Fact-finding Report

Conflict Between LandCo and Villagers Over Firm Land in Tetulia, Panchagarh

17 - 19 March 2024
Sheikhgos, Debnagar, Tetulia, Panchagarh

1. Background

The Coastal Livelihood and Environmental Action Network (CLEAN) and its alliance the Bangladesh Working Group on External Debt (BWGED) strongly support a Just and Equitable Transition which could be achieved by implementing 100% Renewable Energy (RE) in Bangladesh. At the same time, to ensure the ‘just transition’, the local environment, natural resources, and livelihoods must be protected. Energy transition through grabbing agricultural land and water bodies does not comply with ‘Just’ and ‘Equitable’. In this context, the conflict between villagers and LandCo in Tetulia Upazila of Panchagarh District over a Solar Power Plant has been monitored.

There is a strong allegation against LandCo that they grabbed hundreds of acres of cultivable land at the Shekhgos village of Debengarh (Debnagar) Union under Tetulia upazila of Panchagarh district in Bangladesh. It has been learned that the company started to purchase the land in 2017 but now went to possess the land where the villagers cultivated their crops. The company people demolish the villagers’ crops, homes, and movable assets to control the land, as reported by some media [1]. Villagers protested it but they didn’t stop, finally, they controlled over 100 acres of land and fenced it.

1 Broadcasted on Facebook by Panchagarh Update
Another media reported that the tension was created artificially to delay the construction work of a solar power plant [2]. The company officials said that they would establish a 100 MW solar power plant there but they started their activities in the name of Seasonal Agricultural Farm (Mousumi Krishi Khamar), which is controlled and guided by LandCo, as reported by other media [3]. Tension was raised in the area regarding the deals of land purchase. According to the villagers, the company officials are trying to grab more land saying their purchased land still needs to be fulfilled.

The team came to know that Mr. Jahurul Islam, Deputy Commissioner (DC) of Panchagarh permitted Korotoa Solar Limited (KSL) on 18 August 2021 to buy 150 acres of land within one year from Sheikghos Mouza under Tetulia Upazila with 10 conditions (Memo No. 31.47.7790.000.13.027.18-269). KSL should have bought the allocated land within the timeline. So, the local people think that KSL formed a shadow company to buy the land.

According to Condition number 6 of the permission document, KSL was permitted to buy fallow, non-agricultural, and abandoned land for the solar power plant. There is no such type of land in the area. So, probably, KSL formed a company on

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2 Haider, S. (2024). "কৃষি মিছুয়ে ঘরের অভিযোগে বন্ধ সৌনাবিদ্যা প্রকল্প". The Somoy News: 10 February 2024
3 Bahanno News. "কৃষি খামারের আড়ালে ফসলী জমিতে সোলার পাওয়ার প্রাঙ্গ". 6 February 2024

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The local people, especially the affected small and marginal farmers, can blame all supporters of RE for their lifelong loss of land, livelihoods, and environment. So, the fact-finding was necessary from an ethical base also.

To find the facts and investigate the situation of this conflicting area between the local people and a designated company LandCo and its Mousumi Krishi Khamar regarding occupied the firm land by a gang of people who are destroying the agricultural production and forcibly evicting their shelter. A team comprised eight representatives from different sectors (See Annexure) university teachers, Civil Society, Development Consultants, and journalists from national and local media.
2. Objectives

The objectives of the fact findings are to assess the status of land grabbing by the company in the name of the solar power plant and also to draw recommendations to protect the rights of small and marginal farmers. The specific objectives of the fact-finding mission are:

- To investigate the real scenario of the area;
- To know about the purchasing process of LandCo, the land purchaser;
- To reveal the link between the LandCo solar power plant and its Mousumi Krishi Khamar;
- To define the difference of opinion between the landowners and land purchasers;
- To identify irregularities and human rights violation activities over the land purchase;
- To reveal the facts regarding the establishment of the solar power plant.

