



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

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Information regarding land dispute issues in Bangladesh

A report published by the online civil society network *OneWorld* states:

“A discriminatory law enacted decades ago in Muslim majority Bangladesh continues to deprive hundreds of thousands of minority Hindus of land rights, despite being repealed in 2001. Before Bangladesh's independence from Pakistan in 1971, West Pakistani military rulers had enacted the Enemy Property Act, 1965, to drive Hindus out to neighboring India after grabbing their lands. Since then, encroachers have misused the law with the help of corrupt state authorities to grab property by identifying Hindus as ‘enemies of the state.’”
(OneWorld (14 June 2004) *Minority Hindus deprived of land rights in Bangladesh* Khan, Sharier)

This report refers to research conducted by the secretary of the Bangladesh Economic Association as follows:

“Abul Barakat also conducted research which revealed that apart from Hindus, land encroachment victims also included 31 other ethnic minority groups that comprise 12 percent of the country's 140 million population. According to him, the share of landless households increased from 19 percent in 1960 to 56 percent in 1996. But Barakat maintains that, ‘Hindus are the worst affected as they are the biggest minority group who owned plenty of land before the discrimination began. More than one-third Hindus have turned landless or marginal landowners.’”(ibid)

A section titled “Minorities and indigenous peoples” (paragraph 46) of a *United Nations Human Rights Council* report refers to allegations made by the Asian Indigenous & Tribal Peoples Network (AITPN) as follows:

“AITPN alleged that the Government grabs the lands of indigenous peoples and minorities is the State policy in Bangladesh and allows land grabbing by the mainstream Bengali populations who use different methods, including forging documents and forcibly ousting indigenous peoples from their lands. AITPN further noted that land grabbing is systematic in the Chittagong Hill Tracts (CHTs).” (United Nations Human Rights Council (24 November 2008) *Summary prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15(c) of the Annex to Human Rights Council Resolution 5/1 – Bangladesh*, p.9)

This report also states:

“Unrepresented Nations and Peoples Organization (UNPO) stated that the signing of the CHT Accord was an important step towards lasting peace and security, and the embodiment of a political desire to ensure justice for Jumma indigenous groups. AIPP noted that the CHT Accord stipulated the establishment of a Land Commission to resolve the longstanding CHT land disputes in consonance with the law, custom and practice in force in the CHT. The Commission is yet to start its functions. Hence no single land dispute has been resolved even in almost 11 years after the signing of the Accord.” (ibid, pp.9-10)

In a section titled “Obstacles to return and reintegration” an *Internal Displacement Monitoring Centre* report states:

“The land issue remains the key obstacle for the return and reintegration of the internally displaced as well as for the implementation of the peace accord. Land-related conflicts between tribal people and settlers are also the greatest threat to peace and stability in the region. According to customary law, the tribal population practised communal ownership of land used for slash-and-burn cultivation and for cattle grazing, which is not registered in public records. The situation is different for the Bengali settler population, who received landownership documents after having been relocated to the Chittagong Hill Tracts by the government. One of the main issues to be resolved by the Land Commission or another body is therefore to balance customary rights and usages prevailing in the Chittagong Hill Tracts against ownership by Bengali settlers which is backed by documents (CARE 2004, p.47). In accordance with the peace accord, some Bengali settlers did lose their ownership rights to land belonging to returning tribal refugees. They were subsequently required to relocate several times, and in some cases made landless altogether. But many Bengali settlers, backed by the military and the ruling political party, refused to give up the land to the returning tribal people. More than 40 villages formerly inhabited by the tribal population are still occupied by government-sponsored settlers.” (Internal Displacement Monitoring Centre (28 March 2006) *Bangladesh: minorities increasingly at risk of displacement*, pp.16-17)

See also section titled “Indigenous People” of the *US Department of State* country report on Bangladesh which states:

“The Land Commission dealing with land disputes between tribal individuals and Bengali settlers did not function effectively in addressing critical land disputes.” (US Department of State (Bureau of Democracy, Human Rights, and Labor) (25 February 2009) *2008 Human Rights Report: Bangladesh*)

In a section titled “Restrictions on Religious Freedom” the *US Department of State* religious freedom report for Bangladesh states:

