

CASE STUDY

Dinajpur District, Bangladesh

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Halting land grabbing by local elite through sustained legal action

The village of Rampur, in the Dinajpur district of Bangladesh, was established on public 'khas' land in 1953 by landless farmers. However, in the following decades, different groups of local elites claimed the land and tried to evict the villagers. Thanks to support from CDA, the villagers resisted the harassment and false claims. In 2000 the court quashed the false claims; in 2001 the village was beneficiary to a governmental land distribution scheme; and in 2008-2009 the villagers were awarded formal ownership of the land.

PRINCIPAL ORGANISATIONS INVOLVED

Community Development Association (CDA)

LOCATION

Rampur village, Dinajpur District, Bangladesh

TIMELINE

1996 – 2009

TARGET AUDIENCE

Civil society organizations, land rights activists, community based organizations

KEYWORDS

Grassroots activism, mobilization, land rights, access to land and natural resources

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GOOD PRACTICES

Towards making land governance more people-centred

This case study is part of the ILC's Database of Good Practices, an initiative that documents and systematises ILC members and partners' experience in promoting **people-centred land governance**, as defined in the Antigua Declaration of the ILC Assembly of Members. Further information at www.landcoalition.org/what-we-do

This case study supports people-centred land governance as it contributes to:

- Commitment 1** Respect, protect and strengthen the land rights of women and men living in poverty
- Commitment 2** Ensure equitable land distribution and public investment that supports small-scale farming systems
- Commitment 9** Prevent and remedy land grabbing

Case description

Background issues

Bangladesh is a highly densely populated country with a population of 160 million. As the majority of the population is dependent on agriculture, the pressure on land is enormous. Further, fragile socio-economic conditions and a tenuous culture of 'rule of law' mean that muscle power and tricks often translate into power and possession, denying the poor and the marginalized their rights.

Cluster Village is a small community, situated in Rampur in BirgonjUpazilla under Dinajpur District in Bangladesh and is respectively 3 kilometres away from the Upazilla centre and 22 kilometres far from Dinajpur district town. The village is located on the bank of Dhepa River. Landless people settled in the area in the early 1950s, when the land was lying fallow. The land is fertile for agricultural production as the annual floods that submerge the river banks deposit rich alluviums. The land did not have any legal claimants or owners in the 1950s and was thus considered 'khas'.

In the 1990s the village slowly grew larger and a total of 13 other landless families settled there. They were sold small parcels of land by the local elite, under false pretences of ownership.

Competition over land grew fiercer in the following decades with the demographic explosion that accompanied it. So unsurprisingly, more local elites started making claims on the land on which the villagers had built their livelihoods. To achieve their objectives, they started to intimidate and harass the villagers. They produced fake documents showing that they had taken lease of the land from the government on behalf of 29 people. They also lodged false cases in court. One day in May 1997, they came down to the village to take possession of the land forcibly. The villagers drove them out.

It took sustained resistance by the villagers to finally see their rights established over the land, and all along they had to overcome intimidation and harassment by the land grabbers. It was only by 2008-2009 that all the villagers received ownership deeds.

Solution

The villagers sought help from Community Development Association (CDA) due to the increasing intimidation and harassment by the local powerful elites. With the facilitation of CDA, the villagers formed a Peoples' Organization (Jonosanghothon) and four cooperative societies with two male and two female groups in 1997. These organizational platforms gave the villagers the strength to advocate for their cause, seek legal support and highlight their conditions vis-à-vis the public authority.

At first, the land grabbers adopted the familiar tactics of harassment through false cases. Several such cases (GR 297/2010, NGR100/2009, GR 81/2009, 464 P/2008, 265P/2008) were labelled against the villagers. On several occasions from 1997-1999, a total of 30 CBO members were arrested by the police and had to spend between 15 days to 9 months in jail. The cases were eventually dismissed by the court only in 2000. The legal aid from CDA played a crucial role in the dismissal of the cases.

In 2001 the Government took a decision to distribute 'khas' land among 100 landless families in the region under a national programme. With CDA's advocacy and mobilization, the CBO was also included in it. Consequently, each family was given ownership deeds of 10 acres for homestead, and a plot of 24.50 acres was distributed equally among the villagers. The government also built houses for the beneficiary families. However, the entire process took about 9 years to complete. It was only by 2009-2010 that all the villagers received the ownership deeds.

