



## **Indigenous People's Access to Land in Northern-belt of Bangladesh: A Study of the Santal Community**

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This thesis is dedicated to those Santal people who share their voices and made this research real.

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## Abstract

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Indigenous land access in Bangladesh is limited at local levels as well as national levels, since indigenous peoples have no political recognition and documentary evidence provided by the government. The present research attempts to uncover the level of indigenous people's land access on what is believed to be their informally inherited common property. It deals with the history of land access of the Santal people in different periods, from early ages to present day, and at a glance gives some geographical perspectives on land access in the northern-belt of Bangladesh. Practical questions according to an in-depth inquiry, along with snow-ball sampling accompanied by available secondary data on Santal people's land access have been analyzed to uncover some reasons for this land loss. This study also endeavors to analyze some consequences regarding the problematic land access of the present period marked by disputes between the government and indigenous communities. The study also explores trends of protest by indigenous peoples in order to reclaim their access to land. The study shows that 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' limited understanding on land ownership, political manipulation, majority-minority conflict, and language barriers have caused major discriminations for the Santal people in achieving their expected access to land. As a result of problematic land access, mass poverty and continuing social complexities have degraded living conditions in indigenous communities, particularly in Santal areas of Bangladesh. The study suggests that indigenous people's protest and revolt against the oppressions may become fruitful if concerted initiatives are taken at individual, national, community and non-governmental levels.

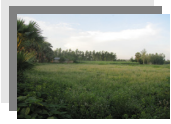
## Chapter-1:



Broad-spectrum sequences of the research

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## Chapter-1:



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### Broad-spectrum sequences of the research

#### 1.1 Framing the issue from global to local area

Land and land related resources are central to the existence and livelihood of mankind (Hanna and Jentoft, 1996) and this paradigm is frequently seen as a model where ‘man’ or ‘land’ are no longer seen as separate entities from part of another (Kalland, 2000). In this regard, the relationship between ‘man’ especially ‘indigenous people’ and ‘land’ has a chronological impact and this impact generally affects the original dwellers of the land. However, nowadays, the evolution of land access is considered as the dominant framework for indigenous peoples particularly in the third world countries. Eventually, indigenous cultural practices which are enormously related with land are seriously demoralized and are being lost within a broader spirit of understanding (Roy, 2000), even though land and land related resources are the fundamental basis for their livelihood and most of indigenous communities have land-based economy (Rahman, 2002). As a result, land issues, particularly lack of proper access to the land, are of burning concern for indigenous peoples globally. This steady corrosion can be drawn to the non recognition of the reflective relationship between land and lack of recognition of fundamental human rights. “Indigenous societies in a number of countries are in a state of rapid deterioration and change due to denial of the access of indigenous peoples to lands, territories and resources” (Daes, 2001: 9). Therefore land is taken by force, fraud, or bribery, and indigenous peoples face difficulties in establishing their rights ([www.odhikar.org](http://www.odhikar.org)). As a result, indigenous land rights are continuously influenced by a government’s malfunction to recognize the existence of land access. Furthermore, these rights are violated by the state’s unwillingness to provide indigenous peoples a position from which to advocate for their rights (Daes, 2001). In Canada, for example, contemporary treaty and land claims negotiations signify an endeavor to resolve the question of indigenous land rights for land access, but Canada's land claim policy and its premises have been criticized (Coalition



task Force, 1986:13) and it overlooks the socio-economic and cultural implications (Archibald and Crnkovich,1999). Land access related rights have been also criticized in Australia in its 1992 decision the High Court of Australia declared the principle of *terra nullius* no longer acceptable. However it continues the discriminatory policy of the state's authority to extinguish aboriginal land rights (Daes, 2001).

IDMC-Internal Displacement Monitoring Centre, (2009) stated that indigenous land rights in Bangladesh also included state's discouragement to distinguish the continuation of land access (iDMC, 2009). This denial of access "has a long historical background that started with the appropriation of the forest commons of the indigenous peoples by the colonial Forest Department in 1870s." In the continuation of that process, at the time of the construction of Kaptai Dam in 1960, more than 10,000 people were displaced and two-fifths of the cultivated lands of Chittagong Hill Tracts (CHT) were flooded due to hydro-electric dam. The instances of land deficiency endured by indigenous peoples in plains land are perhaps even more extensive than in the case of the CHT (Barkat, Hoque, Halim and Osman, 2009:29). Consequently indigenous people, mainly Santal people (the present research conducted on Santal people and brief scenario on Santal people will be discussed in the second chapter) in plains land are now under threat of land grabbing, the setting up parks and social forestations (The Daily Star, 2008). Nowadays, Santal people appear to be 'outsider in their own-nurtured land' because of inequity and abuse of land rights (Uddin, 2008). Most of them do not own land to grow crops and are victims to successive government plans and policies regarding land access and rehabilitation. They have become one of the poorest and most vulnerable sections of the population in Bangladesh. The most interesting point is that they have now become day-laborers in their own lands and often face harassment and discrimination by the Bengali neighbors (Kamal, Chakraborty and Naasrin, 2001).

Due to such situations, intensive research on these problems and its causes has become a significant need. Therefore, the present study is an attempt to explore the level of land access in different periods among indigenous people's land which used to be their own, and discuss some reasons for this land loss. This study is also endeavors to uncover some consequences regarding land access today and explore the kinds of protest by the

indigenous people against land loss. This study has been conducted on Santal peoples in Bangladesh.

## **1.2 Core research questions**

The following questions have been formulated to meet the research objectives:

To what extent do Santal people have access to the land that used to be their own land?

Why and how did the Santal peoples lose their land?

What are the consequences regarding land access today?

What kind of protest arose by Santal people?

## **1.3 Interest, rationality and objectives of the study**

I believe that every research begins with some questions and comes to end with the reasonable answers. I was born in the southern part of Bangladesh named Satkhira, where I had never been exposed to any people with different complexions, cultures, food habits, or clothing (different people; in a sense before my university level I had been introduced to only Muslims and Hindus). That opportunity came true during my university level education when I was student of first year in Dhaka University (DU). Every year around 6,000 students (combined majority, minority and indigenous people) get chance for the study in DU. DU gave me the chance to meet and mix with those students who came from different places, different cultures, and societies especially indigenous peoples. During this period some questions raised in my mind. Why are indigenous peoples different from other peoples? Why are their complexions different? Why are their languages different? Why is their dress different? I got reasonable primary answers when I met them intensively in the next four years. Later, my enthusiasm on indigenous peoples influenced me to conduct a research on Chakma indigenous peoples during my Master's Degree at the University of Dhaka. For the second time, in 2009, the University of Tromso unlocked an innovative window allowing me to accomplish my dream to study on indigenous issues.

Significantly this research is meant to enable to understanding of the deprivation level of land access among Santal people and how this deprivation of land access converts them into different categories: a) the Santal who have certain amount of land but fear losing their land; b) the Santal who have a piece of land c) the Santal who have a dwelling-house but do not have any land to cultivate and d) the Santal who are totally displaced from their land. Also, this research may facilitate the visibility of this community to policy makers, NGO workers and donors, therefore increasing understanding of the main causes of discrimination and encourage the improvement of their situation over land access among indigenous peoples in Bangladesh generally, and particularly in the Dinajpur area. In addition, my research can be an attempt to fill the gap of resources for upcoming researchers and contribute to academic discourse on land access within the discipline of Social Science.

## **1.4 Methodology: strength character of the Research**

### **1.4.1 The study design and Data collection techniques**

“Methods are a means to achieve the desired objectives” (Gizachew, 2006). Methodology simply refers to a way of doing research or should the way to proceed. It is a structure of approaches and methods which are employed by researchers (Porsanger, 2004). Research has power and control, and scholars take these issues very seriously. They make indigenous research of the decolonization process which entails an assignment for the indigenous peoples. “This requires a shift of research paradigm: the use of indigenous approaches and development of indigenous methodologies that are suitable for both indigenous and non-indigenous researchers” (Porsanger, 2004:109). Therefore, over the past few decades, academic researchers, intellectuals and scholars involved in research on, with, and about indigenous peoples have been discussing a great variety of issues relating to indigenous research. This indigenous research has historical implications which include the comparative history of past and present. According to Evjen’s indication, knowledge regarding land access of Santal people through past and present is discussed in second chapter, as well as a comparative discussion employed according to past and present situation. Overall, my approaches to research and qualitative methods are a small contribution to the overall practice on research with indigenous people.

“Qualitative method is used as an explorative means to explore how the variables should be conceptualized” (Launso and Rieper, 2006:31). Silverman defines methodology in four different points of view such as cases for study, methods of gathering data, outline of data analysis, interpretation in planning and finally, proper execution of a research study. Therefore, the selection of the research design gets the pioneer priority of the whole research concept (Silverman, 2008:99). In this regard, the present research is designed as purely of qualitative in nature because it facilitates the understanding of a particular social situation, event, role, group, or interaction. Thus, this design was used to understand the certain situation among Santal people in Bangladesh. The research design is also selected based on the assumption that turns to investigative processes and permits the researcher to make sense of a social phenomenon by contrasting, comparing, replicating, cataloguing and classifying the object of study (Creswell 2009: 194). Thus, the present study has been conducted combining both sources of data, primary and secondary for investigation, especially contrasting and comparing the objects of the study. Primary data has been collected from individuals and the community and secondary data has been formulated from the census, governmental and non-governmental reports, articles, books and so on. Thirdly, secondary sources were employed to gather data that were unavailable from the foregoing primary data sources and to corroborate the data collected through primary sources. In this regard, secondary sources from libraries and the Internet were consulted. Library sources included theses, books, reports, and conference papers. The archival sources were very useful in rendering a brief historical analysis of the level of land access in different periods among Santal people in Bangladesh that will be mentioned in the second chapter. Further, the secondary materials I consulted have proved helpful in illuminating some of the findings from the primary data sources.

Another point of view is that methodology should justify one’s inquiry strategy of the case that needs in-depth discussion as a primary data source for the study. Thus, my specific approach to inquiry gives me the opportunity to explore in depth a program, event, activity, process, or one or more individuals (Creswell 2009: 13). Therefore, my first inquiry strategy of collecting data is in-depth-interview (Silverman 2008: 130). In-

depth interview “means that the researcher aims at optimizing an adequate and comprehensive understanding of the given phenomenon” (Launso and Rieper, 2006:14). It also refers to a conversation based on our daily life and characterized by two people, interviewer and the informant. It is controlled by researcher and has the possibility of running through or deeply into the theme or certain issue (Launso and Rieper, 2006). For in-depth interview, I chose fifteen informants for the purpose of securing in-depth conversations. I have had a reflective preparation of the theme guide. The interviews ran beyond the spontaneous conversation between me-assistants and the informants in the controlled environments. I have maintained accountability to explain every single question to the informants and significantly showed my concentration on their every answer. In sense of ethical and moral issues, I listened to their stories with full respect.

The second inquiry strategy of collecting data is Focus Group Discussion. “Focus Group Discussion is a gently steered interview with typically 8-12 participants focusing on specific issue. It normally lasts 2-3 hours, and it is chaired by a so-called moderator or facilitator underlining that the chairman does not act as an ordinary interviewer, the role of the facilitator is to encourage interaction in the group of relevance to the research issue” (Launso and Rieper, 2006:22). The practice of focus group discussion was first introduced in USA in 1940s. Originally it was used in marketing but later it began to be used largely in social science and health research (Launso and Rieper, 2006: 22). Following these rules I have arranged two Focus Group Discussions in my field areas. One FGD took place at Amlakathal village in Phulbari Upazila, and another FGD has been held in at Amaltala village in Chiribandar Upazila. Each discussion took around 2-3 hours. Both FGDs were successfully implemented to encourage interaction between both male and female participants from the Santal peoples.

#### **1.4.2 Time and strategy of area selection; target group of the study; Research assistants: Archana Devi Soren and Babu Ram Soren**

The data collection process started in the second week in June 2010 and came to an end on 10<sup>th</sup> August 2010. The fieldwork was conducted at Dinajpur district in Rajshahi, Bangladesh in 2010. Research reveals that indigenous people in greater Chittagong Hill

tracts get priority even though the international concentration is on CHT (Rahman, 2000). Consequently, other indigenous people in the rest of Bangladesh are struggling hard to sustain their own rights. They are apparently isolated by the majority Muslim and also inaccessible from outside world. The present underprivileged situation of Santal people and the increasing percentage of land loss in the North have encouraged me to select this area for conducting a research. The present research has been conducted at Phulbari, Chiribandar and Nababganj Upazilas in Dinajpur District, Rajshahi division, and brief discussion on these places will be mentioned in second chapter. Among the total population of Dinajpur District, the tribal people are 61,744 (4.42% of total population) and it is estimated that Santal peoples are in larger group among the indigenous peoples in Dinajpur ([www.dcdinajpur.gov.bd](http://www.dcdinajpur.gov.bd)). The villages named Amlakathal (Union: Jaipur-1) in Phulbari Upazila, Bharkumari, Shimli and Patuatu (called Kachua in Bengali) in Nababganj Upazila, Choto Baul, Amaltala, Katapara in Chiribandar Upazila respectively, are the places where I conducted my research.

Santal people who are enormously affected by the land and resources grabbing and various problems have been considered as participants of the present research. They were taken by using “snow ball” technique combined with women and men. Leaders known as headman, political leaders, farmers, housewives, school teachers, students, and NGO workers of the community have been selected as my respondents. Age of the participants begins with around 24 and comes to end to 90 years.

As a non-indigenous, Bengali speaking young female researcher from mainstream society, it was difficult for me to conduct study in the Bengali language since the Santal have a distinct language and are almost all disoriented by Bengali language. Consequently, one female interviewer named Archana Devi Soren and one male interviewer named Babu Ram Soren from the Santal community were recruited to assist for conducting in-depth interviews. Archana Devi Soren and Babu Ram Soren, assistants from Santal community, were able to establish themselves with the participants as friendly, sensitive, tactful and trustworthy young people who were well-liked and well respected by the Santal. Once, a participant denied talking because he was worried about

a Bengali land grabber. Archana Devi Soren was from same community and succeeded in convincing him to talk with us. They felt obliged to convey an acceptable message in these roles to the Santals. In this context, they acted as the sole local representatives of the Santal peoples.

### **1.5 Comparative and Critical views of sources: Literature Review**

The main sources of the thesis are based on interviews: the stories told to me by the locals and the FGD conversation. These sources are treated as primary oral sources and are compiled by the secondary sources not only on the basis of previous research gap that has been done before in the same field but also the sources which will be assembled as a contribution in the field of secondary sources in near future. Previous researches have influenced and assisted me to find out how to organize a thesis; how to establish suitable methodological and theoretical phases, which are related to conceptual areas, such as how to make a comparative discussion and find out the limitations of the research and how to make research questions addressing concerning the previous research gap. Finally, related chapters are formulated following the previous research. Therefore, the primary sources have been discussed with the contribution of secondary sources and have been anticipated to open a new window respectively on current study. Very few researches have studied land related problems of indigenous people like land grabbing or land dispossessions in Bangladesh. This thesis attempts to present some literature related to the research previously conducted in Bangladesh as well as in other countries of the world.

Mesbah Kamal; Eshani Chakraborty and Jobaida Nassrin provide a variety of information in their book, '*Alien In Own Land: a Discourse on Marginalization of Indigenous Peoples in North Bengal.*' This book is a reviewed and observed result of various researches done on indigenous people whose lands are grabbed by the influential majority Bengali people in greater Rajshahi between 1993 and 2001. The book gives an idea as to why indigenous people are alien in land that used to be their own, and presents some causes behind the problems. This theory is manifested as the eclipse of tribalism and the subsequent beginning of the tribal's or small indigenous peoples' misfortunes. This incident may have proceeded in two ways: separation across international borders persuades

dislocation and pushing into harsher and planned segregation or to reserved areas. Another cause is non-tribal settlement in the tribal areas. This book presents some definitions of the origins of indigenous people such as the Forest Dwellers; a prominent indigenous group in Bangladesh. Moreover, this book discusses the position of indigenous people in the Bangladesh National Constitution and in an international context. There is no recognition of indigenous people in the Bangladesh National Constitution even there is a great controversy between the concept of indigenous and tribal peoples. Furthermore, the book has focused on the issues of land problems and concerning rights, the marginalization of labor market, and indigenous language and education (Kamal, Chakraborty and Nassrin, 2001).

Abul Barkat, Mozammel Hoque, Sakeka Halim and Asmar Osman in their book named *'Life and Land of Adivashis: Land Dispossession and Alienation of Adivashis in the Plain Districts of Bangladesh'* showed that indigenous people are politically and socio-economically disadvantaged in Bangladesh. One of the major issues of this marginalization is steady rate of land dispossession. This situation impacts negatively on their entire livelihood and seriously emphasizes their identity crisis including the process of acculturation. "The process of dispossessions of indigenous land has been continuing since the British rules and got further accelerated during the Pakistani period as well as has been particularly sinister following the aftermath of the independence of Bangladesh. The trend still seems to continue unabated" In their book, ten indigenous communities, including Santal people in the plain land, received priority of discussion. This research has been conducted within sample survey in twelve districts in the plain land in Bangladesh. Significantly, this book describes the oral history, demographic and socio-economic characteristics of 10 indigenous people. Moreover it also gives an idea about the level of access on facilities and services among ten indigenous peoples in local as well as national levels (Barkat, Hoque, Halim and Osman, 2009).

The book named *'Tribal Peoples, Nationalism and the Human Rights Challenge: The Adivasis of Bangladesh'* was published by the University Press Limited in 2005 by Tone Bleie. The book presented an outline and definition of tribe, nation and region along with



some approaches to conduct research. This book brought together a discussion of minority and indigenous peoples within a social science analysis of how social discrimination impinges on poverty process and poverty outcomes. The book also deliberated on the issue of human dignity and well being, safety, food security, employment and control over land in Bangladesh. For this research, the core study area was the north-western part of Bangladesh with empirical focus mostly on Santal people. The book discussed the Santal indigenous peoples in the deforested world as indigenous forest dwellers and showed a case study of Santali Forest User Rights in Nababganj Thana, Dinajpur. This book seeks to combine discussion of Santal Customary Forest User Rights and recent uses of forest edibles as well as a question on the Forest Protections Practices based on the critical modernity and development as the ideology of oppressive nation-state. To conclude, the book sums up the basis of the shifting context of Adivasi human rights as the basis for examining government programmes concerning the ethnic minorities. This shifting context is budged to the policies and approaches used basically by the local and National NGOs in addressing by the Adivasi livelihood needs and human rights (Bleie, 2005).