3. Methodology

Before visiting the conflict area, the team reviewed multiple materials available in print and electronic media from offline and online sources, which include newspapers, television news, Facebook, and YouTube. The team members visited the areas and interviewed inhabitants, small and marginal farmers, company representatives, local elected representatives, civil society representatives, settlement officials, law enforcement agencies, and administrative officials from 17 to 18 March 2024 to understand the facts of the incident and the purchasing or selling method. Specifically, the team interviewed both formally and informally those who identified themselves as victims of land grabbing and dispossessed by LandCo.

4. Challenges

The Fact-finding team tried its best to analyze all necessary information to come to a conclusion and formulate a set of recommendations. However, some unavoidable limitations remain in the fact-finding derived from the challenges:

1. Villagers were afraid to talk about LandCo or the Mousumi Krishi Khamar as the company has several powerful contact points in the villages in addition to the youth gang.
2. Villagers do not want to be identified due to the potential risk of intimidation. So, the team could not take photos of the victims.
3. The area was always patrolled by youth gangs on motorbikes and they asked the purpose of visits again and again.
4. District-level government agencies and responsible persons declined the requests to talk to the team.
5. The Fact-finding team had very little time to assess all the things as it is a burning issue to resolve as soon as possible.
5. Discussion and Findings

The disputed area is in the Debnagar Union under Tentulia upazila of Panchagarh district where 57 villages and around 25 thousand people are living. This is an extreme northern district of the country and Tentulia Upazila is the bordering area with India. Most of the villagers are poor. A section of villagers collect stones from the almost-dying river Karota. Three villages, Bhutujot, Pathanpara, and Sheikghos, are in the center of the conflict with around 300 acres of cultivable land and around two thousand people living there. Most of the villagers possess small pieces of land and agriculture is the main source of income. Three big families possess around 100 acres of land combinedly. Conflict arose with the rest of the land whose owners are poor and marginal. The company officials claimed that they bought 276 acres of land except for three big landlords. However, they have control over only 100 acres of land because the sellers didn’t hand over the land.

5.1. Lack of Transparency and Accountability

It is widely known in the villages that Mr. Osman Kaiser Chowdhury is the key person who bought the lands. According to the Union Land Office, Nilanjana Chowdhury, Daughter of Mr. Osman Kaiser Chowdhury, Holding Number 50, Dhanmondi, Dhaka is the purchaser of the lands. The mutation (Naam Jari) of only 12.5 acres has been done in the name of Nilanjana Chowdhury. Mr. Osman Kaiser Chowdhury is known as the Director of LandCo locally. However, it is found that Mr. Chowdhury is the Chief Executive Officer of Beximco Power Limited and Beximco Engineering Limited. He was promoted to the Managing Director of Beximco Group in June 2021[^1]. Interestingly, it is widely known in the area that the company will install and solar power plant in the villages, but they are taking the lands in the name of Seasonal Agriculture Farms (Mousumi Krishi Khamar). So, it can be said that the Company is hiding information from the villagers which is a clear lack of transparency.

When visited the local Land Settlement Office, the Assistant Land Officer informed us that there is no land registered or deed signed (locally called Dalil) for LandCo or its Mousumi Krishi Khamar. As per his information, some 12.5 acres of land have been renamed (naam jari) against Nilanjana Chowdhury and Dipro Kaiser Chowdhury who are the kids of Mr. Osman Kaiser Chowdhury. The team could not find any document against 176 acres or 276 acres of land, as claimed by the company.

Image-3. Naam Jari Record of the Land

Note: Naam Jari record of only 2.39 acres was found as the officials were not supportive of taking the document

The villagers assume that KSL has taken the shadow name of LandCo Mousumi Krishi Khamar as it could not get permission to install any solar power plant on the agricultural land. A rumor was also spread out that KSL (Beximco) got BDT 400 crore (USD 36.34 million)[^2] from the Government for this project, which was not verified by the Fact-finding team.


