



## Agricultural land protection and proper land use management: Problems, challenges and legal recommendations in Patuakhali district of Bangladesh

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### Abstract

The current study focuses on studying laws and policies for the protection of agricultural land. It aims at identifying the importance of laws and policies for the preservation of agricultural land. The economic powerhouse of this nation is agriculture. Due to various reasons, the amount of cultivated land is decreasing in the southern region at Patuakhali in Bangladesh (Wikipedia, 2021a). In light of worries about food security and self-sufficiency, it is appropriate to examine societal and agricultural land safeguards against agricultural land being converted for other purposes. The problems of developing a policy to preserve agricultural land are explored in this study. The Lack of agricultural land protection regulations or policies is causing the unchecked trend of land loss (Law Insider, 2018). Houses and institutions, thermal power plants, roads, and bridges are being erected haphazardly on arable land due to the ineffectiveness of the policy governing authority on agricultural property. As a result, there will soon be a food shortage. This article identifies massive problems with the usage of agricultural land in Patuakhali during the period of rapid urbanization, industrialization, and development project. Due to the lack of well-defined laws and regulations to protect agricultural land, a deep concern is being created among the locals living in Patuakhali, as the agricultural land is decreasing.

**Keywords:** Agricultural land Protection, policy, a middle-income country, food safety, misapplication of agricultural land.

### Introduction

Bangladesh is a relatively small but densely populous country situated in South Asia. Bangladesh has a population density of more than one thousand two hundred people per square kilometer. In contrast, several European megacities have substantially smaller populations (Rahman, 2022) <sup>[30]</sup>. It is the eighth-most populated state in the world, with a population exceeding one hundred sixty-five million people in a region of approximately 147,570 square kilometers making it one of the most heavily populated countries in the world (Wikipedia, 2021a). Patuakhali is a district and its area is 3220.15 sq. km and its population in total is 1460781 (Iffat, 2012) <sup>[15]</sup>.

The headquarters of Patuakhali district is located on the southern bank of the Payra River in the Barisal division of Bangladesh. Almost 57.05% people of Patuakhali district earn their livelihood by agriculture and the number of non-agricultural laborers is only 5.37% (Wikipedia, 2025b) <sup>[34]</sup>. In the Patuakhali District, there has recently been a rapid increase in the non-agricultural usage of the land, particularly for development purposes. Croplands are being filled in order to build homes, roads, buildings, and commercial spaces erratically. A loss in agricultural land has also been caused by ongoing flooding and river erosion. Consequently, the use of farming land for industrial or other infrastructural activities and the degradation of land as a result of frequent flooding could endanger food security and result in environmental catastrophes. According to studies, the amount of land used for agriculture per person has reduced to 0.048 hectares since 1961 (Rahman, 2022) <sup>[30]</sup>. In Bangladesh, there are just two billion acres of arable land, according to a World Bank estimate (Bhattacharya, 2017) <sup>[5]</sup>. Currently a quarter of it is in danger. An additional 2.5 million people are added each year. Every day, more than five hundred fifty acres of agricultural land are lost to

nonagricultural uses. Every year, eighty-two thousand hectares of land are lost. Additionally, brick kilns pose a serious threat to the environment and arable land because they often employ topsoil, the most fertile area of the ground, to make bricks and burn a significant amount of fossil fuel. According to land and environmental specialists, Bangladesh's total arable land is losing almost 1% of its total area each year; if this trend keeps up, the nation could soon have a food production problem. According to (ALRD, 2023) that they made the admonishment during a roundtable discussion on the "Necessity of laws to safeguard arable land" that was sponsored by the non-governmental Association for Land Reform and Development (ALRD) held at the National Press Club in Dhaka.

### Objectives of the Study

This study seeks to critically examine the laws and policies governing agricultural land protection and proper land use policy and to assess the discrepancies between the legal provisions and their implementation in practice. Based on this analysis, the following specific objectives have been identified:

1. To inspect the present scenario of agricultural land use in Patuakhali.
2. To identify administrative and bureaucratic challenges in proper management of land.
3. To detect the loopholes in relevant legal instruments.
4. To evaluate the efficiency of existing policies.
5. To recommend necessary legal and administrative reforms.

### Materials and Methods

This paper is analytical in nature to achieve the estimated aims basing on primary and secondary data. To provide a comprehensive understanding of agricultural land protection

and proper land use policy, primary data is collected from the statutory and external legislation such as, The State Acquisition and Tenancy Act of 1950, the Non-Agricultural Tenancy Act of 1949 <sup>[23]</sup>, the Bangladesh National Building Code of 2006, the Land Reforms Act of 2023 <sup>[26]</sup>, the Haat and Bazar (Establishment and Management) Act of 2023 <sup>[26]</sup>, the Land Management Manual of 1991 <sup>[20]</sup> and the National Land Use Policy of 2011. This paper also used the source of secondary data collection process. The secondary information and data were collected from existing sources such as published books, academic articles, national and international journals, research papers, leading cases, newspaper articles and internet.