*In Search of a Withering Community: The Santals of Bangladesh* is the work of a group of law students from Dhaka University and is edited by Professor Dr. Mizanur Rahman. This book consists of two parts along with a prologue containing two short articles by two teachers who facilitated the group during field visits. The second part consists of four chapters discussing the main body of research conducted by the students. This book attempts to understand the different appearances of 'backwardness' or 'indigenusness' of Santal people in the plain north-Bengal of Bangladesh. It works to explain why indigenous Santal people 'live the way they do,' and how gradual extinction of the community is intricately related to the capitalist system and especially to its property relations (land ownership). The present situation of Santal indigenous people is the result of imbalanced distribution of capital. Their own concept on their living conditions within a milieu of antagonistic social classes and conflict-ridden interactions with hegemonic sectors: economic, social, and cultural, are a central problem for Santals in the past and up to the present. In the mean time, development process violates the fundamental rights

of indigenous peoples, including Santal people, and it begins with the statement that indigenous people are dominated by the institutions and the societies. The dictating communities think that the undermining indigenous economic systems are justified but truly the beauty of world depends upon diversities. The editor concludes the book with some quotes of famous poet *Pablo Neruda*, “We need to hear the one that has no voice; we need to see those things that do exist. We must hear and see this disintegrating Santal peoples and cultures as it is not only a threat to indigenous or Santal peoples but to humanity as a whole. We are all on the brink of self-destruction as we are all part of human beings” (Rahman, 2002).

As part of the celebration of the World Indigenous People Day, Ethnic Community Development Organization (ECDO) has published a journal entitled “*Journal of Ethnic Affairs*”. In order to accelerate and preserve research outcomes on indigenous peoples, particularly in greater Sylhet region, ECOD has taken this initiative. This study presents various aspects of ethnicity; especially the psycho-social dimensions of ethnic communities and investigates the causes in the basis of identity integration, identity differentiations, and identity collaboration takes place in the society. Moreover the paper seeks to understand the problems of indigenous peoples and combine a discussion of indigenous peoples’ rights frameworks and their struggle and survival strategies. Furthermore, the journal discusses the human rights perspective along with the international decade of the world indigenous peoples (Journal of Ethnic affairs, Vol. 1, 2005).

*The Santal Community in Bangladesh: Problems and Complications* is the book of Mesbah Kamal, Dr. Mohammad Samad and Nilufer Banu. This book was published by Research and Development and Collective (RDC) in August, 2003. The book brings together the land use and indigenous land rights concerning the Santal at every level of their livelihood. RDC and SMNB organized Focus Group Discussions at the grass root level in the northern part of Bangladesh. The book presents the identity, culture, history and tradition of the Santal and states that their way of life is being threatened even more than they are in danger of identity problem. Despite some remarkable international

provisions, declarations and conventions seeking to protect indigenous populations' human rights, many of the Santal people are worried about their existence in the country. They do not have access to information at local, national or international levels and cannot use the international instruments of human rights. The book also shows that the Santal people have a great lack of leadership in local and even in national levels (Kamal, Samad and Banu, 2003).

To conclude of this section, it can be said that the present study has been conducted for those Santal people who are socially and economically disadvantaged, separated from the mainstream, and have been miserably suffering due to land related problems. The above reviewed secondary sources and literature have assisted me in researching the livelihood of the Santal people along with their problems of land access. On the one hand, it was an attempt to show their problems in the sunlight. On the other hand, some limitations and lack of comprehensive discussion among this literature influenced my research as well and in the same way in the future I hope that this research will be of use to future researchers and helps the Santal to solve their problems.

## **1.6 Challenges during data collection**

During the field work a few challenges were encountered and these challenges have influenced the reliability and validity of the data and research results. Problems that I faced in the field could be categorized as seasonality, physical access to the community, resources (research assistants), language, age, my gender as female researcher and security. Since the fieldwork was conducted during the rainy season in June to first week of September, continuous rains made the clay paths muddy and made it hard to walk. Physical access is connected to communication and transportation rather than community support. The transportation from the Upazila town is mostly old buses, often not in working condition. There were no certain vehicles from Thana to Santal villages. The transportation was limited to particular local markets. The only way to reach the Santal villages was by walking as the local transportation is always risky due to inadequate infrastructure. Since most of the lands of the Santal are gradually and illegally grabbed by the Bengali people, they are hostile to them. As a result, initially, community access was

also difficult; however one Santal leader named Mr. Rabindranath Soren, General Secretary of the Central Committee of *Jatyo Adivasi Parishad* helped me a lot. He made contact with local indigenous leaders and unfolded the importance of the study at which time I was warmly welcomed into the community. I faced difficulties finding interviewees to conduct the in-depth interview. Since the issue is politically sensitive, at the beginning interviewees refused to talk to me. But within a very short time I convinced them to do so. Language is another challenge I faced during field work. In many Santal villages nobody is comfortable with Bangla language, though many of them can speak both Bengali and Santali languages. In such cases I was lucky that I got a very dynamic young college student, Archana Devi Soren, as a guide and interpreter who delivered my ideas and words to them. Furthermore, the Santal lands and resources are mostly grabbed by Bengali majority peoples and they were aware that I was there and collecting information. So I was always in fear. I was mostly scared due to health hazards in the study areas. There is no safe drinking water, no electricity. So when I went to villages, I had to carry safe drinking water from the town. Moreover, diarrhea, malaria and skin diseases are high in these areas and the prevalence was accelerated due to the rainy season. I took typhoid vaccine before going to the field and took a malaria preventive dose every week. I was so cautious in the field; nevertheless I suffered from skin diseases during my field work. As a Bengali person I was not oriented with the foods of the Santal. My stay in the Santal villages was very difficult.

When conducting my research I was an outsider in the community. So I had considered myself as an outsider in the community and my own behavior was modified for the participants. I was careful to control the range of my interests and the intensity in some matters. For instance, land is a politically sensitive issue and a challenging one, so I had to be tactful in choosing my participants. Some participants were self-conscious and secretive. They did not like to discover their internal messages because of fear of land grabbers, policemen and other outsiders. Significantly rapport build up (such as a good relation with the women and children and later to the male person in the family) and was the main tool to get the answers I desired. I also tried to show my interest on this issue with greater compassion. The participants were very much frustrated by this issue. I have

seen them cry and understand how badly they want to be free of these problems, so I had to play a double role as a sympathizer and a researcher. I obscured my note taking and tried to write on it after coming back home at night. I was comfortable to take my notes openly, but the participants were not comfortable with it, should I request some kind of detailed information. I shared my plans before taking their interviews so that they knew about the purpose of my existence in the community. I never took photographs without their permission. By this means my role during field work will help to increase my further access to the Santal village, , contributing to the unlimited goal of understanding the life ways of these peoples.

## **1.7 Conceptual framework**

There are three concepts in this study which require clarifying and making a connection with the theme of present thesis.

### **1.7.1 Indigenous people**

According to ILO Convention No: 169 (Article-1) “Tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations; peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions” (ILO convention, 169, 1989).

In the international level, this ‘Indigenous’ concept was first introduced by International Labor Organization in the Convention No. 107 article 1(1) (b). In 1989, this convention was modified or revised by the convention concerning Indigenous and Tribal Peoples in independent countries. It is the only international law or instrument regarding indigenous and tribal people. “However, the definition contained in the Convention No.107 has not been abrogated but it is supplanted by the definition adapted in ILO Convention 169 of

1989 article 1 (1) (b) of the revised convention no 169. This operational definition has been supplemented where 'indigenous' is documented as historical stability and judge themselves ethnically distinct from other sections of the society and they are non-dominant group. The definition gives some criteria for instances of ancestry, language, customary social institution. However, discuss all of available definitions demonstrate the current understanding of 'indigenous' and a number of criteria is identified to determine 'indigenesness' which includes ancestral traditional lands, historical continuity, distinctive cultural aspects such as religion, tribal organization, community membership, dress and livelihood, language, group consciousness and acceptance as indigenous community. Now we can come to the main issue 'Santal indigenesness'; if we compare between above criteria and Santal's life style, then we can easily conclude that Santal are one of the indigenous peoples of this territory (Rahman,2002:19-20).

### **1.7.2 Land Rights of indigenous peoples in Bangladesh**

Land rights of the indigenous peoples in Bangladesh are based on traditional occupations and here I have discussed the land rights of indigenous peoples in Bangladesh as one of key concepts.

Roy stated that the Swedish Code of Land Laws describes immemorial rights as "it is immemorial right, when one has had some real estate or right for such a long time in undisputed possession and drawn benefit and utilized it that no one remembers or can in truth know how his forefathers or he from whom the rights were acquired first came to get them." Indigenous land rights in Bangladesh are mainly conceptualized within the framework of customary rights which separate them from another part of the country. It is intrinsic and absolute. It is conceptualized within the construction of customary rights and these rights are regulated by indigenous institutions. In the land system, indigenous peoples could only subsist from their fields as a part of a community. They are bound to the ties of natural reciprocity. For the shifting cultivators, land is common property, "belonging to the community, kinship groups and even members of the spirit world, with individual families exercising the right to use the land – in western terms, a usufruct." The concept of land rights of the indigenous peoples is inextricably connected with

collective rights. “It is based on custom and usages, and is held in common by the community as a whole, such as rights are common rights” (Roy, 2000).

### **1.7.3 Marginalization**

In the beginning, the concept of marginalization was introduced by the sociologists. Later, it was developed for second time by the anthropologist. And nowadays, the issue become as a concern for psychologists in their research and practices. “Marginalization involves contact between two cultural groups in which one is usually dominant over the other. There may be both cultural and racial differences between the groups as well as individuals who trace their ancestry to both groups” (APA, 2000:159). In this process, one cultural group seeks to cope with the group which possesses the greater value and power. In the case of Santal people, they are dominated by the majority people. Majority Bengali Muslim and minority-Santal people are divided by their own separated cultural views and practices. They are not only dominated against culturally, but also they are discriminated against and separated socially, economically, politically. Even geographically they are isolated from mainstream people.

## **1.8 Layout of the present research**

The present research consists of six chapters. Every chapter discusses different issues related the selected topic. *The opening chapter* discusses ‘**Broad-spectrum sequences of the research**’ within framing the issue. *The second chapter* is named **Level of land access among Santal people: History and geographical perspectives**. This chapter is designed with four sections on the study location; briefly the whole scenario of indigenous peoples in Bangladesh; brief state of Santal people and presents the first question of the research: ‘To what extent do Santal people have access to the land that used to be their own land?’ and has tried to analyze the answer through secondary and primary data collected during field work. *The third chapter* describes **Problems regarding land access: How and why?** This chapter aims to analyze the grounds or causes of certain problems regarding land access among Santal peoples. Therefore, the third chapter is significantly dedicated to finding out answers to the second question presented: how and why did the Santal people lose their land? *The fourth chapter*

explains **consequences regarding land access today**. This chapter intends to consider the consequences of land related problems that Santal people are facing today. The fourth chapter is meant to follow up on finding the answer to the third question: what are the consequences regarding land access today? *The fifth chapter* has clarified **what kind of protest arose by them?** The chapter has given priority to historical reflections of *Santal revolt in British period; Movement for independence Bangladesh* and, perhaps most importantly, today's movement or protest. This discussion has been continued with assistance from secondary sources at the general level. Participants' stories will be explored by looking at answers to the question at the local level. *The sixth chapter* concludes the thesis with a recapitulation of the themes discussed in the previous chapters. This chapter summarizes the findings and provides some suggestions and recommendations.



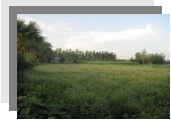
## Chapter-2:



Level of land access among Santal people: geographical and  
historical perspectives

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## Chapter-2:



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### Level of land access among Santal people: geographical and historical perspectives

The aim of the following chapter is to analyze the study location where the research has been conducted. Significant understanding of the study area is required as an important position in the research as this region is generally different due to its geographical settings than the rest of Bangladesh. This chapter consists of four sections beginning with a discussion on the study location; a summary of the scenario of indigenous peoples in Bangladesh; a brief discussion of Santal peoples, and most importantly, the presentation of the first research question: ‘To what extent do Santal people have access to the land that used to be their own land?’ which I have tried to analyze through secondary and primary data collected during field work. In the last section I started out with the Santal’s history of origin from early stages and ended with the current level of access over land among Santal people. This discussion would be continued sometimes from broader minority-majority perspective since indigenous questions cannot be separated into a single community issue.

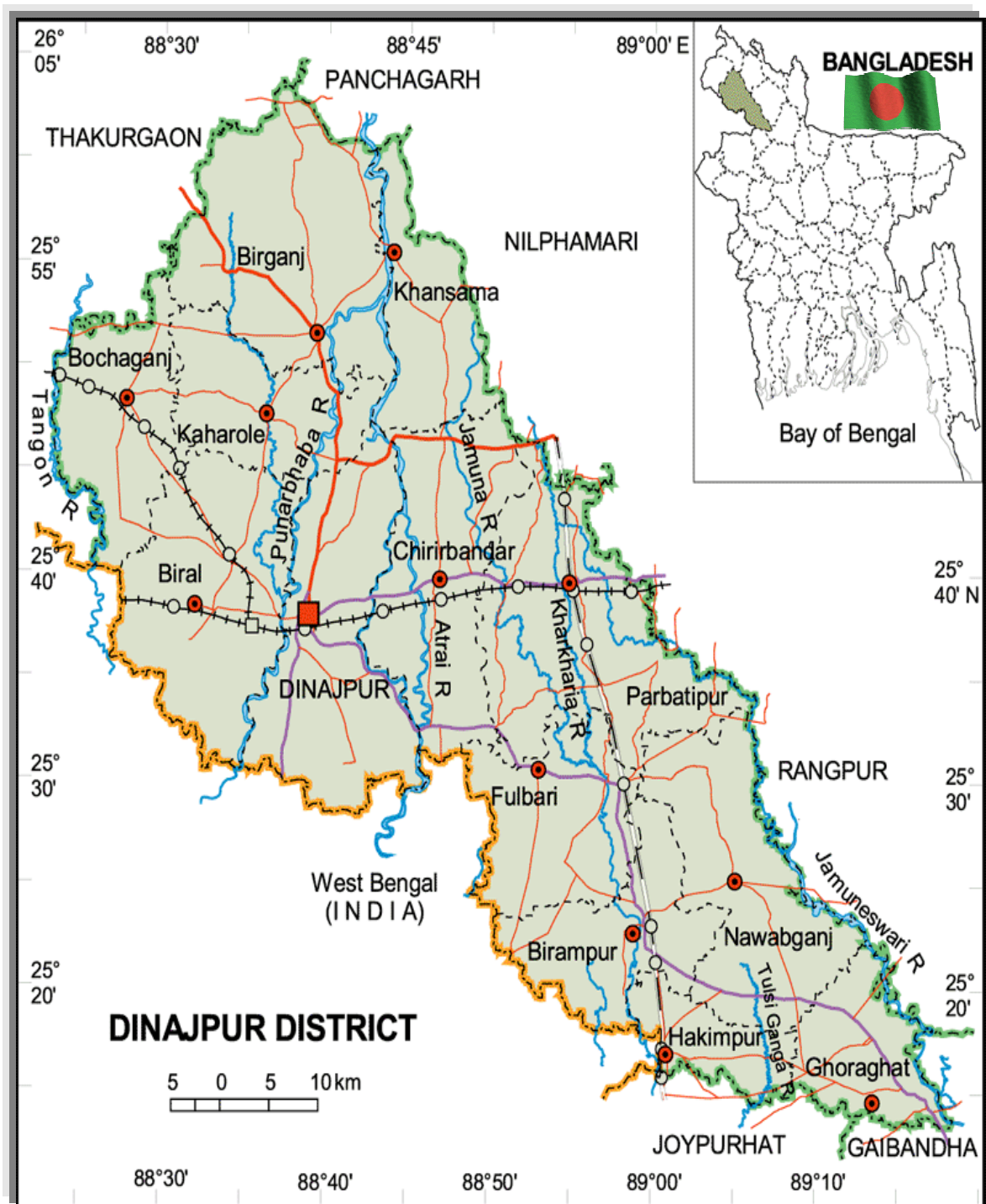
#### 2.1 The study location

Geographically Bangladesh is situated in the southern part of Asian. It is a country of about fifty-six thousand square miles. The country is surrounded by India, except for the southern part, and it was a part of the Indian sub-continent till 1947. The Indian sub-continent was separated India and Pakistan and it was actually based upon two-nation theory based on religion. Today’s Bangladesh was the eastern part of Pakistan (see appendix, map-1, p91). In 1971, Bangladesh achieved independence from Pakistan (Rahman, 2002). Bangladesh consists of seven administrative divisions including Rajshahi (<http://en.wikipedia.org/>). My research has been conducted in three Upazilas (administrative sub-districts) of Dinajpur, a part of the Rajshahi Division. The total

surface area of the Rajshahi division is 34,512 square miles and is home to 30 million inhabitants. Rajshahi prospered in the seventh century, and many Europeans were attracted to Rajshahi due to its being a center of silk production.

The total surface area of Dinajpur is 3,437.98 square kilometers. It is surrounded by Thakurgaon and Panchagarh districts on the north, Gaibandha and Joypurhat districts on the south, Nilphamari and Rangpur districts on the east, and the Indian state of West Bengal on the south west ([http://www.banglapedia.org/httpdocs/HT/D\\_0232.HTM](http://www.banglapedia.org/httpdocs/HT/D_0232.HTM)). The district has a rich cultural heritage since there are twelve ethnic minorities living there. They are Santal (সাঁওতাল); Oraw (ওঁরাও); Mundari (মুন্ডারী); Malpahari (মালপাহাড়ী); Mushor (মুসহর); Mahle (মাহলে); Kolhe (কোলহে); Kamar (কামার); Koda (কোড়া); Bhunjer (ভুঞ্জার); Bhuya (ভূইঞা); and Malo (মালো). The total indigenous people (Adivasis) in Dinajpur are about 61,744 comprising 4.42% of total population of the district. Their per capita income is lower than the national average and their level of education is also poor due to extreme poverty, poor access of schools, and a shortage of educational facilities. Another significant cause of the low literacy rates is the fact that children are kept at home for household and income-generating activities. Among the twelve indigenous groups, the Santal are the largest community in Dinajpur and the second largest community in the country (<http://www.dcdinajpur.gov.bd>).

