

Land and Human Rights Situation of Indigenous Peoples of the Plain Land in Bangladesh

An assessment and exploratory study on land and human rights
situation of plain land Indigenous Peoples (IPs)

Report Prepared for

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Abbreviations and Acronyms:

ADC	Additional Deputy Commissioner
AC (land)	Assistant Commissioner (Land)
BDT	Bangladeshi Taka
CHT	Chittagong Hill Tracts
CS	Cadastral Survey
EBSAT	East Bengal State Acquisition and Tenancy Act
ELRD	Ethnic Land Rights Defender
FGD	Focused Group Discussion
GOB	Government of Bangladesh
IP	Indigenous People
ICT	Information Communication Technology
ILO	International Labor Organisation
INGO	International Non-Governmental Organisations
KG	Kilo Gram
KII	Key Informant Interview
KF	Kapaeeng Foundation
NGO	Non-Governmental Organisations
NU	Nagorik Uddoyog
NW	North Western
PRSP	Poverty Reduction Strategy Paper
SA	State Acquisition
SAHR	South Asian Human Rights
UP	Union Parishad
UN	United Nations
UNO	Upazila Nirbahi Officer
VGD	Vulnerable Group Development
VGF	Vulnerable Group Feeding

Chapter -1

Background, Rationale and Objectives of the Study

1. Study Background

Around 3.5 lakh¹ Indigenous Peoples (IPs) of plain land in the northern districts (16 districts under Rajshahi and Rangpur Divisions) of Bangladesh are subject to various types of violence because of their indigenous identity, of which eviction from land is the most common phenomenon. Dispossession of traditional land and natural resources is a common problem for the IPs. According to a report, plain-land-indigenous-communities including *Santal, Hajong, Khashi, Oraon, Dalu, Patro* and *Pahan* lost over 6 lakh bighas (.33 acre = 1 bigha) of land to the grabbers in last 30 years². In 2014 about **200** families (HHs) were evicted from their ancestral homesteads, while including 300 families in plain lands are currently facing eviction³ threat. The affected IPs in the Dinajpur district are severe victims of such land grabbing by the mainstream influential people.

According to State Acquisition and Tenancy Act of 1950, IP's lands are inalienable to other population⁴. In such a context, the perpetrators resort illicit ways to obtain IPs land which includes forging false land documents, filing false charges against IPs and harass them, physical assault, threatening, rape, arson and destruction of house and properties, and forceful eviction from their ancestral lands. Being marginalized and oppressed for years, the IPs cannot cope with the perpetrators in legal combats to defend their rights. In 2014, around 44 IPs were accused in false charges by the land grabbers with an intention to seize their traditional land. A total of 89 families over the years came under attack by the land grabbers

¹Ethnic Household and Population by Zila, 2011, Statistical Pocket Book of Bangladesh-2103, Published by Bangladesh Bureau of Statistics, Planning Division, Ministry of Planning

²<http://archive.thedailystar.net/beta2/news/they-lost-over-6-lakh-bighas-of-land-in-30-years/>

³Human Rights Report 2014 on Indigenous Community in Bangladesh; published by Kapaeeng Foundation. See www.kapaeeng.org

Kapaeeng.org

⁴[... no transfer by an aboriginal raiyat of his right in his holding or in any portion thereof shall be valid unless it is made to another aboriginal domiciled or permanently residing in Bangladesh who is a person to whom the transfer of such holding or portion thereof can be made under section 90 (article 97, section-2)].

to grab land belonging to IPs⁵. Litigation in Bangladesh takes longer time for resolution. The IPs, largely poor and illiterate, come across it hard to hang on to the court cases for long. However, land grabbers take this circumstance as an opportunity to put pressure on the helpless IPs and compelled them to sell their properties. When the land grabbers fail to do so, they eventually take coercive actions including murder of the innocent IPs. Besides, their state of marginality alienates them from the community-dispute resolution functionaries. As a result, either they do not go for community mediation or if go, they get deprived of justice. Ignorance on legal process and land related documents is another weakness of the IPs. Bangladesh government ratified ILO Convention No. 107 on Indigenous and Tribal Populations in 1972; however, government has not taken any measure to protect the rights of IPs. Moreover, lack of adequate government policy, strong CBOs, vibrant civil society, rights defenders from the community, are other important factors for their vulnerability.

The Constitution of Bangladesh states “The State shall not discriminate against any citizen on grounds of only of religion, race, caste, sex or place of birth” (Articles 27 & 28). However, the government has failed to make any provision for political, social and economic development of IPs. This exclusion and refusal to provide specific constitutional safeguards have made IPs extremely vulnerable. In fact, in plain land Bangladesh, IPs do not have representations in the Parliament, Upazila Parishad (Sub-district Council) and in the Union Parishad, the lowest representative body. IP’s rights are recognized under ILO Convention No. 107 and 169 and now most recently have been extensively elaborated in the UN Declaration on the Rights of Indigenous Peoples. The article 11 of ILO Convention No.107 ratified by Bangladesh government in 1972, has recognized the rights of IPs on traditionally occupied lands.

⁵Human Rights Report 2014 on Indigenous Community in Bangladesh; published by Kapaeeng Foundation. See www.kapaeeng.org/

With this backdrop, Nagorik Uddyog⁶ (Citizen's Initiative) decided to conduct a study to explore the land and human rights situation of IPs and major knowledge gap on the dynamics of local-level groups and institutions of the plain land indigenous peoples (IPs).

1.1. Study Rationale

Though land and human rights violation of the plain-land-indigenous peoples is not a new phenomenon in Bangladesh, the increasingly endemic and often aggressive nature of human rights violations marks a new level of concern on the specific context.

There are three rationales why an exploratory study has been undertaken to identify land rights and human rights of indigenous people (IP).

Firstly, endemic afflictions entail specific vulnerability relating to land and human rights of the plain-land-indigenous communities living in the sixteen northern districts and unless redressed it may put the social solidarity and communal harmony prospects at risk.

Secondly, while land and human rights of indigenous peoples (IPs) of the plain land is a critical issue of the national discourse, there are outstanding knowledge gaps on the ambivalence and consequences of lacking land and human rights as well as how such ambivalences and consequences manifest itself at regional and micro level. There is also a major knowledge gap on the dynamics of local-level groups and institutions that exacerbate the endemic nature of the vulnerability relating to land and human rights of the plain land indigenous peoples (IPs).

Thirdly, such a study can be a useful as a knowledge platform to enable a catalytic stakeholder discourse that can serve to identify promising entry points for addressing the concern on land and human rights situation of the plain-land-indigenous peoples as well as how such entry points can be meaningfully pursued.

⁶ NU is a nonprofit national development organization, has been working to promote fundamental human rights of excluded poor, underprivileged minorities since its inception in 1995. Its prime focus is on greater and effective participation of disadvantaged and marginalized citizens especially women irrespective of class, culture or creed in its development initiative.

Keeping these rationales in view, we propose a qualitative exploratory study on the land and human rights situation of plain-land indigenous peoples in Bangladesh.

1.2. Objectives of the Research

A. Main objectives:

The purpose and objective of this research is to know the status of IPs' land and human rights with special focus on situation of women and use it as an effective advocacy tool for their (IPs) better improvement.

B. The Specific objectives:

- To record and analyse violation of land rights of IPs which includes encroachment, eviction from land through different forms of illegal actions.
- To collect and analyse different forms (killing, rape, physical assault, harassment, false charges(etc.) of atrocities on IPs with women issue in particular.
- Analyse the IPs access to justice, local government services, other rights and entitlement of the government and non-government services.
- To acquire the perceptions of mainstream-community peoples on IPs communications, relations and vice versa.
- To generate ways forward to ensure land and human rights of IPs, access to services and basic rights of different actors and agencies.