### Meaning of Agricultural and Non-agricultural Land

Agricultural land can be defined as the land mass that is either cultivatable, under permanent crops, or under permanent pastures (OECD, 2013). Land used for provisional crops like cereals, grazing, or market or kitchen gardens, as well as land that is unseeded for a brief period of time, all fall under the category of arable land. Sometimes shifting cultivation causes abandonment of land and these lands are excluded from cultivatable land. Permanent crops, such as orchards and vineyards, occupy the land for an extended period of time without the need of replantation after each harvest. Land under trees planted for wood or timber is not included in this category. Permanent pasture is defined as land that has been used for feed, including wild and cultivated crops, for five years or more. Transgenic crops and organic farmland are two more agro-environmental indicators. According to aerial photography or other forms of documentation, agricultural land refers to those specific land areas where agricultural activities are carried out as of the date a local master program was adopted in accordance with these regulations (Law Insider, 2003) <sup>[1]</sup>. Land put to agricultural use after the master program's implementation date is subject to adhering to the master program's guidelines. Agricultural land that can be used for farming is now being used as a farm fall under the category of agricultural land. Agricultural land means land being used for (i) agriculture or horticulture; (ii) raising of crops, grass, or garden produce, and (iii) land used by an agriculturist for the grazing of cattle, but does not include land used for cutting of wood only (Bodeli, 2013) <sup>[6]</sup>.

Non-agricultural land is any type of land that is not used for agriculture. Non-agricultural land is defined as land that is not used exclusively for agriculture. It excludes, however, property utilized exclusively for - (i) pens for livestock; (ii) hay ricks; "Non-agricultural land" means land which is used for non-agricultural or non-horticultural purposes and includes any land which is held on lease for purposes not connected with agriculture or horticulture irrespective of whether it is used for any such purposes or not, but does not include (Kabir, 2021) <sup>[17]</sup>.

(b) Land which was originally leased for agricultural or horticultural purposes but is being used for purposes not connected with agriculture or horticulture without the consent either express or implied of the landlord, if the period for which such land has been so used is less than twelve years, and (c) Land which is used or held for the cultivation or manufacture of tea (Khan, 2018) <sup>[19]</sup>.

### Present Scenario of Agricultural and Non-agricultural Land in Patuakhali

It is true that the development of agriculture will lead to the overall development of the economy of country. Agriculture is the lifeblood of this country's economy. Every year, a big amount of agricultural property is acquired for the purpose of developing roads.

The ALRD Executive Director stated that according to data from the Bangladesh Bureau of Statistics (BBS) from 2015, the nation loses about sixty eight thousand seven hundred hectares of arable land per year, with the majority of this land being used for industrialization and housing (Correspondent, 2019) <sup>[8]</sup>. In the last ten years, about 1.98 acres of land have decreased in this area (BBS, 2023) <sup>[3]</sup>. Especially in the last five years, the rate of decline is higher than in the previous five years. From 2014 to March this year, the amount of land has decreased by 0.99 acres (BBS, 2023) <sup>[3]</sup>. The amount stands at seven thousand two hundred twenty-six acres. Although the amount of cultivated land has decreased, production has not decreased. On the other hand, in the last ten years, the production of rice, pulses, vegetables, corn, and various spices in the southern region has increased manifold. According to (BBS, 2023) <sup>[22]</sup> mentioned that GMM Kabir Khan (Officer), Divisional Horticulturist, Department of Agriculture, Barisal, said that due to the use of high-yielding varieties, including Ufshi and hybrids, crop production is increasing in less land. Department of Agriculture Extension, Barisal Divisional Deputy Director's office has informed the farmhouse sources. In the southern region, cropland is decreasing by an average of 2.2 percent every year (BBS, 2023). In the last ten years, 1.98 percent of the cropland has decreased. However, the relative amount of land has decreased in the last five years. Out of this, the amount of land in the Bhola district has decreased by six thousand three hundred acres and in Patuakhali district by six thousand acres. Five years ago, in 2014, the total cropland in the Bhola district was one lakh ninety-two thousand six hundred eighty-two acres. Five years later, the amount of that land stood at one lakh and three hundred eighty-two acres. And the amount of land in the Patuakhali district was two lakh thirteen thousand six hundred acres. It has reduced to two lakh thirteen thousand acres (BBS, 2023).

