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# From Legislation to Implementation of Land Acquisition and Compensation Mechanisms in Bangladesh: A Case Study in The Area of Rajshahi-Natore Four Lane Road Project

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## ABSTRACT

*The worldwide practice of governments acquiring land for public purposes is universally recognized. In their pursuit of the common good and the national interest, governments are vested with the authority to assume control of land while ensuring fair compensation for its rightful owners. Bangladesh's legal framework overseeing land acquisition delineates comprehensive procedures and compensation mechanisms. Regrettably, there has been inconsistent adherence to these regulations in land acquisition and determining compensation. This inconsistency raises a critical concern. Hence, this paper seeks to assess the present scenario of land acquisition and compensation systems in Bangladesh. This research takes an empirical approach and was explicitly limited to the area surrounding the Rajshahi-Natore Four Lane Road Project, which included Ward No. 23, 24, and 25 from Talaimari to Alupotti within the Rajshahi City Corporation. This study will delve into the prevailing practices and challenges in land acquisition, particularly scrutinizing the implementation of existing laws and their impact on compensating affected landowners. The research will encompass a thorough analysis of the procedures, critically evaluating compliance with established legal frameworks and fair compensation principles. Moreover, this paper seeks to present pragmatic recommendations to address the gaps and inconsistencies observed in the current system. The proposed guidance will be tailored to enhance the transparency, effectiveness, and fairness of the land acquisition process, ensuring that landowners are rightfully compensated while aligning with the country's development goals. The study's conclusions will highlight policy implications intended to reshape Bangladesh's future policies on land acquisition and compensation. The ultimate goal is to safeguard and uphold the rights of landowners, establishing a more equitable, just, and transparent system that balances the nation's developmental needs with the protection of individual property rights.*

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**Keywords:** *Land acquisition, compensation policy, public purpose, rights of the land owners.*

## **I. INTRODUCTION**

The issue of land acquisition for a range of developmental initiatives has emerged as a pressing concern in Bangladesh. The nation's significant population and limited geographical expanse have placed land squarely at the forefront of policy deliberations. Many individuals have already experienced displacement, and a substantial cohort is poised to face similar circumstances in the foreseeable future, owing to ongoing and planned infrastructure development projects aimed at fostering economic growth and establishing new governmental institutions.

Despite the existence of a well-defined land acquisition and compensation policy framework within the country, individuals who are displaced rarely receive commensurate compensation or adequate resettlement support. This study meticulously examines the landscape of land acquisition and compensation policies in Bangladesh. This research takes an empirical approach and was explicitly limited to the area surrounding the Rajshahi-Natore Four Lane Road Project, which included Ward No. 23, 24, and 25 from Talaimari to Alupotti within the Rajshahi City Corporation. Consequently, the research culminates in formulating prospective policy recommendations guided by the identified shortcomings and the disparities between the officially articulated policy and its practical implementation.

The ostensibly noble goal of land acquisition initiatives is to promote societal development. Unfortunately, numerous such projects have fallen short of achieving this objective, often resulting in inadequate compensation or rehabilitation for landowners. Government entities frequently need more diligence and precision in determining the precise amount of land required for a given project, leading to the unnecessary acquisition of excess land.

Furthermore, land acquisition proposals often gain approval from the land allocation committee without thorough scrutiny. Notably, the legal framework concerning land acquisition needs explicit provisions specifying the quantities of land required for various purposes. While the laws state that land can be acquired in the name of public interest, they do not define the criteria that constitute "public interest." As a result, the term "public interest" remains flexible, causing uncertainty regarding whether land acquisitions genuinely serve the public interest.

Additionally, there are no statutory guidelines for assessing market values, creating the potential for undervaluation of properties and the subsequent denial of appropriate remedies to

landowners. Predominant issues associated with land acquisition include a lack of transparency in the process, the absence of monitoring committees, insufficient compensation, limited rehabilitation and resettlement measures, corruption, and political influence. This paper's primary objective is to delve into the root causes of these challenges and propose potential solutions aimed at alleviating the associated hardships and corruption.

## **II. CONSTITUTIONAL SAFEGUARD AND LAND ACQUISITION**

The objective of an acquisition and requisition law is to empower the acquiring authority to obtain land exclusively for a public purpose that impacts the property rights of citizens.<sup>2</sup> Our Constitution, as per Article 42(1), guarantees every citizen the right to acquire, hold, transfer, or dispose of property, with compulsory acquisition, nationalization, or requisition only permissible under the authority of law.<sup>3</sup> This provision ensures that citizens cannot be deprived of their land by following the law. If such deprivation occurs for public purposes, fair compensation at the market rate is provided. The government cannot be exempted from these legal restrictions and the obligation to pay market-rate compensation, regardless of the intended beneficial objective of the acquisition. When interpreting constitutional rights, especially those of an exceptional nature, the statutory conditions for exercising such requests must be strictly adhered to. However, once compensation has been paid, no person retains the right to reclaim the acquired land. The original owner cannot reclaim property lawfully acquired and vested in the acquiring body.<sup>4</sup>

### **(A) Origin and Development of Acquisition Laws**

The legislative history of land acquisition in Bangladesh traces back to the Bengal Regulation Act of 1824, primarily designed to advance British commercial interests in salt production. Subsequently, Act XLII of 1850 extended these provisions to Calcutta, enabling land acquisition for public welfare purposes in the capital. Act XI of 1857 consolidated laws across British India but excluded private companies.

In 1863, Act XXII conferred authority upon the Governor General-in-Council to declare plans related to irrigation, navigation, and port improvements as public welfare projects. Before 1870, land value disputes between collectors and landowners were resolved through arbitration, often marred by incompetence and corruption. Act X of 1870 eliminated arbitration but led to case backlogs, delays, and increased expenses. It was replaced in 1894, making the collector's

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<sup>2</sup> Dr. Malik Mehdi Kabir and others vs Rabit-Al-Alam-Al-Islami and others (2010) 16 MLR (AD) 273.

<sup>3</sup> The Constitution of Bangladesh, art 42(1).

<sup>4</sup> Abdul Kader Bhuiyan and others vs Secretary, Ministry of Land, Bangladesh and others 61 DLR 28.

compensation decision final, except for alterations through civil court decrees, and was followed by the Bengal Land Acquisition Manual of 1917.

After the division of Bengal in 1947, the need for land acquisition emerged for government offices and public employees in the new state. 'The East Bengal Emergency Requisition of Property Ordinance' was enacted in July 1947, soon replaced by 'the (Emergency) Requisition of Property Act 1948' (Act XIII of 1948), streamlining land requisition through notice by deputy commissioners.

In 1982, a revision of the 1947 land acquisition law aimed to protect property owners' rights, leading to 'the Acquisition and Requisition of Immovable Property Ordinance, 1982' (Ordinance II of 1982), nullifying Act I of 1894 and Act XIII of 1948. This ordinance was repealed and replaced by 'the Acquisition and Requisition of Immovable Property Act of 2017', officially published on September 21, 2017, aligning with constitutional changes. At Present, the Acquisition and Requisition of Immovable Property Act 2017 regulates the procedures for land acquisition, requisition, and resettlement in Bangladesh.

