, land acquisition and development projects related to displacement are no longer a subtopic but rather a vital issue. However, to date the government still has no fixed, clearly formulated resettlement policy. Currently, it employs the 1982 Acquisition and Requisition of Immovable Property Ordinance and the 1989 Emergency Acquisition of Property Act, which are inadequate and fail to deliver due compensation to affected persons. Some projects have made strides in addressing the displacement issue, especially donor-funded projects, as they follow their own resettlement guidelines. The main objective in doing so is to bridge the gap between the government of Bangladesh (GOB) law and international law in order to meet a donor's compliance requirements. Sometimes, however, this leads to an unhealthy combining of Bangladesh's land acquisition law and international resettlement law.

Understanding Land Acquisition

In general, the requisition and acquisition of land is the process by which the government takes possession of a land property for the public good or the greater interest of the country. The law of the state gives it the right to take property for public use. This includes eminent domain, compulsory purchase, and expropriation. In fact, this is the power of a sovereign, which justifies the taking over of land by the government under the principle of eminent domain in many countries (Talukder, 2006; Maitra, 2009; Boyce, Green, and Brown in Pittaluga, 2009; Kamruzzaman, 2011). The provisions of land acquisition are mentioned in Article 42 of the constitution of the People's Republic of Bangladesh.

The GOB is empowered to acquire land in two ways. First, under Article 42 of the constitution: (1) "Subject to any restriction imposed by law, every citizen shall have the right to acquire, hold, transfer or otherwise dispose of property and no property 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; no such law shall be called in question in any court on the ground any provision in respect of such compensation is not adequate." These constitutional provisions demonstrate that the GOB constitution gives citizens the fundamental right to own, acquire, hold, transfer, or otherwise dispose of property, but the Article also admits the absolute power of the state to acquire any piece of land by providing compensation, if the land is needed for a public purpose or the public interest.

And, second, through the Land Acquisition Law, the well-recognized earliest legislation known as the Act of 1894. Over the years, a series of revisions and modifications have been made to this act to establish special laws relating to land acquisition for a particular situation or a particular purpose. However, the core issues concern the land acquisition law, the process of providing compensation, and the amount of compensation offered against land loss. It is evident that major flaws exist in the land acquisition laws, which were enacted first in the land acquisition Act of 1894 under the British rule. Subsequent laws on land acquisition were enacted and implemented both in East Pakistan (now are Bangladesh) and in the land of Bangladesh but unfortunately, these laws have had a very limited scope in terms of compensating affected persons adequately. The earliest law related to land acquisition was enacted for the present territory of Bangladesh in 1824. Subsequent additions were Act I of 1850, Act XLII of 1850, Act VI of 1857, Act XXII of 1863, and Act X of 1870, and all of these acts were repealed and replaced by the Act of 1894 (Banglapedia , 2006).

Chronological View of Land Acquisition Act (From 1894 to Present)

The land acquisition and compensation policy of the government has been changed and modified through different acts, declarations, circulations, and bylaws. A chronological overview of the land acquisition laws is presented below:

- Land Acquisition Act of 1894, introduced in British India;
- Land Acquisition Act I of 1894;
- Executive Instruction of Bengal Government, 1917;
- Executive Instruction of 1947 (Bengal Ordinance No. 5);
- East Bengal Emergency Requisition of Property Ordinance, promulgated on July 14, 1947, for a short period;
- (Emergency) Requisition of Property Act, 1948 (Act XIII of 1948);
- Cantonments (Requisitioning of Immovable Property) Ordinance, 1948;
- Acquisition of Waste Land Act, 1950 (East Bengal Act XIX of 1950);
- Town Improvement Act, 1953;
- Chittagong Hill Tracts (Land Acquisition) Regulation, 1958;
- Hats and Bazaars (Establishment and Acquisition) Ordinance, 1959;
- Rehabilitation Act, 1956;
- Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance II of 1982); Act I of 1894 repealed, and Act XIII of 1948 rescinded;
- Requisition of Movable Property Ordinance, 1987;
- Acquisition of Property on Emergency Basis Act 1989 (Act IX of 1989) promulgated for a temporary period of five years;
- Acquisition and Requisition of Immovable Property Act, 1994;
- Jamuna Multipurpose Bridge Project (Land Acquisition) Act, 1995;
- Padma Multipurpose Bridge Project (Land Acquisition) Act 2007.

Most importantly, all of these laws that came after the 1982 ordinance were developed within the scope of the Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance II of 1982).