[^2]: SD 1 = BDT 110.0581 as of 1 January 2024.
However, KSL has been trying to install a solar power plant in the villages of Bangla-chandi and Mainghuri in the same Union since 2017. If the rumor is true, the Government is very likely to support a project that is grabbing triple-cropped land for a solar power plant, which is totally against the principles of the government itself. It is mentioned that the Government decided not to install any power projects on the agricultural lands.[6]

5.2. Forced Selling, Fraud, and Exploitation

The company purchased its land through third-party members who are commission agents for the purchaser but some sort of powerful people in the locality. They convinced the villagers that the Mousumi Krishi Khamar would help their livelihoods and purchased the land against a token of money. The actual owner of the land never got the actual price. Due to proper knowledge and transparency in the process, they sold out more than the land they were entitled to. For example, one brother sold out the family land without informing the other brothers or sisters. Gradually, the siblings were informed by other people. It created one type of chaos in the village.

5.3. Illegal Land Grabbing

After purchasing, the Company wanted to possess the land accordingly but failed because there was not as much land in the real world as they bought on paper. So, the company filed cases of fraud against 11 middlemen. One of the middlemen died during the legal procedures and others got bail from the court. After failing in that way, LandCo appointed some 30 youths to force the people to give the land. According to the villagers, these youths get BDT 300 per day, while their supervisors get BDT 500 per day. It made the villagers angrier. One of the

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villagers said that "I will not bow down to the company’s interest, whatever consequences I have to face".

Mr. Obaidul Haq, an elected member of Debnagar Union Parishad told the team that the company wanted to occupy land next to his house, although he did not sell the land. He is the owner of 2.98 acres of land in the village. According to his opinion, Landco bought the papers, not the land. In some cases, it happened that the company bought the same land from the father and his heirs again. In this way, one piece of land has been bought several times. It is known from the villagers that 11 acres of land from 476 plots (daag) were bought from Jahangir Ali once, and Atiar Rahman (Ati Chairman) again. So, it is shown as 22 acres in the company’s papers.

The company-appointed people and middlemen started buying fallow land in the beginning. Later, they started installing a boundary wall including other lands inside it. When local people protested, the company representatives said, if there are any unbought lands in our boundary, we will request you to sell to us and settle that later on. The farmers are not ready to accept this proposal.

5.4. Intimidation and Harassments

The local inhabitants found themselves as the victims from different perspectives. They were threatened by multiple means to hand over the lands to the company. The newly appointed teenage youth gang members are from 15 to a maximum of 30 years old. Most of them have either dropped out of school or are unemployed. The villagers blamed LandCo for using this opportunity. These youth groups used to show down on motorbikes together to intimidate and control the villagers. The fact-finding team encountered a group of the youth-gang in the village.

The company appointed a priest to give religious education to poor families and sponsored several pop cultural programs involving the youth groups to popularize their name and project. The fact-finding team observed some banners and festoons regarding women's education in the Islamic religion and learning the holy Quran. At least three festoons are found in different corners of the villages.

a) Damage of Crops and Physical Assault

On 5 February 2024, the LandCo-appointed people came to the villages with tractors. They started demolishing the lands that were full of pre-ripen wheat, maize, and chili plantations. The tractors destroyed the crops without considering their social or economic value. Local farmers immediately started protesting against such illegal barbaric activities. The LandCo-appointed people attacked the farmers and assaulted them physically.
b) Farmland is Unconvertible
According to the Agricultural Land Protection and Land Use Act 2015, houses, industrial factories, brick kilns, or any other non-agricultural structures shall not be constructed by destroying any agricultural land. Additionally, the Honorable Prime Minister ordered the administration and private sectors several times not to take any development project or industry on the agricultural land [7].

5.5. Position of Local Administration
The local law enforcement Agency and administration are well-informed about the situation. The DC of Panchagarh formed an inquiry committee headed by the Assistant Commissioner (Land) and the Upazila Agriculture Officer (UAO) is working as the member secretary of the committee. Upazila Settlement Officer is another member of the committee. The Committee members admitted that some irregularities were committed by the company and there was a lack of legal papers for buying the lands. The administration is trying to maintain the law-and-order situation and finding out the actual landowners and purchasers only.