**(B) Comparison between the Previous Ordinance of 1982 and the New Act of 2017**

<b>Ordinance of 1982</b>	<b>Act of 2017</b>
1. Lack of requirements for fair compensation to those affected by acquisitions.	1. Introduces provisions for fair compensation to those affected by acquisitions.
2. Less stringent provisions regarding the acquisition of lands of worship.	2. Imposes stricter conditions for the acquisition of lands of worship, allowing it only if deemed indispensable in the public interest.
3. Potentially lower compensation rates for lands acquired for government projects or non-governmental organizations.	3. Provides higher compensation rates, including an additional 200 percent compensation for government projects and 300 percent for non-governmental organizations.
4. Possibly less clear provisions regarding arbitration and appeals processes.	4. Designates Joint District Judge-level officials as Arbitrators with clear provisions for appeals heard by District Judge-level

	officials.
5. Had limitations or gaps in addressing citizens' property rights and the public interest.	5. Addresses deficiencies in the previous law to ensure clearer regulations and protection of citizens' property rights.

Overall, the Act of 2017 represents a significant update and modernization of the acquisition and requisition laws, aiming to provide better protection for citizens' rights and fair compensation for those affected by land acquisitions.

### III. THE PROCESS OF ACQUISITION OUTLINED IN THE ACT OF 2017

In 2017, the Bangladesh Parliament passed the Acquisition and Requisition of Immovable Property Act<sup>5</sup>, effectively updating the previous Ordinance<sup>6</sup>. On July 10, 2017, Shamsur Rahman Sherif, the then Land Minister, introduced the Acquisition and Requisition of Immovable Property Bill, 2017<sup>7</sup> in Parliament. This bill replaced the Acquisition and Requisition of Immovable Property Ordinance of 1982 to modernize the provisions of the newly enacted law.<sup>8</sup> The Land Minister informed Parliament that the existing law lacked requirements for fair compensation to those affected by acquisitions.<sup>9</sup> The new law stipulates that lands of worship can now only be acquired if it is deemed indispensable in the public interest.<sup>10</sup> The bill proposes increasing compensation for affected individuals, addressing a deficiency in the previous law.

Under the new law, there is a provision for an additional 200 percent compensation based on the market rate if the land is acquired for government projects, and this compensation increases to another 300 percent if the land is for non-governmental organizations. Additionally, Joint District Judge-level officials are designated as Arbitrators in such cases, with any appeals heard by District Judge-level officials. It's important to note that according to Section 50 of the newly enacted Act, any actions or measures taken under the prior Ordinance are considered to have been taken under this Act.<sup>11</sup> All notices, notifications, orders, compensation, or awards made

<sup>5</sup> The Acquisition and Requisition of Immovable Property Act 2017.

<sup>6</sup> The Acquisition and Requisition of Immovable Property Ordinance 1982.

<sup>7</sup> The Acquisition and Requisition of Immovable Property Bill 2017.

<sup>8</sup> 'Acquisition and Requisition of Immovable Property Bill 2017 placed in JS', the Daily Observer, 10 July, 2017 <<http://www.observerbd.com/details.php?id=83345>> accessed on 15 March, 2022.

<sup>9</sup> 'Threefold compensation hike proposed in new land acquisition bill', BDNews24 <<http://bdnews24.com/bangladesh/2017/07/10>> accessed on 15 March, 2022.

<sup>10</sup> 'Immovable Asset Acquisition and Requisition Bill 2017', Dhaka Tribune, 3 April, 2017 <<http://www.dhakatribune.com/hashtag/immovable-asset-acquisition-and-requisition-bill-2017>> accessed on 15 March 2022.

<sup>11</sup> The Acquisition and Requisition of Immovable Property Act 2017, s 50.

under the previous ordinance are also deemed to have been made under this Act, and any pending applications and appeals before relevant authorities, Arbitrators, or Arbitration Appellate tribunals under the previous ordinance will continue as if this Act had not been promulgated.<sup>12</sup>

### **(A) Land Allocation Committee**

Before the enactment of the 2017 Act, the authority of the 1982 Ordinance involved two levels of land allocation committees responsible for land acquisition: the Central Land Allocation Committee and the District Land Allocation Committee. Since no new rules or manuals have been officially published after the enactment of the new Act, it can be inferred that when there is no conflict between the new Act and the previous rules or manuals, the rules, as mentioned earlier, can be followed until the Government issues a new official gazette notification. The Central Land Allocation Committee operates nationally and comprises 22 members led by the Minister of Land. The District Land Allocation Committee serves at the district level and comprises ten members headed by the Deputy Commissioner. The jurisdiction of the Central Land Allocation Committee encompasses particular regions, including the Dhaka City Corporation and its surrounding areas, along with Chittagong, Rajshahi, Narayanganj, Rangpur, Sylhet, Barisal, Khulna, and Comilla City Corporations. All places within each district fall under the jurisdiction of the District Land Allocation Committee, excluding those mentioned earlier.

The acquisition law grants the Deputy Commissioner the authority to acquire property in the central or district zones under two circumstances: when the property is needed or when it is likely to be required.<sup>13</sup> A property can be either needed or alleged to be needed for public purposes or public interest. However, when acquiring a property, the Deputy Commissioner cannot simultaneously keep both alternatives open. The Deputy Commissioner must choose between the two options.<sup>14</sup> If both choices are included in the notice under section 3<sup>15</sup>, it suggests a lack of proper consideration, and the information under section 4<sup>16</sup> could be invalidated on these grounds.<sup>17</sup> Suppose any action or legal process is commenced with malicious intent and without a formed opinion regarding the purpose of the acquisition. In that case, the entire proceeding should be considered invalid, and the acquisition process should be

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<sup>12</sup> Ibid.

<sup>13</sup> Abdul Karim v Land Acquisition Officer, Comilla 61 DLR 112.

<sup>14</sup> Ibid.

<sup>15</sup> The Acquisition and Requisition of Immovable Property Ordinance 1982, s 3.

<sup>16</sup> Ibid, s 4.

<sup>17</sup> Abdul Karim v Land Acquisition Officer, Comilla 61 DLR 112.

declared unauthorized.<sup>18</sup>

### **(B) Application for Acquisition**

Under the 1982 Ordinance, the process for acquiring land involves distinct steps based on the jurisdiction of the allocation committee. For areas falling under the Central Land Allocation Committee, applicants must submit their requests to the Ministry of Land (MOL), whereas for those within the purview of the District Land Allocation Committee, applications are directed to the respective Deputy Commissioner.

Regardless of the requesting entity being governmental, semi-governmental, or autonomous, certain essential documents are mandated for acquisition proposals. These include approval from the relevant ministry, a Requirement Certificate, a layout plan, alignment markings in red ink, the schedule of the land, plot numbers of the proposed area, and if applicable, a No Objection Certificate from the City Corporation or Town Improvement Department. Additionally, there must be a letter detailing the allocation of the budget, along with an undertaking to surrender the old establishment if the acquisition pertains to establishing a new one. Furthermore, a comprehensive letter outlining the project's scope of work is essential to provide a clear understanding of the proposed endeavor.

Conversely, for non-governmental entities, the acquisition process involves a slightly different set of requirements. Apart from the standard documents such as a layout plan and alignment markings, applicants must furnish a letter elucidating the project's objectives, funding sources, and a commitment from the financing institution. Additionally, a Minimum Requirement Certificate, an agreement with the government (Form-G) on a Non-Judicial Stamp of TK 150, and the City Corporation's No Objection Certificate, if necessary, are vital. A thorough letter specifying project details is also indispensable in this context.

These stringent criteria ensure transparency and accountability in land acquisition endeavors, regardless of the nature of the requesting party, thereby upholding the integrity of the process.

### **(C) Field Verification**

Upon receiving the proposal, the Land Allocation Committee assigns the duty of Land Acquisition Officer (LAO) to the Additional Deputy Commissioner (Revenue) or another Senior Magistrate. The LAO, within 21 days, conducts field verification in collaboration with the Upazila Nirbahi Officer (UNO) to assess several key factors:

- Whether the proposed land includes any place of worship, cremation ground, or

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<sup>18</sup> Ibid.



graveyard.