1.3. Methodology

The research work combined a desk study and field research. The field research was conducted in four Upazilas (sub-district) under Dinajpur district. (For details of methodology, please see **Annex 1**).The field data for the study were collected using focused group discussions with youths, women, men and indigenous leaders; Key informant interviews with knowledgeable persons on indigenous issues; and using case studies on the victims and events. (a short list of participants and participants' personal profile, please see **Annex-2**).

Chapter -2

Literature Review

2. Introduction to the Chapter -2

The purpose of this literature review is to look into the knowledge and findings that have been established on the land and human rights of indigenous (IP) people and what are the strengths and weaknesses of those findings, and embark on new researches to fill up the gaps for new knowledge.

2.1. Review of Literature

There are plenty of literature of the culture and traditions of indigenous groups and people, but is only a scanty of scholarly write-ups on land rights and human rights of the plain-land Indigenous people (IP) living in the north-western districts of Bangladesh. Though there are as many as 14 Indigenous ethnic groups (for details of 14 indigenous ethnic groups and their culture, please see **Annex-3**) living in the north-western districts, focused has been given on the *Santal*, a vital ethnic group. Arup Dey in his ethnographic study portrayed about the *Origin and history of Santal*, their languages, habitation patterns, religions, food habits, dress, ornaments, occupations, culture & festivals, customs belief and social control/internal governance system. However, the study talked about only *Santal*, the major ethnic group, without talking about other vital ethnic/indigenous groups of plain land (Arup Dey, 2015). However, beyond the custom and culture, some literatures lately try to explore the economic, livelihood and poverty dimensions of Indigenous people living in plain land in different parts of Bangladesh. Nikhil Chakma and Mathilde Maitro tried to examine the relationship between the Bangalee, the mainstream ethnic group in Bangladesh, and the multiple indigenous people and ethnic groups. Due to multiple reasons extreme poverty affects ethnic/indigenous people, they argue that livelihood improvements are constrained by relational politics of ethnicity, domination of Bengalee on non-Bengalee or domination on small sized ethnic groups and lack of proper attention of state ensuring the access to services are the major causes of indigenous people. They also discovered the poverty levels vary amongst the ethnic groups too, with the *Oraon*, *Santal*, *Pahan* and *Khasia* communities in the

plain land suffering from more severe forms of poverty than the *Hajong*, *Garo* and *Rakhain* communities. Among the plain-land indigenous peoples, land grabbing and displacement are the prime threat in compared to the ethnic groups living in the CHT. This study has identified problems of the indigenous ethnic groups of CHT very meaningfully, but the problems of ethnic groups living in the plain-land have not been articulated in-depth (Nikhil Chakma and Mathilde Maitro, 2016).

Raja Devasish Roy in his in-depth research raised multiple questions relating to indigenous peoples' rights, discriminations and relevant national and international laws and declarations. "Indigenous people and communities face discrimination and are subject to extortion by land grabbers. The level of social awareness among indigenous people is very low. Many suffer from ethnic prejudice, ill-health, bad nutritional conditions and bad hygiene". The official census and the governmental *Bureau of Statistics* do not contain adequately disaggregated data on the indigenous peoples. In addition, absence of data itself is an act of discrimination. The National Poverty Reduction Strategy of 2008 acknowledges the need for such data. The study also mentioned that there are not many laws in Bangladesh that directly or indirectly address indigenous peoples. There are very few laws in Bangladesh that refer to the plain lands indigenous peoples, let alone address their rights and socio-economic marginality in a direct manner (Raja Devasish Roy, 2012)

Mr. Roy's study explained the socio-economic profile of indigenous peoples, laws of Bangladesh and their relevance with indigenous peoples, international human rights treaties and declarations as well as international, national and grass-roots organizations that are working for indigenous people. However, a little about the plain-land-indigenous groups are mentioned in this report and the discriminatory factors are missing in this report.

Irfath Iva's report also explained the discriminatory status of the religious minority, indigenous communities, *dalit* and lower-caste communities. In relation with the indigenous communities in Bangladesh, the report stated that they are the most deprived of economic, social, cultural and political rights mainly due to their ethnic status. The major problem for all

minority communities is land grabbing by influential people from the mainstream population. There are not adequate policies to protect the land of indigenous peoples. The traditional land rights of indigenous peoples are being ignored. The report also presented specific data of 2011, in-terms of violence against ethnic minority (indigenous peoples) and violence against religious minority (Irfath Iva, 2011).

The report has touched some important issues; however, factors behind rights violations, discriminations and deprivations of indigenous people/ethnic groups have not been exposed and explained significantly.

Indigenous people leaders, *Jatiya Adivasi* Forum, civil society and rights based organizations have been repeatedly pressing the demands for the steps to stop repression against ethnic people; indigenous leaders have also demanded forming a separate land commission for the plain-land-indigenous peoples to settle their long-standing land disputes. “Outside the hill districts, the indigenous peoples have been losing their land since the country’s independence; about 90 per cent of them are now landless”, *Jatiya Adivasi Parishad* president Rabindranath Soren told in a discussion jointly organized by *Jatiya Adivasi Parishad* and *Kapaeng Foundation* at *Dhaka Reporters Unity* marking 160 years of the *Santal Uprising*(<http://www.theindependentbd.com/printversion/details/5243>) .

Shuchita Sharmin, has done a study on the land rights, discrimination, education and socio-economic, political situation of Indigenous people in 2011. Followings are the findings of the research:

‘Adivasi people are often reported to become the victims of social, racial, religious, cultural and linguistic discrimination, in this context lack of employment, income generating activities, security, morale for savings, legal support and economic insufficiency along with land mortgage, lack of education, early marriage, injustice, diseases, etc. were found to be the major social problems. Lack of land related knowledge, legal knowledge, land related training, along with political influence and government’s negligence and loosing land,

property and rights are also the major problems. Moreover, free movement, for girls and women violence against young women have found of serious problems' (Shuchita Sharmin, 2011). This study has just made a list of problems of indigenous people; there are no suggestions or solutions. And this study location was in the greater Mymensingh district, where *Garo* and *Hajong* communities are living.

Smritikana Das has carried out an interesting study that tried to explore the land and poverty relationship of indigenous people of plain land. The study tried to find the reasons behind land loss and access to land of *Santal* people. The study also discovered some consequences regarding the problematic land access marked by disputes between the government and indigenous communities. In addition, explores the trends of protest by indigenous peoples in order to regain their access to land. Indigenous people's access to land has highly fluctuated throughout different periods, escalating in the post-independence time and taking a critical shape at present. External and internal complexities *inter alia* complicated government procedures, indigenous peoples' inadequate understanding on land ownership, political manipulation, majority vs. minority conflicts, and language barriers have caused major discriminations for the *Santal* people in achieving their expected access to land. As a result, problematic land access, mass poverty and continual social and political difficulties have degraded living conditions of indigenous people, particularly in the locations where *Santal* communities are residing (Smritikana Das, 2011).

However, the land ownership pattern, conflict dimensions, land related violence, litigation types, role of land offices, dispute resolution mechanism, violation of land rights of IPs, eviction threat and forms of land grabbing etc. were not discussed in the report.

Human rights report 2015 on indigenous people in Bangladesh discussed almost all issues and aspects relating to human rights violations on indigenous people. This report has not only figured out the state of human rights violation, it has also depicted the gradual progress of indigenous people's protest ability to protect themselves and promote their rights.