Administration of Dinajpur district was established in 1786. The previous name of this district is Ghohorhat. “Various parts of the districts were included in Purnia, Rangpur and Rajshahi districts at different times during 1833 to 1870” (<http://www.banglapedia.org>). Thakurgaon and Panchagarh sub-divisions of this district were turned into independent districts in 1984. Dinajpur was once a part of the ancient state of ‘Pundravardhana’. The British administrative control in Dinajpur district was included in West Bengal and at that time it was named West Dinajpur District. The people of Dinajpur took a part in the Tebhaga Movement and also have significantly contributed in the war of Liberation of 1971. (<http://www.dcdinajpur.gov.bd>) (For more information and pictures, see appendix, p91-92).



**Figure 2.1: Map of Dinajpur district**

([http://www.banglapedia.org/httpdocs/HT/D\\_0232.HTM](http://www.banglapedia.org/httpdocs/HT/D_0232.HTM))

The economy of Dinajpur mostly depends on agriculture. A huge number of people from Dinajpur depend upon agriculture and agro-based economic products ([www.banglapedia.org](http://www.banglapedia.org)).

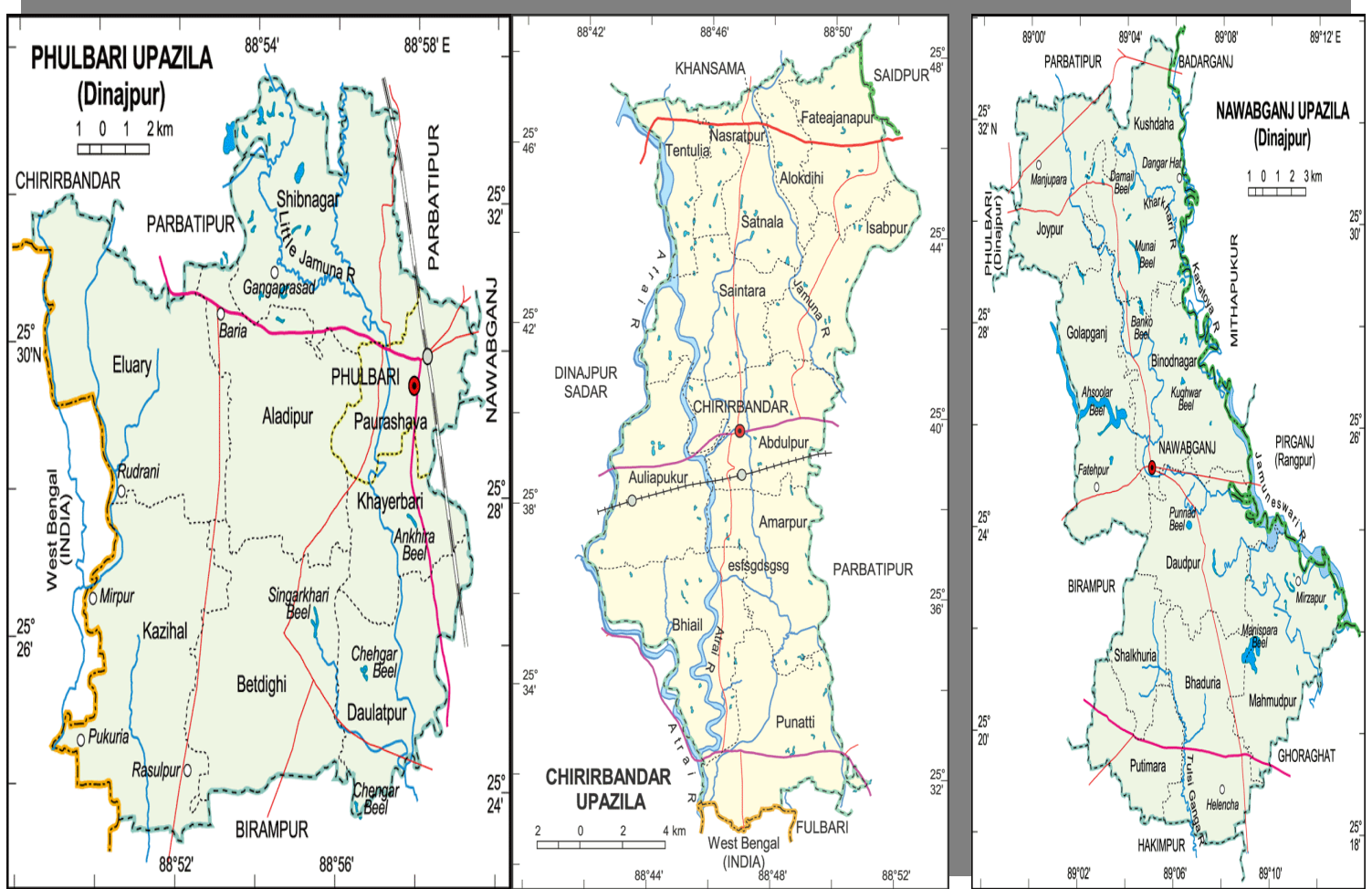
### **2.1.1 Phulbari; Chirirbandar and Nawabganj Upazilas**

As of the 2001 Bangladesh census, the total population of Phulbari is 151,939 people. Males constitute of 78,803 of the population and females constitute of 73,136 (Bangladesh Statistical Bureau, 2007). Administrative Phulbari was established in 1875 and it was turned from Thana into an Upazila in 1984. The compactness of the population is 1,781 per square km and the total literacy rate of Phulbari is 55.1 %. The main occupation is agriculture and the total cultivable land is 20,705 hectares comprised of 2359.27 hectares of fallow land; single crop 15.7%, double crop 66.77%, land under irrigation 44%, landless 35%, small 28%, medium 35% and rich 2% (<http://www.banglapedia.org>).

The total area of Chirirbandar Upazila is about 308.68 square km. According to the Bangladesh Statistical Bureau in 2007, the total land area of Chirirbandar Upazila is 77,274 acres. Among the total land, almost 62,550 acres are in cultivated areas and land under irrigation is more or less 46,640 acres (Bangladesh Statistical Bureau, 2007). Administrative Chirirbandar Upazila was established in 1971 and its name changed in 1984. Today's Chirirbandar Upazila consists of 12 union Parishads, 145 mouzas and 141 villages. The total population of Upazila is 232,409 with 51.77% male and 48.23% female. The total literacy rate is 28.5% with male 37.1% and female 19.5% ([http://www.banglapedia.org/httpdocs/HT/C\\_0204.HTM](http://www.banglapedia.org/httpdocs/HT/C_0204.HTM)).

The total area of Chirirbandar Upazila is about 314.86 square km. Administrative Nawabganj Thana was established in 1899 and it was turned from Thana to an Upazila in 1983. Today's Nawabganj Upazila consists of 9 union Parishads, 212 mouzas and 271 villages. The total population of this Upazila is 170,301 with 51.77% male and 48.23% of female. The total literacy rate is 24.2% with male rates at 31.4% and female rates of

16.5% ([http://www.banglapedia.org/httpdocs/HT/N\\_0143.HTM](http://www.banglapedia.org/httpdocs/HT/N_0143.HTM)) (More pictures of research area, see appendix, picture 1 and 2, p92).



**Figure 2.1.1.1: Map of Phulbari Upazila, Figure 2.1.1.2 Map of Chirirbandar Upazila.**

**Figure 2.1.1.3: Map of Nawabganj Upazila**

([http://www.banglapedia.org/httpdocs/HT/P\\_0161.HTM](http://www.banglapedia.org/httpdocs/HT/P_0161.HTM)) for Phulbari Upazila

([http://www.banglapedia.org/httpdocs/HT/C\\_0204.HTM](http://www.banglapedia.org/httpdocs/HT/C_0204.HTM)) for Chirirbandar Upazila

([http://www.banglapedia.org/httpdocs/HT/N\\_0143.HTM](http://www.banglapedia.org/httpdocs/HT/N_0143.HTM)) for Nawabganj Upazila

## 2.2 Indigenous people in Bangladesh as a whole

Bangladesh is known as multi-lingual and multi-cultural country with a population of 140 million (Barkat, Hoque, Halim and Osman, 2009). Among the whole population, 89.7

percent are Muslim, 9.2 percent are Hindus, the rest of being Buddhists and Christians and followers of other religions. Approximately 1.2 percent of the population is indigenous people, mainly living in Chittagong Hill Tracts and the plain land of the northwestern part of Bangladesh and central Bangladesh. It is believed that Bangladesh is a country of 57 ethnic communities who are commonly known as ADIVASIS (indigenous) (Singha, 2002). According to the Bangladesh Population Census of 1991, the total indigenous or Adivasis population of Bangladesh is 1.2 million and constitutes 1.13 percent of the country's total population (UNESCO, 2005). The Bangladesh Population Census in 2001 did not provide any statistical data on indigenous peoples or total indigenous population size, and according to many, the 1991 Census is controversial on many grounds. Although it is a debatable issue, if we assume that the data of 1991 census is correct and the growth rate of indigenous people is similar between 1991 and 2008 with the national population growth rate, then in 2008, 1.54% (1,544,126) would be indigenous people out of 150 million people in Bangladesh (Barkat, Hoque, Halim and Osman, 2009). (To see pictures of different indigenous people in Bangladesh and their statistics, see appendix, p93-94, picture no 3-16).

### **2.3 Brief scenario of the Santal people**

The issue of the Santal's historical origin and settlement is a controversial one (Bleie, 2005). The name of the community is *SANTAL*. *SAN* means *partner, company* or *friends*. The community has been given such name because it is believed that they would like to live and move from one place to another all together (Barkat, Hoque, Halim and Osman, 2009). Skrefsrud states that the word 'Santal' is originated from 'Saonter' and that they adopted this name when they lived in the area of Saont. On the other hand, some of them think that they are from 'Saoot' or 'Samantoral' (plain land) and thus they are recognized as Santal. Furthermore some of them believe that their previous name was 'Kherwar'. Despite different names from different anthropologists, the word 'Santal' has now become the standard form in English literature (Pussetto, 2003: 2).

It is believed that the Santal came to this agricultural rich Indian sub-continent for their livelihood. Exactly when the Santals landed in the territory of present Bangladesh is not

precisely known. Some believe that the *Kherwars* reached the land of Bengal immediately after the first clashes with the invading Aryan tribes (2500 B.C.). It is very probable that the Santals landed in Bangladesh and that their actual ethnic identity came at a much later date. It is probable that the Santals scattered throughout Bengal at the time of the Muslim invasion of this region during the last decades of the 12<sup>th</sup> century or at the beginning of the 13<sup>th</sup> century. In the words of Fr. Luizi Pussetto “The Santals retired progressively toward more calm regions or where it was easier to defend (themselves) from the invaders...” (Pussetto, 2003: 2). Mizanur Rahman and Tone Bleie state that the Santals are called ‘proto-australoyed’ or the ‘Austrian’ in anthropological language. In linguistic identity, they are called as ‘Austrie’. In their physical build-up they are identical to the Austrie. They are as black as latter in complexion. Historian professor Sirajul Islam mentions that agriculture and verse access over land were the main considerations to drive Santal to come to the Indian sub-continent (Rahman, 2002 and Bleie, 2005). Today’s Santal people live mainly in Bihar, West Bengal, and Orissa and Tripura in India (Jalil, 1991) and they have their existence at Rangpur, Bogura, Naogaon, Pabna, Jessore, Khulna and even in Chittagong districts of Bangladesh. According to Population Census (East Pakistan) in 1961, the total Santal population of Bihar, West Bengal, Orissa and Tripura in India are 15,41,345, 1,200,019, 411,181 and 1,562 respectively. According to Bangladesh Population Census of 1991, the total Santal people of Bangladesh is almost 261,746 (UNESCO, 2005). They have an agriculturally-based economy consisting mainly of farming and farm labour. The education condition of the Santal people is critical and calls for enhancement. Most of the Santal are closely intimated with Hindu religion but nowadays they are transforming their religion into Christian and even Islam due to poverty.



Picture 2.3.1: Santal Village



Picture 2.3.2: Santal community





Picture 2.3.3: Santal family



Picture 2.3.4: Santal Housing

(For more pictures: See Appendix, p95)

## **2.4 To what extent do Santal people have access to the land that used to be their own land?**

To identify Santal's '*level of access over land*', from origin to present time is very difficult to find out immediately without knowing their history. Among historians, social scientists, and anthropologists, the Santal's origin is debatable and a serious controversial issue in Bangladesh. There is no unique research on the Santal's level of access over land through different periods but various research reports and books are used here to compile the answer.

### **2.4.1 Early period**

“We had no worries about land before; we believe God possesses it all. He gave us plenty to share and we just took the amount we needed to survive. After all these years, we regret why we never cared for ownership of land, now that we have nothing.” These are the words of 95-yearold Jonik Nokrek from Chunia, of Pirgachsa, Madhupur (Star weekend Magazine, 2005).

Mohammad Abdul Jalil presented a story about the origin of the Santal people in his book '*The Santal of Bangladesh: Society and Culture*'. According to his book, Santal believe that the land of earth was created on the surface of a tortoise and '*Pilchu Haram*' and '*Pilchu Buri*' were the first human beings to live on that created earth. These two men and women gave birth to seven boys and eight girls. Boys used to use the land as

hunters and gathers and girls kept themselves in the houses (Jalil, 1991). From the story,, it seems that in early stages, the Santal were engaged with hunting and gathering and there were no bindings or boundaries on the use of land. The whole earth was a single land where they could travel and cultivate whenever and however they wanted. Dhana Bashke, (aged about 90 years) a Santal inhabitant of the village of Amlakathal of Phulbari Upazila in the district of Dinajpur, told the same story: that the Santal are the sons of *Pilchu Haram* and *Pilchu Buri* and their ancestors had unlimited access to the land. The land seemed to be used as common property.

#### **2.4.2 British period (1757-1947): ‘Land used through ‘Zamindary system’**

The Bengal region was ruled by the British from 1757 to 1947 (Uddin, 2008). It is believed that between 1840 and 1940 the Santal came to Bangladesh from Indian Bihar and Santal Pargana for settlement. Some anthropologists and researchers state that the Santal inhabited the plain land of north Bengal, mainly in the districts of greater Rajshahi, Pabna, Bogra, Rangpur, and Dinajpur of Bangladesh. During that period, the Santal were hired as construction laborers when British Government took initiative to build a railway communication. According to history, the Santal used to live in the forest and hunting was over the main way in which they used the land and was their main source of livelihood. “At the same time, the Santal also worked under Zaminders, Jotedars and Mohajons (as the agent of British administration) and had to clean the forest for cultivation and for which they were permitted to live in ‘their’ (administrators) land and were exempted from tax payment for a certain period of time. Naturally, it is understood that with cleansing of forest and occupation of the land by the Zaminders, the Santals were compelled to change their way of life from hunting to cultivation.” Therefore, the Santal became settlers through the cultivation in that particular land as they fulfilled the land owner’s requirements (Rahman, 2002 and Bleie, 2005). Consequently, it is beyond doubt that many of the Santals were dispersed into distant lands and geographically isolated territories. Many of them even crossed the river Ganges and ended up in the East, now present day Bangladesh, and had to change their way of life. This power reflected a negative impact on these powerless people who were totally dependent on their land. At

that time all land reforms and land rights, for instance the Permanent Settlement regulation of 1793, the Bengal Tenancy Act 1885, the State Acquisition and Tenancy Act 1950, and so on, went against their interest. The Santal were moved forward to rebellion to establish their rights over their lands (Rahman, 2002 and Bleie, 2005).

### **2.4.3 Pakistan period (1947-1971)**

In 1947 indigenous people had various kinds of rights under the Zaminder Act, as mentioned earlier. The Zaminder Act was eliminated in 1951 and the EBSAT Act was extended, but indigenous people did not get their tenure rights that adapted ownership in the East Bengal. The State Acquisition and Tenancy Act aimed to abolish the rent-receiving Zaminder. This act did not regulate the relationship between owners and sharecroppers. The sharecroppers did not receive any protection under the new law and remained in an altogether insecure position. Bleie indicates that “many indigenous or Adibashis were partially or fully unsuccessful in gaining ownership rights in 1951/52 and the actual reasons were found to be the absence of the required legal deeds based”. During this period, many Bengali Hindus and Santal people directly or indirectly were threatened by the new Muslim East Bengal/Pakistan and hastily sold off all fixed property and fled. The Santal leaders and other indigenous people and Bengali cultivator activists who joined the uprising were cruelly killed by the police and their local collaborators. Muslims were unconvinced by the ‘Hinduised’ practice of many indigenous people and suspected they were mostly staunch Hindu and Indian loyalists. Knowing that the risk of legal prosecution was minimal, some muslims targeted indigenous individuals and households with brutal attacks, land grabbing, and more subtle forms of legal trickery. It is almost impossible to document quantitatively the massive losses of indigenous land in the Pakistan period (Bleie, 2005:219-220). Indigenous people realized that their life would never be peaceful in Pakistan (Uddin, 2008). In 1950, many indigenous people fled from their homes to India due to these directly violent attacks. The constitutions of 1955 and 1962 preserved the status as an ‘excluded area’, but a constitutional amendment in 1963 abolished this status. This gradual erosion of limited self-rule brought forth the issue of ethnic identity that took a decisive shape in independent Bangladesh (Uddin, 2008).

#### **2.4.4 Independence period (1971, 9 months): Scapegoat the indigenous peoples**

During the Liberation War of Bangladesh in 1971 against Pakistan, the Santal, like other indigenous people, took part in liberating their country. Being indigenous people and being non-Muslim, they were against the Islamic Republic of Pakistan and hoped for a secular independent country. The Santal participated with the freedom fighters of Bangladesh under the supreme leadership of Sheikh Mujibur Rahman, the unanimous great leader of Bangladesh who became the father of the nation after the country's independence. However, Pakistani forces had been used by other Bengali Muslims against the indigenous people at the village areas by identifying them as supporters of the Liberation Force and as pro-Indian, and took the advantage of looting their houses and occupying their lands (Uddin, 2008: 20 and Rahman, 2000).

#### **2.4.5 Bangladesh period (1971 to 2009): stronger competition and escalating land loss**

“After the Liberation War in 1971 people of this country dreamt for a new secular Bangladesh where ‘rule of law’, fundamental human rights and freedom, and equality and justice within political, social and economic conditions, would be secured for all citizens without discrimination on grounds of religion, race, caste, sex or place of birth” (Rahman, 2002 and Kamal, Samad and Banu, 2003). But in a very short time the truth came out in front of the country. Like other aboriginal peoples, the Santal have not been recognized by the state as “indigenous people” of the country. They are basically recognized as a “backward section” of the people. The Bangladesh Constitution has not given any definition of the term “backward section” and they are always compared as backward with other groups, and treated as “minority communities”. Although the definition of ILO Conventions No. 107 and 169 show that the Santal are the indigenous people of Bangladesh (Rahman, 2002 and Kamal, Samad and Banu, 2003) and the government of Bangladesh rectified Convention No. 107, articles 11 to 14 addressing the issue of land rights, they have not signed or rectified ILO 169 (Rahman, 2002, Kamal, Samad and Banu, 2003 and Roy, 2000) There has been no government reaction to ILO or

the UN declaration of 2007 (United Nations, 2007) (More information on ILO107, see appendix, p96).