- Whether the land has been acquired previously.
- Whether the acquisition will impact many people and business establishments.
- Whether there might be public resistance or confrontations.
- Whether there are alternative locations that are of lower value or would affect fewer people for implementing the project.
- Whether the project could be carried out in a previously acquired area.
- Whether the land requirement is kept to a minimum after considering all aspects.

If the project involves establishing something in the heart of a district, the recommendation of the District Site Selection Committee is necessary.<sup>19</sup> Additionally, video recording of the land is required. After thoroughly examining the report, if the decision favors the organization essential, it will be presented to the Land Allocation Committee.

#### **(D) Proceedings of Land Acquisition**

Per the Act, when a proposal for land acquisition is submitted by a governmental, semi-governmental, or autonomous body and it meets all requirements, the Deputy Commissioner initiates the acquisition process. However, under section 4(2) of the newly enacted Act, in the case of land acquisition for any non-governmental individual or organization, regardless of quantity, prior government approval is mandatory before commencing acquisition proceedings.<sup>20</sup> Proposals from requiring bodies, whether governmental or non-governmental, approved by the Central or District Land Allocation Committee or the Ministry of Land, are entered into a register with a separate file for each proposal, each assigned a unique number.<sup>21</sup>

As per section 4(1) of the Act<sup>22</sup>, a preliminary notice must be published at well-known locations on or near the property intended for acquisition. Before serving this notice, the Deputy Commissioner records the actual nature, condition, infrastructures, crops, trees, and other features of the proposed property through video, still pictures, or other technologies.<sup>23</sup> This step eliminates the need for the previous processes of forming the land allocation committee, application to the Committee, and field verification.

Following the notice's service, the Deputy Commissioner compiles a joint list of requiring

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<sup>19</sup> The Acquisition and Requisition of Immovable Property Act 2017, s 4(3)(a).

<sup>20</sup> Ibid, s 4(2).

<sup>21</sup> Ibid, s 4(1).

<sup>22</sup> Ibid.

<sup>23</sup> Ibid, s 4(4).

individuals or organizations and interested parties. If the land's nature has changed from its recent record of rights, the Deputy Commissioner assesses and documents this change during joint list preparation. If any structures are built on the property for acquisition with the intent of obstructing the project or obtaining financial gain through compensation, this is also documented.<sup>24</sup>

The term "purpose in contravention of public interest" refers to actions that hinder a project's implementation or derive financial benefits through compensation. The joint list prepared under section 3(b) of this Act is posted on the notice board of the local land office and at a convenient place near the project site.<sup>25</sup> The Deputy Commissioner is prohibited from recording changes in land nature in the joint list if houses or infrastructures are built with malicious intent after proceedings are initiated.<sup>26</sup>

In the past, as per the 1982 Ordinance and corresponding Rules, delegates from the Deputy Commissioner and the requiring body were allotted three days to commence field verification and generate a field verification book with designated columns. Section 10(f) of the Act states that any alterations, improvements, or disposals of the property to be acquired after the notice's service are considered ineffective.<sup>27</sup>

If anyone is dissatisfied with the Deputy Commissioner's decision under section 4(7) of the Act, they can appeal to the Commissioner within the next seven working days.<sup>28</sup> The Commissioner conducts a hearing in the prescribed manner<sup>29</sup>, issues a decision within the next 15 working days (or within 10 working days for nationally essential projects)<sup>30</sup>, and this decision is considered final.<sup>31</sup>

If no disputes arise under subsection nine or no appeal is filed within the prescribed period in subsection 8, the affected parties are required, at their own cost, to remove any structures from the proposed property within 24 hours.<sup>32</sup> Failure to do so will result in eviction by the Deputy Commissioner under the law. The Deputy Commissioner may also impose restrictions on the sale of plots and construction of structures within the chosen area for nationally essential projects.<sup>33</sup> However, religious sites, graves, or crematoriums cannot be acquired unless it is vital

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<sup>24</sup> Ibid, s 4(5).

<sup>25</sup> Ibid, explanation.

<sup>26</sup> Ibid, s 4(7).

<sup>27</sup> Ibid, s 10(f).

<sup>28</sup> Ibid, s 4(7).

<sup>29</sup> Ibid, s 4(8).

<sup>30</sup> Ibid, s 4(9).

<sup>31</sup> Ibid, s 4(10).

<sup>32</sup> Ibid, s 4(11).

<sup>33</sup> Ibid, s 4(12).

for public purposes or the public interest, in which case they can be relocated and rebuilt at the expense of the required individuals or organizations.<sup>34</sup>

Under section 5(1) of this Act, any concerned person can file an objection against the acquisition proceedings with the Deputy Commissioner within 15 working days.<sup>35</sup> The Deputy Commissioner, under section 5(2), promptly conducts a hearing on the objection in the presence of the appellant or an agent. Following this hearing and any necessary further inquiry, the Deputy Commissioner prepares a report containing his opinion on the objections within 30 working days (or 15 working days for nationally significant projects) after the period specified in subsection (1).<sup>36</sup>

Under section 5(3), if the property exceeds 50 standard bighas (approximately 16.5 acres), the Deputy Commissioner submits the proceedings' records and his opinion to the Ministry of Land for a decision.<sup>37</sup> If the property does not exceed 50 standard bighas, he offers them to the Commissioner for a decision.<sup>38</sup> However, suppose no objection is raised within the period specified in subsection (1). In that case, the Deputy Commissioner, instead of submitting the records to the Divisional Commissioner, decides within ten days (or within a further period as ordered by the Divisional Commissioner in writing, at most 30 days) after the specified period expires. For nationally essential projects, this decision is made within 15 days. This decision by the Deputy Commissioner is considered final.

Throughout this process, the Deputy Commissioner or his representative ensures that the chosen alternative location will not hinder the proposed project. If necessary, further inquiries or verifications are conducted, and a report containing the Deputy Commissioner's opinion on the objections is prepared. The Government receives the proceedings' records and report from the Deputy Commissioner within 60 days, and the Commissioner does so within 15 days. They then decide on property acquisition and return the proceedings to the Deputy Commissioner. The decision made by the Government, Divisional Commissioner, or Deputy Commissioner regarding property acquisition is considered conclusive evidence that the property is required for a public purpose or in the public interest.<sup>39</sup>

### **(E) Bar to Jurisdiction**

Section 46 removes the authority of the Civil Court to investigate the decisions made by the

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<sup>34</sup> Ibid.

<sup>35</sup> Ibid, s 5(1).

<sup>36</sup> Ibid, s 5(2).

<sup>37</sup> Ibid, s 5(3).

<sup>38</sup> Ibid.

<sup>39</sup> Ibid, s 6(2).

government, Divisional Commissioner, or Deputy Commissioner regarding land acquisition.<sup>40</sup> However, if the court finds from the presented arguments that the purpose of purchase does not seem to be in the public interest, the court retains its jurisdiction.<sup>41</sup> Disputes related to the definition of ‘public purpose’ can be resolved in the High Court Division of the Supreme Court by utilizing its writ jurisdiction under Article 102<sup>42</sup> of the Constitution.