The indigenous peoples in Bangladesh started growing vocal gradually. A number of right-based actions to protect and promote their rights to self-government on land and resources were found to be in progress. However, the sections by indigenous peoples' human rights activists continue to be criminalized result in arrests, detention, enforced disappearances and killings. In 2015, false charges were framed and cases were filed against, at least, 159 people. Among them, 74 members of indigenous communities including women and school-going girls were arrested. They were charged with criminal offences. However, most of them were released on bail later. Besides, 10 indigenous people were extra-judicially killed in CHT and the plains. Incidences of arbitrary arrest, detention and extra-judicial killings on indigenous peoples intensified alarmingly during the years under review. A total of 159 people including 74 of arrested against whom fabricated cases were filed in 2015, while cases against only 5 persons were lodged in 2014. The number of people arrested by law enforcement and security forces this year rose to 74 from 5 in 2014. At the same time, at least 134 indigenous people were physically tortured and assaulted. Among them, 101 were from the CHT and 33 were from the plains. Though most of the physical assaults were carried out by influential Bengali non-ethnic, in most cases, the state-actors such as members of security forces and law enforcement agencies played either supportive or passive roles in such crimes. In some cases, houses and properties were destroyed and looted by the miscreants. In 2015, at least 84 houses of indigenous peoples in the plains were vandalized and looted and 35 houses in the plains and the CHT were burnt to ashes by land grabbers (Human rights report 2015 on indigenous people in Bangladesh, edited by Prof. Mong Shano Chowdhury).

Abul Barkat et al. has made an in-depth investigation to explore the process of marginalization and gradual dispossession from land of Indigenous people:

The *Adibashis* (indigenous peoples) in the plain land of Bangladesh are some of the most politically marginalized and socio-economically disadvantaged people in Bangladesh. One of the key aspects of this marginalization is gradual dispossession of their lands, which impacted negatively not only on their livelihood concerns, but also heavily accentuated their identity

crisis, including the process of acculturation. Denial of the land rights of Adibashis of Bangladesh has a long historical background. The instances of land dispossession suffered by the indigenous peoples of the plain land are perhaps even more widespread than in the case of the Chittagong Hill Tracts in Bangladesh. Numerous land laws were enacted over time keeping special provisions for the protection of "tribal" land. However, the special provisions in these laws were never secured for the minorities including the indigenous peoples. In practice, land alienation goes on unabated. Despite this critical situation of the Adibashis in the plains with regard to dispossession of their ancestral lands, there has so far been very little comprehensive research on this issue. This book has been conceived and undertaken in this context in order to have a comprehensive idea about the changing status of land ownership of the Adibashis in the plains, including the extent of and reasons for dispossession of their lands (Abul Barkat et al., 2009).

2.2. Conclusion of Literature Review

Human rights situation of indigenous people (of plain land) is still in a bad state, though indigenous peoples organizations' forums and right based organizations protest against the violations. Land grabbing and dispossession from land what Abul Barkat reveals in his study is still also a major concern. Barkat et al. (2009a) estimated that in the plain lands, 202,164 acres of land were dispossessed from plain land ethnic groups including the *Dalu*, *Garo*, *Hajong*, *Khasi*, *Mahato*, *Oraon*, *Patro*, *Pahan*, *Rakhain* and *Santal*. They estimate that the value of this land comes to BDT62.7 billion (US \$ 0.9 billion) which is around 2 percent of Bangladesh's GDP. Plain-land-ethnic minorities groups were evicted from their ancestral lands in the late 1960s (Barkat et al. 2009a). As a result, they now dwell in small pockets or enclaves dominated by Bengalis. The eviction of *Santal* people also in Dinajpur district happened in the name of "social forestry" (Roy, 2011). Many indigenous peoples' households were forced to migrate to India because of the insecurity they felt. Both human rights violations and land rights violations on plain-land-Indigenous people have been a perennial story. Factors and dimensions of human rights and land rights situations with the indigenous

people of plain land, and violation against women rights situation are yet to be exposed clearly in the literature reviewed. This research attempts to explore the current human rights and land rights situations of indigenous people living in the north-western districts of Bangladesh.

Chapter -3

Land Rights of Plain Land Indigenous people: A saga of denial and deprivation

3. Introduction to the Chapter -3

This chapter captioned ‘Land rights of Plain Land Indigenous people’ is developed based on our field experiences. Using the FGD, case study and key informant tools we have noted down field reality of a number of issues as specified the assignment. Land ownership, situation of land rights, violence centering land ownership, eviction threat, encroachment and other forms of illegal actions have been included in the discussions.

“Indigenous or non-indigenous people who have no resources or lands have the horizons, they have no conflict with other community people, they don’t have court cases. In contrast, indigenous people, such as Santal, Oraon, Pahan, Mahali have resources and lands, therefore they have been sufferings and they have pains.” -- An indigenous community leader stated.

3.1. Existing Land Ownership Pattern of Indigenous People

This section discusses the land ownership pattern of indigenous people. The indigenous community people have diverse types of land ownership on their land. Following informative discussion has explored the types of land ownerships of Indigenous people of plain land.

3.1.1. Indigenous people own land without disputes

According to FGD findings, there are some indigenous people, who have owned lands and have no disputes with the land. They have all types of land documents needed for the ownership. In such ownerships, it is found that indigenous people have inherited land and bought land from other land owners. There is no dispute over their lands and they give land development taxes to land offices. This type of land ownerships among the indigenous people is very few. There are no confrontations found with this type of ownership. Both homestead and cultivable lands are found under this pattern.

3.1.2. Land mortgage keepers are de-facto land owners, indigenous people are legal owners

This is the major pattern of land ownership and land rights of indigenous people. Many disputes and confrontations have been found under this land ownership pattern. Eviction and displacement of indigenous peoples have occurred because of this land ownership pattern. This land ownership pattern emerged in many decades ago. The study found that the indigenous people used to give land mortgage to non-indigenous peoples (particularly to Muslim). Story and evidences demonstrate that the indigenous people offer mortgage only a portion of land to the mortgage takers for having money, but later they find that mortgage-takers claimed a bigger portion of land and already encroached (case study – Box-1). Decades ago, this pattern happened frequently and many indigenous peoples lost their land under the pattern. The major reasons for emerging this pattern were:

The indigenous people of plain land were easy-going and there was no organization for making them aware decades ago, they were cheated easily. Now seems a gigantic problem of indigenous people to recover their land as they did not follow the mortgage rules of Khay Khalashi/ Bondoki”. They are now trying to recover such land through the legal actions. There are some rights based organizations and civil actor groups (For Details, Please the **annex -4**) who have been supporting the indigenous people in recovering such lands. This is one of the main causes of land disputes, as indigenous people in general have a scanty knowledge about the laws for mortgage. Awareness building and training on land rights is still a need for the indigenous people on land aspects and land laws.

Box- 1: Mortgaged land finally grabbed by a non- indigenous elite

Bimol Kisku, an indigenous man, of Khora Khai village under Monmotopur Union of Parbatipur Upazila of Dinajpur District. He gave mortgage about his 1-acre land to a neighbor non-ethnic people on the basis of a gentleman agreement. During illness of his father he landed money about BDT 3,00,000 (Current land price about BDT 16,00,000) from the non-ethnic person with commitment that when they would be able to give back the money the land possession would be returned to him. Considering the earning situation on average monthly

income BDT 6000/-, the study team appraised that the ethnic people will not be able to pay back the money for next 25 years (may be more).