Articles 11-14 of the ILO Convention are also relevant with respect to the procedure for the transfer of land rights among the indigenous people (Roy, 2000). The reality is that indigenous people, including the Santal people, are experiencing displacement from their traditional lands without receiving compensation for the damages sustained. They are deprived in all areas, including within the spheres of social status, economic power and culture, and are ignored by the mainstream people. Eventually, they are losing aspects of their traditional life like other indigenous people in Bangladesh. The realities of social, economical and political aspects of Bangladesh have forced them to try to merge with the mainstream Bengali population. They became poorer among the poor people and feel helpless in every step of their lives (Rahman, 2002 and Kamal, Samad and Banu, 2003). The present research reveals that this miserable situation begins with debt relationships through mortgages and comes to end with land loss due to outright land grabbing. In the period between 1971 and 1997, the debt relationship through mortgages was commonly first mode of transfer, often becoming an irreversible step towards complete land loss by illegal or legal means. One of my informants was named Nagen Tudu, aged 40. He lived in a village named Simali under Nababganj Upazila, Dinajpur. He lost his 19 acres of cultivated land due to debt accumulation through mortgage and poverty, and as of now has still been unable to regain the rights to his land. Later, influential Bengalis grabbed his land through dishonest activities with the help of a corrupt local land officer. This scenario can be seen among most of indigenous people whose land has been grabbed by the majority people in Dinajpur Upazila, Rajshahi. Almost all interviewees and all FGD participants acknowledged that they gave their land up through some exchange of money, and then influential corrupt Bengalis were able to gain ownership of their lands through dishonest activities.

As mentioned earlier, historically the Santals have had a close relationship with their land around which their entire lives revolve. Therefore these gradual and steady processes of land grabbing are not only an obstacle against their entire lifestyle but are also a grim

human rights infringement. Santal people stated that the land problem is the main problem in their entire lives. They cannot protect their land from the influential Bengali land grabbers due to documents and governmental offices considering these lands as *Khas* land. Santal and other indigenous people have demanded the government to give them land documents several times but the government is unresponsive.. Land grabbing takes place in two basic ways: first by the majority community and secondly by the forest department of the government of Bangladesh. Dhana Baske, is the Majhdhi (headman) of the indigenous village named Amlakathal in Phulbari Upazila, Dinajpur. His twelve acres of land has been occupied by the local forestry department and he has been unable to cultivate his land for almost five years although he claims to have documents of ownership for this land.

The influential majority community of Bangladesh has espoused a series of tactics of land grabbing of Santal and other minorities' properties. Through dishonest documentation, and with the help of corrupt officials of the Bangladesh government, the land grabbers occupy the Santal's land. If any Santal tries to confront the violation of land grabbing, the land grabbers often resort to threatening, beating, and finally committing murder. Suruj Moni Mardi (aged about 80) a Santal inhabitant of the village of Darkamary, Nababganj Upazila in the district of Dinajpur, possessed almost six acres land. Not only Suruj Moni but also her ancestors had lived on and cultivated this land for a long time. However, they did not possess any documents relating to their rights to the cultivatable land. According to Suruj Moni, in April of 2009, the Bengali Muslim neighbors who live in the same village tried to cut crops which were cultivated by Suruj Moni. Suruj Moni, along with her sons and their relatives tried to stop their crop reaping and finally they engaged in a fight against the local Bengali Muslim people. Two people were murdered. Now Suruj Moni's two sons are in prison for the murder of Bengali Muslim. Poor Suruj Moni is fighting with the law enforcement for the release of her sons, putting money towards the court case and getting poorer day by day. Unfortunately, the land for which they fought, which is abundant, has fallen into disuse.

Moreover, Santal people are in crisis when attempting to sell their land. If a Santal tries to sell his or her land, the buyer asks for three or four times more than the quantity proposed by the Santal due to lack of education and awareness. Another big problem, the lands owned by indigenous people is still occupied by the forest department (Kamal, Samad and Banu, 2003). Rekha Hasda (age about 60) inhabits a village along with 22 families and 100 other Santal people in Chirirbandar Upazila, Dinajpur, has been dispossessed of land where she and her ancestors had been living for a long time. Rekha Hashda said that in 2000 their land, including Rekah's land (common property) had been grabbed by the local influential Bengali Muslims. Later she was able to get back her ten acres of cultivable land but the rest of the land is still in the hands of local influential Bengali Muslims. Since losing her land Rekha and indigenous people of the village are increasingly becoming day laborers in their own land. It is important to mention that the Santal people do not have alternative skills or opportunities for employment.

My experience says that there is no village without land cases in the indigenous peoples' inhabited areas. Interestingly, this notion became truth to me during my field work. Within three Upazilas in Dinajpur where I have conducted my research, there were no villages of Santal without land cases in the indigenous peoples' inhabited areas; even the graveyards have been taken by Bengalis and their false documents. Key informant Rekha Hashda said that this graveyard that her people had used for many long years was also grabbed by local influential Bengali Muslims, and they cannot even cross the land now. Moreover, they do not have access to the trees; if anyone tries to cut the branches they are charged with harassment.

The present chapter has been conducted as an attempt to answer the question '*To what extent do Santal people have access to the land that used to be their own land?*' To conclude it can be said that in the very beginning land was considered a God-gifted common property, but since then in different periods, the level of access over land had been ruled by the Zamindary system (British rule) then affected by increasing competition and escalating land loss under Pakistani rule. The actual story of land access deprivation of the Santal peoples in Bangladesh began with the appropriation of the forest

commons by the colonial Forest Department in the 1870s. This practice originated after the partition of India in 1947 when vast tracts of Santal lands began to be grabbed following Hindu-Muslim unrest. This tendency of land grabbing and marginalization continued in independent Bangladesh under the pretext of 'Vested Property'. The peak period of land grabbing among Santal in the plain land regions has been documented between 1971 and 1980. The lands of the Santal peoples are still forcibly being taken by Bengali Muslim neighbors. The causes of this land loss will be discussed in the next chapter.



## Chapter-3:

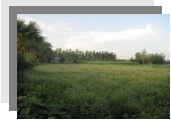


Problems regarding land access: How and why

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## Chapter-3:



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### Problems regarding land access: how and why

During field work I observed that the Santal's whole life is connected with two main means of subsistence since the overwhelming majority of Santal are engaged with agriculture based economy, and the two means of productions by which the Santal support themselves are the forest and the land. A harmony between land, forest and agriculture makes them a unique cluster within the larger population. Deprivation of land access converts them into different categories based on the participant's response to questions of land access. These four groups are: a) the Santal who have a certain amount of land but fear losing their land; b) the Santal who own a piece of land; c) the Santal who have only a dwelling-house but do not have any land to cultivate and d) the Santal who are totally displaced from their land. The categories may not only speak to the existing situation of Santal peoples, but may originated in the long periods of deprivation of their lands or to periods of the denial of their rights to exploit the forest (Rahman, 2000). Therefore, the chapter will focus the grounds to trace the categories from British period to present day's circumstances. The present chapter aims to analyze the grounds or causes; why do some Santal have land or a piece of land and on the contrary why some Santal have been denied any quantity of land from British period to present time? Thus, the following chapter is significantly dedicated to finding the answer to the second question; how and why did the Santal people lose their land thereby creating these categories?

#### **3.1 The misfortune of the common property**

“Freedom in the commons ruins to all and it is condemned for ignoring appropriate factors. Due to absence of rules about the use of common property, it has a great chance to exploit common resources,” (Brox, 1999:227-228). Mccay and Jentoft referenced Hardin by saying that “‘the voice of the community’ in the context of common property

is faced with a double-bind of being condemned for not being a responsible citizen, on the one hand, and for not being a rational individual on the other” (Mccay and Jentoft, 1998: 22). This phenomenon is also unsuccessfully imposed to the pattern of unhindered resources use that has called “Tragedy of the Commons” (Hanna, Folke and Maler, 1996).

“Each man is locked into a system that compels him to increase his herd without limit- in a world that is limited. Ruin is the destination toward all men rush, each pursuing his own best interest in the society that believes in a freedom of the commons. Freedom of the common brings ruin to all,” (Hardin, 1968 and Hanna, Folke and Maler, 1996: 2).

For instance, in the case of the Inari, Jukka Nyysönen mentioned in his article titled ‘ *The Environmental Sustainability of the Property Rights in Inari: The Performance of Forest, Government and Reindeer Herding Co-operatives,*’ that the land of the Inari is possessed almost completely by the Forest Government of Finland and the local representatives: the district of the Inari resembles common property rights. The regime claim to land is not one of private property, it is for groups to co-operate, and in doing so they have the right to use the concerning land. The ethnical assemblage of the Sámi land ownership is complex and unfortunately, reindeer herding among the Sámi was viewed as a harmful obstacle from the 1960’s onwards. State intervention in reindeer herding management was seen as necessary, and blamed traditional herders for its problems (Nyysönen, 2003).

To continue the above discussion, the ‘tragedy of the commons’ is often the first and foremost reason that Santal land becomes property of the State sponsored private ownership system, thereby leaving the Santal landlessness and converting them into the four groups mentioned it in the beginning of this chapter. . As I have shown in the second chapter, during the British period the Santal allocated the ownership of land and worked under Zaminder (as agents of the British administration) in the northern part of present Bangladesh. They had to clean the forest for cultivation and for doing so they were permitted to live in ‘their’ administrator’s land. They were exempted from tax payments for a certain period of time. Naturally, it is understood that with the cleansing of the

forests and occupation of the land by the Zaminder, the Santals were obligated to live together in the context of common property. The Santal became settlers through the cultivation of crops in this particular land, thereby obligating themselves to fulfill the land owner's requirements (Rahman, 2002 and Bleie, 2005). There are some controversies about the land ownership of Santal. Some historians say that every Santal has their own land. On the other hand some historians say that because of their migratory nature they are unable to claim land ownership from the state. The Santal people use the land as a whole community but with the State sponsored private ownership system the process of landlessness began. Rahman states that the Santal were very lazy, unaware and uninterested in turning their community into a system based on private rights. Due to their traditional knowledge they were always disregarded by the bureaucratic compulsions regarding their land (Rahman, 2000).

In my research, I have found Santal people within five villages in three Upazilas, Dinajpur District where they live and make up a small community. They are isolated from mainstream people. The Santal villages are often separated by a road or river. Rekha Hashda, along with 22 families (total 100 Santal people) has been living at Amaltala village in Chirirbandar Upazila, Dinajpur for hundred years. She mentioned that their ancestor had owed their present land and cultivated this land under the local landlord or king. They were permitted to live there and exercise common property rights in the landlord's land. They did not feel any necessity to own documentation of this land and their traditional state did not allow for private ownership. They were not interested in converting it to private property. My own experience during field work showed that according to their voices, the Santal people are very happy with the context of common property. It is an observable fact that they have been living with as such for decades. They have their own particular system to rule this common property for all. The Santals' voices say that freedom in the commons makes them work together to reach one goal which is constructed to honor appropriate factors. Therefore, some Santals are connected to a system that compels them to be heard in the fight for sufficient access to their land. On the contrary, the present research argues that the lack of ownership documents to the land now plays the leading role in landlessness and that there have always been excuses

in the existing of land laws. These ambiguities assist tricky pioneers of the dominant Bengali community to grab the Santal's land, and because of this the Santal have been facing miserable problems regarding land access.

### **3.2 Lack of documents of ownership of land and defective land record system**

“My home is in the heart, it migrates with me.  
What shall I say brother, what shall I say sister  
They come and ask where is your home,  
They come with papers and say this belongs to nobody  
This is government land, everything belongs to the state.  
What shall I say sister, what shall I say brother...  
All of this is my home and I carry it in my heart  
.....(Valkeapaa, 1994).

This poem captures some of the universal nature of the topic at hand. It is written by a Finnish Saami, but could easily have been comparing by a Busman in the Kalahari” (Saugested, 2000).

Indigenous people should have the rights to ensure continued and effective access to resources as well as the ability to actively participate in the land record system. Native peoples in northern Canada have been significantly limited in rights to access over their traditional recourses and land. There has been little progress regarding Aboriginal management rights over wildlife resources. Peter J. Usher argued in his paper that expanded management and property rights are essential basis for the conservation of northern wildlife, an idea that runs contrary to that of the tragedy of the commons. These rights serve the goals of conservation as well as those of justice and equity (Usher, 1987). Land use is a systematic path; more specifically it is about the system of rights, rules and responsibilities that guide and control the human use of the natural environment. This successful use is verified through the system of land record or the system of property rights. Hanna, Folke and Maler feel that “regimes of property rights- the structure of rights to recourses and the rules under which those rights are exercised- are mechanisms people use to control their use of the environment and their behavior toward each other.

Property-rights systems are a part of society's instructions: the norms and rules of the game, the humanly devised constraints that shape human interaction. The way instructions are designed will strongly influence the interaction between people and the natural environment (Hanna; Folke and Maler, 1996)."

In the case of Santal people of Bangladesh there were very few literate and educated people during the period of British rule and many had been unsuccessful in recording their names in the Cadastral Survey (known as CS record, creating the first malfunction in establishing their property rights over land and land related recourses. Between 1956 and 1962, the second time land records were taken under the State Acquisition and Tenancy Act, many of Santal were again unsuccessful in meeting the terms of the land record procedure. In both surveys the influential land grabbers have utilized this opportunity to play off of the weaknesses of the Santal peoples. Rahman mention in his book that "with collaboration of the corrupt government officials they have recorded themselves as landholders of the unrecorded Santal-owned lands," (Rahman, 2000).

### **3.3 Political influence and the homogenizing nature of Bengali and Bangladeshi nationalism or tension and conflict between majority and minority**

James Tully states that over the last 40 years volatile conflicts between diverse minority and majority groups have been characterized as a struggle over recognition (Tully, 2000). Unstable conflict between the majority and minority people, majority political influence, and the ignorance of the Santal people have paved the way for land grabbing and the land dispossession of Santal peoples. The Santals have often been treated as a voiceless and marginalized group and have been exploited continually over the decades. Barkat, Hoque, Halim and Osman argue that no government has properly acknowledged the traditional land rights system of the indigenous people in Bangladesh. Because of this political influence, the Santal people are facing serious problems in maintaining the possession of their lands (Barkat, Hoque, Halim and Osman, 2009). Tone Bleie shows in her book with the reference of Shirin Hasan Osmany that there are four significant factors that give a profile from the 12<sup>th</sup> century to the emerging Bengali middle class nationalism



Majhi Hashda is showing the land that used to be his land before 1971. Now his land belongs to another.

**The case 3.3: Majhi Hashda:**

After long journey from Dinajpur district to Choto Bawl, a tiny Santal village, I was able to reach Majhi Hashda, a man of around 70. The half-day journey consisted of 30 minutes by rickshaw (local vehicle) an almost one hour bus journey, about one and half hours by van, 15 minutes by boat, almost two hours of walking and rest of the time passed waiting for vehicle. I mentioned this because it was a very isolated community and had poor modes of transportation.

In 1971, Majhi Hashda, like other Santal people in Choto Bawl, fled to India for shelter. He had given his homestead to his Muslim neighbor to take care of and had an oral conversation stating that he would come back, and that at that time the neighbor would return his land and homestead to him. After nine months of the Liberation War, Majhi Hashda returned to find that his land had been occupied by his so-called neighbor. He claimed his land several times but it was unable to regain it. Majhi Hashda stated that the neighbor had created a false document pertaining to the homestead, with the assistance of local corrupt officials to justify his occupation of the land. Majhi Hashda went to the police seeking justice but did not get any answers from them.

After the Liberation War, Majhi Hashda lost his leg due to serious gangrene. Due to his physical disability Majhi Hashda became a beggar as he was unable to find any ways to survive in this cruel world. Majhi Hashda dreams of getting back his lost land back.

The case of Majhi Hashda shows the vulnerabilities of the Santal people and the lack of security in their lives. His story assisted me in building the fourth category.

mentioned earlier. These are the growth of nationalism in Europe, deprivations by the empirical authority, security concerns due to Hindu hegemony and the international colonial abuse by the Muslims of West Pakistan. The creation of independent Bangladesh in 1971 is seen as an influential moment, and considered a primary failure of the religiously-based integration of Pakistan. Though, the Liberation War was short the death toll was massive. “In addition, it was a traumatic division between brothers-in-faith that expose two obvious nation theories promoted by the Muslim League. The War also generated a series of politically obstinate and silently created a distinction between perpetrator and the victims. In the Liberation War, the Adibashis, including Santal people in the northern part of Bangladesh took part among the dubious,” (Bleie, 2005). Instead of resisting the Pakistanis actively, many fled to India for shelter (as shown in the following story) and security which was seen as an anti-nationalist attitude. Returning back from the Indian refugee camp, the Santal found their land occupied by Bengali neighbors, who stated the land was abandoned property. The violence stemmed from those who are totally displaced from their land. “The political effect of the Abandoned Property Act was to bolster the public image of the Adibashis as dubious patriots and even worse, as traitors. The existence of this Act served to whitewash the Bengali elite’s occupation (in Dinajpur, Rajshahi, Rangpur and Bogra) of Adibashis lands right after the Liberation War” (Bleie, 2005:163).

A large number of Santal people found their land occupied by ‘the enemy’ based on falsified documents. Due to the poor laws in this tense situation no one felt safe from losing their homestead or agricultural land. The Bangladesh Nationalist Party government built up support in the later half of the 1970’s and after the military rebellion of General Ershad in 1982 extended the similar generous patronage. At that time two important strategies got priority in order to further consolidate and expand popular support: the polarization of Islam against Hinduism and the hatred of the so-called Christian Western World. Therefore, a great change happened in the constitution that aimed establish Bangladesh as an Islamic State in 1994. As a result, a steady shift from Bengali into Bangladeshi nationalism created a division between Muslims and Non-Muslims,



particularly within Hindus also including the Santal people who are semi- Hinduised (Bleie, 2005:161-167).