#### **(F) Claim for Compensation**

Following the government's decision to acquire land under section 6<sup>43</sup>, a notice, signed by the Land Acquisition Officer (LAO) on behalf of or under the authority of the Deputy Commissioner (DC), in Form B, must be publicly posted in convenient locations near the property. Additionally, it should be served to the occupants or individuals interested in the property and displayed on the notice boards of the Collectorate Office, Upazila Revenue Officer's Office, Tahsil Office, and Pouroshava. This notice should request that individuals interested in the land appear personally or through their representatives before the DC not sooner than 15 days from the notice date. It should also urge occupants to provide a statement to the DC, 15 days at the latest, under sections 175 and 176 of the Penal Code 1860<sup>44</sup>. This statement should include information about co-sharers, mortgagees, or any other relevant details regarding their interest in the property.

#### **(G) Award for Compensation**

Under section 8, the Deputy Commissioner (DC) is responsible for inquiring into the various interests claimed by individuals seeking compensation<sup>45</sup>, as well as the statements submitted under section 7<sup>46</sup>. Additionally, the DC must assess the property's value as of the date when the notice was published under section 4<sup>47</sup>. Subsequently, the DC is tasked with making an award of compensation, and this process should be completed within 30 days of the publication of the notice under section 7. However, in nationally essential projects, this period is reduced to 15 days.<sup>48</sup> It's crucial to highlight that the assessment of the compensation value for any property designated for acquisition is carried out by the DC, as specified in sections 9, 10, and 12 of the legislation.<sup>49</sup>

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<sup>40</sup> RAJUK v Jonab Ali 6 XP (AD) 118, at para 9.

<sup>41</sup> Ali Jan Khan v Bangladesh 37 DLR (AD) 161.

<sup>42</sup> The Constitution of Bangladesh, art 102.

<sup>43</sup> The Acquisition and Requisition of Immovable Property Act 2017, s 6.

<sup>44</sup> The Penal Code, s 175, 176.

<sup>45</sup> The Acquisition and Requisition of Immovable Property Act 2017, s 8.

<sup>46</sup> Ibid, s 7.

<sup>47</sup> Ibid, s 4.

<sup>48</sup> Ibid, s 7.

<sup>49</sup> Ibid, s 9, 10, 12.

**(H) Payment for Compensation**

As per section 11, the Deputy Commissioner is obligated to pay the compensation that he had awarded to the entitled individuals within 60 days from the date when it was deposited by the party requiring the land.<sup>50</sup> If there are individuals entitled to compensation who do not agree to receive it, or if there's no suitable recipient, or if disputes arise regarding who should receive the payment or how it should be distributed, the Deputy Commissioner will hold the compensation amount in a deposit account within the Public Account of the Republic. This deposit is considered a payment to take possession of the property without affecting the rights of the involved parties, which will be resolved through arbitration.

Furthermore, any person acknowledged as interested in the compensation may accept the payment under protest if they believe it is insufficient. However, those who receive the amount without protesting are not entitled to make any application under section 30<sup>51</sup>. The Deputy Commissioner is responsible for recovering the compensation from the recipient who received all or part of it and transferring it to the rightful owner. Additionally, when the property contains standing crops cultivated by a "bargadar" (a sharecropper), a portion of the compensation determined by the Deputy Commissioner for those crops shall be paid to the bargadar per section 12<sup>52</sup>.

**(I) Taking Possession**

Section 13<sup>53</sup> specifies that after the stipulated remuneration outlined in the award has been disbursed or is deemed as having been paid according to section 11<sup>54</sup>, the property shall be acquired and become the absolute property of the government. The Deputy Commissioner is then authorized to take possession of the property. Importantly, if the property remains unused, the owner does not retain the right to reclaim it.<sup>55</sup>

**IV. THE RAJSHAHI-NATORE FOUR-LANE ROAD PROJECT**

The research was explicitly limited to the area surrounding the Rajshahi-Natore Four Lane Road Project, which included Ward No. 23, 24, and 25 from Talaimari to Alupotti within the Rajshahi City Corporation. The acquisition procedure began for the Rajshahi-Natore Four Lane Road Project after the Acquisition and Requisition of Immovable Property Act, 2017 had been

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<sup>50</sup> Ibid, s 11.

<sup>51</sup> Ibid, s 30.

<sup>52</sup> Ibid, s 12.

<sup>53</sup> Ibid, s 13.

<sup>54</sup> Ibid, s 11.

<sup>55</sup> *Abul Bashar v Bangladesh* 50 DLR (AD) 11.

enacted. Though the newly enacted act was in force, the Rajshahi-Natore Four Lane Road Project had been conducted according to the previous legislation, the Acquisition and Requisition of Immovable Property Ordinance 1982. Thus the whole procedure of acquisition and payment of compensation along with the determination of market value of the acquired lands in this project became a burning question.

#### **(A) Reviews of the Landowners affected by the Rajshahi-Natore Four-Lane Road Project**

In this research, 37 respondents from Ward No. 23, 24, and 25 from Talaimari to Alupotti of Rajshahi City Corporation surrounding the Rajshahi-Natore Four Lane Road Project provided their insights. The researcher has collected primary data by administering questionnaires, conducting interviews, and engaging in personal interactions. Here are some instances of their experiences:

- **Respondent 1:** Mahmud Riad Babul, the owner of M.R. Enterprise established at Ward No. 23, had 3 Chatak of land acquired and received compensation of TK 2 lac 15 thousand. According to the provision of the Acquisition and Requisition of Immovable Property Act, 2017, he believed this was significantly lower than the current market rate, which he estimated to be 50 lac taka per Katha.
- **Respondent 2:** Md. Ripon, the owner of Ripon Auto Shop located at Ward No. 23, received compensation of 44 thousand taka as a leaseholder for half katha of his land. Following the provision of the Acquisition and Requisition of Immovable Property Act, 2017, he argued that, based on current land values, he should have received 75 lac taka and raised concerns about the valuation methods used.
- **Respondent 3:** Alomgir Hossain, the owner of a five-storied house building situated at Ward No. 23, received 6 lac taka for 1 Katha of land and 27 lac taka for infrastructure damages. Knowing the provision of the Acquisition and Requisition of Immovable Property Act, 2017, he felt the compensation should have been much higher, close to 2 crore taka, and complained about unauthorized charges during compensation withdrawal.
- **Respondent 4:** Md. Mojibur Rahman, a house owner of Ward No. 24, had 1.5 kathas of land and part of his house acquired. He received 15 lac taka for the land and 16 lacs for the home, which he believed was below market value under the provision of the Acquisition and Requisition of Immovable Property Act, 2017. Fear of government retaliation prevented him from filing objections.