The amount of reduced cropland is more in Patuakhali district as compared to other districts. The amount of land in Patuakhali district was two lakh thirteen thousand six hundred acres. It has been reduced to two lakh thirteen thousand acres (BBS, 2023). In Patuakhali district, crop production has increased on average, but its amount has decreased. In 2014, paddy production in this district was six lakh forty thousand six hundred eighty-four metric tons (Hira, 2019) <sup>[12]</sup>. In the current season, the amount of production is six lakh twenty-eight thousand four hundred ninety-two metric tons. Accordingly, the production has decreased by twelve thousand one hundred ninety-two metric tons. Horticulturist GMM Kabir Khan (Officer) of the Department of Agriculture Barisal Divisional Office, said that despite the decrease in land, production has increased due to the use of technology (Hira, 2019) <sup>[12]</sup>. But due to the decrease in land, we have to depend on high-yielding seeds including ufshi or hybrids. Due to this, the farmers are likely to suffer losses due to adverse weather conditions and floods or excessive rainfall. Tawfiqul Alam, Deputy

Director of the Agricultural Extension Department Barisal Divisional Office (Farm Bari), said that ongoing development and construction of buildings and structures can be identified as the reason for the decrease in the amount of land. Brickwork can also be blamed. Because the fertility of Josli land is reduced due to the black wash of the brick kiln. That is why the land is not useful for crop production. He said that land has decreased more in Bhola and Patuakhali regions than in the last five years (Hira, 2019) <sup>[12]</sup>. Among these, a lot of land has been required for the construction of the Payra seaport, thermal power plant, and cantonment in Lebukhali in the Patuakhali district. All of which were croplands. Commercial establishments are being built around the seaport and thermal power plant in the cropland of Amtali in Kalapara, Kuakata and Barguna. Due to all these reasons, the land area has decreased more. The agriculture official believes that if the development that destroys the cropland continues, crop production in the southern region will be threatened.

There is a plan to acquire at least twenty thousand acres of land in the upazila's Dhankhali, Lalua, Champapur, Tiakhali, Baliatali and Dhularsar unions, according to local administration sources (Ahmed, 2016) <sup>[2]</sup>. Among them, initial acquisitions include seven thousand acres for the Payra port, twenty-three acres for a naval station, around four thousand acres for four coal-based thermal power plants, and one thousand acres for an oil refinery (Ahmed, 2016) <sup>[2]</sup>. However, there has been local press about the acquisition of eighty-one thousand acres of land for different linked projects, including the Payra port, which would have raised people's concerns. But according to the Payra Port Authority, they have been given the go-ahead to acquire seven thousand acres of land for the port. This area of land will be obtained. As well as Payra Deep-sea Port, authorities asked for a total of six thousand acres of land for the project's construction, according to district administration sources (Kawsar, 2021) <sup>[18]</sup>. Between December 2016 and February 4 of the prior year, 2,372.79 acres of land were acquired, and work is still being done to purchase the remaining acres (Kawsar, 2021) <sup>[18]</sup>. Thus, a large number of agricultural and non-agricultural lands would be added to the development plan and used to build the Payra Port in the Patuakhali region. Farmers in this area have lost their farmland, which will dramatically reduce production. A significant percentage of the landowners have suspended crop production for an extended time due to the commencement of the land acquisition.

### **Loopholes in the Existing Enactments Regarding Agricultural Land Administration the Constitution of Bangladesh**

The rights of an individual regarding ownership of a property have been enshrined in the constitution of Bangladesh under various chapters as well as categories. As the supreme law of the state, the constitution has provided us with some provisions to ensure proper use of agricultural lands and give us some effective directions to make relevant policies to protect these lands both in legal and administrative manner. The Constitution establishes a mixed ownership model by recognizing state, cooperative, and private ownership of land. Although private ownership is allowed, the State retains the ultimate authority to regulate land use for public welfare (M Rafiqul Islam, 2023) <sup>[22]</sup>. Part III, providing Fundamental Rights to the citizens guarantees

the right to acquire hold and transfer property but subjects it to restrictions by law. Property can only be acquired by the State for a public purpose and upon payment of adequate compensation, reflecting the doctrine of eminent domain (Islam, 2012) <sup>[16]</sup>.

In the leading case of *Kudrat-E-Elahi Panir v. Bangladesh* the court stated that acquisition without public purpose and just compensation is unlawful. Moreover, Arbitrary or excessive State interference in property rights is declared unconstitutional by the apex court of Bangladesh (Talukder, 1992) <sup>[33]</sup>. Furthermore, Article 143 affirms that the state shall have the right to own all the assets submerged in an immovable property, including minerals and other valuables (Talukder, 1992) <sup>[33]</sup>. In addition, Article 144 empowers the executive branch to manage, control, and dispose of such property under legal authority (Chowdhury, 2024) <sup>[7]</sup>.

### **The State Acquisition and Tenancy Act, 1950**

One of the most important enactments that helps administer and manage the agricultural lands of Bangladesh is the State Acquisition and Tenancy Act, 1950. In this Act several policies have been included with a view to helping both government and subjects of the state to ensure suitable administration and management of agricultural lands. But some of these provisions lack practicality as well as enforcement. Section-20 of the SAT Act, 1950 allows an individual the right to settlement of agricultural lands (Hossain, 2024) <sup>[14]</sup>. But this allowance has not been monitored accurately by the concerned authority resulting in excessive use of these lands by individuals for residential and commercial as well as development purposes. On the other hand, Section-90 of this Act sets bar on acquisition of immovable property and puts a theoretical prohibition on general people on crossing the fixed ceiling. But in reality, the failure to keep exact record of acquiring property in another person's name and the precise amount of land owned by an individual blunts the desired outcome of this provision (Hossain, 2024) <sup>[14]</sup>. Another crucial hurdle in the way of ensuring proper use, administration and management of agricultural land is transferring property without any lawful authorization. Although Section-143 of the SAT Act, 1950 provides provision to stop illegal transfer of property the implementation of this provision has not been achieved yet due to incompetent institutional monitoring system. Furthermore, many provisions of the State Acquisition and Tenancy Act, 1950 don't collaborate with modern legal instruments like the National Land Use Policy, 2011 or the Land Reform Act, 2023 <sup>[26]</sup>.