It could be assumed that the mortgaged land could not be recovered from the non-ethnic person. However, legal support in relation with land depreciation (Khay Khalashi Bondoki) the land could be released from the non-ethnic people.

3.1.3. Indigenous people sold out inherited land but they got deprived various ways

Many indigenous people have inherited lands from their parents and kin. Moreover, these lands were recorded of their names, CS, SA and also in BS records, they got. The Indigenous people who have inherited land from parents and kin are now almost landless, because in many cases they sold a portion their lands, but crooked buyers made land transfer deed on a bigger portion of land. As the land buyers have influence and political connections, they illegally occupied large portion of land. There have been seen lands grabbers are an influential quarter. The indigenous people are owners of the land, but they have been deprived under this pattern of land ownership. Most of the indigenous-people lands were sold decades ago, and land buyers and grabbers evicted them from their own lands decades ago. Indigenous people sold a small portion of the land but the crooked buyers got big amount of land. Land offices, particularly the sub-registrar office favored the buyers.

3.1.4. Indigenous peoples' land grabbed by influential, though the indigenous people are legal owners

Huge amount of land of the plain-land-indigenous peoples had been grabbed by the influential decades ago during late 1960s and 1970s. Influential, they have also political connections, and they put pressure and used political power to grab the lands. Many indigenous people had nothing to do, but to leave their land and villages for other shelters, and even some people had to leave Bangladesh. In fact, the indigenous people are the legal land owners of the land, under this type of land ownership, but the de-facto land owners are now the land grabbers and the people who have prepared fake land documents. Here is also a

Land Commission for the plain land indigenous people could be a better remedial to address the problem. In addition, huge legal aid support and actions are needed to address the problem.

3.1.5. Indigenous peoples have partial land documents, no possession on the land

Many indigenous people have partial land-documents of their land but not all the necessary documents as per the government laws for the land ownership/ title. They have got homestead and cultivated land from their parents, kin and grandfathers time, but because of some poor knowledge, they have not all documents. It is evident that this pattern of land ownership is high. Influential people prepare fake documents or even no document grabbed indigenous peoples land. Fragmented land documents made the Indigenous people vulnerable. Influential people, using political network and land offices, grabbed their land. Social pressure from rights based organizations and civil society groups, journalists' community have been already found but to address the problems, no remarkable results have been found yet.

3.1.6. Indigenous peoples Ownership on Khas land and later vested property

Some of the indigenous peoples were settled on the *zaminders* and *joteders* land. Many years ago before passing the State Acquisition Act in 1950, the *Zamindars* and *joteders* brought the *Santal* people from different regions of India to cultivate their land. The indigenous communities erect their houses on the lands as well as cultivate those. After demolishing the Zamindari system, Hindu Zaminders and Joteders left the then east Pakistan. The land that owned by the Zaminders and Joteders were declared govt. khas land and later some land made vested property. But, the indigenous people, mainly the *Santal*, were settled on the land generations to generations. The indigenous community could not think about the land documents or land title. Land grabbers have already illegally occupied some lands under this type, and because of their connections with land offices and political power, the Muslim land grabbers have been evicting indigenous people. Now it is big tension of indigenous people,

they feel insecurity. In some places, the indigenous peoples show their strengths and fight for the land rights. Following is a relevant case study (in Box -2):

Box 2: This is our land and we will protect the land with any means.

17 IP households are living in Kawhat Tola-Mominpur village under 6 no Mominpur Union of Parbatipur Upazila in Dinajpur district since British Period within 1.7 acres of land. They believe that the then land lord Uma Pada Chaki donated this land for their living. After separation of India-Pakistan in 1947, a Muslim family came to the village just beside the IP lives by exchanging his property with Uma Pada Chaki. The Muslim person was well-connected with powerful party and local power structure. During 2003 he starts claiming that the 1.37 acres of land where the 17 families of indigenous people are living. He organized several arbitrations in presence of local UP leaders and political leaders, and filed court cases against the IP community. The 17 Adivasi households were become frightened with ridiculous demand. In this context, the IPs mobilized Jatiay Adivasi parishad, Hindu Buddhist Oikyo Parishad and other IP organizations and communities to create a protection mechanism and built an Adivasi Central Temple on a portion of land adjacent to the habitat of IPs. Still the exchanger, the Muslim man is threatening them for eviction. It is because he has good connections with local political leaders and local administration.

3.2. Dynamics of losing land and fighting for land rights

This section deals with the dynamics of losing land of indigenous people. There have been a number of factors behind losing the lands by Indigenous people. Social, political and economic factors have been the major factors. Fighting for land rights has also been a recent phenomenon. There are examples on establishing land rights over the lands that indigenous people lost, and also the lands where they are in possession, but illegal forces trying to grab their lands. Followings are the dynamics of land losing and struggle for land rights. All facts and figures presented here have been excerpted from our rigorous fieldwork in the indigenous communities.

3.2.1. Indigenous people lost their land during and after the liberation war

The study finds that indigenous people lost their major lands during 1972 and 1975. During the liberation war, most of the indigenous/ethnic people migrated to India. After liberation when they come back to their homes, they found only their homestead land with broken or

demolished houses, and their agricultural lands were grabbed by non-ethnic influential people. There were no massive rehabilitation⁷ initiatives taken from the part of the newly independent county. Afterward during devastated famine in 1974 of Bangladesh, there was no alternative to survive without selling and mortgaging their lands. Some of the local non-ethnic (Muslims) well-off people taken advantages of land sale and mortgage by the indigenous people, they mislead the indigenous people and sometimes tricked to take them in grabbing process.

3.2.2. 1970s - a decade of losing huge land

About 60% of the indigenous people lost their lands in this decade in the north-west districts. And about 80-90% burial grounds of indigenous people were grabbed by non-ethnic/ Muslim powerful and well off people during 1973 and 1975.

In 1974, about 50 acres of indigenous people sold to non-ethnic Muslim people in two days. It was a hard time for indigenous people. No work, because for famine like situation in 1974 (Ganesh Shoren, an indigenous people leader informed).

3.2.3. Changes in Land Reforms Act, ignorance, simplicity in life style and cultural habits have caused of land losing

The East Bengal State Acquisition and Tenancy Act of 1950 made a drastic change in the land management, and land ownership pattern. Before 1950, the land was managed both by the landlords (Zaninders) and the govt. under the Permanent Settlement Act 1793, the government collected land revenue from landlords and from temporary settlements holders. With the Act of 1950, Zamindari system was abolished, the tenants came directly under government control. The Partition of the Indian subcontinent in 1947 created two postcolonial states of India and Pakistan. The present Bangladesh was part of Pakistan state named East Pakistan. Bengal was dominated by Hindu Zaminders. After partition and East Bengal tenancy Act, Hindu Zaminders and Joteders left this part of Bengal; and they left for Indian province west Bengal. And because of land ceiling status changed, huge lands were

⁷The Government of the newly independent Bangladesh rehabilitated only 1000 to 1500 plain land ethnic people by giving supports for home constructions.

termed as government khas land. As a result, the plain land indigenous living on the Zaminders' land and working as farmers were supposed to be landowners as per the Act. Most of the indigenous people could not maintain land documents properly because of their simplicity and ignorance. In addition, they were not aware enough to maintain their land records and documents properly. For these reasons, huge amount of their land made Govt. khas land. Cashing in this simplicity, land grabbers grabbed their lands. Moreover, due to lack of education of Indigenous people and traditional drinking habits (haria) the land grabbers took chance of grabbing their lands with false deed.