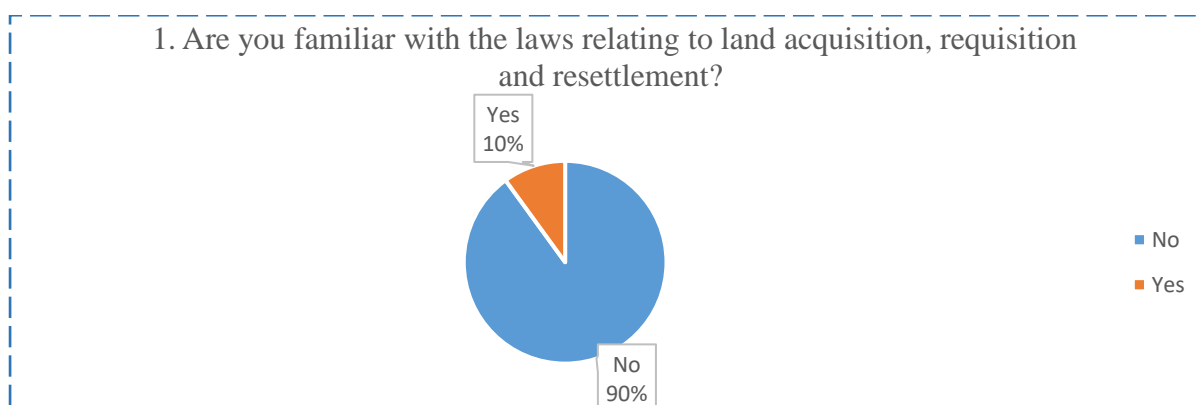
- **Respondent 5:** The family of the late Abdul Aziz received seven lacs for their land at Ward No. 24 and four lacs for the house and business, which they considered significantly less than expected in accordance with the provision of the Acquisition and Requisition of Immovable Property Act, 2017. They were unaware of the relevant laws and did not file objections.
- **Respondent 6:** Abdul Majid received 11 lac taka for half a katha of land and a house located at Ward No. 24. He complained about additional charges of 25 thousand taka during compensation withdrawal and believed they should have received 75 lac taka for the land according to the provision of the Acquisition and Requisition of Immovable Property Act, 2017.
- **Respondent 7:** Tariqul Alam received 4 lac 88 thousand taka for 4 Chatak of land and two shops situated at Ward No. 25. He was dissatisfied with the compensation following the provision of the Acquisition and Requisition of Immovable Property Act, 2017 but did not file objections or consult with a lawyer.
- **Respondent 8:** Najir Uddin, a resident of Ward No. 25, could not withdraw compensation due to a land dispute, and the amount was held in a deposit account, as specified by the provision of the Acquisition and Requisition of Immovable Property Act, 2017.
- **Respondent 9:** Jan Mohammad, a landowner of Ward No. 24, faced a similar situation of being unable to withdraw compensation due to a land dispute, with the amount held in a deposit account, following the legal procedure.
- **Respondent 10:** Golam Hossen, a houseowner of Ward No. 23, could not withdraw compensation due to a land dispute and reported political pressure, with the amount held in a deposit account, as per the legal provisions.

The data was analyzed by providing summaries of the experiences of 37 respondents from Ward No. 23, 24, and 25 from Talaimari to Alupotti of Rajshahi City Corporation directly affected by the Rajshahi-Natore Four-Lane Road Project. Summaries of experiences provided by 37 respondents within the project area are analyzed to understand their perspectives on land acquisition and compensation. However, only the experiences of 10 respondents were highlighted in detail, likely because they represented a diverse range of situations and perspectives within the larger sample. These respondents' experiences were chosen to illustrate various aspects of the land acquisition process, including discrepancies in compensation, legal awareness, complaints to authorities, and political pressures faced. By focusing on these 10

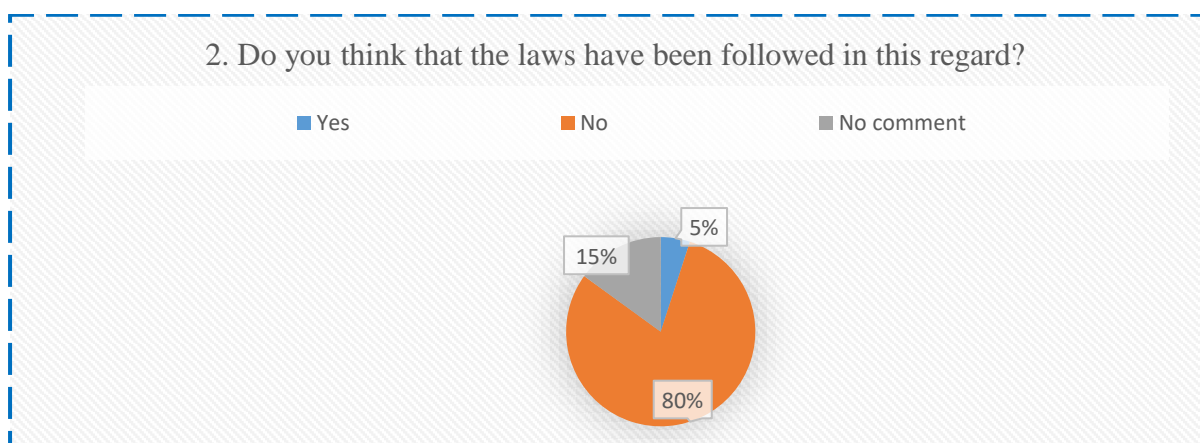
cases, the analysis aimed to provide a comprehensive understanding of the challenges and issues encountered by landowners in the context of the research.

## V. PRESENTATION OF DATA

The researcher has collected primary data by administering questionnaires, conducting interviews, and engaging in personal interactions. The survey results reveal the following insights of the 37 respondents from Ward No. 23, 24, and 25 from Talaimari to Alupotti of Rajshahi City Corporation surrounding the Rajshahi-Natore Four Lane Road Project:

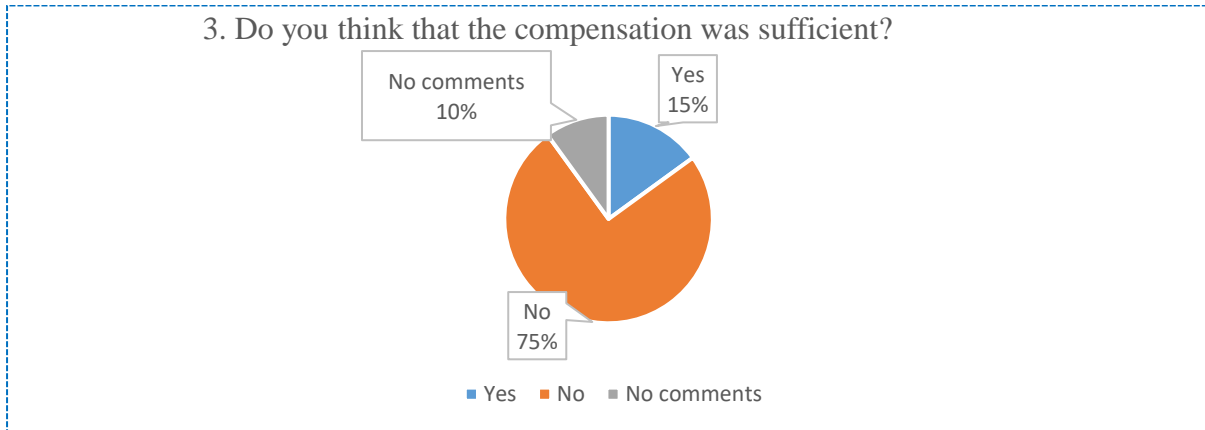


**Figure 1:** A significant majority (90%) of the respondents needed to become more familiar with the laws related to land acquisition. Therefore, only 10% of the respondents were familiar with the laws relating to land acquisition, requisition and resettlement.