“Many Hindus have been unable to recover landholdings lost because of discrimination under the now-defunct Vested Property Act. The act was an East Pakistan-era law that allowed the Government to expropriate ‘enemy’ (in practice Hindu) lands. The Government seized approximately 2.5 million acres of land, affecting almost all of the Hindus in the country. In April 2001 Parliament passed the Vested Property Return Act, stipulating that land remaining under

government control that was seized under the Vested Property Act be returned to its original owners, provided that the original owners or their heirs remained resident citizens. The Government was required to prepare a list of vested property holdings by October 2001, and claims were to have been filed within 90 days of the publication date. In 2002 Parliament passed an amendment to the Vested Property Return Act, which allowed the Government unlimited time to return the vested properties and gave control of the properties, including the right to lease them, to local government employees. By the end of the period covered by this report, the Government had not prepared a list of such properties. According to a study conducted by a Dhaka University professor, nearly 200,000 Hindu families have lost approximately 40,667 acres of land since 2001, despite the annulment of the Vested Property Act the same year.” (US Department of State (Bureau of Democracy, Human Rights, and Labor) (19 September 2008) *Bangladesh – International Religious Freedom Report 2008*)

In a section titled “Historical Context” a *Minority Rights Group International* report on the indigenous peoples of Bangladesh states:

“Whereas communal land ownership represents a vital element of their life pattern, the major problem for all Adivasis is so-called 'landgrabbing' by Bengalis. Although all indigenous land is theoretically considered to be communal land, it was fortunate that plains Adivasis for the most part received individual title deeds to their land under British rule. Communal land claims have proved far more difficult to sustain in law. Yet individual landholdings are also threatened in many ways. These include seizure by trickery or force and, as in the case of Hindus, illegal application of the Vested Property Act. Adivasis generally have been discriminated against and persecuted, although the position of those of the Chittagong Hill Tracts (CHT) has aroused the greatest concern and gained the most international attention.” (Minority Rights Group International (2008) *World Directory of Minorities and Indigenous Peoples - Bangladesh: Adivasis*)

An article from the Daily Star Weekend Magazine states:

“For the land-grabbers the minority community is the softest target of all. In a latest incident two Hindus were killed and 10 others injured, three of them critically, as alleged grabbers of minority community land attacked them in Churer Bhita village in Dhubaura Upazila on January 22. The dead are Bimol Chandra Sutradhar, 26, son of Gouranga Chandra Sutradhar, 35, son of Chandra Kumar Sutradhar. The attack was led by Omar Ali, who has been described by both the police and locals as a land grabber. According to witnesses Omar along with 25 men equipped with sharp weapons attacked the group of men engaged in cultivating Boro on a 40-decimal piece of land at around 7:00 am. The attackers left two dead on the spot and injured 10 others, of whom six were admitted to Mymensingh Medical College and Hospital.” (Daily Star Weekend Magazine, Vol 5, Issue 80 (27 January 2006) *Grabbers Kill Two over Minority Land*)

A section titled “Forcible land grabbing for illegal settlement” of a United Nations Human Rights Council presents the following statement from the Asian Indigenous and Tribal Peoples Network:

“The fundamental reason behind attacks at the Buddhist temples across CHTs is clear: to acquire the lands of the indigenous peoples. Indigenous Buddhist Chakmas and Marmas usually live in and around their temples. Once temples are destroyed the area can be more easily cleared for illegal plain settlers.” (United Nations Human Rights Council (22 February 2008) *Written statement submitted by Asian Indigenous and Tribal Peoples Network (AITPN), a non-governmental organization in special consultative status*, p.3)

This statement continues:

“There are many other recent incidents of forcible land grabbing. During March 2007- November 2007, a total of 399.22 acres of land belonging to 133 Jumma individuals and a primary school in 14 villages under four Unions of Mahalchari police station and Khagrachari Sadar police station under Kagrachari district have been illegally and forcibly grabbed by the illegal plain settlers with direct help from the army.” (ibid, p.3)

In a section titled “Continued forcible land grabbing by illegal settlers and Bangladesh military” an *Asian Centre for Human Rights* weekly review states:

“The case of Sadhana Tila is not an isolated one. The forcible land grabbing by the illegal settlers and the Bangladesh military has intensified after the imposition of Emergency in January 2007. In another recent case of forcible land grabbing, the illegal settlers have reportedly grabbed 59 acres of land belonging to 17 Jumma peoples in Kobakhali Mouza (No. 51) under Dighinala Police Station in Khagrachari district. In an operation from 1 to 15 August 2007, large groups of illegal settlers led by former Union Parishad (UP) member Md. Abu Taleb of Hashinchonpur village and former UP member Md Kader of Kobakhali bazaar took control of the hilly lands of the indigenous Chakma peoples with the direct assistance of the army personnel, the para-military forces and the local Village Defence Party members. Due to the presence of the Bangladesh security forces, which provided protection to the illegal settlers, the Jummas could not offer any resistance. Presently, works for construction of houses in the lands seized from the indigenous peoples are reportedly underway. The army has reportedly planned to settle 200 plain settlers' families in Kobakhali Mouza.” (Asian Centre for Human Rights (29 August 2007) *Bangladesh: Indigenous peoples living on the edges of riots*)