Evolution of Land Acquisition Law

The land acquisition Act of 1870 was the earliest legislation that dealt with land acquisition. In 1885, another addition to the land acquisition act, related to mines, was promulgated. A more broad-based land acquisition act was promulgated in 1894, and the former act was repealed. Under the new act, the collector (now Deputy Commissioner [DC]) was entitled to take possession of the land to be acquired after the award had been made. But in the case of urgency, the collector was entitled to possession of the property even before making the award. The act provided that the compensation would be determined on the basis of the average market value of similar properties that was exercised in the vicinity during the previous 24 months.

However, there was another development related to the land acquisition act in 1948. This act defined “requisition” as the power to take possession of both immovable and movable properties for a public purpose or the public interest. In contrast, the major cities of then East Pakistan (now Bangladesh) used different laws for land acquisition, such as the Town Development Act of 1953, and the Chittagong and Khulna Development Ordinances of 1959 and 1961, respectively. Over the years, the land acquisition act was extended and developed, and the 1948 Act was replaced with the promulgation of the comprehensive Acquisition and Requisition of Immovable Property Ordinance of 1982. With the promulgation of the land acquisition ordinance of 1982, other provisions for land acquisition under various acts were repealed.

Most important features of the 1982 ordinance: The DC is the sole authority to acquire property if it appears to him that the property is needed for a public purpose or the public interest; however, there is room for people to object to the decision. If there are any complexities and if the size of the property is large, then the government is responsible for dealing with the issue. Compensation payments must be made before the authorities take possession of the property, and the payments should be made within a period of one year from the date of the decision of acquisition. Under the ordinance, there is a provision for leniency of the law for acquisition if anyone is not satisfied with the monetary award or other matters related to the acquisition. Temporary and emergency acquisition is permitted under the law.

Property (emergency) acquisition act, 1989: This act was not a replacement of the 1982 ordinance, but rather a legislative action undertaken temporarily and purposively in the wake of the devastating floods in 1987 and 1988. The act was formulated with a view to promoting the acquisition of land on an emergency basis to control inundation, floods, river erosion, and upsurge caused by various natural calamities. But it is also said that the act was introduced to acquire land for the Jamuna Bridge project, particularly on the west bank of the Jamuna river.

Main features of the act: The DC is the absolute authority to acquire both movable and immovable property. Introduction of the concept of “provisional compensation” which is mainly determined by the DC, notice is to be served only to the owner instead of publicly and no scope to the appeal of acquisition issues. It should be mentioned that the act remained in force for five years after its formulation.

Procedures of Land Acquisition

According to the provisions of land acquisition law, land acquisition is accomplished through administrative instructions. In order to ensure the best use of the most valuable property of the country, the GOB established the District Land Allocation Committee (DLAC) and a Central Land Allocation Committee (CLAC) in 1976. DLAC is responsible for land allocation at the district level, while CLAC deals with land allocation in Dhaka City. However, CLAC has the authority to review all land acquisition cases before the final decision is made at the different levels. In fact, two bodies have worked together to acquire land: the Requiring Body (RB) and the Acquiring Body (AB), which provide legal and technical assistance, respectively. After fulfilling certain obligations as required by law, the process starts with the RB. Finally, the DC acquires the land, and compensation is paid by the DC’s office. However, according to the law, there is no definitive method of payment of compensation. Once compensation is paid, the ownership transfers to the RB.

Provision of Compensation under the Current Land Acquisition Law

Currently, cash compensation is given for compulsory land acquisition under the 1982 ordinance or within the scope of the law. Under this law, the following are the main considerations regarding compensation:

- Market value (termed the full market value) of the property that is described in Section 8 of the Acquisition and Requisition of Immovable Property Ordinance, 1982, reads as follows:
“Similar description and with similar advantages in the vicinity during the twelve months proceedings the date of publication of the notice under Section-3;”
- An increase of 20% in such market value (now 50% in some cases);
- Compensation must be paid before the authorities take possession of the property;
- Compensation must be paid or deposited within a period of one year, starting from the date of the decision of actuation;

- Claims for compensation by persons who have an interest in or the rights to the proposed property can be made within 10 days and 15 days under the Act of 1989 and 1982 respectively.

