

**Human Rights Report 2009-2010
on Indigenous Peoples in Bangladesh**

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Human Rights Report 2009-2010 on Indigenous Peoples in Bangladesh

First Edition

10 December 2010

Published by

Kapaeeng Foundation

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Oxfam-GB

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Printed by

Barsha Private Limited

Babu Pura, Kantaban, Dhaka - 1000

Price

Taka 200

US \$ 10

INDIGENOUS PEOPLES' HUMAN RIGHTS REPORT 2009-2010

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Acronym

ADP	Annual Development Programme
AIPP	Asia Indigenous Peoples Pact
BCS	Bangladesh Civil Services
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CBD	Convention on Biological Diversity
ICCPR	International Covenant on Civil and Political Rights
CEDAW	Convention on the Elimination of All Forms of Racial Discrimination Against Women
CESCR	Covenant on Economic, Social and Cultural Rights
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CHT	Chittagong Hill Tracts
CHTDB	Chittagong Hill Tracts Development Board
CHTRC	Chittagong Hill Tracts Regional Council
CRC	Convention on the Rights of the Child
DC	Deputy Commissioner
GoB	Government of Bangladesh
HDC	Hill District Council
IDPs	Internally Displaced Persons
ILO	International Labour Organisation
IPs	Indigenous Peoples
MP	Member of Parliament
NHRC	National Human Rights Commission
OC	Officer-in-Charge
PCJSS	Parbatta Chattagram Jana Samhati Samiti
PRSP	Poverty Reduction Strategy Paper
RDC	Research And Development Collective
SAD	Special Affairs Division
SP	Superintendent of Police
UN	United Nations
UNDP	United Nations Development Programme
UNPFII	United Nations Permanent Forum on Indigenous Issues
UPDF	United Peoples' Democratic Front
UPR	Universal Periodic Review

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ACKNOWLEDGEMENT

Kapaeeng Foundation has been working for the promotion and protection of human rights of indigenous peoples in Bangladesh since 2004. This human rights report covers the cases from 1 January 2009 to 30 November 2010. In order to prepare this report, Kapaeeng Foundation, through its network and focal persons, collected reports on human rights incidents and also investigate acts of violence and attacks against indigenous peoples. In addition, upon publication of reports in various news media, Kapaeeng Foundation also conducted fact-finding, collected relevant documentation, and interviewed victims, witnesses and local authorities.

Kapaeeng Foundation also received reports from various organisations and groups engaged for campaigning human rights issues of indigenous peoples. Among them, Bangladesh Indigenous Peoples Forum, Jumma Peoples Network, Jumma Net–Japan, Asian Centre for Human Rights, Peace Campaign Group, Bangladesh Adivasi Odhikar Andolon, PCJSS, CHTnews Online, etc are most remarkable. On the other hand, Kapaeeng Foundation also monitored and reviewed the reports of local, national and international organisations working on indigenous peoples' issues, such as, Ain O Salish Kendra (ASK), Odhikar, Bangladesh Legal Aid and Service Trust (BLAST), Hotline-Bangladesh, Global Human Rights Defence, Bangladesh Institute of Human Rights (BIHR), Bangladesh Hindu Buddhist Christian Unity Council (BHBCUC), Bangladesh Minority Watch, International Work Group for Indigenous Affairs (IWGIA), Survival International, Amnesty International etc. Kapaeeng Foundation is grateful to these organisations and news media.

This report has been edited by Dr. Dalem Chandra Barman, Professor of the Department of Peace and Conflict Studies of University of Dhaka and Mr. Pallab Chakma, Coordinator of Kapaeeng Foundation. Contributions are made by a team of authors, namely, eminent academician Prof. Mong Sa Nu, indigenous rights activist Mr. Mangal Kumar Chakma, Project-in-Charge of Caritas Barisal office Ms. Myentthein Promila, Project Officer of Oxfam-GB Ms. Lina Jesmin Lushai, human rights activist Mr. Binota Moy Dhamai, indigenous rights activist Mr. James Ward Khakshi, ILO internee Mr. Sohel Hajong and Advocate Babul Rebidas of Jatiya Adivasi Parishad. Kapaeeng Foundation takes this opportunity to thank them all. Kapaeeng Foundation is grateful to those who supplied information and reports, particularly, Chakma Circle Chief Raja Devasish Roy, Prof. Mesbah Kamal and Ms. Rakhi Mrong of Bangladesh Adivasi Odhikar Andolon, Mr. Sanjeeb Drong and Mr. Shakti Pada Tripura of Bangladesh Indigenous Peoples Forum and Sajib Chakma of Jumma Writers Forum.

