

RIGHTS OF RELIGIOUS MINORITIES

This chapter reviews the latest situation regarding the continued application of the Vested Property Act and efforts for further amendments of the law, as well as specific incidents of violence against individuals and property owned by religious minorities, focusing primarily on the Hindu and Buddhist communities; the chapter concludes with an update on the situation of the Ahmadiya community.

Debates around the rights of religious minorities in Bangladesh usually focus only on individual incidents--positive and negative. Those who wish to argue that there are no challenges for minorities focus on the absence of communal riots, and point to the prominence of individuals from minorities in among others, the nation's art and culture scene as evidence of system-wide religious diversity. What is largely missing in this discussion is academic and quantitative analysis of the religious minorities' status and future. In a significant exception, 2008 saw the publication of an important multi-year study exposing the impact of VPA on Hindu property between 1965-2007.¹

Metamorphosis of Vested Property Act

The use and abuse of laws by citizens and the state to deprive religious minorities of their land has continued post partition and post independence until today. Initially, the "Requisition of Property Act" (Act XIII of 1948), passed after two million Hindus left the then East Bengal in 1947-48 allowed for takeover of abandoned property "required for the purposes of the state". This law effectively metamorphosed into the "East Bengal Evacuees Act" (1951), then the "East Pakistan Disturbed Persons Rehabilitation Ordinance" (1964), the "Enemy Property Order" (1965), the "Bangladesh Vesting of Property and Assets Order" (1972), and finally the "Vested and Non-Resident Property Act" (1974). All of them were used by the State and majority communities to abuse the right to property.

The twenty second session of the National Parliament under the Awami League Government passed the Vested Property Return Act 2001. While this was a first milestone, there were several major flaws: the Act covered only land vested up to February 1969; the original owner or heir was required to have "continuously" resided in Bangladesh; and the owner had to submit claims within 90 days of publication of list of returnable properties.

In November 2002, the Four Party Alliance Government passed an amendment to the 2001 Act, which significantly reduced its impact. Especially harmful was the clause that gave the Government "unlimited time" to publish the list and enforce return of property. Since the passage of this amendment, not a single list has been published, nor any return process initiated in the last six years.



Durga Puja

BOX XV.1: Quantification of Impact

Professor Barkat et al. used multiple data collection instruments to quan-

¹ Abul Barkat, Shafique uz Zaman, Md. Shahnewaz Khan, Avijit Poddar, Saiful Hoque, and M. Taher Uddin, *Deprivation of Hindu Minority of Bangladesh: Living with Vested Property*, 2008, Dhaka: Pathak Shamabesh.

tify the impact of VPA:

1. Population: Hindu population has dropped from 18% in 1961 to 9% in 2001. The total Hindu population in 2001 was 11.4 million, half the expected 22.8 million it should be as per growth estimates. The rate of decline was most pronounced in six districts: Chandpur, Feni, Jamalpur, Kishoreganj, Kushtia, Pabna and Narayanganj.
2. Households: 43% of all Hindu households (1.2 million) have been affected by EPA/VPA. 57% of households that lost land lost an average of 100 decimals.
3. Total Land Loss: Total area of land lost was 2.01 million acres, which is 5.5% of Bangladesh's total land mass but 45% of land owned by the Hindu community. Survey data showed 22% more land loss than was shown in official records. According to survey data, the total land lost was 2.6 million acres. The type of land lost was typically agricultural (80% of total lost land), followed by homestead (11%), pond areas (1.2%), orchards (1.7%), fallow land (0.7%), commercial land (0.14%), religious institution land (0.02%), and others (3.2%).
4. Value: Assuming average market price of land as seen in the year 2007, total value of land lost is Taka 2,416,273 million. If we use the survey data, the total value of land lost is Taka 3,106,636 million. Even if land is lawfully sold, the price of Hindu-owned land is reported as Taka 900,000 per acre, as compared to Taka 1,500,000 for similar Muslim-owned land.
5. Time Period: 53% of incidents of dispossession and 74% of total lost land occurred between 1965-1971. After lower rates from 1972-1975, dispossession rates accelerated again from 1975. Even after the "Repeal Act" was passed in 2001, 8% of dispossession incidents occurred between 2001-2006.
6. Methods: Influential parties grabbing in connivance with Tahsil and Thana Revenue Office, Tahsil and Thana Revenue Office themselves, death and/or out-migration of one of the members of the Hindu family used as excuse to enlist the whole property, by force using violence and local thugs, using forged documents, etc.
7. Accompanying Harassment: Typical methods of intimidating Hindu households in order to acquire land include harassment (reported by 50% of households), obstruction in casting vote in 2001 election (27%), obstruction in harvesting crops (25%), workplace intimidation (20%), property destruction (14%), eve-teasing (13%), looting (10%), robbery (6%), obstruction in shopping (5%), extortion (5%).