Based on the common purpose of acquiring land for the government, the land acquisition laws of Bangladesh were revised and amended over the time, but only the 1870 Act focused clearly on compensation for the taking of lands. Prior to that act, if the landowner and the collector failed to come to an agreement in calculating the value of the land to be acquired, then only arbitrators could determine the compensation for the acquired land, and no appeal against the decision was permitted. The subsequent Acts of 1894 and 1948 attempted to make the awarding of the compensation speedy, but the calculation of the compensation or the valuation of the acquired land was done without any logical or mathematical calculation. Finally, the Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance II of 1982) focused on compensation issues, and this law has continued to exist as the sole instrument of land acquisition in Bangladesh. Some additional payments were added to the prescribed amount of compensation, but this would do very little for those whose livelihoods are substantially affected by land acquisition.

Legal Context of Land Acquisition and Limitations of the 1982 Ordinance

Currently, there is only one legal framework for land acquisition in Bangladesh, and that is the Acquisition and Requisition of Immovable Property Ordinance, 1982. The provisions under this law are not adequate to cope with the adverse effects related to land acquisition and involuntary resettlement, nor do they do fully match the requirements of the WB's Operational Polices (OP 4.12) or international standards. Several studies indicate some salient gaps in the existing legal framework, which are as follows:

Limited boundary: The ordinance does not deal with the broader issue of the social and economic impacts of land acquisition and resettlement. There is no additional assistance to aid Project Affected Persons (PAPs) in restoring their livelihood system, and there is no room to include vulnerable groups such as squatters, matriarchal households, and the elderly and disabled; and there is no provision for resettlement sites and services.

Avoiding and minimizing land acquisition: The law discourages unnecessary acquisition, and lands that remain unused are to return to the original owners. However, there is no sole authority to monitor or supervise this process. It has been found that beyond actual need, excess land is acquired for many projects. For example, in the case of the JMB project, a large amount of land still remains unused that was acquired for the project by the authorities.

Finalizing land price: There are many loopholes within the process that is used in assessing land price under this ordinance. According to the law, the assessment for compensation is made based on the market value of the property on the date of the acquisition (based on the registered value of similar property bought and / or sold in the area in the past 12 months). But in fact, the registered value of the land is only about half of market value. In Bangladesh, people often devalue their land price in transactions to avoid or to pay lower registration fees and taxes. As a result, the compensation for land is always less than the replacement value of the property.

Administration is cumbersome: Under this ordinance, the district office's administration exercises the sole power, and various levels of the administration are involved in decision-making processes, which makes the system complex. Moreover, administrations in general are more or less corrupt in Bangladesh, which can have a negative impact on an entire project. In addition, affected landowners have to produce an array of documents in order to claim compensation, a process that entails very long, expensive, difficult, and tiresome work for PAPs.

Eligibility for compensation: Under the ordinance, a person who appears in the land administration records as an owner or who has legal title is eligible for compensation. The land acquisition act provides compensation for lands and fixed assets, but there is no provision to assess loss of income and the livelihood of PAPs, and no mitigation measures to regain income and livelihood.

Relocation and transitional support: Under the law, there is no obligation to relocate or provide assistance for relocation, especially for those who lose a homestead. Usually when they are asked to move to a new location, these individuals must take all of their belongings, which they have collected over decades, and this is not something like a small suitcase that they can take with them easily. So during relocation, they generally suffer from lack of work, transportation, and money all at once, as they lose their daily income when other activities in the area are stopped. Therefore, various forms of support during relocation are essential, but no help is provided under the law.

Socioeconomic rehabilitation: Existing law does not establish any provisions to alleviate the long-term impact on people's livelihood that is caused by forced displacement. The country's legal system blatantly ignores the socioeconomic rehabilitation of the involuntarily displaced.

In addition to these critical shortcomings, poor and complex record systems, multifaceted disputes over land ownership, a high level of corruption in land administration, distribution, and other land-related issues have exacerbated the situation (Siddique, 1998; Zaman, 1996; Pittaluga, 2009)