Literacy rate of the Indigenous people was very poor, though nowadays it is increasing, so they could not understand how much land they sold. Such as Bangla 12 (Baroo) means 2(duie) in Santali language, the land grabbers misguided them with language gaps. (case study in Box- 3).

Box -3: Sufferings to Establish Land Rights of indigenous People

Mr. Sylvester Hazda age between 42 to 43 is the native of Village: Habibpur, Shimul Jhuri, Union: 7 No. Mostafapur Union, Upazila: Parbatipur, District: Dinajpur. 10 years before his only belonging from his inherited 20 decimals land was grabbed by local powerful elite Saiful Islam by making a false deed. Sylvester Hazda is very poor and it is very difficult for him to manage the expenses for communication with lawyers, filing complain to police or other related communications, therefore the grabbers takes chance in grabbing land of IP like Sylvester. Mr. Sylvester Hazda arranges arbitration in presence of Union Parishad Chairman for 6 times within last 8 years but the grabbers creates nuisance during arbitration and the arbitration always finished with no results. UP chairman and members may have some relation with the grabbers and they supports the grabbers from behind. A coordinated effort with the NGOs, Civil Society Organisations and Law enforcement agencies could make a different in such cases.

3.2.4. Problems with the land record keeping and violations of permission in selling land of Indigenous people

Because of their ignorance and easygoing lifestyle, indigenous peoples were very weak in keeping lands records of their lands. CS, BS and SA⁸ Khatian have been the major land documents for proving land title and rights. Indigenous people were and still are not skilled in keeping those land documents which results in problems on land rights over the lands they are in possessions. Powerful quarters with help of land administration and with illicit deals grab indigenous people's lands. There have been directives that indigenous peoples have to take permissions from local government and local administration for selling lands. In the past and in recent past, it has been found that about 40% lands were sold out without any fair reason; only 60% of the permissions may genuine. The shrewd non-indigenous people give loan to indigenous people against the land and with high interest rate, after years, they compelled the indigenous landowners to sell land. Land administration and UNO, ADC Revenue gives permission for selling lands. This is one of the ways indigenous people losing their land and land rights. IP land as the UNO and ADC revenue gives permission of selling IP lands.

3.2.5. Making fake land documents non-indigenous Muslims grab indigenous peoples land

Fake land ownership documents prepared by powerful non-indigenous Muslims is one of the major causes of land losing of Indigenous people. Though the Indigenous peoples have possession on the land and have land documents, they have been evicted from their lands. Fake land documents have been the weapons of power holders to evict the indigenous people. Land grabbers prepare fake land document with the help of land administration (using Land registration office and relevant land offices) and with their power connections the land grabbers threat the indigenous people, evict them from their inherited lands and grabs the

⁸ CS (Cadastral survey) was prepared under the Bengal Tenancy Act 1985. This survey started from Ramu of Cox's Bazar in 1888 and ends in 1940. SA Khatian was prepared under State Acquisition and Tenancy Act 1950. This Khatian was not based on field survey, it was made on the information given by Zamindar or landlord.

indigenous peoples land. Indigenous people have no connections with power holders and have no leading role in the power structure. As a result, the land grabbers grasp indigenous people lands. Economically poor indigenous peoples have less ability to continue legal fights, as court procedure is a lengthy complicated process. Nevertheless, they have no alternative but to go through the court process to gain their lost lands. During the course of their legal fights, the indigenous people have been facing death threats.(case study in Box- 4).

Box -4: Mondol Shoran’s case is a proof of Land Rights and human rights violation

Mondol shoren (50), village- Ram Chandrapur, Union- Habra, UPZ-Parbotipur, dist. Dinajpur, a man of Santal community,who along with his family havebeen living in his village for about 90 years. In 1976, Mondol Shoren bought 0.29-acre land from his neighbor. In 1984, Mr. Shaheb Ali, a non -indigenous Muslim man, forcibly took possession of Mondol’s 0.05 acres land. Mondol tried to protest while Mr. Shaheb Ali was forcibly taking the possession on his land, but Mondol could not be successful as some other Muslim men also supported Mr. Shaheb Ali. In fact, Mr. Shaheb Ali made a fake land document on the said 0.05-acre land. He claimed to buy this land from an indigenous man. In fact, the land document made by Mr. Shaheb is a fake document. Mondol Shoren fields a case to Assistant Judge court for regaining his possession on the land piece. In 1992, the court gave verdict in favour of Mondol. But Mr. Shaheb Ali’s son (as Shaheb ali expired) Mr. Abul Hossain filed revision/appeal case against the decisions in 2014.

The latest situation is more complicated. Mr. Abul Hossain and his allies’ threats Mr. Mondol Shoren; they are trying to grab his total land, they want to evict Mondol from his land and from his village.

Humiliation, land rights violations and human rights violations all are happening seriously in the case of Mondol shoren.

3.2.6. Land grabbers get political favour from leading political party leaders

Land grabbers have somehow political connections and they know well that if they grab indigenous people’s land by means of fake documents and/or by showing power, they don’t have to face any problem (as political leaders at the local level and beyond the local level favour them). There is no evidence of punishment against the powerful land grabbers as they

are getting political leaders' support⁹. There is also lacking in maintaining land documents properly by indigenous people (Indigenous people are not much aware about their land ownership and administrative process like paying land tax, mutations and keeping the land documents properly).

3.2.7. Success stories of indigenous people

Success stories of indigenous people in relation to land rights are not many, there are scanty of stories that throw hope for enhancing the land rights movement of IPs. A story that depicts success of IPs on land rights is given below (case study in Box 5)

Box-5: Success in releasing burial ground from Grabbers

There was 1.2-acre burial ground of Ethnic People at Chandrapur mouza under the Mominpur Union of Parbatipur Upazila in Dinajpur District. The ethnic communities of the village are known from their parents about this land, but they were unable to identify the land. They used to bury dead bodies in other peoples land and the landowner was very frustrated with this and sometimes protected them through crematories. According to BS record, they found 1.20-acre land in 510 and 508 plots which was grabbed by 4 Muslim families. During March 2014 Adivasi Central temple committee organized a big gathering with 5 ethnic community-members and finally recued the losing burial place.

⁹Civil society activist Advocate Sultana Kamal mentioned at a seminar that the Mr. Mostafizur Rahaman MP, Minister of Primary and Mass Education, support land grabbers, with example of Chira Kuta land conflict where the Minister technically avoided to give speech of ethnic people caucus leader (Fazle Hossain Badsha). The conflict of 'Chira Kuta' was not an organized conflict, a ethnic youth throw arrow towards one Muslim youth and the Muslim burned the houses of ethnic people.

Chapter -4:
**Human Rights and Women Rights of
Indigenous Communities**

4. Introduction to the Chapter -4

The UN Declaration on the Rights of Indigenous Peoples (2007) is the latest human rights instrument addressing the basic rights of world indigenous people. In addition, the ILO has developed two global instruments regarding indigenous people: the Indigenous and Tribal Populations Convention, 1957 (No. 107) to which Bangladesh is a Party from 1972, and the Indigenous and Tribal Peoples Convention, 1989 (No. 169). These treaties signify that, self-identification, as 'indigenous' shall be regarded as a basic criterion for determining the groups to which the provisions of this Convention apply. Though the indigenous people retain the economic, social, cultural and political characteristics that are different from those of the dominant societies in which they live, a major portion of them continues to be deprived of the basic socio-economic rights. Despite Bangladesh has acceded to a number of global human rights treaties, effective implementation of those treaties through taking effective legislative, administrative and judicial measures is far from good. (<http://www.thedailystar.net/law-our-rights/rights-indigenous-peoples-bangladesh>)

This chapter attempts to find the human rights situation of plain land indigenous people of north-west districts of Bangladesh. Facts and information collected through fieldwork would be the main elements of this chapter. Human right situation of plain land Indigenous women is also deliberated in this chapter.