### **3.4 Justice system and lack of education; knowledge and lack of awareness of land rights and international laws**

Schetzer Louis and Henderson Judth (2003) state that, indigenous Australians, among other disadvantaged people, face drawbacks in accessing various elements of the legal systems of their nations. Due to their economic and social disadvantages they experience a financial incapacity to have access the law and justice.

My research, coupled with observation and oral conversations, reveals that most of the Santal people are financially incapable of fulfilling their daily needs and do not have sufficient access to income generating activities. As a result, it can be asked that if the Santal people do not have the adequate ability to fulfill their basic needs, then how they can bear an extra burden of financial investment to continue the case against land grabbers? Thus, they have become one of the poorest sections of Bangladesh, becoming poorer among an already poor population.

“Education has always been central to Indigenous economic, social and cultural development. A good education determines Indigenous children's health, literacy, employment, social status and productivity. It was education, plain and simple, that changed the way I look at the world, it probably changed the way the world looks at me.”—Vickie Roach, Aboriginal graduate, Institute of Koorie Education, Deakin University, Melbourne.

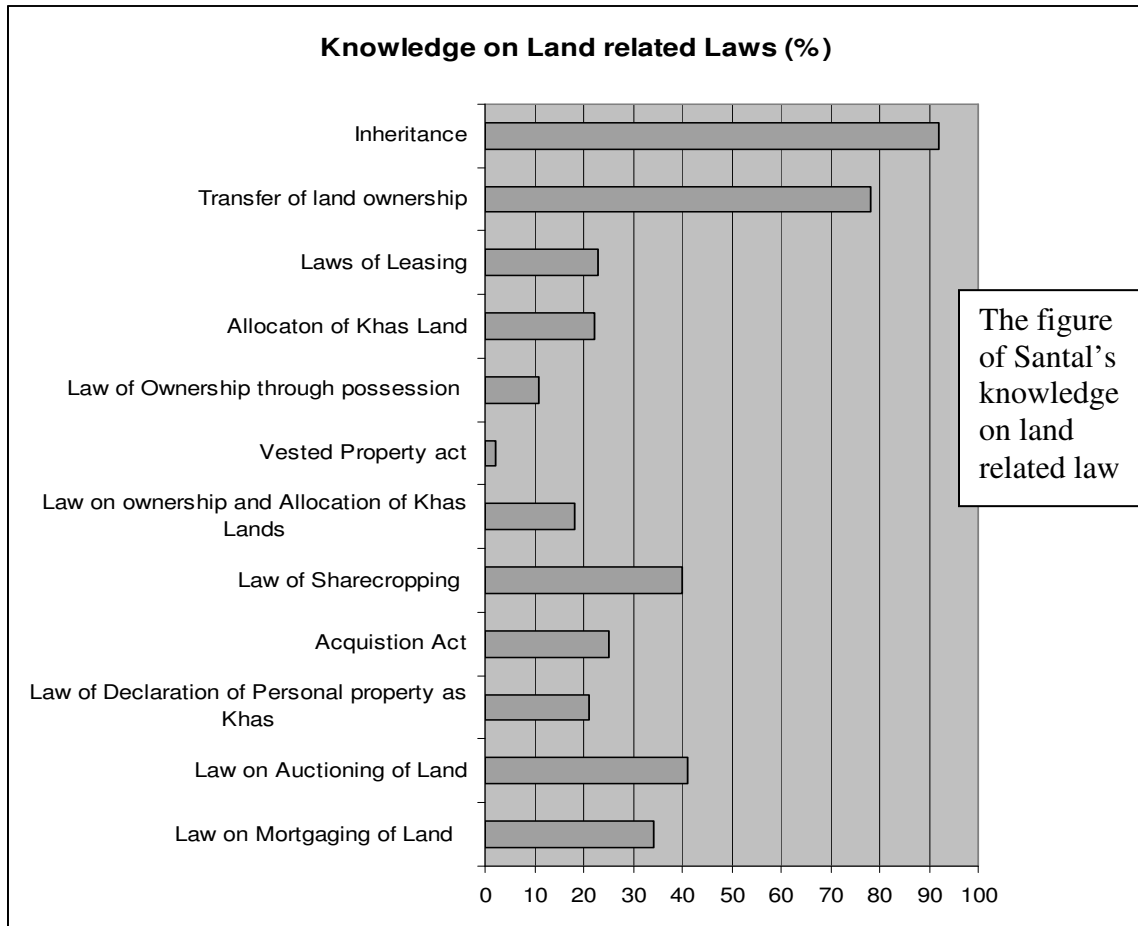


Figure 3.4: Knowledge about land related laws

(Figure adapted from Barkat, Abul, Hoque, Halim Sadeka and Osman Asmer, 2009)

As shown by this table the knowledge on inheritance and transfer of land ownership among the Santal people is rich but awareness of other issues like laws of leasing, allocation of Khas land, laws of ownership through possession, the Vested Property Act, laws on sharecropping and knowledge of the Acquisition Act are poor. In the Santal community, the majority of the Santal people are illiterate (Barkat, Hoque, Halim and Osman, 2009). Mesbah Kamal, Dr. Mohammad Samad and Nilufer Banu (2003) feel that “lack of education is the main obstacle to advancement of the Santal. The literacy rate among Santal people is very near to the ground and they have been suffering from various problems due to lack of education,” (Kamal, Samad and Banu, 2003). Eventually they fall victim to frauds. Almost all informants and FGD (Focus Group Discussion) participants said that land grabbers often take advantage of the negative situation of Santal illiteracy. Regarding land sale and purchase between Bengali and Santal people,

they have traditionally depended only on verbal agreements and sometimes on the biometric sign or thumb sign. The research also reveals that very few people know about their land rights and international laws. Santal in this situation have influenced by creation of the following categories: those who have a piece of land, and those who do not have any land.

### **3.5 Language problems; fear of injustice and the non-cooperation of administration and peoples' representatives**

The Santal people are basically peace loving and are known as having cordial communities. Therefore they shied away from land-related violence. Their lack of solidarity is also a major contribution to their landlessness. Professor Ashan Ali of University of Dhaka, an expert on Santal and the Director of *Ashrai*, said that “The traditional Santal society does not exist anymore. Their society has been divided into many groups. There are significant changes among them” (Kamal, Samad and Banu, 2003). As a result they are not getting support to organize for greater movement. Evjen states in her article, “The implementation of the strict language and educational policy in Northern Troms and Finnmark created barriers between Sami and Kven speakers on the one hand and Norwegian speakers on the other hand. Many students with Sami and Kven as their mother tongue found it difficulty to follow Norwegian-based instructions” (Evjen, 2009). In terms of Santal people, children like to speak Santali at home. Often they can not comprehend Bengali language at school. Often Santali students even can not communicate with their teachers or classmates. This communication gap contributes to loss of interest in their studies and in many cases finally forces them leave the school. This situation perpetuates the illiteracy of the Santal society. Moreover, it creates confusion between Santali and Bengali languages. For example, my research assistant Archana Soren, a girl of around 23 said that in Santali language *bara* means two, whereas in Bengali it means twelve. So in many cases it happened that the Santal people wanted to sell two acres of land but Bengali buyers fraudulently recorded it as *bara* (twelve) acres thus grabbed twelve acres of land instead of only the two acres they were promised.

During my field work, a few respondents who lost their land claimed that they went to the police or union chairman or to the court to seek justice. However, instead of finding justice regarding their land issues they were usually mistreated by the police, as well as the Bengali community. Rahman stated that often the Bengali police are bribed or biased themselves.. The relief-seekers become victims of harassment. As most of the Santals are illiterate and ignorant of state laws, they are very much susceptible to deception and exploitation. In comparison with their own system, the state judiciary is multifaceted and it is not very easy for the Santals to find the right place to seek justice (Rahman, 2000). Sanjeeb Drang, of the Bangladesh Adivasi Forum stated that, in 2000, a Santal leader named Alfred Soren was killed by the land grabber. The land grabber was taken to court, but nothing happened and indigenous people did not get justice for the murder. He also affirmed that in 2005, an indigenous village was totally destroyed by an influential group of Bengalis with the help of governmental officials. The media covered the issue and the European Commission visited the place. As a result, the indigenous people could return to their homes but no legal action was taken against the attackers (Drong, 2009). Almost all participants stated that many researchers, NGO workers, and people's representatives come to their communities to conduct research and learn about their situation, but the situation is the same as it always has been. They state that the problems that they have been facing for decades have not changed, and although they search for justice nobody hears their voices. Research that has been done on the Santal people is not implemented due to non-cooperation from government administration. For instance Promila Hashda, daughter of Lakhikanto Hashda (an educated Santal, and seemingly aware of her indigenous rights) stated directly to me, "Didi (in Hindu religion how a younger sister would address an older sister) why are you here? I met many people who showed interest in their visit during the first few days of data collection. However, when they left, they lost interest in us. We are tired of answering these questions since there is no implementation".

### **3.6 Forced migration for development project implementation**

Forced migration, mostly due to development projects, has gained wider recognition as an invasive and egregious abuse of human rights. According to COHRE, it is estimated

that there were 2,004,171 people from Africa, 16,127 people from Europe, 174,180 people from America and 3,452,097 people from Asia and the Pacific who were forced to migrate from their land between 2003 and 2006 respectively (COHRE, 2006). It included poor indigenous groups, and ethnic, religious and racial minorities who are already disadvantaged. At least 30 indigenous families from the Guarana, Kola and Wichi communities were forced to migrate by the orders of a local judge in Oran and almost 60 families were under threat. The families were dependant on their land, but lost everything during the eviction. According to Amnesty International, it is estimated that 400 indigenous Garani-Kaiowa people in the state of Mato Grosso Do sul were forced to migrate in 2005. In Colombia, migration still occurs in the context of armed conflicts. Indigenous peoples from Olave community were forcibly removed from their lands. In India, 200 homes and more than a thousands acres of crops belonging to indigenous families were destroyed without prior notice in Rahata tahuka, Ahmednagar district in 2003. It is also estimated that 47 indigenous families with total of 10,000 inhabitants migrated in the same year. Moreover, 151 indigenous homes and a school were destroyed in 2005 (COHRE, 2006).

Some indigenous peoples, including the Santal people, have experienced forced migration in Bangladesh (iDMC, 2009, p.3). In the nonexistence of compensation for their land and property, many indigenous people of Bangladesh have been faced with forced eviction and have migrated to another place due to development project implementation. They continue migrate due to evictions from existing reserve forests and the acquisition of their land by the government as well as land grabbing by Bengali settlers. A large number of indigenous people, for instance Chakma people, have been displaced in the CHT by development projects (iDMC, 2009, p. 4) and for the establishment of national parks and eco-parks. There are 147,027 internally displaced families: 87,549 families in Khagrachari, 51,166 in Rangamati and 8,312 in Bandarban. In 1990, it is estimated that 2,000 people, mostly from the Khyang indigenous community in Bandarban were displaced from their land without any compensation. Most of these Khyang people now live illegally in the Rheinkhyong reserve forest in the Bandarban district and are facing increasingly difficult situations. Since 2005 they have

not been allowed to cultivate their land. In addition, for the construction of a military training centre, more than 230 families were displaced in 1989. Moreover, 5,000 Mro peoples were displaced from the same district for the purpose of creating 5,000 acres of eco-parks (iDMC, 2009:4). As a result, indigenous peoples comprised mainly the Santal that are being forced to migrate. ([www.thedailystar.net](http://www.thedailystar.net)). The incidents of forceful land grabbing and dispossession endured by the indigenous peoples of the plain land regions are perhaps even more extensive than among the indigenous groups living in the Chittagong Hill Tracts (CHT) region of the country. The recent eviction of 56 Santal indigenous families from Naogaon, North Bengal, on the 12<sup>th</sup> of June last year offers the most glaring example of this phenomenon. Around 202,164 acres of land has been dispossessed among ten plain land indigenous groups of Bangladesh. Among the groups, the Santal peoples are the most vulnerable (Star weekend Magazine, 2009). The effects of forced migration can be seen among the Santal who do not have any piece of land or totally displaced from their traditional land.

To conclude the chapter it can be said that the above discussed causes are not the only problems that Santal people have been facing in Bangladesh. I tried to describe the foremost causes of land loss, but there are many other causes that still exist. Initial causes for land loss among Santal people have been attributed to the misfortune of common property and a disinterest to get document of lands. Unsuccessful records and dishonest administrative official and political influence have encouraged influential Bengali Muslims to seize Santal land. Most of the Santal people are leading a very low standard of life and therefore they often cannot bear the extra burden of financial investment to continue the case against land grabbers. Moreover, a lack of awareness of land rights, language problems, and fear of injustice and non-cooperation of the administration and people's representatives, and forced expulsion for development projects are other leading causes of land loss. As a result, all the causes regarding land loss separate the Santal into four categories as the owner of a certain amount of land; the holder of piece of land; the possessor of only a dwelling-house with no land to cultivate, and the miserable life of the Santal who are totally displaced from their land and have enhanced the harsh impact of poverty on the Santal people, which will be discussed in the subsequent chapter.

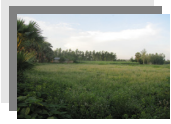
## Chapter-4:



Consequences regarding land access today

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## Chapter-4:



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### Consequences regarding land access today

“We do not have cultivated lands, and most of us do not have alternative skills except cultivation to meet our daily needs. Therefore, we are becoming day labours in our own land. The income of the Santal is surprisingly lower than the Bengalis. We are leading a miserable life of poverty and food insecurity. We are discriminated against and marginalized by the majority people and even by the state. We are in crisis regarding the practice of our cultural activities due to inadequate opportunities like gender issues, favoritism in the education system and a discriminating mentality of majority.”

-----These are the words of Rekha Hashda, a woman of around 60 years from Amaltala, Chirirbandar Upazila, Dinajpur.

“...Our situation (Santal people’s situation) is turning from bad to worse...we are no longer fully employed even during the main harvesting season,” (Tone Bleie, 2005).

As mentioned earlier, land and mankind are no longer seen as detached entities from part of another (Kalland, 2000). Eventually, the absence or nonexistence of land use disintegrates the life ways of mankind including the Santal people. The two examples above have tried to explore this notion. This concept can be analyze in different ways as seen by the examples given: a miserable life of poverty and food insecurity, discrimination and marginalization by the majority people and the state; crisis regarding the practice of cultural activities due to inadequate opportunities like gender issues, favoritism in the education system, inadequate health facilities and discriminating mentality of majority. One example has been raised during field work and the other one taken from Tone Bleie’s book namely *Tribal Peoples, Nationalism and the Human Rights Challenge: The Adibasis of Bangladesh*. It is mentioned that above two examples are the voices of Santal people. The present chapter aims to analyze the situation that Santal people are facing today after almost all interviewees and FGD (Focus Group Discussion) participants said that everybody suffers from land related problems. Therefore, the following chapter follows up on the research



questions: what are the consequences regarding land access today? The discussion will be continued following Rekha Hashda's response.

#### **4.1 The most common challenge is seen as poverty**

It is clear that colonial history of indigenous people in Bangladesh influenced the indigenous populations in diverse ways, such as those of exploitation, scarcity, worsening livelihoods, and the experience of food crisis. Even now, the inconvenient situation has been continuing within the greater community and on the individual stage as well, as discussed by Rekha Hashda (Bleie, 2005). However, for the practical discussion, it is obligatory to have knowledge of 'poverty' or 'definition of poverty'.

According to Tone Bleie, "Poverty is often used as a broad term for the whole range of deprivation and low living standards. For purposes of measurement and comparison, poverty is defined as low income or as low consumption. In addition to the insurmountable problems of adequately measuring income in a population which is overwhelmingly dependent on a combination of seasonal day labour and substance production...thus we discard the conventional income level definition of poverty as the basis for measuring the ability to realize basic consumption needs," (Bleie, 2005: 172). Bleie also mentions that among the Adibasis of Bangladesh including the Santal and Oraon, access to common property or land resources symbolizes an innermost determinant of poverty. In the third chapter I discussed how access to the common property among the Santal people changed in the British Period, and continued to change throughout the next periods. If Santal people had the interest to have documentation of their land in preceding times, they would have no legal chance of strengthening their case against land loss as land is the base line of their livelihood. Participant Dhena Master said: today's poverty is the result of disinterest in having documentation of rights to land in the British period. The Santal are becoming the poorest section among an already poor population. Santal men and women are working as day-labours under the supervision of Bengali landowners. On a daily basis they get very low salaries and Bengali labours get higher salaries than a Santal. Additionally, Santal work more hours than Bengali labours. Rekha Hashda states that very often their salaries are not paid regularly, which showing a

clear discrimination in the labour market between the Bengali and Santal communities. Their employment opportunities are very limited. The lifestyle of the Santal people is very simple and has very limited primary needs. They earn very little and with these earnings they can hardly afford meals twice a day. The Santal community is reliant on agricultural based economy and significantly they do not have substitute proficiencies or other opportunities for employment. Very often they are compelled to work as day laborers at a very low wage rate. Mesbah Kamal, Dr. Mohammad Samad and Nilufer Banu stated that not surprisingly in the off season the Santal work even less, even to the point of starving, and subsisting on day by day survival due to harsh economic conditions. Due to these conditions, often they agree to sell their labor even at the lowest rate. Consequently, Santal people’s condition is deteriorating day by day and “they are now among the poorest group of known indigenous communities,” (Kamal, Samad and Banu, 2003:23-24).

Abul Barkat, Mozammel Hoque, Sadeka Halim and Asmar Osman (all from the majority community) state that “both absolute and hardcore poverty among Santal people is greater than that of other rural Bangladesh peoples” (Barkat, Hoque, Halim and Osman, 2009).

<b>Poverty status (%)</b>		
Poverty status	Rural Bangladesh	Santal community
<b>Hardcore poor</b> ( $\leq 1,805$ k.cal/day/person)	<b>17.8</b>	<b>25.9</b>
<b>Absolute poor</b> ( $\leq 2.122$ k.cal/day/person)	<b>39.5</b>	<b>67.7</b>

*Source: poverty status of rural Bangladesh has been taken from Statistical Pocketbook of Bangladesh 2007*

Table 4.1: (The table has been adapted from Barkat, Hoque, Halim and Osman, 2009)

The present research reveals that two main factors: land loss and the expenses of developing a case against land grabbers to regain ownership of their lands, are playing the biggest roles in creating their poverty.



Suroj Moni has lost her land and her two sons are in prison. Poor Suroj Moni is becoming poorer to continue her son's case in the court.