### **The National Land Use Policy 2001 <sup>[28]</sup>**

In order to ensure well-planned use of agricultural lands, the National Land Use Policy was introduced in 2001 <sup>[28]</sup>. It aims at preventing unplanned conversion of agricultural land into residential and commercial assets and promotes sustainable development of agricultural lands as per the needs of society. But the main loophole of this Policy is that it does not have legal enforceability. This lacking makes it a toothless tiger. On the other hand, administration is not conducted by any single authority under this Policy making the system more complex and time consuming. Furthermore, this poor cooperation among several relevant ministries deliver distort land related decisions. Users of peripheral agricultural lands mainly farmers and local officials do not have proper understanding of the norms of

this Policy which affects the effectiveness of this instrument (NDA, 2001) <sup>[28]</sup>. Although Section-3 classifies land into various genre like agricultural, forest, water bodies, urban land etc. in peripheral areas of Patuakhali this classification is not maintained accordingly. The information of these various lands is often outdated or absent. Furthermore, Section-4 of this policy states that no agricultural land should be converted to non-agricultural land but due to the non-binding nature of this policy this statement becomes merely decorative. According to Section-7 fairness should be maintained during the distribution of Khas lands and landless people should be given priority while distributing it but ground reality is disappointing. In many cases powerful people manipulate the government and settles on the Khas properties.

#### **The Land Reforms Act, 2023** <sup>[26]</sup>

Recently, in 2023 the former Land Reforms Ordinance, 1984 was amended with a view to maintaining precise land ownership, equitable distribution of lands and administering the lands in a suitable manner (Ministry of Law, 2023) <sup>[22]</sup>. But despite having noble intention this Act has also failed to achieve its desired goal. Although the Act retains land ceiling provisions, the lack of real-time tracking of individual or joint holdings, allows exploitation of the existing rules. The local land offices are not free from vagueness and bureaucratic complications. The surplus agricultural lands not being identified accurately create anarchy in the land use and distribution system. Land record system in many mouzas including Patuakhali, are yet to be digitized accurately. This anomaly leads to conflict in determining ownership of agricultural lands and legitimate agricultural land management. Moreover, forceful possession of agricultural lands or deceitful declarations regarding actual area of agricultural land owned or possessed by an individual are rarely prosecuted due to lenient or undefined penalties.

#### **The Non-Agricultural Tenancy Act, 1949** <sup>[23]</sup>

Besides agricultural lands a vast quantity of non-agricultural lands are situated across Bangladesh. Generally, these lands are administered under the provisions enumerated in the Non-Agricultural Tenancy Act, 1949 <sup>[23]</sup>. The provisions mentioned in this Act have trifling effect on both land management authorities and users in peripheral areas like Patuakhali mainly because of lack of awareness among users and lesser enforcement tendency (Ministry of Law, 1949) <sup>[23]</sup>. Although Section-3 of this Act defines Non-Agricultural Land the classification of semirural land is full of ambiguity. It is really hard to find out whether a semi-rural land is agricultural or non-agricultural land. In spite of having good intention the provision penned in Section-4 regarding protection of residential and commercial rights has largely been misused. People often convert agricultural land into non-agricultural land with the help of fraudulent documentation and seek the aforementioned privilege. Furthermore, the eviction process mentioned in Section-7 lacks clarity (Ministry of Law, 1949) <sup>[23]</sup>. No stark prohibitory mechanism mentioned in the NAT Act, 1949 <sup>[23]</sup> to prevent conversion of agricultural land to non-agricultural land. This law has also failed in establishing coordination among Land Revenue & Settlement Laws. Because of this anomaly land maybe showed as agricultural in one registry book and nonagricultural in another.

#### **The Hat and Bazar (Establishment and Management) Act, 2023** <sup>[26]</sup>

This Act deals with rules regarding the establishment, management and selection of suitable areas for local markets (hat and bazar) across Bangladesh (Ministry of Law, 2023) <sup>[22]</sup>. It sets up criteria for selection of location, procedures of acquisition and erection of infrastructure. Despite curving a legal structure for rural market management, it has also given opportunities to land criminals for unplanned land conversion. Especially agricultural lands are targeted by applying certain provisions of this Act without coordination with land use policies. Alignment with land zoning maps has not declared mandatory under this enactment which encourages criminals to establish markets on fertile agricultural lands without any clearance from concerned authority. This Act fails to stop arbitrary selection of sites. Because of this, many markets are established on the basis of lobbying and sadly suitability and sustainability are ignored. This Act does not provide any clear monitoring structure at Upazila level due to which after building a market encroachment and expansion is not properly scrutinized. Some of the aforementioned provisions lack prudence and practicality and some other provisions though fit in nature but fails due to unenforceability and administrative support. Apparently, it is evident that in districts like Patuakhali only legal instruments are not enough to ensure just land administration as well as territorial land management.