Impact of Land Acquisition on Project Affected Persons (PAPs) in the JMB Case

The consequences of land acquisition can be enormous, as it has an extremely negative impact on those affected by it, including the loss of shelter, livelihood, and community. In other words, land acquisition can jeopardize all aspects of people's lives (Larbi et al., Zaman, in Ding Chengri 2007). In order to understand the lethal impact of land acquisition on PAPs in the case of the Jamuna bridge project, some facts are necessary in order to illustrate the land distribution, the landholding patterns, and the land-tenure types of Bangladesh. After Bangladesh's independence, a series of land reforms took place in the country but land distribution has remained very inequitable. Fifty-two percent of the rural population, which accounts for about 75% of the country's population, hold .5 acres of land or are landless. Another data shows that one percent of landowners in rural areas own more than 7.5 acres land. Ten percent own between 2.5 to 7.5 acres. The rest of the landowners, 89%, own less than 2.5 acres. Although the government imposed a ceiling on landholdings, the output is not satisfactory. Moreover, 13% of rural households have no land even for housing, and 31% of these households depend on agricultural labor for their livelihoods (United States Agency for International Development [USAID] country report, 2010). Either private individuals and entities, or the state in Bangladesh can own land. Three types of private land tenure are widely recognized: common law freehold, which is the transfer of the exclusive ownership of land for an indefinite period; 99 years use rights to the *khas* land of the government; and leaseholds, which are the right to use the land owned by another person for a fixed period of time, and with an arrangement that can be both cash and sharecropping (Shafi and Payne 2007, in USAID report, 2010).

Thus, it can be easily understood that average people have been severely affected by land acquisition for the Jamuna Bridge project. The social costs entailed by land acquisition in the case of this project are as follows:

- Land acquisition: more than 7,000 acres;
- Directly and indirectly affected households: 16,500 in a population of 100,000;
- Households forced to relocate 4500;
- Total resettled households: 1,231 (612 households in the West resettlement site and 619 households in the East resettlement site);
- Many affected households were neither compensated nor rehabilitated, and they have been surviving under difficult conditions (Fieldwork and interviews with key officials, 2009; Rural Development Movement [RDM], final report, 2001).

However, the main implementing nongovernmental organization (NGO), the Rural Development Movement (RDM) disclosed that through their survey, they found additional numbers of directly and indirectly affected households that were not included in the base survey done by the Bangladesh Rural Advancement Committee (BRAC). Finally, an ID card was issued to 9,455 people in the East site and 7,217 people in the West site, including 370 nominees who were selected as persons affected by the project through different surveys conducted by RDM (Interviews with the RDM president; RDM report 2009, 2001). The following discussion shows how adversely PAPs are affected by land acquisition in the case of the Jamuna bridge project.

During my survey of 133 affected households (hh), it was revealed that most of the acquired land was agricultural land and that compensation was given through the JMB resettlement project against land acquisition. However, when the respondents were asked whether the monetary compensation they received against their land loss was

sufficient or low, about 77% (102 hh) said that it was not sufficient at all against their losses (Table 1). They mentioned that it was impossible to buy the same amount of land with the compensation money. About 90% (119 hh) could not purchase the same amount of land that they lost through acquisition (Table 2). Before resettlement, more than 72% (96 hh) were engaged in agriculture, but the number of agricultural households decreased sharply, and only 21% (28 hh) were now engaged in agriculture. Only 16% (21 hh) were involved in various types of jobs before the resettlement, whereas afterwards, more than 56% (75 hh) were now doing different kinds of jobs. The number of households that performed daily labor increased from 5 to 17 after the resettlement (Table 3). The loss of agricultural land was the fundamental reason for the shift from agriculture to other jobs.

After resettlement, overall income decreased and economic status declined. One study examined the experiences of people from the Tangail district of Bangladesh, where about 50% of PAPs lost their only source of income due to land acquisition (Talukder, 2006). When asked about their yearly income from agriculture after resettlement, 70% (89 hh) said they now did not have any income from agriculture (Table 4), and 80% (103 hh) of total respondents said their economic status had become worse after resettlement.

Before resettlement, about 91% (121 hh) had enough income / production, but after resettlement, only 18.05% (24 hh) had enough. After resettlement, 82% (109 hh) had lost the sufficient income / production with which they supported their family (Table 5). Most of the households were suffering from undernourishment since the resettlement because their food standards had declined due to a scarcity of fresh vegetables, fish, milk, and fruits, which they had produced from their homesteaded land. About 67% (89 hh) said that their food quality had decreased extensively (Table 6). Because of land acquisition, people suffered a lot in the JMB resettlement project; they were paid poor compensation; they lost their most valuable homestead and farmland; and consequently, their lost income and production has pushed them into the trap of poverty.