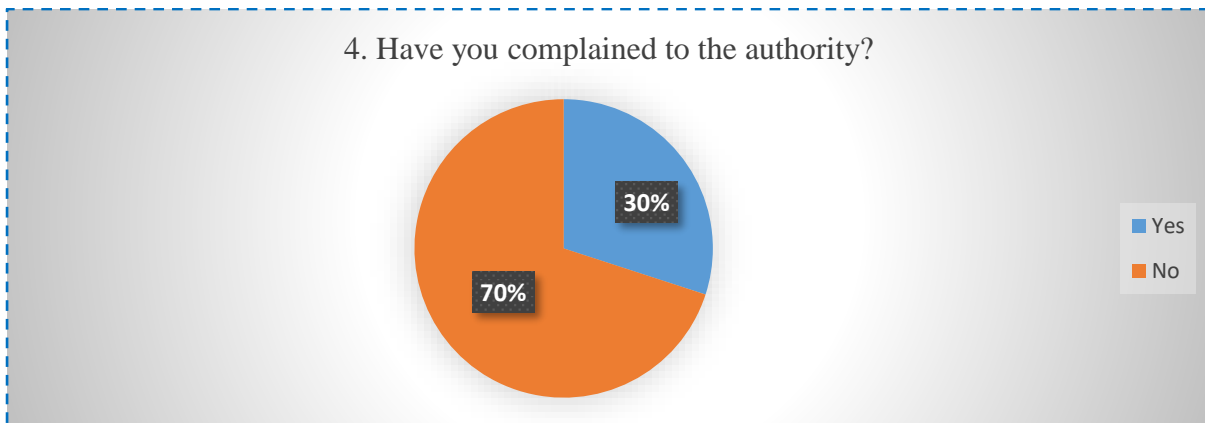


**Figure 2:** Only a tiny minority (5%) of the landowners believed that the laws governing land acquisition were followed in the process. On the other hand, 80% of the respondents thought that the laws have been followed in this regard. However, 15% of the respondents refrained from commenting on this question.

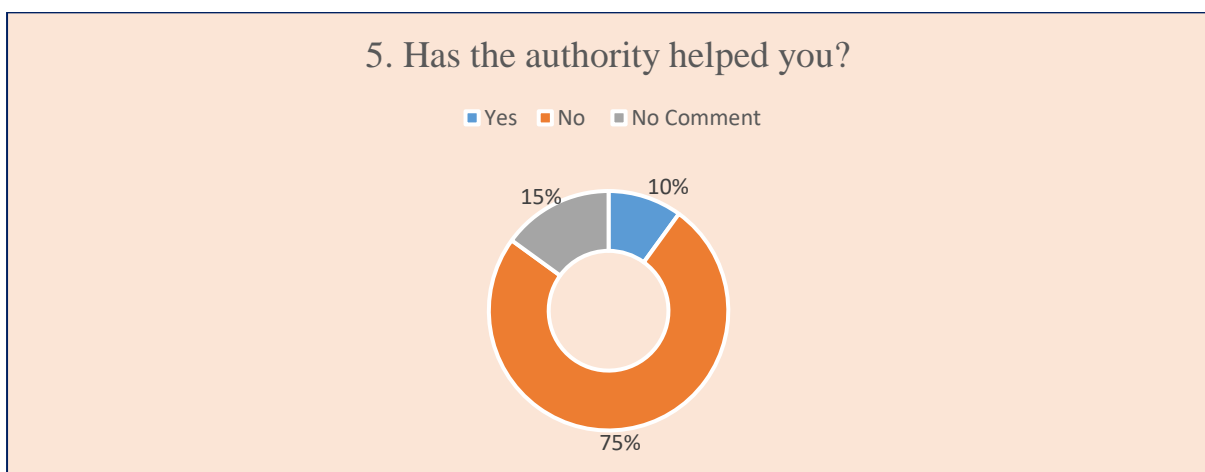




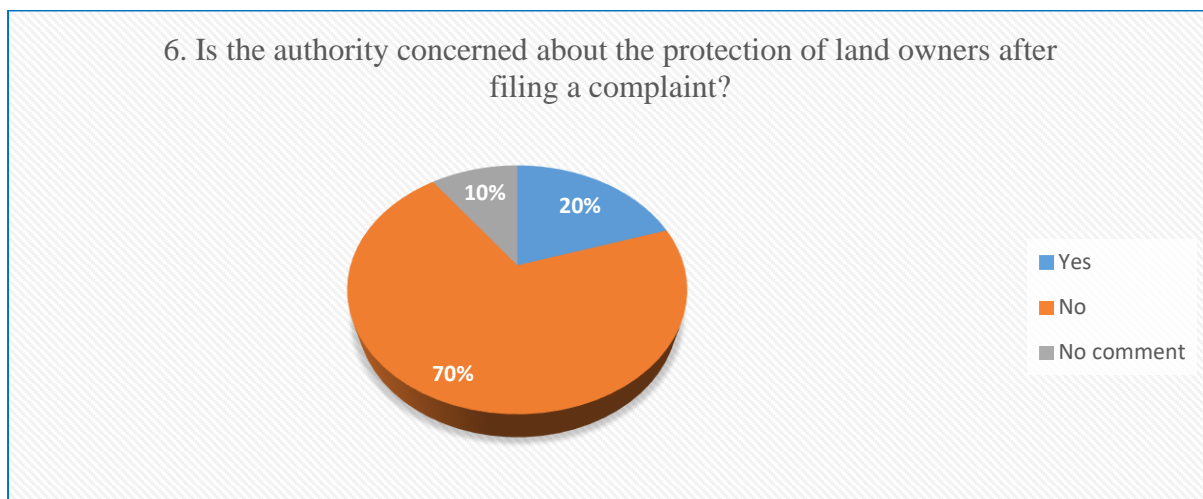
**Figure 3:** A substantial portion (75%) of the respondents felt that the compensation they received was inadequate. Only 15% of the respondents thought that the compensation was sufficient. However, 10% of the respondents refrained from commenting on this question.



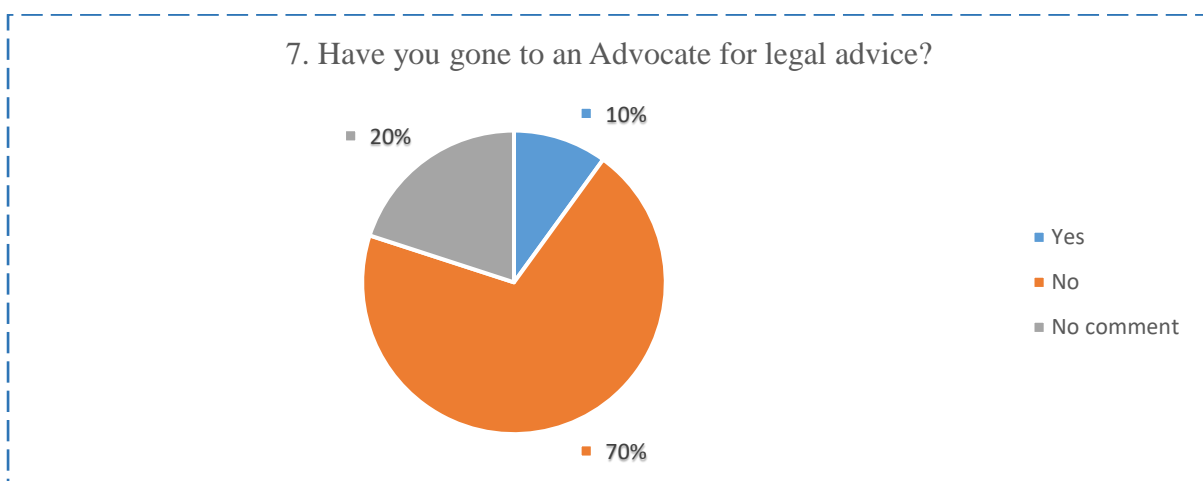
**Figure 4:** About 30% of the respondents registered complaints with the relevant authorities. On the other hand, 70% of the respondents did not complain to the authority.