As of now, the villagers have all received ownership titles over the land along with the 2 ponds which they are enjoying without any harassment from any one. They all are now proud owners of their land and it has significantly improved their livelihood opportunities and living standard.

Activities

The activities comprised of a number of tactics focusing on the resistance by the villagers. This can be broadly categorized as follows.

Setting up of the Peoples' Organization and the assessment of the situation

CDA started working with village from 1996 onwards as part of its ongoing programme with the landless peasants. Around that time, more families - in total 13 - joined the village from the neighbouring areas. These new families were all landless and destitute. CDA, at first, formed a community based organization (CBO) with all the villagers which included under its umbrella 4 groups, respectively 2 groups each for male and female members.

The formation of the CBO was followed by a package of training for the members on various relevant topics:

- Social empowerment
- Land rights and access to government 'khas' land
- Group management and facilitation
- Adult literacy
- Gender awareness

The training package was delivered by the CDA staff and is now part of its standard training curriculum. Alongside the training, CDA also carried out extensive consultations with the community members about the possible steps to counter the encroachment of their properties by the land grabbers.

Overcoming the intimidation and harassment of the land grabbers

When the land grabbers started to intimidate the villagers to usurp their land, the villagers were at first very afraid. All of them were illiterate and had little idea about where to seek help or who to approach. CDA was the only contact they had at that time.

CDA facilitated the first access to the government officials for the villagers. It organized meetings between the villagers and the office of the Upazilla Nirbahi Officer (UNO) and Deputy Commissioner who are the responsible government administration at sub-district and district level for distribution of 'khas' land. The first meeting was held in February 1997. The meeting made the government officials aware of the conditions of the villagers and gain their sympathy. These efforts resulted in the following years in the government granting them the temporary usufruct of the lands and also the two adjacent water bodies.

These initial responses from the government gave much hope and optimism to the CBO members. However, the reaction from the land grabbers was almost immediate. They tried to evict the villagers from the land by force, threatened with serious consequences and even lodged a number of false cases in court, which was also mentioned earlier. As many as 30 villagers had to spend time in jail for periods of 2 weeks to 9 months.

These were very risky moments for the villagers' properties and lives. CDA staff also received serious threats from the gangs. At this point, the villagers with the facilitation of CDA, further intensified their contacts with government officials and also local civil society. Their actions included sit-ins before government offices, marches in the sub-district and district towns, and public petitions. They organized these activities at regular intervals all through the period from 1997 to 2005. In the meantime, CDA also provided legal support to fight the false cases filed against them by the land grabbers.

Success and the current situation

The sustained efforts and perseverance of the villagers and CDA brought out the intended results. In 2000, the court quashed the false cases of the villagers and re-established the government's previous decision of awarding the usufruct rights of the land by the villagers including the two water bodies. Subsequently, the villagers obtained

permanent legal ownership of the land through a 2001 government programme, although they had until 2009 to obtain the valid ownership documents.

Importance of the case for people-centred land governance

The case illustrates how the land rights of women and men living in poverty can be protected and strengthened, and how land grabbing can be prevented and remedied. Obtaining legal rights over the 'khas' land not only improved the villagers' economic conditions and literacy very tangibly, but also remedied the land grabbing perpetrated by powerful vested interested groups. The case demonstrates the importance of protecting human rights defenders, with CDA serving as an example in this regard. Without them the villagers would probably not have been able to overcome the formidable challenges and risks posed by the land grabbers.

Changes

Baseline

The villagers, at the start of CDA's interventions, were all poor, did not have any legal ownership over their lands and 80% of them were illiterate. The school enrolment at primary level was a bare 40% of the children of school-age. 'Monga' was a recurring phenomenon for all the villagers, inflicting heavy penury to all.

On the policy front, the government adopted a Khas Land Distribution Policy in 1997 and set up specific sub-committees at sub-district and district levels across the country for 'khas' land distribution. These committees included NGOs as members, partly to ensure participation of the grassroots communities, partly to receive feedback on land grabbing attempts by powerful groups. Currently CDA serves in such committees in its project areas.

