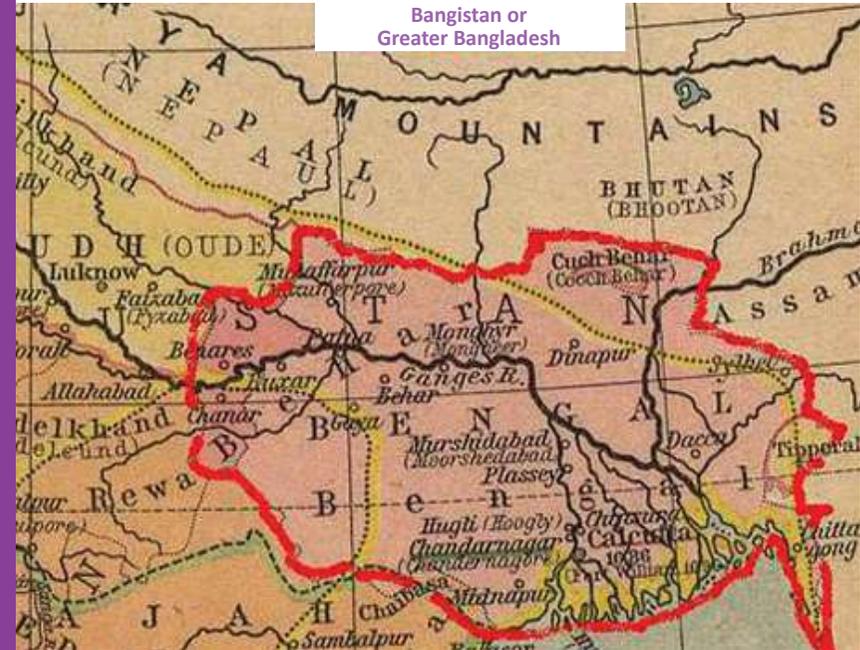


BACKGROUND

# History

Bangistan or Greater Bangladesh



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promoting human rights and good governance

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BACKGROUND

# History

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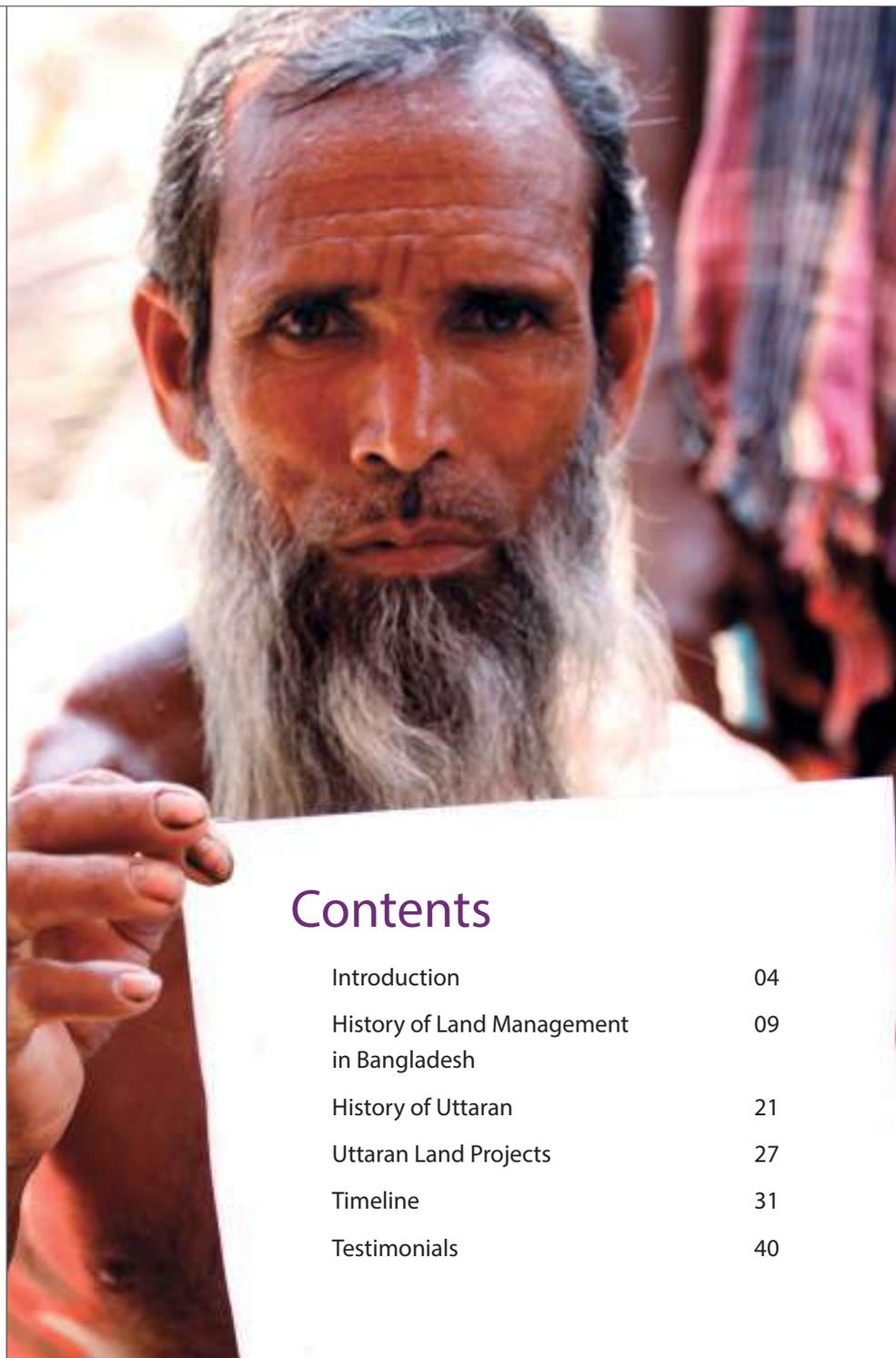
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## Contents

Introduction	04
History of Land Management in Bangladesh	09
History of Uttaran	21
Uttaran Land Projects	27
Timeline	31
Testimonials	40

# Introduction

***“All human beings are born free and equal in dignity and rights”***  
Article 1 of the Universal Declaration of Human Rights.



*University of California-Berkeley*

In evaluating the history of land and waterbody governance in Bangladesh, it is necessary to first consider the basic issues of rights.

Human rights are fundamental civic, political, social, cultural and economic freedoms that every person is entitled to irrespective of his or her nationality, ethnicity, religious orientation, age, gender, physical and mental ability, or any other status. The contemporary understanding of the Universal Declaration of Human Rights adopted by the United Nations General Assembly in 1948 recognises the interdependence of social and economic rights on one hand, and civil and political rights on the other. This means, for example, that rights to livelihoods cannot be realised unless the people are given rights to land and waterbodies through the civil and political protection of the judicial system.

The obligation to implement, respect and protect such human rights rests with the State. Yet in Bangladesh, the State has systematically failed to uphold its duty to support the majority of the population who are poor, marginalised, women or children, and of minority groups – despite their rights being guaranteed in the constitution. The power relationships through which the ruling class and elites in Bangladesh dominate these people, in turn denies them their access to - and ownership of - resources, political institutions, and even basic services. Consequently, the disadvantaged groups are also more susceptible to other social problems and injustices.



Bangladesh is a predominantly Muslim country. Under Islamic family law, women enjoy inheritance rights to their father's, mother's and husband's property. In legal theory also, a woman is entitled to half of a man's entitlement in inherited property. According to the cultural practice of the country, however, women rarely exercise these rights, especially in the rural areas.