#### **The Bangladesh National Building Code (BNBC), 2020**

The Bangladesh National Building Code (BNBC) 2020 is a comprehensive legal framework designed to regulate the planning, policy, construction and maintenance of buildings across Bangladesh. It was introduced to ensure public safety, structural stability, environmental sustainability and efficient land use in urban and rural areas. While the BNBC 2020 is a crucial legal instrument and substituted the BNBC 2006 its effectiveness is undermined by poor enforcement, outdated standards, lack of awareness, and limited coverage of informal construction. Strengthening enforcement, updating technical guidelines, and improving institutional capacity are essential for maximizing its impact on safe and sustainable urban development.

#### **The Land Management Manual, 1991** <sup>[20]</sup>

The Land Management Manual 1991 is an administrative guideline issued by the Government of Bangladesh to regulate land management, settlement and record-keeping (Land Management Manual, 1991) <sup>[20]</sup>. It serves as a practical framework for land administration at the local and national levels, focusing on proper utilization and distribution of State-owned and khas land (Land Management Manual, 1991) <sup>[20]</sup>. It was a significant step toward improving land governance in Bangladesh. However, its impact has been limited due to weak enforcement, corruption, outdated policies and lack of modernization. For better outcomes, the manual needs to be digitally integrated, regularly updated, and strictly enforced to ensure fair and efficient land management.

### **The Playgrounds, Open Spaces, Gardens and Natural Reservoirs (for all municipal areas of the country including metropolitan cities, divisional cities and district cities) Conservation Act, 2000**

This Act provides provisions prohibiting the conversion and transformation of agricultural and other lands such as playgrounds, parks, and open spaces like public grounds, gardens and natural reservoirs into industrial, commercial and residential establishments (Correspondent, 2024) <sup>[11]</sup>.

### **The Building Construction Act, 1952 <sup>[24]</sup>**

This Act prevents haphazard construction of buildings and excavation of tanks which are likely to interfere with the planning of certain areas in Bangladesh (Ministry of Law, 1952) <sup>[24]</sup>.

### **Challenges in Agricultural Land Protection and Proper Land Use Management in Patuakhali**

The first and foremost challenge in Patuakhali district is the rapid increase in the number of rural dwelling settlements. Cropland is being continuously devoured due to the necessity of building new homes as a result of the heirs dividing a single dwelling site into many portions (Rahman, 2022) <sup>[30]</sup>. Additionally, industrialization and infrastructure growth are to blame for the shocking degradation of agricultural land. As there is a rapid growth in urbanization, we are losing our forestlands and wetlands which are essential components of our environment. Providing public amenities like electrical power connection and safe water supply becomes very difficult when rural populations settle randomly. The majority of civic services, however, can be made available to those who live in a compact housing system at reasonable costs and in easily accessible methods. Waste management is simple in such settings that have been carefully and compactly planned. If there is compact housing, providing public services becomes simple and practical. For instance, pressure on the Upazila Health Complex is lessened when a compact housing complex has a small medical facility (Rahman, 2022) <sup>[30]</sup>. In order to conserve arable land, the government enacted a policy in 2001 <sup>[28]</sup>, yet few people seem to care about it. Therefore, requires strict legislation and its application (Correspondent, 2019) <sup>[8]</sup>. Given that the text of the proposed Act was drafted in 2011, a confusing scenario has arisen regarding its approval. Although it was modified twice respectively in 2015 and 2016, the studies have not yet seen the final version or any indication of approval (Correspondent, 2019) <sup>[8]</sup>. It is alleged that a group of powerful people are delaying the formulation and implementation of this law to grab agricultural land for their own interests. Bangladesh's Government's aim for it to become a middle-income country won't work if it doesn't have enough land to generate its own food. Former judge of the Appellate Division of the Supreme Court, Nizamul Haque, said, "Arable land will go extinct in the future if it is not conserved" (Correspondent, 2019) <sup>[8]</sup>.

Agricultural land protection and proper land use management in Patuakhali stumbles due to some hurdles including legal, institutional, socio-economic, and environmental challenges. These challenges hinder sustainable land management and threaten the livelihoods of rural communities dependent on agriculture.

### **Legal and Institutional Challenges Feebleness in Enforcement of Existing Land Laws**

In spite of having laws like the State Acquisition and Tenancy Act, 1950; Land Reforms Act, 2023 <sup>[26]</sup>; Non-Agricultural Tenancy Act, 1949 <sup>[23]</sup> and National Land Use Policy, 2001 the situation is not improving. Complex system, corruption, inhospitable administration, lack of transparency and accountability and never-ending hunger of powerful land criminals hampers the implementation of legal provisions. Thus, the unenforceability of laws affects land administrative system.