Jamuna Bridge Resettlement Case and the World Bank Operational Policy (OP) 4.12

As a pioneer of the resettlement and rehabilitation policy guidelines, the WB published its first guidelines in 1980. In order to describe its policy and procedures on involuntary resettlement and the conditions that borrowers are expected to meet in operations that involve involuntary resettlement, the WB published its Operational Directives (OD) 4.30 in 1990 to deal with development-induced displacement. Other development agencies then gradually introduced their own policies on involuntary resettlement. From that point on, borrowers were given the responsibility for undertaking rehabilitation and resettlement programs for PAPs in order to improve their livelihood conditions. The WB has updated its policy over time. The OD 4.30 was revised and the latest version was named OP 4.12. It is expected and hoped that the guidelines will increase the “likelihood” that bank-financed projects will successfully achieve the main objectives of OP 4.12, which are the following:

- To void or mitigate negative impacts caused by land acquisition and other project-related activities and to undertake and implement resettlement programs as developmental programs;
- Assistance for PAPs’ efforts to improve their livelihoods and living standards or at least for them to regain pre-project level standards;
- Ensure Displaced Persons’ (DPs) participation in different stages of a resettlement program;
- Provide compensation to PAPs for their losses at full replacement cost, assistance during relocation, and also give PAPs the opportunity to share in project benefits;
- Relocate PAPs as a group, rebuild communities based on consideration of the hosts’ needs, and protect indigenous or minority groups (Revised Resettlement Action Plan 1993/1994).

Despite the country’s various shortcomings, it is more or less recognized that Bangladesh has completed its first largest infrastructural project, which is considered a landmark success in the country’s history of infrastructural projects.

The resettlement activities of the project have been undertaken in accordance with international social and environmental standards. Instead, of giving PAPs mere compensation, the project provided additional packages that were recommended to the donors and that they were asked to implement. This is the first case in Bangladesh in which additional compensation was paid to upgrade the livelihoods of people who were affected by relocation or at least to restore their livelihoods (Pittaluga, 2009:1), though, ultimately, it was found that only half of the project's objectives were actually achieved (Ahsan, in Pittaluga, 2009). There is no doubt that the Jamuna

bridge project was the first successful project in the construction field in Bangladesh's history, and the country deserves credit for that. However, the question is whether the project has complied with the principles of OP 4.12 (then OD 4.30) of the WB. It has been repeatedly said by the GOB and donors that the Revised Resettlement Action Plan (RRAP) of the JMB was prepared in light of OD 4.30 (later OP 4.12), and that it aimed to bridge major gaps between the government's land acquisition laws and the OD 4.30. However, the situation as seen in the field is different, and it has been found that there are major breaches of OD 4.30 that can be summarized as follows:

Displacement occurred before compensation was completed: Many households said that eviction was started before the payment of full compensation, but according to the WB guidelines, full compensation must be paid before the displacement begins.

Level of compensation was too low: Almost 80% of households said that the paid compensation was too low to ensure that their livelihoods would be upgraded or restored. Another survey found that 92% of respondents from the affected households were not satisfied at all with the estimated compensation (Talukder, 2006).

Inadequate consultation with affected persons and communities: Respondents said that they were purposely kept in the dark about the rules and regulations of land acquisition and compensation. They reported that instead of being given individual notice, a public announcement was made. The survey found that 73% of respondents were ignorant of the rules and regulations of the compensation.

Excess land acquisition: A large amount of acquired land still remains unused, which can be regarded as a major error (Information provided during an interview with a high official on grounds of anonymity, 2009). More importantly, not only in the Jamuna bridge case but also generally in Bangladesh, it is often found at the end of a project that more land has been acquired by authorities than is actually needed (Pittaluga, in *The Daily Star*, July 13, 2010).

Vulnerable groups were ignored: The project completely overlooked the specific impacts of land acquisition on vulnerable groups and religious minorities.

PAPs were treated unequally: Only persons who lost land and homesteads were treated as PAPs, but tenant farmers, sharecroppers, and agricultural laborers, many of whom were substantially affected by land acquisition, did not receive the same treatment from the authorities. Moreover, respondents from the West resettlement site complained that PAPs in the East site received more opportunities than they did. The reasons behind the different treatment that they described was that land acquisition and resettlement started at the East site, and more importantly, those residents were on the good side of a political leader who was then a cabinet minister of the GOB.

Land category is ignored: Respondents said that the land category was ignored in calculating compensation, or they could not understand well enough how the compensation amount was finalized for the acquired land. For example, they mentioned that many of them received different amounts of compensation for the same category and the same amount of land.