Kapaeeng Foundation would like to express sincere gratitude to Oxfam-GB to come forward to support the publication of this report.

Rabindranath Soren
Chairperson
Kapaeeng Foundation

EXECUTIVE SUMMARY

The Indigenous Peoples of Bangladesh are one of the most deprived groups in many aspects of economic, social, cultural and political rights mainly due to their status of ethnic minority. Evidences show that the indigenous people of the country have very limited access to basic human rights including right to basic public services.

I. Introduction

Bangladesh has ratified all major international human rights treaties and conventions. Bangladesh is legally bound to comply with these international human rights treaties. But it does not comply with them so far as the indigenous peoples are concerned. The situation of implementation of the provisions of the aforesaid treaties is far from good.

The National Parliament passed the National Human Rights Commission Act on 9 July 2009. Investigation of human rights violation on indigenous/ Adivasi and ethnic minorities by the army and law enforcement agencies was remained out of jurisdiction of the National Human Rights Commission.

In the general election, 4 indigenous candidates for Member of Parliament (MP) won the election while Awami League also nominated a women MP among from indigenous community from Cox's Bazaar district. In the third Upazila Parishad election, 15 indigenous candidates were elected as chairman, 15 indigenous women as woman vice-chairperson and 15 indigenous men as vice-chairperson in the 25 Upazila Parishads in the three hill districts of CHT.

II. Identity of Indigenous Peoples

Government perspectives on the identity of indigenous peoples, however, are varied. It prefers the terms "tribe" and "tribal" ("upajati" in Bangla), and is opposed to the use of the words "indigenous" and "adivasi". The government's reluctance to recognize indigenous peoples is largely politically motivated and has its roots in Bengali nationalism. The legal situation, on the other hand, is quite pluralistic, and reflects, in its totality, the currency of all the terms preferred by government officials and indigenous peoples combined.

Following the 29 August 2005 High Court verdict that declared the Constitution (Fifth Amendment) Act, 1979 (Act 1 of 1979) *ultra vires* and illegal, the government of Bangladesh took initiative to amend the constitution. To pursue the government of Bangladesh for constitutional recognition of indigenous peoples, the leaders of indigenous peoples raised their voices for recognition of their rights to existence, identities, culture, participation and consent, self-government, land and territories in the constitution.

On 20 December 2009 in a national roundtable on 'ILO Convention 169' and 'Indigenous Peoples and the Bangladesh Parliament' organized by ILO and RDC in Dhaka, a parliamentary caucus for indigenous peoples' causes was formed.

III. Land Rights and Land Dispossession

The lands of the indigenous peoples are still forcibly being taken away basically for establishment of eco-park and national parks, protected and reserved forest, mining, settlement of government-sponsored non-indigenous migrants and establishment of military bases and training centres, and development projects. In Bandarban district alone, around 50,000 acres of land for lease, 118,000 acres of land for protected and reserved forest and 71,711 acres of land for military purposes were grabbed. The indigenous Jumma peoples in CHT are on the verge of total eviction from their ancestral land where they have been living and cultivating *Jum* from generation to generation.

In plain lands around 2,000 indigenous families in 10 districts in the border regions in the northwest (Rajshahi-Dinajpur) have so far lost their 1,748 acres of ancestral land. On the other, during the 2009-2010, 216 families of indigenous peoples in plain lands have been attacked and their houses have been looted and destroyed by the influential groups of mainstream population with the intention to grab ancestral land of adivasis. In these attacks, 4 indigenous persons have been killed. Besides, 13 indigenous families have been evicted from their ancestral land and homesteads in 2009-10.

IV. Gross Human Rights Issues

State mechanisms continue to violate the civil and political rights and collective rights of indigenous peoples with impunity and there is no effective mechanism available for redress in addressing these violations. Numerous cases of human rights violations committed by State Forces are contrary to its national laws and its international human rights obligations. Further, the government being a member of the Human Rights Council should make itself more transparent and accountable to its international human rights obligations.

During the period of 2009-2010, at least 7 Jummas including 5 women have been killed by Bengali settlers and security forces in CHT while 7 Jummas have been arrested. At least 4 massive communal attacks on indigenous villages have been committed by Bengali settlers with the direct support of security forces and administration in CHT in which at least 511 houses of indigenous Jumma peoples have completely been burnt to ashes and 97 Jummas have been injured.