See also section titled “Land grabbing” of an *Asian Centre for Human Rights* weekly review which states:

“There are many other recent incidents of forcible land grabbing. In December 2007, illegal plain settlers led by Md. Wahab from Burighat under Rangamati district forcibly grabbed 25 acres of land belonging to the indigenous Jumma people at Hatimara village under Burighat Mouza in Rangamati district. During March 2007-November 2007, a total of 399.22 acres of land belonging to 133 Jumma individuals and a primary school in 14 villages under four Unions of Mahalchari police station and Khagrachari Sadar police station under Kagrachari district have been illegally and forcibly grabbed by the illegal plain settlers with

direct help from the army.” (Asian Centre for Human Rights (23 January 2008) *Bangladesh: The Army attacks Buddhism to facilitate illegal settlement in the Chittagong Hill Tracts*)

The opening paragraphs of an *Asian Centre for Human Rights* weekly review states:

“On 20th April 2008 as the United Nations Permanent Forum on Indigenous Issues gathered in New York to hold its seventh session, hundreds of illegal plain settlers attacked seven indigenous Jumma villages in the Chittagong Hill Tracts (CHTs) of Bangladesh. These villages - Nursery Para, Baibachara, Purba Para, Nangal Mura, Retkaba, Simana para and Gangaram Mukh of Sajek union under Baghaichari upazila (sub-district) in Rangamati district were attacked for 4 hours from 9.30 pm to 1.30 am on 20 April 2008. According to the reports of four journalists from Khagrachari who visited the area on 21 April 2008 with local government officials, at least 500 houses in the 4 kilometer stretch from Baghaihat to Gangaram were burnt down. Several indigenous Jummas were wounded and an unknown number of women were raped by the perpetrators. Reports of the mayhem are still coming. Hundreds of people have been displaced and indigenous Jummas took shelter into the deep forest fearing further attack.” (Asian Centre for Human Rights (23 April 2008) *“Life Is Not Ours”: Attacks on indigenous Jumma peoples of Bangladesh and the need for international action*)

The *United News of Bangladesh* has published numerous reports of people killed or injured in land disputes during 2009, including the following:

“At least 15 people were injured in a fierce clash between two groups of people over a land dispute at Kalinagar village in Singra upazila on Saturday noon. Of the injured, 10 were admitted to Natore Sadar hospital in critical condition while the rests were taken to the upazila Health Complex. Police said there was a longstanding dispute between Bashartullah and Mokbul Hossain over a piece of land.” (United News of Bangladesh (15 March 2009) *15 hurt in Natore clash*)

“A middle-aged man was hacked to death allegedly by his cousin over a land dispute at Piprikandi village in Nokla upazila Monday morning. The victim was identified as Mostafa, 40, of the village.” (United News of Bangladesh (20 April 2009) *Man hacked to death in Sherpur*)

“At least 20 people, including five policemen, were injured Saturday in a triangular clash of Awami League-BNP activists and police at Baktaboli Bazar in Fatulla upazila over a land dispute.” (United News of Bangladesh (2 May 2009) *5 cops among 20 hurt in triangular clash in N'ganj; Fatulla thana AL gen sec, 3 others held*)

“An Awami League activist was hacked to death at Koiapara village in Manda upazila Friday night over land dispute. The victim was identified as Mostafizur Rahman, 50, son of late Osman Gani. Police quoting local people said Mostafiz and his cousin Saju had long been at loggerheads over ownership of their paternal land. They said Saju and his cohorts Siraj and Jewel swooped on Mostafiz at about 10pm and hacked him to death.” (United News of Bangladesh (3 May 2009) *AL activist killed in Naogaon*)

A recent *United News of Bangladesh* report states:

“The Home Ministry instructed law- enforcing agencies to give special attention to the matter of saving people from harassment following grabbing and counter-grabbing of land, as reports of such incidents came in from across the country. “Allegations of grabbing and counter-grabbing of land have increased, resulting in harassment of people,” State Minister for Home Affairs Tanjim Ahmed Sohel Taj told reporters at the Ministry on Wednesday afternoon.” (United News of Bangladesh (6 May 2009) *Law enforcers instructed to act to free people from harassment through land grabbing, counter-grabbing*)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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