5.6. Legal Complaints
Shibly Sadiq (Son of deceased Abdul Gani from Sheikhgos village) filed a complaint in Tetulia Thana and DC of Panchagarh against Zahirul Islam (Son of Jumar Uddin from Nayabari village), Azimul Haque (Gachbari village) and Jahangir Alam (Son of Abdur Rauf from Sheikhgos village) for seizing 165 decimals of land from plot numbers 295, 322, 410, 406, 476, 407, 474, 318, 406, 321, 469 of the SA Khatian. The same complaint was filed against Amir, Anarul, Haiyul, Karim, Mizanur, Mozaffar, Rezaul, Shimu, and Sirazul from the same villages.

Mr. Mizanur Rahman, a schoolteacher, told the Fact-finding team that he sold some land, but LandCo took his two bighas (around 1 acre) land additional in their boundary. On reporting this matter, the UNO asked him for a written statement. After making such arrangements, he got one bigha (approximately 0.5 acres) of land back from the company. The remaining land is still under the control of LandCo. Some other farmers namely Amirul, Bazrul, Belal, and Mazid said that they also got back their land from the company after filing complaints.

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6. **Opinions of the Key Personnel**

The Fact-finding Team met several key personnel of the area including Mr. Soleman Ali, Chairman of Debnagar Union Parishad, Mr. Mahbubul Hasan, Assistant Commissioner of Land (AC Land) for Tetulia Upazila, Mr. Fazle Rabbi, Upazila Nirbahi Officer (UNO) of Tetulia Upazila, Mr. Sujoy Kumar Roy, Officer In-charge (OC) of Tetulia Thana, and Mr. Shahidul Islam, Panchagarh Correspondent of the Daily Observer. Their opinions on the incident are given below:

6.1. **Mr. Fazle Rabbi**, Upazila Nirbahi Officer (UNO), Tetulia Upazila

Mr. Fazle Rabbi said that he could not get enough information on the company and their work before the conflicting situation got the attention of the media. He reached the area after getting calls from local elected representatives. According to his recommendation, the DC of Panchagarh formed a three-member inquiry committee. The UNO thinks that KSL formed this new company to purchase land in the area.

6.2. **Mr. Mahbubul Hasan**, Assistant Commissioner of Land (AC Land) for Tetulia Upazila

Mr. Mahbubul Hasan said that both of the parties (the villagers and the company) are doing wrong. The villagers sold their land even when they did not have proper documents. On the other hand, the company did not purchase the land after checking all the documents. Here, AC Land is talking about the company, although the lands were bought by two urban powerful individuals. The AC Land is also the head of the inquiry committee formed by the DC of Panchagarh to assess the situation and ownership position of the lands in the disputed area.

6.3. **Mr. Sujoy Kumar Roy**, Officer-In-Charge (OC), Tetulia Thana

Mr. Sujoy agreed that there are irregularities in the land purchasing process. He said that he and his team went to the disputed area after getting calls from the local Union Parishad Chairman and members. He also got advice from the UNO. He said that the law enforcement agencies are trying to maintain the law-and-order situation, as an inquiry committee is working on behalf of the Upazila and District administration.

6.4. **Mr. Soleman Ali**, Chairman, Debnagar Union Parishad

According to Mr. Soleman Ali, LandCo bought 276 acres of land although the land area consists of only 176 acres. Local middlemen influenced the villagers to sell their land with faulty papers. His position was ambiguous. On the one hand, he supports the local people’s rights on their land. On the other hand, he accused the local people of
solving their land without proper papers. It seems that he is in favor of the company.

6.5. **Mr. Shahidul Islam**, Panchagarh Correspondent, the Daily Observer

Mr. Shahidul Islam said that Beximco is the company that is trying to purchase land for establishing a solar power plant in the area. LandCo is their shadow company which is trying to purchase three things together: Land, Documents, and Goons. Besides land and documents, the company appointed around 30 young people to patrol the area using motorbikes to spread influence over the area. The Association for Land Reform and Development (ALRD), Bangladesh Poribesh Andolan (BAPA), and Bangladesh Environmental Lawyers Association (BELA) have already started working on the issue.