Past information: Approximately seven years ago, the Socio-Economic Survey was conducted regarding the construction of the project, and much information has since become outdated. The RMD also reported that they found anomalies in the Socio-Economic Survey, and they conducted their own survey to identify PAPs just before the start of resettlement activities.

It was not obligatory to meet the conditions of the WB 4.12 in the case of the Jamuna Bridge project, but the project is considered as a good example to follow for other projects so that the above-mentioned gaps can be taken into consideration for better practices and formulation of a standardized future national resettlement policy as well.

Status of National Policy on Resettlement and Rehabilitation (NPRR)

To date, Bangladesh has no recognized resettlement policy. The first step toward improving the country's resettlement policies was taken in 1999, and was called the Asian Development Bank (ADB), which funded Technical Assistance (TA) for Bangladesh. But the progress on this issue was eventually halted due to political unwillingness to deal with the issue. Later, ADB conducted small-scale TA for capacity building in resettlement management in 2003, and further base work was done in preparing draft guidelines for the formulation of a resettlement policy with the participation of various departments of the GOB and NGOs, including members of the civil society. But, in fact, it was in 2004 when the GOB requested that ADB provide full "Advisory TA" in order to prepare a National Involuntary Resettlement Policy for strengthening the government's existing laws to take into full account the persons affected by development projects and the resettlement of the people displaced by land acquisition due to development. The TA activities were started in November 2006, and under the ADB TA 4517, a draft of the National Rehabilitation and Resettlement Policy was finalized in August 2007 and submitted to the GOB (Faruque, 2007, at a conference). The draft policy covers both project and non-project displacement (i.e., displacement by various natural calamities such as floods, river erosion, and tidal bores) and is intended to be applied to all development projects such as public, private, or public-private partnerships (PPP).

The GOB is in the final stages of formulating a national policy for people displaced because of various development projects. According to a proposed draft policy of NPRR, new compensation will be made for land acquisition. Instead of average market value, "full market value" will be paid, and joint verification of the assets of the affected persons will be carried out. The draft policy suggests reducing the psychological pressure on the affected persons as much as possible. According to a national workshop at BRAC University, the main focus of the proposed draft policy of NPRR is to protect the rights of the affected persons, try to minimize negative impacts, and provide all possible support to ensure that affected persons' livelihoods will be improved or at least restored (The Daily Star, July 2007).

Policy Implications

The GOB will very soon be formulating the NPRR that is now on the table for discussion. As the fundamental objective of the upcoming NPRR is to mitigate the adverse impacts of land acquisition and to protect the PAPs from destitution, this author would like to share the knowledge and experience he gathered from the field, in the hope that this information might be considered in establishing better resettlement policy guidelines. This information is outlined as follows:

Policy level : The policy should be revised in such a way that the WB 4.12 policy guidelines can be fully incorporated, and special attention is needed to avoid or minimize land acquisition. Moreover, utmost care should be taken and provisions included in order to protect agricultural land from unwanted acquisition. The fundamental aim of the policy should be the restoration of the livelihoods of the people displaced by development projects. The scope of the policy should be broadened to cover both development projects and non-projects (e.g., floods, river erosion) that lead to displacement.

- Calculation of compensation - instead of employing the common practice in the existing law to determine compensation, the scope of extra valuation of land beyond the market value could be set through consultation with PAPs. Within the scope of the current law, PAPs would not receive even "full market value" due to the malpractice engaged in during registration that is often related to assessing the land at a lower value to avoid government taxes (Zaman, 1996; Siddique, 1998; Talukder, 2006; Pittaluga, 2009). A percentage of additional compensation should be increased. In the case of the Jamuna Bridge project, even the promise of the award of a 50% premium did not work, as the land price increased overnight to 300 or 400 times above the then net market value just after the land acquisition started.