**The case 4.1 of Suroj Moni:**

Suroj Moni, is a Santal woman aged 90. Her land was grabbed by influential Bengali Muslim neighbors. They engaged in a fight with Bengali Muslims. One Bengali Muslim was murdered and the Muslims claimed that the Santal people killed the Bengali. During field work I could not find any male members of Suroj Moni's family. They had fled from home because of fear of the police. They feel insecure at home because the police can come anytime. Suroj Moni said, "at the time of the conflict, one Muslim was killed and the majority people claimed that we are the murderers and filed a case against all male members of my family who were present in the conflict. From the conflict time until now my two sons are in prison and the other male members of our family have fled. In the family, there is no earning member so that we can lead and fulfill our minimum daily needs." Nowadays, Suroj Moni and her sister-in-law have become day laborers to survive and to continue her son's case in the court.

On one hand Suroj Moni is fighting poverty and the lack of ability to meet her daily basic needs. On the other hand, she has to continue her son's case in the court. Therefore, Suroj Moni, already a poor woman is getting poorer in a section of extremely poor Santal people (more reflections about fighting and protest; see Chapter Five).

Suroj Moni is the example representing the whole Santal community, all of whom have been facing the same problems which are the leading consequences regarding land access.

## **4.2 State discrimination and marginalization**

Sidsel Saugsted provides an example in Norway on the basis of political and state sponsored administration. It is about the political and administrative overlook of the Saami indigenous people. The Saami were recognized up to 1987 as a separate group within the realm of Norway. They were characterized according to their Saami language, domicile and economic adaptation. They acquired the greatest attention during a civil clash in post-war Norway, the Kautokeino case in 1981, “and a new paragraph in the Norwegian Constitution was written, recognizing the Saami as a distinct people, and the Saami became a legitimate category in the Norwegian administration.” She also mentions that minority African ethnic groups are marginalized and as their cultures are distinct from the national hegemonic model. These minorities are suffering within the economic and political structures of their nations, and are considered to replicate the interest of the national majority (Saugsted, 2001).

According to Rekha Hashda’s reports, and those of other participants, they are marginalized by the government and most of the time, the government assistance is not sufficient for the poor Santal people. They are discriminated at national and local levels. As shown in second chapter, they are seen as a ‘backward section’ of the population, due to their traditional beliefs, and customs. They have not been recognized by the state as ‘indigenous people’ of the country. They are treated as minorities among the majority in Bangladesh. Article 14 of the Bangladesh Constitution does not say anything about them and has not classified them as citizens of Bangladesh on any ground; “Rather it declared that all the citizens of Bangladesh are equal before law and are entitled to equal protection of law. It is over conviction that the State deprive of any group of people inhabited in this land their social status and legacy of historical development,” (Rahman, 2000). The Santal people are deprived in all grounds of their traditional life. Socially, they are discriminated against and ignored by the by the mainstream people. The political circumstances affecting the Santal merge from the combined treatment of the State and the Bengali people.

### **4.3 Silent discrimination of education and danger of language loss**

“We realize that our illiteracy, even now, is playing a vital role in our landlessness. They grabbed our all land because we were *শূন্য*-(in Bengali: illiterate). The land grabbers took advantage of our illiteracy and made “false documents” to our land. Nowadays we are aware of the importance of education and try to send our children to school but very often they are being discriminated against by the Bengali and even by the school teacher. Moreover, they are treated as being of a lower class than the Bengali students.”-- These are the words of a Santal school teacher named Dhana Master from the community of Dinajpur.

As we know, education is an important instrument for every nation, but as far as the education sector is concerned the Santal people are facing silent discrimination in different ways. Even though many Santal parents send their children to school they do not get adequate access to education. The schools of this community are affected by different problems and limitations. According to my field work experience, it is generally felt that the relationship between Bengali and Santali students in the school are not satisfactory and that they have a non-cooperative attitude towards each other. Moreover, they are discriminated by the Bengali teachers. They are neglected as being lower students and some of the Bengali students will not sit together with Santal students, due to the long history of prejudiced thoughts. Teachers also undermine the Santal students instead of being sympathetic toward helping them with their lessons. Therefore the students feel insulted and loose interest in going to school. The drop out rate of school-going children is extremely alarming especially considering how this will affect future generations’ ability to fight the ills of poverty, landlessness and to gain economic freedom.

Another important obstacle is the medium of teaching. In Bangladesh schools, the children are taught in Bengali. Santal children speak in Santali language at home but in school as well as with classmates, they have to speak in the Bengali language. Therefore they often do not feel comfortable conversing with their classmates or participating in classes, (Rahman, 2000).

However, Santal people especially those in North-Bengal are receiving educational assistance from Christian missionaries. It is controversial as to whether the Santal people are offered as good facilities from them as from the Bangladesh Government. The attendance ratio of Santal students in government schools is low. Rahman states that due to lack of proper guidelines of government, the Santal language does not have any alphabetic recognition, and even the missionaries are providing education in Santali language in the form of Roman characters. The concerned question is if this method is effective? This question can be seen in two different ways; first the Christian Missionaries do not follow the Bangladesh National Educational Curriculum. Secondly, the students are faced with having to learn their own language in Roman characters. Furthermore, at a secondary level these students are faced with another problem as there is no such form of language and texts for those levels if they have not learned Bengali or Santali language in Bengali characters. In this critical process many Santal words have been lost (Rahman, 2000). Very often the Santal are losing their freedom to speak and write in their own language. This attitude has promoted language loss and language shift.

We can see the similar experiences among indigenous people in different parts of the world, for instance the Sami people in Norway. As I mentioned in the third chapter, the strict language and educational policy in Northern Troms and Finnmark shaped different obstacles between Sami and Kven speakers. Most of the students of Sami and Kven faced difficulty in following Norwegian-based instructions.

According to Bjørg Evjen, “We were being taught in Norwegian by a Norwegian teacher. I understood nothing. Don’t know if I understand everything to this very day about what I learned at that time. For example about the Sami on the Finnmark plateau who drove reindeer sleds and lived in turf huts. That’s all I learned about the Sami, that is, about myself and my culture. I sat there asking myself who am I? If I am neither Sami nor Norwegian, who am I then?” (Evjen, 2009:13).

In the case of the Santal people, some Santali students who speak Santali at home are being taught in Bengali by Bengali teachers. Eventually, those students cannot cope with

Bengali language even in Santali language and lose their interest in going to school. During my field visit, I had a great experience with a group of children. They were curious to be captured in a photo or even to talk to me. Two or three of them could speak both Bengali and Santal language. Interestingly, when I talked in Bengali, they translated it into Santali language for rest of the children who could not understand Bengali. However, it can be said that Santal people are in the hole of economic crisis due to landlessness, and I believe that economy determines people's fate. When economic oppression, along with a lack of government assistance faces people, especially those in developing countries, different inter-related crisis occur together. This is the situation of the Santal people in terms of their education.

#### **4.4 Rights and situation of Santal women**

The Santal is a male dominated community. Women work at home as well as in the farm (Rahman, 2000 and Kamal, Samad and Banu, 2003). Most of them work as day-laborers in the Bengali occupied land but woman often receives a lesser salary compared to her male counterparts. In this regard, all discussion of difficulties and discrimination should include women, as women are facing double discrimination by their Bengali neighbors and by the male members in their own communities, even in their own homes. In the Santal community, women do not have hereditary rights to land. Only sons of the family can take over the land. Only in the he families who do not have sons, can a woman inherit land. The literacy rate of Santal women is very low. Kamal, Samad and Banu state that female education is not satisfactory since they are not properly motivated and privileged

<b>The literacy rate of Santal women in Dinajpur district, 1991 (%)</b>		
	Male	Female
Santal	20.5	7.51
Mainstream people	37.8	21.3

Table 4.4: (The information of the table has been taken from Rahman, 2000)



Rekha Hashda, one of my respondents, speaks of favoritism, inequity and injustice.

**The case 4.4 of Rekha Hashda:**

Rekha Hashda, a woman of around 60 lives in Amal tala, kata para, Chirirbandar Upazila, Dinajpur. A few years ago, she and 22 Santal families (totaling 100 people) lost their land. However, Rekha Hashda shared that what she faced as a woman put her in a much worse situation.

Land grabbers easily take Santal women's land because they seem powerless and are socially, economically, and religiously marginalized. When Rekha Hashda lost her land, she went to the civil society's people, the NGOs, even to the court, and in every place, she was harassed as a woman. She was discriminated against as being powerless and. Nowadays Rekha Hashda works as a day laborer in her own land. She said that Bengali neighbors promise them money for the labor but at the end they do not get the money are sometimes even paid nothing. Very often landowners have promised them 25/30 Tk. per day but at the end of the day they are paid only 20/15 Tk. When they demand their wages they are frequently harassed (by the Bengali people and threatened that in future they will not get work on the land as a day laborer. Therefore, poor Santal people agree to work even though they receive lower salaries.

Santal women are also discriminated in their own families and communities due to being women. Santal women are as skilled as day-laborers as men but a woman works outside and also acts as a housewife in the own home. They never get a release from house work and the care of babies since a man works only outside. The women are experts in dressing their homes with their own handicrafts but are never appreciated for it; rather they are treated as powerless section of the family and the community.

The case of Rekha Hashda shows the vulnerabilities of Santal women and the lack of security they face in life.



by the state and or within their families (Kamal, Samad and Banu, 2003). Moreover, in Santal communities, women are unable to make independent decisions on major issues about the household or regarding decisions to get involved in income generating activities. They often can not go to the relatives houses without the permission of male members of the family. The present study reveals that the Santal women are often dominated due to being women, and harassed by Bengali neighbors for being indigenous and finally marginalized by the state for being a minority. Therefore every problem is exacerbated by these three steps. The first step is “being a woman”. Second, they are the “less capable part” of the community, and thirdly “minority women” in the State. Any problem affecting the Santal community, a woman suffers more than a man. Above case is going to describe their situation on their behalf.

#### **4.5 Cultural disturbance of Santal people**

Santal indigenous people have unique characteristics, value systems, language, and religious beliefs. They have their own approach to expressing their culture, customs, traditions, and sense of identity. Their identity and their way of life show a difference between the majority people and the Santals. This wisdom of identity or cultural self image classifies the qualities of harmony and uniqueness (Murmu, 2004). Nonetheless, Santal people are in a crisis of identity, as mentioned by Rekha, for a variety of reasons which I will attempt to describe now. During my field work, as an outsider of the community, I first met with Archana Devi Soren my assistance who came from a Santal community. Honestly, I could not find any differences between my assistant and an ordinary Bengali girl. She spoke fluently in Bengali was well-dressed in Bengali traditional clothing. She looked like a Bengali girl. Initially, I could find nothing except the difference in her skin color which reflects the Santal culture. Her skin was darker than that of an average Bengali girl, but this was not exception and darker skinned individuals can also be found in the Bengali community. Later, on the way to a Santal village, Archana suddenly stopped a man to ask directions to our destination. This man also appeared to be a Bengali man. Surprisingly, she began to speak in her own language with this person. The man also replied in the Santal language. Afterward I asked Archana, ‘how did you identify this man as being Santal as he looks like a Bengali man?’ Her

answer surprised me. She told me, ‘we can identify our own community’s people. It is bondage of blood and equality.’

However my first expression of Archana Soren regarding her language and clothing does not tell the whole story. She lives in a town and gets all the opportunities of a Bengali girl. This change in her personal culture happened due to the demands of modernity and an urge to mix with the mainstream people. But at the rural level, the changes have taken place due to economic crisis of loss of cultivated land and lack of alternative skills to sustain their livelihood. They had a glorious past as a hunter society; today the forests are disappearing and the Santal hunting skills are becoming more useless day by day. They must give priority to economic solvency rather than working to keep their culture, since they are struggling for mere survival without any suitable paths on which to move forward or improve their life situations.

The Santal people are now more divided than united due to the Christian faith and belonging to different church denominations. In addition to these new beliefs many still follow the old traditional prototype of culture and religious practices. The break among these groups has been widening. According to Professor Kazi Tobarak Hossain, “The social solidarity and homogeneity of the ethnic minority of Santals is weakening and disintegrating. In effect, culturally, they are in a transitional state. The Santals today face transition from the sovereignty of the isolated village to the complexities of modern polity and money economy” (<http://eapi.admu.edu.ph/eapr006/marandy.htm>).

Moreover due to ignorance and exploitation by Bengali neighbors, the Santal culture is often hampered. For instance, Santal people like to perform during different festivals with songs and music, but they have to stop their music and songs during the prayer (Azan) times of the Muslim. The same thing also happens with the Hindu people in Bangladesh. In a big festival named “Durga Puja,” Hindu people like to celebrate with music and song, but have to stop the song at the time of azan. Some of the Muslim people show disrespect to the Santal festivals (Rahman, 2000). Moreover, Santal people are often disregarded and treated as lower people when entering coffee shops or restaurants.

Therefore, many of the Santal people avoid public places. During my field work, my assistant and I used to have lunch and dinner together in a local restaurant. Very often, the manager would ask why she was with me. The manager and the waiters of the restaurant did not accept her. These types of attitudes create an inferiority complex among the Santal people which has contributed to the marginalization (concept of marginalization has shown in first chapter) of the Santal. The main cause behind this conflict is the infringement of Santal land, rendering the Santal landless day laborers in the Bengali community (Rahman, 2000).

To sum up the chapter it can be said that the consequences discussed above do not cover all kinds of scenarios that Santal people face due to lack of land access in Bangladesh. I have tried to encompass the foremost outcomes according to Rekha Hashda's quotation in the very beginning in this chapter, but many concerns exist that were unable to be discussed here. To sum up this chapter, there are mainly two features that play an important role in forcing the Santal into poverty at both local and national levels: land loss and the expense of pursuing a case against land grabbers to regain their lands. Secondly, as poor and as indigenous people, they are subjugated by the government and majority people as well. They are discriminated at national and local levels and seen as the 'backward section' of society according to their traditional beliefs and customs. Additionally, the silent inequality of education between the Santal child and the Bengali child has perpetuated discrimination and promoted language loss. Finally, the appropriation of Santal land divides families and has particularly devastating effects on Santal women at a basic social level. Therefore, the Santal people, especially leaders, should have clear conceptions of what needs must be accommodated for land access or land rights to become a reality for the Santal. On the other hand, leaders of the protest movement must continue to reach for the ultimate goal of self-determination, which will be analyzed in the next chapter (for pictures about this chapter, see appendix, p97).

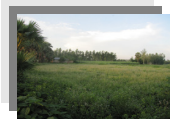
## Chapter-5:



What kind of protest arose?

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## Chapter-5:



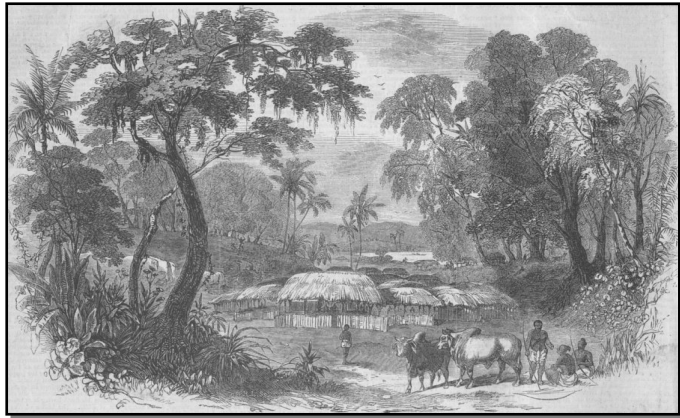
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### What kind of protest arose?

In the past decades anthropologists, social researchers and other experts, and even governmental officials have disputed the best strategies and policies against land claims for indigenous people. John H. Bodley argued that the typical answer is to advocate integration into the leading society, as a kind of combination of “*the best of both worlds.*” Indigenous peoples themselves are rarely consulted, “because either no one thinks the indigenous people’s view is what is good for them or because no one is seriously concerned about their real desires. Therefore, indigenous people especially leaders, should have clear conceptions of what needs must be accommodated if their land access or land rights are to remain, and more significantly indigenous leaders of the self-determination movement do have a obvious formation to reach the ultimate goal,” (Bodley, 1990:155). The case of Bangladesh, leaders of indigenous communities are demanding constitutional recognition for indigenous groups in the country and feel that the best strategy is for these peoples to retain access to their traditional lands. Demanding this is a sign of movement, yet there is a long way to go and it must be connected with violation of indigenous rights. For instance, the Santal people’s access to traditional land has been violated since the British period and through the decades the Santal people have been protesting against this violation under strong Santal leaders. This chapter will discuss the kinds of protests and movements which have arisen by the Santal people against land violations. The chapter will initially present some historical reflections within a comparative discussion such as the Santal revolt in British period, *and* movement for independence of Bangladesh, and finally, most importantly, today’s movement and protests will get priority. This discussion will be continued with assistance of secondary sources at the general level and participant’s stories will be explored by looking at answers to the questions at the local level.

## 5.1 Santal revolt in 1855 and some reflections on other parts of the world

It is believed that Santal people lived peacefully in Indian sub-continent before the British came looking to the forest subsistence. But when the British claimed their rights on the lands of Santal, the peace loving Santal become slaves of the Zaminders, or British administrators . The joy of freedom that they had once enjoyed



Picture 5.1.1: “Santal rebellion: Beerbohm, the head-quarters of the Santal,” from the illustrated times, 1855. Source of photo: <http://srpbypst.blogspot.com/2010/07/santhal-rebellion-beerbhoom->

turned into a hole of slavery and finally they engaged a revolution on these axis of evil. On 30 June, 1855, two Santal leaders Sidu and Kanhu gathered together ten thousand Santal and declared a rebellion against British colonists. Although the movement was brutally suppressed it marked a great change in the colonial rule and policy. This day is still celebrated among Santal community with great respect. “This sprit for the thousands of the Santal martyrs who sacrificed their lives along with their two celebrated leaders in their glorious albeit



Picture 5.1.2: Sidu, leader of Santal rebellion

(<http://srpbypst.blogspot.com/2010/07/santhal-rebellion.html>)

unsuccessful attempt to win the freedom from the rule of the Zaminders and the British operators. The legend of the Santal rebellion lives on as turning point of Santal pride and identity and they feel proud to be a part Santal people” (Tudu, 2010) .



Picture 5.1.3

Statue of Sidu and Kanhu, Source of photo (<http://srpbypst.blogspot.com/2010/07/santhal-rebellion.html>)

This style of protest can be seen among other indigenous people in Bangladesh, such as in the Chakma people. At the time of construction of the Karnaphuly hydroelectric dam project between 1957 and 1963, approximately 100,000 peoples, mostly Chakma, were displaced. At least 54,000 acres of cultivable land, mostly farmed by Chakma people were lost. “The dam also flooded the original Rangamati town and the palace of the Chakma Raja (Chief)”. Much of the land area was watered by 1962. As a result, many people and families were displaced for the second time (iDMC, 2006). There was a conflict among the Chakma people against the commissioning of the Kaptai Dam during the Pakistan period. However the protest was not strong enough to work against military presence in Bangladesh during that period (Kharat, 2003).