### **Orthodox Land Use Zoning and Planning**

There is a noticeable scarcity of up-to-date and enforceable land zoning maps in many unions of Patuakhali. This in adaptation causes inappropriate land use as agricultural lands are illegally converted to non-agricultural purposes without proper authorization resulting in erroneous land management procedures.

### **Asynchronous Land Administration**

Land management procedure is conducted by several administrative organizations and ministries independently. As a result, proper coordination among these authorities cannot be achieved. This institutional fragmentation is one of the major reasons behind confusing jurisdictions and inconsistent policies.

### **Obsolete Administrative Procedures**

Vastly used erroneous manual records and absence of precise digital land data bases cause interruptions and inaccuracies in revisions of records, land registration, mutation and dispute resolution processes.

### **Socio-Economic Challenges**

The production from agricultural efforts is reducing day by day due to sterility of top soil, destruction of suitable climate and failure to adopt modern technology. In order to survive financially, many farmers have lost interest in cultivation and sold their lands for instant monetary gain. Most of the farmers do not possess any knowledge about the legal safeguards provided under the State Acquisition and Tenancy Act, 1950; The Land Reforms Act, 2023 <sup>[26]</sup> and other relevant Rules or Policies. This ignorance makes them vulnerable to land grabbing and other exploitations. A local bourgeois and politically connected individual unlawfully prepare fake land records and whips the face of justice by achieving lands which are not rightfully theirs to possess. Genuine farmers and landless people are muscled out by these antagonists.

### **Environmental Vulnerability and Climatic Challenges**

Patuakhali, being a coastal district is exposed to fatal floods, frequent cyclones and salinity intrusion. These environmental hazards damage fertile land and reduce its productivity, pushing farmers towards different occupations or abandonment. Legally recognized Ecologically Critical Area (ECA) as well as agricultural lands is rapidly converted for residential, commercial or industrial use without proper Environmental Clearance Certificate (ECC), leading to ecological imbalance (Ministry of Law, 1995) <sup>[25]</sup>.

### Administrative and Governance Challenges

In rural areas, Union Parishad and Upazila administrations sometimes do not have the ability, resources, and enforcing power to identify and direct proper land use or act by the building codes and zoning regulations effectively. Decisions on land allocation and land use changes are often top-down, with little consultation or involvement of local farmers, women, and marginalized groups. Absence of an up-to-date GIS-based land monitoring system and inadequate access to digitally preserved data lessen the government's ability to identify unlawful land transformation and respond promptly.

### Recommendations to Overcome the Problems

In order to prevent the nation from facing food insecurity and becoming arid, experts advise the government to swiftly approve the planned "Protection and Usage of Agricultural Land Act" and strictly enforce it (Correspondent, 2019) <sup>[8]</sup>. Farmland has to be preserved with aid of the provisions mentioned in the State Acquisition and Tenancy Act, 1950; the Non-Agricultural Tenancy Act, 1949; the Land Reforms Act, 2023 <sup>[23, 26]</sup> and other relevant enactments. A National Physical Plan is required for the country in order to attempt to enact compact housing practices in peripheral areas like Patuakhali (Correspondent, 2019) <sup>[8]</sup>. In 2015, a draft of the Agricultural Land Protection and Land Use Act was proposed. However, the Act hasn't yet been formally approved by the government and the government should immediately take steps in order to put it into effect. As the study also points out the loopholes in the existing land laws, the government should take necessary steps to amend these provisions and should at once try to train and prepare the local land administration offices for proper enforcement. Common people cannot always abide by the rules all by themselves. Rural administration and public representatives must get involved in this process. The study also shows that absence of data management system and implementation of rules cause failure in land administration. Therefore, the government should form a land management committee with a view to maintaining the whole system. The Local Government Engineering Department (LGED) and Bangladesh Institute of Planners can provide them with technical assistance. An Upazila-wise Master Plan is desperately needed at the root level. After the plan has been created, Upazila Parishads will need planners to carry it out. At the Upazila level there are officers in the civil engineering, health, education, and agricultural sectors. Some recommendations for protecting agricultural land are given below-

1. To counteract unplanned use of agricultural land, a clearly defined, widely endorsed national policy needs to be created to assure the proper use and protection of all categories of agricultural land in Patuakhali as well as Bangladesh.
2. Government must make sure that the proposed policies and a law to protect agricultural land is justly implemented.
3. To prevent the construction of big and small industrial establishments as well as commercial infrastructures on agricultural land outside the approved industrial districts, the National Land Use Policy, 2001 <sup>[28]</sup> and the Hat and Bazar (Establishment and Management) Act, 2023 <sup>[26]</sup> must be crowned with binding force.
4. The agricultural areas in the Patuakhali district and its different upazilas have to be saved surgically from

water logging and made fit for farming by creating a competent rapid action team under the supervision of the local land administration authority.