6.6. **Hossain Ali**, Sheikhgos Village

As per Mr. Hossain, LandCo is doing many things to convince the local people as a good company although they grabbed the villagers' land. The company organized Quran education for the women in the evening, arranged prayers on the roadside, and religious education for the children. They also organized Friday Health Camps to provide primary healthcare to the villagers. On the other hand, they appointed a group of youths to threaten the villagers. All of these are arranged to fool the local poor farmers.

6.7. **Shibly Sadiq**, Sheikhgos Village

Mr. Shibly said that the company named LandCo is trying to occupy all of the 276 acres of land of Sheikhgos, Baniapara, Bhutujot, and Patanpara villages. If they succeed the local people will not have a single piece of land for agriculture and around two thousand farmers will become unemployed.

6.8. **Morsheda Begum**, Housewife

According to Ms. Morsheda, LandCo grabbed more land than they paid for. The company occupied more than 100 acres of land illegally and now they restricted local people's access to the land. We used to collect wild vegetables and graze our cattle and goats on that land. Now, we have to buy fodder from the market for our livestock.

6.9. **Mostafa Kamal**, Sheikhgos Village

Mr. Mostafa said that LandCo and Beximco did not give even market price of the lands. Some of the villagers received only 500 to 1,000 taka for their lands. The company also tried to destroy standing crops such as wheat and chili. The company appointed some local goons to control power and authority locally..

6.10. **Asma Khatun**, Sheikhgos Village

Ms. Asma Khaun informed the team that her brother sold land to LandCo, but she did not. But the company grabbed her land along with her brother. LandCo also demolished the house where she was living in. She reported to the Union Parishad Members and Chairman, but they did not give her any justice.

6.11. **Abdur Rouf**, Farmer, Bhutjot Village

Mr. Rouf said that he sold an acre of land but did not get a fair price. LandCo bought only ten percent of their claimed land. They bought the land in the name of an agricultural farm. The local farmers thought that they would work on the large farm together for their livelihood. However, they are now trying to set up a solar power plant on the land. He asked, “How will we survive then? We can not talk because the company employed local unemployed youths to serve the company's interest”. He fears losing both land and employment.


Mr. Shimul said that two local goons named Jahir and Jahangir forcefully grabbed his land although he did not want to sell it. They also threatened to frame him in criminal offenses or court cases if he did not sell that piece of land. Although he had all the legal documents of ownership, LandCo did not show any interest in settling the matter. Shimul went to the UNO, but no result has come out yet..
7. Recommendations

Observing the situation, the Fact-finding team concludes with a set of six recommendations:

1. Cancel the illegal purchase of triple-cropped agricultural land for the LandCo or KSL-sponsored solar power plant in the name of Agricultural Farm in Sheikhgos Mouza under Tetulia Upazila and give the lands back to small and marginal farmers.

2. Form a probing committee consisting of government and civil society representatives and investigate the legality of buying land individually for a company.

3. Ensure proper compensation according to the Acquisition and Requisition Act 2017 for the farmers who lost their lands.

4. Prioritize human and environmental rights including local communities’ livelihoods over any development projects.

5. Ban the land purchases for solar power plants, and make long-term land leasing and benefit sharing with the farmers obligatory.

6. Allocate fallow, non-agricultural, and marshland for installing renewable energy in Bangladesh so that the complication of land acquisition can be resolved.
Annexure
Members of the Fact-finding Team

a) Gouranga Nandy, Bureau Chief, Dainik Kaler Kantho, Khulna Bureau

b) Hasan Mehedi, Member Secretary, Bangladesh Working Group on Ecology and Development (BWGED)

c) Bayezid Khan, Associate Professor, Khulna University

d) Mohammad Shahid Ullah, Development Consultant

e) Abdur Rashid Jibon, Staff Reporter, Somoy Television, Rangpur

f) Dr. Tanziul Islam, Associate Professor, Begum Rokeya University

g) Laboni Yeasmin Luni, Rangpur Correspondent, Daily Observer

h) Ujjal Kumar Chakrabarty, Executives Director, DOPS Foundation

i) SKMD Bahlul Alam, Campaign Coordinator, Coastal Livelihood and Environmental Action Network (CLEAN)

Expected Citation

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