This kind of incident can also be seen in other parts of the world among indigenous people where collective recognition of indigenous peoples’ rights has played a vital role. This can be noted in the following statement:

“What is happening is an Aboriginal revival, a reversal, if you like, of frontiers. No longer is the government pushing Aboriginal back. It is Aboriginals who today are pushing Government back,”

Australia, DAA, 1977, Aboriginal

Affairs Minister, R.I. Viner, Perth, 1997 (Bodley, 1990:167)

Indigenous people in Australia have rebuffed the choices to either die or be assimilated. Nowadays, they are straining to gain lawful control over their traditional lands. They are rejecting government settlements for land rights, especially those which are threatening their traditional life-ways in the bush. In the mid-1960s, the catalyst for the present revitalization was the massive presence by multinational mining corporations on Aboriginal reserves in Arnhem Land and Cape York Peninsula. Aboriginals of the region opposed these operations because they could hamper their traditional economy and their traditional societies. In spite of vast protest by aboriginal people, the government approved the mining project but the Aborigine did not give their consent. In 1968, they established their Aboriginal traditional land claim, arguing that mining companies

unlawfully appropriated their lands. Finally, in 1971, the court ruled against the mining companies. In 1972 the Labour party came out with a pro-Aborigine stance and indisputable policy changes began to take form. The foremost action was the establishment of a new law in 1973 named the Aboriginal Land Rights Commission, which was established to determine how to execute their land policies. This act is still representing a partial victory for the Aboriginals of Australia. Bodley stated, “the most visible manifestation of this revival is the Outstation Movement in 1978. Eventually every protest or movement significantly gave them priority to control of their traditional daily life and secured on their own land” (Bodley, 1990:167-171).

Looking to the Sami people of Norway the damming of the Alta-Kautokeino Watercourse in 1978 is likely the most debatable hydroelectric power development project in Norwegian history. The civil society, and particularly the indigenous Sami society, opposed it very strongly and demonstrated against the development project. The opponents organized demonstrations, campaigns, and various movements in attempts to obtain the Parliamentary majority and hold back the plan to build the hydroelectric power plant. The Sami people began hunger strikes in front of Storting (the Norwegian Parliament) based on Sami land and water rights claims. The negative impact of the project directly influenced the nomadic Sami reindeer husbandry communities that used the areas along with the river as seasonal grazing land and for their reindeer herds. The disagreement was finished in the Norwegian Supreme Court finding in favor of the development project. However, this Sami rights conflict also brought a number of important achievements. “As a result of the strong Sami opposition against the development of the Alta-Kautokeino Watercourse, in 1980 and 1981 a number of meetings were held to conduct negotiations between the Government and the Sami delegation appointed by the Norwegian Sami association. The result was that the government appointed two committees to discuss Sami cultural issues and legal relations. This resulted of Sami Act of 1987, which in turn is the foundation for the establishment of the Sami Parliament in Norway,” (Solbakk, 2006). This achievement is obviously a concrete result of the Sami movement which indicates chances for greater success for indigenous people all over the world.



## **5.2 Movement for independence of Bangladesh in 1971 and Phulbari uprising in 2006**

As I discussed in second chapter, during the independence movement in 1971, the Santal, like other indigenous people, took part in the movement. As indigenous peoples and non-Muslims, they were against the Islamic Republic of Pakistan and hoped for a secular independent country and participated with the freedom fighters of Bangladesh. Unfortunately, the local Bengali leaders and government officials who had joined the Liberation War identified the indigenous people including the Santal people as pro-Pakistani at that time. On the other hand, Pakistani forces had identified the indigenous people in village areas as supporters of the Liberation Force and pro-Indian, and took advantage of looting their houses and occupying their lands (Uddin, 2008: 20 and Rahman, 2000). The General Secretary of *Adibashi forum*, Sanjib Drong, said that in the independence war, the Santal, like other indigenous peoples, dreamt that the independent territories and lands would be available for them. Unfortunately, their dream did not come true: rather they have been displaced from their own homesteads and even now there is no satisfied policy for the indigenous people at governmental levels. He also mentioned that the peace accord was one of the results of the successful movement. It was signed between the government and the Jana Sanghati Samiti (JSS) on December 2<sup>nd</sup>, 1997 but was never fully implemented. The land rights of indigenous people have not yet established that their land is central to their way of life.

My research has been conducted in three Upazilas out of thirteen Upazilas in Dinajpur. Phulbari Upazila is one of the Upazilas which is most popular as ‘The Blood- Soaked Banner of Phulbari: A Coal Mine against the People’. “Asia Energy PLC (UK) signed a 30 year contract with the Bangladesh government for open-pit coal mining in Phulbari. Asia Energy plans to extract 15 million tons of coal a year. Consequently, the ground water levels are already sinking and the agriculture could be devastated in the entire region. Significantly, the landscape would be changed forever and 40,000 people will be evicted, most of whom are subsistence farmers. Almost 2,200 indigenous Santal, Munda and Mahili people would be evicted from their lands. Eventually, a huge number of people, including the Santal people, have protested and during the highest moment of the

Phulbari Uprising, protest-killings and massive upsurge of wounded but determined people, mostly peasants, fought for their land, life and liberty against the coal mining. Three boys were shot dead by BDR, hundreds wounded, and hundred thousand people revolted in August of 2006,” ([www.facebook.com](http://www.facebook.com) and [www.youtube.com](http://www.youtube.com)). This protest gave a very unique name to Phulbari and the civil society is now very much concerned about it.

### **5.3 Present day status: How they protest to reclaim their lost land**

#### **5.3.1 Individual level**

A single individual or interviewed participant, as distinguished from a group, has experienced land related problems in their own area. Individual turbulence relating to land problems has mobilized the Santal to protest this violation. Santal people in the research area have been forced to either die or to be assimilated, like Bodley’s article has shown. The present research reveals that every single Santal who lost his or her land is in such a situation... where there is no option to fight or resolve to their problems, unless they are ready to die.

Nowadays, every individual is attempting to gain lawful control over their traditional lands. They are raising their voices against this violation. In this regard, interviewees during my field work performed the valuable role of lifting up their voices to protest against land grabbers. Every single participant is seriously concerned about their real desires and they know what is good for them. During my field work, every participant tried to share their experiences with me, and as a young researcher I believe that this is one of the ways to protest against human rights violations. Every year, researchers tend to go there to collect data and every Santal (in my experience) welcomes them to share their thoughts and feelings. However, they feel that this research is only undertaken as goodwill for researcher is not done for them. Their situation is still the same, but the Santal do not give up their patience in this regard. They are still protesting to regain their lost land, some have even had success in getting their land back. For instance, Rekha Hashda (mentioned in the forth chapter) is one Santal whose story shows the power of protesting. This woman’s name is one that I heard since my first entrance into the

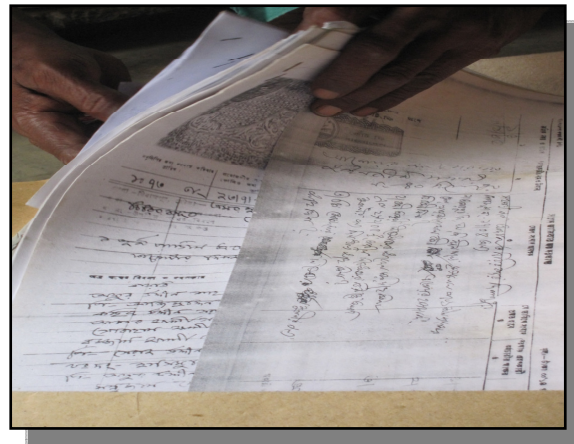


Dhen Master Said, “We say, the land is ours but the forestry (Forest Department) says the land is vested and no longer belongs to the Santal people”

### **The case 5.3.1: Dhen Master**

Dhen Master told a different story of losing land and subsequent struggle. After the Liberation War, Dhen and his relatives came back to their home in Bangladesh. Many of them did not come back at all, because they did not have enough land in present Bangladesh. Later they came back to sell their land and then went back to India forever. They migrated to India of their own accord; nobody forced them to leave their land. He said that in Phulbari Upazila, Santal people are faced with problems and conflicts involving the Forest Department. He claimed that they have the land record of 40s and 60s but that a few years ago the Forest Department asserted that Santal occupied land is vested and no longer belongs to the Santal Adibasi people. Dhen Master has around 5 to 6 acres of cultivating land but he claimed that he had once owned 58 acres according to British record. The Forest Department has tried to occupy his land although Dhen is cultivating it, but several times the forest department has tried to prove that they have the official documents of this particular land. Dhen Master has attempted to record the land as being owned by him, but the local land office has denied his requests to create ownership records. Most of the land in his area that he showed to me is vested (land which is occupied by the forest department). He and his neighbors went to the local land office several times to seek justice. The local office confessed that, in 1985, they sent a notice to higher authority to record ownership of this land but government or state did not take any action. Therefore, the Forest Department occupied the land. He said that they paid taxes to the government from 1882-1981. Now they do not pay taxes. Dhen Master is now cultivating his own land in a way designed to bypass taxes. He gave money to the Muslims in exchange for protecting his land. Muslims are cultivating the land on behalf of him, but a portion of the harvested crops go to Dhen Master and the Forest Department does not show interfere. There is no solution; the Forest Department claims that the land belongs to the forest department whereas Santal people claim that the land belongs to the Santals. The clash between Santal people and Forest Department is not an uncommon phenomenon. Dhen Master demanded an urgent solution by the government and he thinks, if this does not happen, they have no alternative that to fight for their rights and existence, and even be ready to die. This story unfolds the problematic situation exist in Santal community that leads to answer most of the research questions.

community. Every Santal knows her name. 60 year old Rekha Hashda has never married and lives with her brother's house. When she lost her land, illiterate Rekha could not see any alternative but to seek justice. She went to the local chairman, police, and even to the court. She was mistreated in every place for being woman and was double harassed for being a Santal woman. But Rekha never lost her tolerance, or hope to regain her land. She went to the police and local NGOs for assistance. Now, after having dealt with court files, police and NGOs workers, and through the assistance of other Santal people, she seemed to possess a lot of knowledge on the issue of land rights during my data collection period. She showed me every document that she used in court.



Pictures 5.3.1: Rekha Hashda showing her court documents (Pictures taken during field work)

Now Santali speaking Rekha knows Bengali very well, and she even gave a speech at a seminar in Bengali language. Finally, in 2008, a case was filed against the land grabber in court. Later she got back almost 10 acres of land, and is still raising her voice to get back her rest of lands.

### 5.3.2 Community level

This picture was taken during my field work. I attempted to interview a single participant but the reality was that everyone knew of my presence in the community. They all came to me together to share their experiences, and even those who did not



Picture 5.3.3: A single part of Santal community (Picture taken during field work)

have land related problems, came and supported the others. This attitude of Santal community showed their integrity and unity, and more significantly, that they are very much aware of their expectations. As a community, they are protesting and elevating their issues at the national level. They are integrating themselves within different local indigenous organizations, and opposing the land grabbing very strongly by demonstrating against land violations. They are organizing demonstrations, campaigns, and various movements in favor of establishing a Land Commission for Plain Land Indigenous People, and as a way to build their rights to their traditional land. Rabindranath Soren, General Secretary of the Central Committee of Jatyo Adivashi Parishad (from a Santal community) said that they are working for indigenous people, and especially for the plain land indigenous peoples in Bangladesh. Adibashi (indigenous) land has been vested, however these vested lands have been distributed within Bengali community and influential people, and not among the Adibashi. Meanwhile, they are displaced from their traditional lands. Therefore, they are working with all these issues. They are organizing themselves within memorandum in favor of establishing the Land Commission to also address their rights to build their on their traditional land and for the implementation of primary education in Santali language. Santal people who are living this territory for a lifetime should be given legal land right documents. Among Santal people who are not financially solvent, financial support for proceedings of court file should be provided. Adibashi people, including the Santal people, should be trained and empowered on land related issues.

### **5.3.3 NGO activities**

Some NGOs are working on this issue within a limited scale. A very small portion of the Santal is beginning to get some benefits from these initiatives (Barkat, Hoque, Halim and Osman, 2009: 293). In this section I have mainly given the priority of discussion to the activities of local NGOs. Advocacy and networking are the most effective strategies for empowering the poor in fulfilling their land rights, and in agrarian reform. These strategies bring a positive change among the Santal people by comprising the land rights of Santal people, raising protests against the eviction of the landless, and reporting on killing and harassment taking place against the Santal peoples. This advocacy and

lobbying includes seminars, round table discussions, and dialogue on different indigenous issues, workshops with the media, meeting with media and grassroots organizations, press conferences, and rallies. Moreover, networking and solidarity building are other forms of protesting which consist of network meetings, exchange visits, sharing meetings with donors, partner directories, legal assistance, technical and financial support, as well as training and capacity building. Furthermore information, communication, publication and documentation are being undertaken by the NGOs to bring light to indigenous issues.

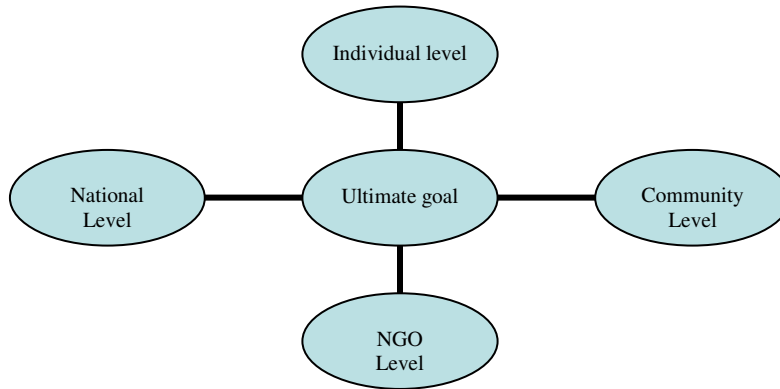
#### **5.3.4 National level: the government position regarding rights of indigenous peoples**

The government's assistance in the requirement to maximize these benefits is always missing from these initiatives (Barkat, Hoque, Halim and Osman, 2009:293) even officially; the term "indigenous peoples" was rejected by the Bangladesh government. Though the term was clearly asserted by the representative of the Permanent Commission of the Government of Bangladesh to the United Nations of the UN Permanent Forum on Indigenous Issues in New York, a note was dated from the Ministry of Foreign Affairs, advising the Ministry of Chittagong Hill Tracts Affairs to use the term "tribal (upajati)" but to desist from using the term "indigenous" or "Adivasi." The Bangladesh Government signed the International Labour Organization Convention 107 but the Constitution of Bangladesh has neither recognized the cultural identities of indigenous people nor given assistance to protect and promote their rights to retain their land (Erni, 2008). In 1997, The Chittagong Hill Tracts Accord was signed in favor of identifying the Chittagong Hill Tracts as a tribal area and recognizes the rights of indigenous peoples there. A regional council was recognized under the terms of this agreement and its traditional governance system, as was the affiliation of migrants to the area of plain land and to the indigenous population. However, a large part of the peace accord is still unimplemented. At the national level, the Prime Minister's Special Affairs Division is liable for the wellbeing of indigenous people. Although the CHT has a junior minister in the governmental level, the plain land indigenous people do not have any representative in the Special Affairs Division or other policy making bodies at a national level. In this regard, the special claims from the plain land indigenous people have been ignored by the government. In the face of inadequate support from the legal perspective, there are some

constitutional provisions which can be employed in favor of indigenous people's rights in Bangladesh such as article 28 and 29 of the Bangladesh Constitution (for more information; see appendix. p98). The articles declare equal rights for all citizens, and also specify the affirmative procedures for the disadvantaged sections of the society. Significantly, there are several numbers of legal documents (for instance The Chittagong Hill Tracts Manual 1900, Chittagong Hill Tracts Regional Council and Hill District Councils Acts, or the Bengali Tenancy Act of 1955) addressing indigenous peoples' rights with respect to particular geographical areas (Erni, 2008).

This chapter began with the question 'what kind of protest has been initiated by the Santal people, and at the end the chapter came to a close with reasonable answers. The chapter exemplified the fact that the Santal people have been protesting in an attempt to regain their land for some time, such as during the Santal revolt in 1855, the Independence War of 1971, and the Phulbari Uprising in 2006. To conclude the chapter, it can be said that the foundation for the establishment of the Sami Parliament in Norway has strengthened achievements among indigenous people all over the world. The effects of protest can also be seen in other parts of the world, including Australia. Aborigine people in Australia are establishing their aboriginal traditional land claims and arguing that their lands have been unlawfully appropriated and in many aspects they are achieving successes. Santal people in Bangladesh have a glorious history of protest beginning with the Santal revolt in 1855. Though the protest was finished brutally it has been noted as a great change in the colonial rule and policy. This day is still being celebrated among Santal community with great respect. Nowadays, Santal people are getting inspiration from their glorious history and protesting against all kinds of violations. This protesting attitude and their earnest desires will lift up every initiative from individual, community, NGOs and, most significantly, National levels. This idea is shown in the following graph.

**Figure 5.3.4: Collective initiatives to regain land access**





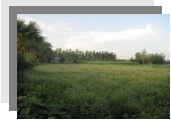
## Chapter-6:



Concluding remarks and recommendations

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## Chapter 6:



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### Concluding remarks and recommendations

#### 6.1 Concluding remarks

The present research has described and analyzed the main challenges regarding land access among the Santal indigenous people in the northern belt of Bangladesh. The research has been divided into four fundamental questions and has sought to answer these questions with practical answers according to an in-depth inquiry of Santal community members and accompanied by the available secondary sources. The four questions are: ‘To what extents do Santal people have access to the land that used to be their own land?’; ‘Why and how did the Santal peoples lose their land?’; ‘What are the consequences regarding the land access today?’ and finally, ‘What kind of protests arose by Santal people?’

The research has been conducted in the Dinajpur district, Rajshahi division in Bangladesh. The data collection process started on the second week in June 2010 and came to an end on 10<sup>th</sup> August 2010. In this research qualitative methods were used as an explorative means to facilitate the understanding of the particular challenges regarding land access among the Santal people. I feel this design has generally been successful in helping me to understand certain situations regarding land access among the Santal people in Bangladesh. A total of 15 in-depth interviews were conducted with women and men of differing status using the “snow ball” technique of recruiting interviewees. Leaders, particularly headmen, political leaders, farmers, housewives, school teachers, students, and NGO workers were selected as respondents. The age of the informants ran from 22 to 90 years.