5. Any form of agricultural land should not be dug up during the dredging of rivers; whether they are tiny or huge.
6. In the Patuakhali district, the marshes raised in various rivers should be made suitable for cultivation. Illegal extraction of sand from the river should be stopped. Proper measures should be taken to restore the navigability of the river.
7. The genuine landless should be given preference on the agricultural Khas land, Jal mahal settlements in Patuakhali district and its Upazilas. Government agricultural khas land should not be sold under any circumstances. Measures should be taken to convert wasteland into agricultural land.
8. Permission from the DC office should be made mandatory during the purchase of agricultural land for industrial areas.

### Conclusion

Cropland being destroyed is a matter of serious concern. The information about the reduction of agricultural land is now quite scary; it can be called an ominous signal. Studies show that pastures are precious resources of the country and there is no alternative to these priceless resources. If any part of a cropland gets destroyed or transformed into a non-agricultural part of land, the re-transformation of this land into a cultivatable land is almost impossible. Erecting a cluster of homes, hospitals, schools, markets, rural businesses, and local governments known as "compact housing" should provide all necessary services to a threshold population while making the most use of available space. Such housing should include common area like a park or playground and thoughtfully designed roadways would link the entire region. A draft bill called the 'Agricultural Land (Proper Use and Conservation) Act 2022' has been proposed to protect agricultural land but it is yet to become law. As a result, no visible effective law or policy has been enacted so far to protect agricultural land. Moreover, the existing laws do not offer any stark enforcement mechanism regarding proper administration and management of agricultural land especially in peripheral area like Patuakhali. As a result, the gross area of agricultural land is decreasing day by day in Patuakhali district as well as in whole Bangladesh. Environment, Forest and Climate Change Minister said that every year in Bangladesh about sixty-nine thousand hectares of arable land is going to the non-agricultural sector. Unless laws are enacted and properly enforced, agricultural land will continue to decay. In order to increase the production of food grains, direct subsidies should be provided to the farmers. Unplanned construction of dams as well as destroying agricultural land should be stopped. Construction of any shelter/housing or any unnecessary project on Khas agricultural land should be stopped until further order of the competent land administration authority. It is time collective effort is made by all of us to protect this irreplaceable asset. Otherwise, natural balance of balance regarding the subjects and resources will be perished.