4.1. Opportunity and Constraints in Exercising Human Rights

In course of time the IP communities and their language, culture is gradually on extinct. Journalists of Dinajpur Press Club provided support to the IPs with Journalism training for their empowerment. The respondents claimed that indigenous people don't tell lies but nowadays some fraud and chits are emerging out within ethnic people and those are involved in publicity and demonstrations only.

Government allocations for indigenous people are 80% distributed to indigenous people of hill tracts and less for plain land indigenous people. As per the community people foremost problems of IPs are:

The Indigenous people are unable to take advantages for jobs as government has allocated quota for them. Lack of receiving government safety net supports is another constraint for the ethnic people for their development. Very few of them are receiving facilities of rice on 10 taka/ KG. Other safety nets support such as old aged allowance, widow allowance, VGD, VGF are not properly distributed to the IPs. The local government leaders make commitment to look after their problems during election campaign but later they forget.

However, some of the indigenous students claimed that they are receiving stipends as ethnic minority students from Upazila administration. However, it could be around 20% to 30% of the total indigenous students.

As day laborer of indigenous people can earn seasonally Tk.400 per day, which exists for only two months and the normally one can earns Tk. 200 per day, wage rate for women labor is averagely Tk. 50 less compared to men.

The study finds that the indigenous people are easily deceived by the so-called agents of land offices, so they didn't get proper land tax receipt. There is corruption in land office and they are afraid to meet the AC land. Some vested interests groups always try to create conflicts between indigenous people and Bengali Muslims. As a result, communal harmony in the community breaks down. The recent conflict in Bagda firm of Gobindaganj on a sugar mills land is a glaring instance. There were evidences that the land was earlier acquired for cultivations sugarcane, later the land was not used for the cultivation of sugarcane. The politically strong vested interests groups made the attack on indigenous people. In other places and aspects also, the indigenous people are fighting for land rights and human rights, but influential people and local state refutes their movements.

There are many constraints in upholding human rights, but there are opportunities as civil society and non-state actors and media support indigenous people's movements for land and human rights.

4.2. Indigenous women situation and human rights

The study finds that many indigenous women have been tortured in different forms by non-indigenous Muslims but they cannot express their torture, cannot hope for the justice. There are evidences of Eve teasing, Torture, Rape, Hijack cases. (case study in Box- 6).

Box 6: No justice found on the attempt of rape an Indigenous girl

One of the FGD participants mentioned about an attempt of rape case. Mr. Rupon (Rupon is his Pseudo name, a 22-year old boy) is a son of a union Parishad Councilor tried to rape an indigenous girl (14 years old). The girl managed to escape from Mr. Rupon's trap. The Girls informed his father about the rape attempt. Girl's father went to union Parishad for seeking justice. A Salish was held at Up premise. Ripon's father was also one the Salish member. After hearing Rupon's incidence, Rupon's father given verbal commitment that his son would not repeat such incidence. Girl's father sought a written on the commitment, but everyone present in the salish denied to issue any written statement.

4.3. Evidence of eve teasing and protest from indigenous girls

FGD with young girls informed that about 12 to 13 Girls from an indigenous community used to play football in a nearby fallow land with their own initiative, they also faced eve teasing in relation with playing football. (Case study in Box-7)

Box- 7: Indigenous Girls Playing Football

During 2015, 12 to 13 Girls from Indigenous Community of Choto Horipur (Bet Pukur), Under 5 No. Chondipur Union of Parbatipur Upazila of Dinajur District, decided to play football empowered by Bangladesh Ministries Worldwide (BMW). The girls themselves manage the cost to organize football practice; sometimes they seek money from their parents and local rich people. But a conflict arises with the local boys in using the playground who are mostly from Muslim communities, one of them was Sahhinur, a 35 years old man. He commented, "Girls Should Not Play Football". He tried to attack the girls but the girls reacted against him, the situation become clam after

interfered with the elderly of indigenous community. Later the girls decided to create their own playground by cutting bushes in a fallow land nearby to their community. They learned playing football from their neighboring boys. Afterwards, they are invited to play football with another prominent girl's football team of Ranisankail , Thakurgaon. They are thinking to play football with the team.

4.4. Nightmare of Indigenous men and women as insecurity engulfed them

Indigenous men and women have been beset with multifarious in securities and distrust with state and Muslim community. They are humiliated in many forms. Their traditional governance system is threatened. The case study (in Box-8) below depicts the story why the men and women of indigenous community lost their trust on own governance system, state and Muslim community.

Box- 8: Abduction of Indigenous women

Mr. Dinesh Mardi son of Laxmiram Tudu of Chandrapur village of Mominpur union under Parbatipur Upazila of Dinajpur District. Mr. Dinesh Mardi married to Ms. Sonati Hembrom during May 2016. It is 2nd marriage of Sonati Hembrom, her 1st husband died on 2013. Mr. Dinesh is a member of Manji Parishad of Chandrapur Village. 45 Indigenous families are living in Chandrapur village.

Mr. Liton Paramanik is a businessman and union leader of Awami League used to come to the house of divorced Rubina Mardi who lives in Mr. Dinesh Mardi's village. As a result, Rubina Mardi got pregnant. Considering this the Manji Parishad organize a meeting and asked Mr. Liton to show marriage papers to them but he was unable to present any document therefore Mr. Dinesh along with the member of Manji parishad restricted his coming to their village. Afterwards, Liton Paramanik took Rubina Mardi to an unknown place and start teasing Mr. Dinesh's wife Ms. Sonati Hembrom and one day Mr. Liton has taken Ms. Sonati to an unknown place by telling her to give job. Ms. Sonati is missing for two months and her husband does not know where she is now.

Mr. Dinesh called a meeting in presence of the people who has seen Mr. Liton is taken Ms. Sonati Hembrom where local Woman UP member was present. In front of the meeting, Mr. Liton told that he has taken Ms. Sonati Hembrom and afterward he escaped from the meeting.

Mr. Dinesh complained it to Police Station but the Police didn't receive his complaint. Now Mr. Dinesh has lost his hope to get back his wife and he has no trust on local administration. Moreover, he has no trust on Muslims. When the research team asked him about the role of Indigenous People's Association in his case, he told the team that "The Indigenous People's Association May Not Have Capacity to Deal with My Case."

4.5. Empowerment of Indigenous women - inclusion to micro credit

The women FGD finds that women of indigenous used to take loan / micro credit from NGOs. They have started taking loan for about last 15 years. The average loan size loan reported Tk. 10,000/- to 20,000/. Highest loan size is about TK. 50,000. They used the loan for Cow and Goat rearing, Housing, Wedding Ceremony etc. Their husbands also pay loan amount for them.