On the other hand, in plain lands of the country, several attacks on indigenous villages have been made by the miscreants and land grabbers of mainstream population with the intention to occupy indigenous people's land. In these attacks, 8 indigenous persons including 4 women have been killed while 74 houses have been destroyed and looted. Besides, 3 indigenous villagers were arrested in connection with fabricated cases filed by land grabbers.

While the Government publicly supported freedom of religion, attacks on religious and ethnic minorities continued to be a problem during the reporting period. There were reports of discrimination based on religious belief or practice during the period of 2009-2010.

State Minister for Home Shamsul Haq Tuku has given a broad hint of deploying special unit of Rapid Action Battalion (RAB) in the CHT in view of deteriorating law and order situation.

V. Women and Children Rights

In the third Upazila Parishad election held on 22 January 2010, no indigenous women was elected in the post of the chair. However, in 25 Upazila Parishads under the three hill districts of CHT 15 indigenous women have been elected as the vice-chairs. Among them 10 are Chakma, two Marma, two Tripura and one from Tanchangya community. On the contrary, only one indigenous woman candidate in Madhupur upazila under Gazipur district named Ms. Jostina Noknek won the election for the post of Woman vice-chair.

Indigenous women in the country are victims not only of repression and negligence for centuries, but also of violence like rape, kidnap and murder by the mainstream Bengali people. The main reasons that female victims do not receive effective justice are the general barriers to accessing the justice system, police corruption, mismanagement of evidence, ignorance of the law and a lack of proper medical report (which is also a result of corruption).

During the period of 2009-2010, at least 5 Jumma women have been killed by the security forces and Bengali settlers while 14 indigenous Jumma women have been raped or molested. Besides, two Jumma women have been kidnapped by Bengalis. On the other, 4 indigenous women in plain lands have been killed after brutally raped while more 5 indigenous women raped or molested. Besides, 1 indigenous woman was kidnapped.

On the other hand, Indigenous children are still deprived of education through mother tongue. 16 indigenous children were rescued from a hotel and arrested a man on charges of child trafficking from Bandarban town.

VI. Economic, Social and Cultural Rights

Annual Development Programme (ADP) projects can not be categorized as Adivasi Focused as Government has no explicit allocation for indigenous peoples. Even there is no allocation directly for education in mother tongue and empowerment of indigenous women.

Although indigenous peoples are 1.13% of total population of the country, only 0.32% Annual Development Programme (ADP) has been allocated for them in fiscal year 2009-2010. In fiscal year 2009-2010, per capita ADP allocation for overall Bangladesh has been taka 1,996.98; whereas indigenous peoples of CHT received per capita ADP of taka 1652.67 and for indigenous peoples of plain land the amount was taka 83.64 only. In average, per capita ADP allocation for overall Bangladesh has been nearly 3 times higher than the allocation for

indigenous peoples. Allocation for plain land's indigenous peoples increased a little in 2008-09, but decreased for CHT.

With regard to the admission quota for indigenous students, there is no coherent policy and the entire issue is often embroiled with bureaucratic interventions. In some cases, it is totally dependent on the discretion of the authority of the concerned educational institutions. Newly formulated Education Policy has included a few recommendations on indigenous peoples. It mentioned in the aims and objectives of the education of chapter-I that one of the objectives of education is to develop cultures and languages of all small ethnic groups including indigenous peoples of the country.

Eighteen indigenous communities of the country are going to be left out from the next population census. The finalised questionnaire, now being printed for the census, which will be held on 15-19 March 2011, mentions only 27 indigenous communities.

GoB resumed the project to set up a science and technology university in Rangamati district. However, local indigenous people have been opposing setting up university at their area arguing that it would uproot them once again from their ancestral land and create socio-political problem in this region.

VII. An Audit on the Implementation of CHT Accord

Though the then government led by Sheikh Hasina signed the CHT Accord with the PCJSS to resolve the CHT problem through political and peaceful means in 1997, but only a little of the Accord was implemented during her tenure in 1996-2001. This extent was not enough at all to develop the post-Accord situation. The main issues which help introduce self-rule government system in CHT and help resolve the problem through political means were not implemented at all.

So far there have not been any official steps by the government to preserve the characteristics of the "*tribal inhabited region*" by keeping their life and living undisturbed and attain the overall development thereof as embodied in the Accord.

Full execution of the CHT Regional Council Act has not been carried out as yet. Rules of Business of the CHTRC is kept pending as it still waits for government approval for almost last 12 years. In absence of this provision CHTRC is unable to exercise its authority as mandated in the CHTRC Act to supervise and coordinate the activities of all transferred subjects under the three HDCs, law and order, general administration, development programs, the activities of CHT Development Board, coordination of NGO activities, disaster management and relief operation, traditional and social justice etc and issuing license for heavy industries.