- Scope of additional measures with compensation - various research studies have found that compensation alone is not sufficient to improve or restore people's livelihoods (Cernea and Kanbur, 2002; Cernea, 2008). Additional support could be developed based on the ideas presented and discussed by Cernea, which are known as "benefit-sharing" mechanisms. The benefit-sharing mechanisms are used in a few cases are the direct transfer of royalties to finance the development work in the affected areas, the establishment of a development fund through fixed allocations or augmentations, the distribution of ownership through equity sharing, and the offer of preferential treatment, such as providing produced or generated services or opportunities to the affected persons at a lower price instead of the market rate (Cernea and Mathur, 2008: 75). Other measures could be established through the distribution of revenue generated by a project on a long-term or short-term basis according to the project and the country's specific conditions. Initiatives could be taken to create job opportunities by investing in small industries with some part of the revenue that is received from the project.
- Anticipated land valuation might also be included in these steps, meaning that compensation could be estimated based on what the acquired land price would be after five or ten years. If this is done, there is a good chance that PAPs would buy new land with the payment of compensation up front, or at least they would be able to invest extra money for the purpose of generating future income.
- Special measures could be taken to compensate for the loss of common assets (e.g., grazing land, water bodies). In fact, in a country like Bangladesh, rural people's livelihoods are very dependent on those kinds of common assets. To landless people, the loss of common assets means the loss of livelihoods.
- Scope of valuation of lost assets - these should be rational and standardized in a way that can meet an increased level of the standard of living. Not only the "commodity value" but also the "used value" of the assets should be considered.
- Scope of establishing a fund - funds could be raised from the revenue of the project to set up a micro credit bank for affected persons.
- Requirements for receiving an award of compensation should be relaxed to the greatest extent possible, because the titling, registering, and recording of land possession is very complex and difficult for rural people, who are often illiterate. The very last settlement record of the land could be considered for the awarding of compensation.
- PAPs who used or occupied the land in the past might be considered as eligible for compensation or any other assistance, irrespective of their status in terms of whether they have legal titles / rights or not.

Institutional and implementation level: Following issues might be considered to improve performances at institutional and implementation level;

- One-stop service could be introduced in order to minimize anomalies and make the system more functional.
- Scope of capacity building of related institutions and officials - proper training should be included so that they understand the issues properly.
- In order to make land acquisition transparent, democratic, mandatory, and meaningful, there should be participation of PAPs in resettlement activities and wide publicity ahead of the land acquisition. Through this process, PAPs will be honored and motivated, which will help to promote smooth land acquisition.
- In order to ensure a full disbursement of compensation, the compensation money should be given as a lump sum instead of several installments.
- The method of identifying "affected persons" should be revised because in the case of the JMB project, directly and indirectly affected persons were not categorized properly. Only those who lose land are named as directly affected persons, whereas many others whose livelihoods were potentially affected by the project are included as those who are indirectly affected, such as fishermen, boatmen, tenant farmers, and sharecroppers. Under the new law, the scope for identifying PAPs should be broadened.
- Scope in which punitive measures would be taken - these measures, as well as provisions for strict penalties against corruption should be considered. Action should be taken against corrupt officials and those who engage in any other malpractice. It would be helpful to increase the accountability of authorities who work in fields related to land acquisition.

- Scope of taking initiative to update and modernize all records related to land - provisions should be included to ensure that acquired land will be used only for public purposes or the public interest. The terms “public interest” or “public purpose” should be well clarified, because those terms are often misused by land-grabbers (Pittaluga, in *The Daily Star*, July 13, 2010).
- Land acquisition for private or business purposes should be depreciated.
- Provisions for providing special assistance in the form of cash or in-kind support, and monitoring for at least five to ten years after the full completion of the resettlement project should be included to ensure the smooth restoration of PAPs’ livelihoods after resettlement.

Finally, the fundamental objectives of the upcoming land acquisition law should demonstrate the willingness and sincere consideration of the GOB to give due respect to affected persons’ rights and to protect them from the impoverishment caused by land acquisition.

Concluding Remarks

It has been found from the Jamuna bridge project that PAPs suffered gravely because of land acquisition. The major reasons were the low pricing of their land and other assets, government mechanisms related to land acquisition, and the methods of providing compensation. Most of the respondents said they not only paid 10% to 15% of the money they received as bribes to authorities in different government offices in order to receive their compensation, but that they faced many obstacles in every step of the process in collecting their compensation money. More significantly, many respondents said that they received half compensation because they were helpless against those obstacles and finally decided not to go to the office to collect their compensation. They said that the land price had increased tremendously just after the start of the land acquisition process, and that it was impossible for them to buy comparable land at a similar price.

A significant reduction in land holding and the decline of agricultural and cash income prove that PAPs have been marginalized. Moreover, after resettlement, most of the households have suffered from undernourishment because their food standard declined due to the scarcity of fresh foods that they used to produce from their homesteaded land before resettlement took place. In general, reduced land holdings after resettlement are the main reason for insufficient food production, and the residual land is not sufficient at all to produce enough food for them to feed their families. In fact, this was the first resettlement they had experienced in their lifetime. Therefore, they were in a perplexed state, and did not have enough knowledge to predict the probable future impact of land loss. After more than ten years, PAPs can now realize what they lost and against that loss, what they actually received.