## References

1. Law Insider. Agricultural land definition. [Online], 2003. Available at: <https://www.lawinsider.com/dictionary/agricultural-land> [Accessed 3 December 2024].
2. Ahmed MJU, N U. Kalapara is restless over land acquisition. [Online], 2016. Available at: <https://tinyurl.com/ynbsr8tz> [Accessed 12 December 2024].
3. ALRD AFLRaD. They made the admonishment during a roundtable discussion on the "Necessity of laws to safeguard arable land" that was sponsored by the non-governmental Association for Land Reform and Development (ALRD) held at the National Press Club in Dhaka. [Online], 2023. Available at: <https://www.alrd.org/> [Accessed 12 March 2025].
4. BBS BBoS. Yearbook of Agricultural Statistics 2023. [Online], 2023. Available at: <https://bbs.gov.bd/> [Accessed 20 February 2025].
5. Bhattacharya R. Suggestions to identify four types of land for land protection | Agricultural land under threat. [Online], 2017. Available at: <https://www.dailyjanakantha.com/national/news/257242> [Accessed 3 March 2025].
6. Bodeli D. resettlement action plan - summary. [Online], 2013. Available at: <https://tinyurl.com/4n5zztdz> [Accessed 2 December 2024].
7. Chowdhury MJA. The Constitution Law of Bangladesh. Dhaka: Book Zone Publication, 2024.
8. Correspondent S. Protect arable land, save Bangladesh's future. [Online], 2019. Available at: <https://www.thedailystar.net/city/news/protect-arable-land-save-bangladeshs-future-1695367> [Accessed 3 February 2025].
9. Correspondent S. Protect arable land, save Bangladesh's future. [Online], 2019. Available at: <https://www.thedailystar.net/city/news/protect-arable-land-save-bangladeshs-future-1695367> [Accessed 12 March 2025].
10. Correspondent S. Protect arable land, save Bangladesh's future. [Online], 2019. Available at: <https://www.thedailystar.net/city/news/protect-arable-land-save-bangladeshs-future-1695367> [Accessed 21 December 2024].
11. Correspondent S. Form policies to protect parks, playgrounds. [Online], 2024. Available at: <https://www.thedailystar.net/news/bangladesh/news/form-policies-protect-parks-playgrounds-3538111> [Accessed 23 January 2025].
12. Hira KA. 14,000 acres of agricultural land has decreased in the southern region in 10 years. [Online], 2019. Available at: <https://www.amadershomoy.com/bn/2019/05/10/879760.htm#gsc.tab=0> [Accessed 23 January 2025].
13. Hossain DMR. Land Laws of Bangladesh. Dhaka: Liton Publications, 2023.
14. Hossain DMR. Land Laws of Bangladesh. Dhaka: AtoporProkash, 2024.
15. Iffat J. Patuakhali District. [Online], 2012. Available at: [https://en.banglapedia.org/index.php?title=Patuakhali\\_District](https://en.banglapedia.org/index.php?title=Patuakhali_District) [Accessed 3 January 2025].
16. Islam M. Constitution Law of Bangladesh. 3rd ed. Dhaka: Mollik Brothers, 2012.
17. Kabir DL. Land Laws of Bangladesh. 13th ed. Dhaka: AinProkashan, 2021.
18. Kawsar R. Frustration mounts over irregularities in Payra port compensation process. [Online], 2021. Available at: <https://www.dhakatribune.com/bangladesh/development/169003/frustrationmounts-over-irregularities-in-payra> [Accessed 2 February 2025].
19. Khan MAA. Land Laws of Bangladesh. 4th ed. Dhaka: Bangladesh Law Book Company, 2018.
20. Land Management Manual. Judiciary Bangladesh Center of Judicial Services. [Online], 1991. Available at: <https://judiciary.gov.bd/en/menu/page/land-related-laws> [Accessed 21 February 2025].
21. Law Insider. Agriculture land definition. [Online], 2018. Available at: <https://www.lawinsider.com/dictionary/agriculture-land> [Accessed 12 January 2025].
22. Islam MR, Hossain ME. The Constitutional Law of Bangladesh. 1st ed. Singapore: Springer Singapore, 2023.
23. Ministry of Law JPa. The Non-Agricultural Tenancy Act, 1949 (East Bengal Act). [Online], 1949. Available at: <http://bdlaws.minlaw.gov.bd/act-232.html> [Accessed 21 January 2025].
24. Ministry of Law JPa. The Building Construction Act, 1952 (East Bengal Act). [Online], 1952. Available at: <http://bdlaws.minlaw.gov.bd/act-254.html> [Accessed 21 February 2025].
25. Ministry of Law JPa. The Bangladesh Environment Conservation Act, 1995. [Online], 1995. Available at: <http://bdlaws.minlaw.gov.bd/act-254.html> [Accessed 13 March].
26. Ministry of Law JPa. Hats and Bazars (Establishment and Management) Act, 2023. [Online], 2023. Available at: <http://bdlaws.minlaw.gov.bd/act-1427.html> [Accessed 27 January 2025].
27. Ministry of Law JPa. the land reforms 2023. [Online], 2023. Available at: <http://bdlaws.minlaw.gov.bd/act-1455.html> [Accessed 5 february 2025].
28. NDA. National Land Use Policy (2001). [Online], 2001. Available at: <https://nda.codezonelab.com/en/c/publication/national-land-use-policy-2001> [Accessed 21 February 2025].
29. OECD. Agricultural land is defined as the land area that is either arable, under permanent crops, or under permanent pastures. [Online], 2013. Available at: <https://www.oecd.org/en/data/indicators/agricultural-land.html> [Accessed 23 February 2024].
30. Rahman S. Our farmlands are disappearing fast. Compact housing can be a solution. [Online], 2022. Available at: <https://www.tbsnews.net/features/panorama/our-farmlands-are-disappearing-fastcompact-housing-can-be-solution-409086> [Accessed 13 February 2025].
31. Rahman S. Our farmlands are disappearing fast. Compact housing can be a solution. [Online], 2022. Available at: <https://www.tbsnews.net/features/panorama/our-farmlands-are-disappearing-fastcompact-housing-can-be-solution409086> [Accessed 12 January 2025].
32. Rahman S. Our farmlands are disappearing fast. Compact housing can be a solution. [Online], 2022. Available at:

- <https://www.tbsnews.net/features/panorama/our-farmlands-are-disappearing-fastcompact-housing-can-be-solution-409086> [Accessed 21 January 2025].
33. Talukder R. Kudrat-E-ElahiPanirVs. Bangladesh. [Online],1992. Available at: <https://thecasesummary.com/kudrat-e-elahi-panir-v-bangladesh-en/> [Accessed 21 December 2024].
34. Wikipedia. Bangladesh. [Online], 2021a. Available at: <https://en.wikipedia.org/wiki/Bangladesh> [Accessed 15 January 2025].
35. Wikipedia. Patuakhali District. [Online], 2021a. Available at: [https://en.wikipedia.org/wiki/Patuakhali\\_District](https://en.wikipedia.org/wiki/Patuakhali_District) [Accessed 12 December 2024].
36. Wikipedia. Patukhali District. [Online], 2025a. Available at: [https://en.wikipedia.org/wiki/Patuakhali\\_District](https://en.wikipedia.org/wiki/Patuakhali_District) [Accessed 26 February 2025].
37. Wikipedia. Patuakhali District. [Online], 2025b. Available at: [https://en.wikipedia.org/wiki/Patuakhali\\_District](https://en.wikipedia.org/wiki/Patuakhali_District) [Accessed 1 January 2025].
38. ভট্টাচার্য র. জমি সুরক্ষায় চার ধরনের জমি মচমিত করার পরাির্ষ। হুমিকনতকৃ মিজমি. [Online], 2017. Available at: <https://www.dailyjanakantha.com/national/news/257242> [Accessed 3 January 2025].