In terms of governance, land and waterbody-related offices are among the most corrupt in Bangladesh and this causes a huge burden for, and abuse of, citizens, who face forced delays and other malpractices just to ensure their right to land (or when they want to buy or sell land). The poorer people suffer most due to high illiteracy rates and their lack of power and a voice. Thus, citizens in general and poor citizens in particular, need to be aware of the complex process of land administration in order to properly exercise their right to land.

As the renowned Dhaka University Professor of Economics Abul Barkat notes in his 2004 book, 'Political Economy of Land Litigation in Bangladesh', land is a “powerful determinant of an individual's economic status, social standing, and political strength”. But, he continues: “Land is scarce, finite and productive. The competition for productive scarce resources is obvious, so is with land. This is more

true for a densely populated land-based agrarian country such as Bangladesh. All these imply that the likelihood for land-based dispute, litigation, conflict, and associated misery in our country will be high.”

Within this context, land and waterbody reallocation projects such as those being implemented with Uttaran’s help are a high priority as they contribute to good governance and are providing the foundations for the poverty alleviation effort in Bangladesh. The projects are distributing government-owned ‘khasland’ to those who most need it, based on the presumption that all human beings are born free and equal in dignity and rights.

### What is khasland?

Khasland (*sometimes also spelt khas land, khash land or khasland*) refers to the vast areas of land in government possession and managed by government-appointed agents. It can be char land rising from the beds of major rivers and waterways or large chunks of land acquired by the State, including when the feudal zamindari system was abolished in 1950. It can also be any big land-based infrastructure projects such as railways or abandoned property, or ‘enemy property’ acquired during Pakistan’s war with India or after the Liberation War (*see page 9*).

In recent decades the work of successive regimes related to the recovery and (re)distribution of khasland has been mainly based on the Land Reforms Ordinance of 1984. Ever since, all the regimes have unanimously identified only land that is eligible for both agriculture farming and settlement as khasland. Consequently, the amount of khasland identified by the Government of Bangladesh in 2009 totalled 5 million acres and there were 15 million landless families (*‘Access to Natural Productive Resource and Justice: Defending Human Rights of the Marginalised in Southwest Coastal Bangladesh’, 2009*).

The majority of landless people, however, know very little or nothing about khasland and are similarly uninformed about their rights and the legal processes underpinning khasland redistribution and ownership (*see booklets 5 and 6 in this series on ‘tenure security’*). This is why they must be supported in their cause; with people more aware of khasland, they will be able to resist their exploitation by the elite and powerful.

### Government policy on khasland

The guiding principles of the current Government of Bangladesh on land and waterbody management issues originate from the Agricultural Khasland Management and Settlement Policy of 1997, which took the 1984 ordinance and revised it. The legislation was introduced to redefine the landless, identify new categories of landless recipient, and codify the distribution of agricultural khasland among the landless in every district of the country except the three of the volatile Chittagong Hill Tracts (CHT) region: Rangamati, Bandarban and Khagrachari. The policy provides for three types of committee to manage agri-khasland:

1. National agriculture khasland management executive committee
2. District agriculture khasland management & settlement committee
3. Upazila agriculture khasland management & settlement committee.

However, as Professor Barkat observes in *‘The Political Economy of Khasland in Bangladesh’* (2001), none of these laws, acts and amendments have been successful in formulating an exhaustive land reform policy as an integral part of a poverty eradication strategy favouring the landless and marginal peasants, who constitute the majority of the peasant class. “Had these laws, acts and amendments been properly implemented, a large section of the poor peasantry could have improved their socio-economic conditions,” writes Barkat. The key to a successful land policy, then, lies in its implementation.

### Uttaran on khasland

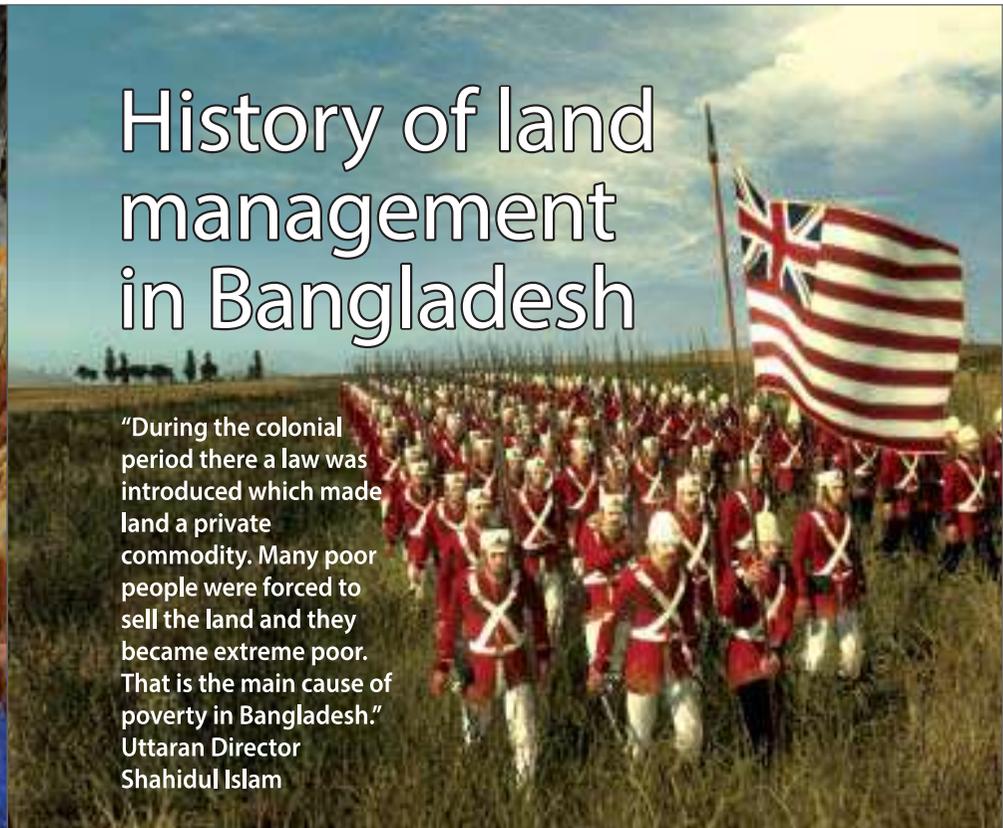
Uttaran has been working on khasland issues almost since its foundation in 1985. It is widely recognised to be one of the few NGOs meaningfully facilitating the redistribution of khasland among the resource poor groups in Bangladesh, in cooperation with union parishads, public administration at upazila and district levels, civil society including media, intelligentsia, and the wider communities. Uttaran is helping to implement the khasland redistribution policy, whereas other organisations are only advocating for land rights.



*Uttaran on khasland: field staff member Unnatti Rani facilitates a focus group discussion with village women in Amtali Upazila in Barguna District, Khulna Division*

# History of land management in Bangladesh

“During the colonial period there a law was introduced which made land a private commodity. Many poor people were forced to sell the land and they became extreme poor. That is the main cause of poverty in Bangladesh.”  
Uttaran Director  
Shahidul Islam



## British colonial period

The history of land and waterbody management practices in Bangladesh can be traced to the annexation of Bengal by the British East India Company after the Battle of Plassey in 1757. Having defeated the Nawab of Bengal and his French allies on the banks of the Bhagirathi River, the British initially limited their governance to tax collection. Before the end of the century, however, the Permanent Settlement of Bengal agreed by the East India Company and their Bengali landlords fixed revenues to be raised from land, thus creating a landed aristocracy.