No other subjects, especially the most important land management, general administration and police, have so far been transferred to the three HDCs since the signing of the Accord. Election of the HDCs is yet to be held and a Voter list with only the permanent residents of the CHT, to be certified by the Circle Chiefs, is yet to be prepared for the election of HDCs.

Land Commission is yet to commence its function and its Act is yet to be amended in the light of the Accord. This has not only kept land disputes unresolved but also opened the floodgates of new land disputes to emerge, making things more complicated for smooth resolution. Only few *temporary camps out of 543 camps were withdrawn so far*. Rest of the temporary camps is yet to be dismantled. Moreover, security operation codenamed '*Operation Uttaron*' which was resorted to in 2001 to tighten security noose, is still in operation.¹

9,780 families out of 12,222 families of *repatriated Jumma refugees* are yet to be reinstated in their lands, homesteads and orchards and 40 villages of the returnees are still under the occupation of the settlers. More than ninety thousand *internally displaced families* have not yet been rehabilitated. Though grand alliance government reconstituted the CHT Accord Implementation Committee, but since its inception it could not come up with anything concrete to help the implementation process of the Accord.

The implementation of the CHT Accord is crucial for unhindered development of the country. For the peace to thrive and stability to continue in a developing country like Bangladesh, it is the call of the hour to press for all the good will at the disposal of the state to materialise everything that the Accord stands for. For good governance

¹ PCJSS Report On the Implementation of the CHT Accord, 2010

and rule of law to prevail in the CHT, there is no option but to ensure that CHT Accord is honored and is given a fair play.

VIII. Recommendations

(a) General

- To ensure full and effective participation of indigenous peoples in major decision-making processes at all levels;
- To sensitize political leaders, bureaucrats, judges, security forces and other sections of society regarding the human rights and fundamental freedoms of indigenous peoples and their situation of marginality;
- To formulate policy guidelines for the development of indigenous society;
- To ratify ILO Convention No. 169 concerning Indigenous and Tribal Peoples;
- To revise national sectoral policies (on Health, Education, Culture, Gender, Forests, Land, Environment, etc.) and bring them in conformity with international standards on the rights of indigenous people, including the UN Declaration on the Rights of Indigenous Peoples;
- To include training on the CHT Accord, the special administrative system of the CHT, and on indigenous peoples' rights in the curricula of the Bangladesh Public Administration Training Center (BPATC), the judicial service, the police service, the Bangladesh Military Academy and the National Defence College, among others.

(b) Constitutional Recognition of Indigenous Peoples

- Provide constitutional recognition of national entities, languages and cultures of indigenous peoples;
- Provide constitutional recognition of special governance arrangement of CHT region for the protection of political, economic, cultural and religious rights of CHT;
- Provide seat reservation for indigenous peoples including women in the parliament and local government councils;
- Ensure constitutional provision with a guarantee that no amendment of constitutional provisions and laws relating to indigenous peoples will be made without the prior consent of indigenous peoples;
- Recognise the rights to control over land, territory and natural resources of indigenous peoples;
- Provide constitutional recognition of CHT Accord signed in 1997 and laws formulated under this Accord.

(c) Land Rights and Land Dispossession

- To recognize, more categorically, the collective and individual rights of indigenous people over land and natural resources, in accordance with international human rights standards and in consonance with their customs and traditions;
- To stop the systematic and forcible displacement of the indigenous peoples from their ancestral lands and to develop legal mechanisms to save the illegal land possessions of the indigenous peoples;
- To stop the clandestine and secretly-sponsored settlement programme of Bengali settlers and land grabbing and return back them to their cluster villages until and unless land disputes are resolved through land commission.
- To form separate land commission for plain land indigenous peoples
- To respect principle of Free Prior and Informed Consent (FPIC) before giving the priority for any activities on indigenous peoples.

(d) Gross Human Rights Issues

- To stop arbitrary arrest of the indigenous peoples' activists and to punish those responsible for the arbitrary arrests and prosecution
- To withdraw the cases filed against the indigenous peoples, and release them immediately;
- To ensure adequate and impartial investigation of allegation of killings and to ensure prosecution of those responsible and reparation for victims;
- To ensure independent, impartial and adequate investigation of allegations of torture and to prosecute those found responsible, and to provide adequate and effective redress to victims
- To stop military atrocity and harassment on the indigenous peoples' activists;
- To withdraw all temporary camps of military forces and de facto military rule 'Operation Uttoron';
- To stop religious persecution against indigenous peoples and to conduct judicial inquiry to religious persecutions;