Now they can understand that cash compensation alone was not sufficient, and it has proved meaningless against their loss of land. As many respondents expressed the thought that if they had known that they would have to face such hardship due to land loss, they would have never given up their land to the project (Informal discussion with key informants and PAPs, 2009). It should be pointed out that the Revised Resettlement Action Plan (RRP) of the JMB was documented well but not implemented properly in the field. A large gap exists between the stated policies and the actual work. But it has been found that the main implementing NGO, RDM, tried its best to properly use the resources they received from the authorities. When the president of RDM was asked about corruption and other problems related to the project, he replied that it was beyond their responsibilities and that the government was responsible for those matters.

Although some studies have pointed out the adverse impact of land acquisition for development projects, this paper demonstrates through the actual picture gathered from the field that how seriously the affected people suffered and are still suffering because of the land acquisition for the Jamuna Bridge project. PAPs suffered more because of the absence of a constituted national legal framework for land acquisition, a lack of experience, inefficiency, and, finally, corruption at all levels of the related institutions. Moreover, as members of the poor and uneducated class in a rural area, many PAPs were not able to demand their rights, which also added to their suffering. It was expected that the lessons learned can be utilized for the ongoing Padma bridge and other projects, but unfortunately, a very shocking picture has been found. Serious mismanagement and corruption have taken over the whole land acquisition process of the Padma bridge project, and PAPs are extremely angry about the arrangement (*The Daily Amardesh*, August 7, 2011).

It has become widely accepted that the resettlement of displaced people is the main challenge in development projects in Bangladesh, which eventually results in creating new poor and increasing the number of people living in poverty. In order to cope with this problem and reduce the detrimental impact of land acquisition, a completely revised resettlement policy should be enacted as soon as possible. Only a well-formulated resettlement policy will be able to guide the country in establishing better practices in the area of development-induced displacement and resettlement. Since this study has been conducted ten years after completion of the Jamuna Bridge project, the findings provided here can be considered as an empirical baseline for assessing the impact of land acquisition and resettlement over time.

Finally, and forthrightly, the issues and problems posed by land acquisition are quite comprehensive and complex, and are not easy to address effectively because they are deeply rooted in the country's legal, institutional, and financial frameworks. In order to effect radical and fundamental change in land acquisition, compensation, and resettlement policies, a well-formulated resettlement policy is direly needed. Without a national resettlement policy, the issues and problems associated with land acquisition, which are often caused by development projects, will remain unchanged.

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Table 1

Do you think the compensation was sufficient?		
	N	%
Yes	29	21.8
No	102	76.7
No answer	2	1.5
Total	133	100

Source: Fieldwork (2009-2010)

Table 2

Have you purchased the same amount of land that you lost?		
	N	%
Yes	8	6.01
No	119	89.48
No answer	6	4.51
Total	133	100

Source: Fieldwork (2009-2010)

Table 3

	Change of occupation			
	Before resettlement		After resettlement	
	N	%	N	%
Agriculture	96	72.18	28	21.05
Employment	3	2.25	4	3
Self-employment	1	0.75	1	0.75
Daily labor	5	3.76	17	12.79
Fishing	0	0	0	0
Weaving	7	5.26	8	6.01
Others	21	15.79	75	56.4
Total	133	99.99	133	100

Source: Fieldwork (2009-2010)

Table 4

	Annual income from agriculture before and after resettlement			
	Before resettlement		After resettlement	
	N	%	N	%
Lowest	5	3.76	9	6.76
Poor	17	12.78	16	12.03
Medium	20	15.03	10	7.52
Good	41	30.82	4	3
High	11	8.27	1	0.75
Very high	5	3.76	0	0
No agricultural income	30	22.55	89	66.91
No answer	4	3	4	3
Total	133	99.97	133	99.97

Source: Fieldwork (2009-2010)

Table 5

	Sufficient income / production before and after resettlement			
	Before resettlement		After resettlement	
	N	%	N	%
Yes	121	90.98	24	18.05
No	11	8.27	109	81.95
No answer	1	0.75	0	0
Total	133	100	133	100

Source: Fieldwork (2009-2010)

Table 6

	Comparison of standard of food before and after resettlement	
	Response	
	N	%
Improved	16	12.03
Remained same	28	21.05
Worsened	89	66.91
Total	133	100

Source: Fieldwork (2009-2010)