Chapter - 5:

Findings, Discussions and Recommendations

5. Introduction to the Chapter -5

Literature review on the issues of land rights and human rights of plain-land indigenous people reveals the state of violations of land rights and human rights situation of indigenous people (of plain land) including the indigenous women's and children rights situation. The multifarious roots and reasons of the pauperization of plain land indigenous people have also been depicted clearly in the literature. Threats, eviction, land grabbing, displacement, and forced migration of indigenous people have also been the major issues discussed in the literature. But there have been found scarcity of literature that identified the landownership pattern of indigenous, factors and dimensions of human rights and land rights violations that embedded with plain land the indigenous people, and also nature of indigenous women's rights violations. This research is an explorative in nature that tries to document both tangible and intangible issues related to land rights and human rights of plain-land-indigenous people living in the north-western districts of Bangladesh. Findings of the explorative research and discussions on the findings are illustrated below:

5.1 Findings and Discussions

- Though it is generalized by many that indigenous people do not maintained properly their land documents for land ownership, the study found that there are a number of indigenous people who keep all kinds of necessary land documents and there are no land disputes over their land. This is one of the landownership patterns which we have found in plain-land-indigenous people living in the north-western districts. It is found that, indigenous people have inherited land and/or bought lands from other indigenous landowners. There is no confrontation or disputes with these lands. Both homestead and cultivable lands are found under this pattern (indigenous people own land without disputes).
- The study found indigenous people used to give land mortgage to solvent Muslim people with certain conditions, but there have been found violations of mortgage contracts. The study also found land mortgage keepers have been made de-facto land

owners on the mortgaged land though indigenous people are the legal owners. This is the major pattern of land ownership and land rights of indigenous people. Many disputes and confrontations took place under this land ownership pattern of landownership. Eviction and displacement of indigenous people have taken place because of this land ownership pattern. In fact the indigenous people used to offer land mortgage to non-indigenous Muslim persons. They offer mortgage only a portion of land against which they took money, but mortgage takers applied tactics and took a bigger portion of land in papers. Decades ago, this pattern emerged and happened frequently. Many indigenous people had to be evicted under this pattern. The indigenous people of plain land were easygoing and there were no organizations for making them aware decades ago, so they were deprived easily. It is an immense problem with land rights of indigenous people nowadays. There are some rights based organizations and civil actor groups who have been supporting the indigenous people nowadays for establishing indigenous peoples land rights. However, still awareness building on land laws and relevant matters is a need for the indigenous people.

- The study found that Indigenous people sold out their inherited land but they have been deprived various ways. Many indigenous people have inherited land from their parents and kin. These lands were recorded in their names. They obtained CS, SA and in BS records. The Indigenous people who have inherited lands from parents and kin are now almost landless, because in many cases they sold a portion of their lands, but shrewd buyers made land transfer deed of a bigger portion of land. As the land buyers have influence and political connections, they illegally occupied large portion of land. It is always seen land grabbers are an influential quarter. The indigenous people are owners of the land, but they have been deprived of landownership rights under this pattern. Most of the indigenous people's lands were sold decades ago and land buyers and grabbers also evicted the indigenous people from their lands decades ago. Indigenous land owners sold a small portion of the land but the shrewd buyers got big amount of land. Land offices, particularly the sub-registrar office favored the

buyers. It is a complicated situation, so a Land Commission for recovering the plain land indigenous peoples' land to address this pattern of ownership could be a strong weapon.

- The study found though the Indigenous peoples are legally land owners, their land have been grabbed by influential non-indigenous people. The study also revealed huge amount of lands of the plain-land-indigenous peoples were grabbed out by the influential decades ago, during late 1960s and 1970s mainly. Influential, who have also political connections, put pressure and used political power to grab the lands. Many indigenous people had nothing to do, but to leave their land and, in some cases, villages for other shelters, and even some people had to leave Bangladesh. In fact, the indigenous people are the legal landowners of the land, under this type of land ownership, but the de-facto landowners now the land grabbers have made fake land documents. A huge land rights violation has been observed in discussing this landownership pattern of indigenous people. Necessity of a Land Commission for the plain land indigenous people could be a better remedial to address the land problem of indigenous people. Moreover, massive legal aid support and actions are needed to address the problem, to establish the indigenous peoples land rights.
- The study found partial land documents of indigenous people have given the opportunity to influential people to grab land. Many indigenous people have partial land documents of their land but not all documents needed for the land ownership/title. They have got homestead and cultivated land from their parents, kin and grandfathers time, but because of insufficient knowledge, they have no all land documents. It is revealed this pattern of land ownership among indigenous people is high. Influential people made fake land documents or even no document in grabbing indigenous peoples land. The study found that the fragmented land documents of ownerships made the indigenous people vulnerable. Influential people, using political network and land offices, grabbed their land. The good news is that the social pressures from rights based organizations, civil society groups and journalist

community have already found working to address the problems, but no remarkable results yet to be found. Social mobilizations, more involvement of media, prudent legal aid support and an effective Land Commission for the plain land indigenous people would be needed to establish land rights of indigenous peoples. Recovering the land of indigenous people and settle their ownership on land will also be a major task of desired Land Commission.

- The study found an interesting and complicated landownership pattern among indigenous people in northwest districts. The indigenous people were settled on the Zamindars' and Joteders land many years ago, in fact indigenous people from different regions of India to come to cultivate Zaminders' land. The indigenous community built their houses on the lands and used to cultivate lands. After demolishing the Zamindari system, Hindu Zaminders and Joteders left the then East Pakistan, the land that owned by the Zaminders and Joteders were made govt. khas land and later some land made vested property. But, the indigenous people, mainly the Santal, were settled on the land generations to generations. The indigenous community could not think about the land documents or land title. Land grabbers already grabbed some lands under this type, and because of the connections with land offices and political power, the Muslim land grabbers have evicted indigenous people. Now it is a big tension of indigenous people, they feel insecure. In some places, the study finds, the indigenous people show their strength and fight for the land rights. However, state mechanism, local state and local government bodies and land offices do not seem helpful for the indigenous peoples' land question, rather they favour land grabbers. To address the problem and establish the land rights of indigenous people, rights based organizations have to be more proactive. State's (Police, land offices and local administration) attitude has to be indigenous people friendly. And a Land Commission is a need to protect the lands of indigenous people.
- The study found multifarious reasons for losing land of indigenous people of plain land. Some of the reasons have already been delineated earlier. The study also found

the indigenous people lost their huge land during 1970s decade. In this decade about 60% of the lands of indigenous people were lost. Indigenous people went to India during the liberation war in 1971. After returning to Bangladesh, they found many of their lands were occupied by the influential people. And there was famine in 1974, Indigenous people compelled to sell their land for survival. Indigenous people leader Mr. Gonesh Shoren informed that about 50 acres of land sold by the indigenous people in 1974 in a two-day. There was no work and other survival means, so indigenous people compelled to sell their lands. The study also found about 80-90 percent of indigenous peoples' burial grounds were grabbed by the Muslim land grabbers during 1970s.

- The study found that the East Bengal State Acquisition and Tenancy Act of 1950 made a drastic change in the land management that made drastic change in landownership pattern. After the East Bengal Tenancy Act, Hindu Zaminders and Joteders left this part of Bengal and land ceiling status changed, huge lands were termed as government khas land. Because of indigenous people's inherent simplicity and ignorance, they have not serious to keep their lands documents. Huge amount of their land declared Govt. khas land. Land grabbers grabbed indigenous peoples land with the help of land offices and showing power. Literacy rate was very poor among the Indigenous people, so they could not understand what to do to keep their land rights. Because of their ignorance and easygoing lifestyle, indigenous peoples could not properly keep the CS, BS and SA¹⁰ Khatian - the major land documents for land rights. On the other hand, about 40% lands are sold out without any fair reason. Only 60% of the permission may be genuine. The shrewd non-indigenous people give loan to indigenous against the land and with high interest rate, and after years the clever and powerful non-indigenous peoples, particularly some Muslim men, compelled

¹⁰ CS (Cadastral survey) was prepared under the Bengal Tenancy Act 1950. This survey started from Ramu of Cox's Bazar in 1888 and ends in 1940. SA Khatian was prepared under State Acquisition and Tenancy Act 1950. This Khatian was not based on field survey; it was made on the information given by Zamindar or landlord.

indigenous landowners to sell their land. Land administration and UNO, ADC Revenue gives permission for selling lands. This is one of the ways indigenous people losing their land and land rights. IPs' land as the UNO and ADC revenue gives permission of selling IP lands.