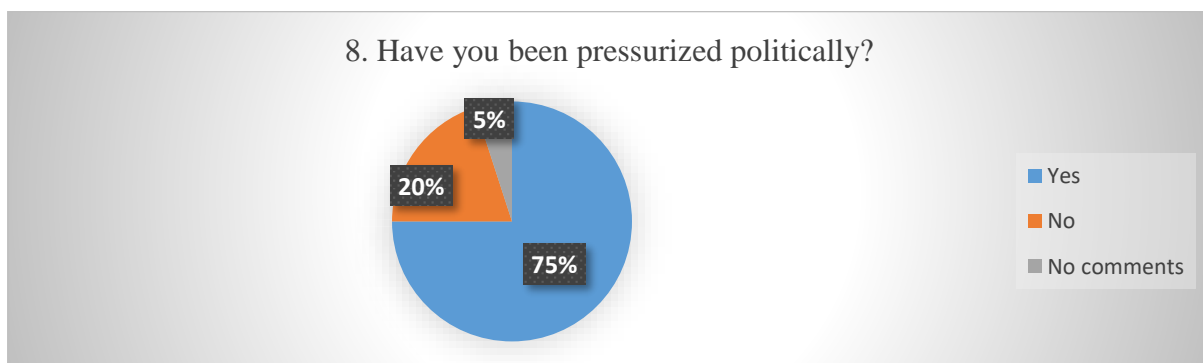
**Figure 5:** According to only 10% of the respondents, the authorities assisted in response to their complaints. On the other hand, 75% of the respondents expressed that the authority did not help them throughout the process. However, 15% of the respondents refrained from commenting on this question.



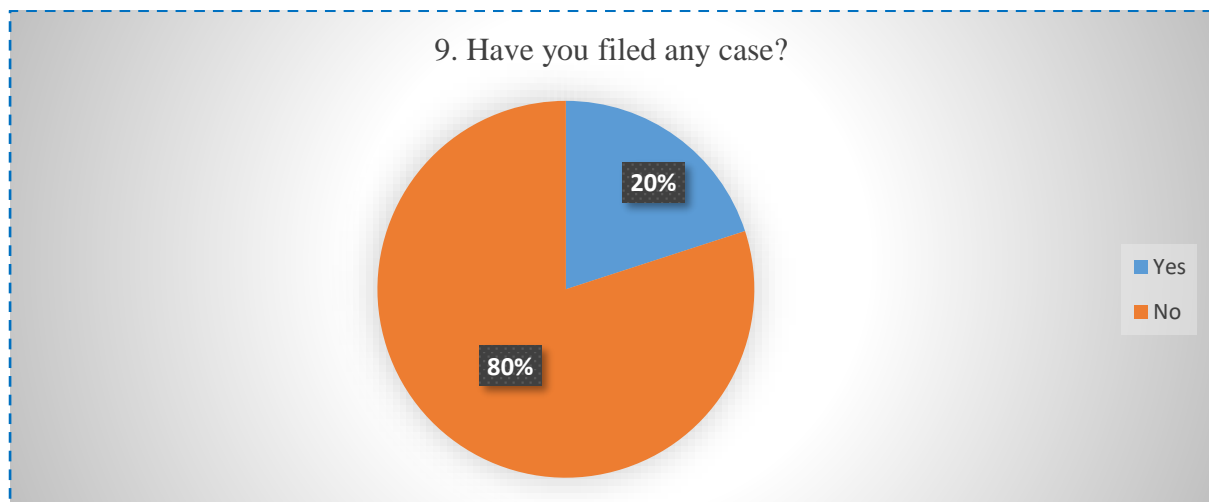
**Figure 6:** A majority (70%) of the respondents believed that the authorities should have prioritized the protection of landowners after the complaints were filed. On the other hand, 20% of the respondents thought that the authority was concerned about the protection of land owners after filing a complaint. However, 10% of the respondents refrained from commenting on this question.



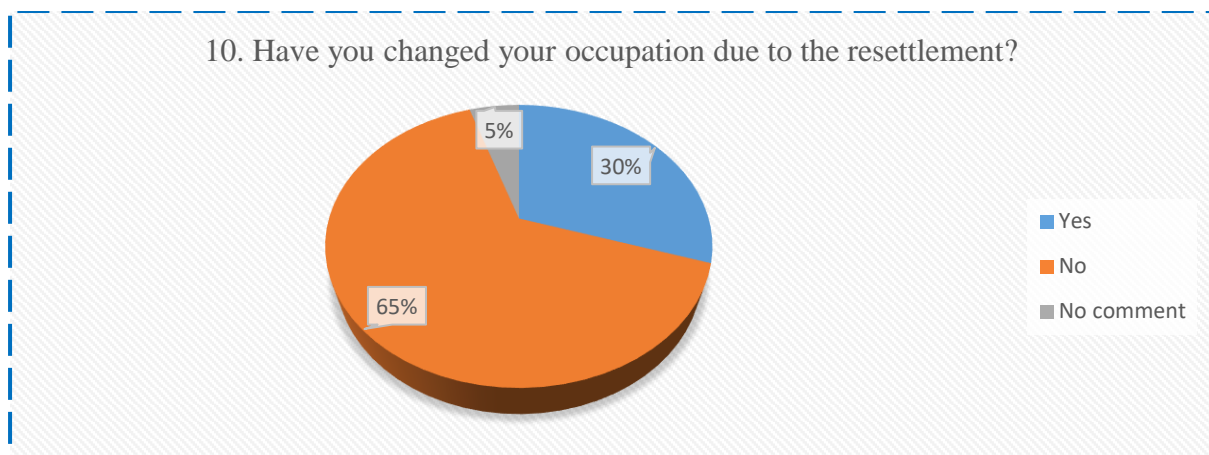
**Figure 7:** Only a limited number (10%) of the respondents sought legal advice from the advocates. On the contrary, a substantial portion (70%) of the respondents did not go to an advocate for legal advice. However, 20% of the respondents refrained from commenting on this question.



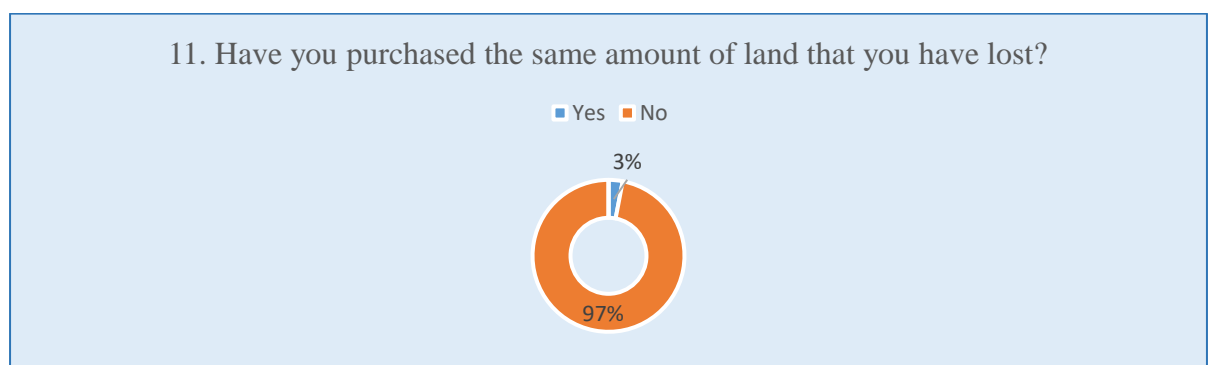
**Figure 8:** A significant proportion (75%) of people reported experiencing political pressure in the land acquisition process. Besides, 20% of the respondents expressed that they had not been pressurized politically. However, 5% of the respondents refrained from commenting on this question.



**Figure 9:** A relatively small percentage (20%) of the respondents chose to file a legal case. On the contrary, a substantial portion (80%) of the respondents told that they had not filed any case.