New Legal Developments in 2008

In a fresh move to resolve the issue of land loss, the Government in 2008 drafted a new law "Vested Property Examination & Resolution Amendment Bill". However, when details of this amendment were made available, civil society and human rights groups involved with landless people's rights registered strong objections to major flaws in the law. In the face of their vigorous protests,² the Government shelved the Bill.

² In a document submitted in July 2008 to the Chief Advisor's office, the key flaws in the amendment were itemized, including: a) "Vested Property" is defined only as land that is with the Government as vested property, or was identified by the government on the vested property list, or property identified as vested by Upazila committees formed after this amendment is passed; b) Local Land/Tahsil Office is the body responsible for evaluating which land is vested, and resolving the ownership. Since most vesting is with active collusion of Upazila and other Land Offices, this would put abusing party in charge of investigating their own crime.

The opposition letter was signed by Mohammad Golam Rabbani (former Supreme Court judge), Advocate Sultana Kamal (Ain o Salish Kendra), Dr. Kazi Kholiqzaman (Bangladesh Economist Association), Lieut. General Harun-ur Rashid (former Army Chief of Staff), Kamal Lohani (chairman, Vested/Enemy Property Law Resistance Movement), Taslimur Rahman (BLAST), Khushi Kabir (Nijera Kori),

In October 2008, Law and Land Advisor Hassan Ariff announced the formation of a Vested Property Return Tribunal and an Appeal Tribunal. In an interview with the press, the Advisor said that if necessary the Government would make further amendments to the 2001 Act to resolve any "administrative complications".³ Why such a complicated issue would be resolved without appropriate consultation was not explained. Nor was it clear under what mandate or guiding principles such a Tribunal would be set up. In comments to the press, a spokesperson for the Law Ministry appeared to indicate some adherence to the conditions of the 2001 Vested Property Repeal Act, rather than the more injurious 2002 Amendment.⁴

In the absence of a permanent and just legal resolution on cases of vested property, individual plaintiffs suffer unimaginable hardship and legal delay in attempting to retrieve their land. In the majority of cases, the legal process bankrupts the relevant family, while land grabbers, with collusion of government land offices, and the backing of the political party in power, maintain their decades long grip on the land. An example of the exhausting time-span involved may be seen in *Mehir Chandra Bhowmick vs D.C. Brahmanbaria*, a two decade long legal battle over a land totaling 20 decimals.⁵

The case of Jayanta Kumar Roy illustrates the dangerous role of local land offices and multiple historical ironies. Roy was killed in 1971 by the Pakistan army, but instead of receiving a posthumous "freedom fighter" certificate, his family discovered their land seized by local agents as "vested property". After campaigning on this issue for decades, his nephew Anjan Roy finally received a note from Chief Advisor's office declaring that the land was not "vested property". In spite of this, the land occupant has continued to build a permanent structure on the land, with no effective action taken by the Pabna District administration.⁶

Individual Cases in 2008

As noted in previous years' reports, incidents of harassment against the Hindu minority community continued at a low level, almost as a persistent "background noise" in the country's overall human rights situation. There were arguments, often by those who wished to deny specific religious discrimination, that such incidents of harassment, looting, rape, etc., occur against all impoverished communities in Bangladesh.