To summarize the findings of the research it can be said that according oral traditions, in the very beginning the Santal land was considered to be god gifted common property and

was used by all. Later levels of access to land were controlled by others, sometimes under the Zamindari system of British rule, then also during the Pakistan period, during which time the competition for land strengthened and land loss escalated. The actual story of land access deprivation of the Santal began with the appropriation of the forest commons by the colonial Forest Department in the 1870s. That practice was continued after the partition of India in 1947 into two countries: India and Pakistan, when vast tracts of Santal lands began to be grabbed following the Hindu-Muslim communal unrests. This tendency of land grabbing and marginalization was continued in independent Bangladesh under the pretext of Vested Property. The peak period of land grabbing among Santal in the plain land regions was documented between 1971 and 1980. The land of the Santal people is still forcibly being taken by Bengali Muslim neighbors. They are now one most vulnerable groups regarding access to land even when compared to previous historical periods. The Santal people have been easy targets for land grabbers due to their limited capacity to protest or protect. Major changes in land ownership of the Santal people have been marked by their unprecedented vulnerability due to increased land scarcity in the area. Compared to the previous periods they are more vulnerable, as the population of Bangladesh continues to increase especially in Muslim neighborhoods and the demand for land multiplies.

The research has sought to explore the reasons behind the loss of access to land for the Santal people. The first and foremost cause was the state sponsored private ownership system in which the Santal people were permitted to live as “common” in their administrator’s land under Zamindari system. Thus, they were obligated to live together in the context of common property. Afterwards, that common property began the process of landlessness due to the lack of land documents. In this period, a lack of understanding regarding the need to obtain documentation of their land was played a vital role in furthering Santal land loss. Secondly, dishonest and uninformed records such as the Cadastral Survey and the second land record under the State Acquisition and Tenancy Act paved the way for land grabbers to appropriate Santal lands. Additionally, political influence and conflict between the majority and minority groups of the country have encouraged influential Bengali Muslims to seize Santal land. Such as, the government

and Constitution have not given a definition of indigenous people, and they are treated as “minority communities” at a national level. On an international level the definition of ILO convention No. 107 and 169 undoubtedly define the Santal as indigenous people; and although the government of Bangladesh ratified convention No. 107 (articles 11 to 14 addressed the issue of land rights) they have not signed or ratified ILO Convention 169. So it is clear that, indifference of government is one of the causes for land losing. Of course most of the Santal people are leading a very low standard of life. Thus, they often can not bear the extra financial burden of continuing the case against land grabbers. Moreover, most of the Santal people are illiterate and not aware of land rights and knowledge about UN Declarations and ILO 169 so that they can be easily victimized. Furthermore, language problems, fear of injustice, and the non-cooperation of administration and people’s representatives, and forced expulsion due to development project implementation, are other leading causes of Santal land loss.

The field study reveals that due to above causes, nowadays Santal people are converted into four categories. These are: a) the Santal who own some lands but fear losing it; b) the Santal who have piece of land and house; c) the Santal who have only a house but do not have any land to cultivate; and d) the Santal who are totally displaced from their land. In my field experience, I found that there was no Santal family who did not have land related problems and that most felt harassed by the local Forest Department and influential Muslim neighbors at a local level. A few Santal people have lands to cultivate but are still in fear of losing this land since they do not documentation of ownership. There are two major arguments regarding this situation, one coming from the Santal and the other from government officials. Santal people claim that their land ownership always remains with them since they have been living on these lands for decades; they were the first peoples of this land and are thereby linked to the land. Thus, they did not feel the need to get land ownership documents. On the other hand, government officials often deny their land ownership due to lack of this documentation. Therefore, although some Santal people are cultivating a few portions of land they still have fears of losing it. Among the four categories, the most observed group is the Santal who have only a dwelling-house but do not have any land to cultivate. The Santal people of this group are

now becoming day laborers in land that used to be their own. It seems that very few Santal people were totally displaced from their land since the present research identified only one displaced informant among the all interviewees.

With relation to the economy, there are two features that are playing important roles in pushing the Santal further and further into poverty: land loss and the expenses of filing and pursuing a case against land grabbers get back their lands. As poor indigenous people, they are marginalized by the government and the majority people as well. They are discriminated at both national and local levels and considered as a 'backward section' of society since they maintain traditional beliefs and customs. The silent inequity of education between Santal and Bengali children perpetuates discrimination and gives rise to language loss. The grabbing of Santal land has resulted in particularly devastating effects on Santal women. Moreover, ignorance and exploitation by the Bengali neighbors force the Santal people to live as second class citizens.

The history of the Santal people reveals that they have fought against these oppressions, including a unique revolt in 1855. Though the protest was finished brutally it is noted as a great change in the colonial rule and policy. The day of the revolt is still celebrated among Santal community with great respect. Nowadays, Santal people are getting inspiration from their glorious history and are protesting against all kinds of violations. This protesting attitude and the earnest desires of the Santal people will be fruitful when concerted initiatives are taken at all the levels *inter alia*: individual level, community level, the level of NGOs most significantly national level. Of course the problem remains as to whether these people, who are the de facto owners of the land, will get titles from the government in the future or not. It has been a major concern on the part of the actors involved in demanding land rights for the indigenous people in the country, e.g. civil society members, NGOs and some government departments, although, legal and political circumstances provide a difficult message on solving the issue.

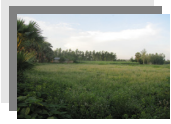
## **6.2 Suggestions and recommendations**

Land access among the Santal people is so unpleasant that urgent implementation of special policies and strategies are important. Eventually, the following suggestions and recommendations are intended for government programs and NGOs; bilateral as well as multilateral programs. During field work, in-depth interviewees and FGD informants were asked about a good number of suggestions to improve the situation of the Santal, including by bringing an end to land grabbing and establishing proper access to land. The government of Bangladesh can play a vital role in the solving of these problems. Effective administrative measures by authorities on the behalf of the government must be taken for long term solutions. Proper enforcement of law is a significant strategy in improving the situation of land access of Santal people, and this enforcement must consider awareness building about land related rights and regulations and the preservation of land documents. My informants also suggested that they need inclusion of area-based representative in the land selling identification committee and distribution of Khas land for homestead as well as for cultivation purposes. For creating greater network and providing advocacy services, publicity on problems and vulnerabilities might be one of the initiatives to bring awareness to the greater population. Effective understanding among Santal, representatives from the majority, civil society, government department and NGOs will assist in resolving the problem. A separate ministry for indigenous peoples and political participation in terms of indigenous candidates in local government as well as in the national election are of foremost priority in improving the situation of Santal people (Kamal, Samad and Banu, 2003).

It is obvious that land access of Santal people is vulnerable in economic, social, cultural and human rights contexts. Therefore, “immediate development interventions by both government agencies and NGOs are greatly needed for meaningful existence and the uplifting of the Santal community” (Kamal, Samad and Banu, 2003). The following recommendation can be made: from my the experience in field work, a single individual as distinguished from a group experiences land related problems in their own area. So, individual turbulence of the land problem should be mobilized to include every single Santal in protesting this violation. Every individual should be incorporated in the fight to

regain lawful control over their traditional lands and to raise their voices against this violation. Community-based collaborative strategy might be another noteworthy approach to improve the situation for both local and national level. The Santal should be integrating themselves within different local indigenous organizations and groups and opposing the land violation very strongly. There should be organized demonstrations, campaigns and various movements in favor of establishing a 'land commission for plain land indigenous people' and to retain their rights to their traditional lands. Various strategies may be taken to ensure the Santal's participation in planning and policy making of development agencies, and a separate ministry for indigenous peoples should be formed. In this instance, the Sami parliament in Norway can be exemplified. Human resource development and credit support may be undertaken for making Santal economically self-sustained. To promote independence in financial, technical and marketing, support for women should be extended. Regarding the land rights of women; inheritance of lands and resources should be established through the law enforcement body. A land commission could be formed for the indigenous peoples' areas in particular. Legal assistance should be provided for free since most of the Santal peoples are poor and unable to pay for legal support to face litigation. At the local level community organizations should be strengthened and reinforced within the Santal community.

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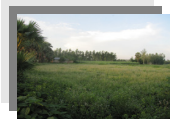
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## Appendix:





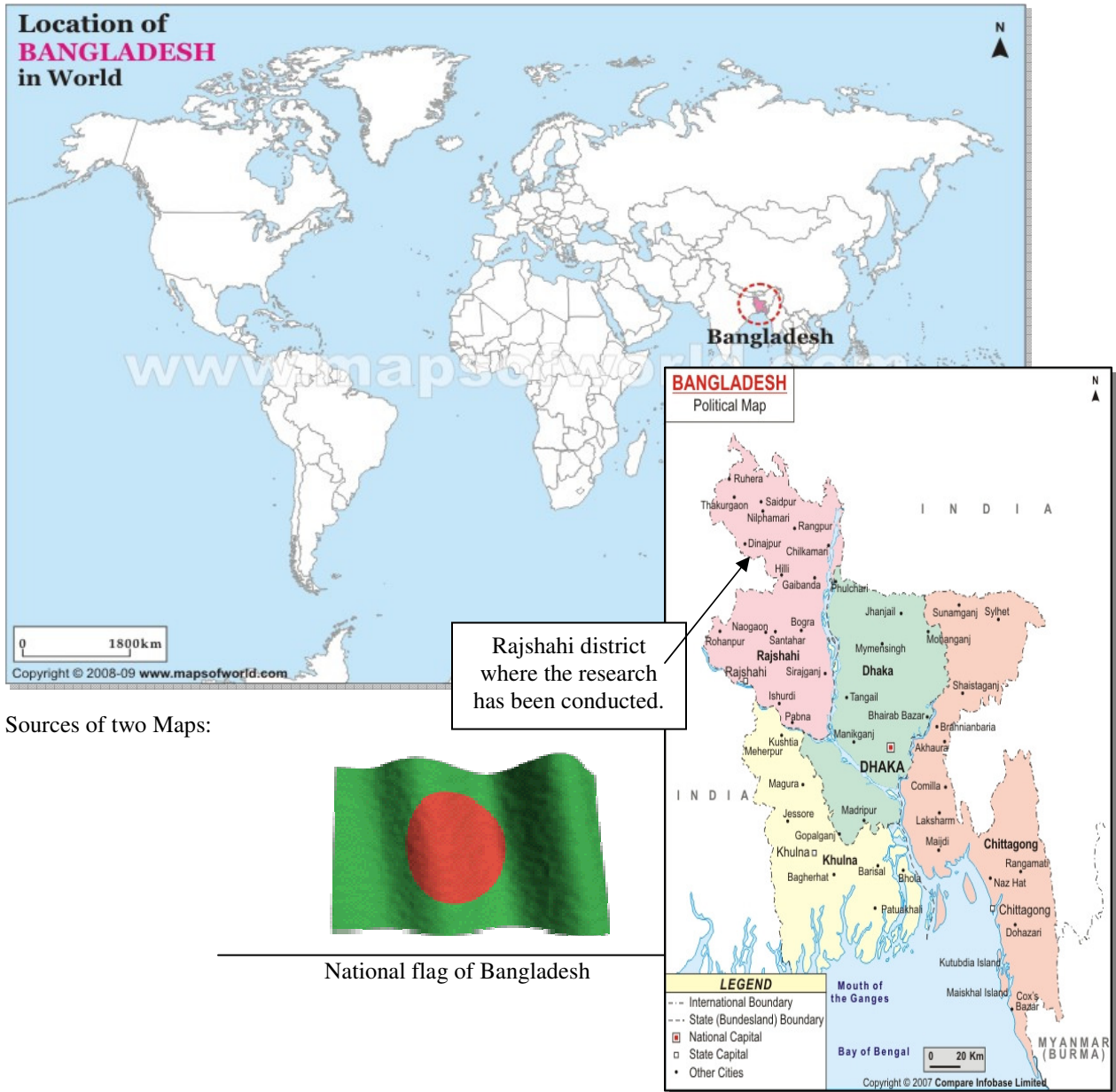
# Appendix:



## Chapter-2

### 2.1 The study location:

- Map-1: Location of Bangladesh in the world



## 2.1 The study location:

According to Bangladesh Bureau of Statistic in 2007, the total cultivated land of Dinajpur is 535,083 in acre and total land under irrigation is 503,102 in acre, fallow area, 4,935, area under water 1,997, area under forest 10,354, area under river,13,916 (Bangladesh Statistical Bureau, 2009). Among total population of Dinajpur, land less, small farmers, medium farmers, large farmers are accordingly 40%, 30%, 25% and 5%. The per capita cultivable land is 0.05 %. The value of land market is about Tk. 7,500 per hectare ([www.banglapedia.org](http://www.banglapedia.org)). Among the total forest area, the reserve forest is more or less 4,685.40 hectare. According to this way, vested forest is almost 2,497.16 hectare, accorded forest 352.85 hectare and khas land or forest 115.81 hectare respectively (<http://www.dcdinajpur.gov.bd>).

## 2.1 Phulbari Upazila; Chirirbandar Upazila; Nawabganj Upazila:

Picture-1



Picture-2



Landscapes of Dinajpur District (The picture 1 and 2 have been captured during field work).

## 2.2 Indigenous people in Bangladesh as a whole:

### 2.2. Indigenous people in Chittagong Hill Tracts:

Picture-3



Bawm people

Picture-4



Chak people

Picture-5



Chakma people

Picture-6



Khumi people

Picture-7



Marma people

Picture-8



Mro people

Picture-9



Pangkhua people

Picture-10



Tripura people

### 2.2.2 Indigenous people in plain lands:

Picture-11



Garo people

Picture-12



Hajong people

Picture-13



Monipuri people

Picture-14



Munda people

Picture-15



Oraon people

Picture-16



Rakhain people

Pictures 3 -16 have been  
Collected from different  
Websites

## 2.2 Population of Indigenous groups in Bangladesh

<i>Population of Indigenous groups in Bangladesh</i>		
SI No:	<i>Name of Indigenous group</i>	<i>Population</i>
<i>Indigenous people in Chittagong Hill Tracts (CHT)</i>		
1.	Bawm	6,978
2.	Chak	2000
3	Chakma	2,39,417
4	Khyang	1,950
5	Khumi	12,341
6	Lusai	662
7	Marma	142,334
8	Mro	3,227
9	Pangkua	3,227
10	Tanchanghya	19,211
11	Tripura	61,129
<i>Indigenous people in the plain land</i>		
12	Bangshi	2,112
13	Buna	13,914
14	Coach	12,631
15	Garo	68,210
16	Hajong	11,477
17	Harijon	63
18	Khashi	13,412
19	Mahato	3,534
20	Monipuri	24,902
21	Munda	2,122
22	Oraon	11,196
23	Pahari	1,853
24	Rajbangshi	5,444
25	Rakhain	16,932
26	Santal	2,02,744
27	Uruo/Urua/Uria	2,481
Others ( both in plain land and CHT)		2,61,746
Source: Barkat, Hoque, Halim and Osman, 2009; based on Bangladesh Population Census, 1991		

## 2.3 Brief scenario of Santal people:

Picture-17



Little boy having lunch  
Picture-20

Picture-18



Grandma with traditional broom  
Picture-21

Picture-19



Santal man and women  
Picture-22



Curious to take snap  
Picture-23



Rice processing



Santal (Manjhi) headman



Road connected with Santal village  
(Pictures 17-23 have been captured during field work)

## **2.4.5 Bangladesh period (1971 to 2009): strengthen competition and escalating of land loss:**

Convention No 107 Article 11 described as:

“The right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognized (<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C107>).” Bangladesh Government is required to distinguish the concepts of both individual and collective land rights for indigenous people but there is a lack of effective measures to make sure that the indigenous people can enjoy these rights without hindrance and includes their individual rights to their home, their land and their forest as well as collective rights to their common lands including their forest (Roy, 2000).

Convention No 107: Article 12 (1), (2) and (3) described the issue of displacement:

“The populations concerned shall not be removed without their free consent from their habitual territories except in accordance with national laws and regulations for reasons relating to national security, or in the interest of national economic development or of the health of the said populations (<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C107>).”

Article 12 (2):

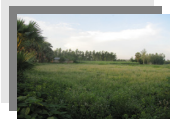
“When in such cases removal of these populations is necessary as an exceptional measure, they shall be provided with lands of quality at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. In cases where chances of alternative employment exist and where the populations concerned prefer to have compensation in money or in kind, they shall be so compensated under appropriate guarantees

(<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C107>).”

Article 12 (3):

“Persons thus removed shall be fully compensated for any resulting loss or injury (<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C107>).

## Appendix:



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### Chapter-4

### Consequences regarding land access today?

Picture-24



The woman was crying to get back her land and her husband who was in prison during field work. She claimed that her husband is in prison due to a false case filed by the land grabber.

Picture-26



The narrow entrance shows how they live and their way of life leading and the environment.

Picture-25



The image shows a cooking place in an open area.

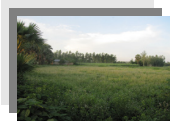
Picture-27



A tiny Santal village demonstrates its poverty, poorly made housing and road as well.

(Pictures: 24-27 are captured during field work)

## Appendix:



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### Chapter-5

#### 5.3.4 National level: the government position regarding rights of indigenous peoples

##### **Article-28: Discrimination on grounds of religion, etc.**

(1) The State shall not discriminate against any citizen on grounds only of religion, race caste, sex or place of birth.

(2) Women shall have equal rights with men in all spheres of the State and of public life.

(3) No citizen shall, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution.

(4) Nothing in this article shall prevent the State from making special provision in favor of women or children or for the advancement of any backward section of citizens.

##### **29. Equality of opportunity in public employment.**

(1) There shall be equality of opportunity for all citizens in respect of employment or office in the service of the Republic.

(2) No citizen shall, on grounds only of religion, race, caste, sex or place of birth, be ineligible for, or discriminated against in respect of, any employment or office in the service of the Republic.

(3) Nothing in this article shall prevent the State from -

- (a) Making special provision in favor of any backward section of citizens for the purpose of securing their adequate representation in the service of the Republic;
- (b) Giving effect to any law which makes provision for reserving appointments relating to any religious or denominational institution to persons of that religion or denomination; reserving for members of one sex any class of employment or office on the ground that it is considered by its nature to be unsuited to members of the opposite sex.

(Source: <http://www1.umn.edu/humanrts/research/bangladesh-constitution.pdf>).