After the government in London had liquidated the East India Company and transferred its functions to the British Crown, the practice of land transferring was introduced through the Bengal Land

Revenue Sales Act of 1859. Also known as the Bengal Rent Act, it was designed to enshrine in law the rights available to the riots (peasants) in the feudal system of land ownership, but the law failed; the zamindars (lords) were not ready to compromise their interests and they also acted against the interests of their tenants.



The result was a widespread peasant revolt that threatened the stability of the British Raj. In response, the British enacted the Bengal Tenancy Act in 1885 to define the rights, interests and liabilities of the tenants - specifically the riots and the intermediate class - in relation to the superior zamindars in the land system, and to provide for the first land settlement survey. The enactment was ultimately unsuccessful, however, as the buying and selling of land was accelerated, in turn inflating the number of landless and homeless people. Not only that, those tenants who did remain were given no choice in the settling of the terms of their rent.

There was a need to amend the 1885 legislation to include provisions in support of the under-tenants, who were carrying out agricultural activities on a temporary basis on less rent when compared to those under permanent settlement. As such the Bengal Tenancy (Amendment) Act 1928 was formulated to give proper definition to the under-tenants who were not cultivating the land in the light of permanent settlement. The Act provided rights to the under-tenants

who possessed the land for an uninterrupted period of 12 years. The Amendment Act also failed to comply with the needs of the society and so in 1938 the Bengal Tenancy (Amendment) Act, 1938 was enacted to fill the gap in the previous legislation.

### East Pakistan



In 1947, two centuries of British rule in Bengal was brought to an end with the partitioning of India and the creation of West and East Pakistan. One of the first significant acts of the new government sitting in Karachi was to abolish the feudal zamindari system and nationalise all land through the State Acquisition and Tenancy Act of 1950.

The Enemy Property (Custody and Registration) Order II signed into law during a 17-day war with India in September 1965 further empowered the government to deprive an East Pakistan citizen of his or her property simply by declaring that person to be an enemy of the State. Although primarily directed at India, the emergency legislation was seen as a tool through which the State could persecute non-Muslims who left the country due to religious atrocities, or for economic or political gain, by labelling them as an 'enemy' and confiscating their entire property.

## Independence



To remove the irregularities produced by the inherited land laws, the fledgling government of the newly-independent Bangladesh issued several ordinances, circulars, and policies from December 1971 onwards. These were intended to guarantee rights and ensure the best use of lands, while rehabilitating the war-fatigued landless people and eradicate poverty. Hence the Bangladesh Land holding Limitation Order 1972 (PO 98) amended the State Acquisition and Tenancy Act by lowering the ceiling on ownership of land by a single family, while the Land Reformation Ordinance of 1984 redefined the landless as those who possessed up to 50 decimals of land and who did not have to rely on agriculture (since revised to 10 decimals in 1997). Both laws strengthened the rights and accessibility of the homeless people over land.

There were oversights, however: the extension of the enemy property law under the guise of the Bangladesh (Vesting of Property and Assets) Order 1972 created further opportunities for land grabbers to collaborate with corrupt officials and acquire property by foul means.

*“The Enemy/Vested Property Act is unconstitutional, anti-humanitarian and anti-civilisation. It provoked communalism and served as a powerful instrument towards gradual marginalisation and pauperisation of the Hindu community through eviction and dispossession of their land and homesteads.”*  
-DU Economics Professor, Dr Abul Barkat

## Notable land laws of Bengal (1757-1947)

### **Bengal Land Revenue Sales Act 1859**

Short title: To afford land holders, particularly absentees, facilities in guarding against the accidental sale of their estates for arrears of revenue by reason of the neglect or fraud of their agents.

Also known as the Bengal Rent Act

<http://www.commonlii.org/in/legis/wb/act/blsa1859217.pdf>

### **Bengal Tenancy Act 1885**

Short title: To define the rights and liabilities of the peasants (ryats) in relation to their superior lords (Zamindars) in the land system enacted in response to a widespread peasant revolt that threatened the stability of the British Colonial Government. Amended in 1928 and 1938.

[http://www.archive.org/stream/bengaltenancyact00rampuoft/bengaltenancyact00rampuoft\\_djvu.txt](http://www.archive.org/stream/bengaltenancyact00rampuoft/bengaltenancyact00rampuoft_djvu.txt)

## Notable land laws of East Pakistan (1947-1971)

### **State Acquisition and Tenancy Act 1950**

Short title: To provide for the acquisition by the State of the interests of rent-receivers and certain other interests in land in Bangladesh and to define the law relating to tenancies to be held under the State after such acquisition and other matters connected there with. It abolished the feudal Zamindari system and brought all land under state control.

[http://bdlaws.minlaw.gov.bd/pdf\\_part.php?id=241](http://bdlaws.minlaw.gov.bd/pdf_part.php?id=241)

### **Enemy Property (Custody and Registration) Order II 1965**

Short title: To declare India as an enemy country and this, all interests, individual properties, firms, companies, lands and buildings of the enemy should be taken over as enemy property. It was seen as a tool through which the government sitting in West Pakistan could persecute non-Muslims living in the East. Renewed in 1972 as the Vested Property Act

[http://bdlaws.minlaw.gov.bd/pdf\\_part.php?id=380&vol=15&search=1972](http://bdlaws.minlaw.gov.bd/pdf_part.php?id=380&vol=15&search=1972)

### Notable land laws of Bangladesh (1971- )

#### **The Abandoned Property (Control, Management and Disposal) Order 1972**

Short title: To make provisions for the control, management and disposal of certain property abandoned by certain persons who are not present in Bangladesh or whose whereabouts are not known or who have ceased to occupy or supervise or manage in person their property.  
[http://bdlaws.minlaw.gov.bd/pdf\\_part.php?id=373&vol=15&search=1972](http://bdlaws.minlaw.gov.bd/pdf_part.php?id=373&vol=15&search=1972)

#### **The Bangladesh (Vesting of Property and Assets) Order 1972**

Short title: To take all properties and assets vested in and managed by the Government of Pakistan or Board, constituted by or under any law of the former Government of East Pakistan, and vest them in the Government of Bangladesh. Also known as the Vested Property Act, it is a continuation of the Enemy Property Order of (and has since been amended in October 2013)

[http://bdlaws.minlaw.gov.bd/pdf\\_part.php?id=380&vol=15&search=1972](http://bdlaws.minlaw.gov.bd/pdf_part.php?id=380&vol=15&search=1972)

#### **Bangladesh Landholding Limitation Order 1972 (PO 98)**

Short title: To provide for the reduction of the maximum quantity of land that may be held by a family (or a body) in Bangladesh and for matters ancillary thereto. It amended the State Acquisition and Tenancy Act by lowering the ceiling on ownership of land by a single family or body from 375 bighas to 100 bighas, and exempting agricultural lands up to 25 bighas in size from rent.