Religious minorities continue to be most vulnerable. As reported in the press, sixteen year old student Purnima Mohanta was kidnapped from her house by assailants in October 2008.⁷ Attacks were also reported against 40 minority families in Brahmanbaria⁸ as was the murder of priest Anurani Biswas.⁹ Meanwhile, the legal case filed by Dr. Bimal Sheel in the horrific Banshkhali murder case (2003 arson murder of eleven Hindu family members) continued to make its way through an uncooperative justice system, due to alleged involvement of Aminur Rahman Chowdhury, brother of former state minister Jafrul Islam Chowdhury.¹⁰ In July, Aminur, chairman of Kalipur UP, was arrested in connection with the case.¹¹

Temples appeared to be a vulnerable target, with several major cases reported by the press this year. An attack on Kotiadi monastery, Kishoreganj, which resulted in the rape of one monastery occupant and death of the elderly priest Abinash Chandra Goshai¹²; destruction of idols of two hundred year old temple at Gouranadi;¹³

Shamsul Huda (Association for Land Reform & Development), Advocate Subrata Chowdhury (member, Vested/Enemy Property Law Resistance Movement), Dr. Meghna Guhathakurta (Research Initiatives Bangladesh), Barrister Sara Hossain, Prof. Abul Barkat, etc.

3 Hannan, Kaji Abdul, "Process starting to return Vested Property to its Bangladeshi Owners", *Shamokal*, 23 October 2008.

4 *Shamokal*, 23 October 2008.

5 *Mehir Chandra Bhowmick Vs. D.C., Brahmanbaria & others* (Justice Salma Masud Chowdhury-J.), 13 MLR (HCD) 2008.

6 Second appeal to Chief Advisor's Office by Anjan Roy, 16 December 2008.

7 *Aj o Agami Kal*, 28 October 2008.

8 "B'Bariae 40 Shinkhaloghu Poribar Shontrashi Hamlar Ashonkae Onnotro Paliye Beracche", *Janakantha*, 19 April 2008.

9 "Paikgacha e Mondir er Shadhok Khun", *Jugantor*, 6 January 2008.

10 "Todonto Protibedoner Opor Narajir Shunani 19 March", *Prothom Alo*, 21 March 2008; *Sangbad*, 26 February 2008.

11 "Amin chairman sent to jail", *New Age*, 8 July 2008.

12 *Sangbad*, 16 November 2008.

13 "Gouranadi e Mondirer Protima Bhangchur", *Jugantor*, 19 April 2008.

arson at Badarganj temple, Rangpur;¹⁴ and destruction of idols at Aghoiljhara, Barisal district.¹⁵ In the last case, the incident had been preceded four days earlier by a looting incident in the home of Ajay Das Gupta in Kalupara village (in the same Upazila), where idols kept at home were also smashed. Thus whether the motivation was looting or communal attack, or a combination of both, the lack of punishment for one incident appears to create an enabling environment for more attacks in same location. Even more worrying are incidents that happen with support of local authorities, as in Bagerhat, where attempts to build a structure on temple land resulted in hundreds of Hindu community members surrounding the offices of municipal authorities demanding the temple area be left intact for Kirtan, Kobi Gaan and other religious events.¹⁶ In many cases of attacks against minority community, the local police appeared reluctant to take the cases seriously.

