



Case Study Series 2:

Negotiation & Conflict Resolution

Case Title- Leading from the back: Recovery of public lands without hurting public sentiment

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The cases for this series are being collected by interviewing civil servants working in different South Asian countries. This collection initiative is an attempt to document different cases related to negotiation and conflict resolution initiatives taken by civil servants. If you are aware of other such cases, please send us an email (parvez.yousuf@northsouth.edu), and we will communicate with you to collect further details about the cases.

Leading from the back: Recovery of public lands without hurting public sentiment

Dr. Rizwan Khair, Md. Parvez Hasan Yousuf and Dr. Hasan Muhammad Baniamin

The problem of illegal land grabbers in Bangladesh

Grabbing public land and illegally occupying the same is one of the major problems in Bangladesh. The road-side illegal encroachment has become rampant. Sometimes, the municipal authority or the district administration carries out evictions to recoup the land, but in no time, often, the same land gets grabbed again by miscreants, and the illegal possessions continue. In one Bangladeshi district, several politically powerful persons illegally took over a huge amount of public land adjacent to the main junction of the road heading towards Dhaka. Almost 50 to 60 ad-hoc stalls for vegetables, fish and meat, grocery, hardware, electric appliances, haircut salons, and so on had been set up in these areas. There were also two special stalls which served as clubs for local goons who illegally collected tolls from these shops and managed all affairs of the market at the road junction. Ironically, there was also a semi-concrete structure that people used as a makeshift mosque.

The District Magistrate (DM) wanted strict actions taken against the illegal occupancy at the road junction and ordered a young officer, the Revenue Deputy Collector (RDC), to conclude the eviction process within the next one month. The RDC then examined the records detailing the history of eviction for that area and found that there had been several eviction

operations in the past, but afterwards the lands were reoccupied. Such has been the trend for the past 20 years.

Problem

For years, some land grabbers were using a religious structure (a makeshift mosque) as an excuse to illegally occupy public land owned by the Roads and Highways Department as a crucial junction.

Solution

Due to the sensitive nature of demolishing a religious structure, the civil servant took the help of a local religious leader to evict these public lands and eventually demolish the mosque

Outcome

The Roads and Highways Department got their land back and utilised it for constructing new pavements and road dividers to ease the traffic jam.

Eviction of public land but the mosque remains

The RDC visited the area several times before drafting the eviction outlines and receiving total approval from the DM. He notified the illegal occupants regarding the upcoming evacuation, giving them 30 days to relocate. He also formed an eviction taskforce assisted by the police and the Roads and Highways Department (RHD), who had legal jurisdiction over the land in question. Accordingly, the eviction was carried out in time without issue, and a huge chunk of land was recovered. However, considering religious sentiments, the mosque could not be removed. Thus, due to the mosque's placement, the road could not return to being fully functional, and the traffic woes continued.

The RDC assessed the situation and found that there was a big municipality mosque situated just 150 metres from the road junction. It was clear that the illegal occupants at that road junction were using the makeshift mosque as an excuse and were exploiting religious sentiments to continue their illegal encroachments, as they had done in the past.

The RDC decided to tackle the situation by leading from the back, requesting his junior Assistant Commissioner (AC) to attend Friday prayers in that makeshift mosque and convey the following message to the devotees that a mosque cannot be built on any land without the permission of its owner. This was expected to convince the locals to remove the structure. However, this method proved ineffective as the management of that makeshift mosque did not care. The DM himself invited the self-declared leaders of the makeshift mosque to a meeting, but they ignored the invitation.

Involving the local religious leader in the eviction process

The RDC was always aware that forcefully removing the makeshift mosque would be interpreted as anti-religious, resulting in further protest, which the politically connected land grabbers would then exploit. The RDC discussed the issue discreetly with the relevant agencies of the government and the local civil society organisations, who acknowledged that the structure was indeed illegal. The RDC also sought the opinion of the principal of a local madrasah (Islamic religious educational institute) who was locally known as the *Hujur* (Muslim religious leader), of a local *madrasah* (Islamic religious educational institute). The principal unequivocally opined that the structure was illegal. The RDC requested the principal's assistance in removing the illegal structure, which he agreed to do whenever necessary.

One Saturday morning, the RDC brought the police force to come to the spot, to be followed by the RHD engineer and workers with payloaders and demolition equipment. The RDC also came along with the *madrasah* principal and three of his students in visibly religious attire. Local journalists were also informed.

A local religious leader led the demolishing of the makeshift mosque

Initially, it was a small crowd, but it gradually grew bigger. The RDC addressed the crowd, stating the *Hujur's fatwa* (annotation of Islamic religious issues) that the makeshift mosque was an illegal structure, and therefore, it should be demolished. The principal reiterated what he had openly delivered many times to the RDC and other officials. The RDC then asked the three students to take out all the religious books, scriptures, and other materials, from inside the mosque. Once the electricity was disconnected from the semi-concrete, tin-roofed structure, it was ready for demolition.

The RDC then requested that *Hujur* to sit beside the driver of the demolition bulldozer. Initially, he was hesitant, but he finally agreed. The local journalists were there to capture the scene. In no time, the structure was removed with the entire road cleaned in less than an hour and handed over to the Roads and Highways Department. Everything was carried out in broad daylight in front of the public. There was no lack of transparency. The contribution from the local journalists also added value, reporting that the local *Hujur* himself had led the eviction process, removing an illegal makeshift mosque which only served as an excuse for the local goons to encroach on valuable public land.

With this eviction, twenty years of illegal occupancy came to an end. The Roads and Highways Department (RHD) promptly constructed new pavements and road dividers, resulting in the junction becoming one of the most spacious public places in the area, much to the local citizens' delight.

Declarations

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