

A study about land access and Indigenous rights in Bangladesh

By Inès Sanchez and Abel Cazenave



The Indian subcontinent hosts a large diversity of ethnic and religious communities. In Bangladesh, where approximately 89% of the population is Muslim, there are still numerous indigenous communities (called “adivasis” from the Sanskrit *adi* = “origin” and *vas* = “to live”) that are Christian, Hindu or Buddhist. The genocide led by Pakistan during the war of liberation mainly targeted the religious minorities and more

particularly Hindu communities. The massive persecution and the strong Muslim fundamentalism promoted by Pakistani authorities led to the displacement of a large part of the Hindu population to West Bengal in India.

Even if Bangladesh is constitutionally a secular country, Islam is said to be the state religion, and as a result Adivasi communities are strongly marginalized within society. They face many injustices including food insecurity, ethnic discrimination, and most crucially a lack of access to land. In this context, Nijera Kori works with poor Adivasi communities and fights for the recognition of their rights. In Mithapukur, in the district of Rampur, one community of two different Adivasi groups – the Oraon and the Santal – struggled for many years to obtain the right to live on their land.

▪ Land issue: the Enemy Property Act¹

In 1965, during the 2nd Indo-Pakistani War, Pakistan proclaimed the *Enemy Property Act*. It allowed the government to take over the lands of people considered to be “*enemies of the State*”, and was aimed quite specifically at the non-Muslim minorities in what is now Bangladesh. After Bangladesh won independence from Pakistan, this law was modified to become the present-day *Vested Property Act*, which still allows the appropriation of lands from Hindus and other minorities. Hindu populations living in the district of Rampur were dispossessed of their properties and forced to flee to India. Their former lands were declared “*enemy lands*” and were

often abandoned. In Mithapukur, six Hindu *adivasi* families from the Oraon ethnic group, came to settle on one piece of these lands – comprising an area of 719 acres including a pond – but without an official title deed.

Among these families, Atoar Mondol Toppo was a privileged landowner from a rich family. He had very strong influence in the area and exercised authority over the other Oraon families. Gradually he tried to grab the land and exclude the other families that were living there.

The other families refused to surrender their land and this situation resulted in violent confrontations. When the confrontations led to nothing, Toppo took legal action against the other families, trying to force their eviction from the land.

▪ **Nijera Kori intervention**

In 1998, after several years of legal proceedings and numerous threats from Toppo, the Oraon community got wind of the activities of Nijera Kori in the region and approached them. Nijera Kori fights for the empowerment of the landless and to end discrimination against poor *adivasi* communities. Through the formation of strong groups of landless people they help them to gain the necessary knowledge and resources to claim their rights and put an end to their exploitation and marginalization. Nijera Kori proved to be an important help for the group. For example, staff helped them to create a joint saving system which allowed them to pay a lawyer to defend their cause. During those long years of confrontation, the community expanded and welcomed 26 other *adivasi* families, from the Oraon and Santal ethnic groups, who were also in a precarious situation.

Strategy of empowerment

Nijera Kori believes in individual empowerment as a motor of social mobilization and tries to bring awareness and basic knowledge to help the rural landless communities to act on their own to improve their livelihood.

Nijera Kori organized the community of Oraons and Santals of Mithapurkur in eight different groups (4 women's groups and 4 men's groups). The groups meet regularly with members of the staff of Nijera Kori to discuss debate and develop solutions to marginalisation and other issues such as indigenous rights, land access and protection of cultural customs. The meetings have been useful for the group to understand their rights, learn to act with their own means and mobilize themselves.

The group savings introduced by Nijera Kori helped them to gain better access to health care and education.

- **Legal action & outcome**

Helped by Nijera Kori, the community searched for solutions to the attempt to take away their land. The legal action represented a challenge for the group because they lacked the resources of their opponents. The group started by learning a lot about land rights in Bangladesh and how the law states that “Kkash lands” (= Public land) are to be provided to landless people if they ask for it. The court case had a dual objective for the landless groups: the first was to contest the seizing of the land they had been living on for more than twenty years; the second was to reclassify their land from “enemy lands” to “Khash Lands” to be able to claim the right to live there legally. During nine years, Nijera Kori and the landless adivasi groups pooled their knowledge and strength in order to win the case and in 2002, the Court ruled in their favor. The land was found to be “Khash land” rather than “enemy land” and the groups obtained a title in their name.