Achievements

The initiative resulted in the legal ownership by the 20 households of the village, of 24.5 acres of land and the two ponds. However, the broader achievement of the case study may be best summarized as a process of awakening of the landless peasant groups in Bangladesh in claiming their rights over 'khas' land. The case established a model of successful cooperation between the civil society and grassroots communities in Bangladesh and is an example to the other landless peasants' groups in Bangladesh who are fighting for their rights.

The most remarkable achievement of the case may be the improved socio-economic conditions of the villagers who were previously, among the poorest segments of the Bangladeshi society. The long struggle gave them a voice, made them aware of their rights and most importantly, unified them in an organizational platform.

The recognition of legal ownership over their land has brought about very substantive change in their social and economic life. All the children - boys and girls - now attend school, and the average household income has increased by 300% since then. Literacy rates among the younger generation (below 20 years of age) stands currently as high as 70%, a very substantive improvement from the baseline period. Moreover, with their new-found confidence and exposure to the outside actors, many have now started new micro-ventures such as tea stalls, vegetable shops, etc. This has given the villagers wider livelihood opportunities and ultimately better livelihood security and coping skills.

Evidence

The most evident proof of the case's success is the legal ownership of the land and the water bodies by the villagers. This has contributed to transforming their life and livelihood security with a sense of dignity and awareness about their rights.

CDA's initiatives in northern Bangladesh also played a major role in generating debates at the country level on the issues of land rights and access to natural resources for the poor and marginalized communities, the agrarian reform policy framework and land governance administrative mechanisms. These efforts have been quite extensively studied by various academics and researchers, the most relevant of which is Dr. Abul Barkat. His study was published as a book (Barkat et al. 2001).

Lessons learned

Lessons for civil society

CDA's initiative provides a number of important lessons for the civil society actors. Firstly, setting up an organizational platform for the grassroots communities to raise their voice was extremely important. CDA's initiative, in essence, was to impart on the villagers 'a voice of their own', whereby they would be able to articulate their concerns and rights and initiate relevant measures with or without external support such as CDA's. This was crucial not only for their empowerment but also for the sustainability of interventions. The CBO set up by CDA served as the key agent and platform in sustaining the impacts of the initiative.

Secondly, the case demonstrates the importance of close liaison and, where possible, collaboration with the government. It is perhaps easy to blame the government for all the problems and misdeeds in society; however, it is also important to recognize that it is only the government that can provide a lasting resolution to matters related to land governance.

Finally, it shows that the struggle for land rights of the poor and marginalized communities requires organizational resolve and long-term perspectives. The successful resolution of land related disputes requires a long period of time, often more than 10 years. It is equally noteworthy to remember that an effective result in such a struggle requires collective efforts, an opportunistic attitude and a combination of tactics. CDA

used advocacy and stakeholders' mobilization with effective engagement with the media to highlight the conditions of the affected community and influence the concerned stakeholders.

Lessons for policy makers

After more than a decade of military dictatorship, democracy was re-introduced in Bangladesh in the early 1990s. The subsequent period has seen a growing assertion of the poor and marginalized of their rights with particular focus on social justice, human rights and dignity. The momentum is not isolated and indeed, will likely grow even fiercer in the coming years. This requires major changes in the existing legal and policy framework including the functioning of the administrative apparatus of the government.

Challenges

With a tenuous culture of 'rule of law', the power of muscle and money often tend to trump over laws and policies in countries like Bangladesh. CDA discovered this aspect of the functioning of the Bangladeshi society throughout its long struggle with the inhabitants of the Cluster Village. Because the state is often inefficient, the overall apparatus of the government remains hobbled with cronyism and the pace of execution of administrative and legal decisions are exceedingly slow. This can be a cause of frustration when one expects a much speedier resolution of the problems.

Follow-up

CDA does not intend to provide any further follow up to the case, as it deems that the initiative has achieved its goal through the recognition of legal ownership of the lands by the villagers. However, CDA continues to remain in close contact with the CBO and its members, which currently includes about 100 households, mainly as part of its social mobilization initiatives.

Supporting material

References and further reading

Barkat, A., Zaman, S. and Raihan, S. (2001) *Political Economy of Khas Land in Bangladesh*. ALRD, Dhaka.

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