[http://bdlaws.minlaw.gov.bd/pdf\\_part.php?id=411&vol=16&search=1972](http://bdlaws.minlaw.gov.bd/pdf_part.php?id=411&vol=16&search=1972)

#### **Land Reforms Ordinance 1984**

Short title: To reform the law relating to land tenure, land holding and land transfer with a view to maximising production and ensuring a better relationship between land owners and bargadars. It defines the landless as those who possess up to 50 decimals of land and who do not have to rely on agriculture (since revised to 10 decimals in 1997). Forestry land, water bodies and other non-agri land is excluded

[http://bdlaws.minlaw.gov.bd/pdf\\_part.php?id=665&vol=25&search=1984](http://bdlaws.minlaw.gov.bd/pdf_part.php?id=665&vol=25&search=1984)

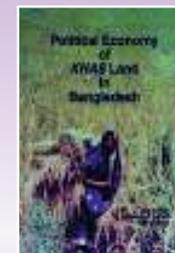
#### **Agricultural Khasland Management and Settlement Policy 1997**

Short title: to codify the distribution of agricultural khasland among the landless in all districts of the country except the Chittagong Hill Tracts (CHT)

## Corruption

An underdeveloped land and waterbody management system in the 1970s and 1980s meant the rights and access of the landless and homeless people in Bangladesh were not ensured properly. Considerable loopholes and an absence of legal protection allowed the vested interest groups - especially the landlords and rich landholders - to manipulate the whole process by registering their lands under the names of relatives or by using 'dummies' through falsification of the land transfer and ownership. Corrupt government officials also favoured the elites due to explicit bribery which derailed the full realisation of land reform.

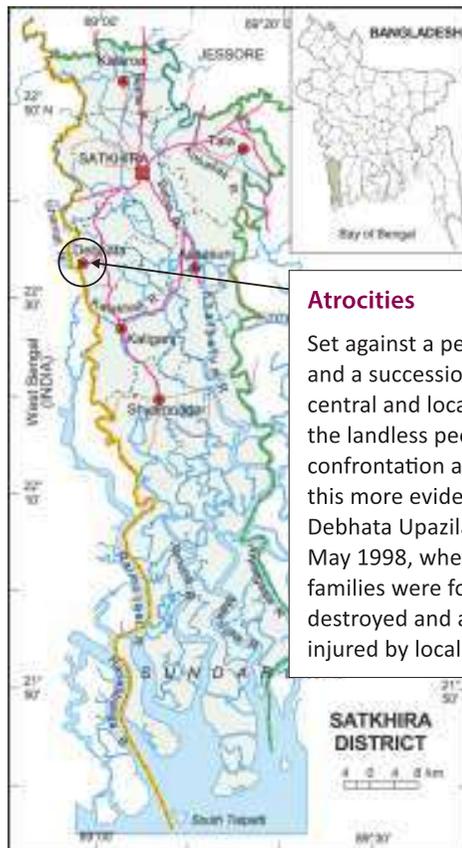
*"In most of these land laws (of Bangladesh), the genuine appeal of the peasant community went unheeded. However, some elements of these laws were properly addressed and to the problems facing the peasant community and proper implementation of these laws could have mitigated the sufferings of the peasantry.*



*But most of these laws of the colonial as well as the Bangladesh period have hardly been implemented. The reasons are mainly structural, deeply ingrained in the society and are reflected through all sorts of mis-governance, unholy alliances among vested classes, the nature of the power structure and corruption." - Professor Abul Barkat, writing in his book 'The Political Economy of Khasland in Bangladesh' (2001)*

The Land Reforms Action Program 1987 (LRAP'87) recognised the widespread illegal occupancy of vast swathes of 'khasland' (State-owned land) and the urgent need to re-establish state control after the physical identification and recovery of the land. Land redistribution programmes were initiated in Tala by the end of the decade, focusing on reallocating the khasland to the rural poor and disadvantaged. Successes were limited, however, by politicking and a lack of political will from the government, coupled with corruption and the controlling influence of the vested interest groups.

In an attempt to resolve complications, in May 1997 the government revised the Land Reform Ordinance from 1984, redefining the landless as “any family with or without homestead that is dependent on agriculture”. Despite the many legal instruments enacted on khasland, however, nothing significant was done to improve the condition and status of the landless people. Their plight was not helped by an escalating trap of legalities and complexities of the processes of khasland distribution and ownership. Consequently, a khasland movement emerged to unify the landless people and establish their ownership rights. The movement became an effective vehicle to fight against the elites and land grabbers.



### Atrocities

Set against a pervading culture of impunity and a succession of weak and corrupt central and local governments, the plight of the landless people descended into bloody confrontation and conflict. Nowhere was this more evident than in Baburabad in Debhata Upazila of Satkhira District on 10 May 1998, when around 1,200 landless families were forcibly evicted, 265 houses destroyed and around 150 landless people injured by local elite land grabbers.

How had it come to this? The story is by now familiar. The abolition of the zamindari system in the 1950s had brought a total of 3,178 acres of land in Baburabad and adjacent villages under the ownership of the Pakistan State. The vested interest groups, however, had been able to continue in their possession of the khasland by exploiting loopholes in the law. Even when the land was again declared as khasland in 1972 and efforts were made to distribute these lands to the landless people, the vested interest groups again held firm.

In 1985, the land at Baburabad was again declared as khasland and a renewed effort was made to reallocate it to the landless. This time the occupiers collaborated with corrupt local government officials and self-interested political elites and succeeded in changing its categorisation from khasland to waterbody, circumventing the Land Reform Ordinance enacted a year earlier. When a high court ruling nullified the rights of the occupiers over a portion of the land, however, hundreds of families who had been made landless by the expansion of shrimp cultivation in the southwest region seized the opportunity to settle on the land.



It would be a short-lived success. The high court ruling was reversed in 1997, and after the vested interest groups acquired leases to the land through unfair and illegal means, they formed alliances with the government officials and local police and hired thugs to attack the landless people and destroy their homesteads.

## The Baburabad Movement

The reaction of civil society members and NGOs including Uttaran to the 10 May 1998 atrocity at Baburabad was immediate and pronounced, with widespread condemnation and many criminal cases and counter-cases filed. In order to better protect themselves against a repeat of the incident, the landless people began to organise themselves more effectively, even directing their appeal at the prime minister, Sheikh Hasina. When that appeal fell on deaf ears, the vested interest groups took their cue. With the support of the corrupt local officials, they formed a hired mercenary force and attacked Baburabad again on 27 July – this time with fatal consequences.

In the face of a better organised and equipped landless people, the hired thugs began firing indiscriminately. A total of 229 mostly women and children were injured and Jaheda, a 32-year-old landless leader and mother of five, was killed. In the stampede that followed the firing, two infants drowned in a nearby canal.



*The tomb of Jaheda in Debhata Upazila*

The scale and consequences of the violence outraged the Satkhira public and led to protests and blockades of the district administration premises. The death of Jaheda, in particular, galvanised the landless people and served to fuel their movement.

Taking support from Uttaran, they formed a strong cross-society organisation called the 'Satkhira Landless Resistance Movement' to act as the focal point of their struggle.

The movement mobilised thousands of landless and other sympathisers from all walks of life in the region on a week-long rally that brought the whole of Satkhira town to a standstill. Aided by a groundswell of media coverage, the issues were raised to a national level amid a massive public outcry across the country.

## Recognition at last

The government could not ignore the plight of the landless any longer. Prime Minister Sheikh Hasina and the leader of the opposition Begum Khaleda Zia, former president HM Ershad and other prominent political figures all visited the area in the second half of 1998 and made public statements in favour of the landless people.

The movement realised the need to strengthen and reactivate its rankin partnership with likeminded NGOs and civil society members in order to maintain strong public support and impact. The landless people knew that the weaker and more divided they were, the more the vested interest groups would continue their campaigns of terror and seek to take advantage of their situation.

The landless people were still engaged in bloody struggles, but their movement succeeded in advancing their cause towards creating access and establishing their rights to the khasland. Their cause has proved that land reform is essential in Bangladesh in order to ensure an equitable distribution of public resources such as khasland.