In cases where there is sustained reporting, it is often revealed that land grabbing is a primary motive behind the violence, and thus we return to the VPA as a root cause. Attempts to grab land are always accompanied by violence, as in the Ishwarganj case¹⁷ where the family of goldsmith Amal Roy was kept confined to their own home for almost a year by attacks from neighbours over a land dispute. In Rupganj, local thugs demanded Shadeb Roy sell his land to them and "move to India".¹⁸ The murder of a Buddhist nun in Rangamati in Chittagong Hill Tracts was also reported to be in connection with a land dispute. In Ulipur an acre of land belonging to the family of Upanendranath Sarkar was taken over in defiance of a court order.¹⁹

Even media visibility is not sufficient protection, as attempts were made to grab land belonging to *Janakantha* journalist Niranjan Pal as well as famed columnist and economist Birupakkha Pal, and the family of television producer Anjan Roy (see above).²⁰ Other incidents of land grabbing were reported at Shahjadpur temple²¹ and on 3,000 decimals of land belonging to the heirs of Uma Rani Sarkar in Ghatkoir village, Naogaon.²² In another incident in Naogaon, newspapers reported that the local Jamat i Islami leader attempted to grab the land of Ananda Kuma Sheel of Komorpur village, Badalgachi Upazila.²³ Again in Shahjahanpur Upazila under Bogra, Jamat leader Azadur Rahman reportedly targeted the land of Swapan Kumar Kundu, at one point removing all fences around the property to begin a process of "land swallowing".²⁴

The footprint of the VPA can be seen both in the targeting of Hindu land as more vulnerable to legal maneuvers, as well as the frequent exhortations to "move to India". If a frightened family does flee to India (or anywhere else), the "continuous" living condition is broken, and the land can be grabbed (even under the Vested Property Repeal Act, which maintains this clause). Thus in Kaliakoir, land belonging to several Hindu families including Paritosh Chandra Sarkar were targeted by local leader Hazrat Ali, who threatened physical violence and ordered the families to, again, "go to India".²⁵ In Keraniganj, the remnants of the two hundred year old Parshanath temple was obliterated by what the newspapers described as "land pirates" using VPA.²⁶

A *Prothom Alo* investigation revealed that a three acre water body belonging to the Zamindar family of Pran Gobinda Chowdhury, had been illegally occupied since 2003 by local politicians, through forged docu-

14 "Badarganj e Mondire Agoon, Murti Bhangchoor", *Sangbad*, 26 April 2008.

15 "Agoiljharae Prokasshye Mondirer Murti Bhangchur", *Shamokal*, 27 August 2008.

16 "Bagerhat Poura Karjaloy Gherao Koreche Elakabashi", *Sangbad*, 18 May 2008.

17 "Ishyarganje Uched Atonke Din Katakche Shonkhaloghu Poribar", *Janakantha*, 29 April 2008.

18 "Rupganje Shonkhaloghu Poribarer Upor Shontrashi Hamla", *Janakantha*, 7 August 2008; See also *Jugantor*, 7 August 2008; *Sangbad*, 7 August 2008.

19 "Ulipure Shonkhaloghu Poribarer 1 Acre Jomi Jobordokhol", *Sangbad*, 28 February 2008.

20 "Mirjapure Shonkhaloghu Porobarer Bhumi Dokholer Cheshta", *Janakantha*, 9 February 2008.

21 "Shahjadpur Mondirer Jomi Jobor Dokhol", *Sangbad*, 14 January 2008.

22 "Naogaone Shonkhaloghur 30 Bigha Jomi Dokholer Paitara", *Janakantha*, 15 July 2008.

23 "Naogaon e Jamaat Netar Modode Shonkhaloghur Jomi Dokholer Cheshta", *Janakantha*, 2 August 2008.

24 "Bagurae Jamaat Netar Biruddhe Shonkhaloghu Poribarer Shompoti Dokholer Obhijog", *Janakantha*, 14 September 2008; *Shamokal*, 14 September 2008.

25 "Deshtyager Humki", *Sangbad*, 6 September 2008.