- That study found that preparing fake land documents, many powerful people grabbed indigenous people land. Fake land documents have been the weapons of power holders to evict the indigenous people. Indigenous people have no connections with power holders and have no leading role in the power structure; as a result, the land grabbers grab indigenous people lands. It is also found that the indigenous people are trying to get the land back by filing case in the court, but indigenous people get only a scanty of result, and there have been insecurity while they are fighting for land rights in court. It seems the present legal aid support is insufficient and not indigenous people friendly, so need more pragmatic Legal Aid support.
- The study found Political patronizations have been a major cause of losing indigenous peoples land. There is no evidence of punishment against the powerful land grabbers as they are getting political leaders' support. In this particular context the study suggests to activate more advocacy and protest movements. Media, both print and electronic, can play important role to expose the land grabbers and political leaders who are involved in land grabbing.
- The study also found that Indigenous people are trying to fight for their land rights. In some cases, they have been successful. Civil society and right based activists can help them more to go ahead. More organized support from different corners can also make sustainable the protest the indigenous people have initiated.
- The study also captured gender issues and found that many indigenous women have been tortured in different forms by non-indigenous Muslims but they cannot express their torture to others. There are incidences of Eve teasing, Torture, Rape, Hijack cases, indigenous women facing sense of insecurity. Human rights violations have been a perpetual matter in the communities. Police, local state and local political

leaders have no feeling towards the incidences. In some cases, the local administration favours the offenders, not the victim. Drastic programme to change the mindset of local administration is needed to address the problem.

5.2 Recommendations

- **Independent Land commission is a need:** An independent Land Commission for the Plain land indigenous people is sine-quo-non. For having a land commission, right based organizations, plain land Indigenous people's organizations, civil society groups have to be proactive. Campaign, dialogues workshops, processions and media news can be tools for transferring the message to concern ministry and departments. Parliamentary caucus on Indigenous people can take the lead convince the government. An independent Land Commission can be better option to address problems centering the indigenous peoples Land. Forward to help the ethnic people with their land related problems, forming an independent land commission for the plain land ethnic people is of utmost necessary.
- **Training for Indigenous community leaders on land issues:** Land itself is a complicated matter to all people of Bangladesh. Plain-land-indigenous peoples land problems are more complicated, because there has been huge land grabbing, land ownership is disputed. Moreover, there prevails land related insecurity among indigenous people. Therefore, Indigenous peoples should have right knowledge to establish their rights on land. Training on land laws and relevant issues can give them impetus to enhance their fight towards land rights.
- **Steps should be taken to change the mindset of local state:** Local state, police, local administration and land offices have a neglecting attitude towards indigenous people. As a result, they do not think to handle the indigenous cases properly. Because of the neglecting mindset, both land rights and human rights violations are intensifying. Concern administration should take steps to change the mindset of local government and state machineries through motivational workshops, seminars and other means appropriate for changing the mindset of local administration.

- **Legal aid support should be specific:** Legal aid support should be specific for the Indigenous people living in the plain land. Government legal aid support should be restructured. There should be govt. appointed lawyers who can deal only with Indigenous peoples only in the plain land. Special court for dealing with IPs issues should also be formed.
- **Capacity building and finance for institutions and organizations working for plain land indigenous people:** Capacity building, institutional development and financial support should be provided by the government and development partners to the organizations working on plain land indigenous issues and land and human rights.
- **Design long-term support:** Long term support for indigenous people are essential for addressing the problems relating to land and human rights. Non-state actors can play a vital role in this regard, if they can be engaged meaningfully.
- **Strengthening unity and coordination of service providers:** More unity and coordination has to be attached among the service providers such as Churches, NGOs, Local Government, indigenous peoples organizations so that they can play proactive role for enhancing the rights of indigenous people.
- **More advocacy initiatives:** More advocacy initiatives should be taken through seminars, symposiums, protesting events for the rights of indigenous people.
- **Skills Development Trainings for IPs:** Skills development trainings for indigenous youths can make them productive. They can find non-farm jobs and works after getting trainings.
- **Upheld Women Rights:** Humiliation, eve teasing, women torture, rape, hijack etc are seen to take place frequently. Women are also being exploited by the local elite in the name of job arrangement. Local administration and local political party leaders and union perished leaders should be given motivational trainings/orientations so that they respect indigenous women, and take actions where women's human rights violation happened.

- **Government Safety Nets:** The indigenous people have less access to government safety nets due to lack of knowledge, shyness in liaison with local government, lack of leadership and participation within local government bodies or committees. Getting safety nets support is their rights. UP leaders should take care of the matter.

5.3 Action and Intervention Matrix

Findings	Intervention measures to be taken	Stakeholders for the issues
Multifaceted Land rights violations of indigenous people. How is to address?	Rights based organizations, civil society, parliamentary caucus, media have to play vital role on the issues of 'Land Commission' for the plain land indigenous people.	Adivashi community people, Cultural institutions and Academy, Churches, NGOs, parliamentary caucus on indigenous people, Union Parishad, journalists, civil society and concerned ministries and agencies.
Human rights violations by non- indigenous people. How is to address?	Rights based organizations, religious organizations, NGOs, civil society and community people irrespective of all religions, local state and media, courts may take proactive role for the effective results towards halting the human rights violations to indigenous people as well as indigenous women. Strict punishments for violations need to be ensured.	Adivashi community people, cultural institutions and academy, churches, NGOs, parliamentary caucus on indigenous people, Union Parishad, journalists, civil society, court, local administration, local government and concerned ministry and agencies
Lack of unity among the plain land indigenous people, particularly unity among leaders. How is to solve the problem?	Creating a unique platform for plain land IPs incorporating the all IP leaders and youths followed by IP governance system.	IP leaders, Churches, NGOs, Journalists and Civil Society

Findings	Intervention measures to be taken	Stakeholders for the issues
Many of the IP land are acquired by forest department in the name of social forestry. What is to do?	Legal aid support, advocacy for Land Commission for plain land IPs	Government legal aid services, IP leaders, churches, NGOs
Many of the indigenous people left Bangladesh due to land related conflict. In Muslim majority area, the indigenous people faced torture by the people connected with power holders.	Facilitate social protection and awareness rising programme among much people to protect the IPs, legal aid supports.	Government legal aid services, IP leaders, churches, NGOs, journalists and civil society
Humiliation, Eve teasing, Women Torture, Rape, Hijack are reported. Women are also exploited by the local elite in the name of Job arrangement.		
There are threats of evictions from own land of IP and Land grabbing.		
There is no special consideration in Government or NGO led Legal Aid system for the ethnic people.	Advocacy to incorporate special consideration for IP in providing legal aid support by government and non-government institutions.	Government Legal Aid Services, IP leaders, Churches, NGOs, Journalists and Civil Society
The ethnic people have less access to government safety	Provide trainings and carry on awareness rising programme among the IPs on	IP leaders, Churches, NGOs,

Findings	Intervention measures to be taken	Stakeholders for the issues
nets due to lack of knowledge, shyness in liaison with local government, lack of leadership and participation within local government bodies or committees.	government safety nets, advocacy with local government for safety net distribution to IPs. Empower the IP leaders to participate in local government committees and in election.	Journalists and Civil Society.

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Annexure

(Annexes are organized separately, please see in separate folder)