*“Initially the government did not want to listen but gradually they have thought that the time is coming to see the problem and make a change. Gradually they have understood the transition.”*

**-Shahidul Islam**



### Immediate results of the Satkhira Landless Resistance Movement

- In accordance with the demand of the local people, the SP and ASP of Satkhira and some other government officials involved in the attacks were withdrawn from office and transferred.
- The local committees of the then ruling Awami League were dissolved.
- The people of Baburabad village renamed the place as 'Jahedanagar' in memory of the fallen leader.
- A one member judicial commission was formed to investigate the atrocities.
- On the recommendation of the judicial commission, the GoB Land Ministry formed a nine-member special task force for reclassification and distribution of khasland among the landless. This task force prepared a list of 998 landless households, which was accepted by the Land Ministry.
- The District Law and Order Committee recommended to the Home Ministry the withdrawal of 20 cases out of 28 against the landless people.
- The organised people were able to retain the khasland under their possession, despite their continuous exposure to threats of eviction.
- Uttaran along with the landless movement made representations and petitions to the Deputy Commissioner and Member of Parliament from the local constituency, as well as to the Principal Secretary to the Prime Minister and the PMO.

## History of Uttaran



*"My ambition was very simple: I wanted to be a teacher. It was not a big ambition, but after graduating I met some people who were involved in the early stages of the NGO movement in Bangladesh who educated me and encouraged me, saying 'You can start a small organisation in your village'. I saw that the landless and extreme poor people were facing injustice because of the social hierarchy, so I took the decision to fight for them."*  
Shahidul Islam, Uttaran Director

Uttaran's campaign to support the poor and vulnerable in their struggle for human rights and social justice was started by a farmer's son in a small village in Tala Upazila of Satkhira in 1985.

A social development pioneer from an early age, Shahidul Islam spent his early teenage years organising the young people of Jatpur into a sports club. As he grew older, however, he became more aware of the injustices faced by the so-called 'untouchables' and the landless poor community, marginalised farmers and the women around him. The boy who dreamed only of becoming a teacher, decided to effect a societal transformation.

After attaining a master's degree in history from Rajshahi University in 1984, Shahidul returned to Tala and opened the Samakal Madhyamik Bidyapith secondary school in Jatpur, giving enrolment priority to students from minority communities.



*Samakal Madhyamik Bidyapith secondary school in Jatpur*

### Divine inspiration

Shahidul then met two of his biggest influences: an Italian priest named Father Luigi Paggi, who was working to help child education and under privileged children in Shahidul's area; and a Japanese missionary called Dr Ishikawa, who worked for the Japan Overseas Christian Medical Cooperative Service (JOCS). They encouraged Shahidul to start a small development project in his village and provided small donations for this purpose. He called his nascent organisation 'Uttaran' – meaning 'transition' in Bangla.

***"I chose the name because we are not revolutionary. I thought that if we would like to do something, then we must do it gradually."***

Shahidul was introduced by Dr Ishikawa to the Association of

Development Agencies in Bangladesh (ADAB), a platform for mentoring local NGOs and providing training to social entrepreneurs. Uttaran applied for membership - and got it.

Supported at first by small donations from Dr Ishikawa and Father Luigi, Shahidul secured a grant from Oxfam UK, which allowed Uttaran to apply for foreign donation registration with the external resources division (ERD) of the government. They got that, too, opening up a small window of funding for the fledgling organisation. Other donors came forward gradually, with Caritas Bangladesh instrumental in helping Uttaran to receive funds from Catholic Church organisations, for example APHD, MISEREOR and CAFOD.

In the beginning Uttaran had four staff members but as this number increased, so the organisation's activities diversified into primary group formation, fisheries, agriculture, and micro-credit. It was scaling-up and expanding into other areas of southwest Bangladesh.

### Land transfer facilitation

Uttaran began its pioneering land transfer facilitation programmes in 1988, when 1,900 acres of khasland were redistributed in Tala Upazila of Satkhira. Khasland was (and still is) being illegally occupied by land grabbers, who adopted increasingly violent tactics, especially at Baburabad. While other organisations were only advocating on these issues, Uttaran began a popular movement to convince the government of its duty towards the landless people. They campaigned vigorously until political forces and the power centres of the southwest understood that it was a necessity to redistribute the land.



*“We took the decision to do something for the under privileged people and fight the injustice which is prevailing in my society. That was the vision and in 1988 we picked up momentum. Political forces and the power centre of southwest understood that it was a necessity to hand over the khasland to landless persons”.*

Over a quarter of a century later, tens of thousands of disadvantaged people have received khasland from the government, with Uttaran still playing a facilitating role as lead partner in the SEMPTI, APARAJEO, and SALE projects active in the Khulna, Barisal, Rajshahi and Dhaka divisions. Without Uttaran, this process of land transfers may not have been possible.

Uttaran since 1990 has also been working on the ecological restoration of rivers and community-based river basin management. The nationwide construction of polders for controlling flooding has had a detrimental effect on rivers, particularly in the southwest coastal region. It has resulted in the drying up of waterways through siltation, and causing prolonged water-logging. Uttaran took the decision to promote sustainable river management and developed the People’s Plan of Action with local knowledge and support. A network of local NGOs was developed with group discussions, workshops and seminars held. A leadership cadre was developed in each organisation, cultural groups formed and a book published, titled ‘Towards Sustainable Tidal Wetland Development’.

Uttaran’s persistence reaped dividends when the government finally decided to recognise and adopt the home-grown technology of river management, terming it Tidal River Management (TRM). And since 2002 the government has been implementing TRM in the Hari and Kabodakh river basins along the southwest coast.

Over the years Uttaran’s activities and working areas have grown in response to the needs of its target groups. The organisation currently works with partners in Satkhira, Khulna, Jessore and Bagerhat districts of Khulna division; in Patuakhali, Barguna, Bhola, Barisal districts of Barisal division; in Noakhali, Feni and Laksmipur districts of Chittagong division; in Rajshahi district Rajshahi division; and in Jamalpur district of Dhaka division, with ambitions to expand its coverage yet further.

But it has not been an entirely painless transition for Shahidul Islam and Uttaran. During the State of Emergency declared by the caretaker government in January 2007, Shahidul was arrested by Joint Forces and taken to a local army camp (see Timeline on page 35). Although he was never formally charged, he was tortured and held for seven months, in direct contravention of Article 9 of the Universal Declaration of Human Rights. Supported by a host of local activists, international NGOs and diplomatic missions, Shahidul was eventually freed in August 2007 and was welcomed back to Satkhira by a rally of over 50,000 people. This demonstrated to Shahidul the popularity of Uttaran, which had continued to function in his absence due to the organising capacity of his other staff.

*“When I was in jail and afterwards, the other staff organised themselves and they ran Uttaran without me. They fought for the people, they fought for me, and they fought for this organisation.*

*Is this possible in Bangladesh for other NGOs? Uttaran is not like those other NGOs. Nobody leads it.”*