**Figure 10:** Approximately 30% of the respondents changed their occupation due to resettlement. On the other hand, 65% of the respondents did not change their occupation due to resettlement. However, 5% of the respondents refrained from commenting on this question.



**Figure 11:** An overwhelming majority (97%) of the landowners could not purchase the same amount of land they had lost in the acquisition process. Only 3% of the respondents managed to purchase the same amount of land that they had lost.

## VI. ANALYSIS OF SURVEY RESULTS

**Legal Awareness:** The survey findings indicate a significant lack of familiarity with land acquisition laws among respondents, with 90% expressing the need for greater awareness. This highlights a crucial gap in knowledge that may contribute to difficulties in navigating the acquisition process.

**Perceived Law Adherence:** Only a small minority (5%) of respondents believed that the laws governing land acquisition were followed adequately. This suggests widespread skepticism or mistrust regarding the adherence to legal protocols during land acquisition procedures.

**Insufficient Compensation:** A substantial portion (75%) of respondents felt that the compensation they received was inadequate. This underscores a prevalent concern among landowners regarding the fairness of compensation offered for their properties, potentially leading to grievances and disputes.

**Complaints to Authority:** Approximately 30% of respondents reported registering complaints with relevant authorities, indicating a significant level of dissatisfaction or disagreement with the outcomes of the acquisition process.

**Authority Assistance:** Despite complaints being lodged by a notable portion of respondents, only 10% reported receiving assistance from authorities in response. This disparity between complaints and effective resolution highlights potential inefficiencies or limitations in the support provided by governing bodies.

**Landowner Protection:** A majority (70%) of respondents believed that authorities should prioritize the protection of landowners after complaints are filed. This suggests a widespread expectation for responsive and supportive measures from authorities to address concerns raised during the acquisition process.

**Legal Counsel:** Only a small fraction (10%) of respondents sought legal advice from advocates, indicating a potential lack of access to legal resources or awareness of their rights among landowners facing acquisition-related issues.

**Political Pressure:** A significant proportion (75%) of respondents reported experiencing political pressure in the context of land acquisition. This finding raises concerns about the influence of political factors on the fairness and transparency of the acquisition process.

**Legal Action:** Despite widespread dissatisfaction, only a relatively small percentage (20%) of respondents chose to file legal cases, suggesting potential barriers or complexities in pursuing legal recourse.

**Occupation Change:** Approximately 30% of respondents reported changing their occupation due to resettlement, highlighting the socio-economic impacts of land acquisition on affected individuals and communities.

**Inability to Repurchase Land:** An overwhelming majority (97%) of landowners expressed the need for assistance to repurchase the same amount of land they had lost in the acquisition process. This underscores the significant challenges faced by landowners in recovering from the loss of their properties.

Overall, the analysis reveals a range of issues and challenges faced by landowners in the context of land acquisition, including concerns about compensation, legal awareness, political influence, and access to recourse mechanisms. These findings underscore the importance of addressing systemic deficiencies and ensuring greater transparency, fairness, and support for affected individuals within the land acquisition process.

## VII. FINDINGS

The research findings highlight the following issues:

- a) **Non-Compliance with Existing Laws:** Existing land acquisition laws must be consistently followed.
- b) **Lack of Clarity on "Public Interest" or "Public Purpose":** Ambiguity exists regarding what constitutes "public interest" or "public purpose."
- c) **Limited Knowledge About Acquisition Laws:** There needs to be more awareness and understanding among the public regarding land acquisition laws.
- d) **Absence of Comprehensive Dispute Resolution Forum:** There needs to be a dedicated forum for effectively addressing objections related to land acquisition proceedings.
- e) **Unclear Rights of Bargadars:** The rights of bargadars (sharecroppers) should be explicitly addressed in the laws.
- f) **Inadequate Restrictions on Agricultural Land Acquisition:** There are minimal restrictions on acquiring agricultural and cultivated land.
- g) **Centralization of Authority:** Concentrating decision-making authority with a single individual, the Deputy Commissioner, may need to be revised.

- h) **Ambiguity in Notice Procedures:** Ambiguities exist in the process of issuing notices related to land acquisition.
- i) **Short Time Limit for Objections:** The time allotted for filing objections is limited.
- j) **Corruption Concerns:** Corruption within the authority responsible for land acquisition is a notable issue.
- k) **Compensation Disbursement Challenges:** There is a risk of compensation being paid to the wrong individuals.
- l) **Lack of Specific Land Allocation:** The law needs provisions specifying the amount of land for various purposes.
- m) **Fear of Objecting Against the Government:** People are apprehensive about raising objections against government actions.
- n) **Limited Legal Counsel:** Individuals do not seek advice from advocates to navigate land acquisition issues.
- o) **Absence of Obligations:** No obligations are defined for the authority involved in land acquisition.
- p) **Lack of Accountability:** The law enforcement agency responsible for land acquisition needs more accountability.
- q) **Influence of Politics, Local Power, and Pressure:** Political and local influences and pressures play a role in land acquisition.
- r) **Absence of Market Value Determination:** There are no provisions for determining the market value of properties, potentially leading to undervaluation.
- s) **Inadequate Compensation:** Landowners often need more adequate compensation, depriving them of proper remedies.
- t) **Insufficient Rehabilitation and Resettlement Provisions:** There is a deficiency in provisions for the rehabilitation and resettlement of affected individuals.

## VIII. SUGGESTIONS

The following recommendations emerge from the research findings:

1. **Raising Awareness:** Educate the public about their fundamental legal rights concerning land ownership.
2. **Legal Consultation:** Encourage individuals to seek legal advice from advocates to

navigate land-related issues effectively.

3. **Clarify 'Public Purpose':** Define and establish criteria for a "public purpose" within the land acquisition act to minimize ambiguity.
4. **Market Value Determination:** Enact precise guidelines for determining the market value of properties, considering their productivity and future potential.
5. **Limit on Agricultural Land Acquisition:** Set limitations on the amount of agricultural and cultivated land that can be acquired to protect farmers' interests.
6. **Act Amendment:** Amend the Acquisition and Requisition Act to strike a balance between development projects and the rights of landowners.
7. **Expert Committee:** Establish an expert committee to assess the necessity and extent of land acquisition following Deputy Commissioners' proposals.
8. **Time Limitation for Objections:** Introduce a reasonable time limit for filing objections against land acquisition decisions.
9. **Taxation Limit:** Implement limits on taxation for compensation money to prevent undue financial burdens on landowners.
10. **Transitional Support:** Provide transitional assistance to individuals affected by land acquisition to mitigate their hardships.
11. **Rehabilitation and Resettlement:** Introduce comprehensive provisions for rehabilitation and resettlement within the act to address the needs of those affected.
12. **Notice for Compensation:** Specify the process for issuing notices regarding compensation awards, including how, when, and where they will be delivered.
13. **Dispute Resolution Forum:** Establish a dedicated forum for resolving objections related to land acquisition proceedings.
14. **Protection from Local Influence:** Ensure the safety of landowners from local power or political pressures.
15. **Unbiased Monitoring Committee:** Create impartial monitoring committees and impose penalties for negligence and corruption among relevant authorities to maintain transparency and integrity.

## IX. CONCLUSION

The government holds the authority to acquire any land within the country for public purposes,

with the legal obligation to provide equitable compensation to landowners as stipulated by the law. The established legal framework for land acquisition delineates a thorough process for land requisition and balance assessment. Nonetheless, in practice, there is a need to be more adequate and deviations from these legal provisions, leading to a lack of full compliance. Given these identified deficiencies and the disparities between official policy and practical application, the research concludes by presenting policy recommendations to enhance the existing laws and ensure effective enforcement.

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