- **The last assaults of the Toppo family**

Despite the court decision, the Toppo family continued to occupy the land, mainly for fishing in the pond, and intimidated the other families. They presented false property documents giving rise to new physical confrontations.

In order to put an end to these tensions, the president of the local council gathered the local elected representatives, the landowners of the region, as well as the police to hold a public hearing on the disagreement and give the land to those found to be the legal occupants. Fortunately, the adivasi communities managed to prove the forgery of the documents and the Toppo family was evicted from the area. After so many years of struggle, the adivasi community was finally able to settle down.

- **Housing project**

In 2004, the government of Bangladesh launched a housing project on the “Khash lands” which were now occupied by the Oraon and Santal families. Planned for 60 families, it was intended for the landless workers of the zone, adivasis or not. At the time, 32 adivasi families already lived there and they were afraid of the religion and origin of the 28 other families that would come to live there with them. Therefore they began negotiations with the civil servants to ask that the project be reserved for adivasi families.

- **Separation arguments**

A major concern for all adivasis in Bangladesh is the domination of Islamic culture and the possible cultural assimilation by the majority group. Adivasis fear seeing their culture slowly

disappear. With the housing project, they expressed their fear about the differences between Islam and Hinduism and the many conflicting social behaviours. Muslims ban pork and eat beef, while for the Adivasis they eat pork and exclude beef. In Islam, alcohol is banned while in adivasi communities local wine is part of their festivals. Muslims and adivasis have very different views on gender. Women have more freedom in adivasi communities: both girls and boys go to school; women don't stay at home and work in the fields with men; physical contact between women and men in public is not repressed and dancing is common. There was a fear that Adivasi cultural practices could easily provoke hostility between the communities, particularly against women.

▪ **Negotiation & protests**

The final plan for the housing project was drafted without any specifications regarding the land being exclusively for adivasi families and so the community decided to take action and organized protests with the help of Nijera Kori. The groups wrote memorandums, gathered signatures on petitions, organized public meetings and other activities to pressure the authorities but unfortunately without success and the construction began. The families called 60 other Oraon and Santal



families and two days before the inauguration they occupied the buildings. Finally, the government gave up and authorized them to share the land with other adivasi families.

Today, 110 adivasi families live peacefully on this land, speaking their own language, practicing their religion and maintaining their culture.

▪ **Access to electricity**

After this victory they turned their attention to the question of electricity. The authorities supplied electricity for the 60 families at first but, having no fixed incomes, the families were not able to make the required payments and the government finally cut the supply. With help from Nijera Kori, the representatives of the adivasi groups, met a regional deputy and asked him for help. Electricity was a need for all the community. Even for the children, without electricity it was difficult to study and have the chance to succeed in school. Knowing their

rights as a minority already strongly marginalized in Bangladesh, the Adivasi groups organized a lobby to obtain the electricity, proposing that solar panels be installed. The administration, seeing their determination, agreed to install the panels for free and that all the energy produced would be for the families. In 2016, the installation began, and today the community enjoys solar electricity.

- **In conclusion**



The families of the adivasi community of Mithapukur were inspiring in their determination and fought all their lives to obtain their rights and protect their culture, winning a lot of battles. But even if the situation has improved so much, there are still some unresolved problems. The size of the houses is very small, and in Bangladesh social interaction and family are very important. The families live in two-room houses but still hope that someday they will be able to

construct larger ones to have more space to invite their extended families. The community has hopes for the future and as one woman Shushila says, “We know it is too late for us, but it’s not too late for our children. We hope that they can enjoy a better education and better condition of living. We hope that our children can become doctors, engineers, policemen, and that they can be happy without fighting all their life to obtain their basic rights.” Today, Nijera Kori members and this community still work together to improve their conditions of life and to bring awareness and hope for all adivasi communities in Bangladesh.

¹ Dipanwita Roy (21 april 2007), Vested Property Act: A story of deprivation and exploitation, version 28 November 2015.