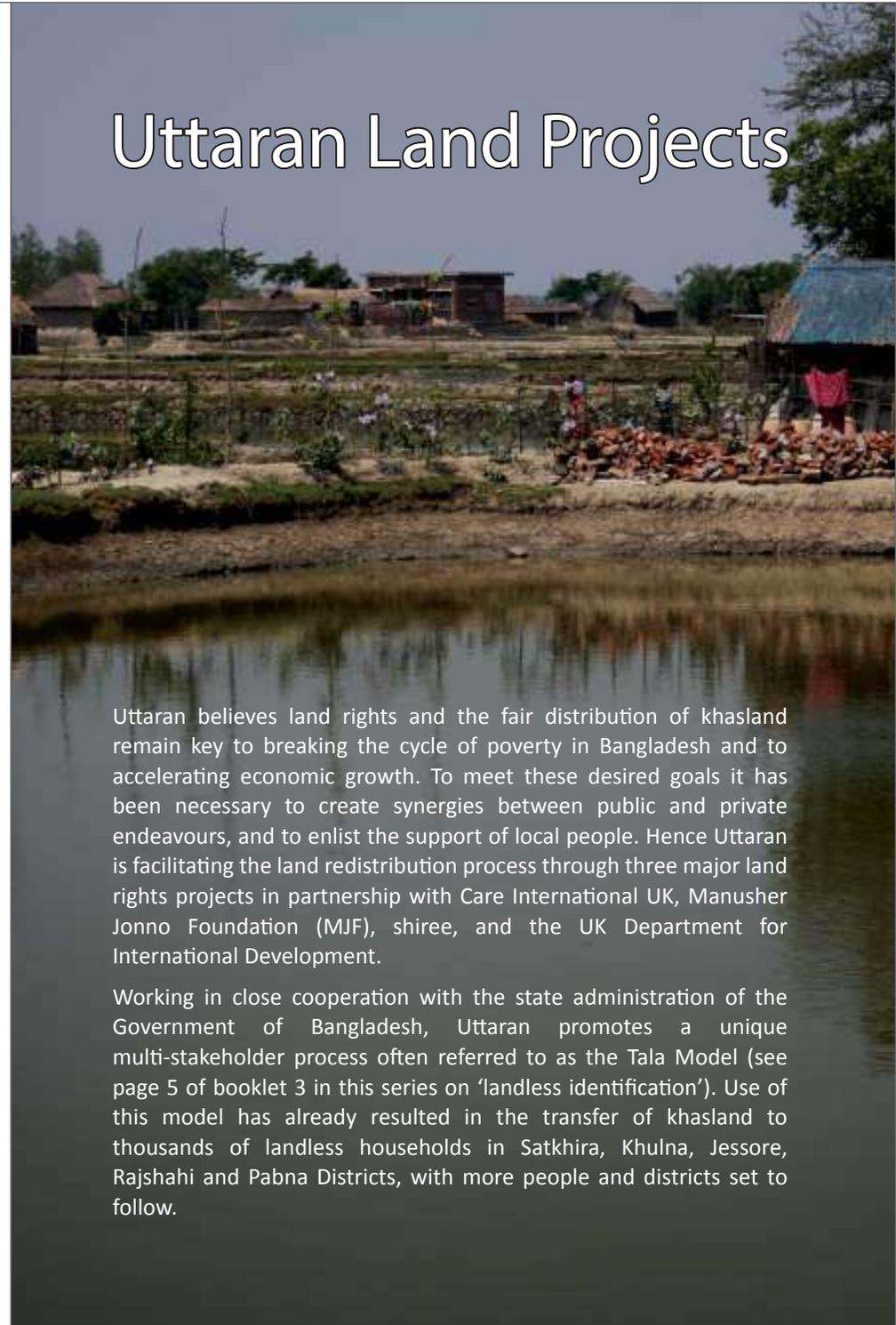
The third main success of Uttaran has been fighting for the people’s cause. The organisation has made the plight of the marginalised people - especially the ‘untouchables’ - popular in Bangladesh, and it has achieved this with the support of other local NGOs. Uttaran has seen that these are not causes for them alone, and so it has provided support to social entrepreneurs to build up their own organisations. In such a way, Uttaran has come full circle.

Shahidul Islam is passionate about Uttaran's position as a secular and politically neutral development organisation. He remains as committed as ever to making sure local communities participate in all aspects of development, and to empowering people to overcome the challenges they face. As such Uttaran's programmes continue to help thousands of landless people, 'untouchables', ethno-religious minorities and women – the biggest victims of a socio-economic dislocation, hierarchical caste system and male-dominated society in Bangladesh.



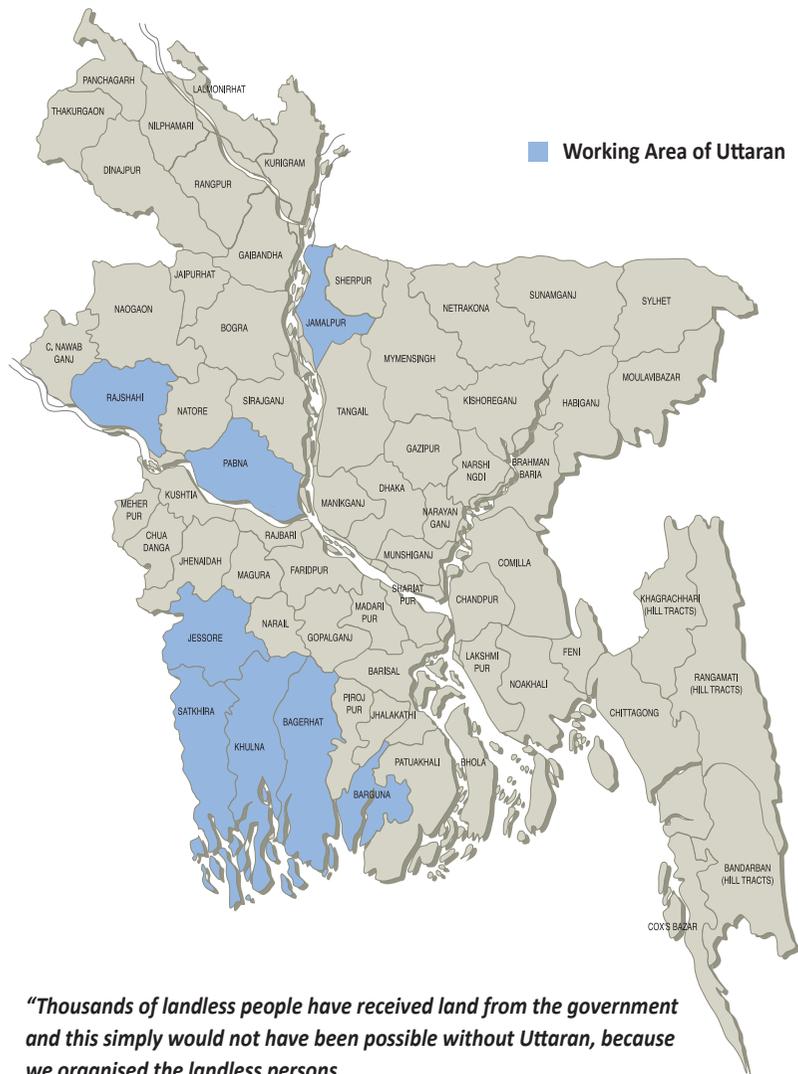
*“Uttaran is more than an NGO. We are a people-centred organisation and we are very popular because the people know Uttaran is taking direct action to fight for them. If we see there is injustice, we act.”*

# Uttaran Land Projects



Uttaran believes land rights and the fair distribution of khasland remain key to breaking the cycle of poverty in Bangladesh and to accelerating economic growth. To meet these desired goals it has been necessary to create synergies between public and private endeavours, and to enlist the support of local people. Hence Uttaran is facilitating the land redistribution process through three major land rights projects in partnership with Care International UK, Manusher Jonno Foundation (MJF), shiree, and the UK Department for International Development.

Working in close cooperation with the state administration of the Government of Bangladesh, Uttaran promotes a unique multi-stakeholder process often referred to as the Tala Model (see page 5 of booklet 3 in this series on 'landless identification'). Use of this model has already resulted in the transfer of khasland to thousands of landless households in Satkhira, Khulna, Jessore, Rajshahi and Pabna Districts, with more people and districts set to follow.