26 "Oitijjobahi parshanath Mandir Bedokhol Hoye Jacche", *Janakantha*, 14 August 2008.

ments prepared by land administration officials with help of personnel in the District administrative headquarters.²⁷ Another *Ittefaq* investigation discovered that over 11,300 acres of land in Jessore had been grabbed as vested property by the family of a politician linked to the BNP-Jamat Alliance.²⁸ In another investigation, *Jugantor* revealed that out of 30,000 acres of land officially appropriated by the Chittagong land administration as "vested property" (not counting land privately grabbed by individuals), only 5,000 acres were actually under government control and the rest had been occupied by "unknown parties".²⁹ While media reporting of such incidents still remains sporadic, these occasional investigations have begun to generate awareness and focus on these issues.

Ahmadiya Community

Continuing tensions prevail regarding the security of the country's *Ahmadiya* community, a Muslim sect that is opposed by some hardline religious groups. The nadir of the *Ahmadiya* community's position inside Bangladesh was in 2003-2004, when their places of worship were systematically attacked, and their books were banned by the Government. Sustained civil society protests, paired with a legal challenge to the order, led to a High Court stay order on the government ban. Since that watershed ruling, while there have been occasional forays by bigotted groups, as in Khulna against Moazzem Hossain family,³⁰ there have been no attacks on *Ahmadiya* mosques. The *Ahmadiya* faith's centennial celebrations were carried out without hindrance, with a cross-section of political and civil society leadership in attendance.

However, while there were no major incidents³¹, we should note the organizing of a seminar by Amra Dhakabashi at Deen Hall, where discussants demanded that *Ahmadis* ("Qadiyanis" to their opponents) be declared non-Muslim.³² This group, essentially involved in street violence earlier, is now pushing hate speech demands through law-based arguments. When looking at recent court case demanding ban of construction of a statue in Narayanganj, one can see possible futures where hate groups push their agenda through the courts rather than street demonstrations, allowing them to take on an apparent mantle of respectability.

In the context of local politics, such attacks on the *Ahmadiya* community may be a "sleeper issue" for the bigotted groups. Investigative reports show collusion and tacit agreement between some officials of the earlier Four Party Alliance Government, and these street agitation movements. The Caretaker Government, while ensuring security of the *Ahmadis*, exhibited a degree of appeasement towards the anti-*Ahmadiya* groups. While political activity was suspended under the state of emergency, fringe extremist groups have repeatedly held defiant street protests in connection with the cartoonist Arifur Rahman's case, attacks on statues, the banning of a play in Rajshahi University, etc.

Jobs, Education and Voting

As described in the 2006 Annual Report, the absence of significant minority representation in all sectors of government, defense and business is palpable. There were only eight minority representatives out of 300 members of the last Parliament, and based on initial set of nominations announced this year, such a trend may continue. Although minorities are relatively more visible in the media and NGO sector, their presence is overall lacking in both private and public sectors. The lack of comprehensive statistics has made it difficult to articulate the story of systemic disenfranchisement. Nor is there any discussion on the "glass ceiling" (the point after which minorities will not get promoted) in corporate and government service.³³

27 "Jal Kagoj Toirite Proshashoner Loko Jorito", *Prothom Alo*, 15 January 2008.

28 "Jessore e bipul poriman Orpito Shompotti Prohabshalider Dokhole", *Ittefaq*, 9 May 2008.

29 "30 Hajar Acre Orpito Shompotti Niye Proshashon Bipake", *Jugantor*, 6 June 2008.

30 "Bigots harass Ahmadiyya family", *The Daily Star*, 20 January 2008.

31 We should also note the Indonesian government's move to ban the Ahmadiya community, which could have an impact in Bangladesh.

32 "Qadiyanis are creating *Fitna*, declare them non-Muslim", *Inqilab*, 13 July 2008; See also *Jugantor*, 24 June 2008.

33 With the exception of a 2006 *The Daily Star* investigation into lack of promotions for Hindu police officers.