■ Working Area of Uttaran

***“Thousands of landless people have received land from the government and this simply would not have been possible without Uttaran, because we organised the landless persons, we organised a huge movement and we madelinkswith the government to try to convince them of their duty towards the landless persons. Because although there was a law, khasland was beingoccupiedby land grabbers but by providing support, the disadvantaged could take some land from the government.This has been the foremost success of Uttaran” Shahidul Islam***

Project period: April 2004 to July 2013

## APAR

Asserting Popular Access and Rights to Resources in southwest Bangladesh

Implementing partners of Uttaran: IDEAL, Mukti Foundation, Rupali, Palli Chatena, Unnayan Prochesta, Bonophul, RULFAO, Nari Unnayan Sangstha, Susamaj Foundation, LDO

Description: Uttaran supported 124,000 people through forming 1,400 primary organisations comprised of 28,000 landless people for the period 2004-2013 under the APAR project. Two phases were successfully implemented, leading to the development of the APARAJEO project in 2013 (see below)

Project area: 12 upazilas of Satkhira, Khulna, Jessore, Rajshahi and Pabna districts

Funding: DFID through Manusher Jonno Foundation (MJF)

Project period: 2009 till to-date

## SEMPTI

Sustained and expanded Effort to Make the ultra poor out of extreme Poverty by Transferring assets, cash and skill in an Integrated approach – 2nd Phase (scale-up of APARAJEO)

Project Coordinator: Md. Abdul Khaleque

Implementing partner of Uttaran: Ideal, Mukti Foundation, Rupali, Palli Chatena

Description: Enabling at least 33,000 ultra poor people in southwest coastal areas of Bangladesh to lift themselves out of extreme poverty by 2015 through accessing khasland, water bodies and assets

Project area: 11 upazilas of Satkhira, Khulna, Jessore (429 staff)

Funding: DFID through shiree

Project period: December 2012 till to-date

## SALE

Sustainable Access to Land Equality

Project Coordinator: Mamun Ur Rashid

Partners of Uttaran: MJF, Care International UK

Description: Facilitating project to engage communities to ensure transparency and accountability in land governance through the implementation of a digital land survey and record in three pilot Upazillas, and to identify the landless and establish the equitable distribution of khasland

Project area: Amtali Upazila of Barguna District, Jamalpur Sadar Upazila of Jamalpur District, and Mohanpur Upazila of Rajshahi District

Funding: European Union

Project period: August 2013 till to-date

## APARAJEO

Access to Public resources by Asserting Rights And Justice for Economic Opportunities

Project Coordinator: Md. Moniruzzaman Jamaddar

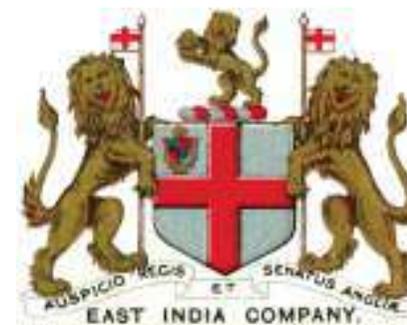
Description: Enabling the 10,000 resource poor people including the ultra poor and disadvantaged and religious-ethnic minority communities assert and realise their rights of access to land, water and other resources; and protect and safeguard their gains so far achieved

Project area: 8 upazilas in Satkhira and Khulna districts

Funding: DFID through Manusher Jonno Foundation (MJF)

## Timeline

23 Jun 1757 The British East India Company becomes the virtual rulers of Bengal after defeating the Nawab of Bengal and his French allies at the Battle of Plassey. At first it limits its role to tax collection.



1793 The Permanent Settlement of Bengal agreed by the East India Company and Bengali landlords fixes revenues to be raised from land, thus creating a landed aristocracy

2 Aug 1858 The Government of India Act passed by the UK parliament liquidates the British East India Company and transfers its functions to the British Crown, thus beginning the period known as the British Raj.

4 May 1859 Bengal Land Revenue Sales Act enacted

1 Jul 1882 Transfer of Property Act enacted

1885 The Bengal Tenancy Act of 1885 defines the rights and liabilities of the peasants (ryats) in relation to their superior lords (zamindars) in the land system

15 Aug 1947 India is partitioned into the Dominion of Pakistan and the Union of India after gaining independence from Great Britain



- 10 Dec 1948 The United Nations General Assembly sitting in Paris adopts the Universal Declaration of Human Rights
- 16 May 1951 The Government of Pakistan enacts the East Bengal State Acquisition and Tenancy Act 1950, abolishing the feudal zamindari system and bringing all land under state control
- 9 Sep 1965 Enemy Property (Custody and Registration) Order II empowers the Government of Pakistan to deprive an East Pakistan citizen of his or her property simply by declaration of that person as an enemy of the State. It is seen as a tool through which the State could persecute non-Muslims
- 16 Dec 1971 Bangladesh achieves independence after the surrender of the Pakistan Army ends the nine-month Liberation War



- 28 Feb 1972 Abandoned Property (Control, Management and Disposal) Order enacted
- 26 Mar 1972 One year to the day after Sheikh Mujibur Rahman declared sovereignty from Pakistan, the government of the newly-independent Bangladesh enacts the Bangladesh (Vesting of Property and Assets) Order 1972, effectively extending the divisive Enemy Property (Custody and Registration) Order II of 1965
- 15 Aug 1972 The Bangladesh Landholding Limitation Order 1972 (PO 98) amends the State Acquisition and Tenancy Act by lowering the ceiling on ownership of land by a single family or body from 375 bighas to 100 bighas, and exempting agricultural lands up to 25 bighas in size from rent
- 26 Jan 1984 **The Government of Bangladesh passes Land Reforms Ordinance, defining the landless as those who possess up to 50 decimals of land and who do not have to rely on agriculture (since revised to decimals in 1997). Only agri-based khasland was distributed; forestry land, water bodies and other non-agri land was not distributed**
- 1985 Mr Shahidul Islam inaugurates the Samakal Madhyamik Biddyapith secondary school in his home village of Jatpur in Tala, Satkhira



- 1985 Uttaran is founded by Mr Shahidul Islam in Satkhira. The director is aged only 25 at the time (see director interview on page x)

- 5 Mar 1985 Uttaran receives Bangladesh Social Welfare Registration
- 1987 Uttaran acquires foreign donation registration with the external resources division of the GoB finance ministry, allowing it to receive funding from abroad
- 1 July 1987 GoB implements Agricultural Khasland Management and Settlement Policy (later revised in 1997)
- 10 Jan 1988 Uttaran is registered with the Bangladesh NGO Affairs Bureau (renewed 22 Nov 2012)
- 1988 Uttaran begins its land transfer facilitation programmes as 1,900 acres of land is redistributed in Tala Upazila of Satkhira District
- 13 Jan 1991 The BNP wins the parliamentary election and subsequently suspends the land settlement process
- 1994 Mr Shahidul Islam is elected to the Ashoka Fellowship in recognition of his work on tidal river management. He donates his prize money and his family savings to his college in Tala.



**ASHOKA INNOVATORS FOR THE PUBLIC**

- 1994 Shaheed Muktijodhya Mahabidylaya higher secondary and graduate level education institution opened by Uttaran in Tala.
- 12 Jun 1996 Awami League wins its first parliamentary election since 1973 and subsequently restarts the land settlement process, distributing 10 to 12 million acres of agri-based land to the landless poor. System is abused by local feudal lords, however, who falsify deeds to acquire land

- 16 May 1997 GoB declares its policy on the distribution of khasland, revising the Land Reform Ordinance from 1984 to redefine the landless and their categorisation
- 2 Dec 1997 Chittagong Hill Tracts (CHT) Peace Accord signed between the PCJSS and the Government of Bangladesh; includes plans for the return of land to displaced tribal people and a land survey of the CHT
- 10 May 1998 Around 1,200 landless families are forcibly evicted from Baburabad of Debhata Upazila in Satkhira. A total of 265 houses are destroyed and around 150 landless people are injured (read more about the 'Baburabad Movement' on page 17).
- 27 Jul 1998 A second attempt is made to evict the landless in the southwest but this time they are better organised and resist. A violent struggle ensues in which 229 people are injured and 32-year-old landless leader Jaheda is killed, elevating the struggle to national headlines.

Uttaran provides medical aid to the injured and in response to the attacks, forms the 'Landless Eviction Resistance Committee' in partnership with other NGOs and local actors, presenting a seven-point list of demands. A similar support network is formed in Khulna City while in the Dhaka, residents rooted in Satkhira form the 'Satkhira Rights Committee'



*Jaheda lies fatally wounded in Baburabad*

18 Aug 1998 **Amid mounting political and public support for the so-called 'Baburabad Movement', Prime Minister Sheikh Hasina visits Satkhira and issues assurances that khasland will be distributed among the landless people. GoB initiates the 'Asrayan Project' to resettle the homeless people**

2004 With support of Uttaran, the land ministry of the GoB issues the order for the change in the classification of land in Kaligonj and Debhata upazilas, finally beginning the land redistribution process (first in Kaligonj District, then two years later in Debhata)

2004 Uttaran launches Asserting Popular Access and Rights to Resources in southwest Bangladesh (APAR) project with support of Manusher Jonno Foundation (MJF) and the UK Department for International Development (DFID). It runs until July 2013, when it is succeeded by the APARAJEO project (see below)

Jun 2004 Six years on from the Baburabad atrocities, the GoB has still not delivered on its 18 Aug 1998 pledge, due to intensive lobbying from parties with conflicting interests such as shrimp farmers. The landless people in nine villages of Kaligonj and Debhata upazilas in Satkhira District form an action committee with the support of Uttaran and submit a memorandum to the Office of the Prime Minister, in a concerted push to acquire rights to khasland

27 Feb 2005 364 landless families are evicted from their rightful homestead covering 233 acres of khasland in Basukhali village of Assasuni Upazila, and Chinrikhali and Boiragirchak villages of Kaligonj Upazila under Satkhira District. A total of 80 landless people are injured and one woman - named Sabiron – dies in hospital two days later.

In response, Uttaran reactivates the landless movement and challenges its members to act peacefully and proactively while asking development partners at home and abroad for solidarity support. A human rights team headed by Action Aid Bangladesh comes to Satkhira to investigate the incident. A conference in Dhaka sheds light on the issue and the team subsequently formally appeals to the DC of Satkhira for justice for the landless victims

11 Aug 2005 Uttaran meeting establishes the Tala Model for identifying the landless (*see booklet 3 in this series on 'Landless Identification'*)

3 Jun 2006 Three activists of the landless movement are abducted from close to Baburabad under Kaligonj Upazila and tortured. Abul Hossain (65), Fazlu Mollah (45) and Abdus Sobhan Sardar (55) are left for dead near the Uzirpur Bridge in Kaligonj before being rescued by local people and rushed to Satkhira General Hospital for treatment. Abul Hossain later dies from his injuries. Uttaran responds with rallies and a press conference in Satkhira

2006 Atshotobigha (meaning '800 bighas') non-registered primary school opened by Uttaran for children of landless families in Debhata

11 Jan 2007 Caretaker government of Bangladesh (GoB) cancels the parliamentary election scheduled for 22 Jan and declares a State of Emergency, suspending the fundamental civil rights of citizens in Bangladesh

27 Jan 2007 Uttaran Director Mr Shahidul Islam is arrested by Joint Forces at 10am from Uttaran Training Centre in Tala under the emergency rules, and taken to a local army camp. He is tortured, and has his foot broken

## Shahidul Islam detention timeline

- 28 Jan 2007 Mr Islam is transported to Satkhira Jail. A one-month detention order is passed under the Special Powers Act 1974 on the grounds that he is likely to commit a 'prejudicial act by disrupting the maintenance of law and order and causing harm to the economic and financial interests of the state'
- 29 Jan 2007 His health condition worsening, Mr Islam is moved to Satkhira Hospital, where he remains for two days under police guard
- 31 Jan 2007 The High Court asks GoB to present Mr Islam within 14 days after his elder brother Mr Nazrul Islam lodges a writ petition challenging the arrest and detention
- 8 Feb 2007 Mr Islam is denied bail at a local magistrate hearing
- 13 Feb 2007 High Court deadline of submission expires without Mr Islam being presented
- 28 Feb 2007 Detention order for Mr Islam expires but he is later charged in four separate criminal cases
- 11 Mar 2007 Mr Islam is again denied bail at a hearing of the local magistrate
- 8 Apr 2007 The Daily Star publishes feature-length article: 'The Case of Uttaran's Shahidul Islam'
- 14 Aug 2007 After almost seven months in detention, during which numerous civil society activists, international organisations and diplomatic missions made representations for his release, Mr Islam is finally granted bail by the High Court
- 21 Aug 2007 Mr Islam is released from Satkhira Prison

15 Nov 2007 Cyclone Sidr hits southwest coast of Bangladesh as a category five storm, killing 3,363 people and injuring 55,282, and damaging 2.5 million acres of crop land and 1.5 million homes, according to UNICEF figures

Apr 2009 Uttaran launches 'Sustained and Expanded Effort to Make the Ultra Poor Out of Extreme Poverty by Transferring Assets, Cash and Skill in an Integrated Approach' (SEMPTI) project second phase in partnership with Shiree and DFID

28 Apr 2010 Uttaran opens its IDRT research institute in Tala, Satkhira *(for more information see booklet 10 in this series on 'Training Modules')*



Oct 2010 Uttaran drafts 'Overall People's Plan' identifying a range of actions in the management of rivers in the southwest coastal region of Bangladesh, including Tidal River Management (TRM) to solve the recurrent waterlogging crisis in the region.

Mar 2012 SEMPTI project completes its first phase

13 Dec 2012 'Sustainable Access to Land Equality' (SALE) project officially starts in partnership with MJF and Care International UK

Aug 2013 Uttaran launches Access to Public resources by Asserting Rights And Justice for Economic Opportunities (APARAJEO) in 8 upazilas in Satkhira and Khulna districts, with the support of MJF and DFID.

## Testimonials

*“It was early 1986 when I first visited Jatpur and found the school at the very early stage. I was a bit surprised to see its very simple and poor looking building. After looking inside, however, I was impressed with the enthusiastic atmosphere of learning inside the class rooms with many eye-shining children and teachers. I felt a true education model there against so poor rooms. I found that the school was filled with a spirit of joy of learning and equity among the children. Moreover I was impressed to learn that the school was started by the local people’s initiative, not by government or any foreigner. People collected old wood, bamboo and bricks and made the roof and wall by themselves. I felt that something was shining.”*

Dr N. Ishikawa, writing in the annual report of Samakal Madhyamik Biddyapith in June 2014

*“Uttaran has been very successful from my point of view. People know about them and what they do, their mission and vision are well articulated to the common people and they have achieved great popularity within a short time.”*

Amtali Upazila Nirbahi Officer (UNO), Mr Mizan Rahman

*“Definitely, I hope for the day when Uttaran is not needed. You should prove yourself that you are needed, and that the people demand you. This is the history of the world. So Uttaran may change the strategy if the people demand. We must always size up the people’s concerns.”*

Uttaran Director Shahidul Islam