(e) Women and Children Rights

- To include indigenous women's perspective to the National Women Development Policy
- To stop communal violence physical abuses against indigenous women
- To conduct judicial inquiry to the communal violence and abuses against indigenous women
- To prosecute those responsible for the physical violence and abuses against indigenous women
- To introduce education through mother tongue for indigenous children

(f) Implementation of CHT Accord

- To declare roadmap for speedy implementation of the CHT Accord;
- To execute CHTRC Act 1998 and approve its Rules of Business soon;
- To transfer all subjects, giving priority to most important subjects, such as, law and order of the district, land and land management, police (local), secondary education, youth welfare, environment, preservation of statistics on death-birth etc.;
- To hold election of three HDCs and CHTRC as per CHT Accord and to prepare voter list of the region only with the permanent residents of CHT as per CHT Peace Accord;
- To withdraw all temporary camps of army, APBN, Ansar and VDP and 'Operation Uttoron' and cancel pacification programme of military forces.
- To resolve land dispute through Land Commission as per CHT Accord by amending the contradictory of provisions of the CHT Land Disputes Resolution Commission Act of 2001;
- To rehabilitate returnee Jumma refugees and internally displaced Jumma persons in their original homes and lands;
- To appoint permanent residents of CHT, prioritizing indigenous people to the post of officers of MoCHTA;

I. INTRODUCTION

Kapaeeng Foundation has been active for the cause of indigenous peoples in Bangladesh since 2004. Through its network and focal persons throughout the country, Kapaeeng Foundation investigates acts of violence and attacks against indigenous peoples. This report contains an overview and analysis based on the cases from 1 January 2009 to 30 November 2010.

It is estimated that the total population of indigenous peoples in Bangladesh ranges from 1.7 to 3.7 million, or between 1.2 and 2.5% of the country's 144 million people. The Bangladesh Adivasi Forum (BAF) – national platform of the indigenous peoples – puts the figure at about 3 million. The Bangladesh Adivasi Forum identifies 46 ethnic groups as indigenous peoples of Bangladesh. Several sources have compiled a more comprehensive list of 59 groups.

Historically, the Indigenous Peoples of Bangladesh are one of the most deprived groups in many aspects of economic, social, cultural and political rights mainly due to their status of ethnic minority. Evidences show that the indigenous people of the country have very limited access to basic human rights including right to basic public services.

Bangladesh has ratified all major international human rights treaties and conventions. These documents explicitly refer to the rights of indigenous peoples. The one important exception is ILO Convention 169, which was drawn up to replace Convention 107. Bangladesh was also one of the few countries of the UN General Assembly that did not vote in favour of the Declaration on the Rights of Indigenous Peoples. The Bangladesh Government however did not vote against it either; it abstained.

The following are the international human rights instruments ratified by Bangladesh:

- ILO Convention No. 107 on Indigenous and Tribal Populations (1957). Ratified on 22nd June 1972
- International Convention on the Elimination of All Forms of Racial Discrimination (1965). Ratified on 11th June 1979.
- International Covenant on Civil & Political Rights (1966). Ratified on 6th September 2000
- International Covenant on Economic, Social and Cultural Rights (1966). Ratified on 5th October 1998
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979). Ratified on 6th November 1984
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984). Ratified on 5th October 1998
- International Convention on the Rights of the Child (1989). Ratified on 3rd August 1990
- Convention on Biological Diversity (1992). Ratified in May 1994

Bangladesh is legally bound to comply with these international human rights treaties. But it does not comply with them so far as the indigenous peoples are concerned. The situation of implementation of the provisions of the aforesaid treaties is far from good. In particular, the non-implementation of various important provisions of the ILO Convention No. 107 is of particular concern since it is the only human rights treaty with direct relevance to indigenous peoples.

Under Article 28 of the Bangladesh Constitution, it prohibits discrimination on the grounds of race, religion, and place of birth. But the Indigenous Peoples of the country are always the victim of social, racial, religious, cultural and linguistically.

National Human Rights Commission

The National Parliament, at the last day of its budget session, passed the National Human Rights Commission Act on 9 July 2009. The National Human Rights Commission Ordinance was first promulgated by the military-controlled Caretaker Government on 23 December, 2007.

According to the Act, Commission has not been given the power to take measure against accused person or against law enforcement agencies. Investigation of human rights violation on indigenous ethnic minorities by the army and law enforcement agencies was kept out of jurisdiction of the National Human Rights Commission. However, investigations into these allegations are imperative to not only uphold human rights but also enhance people's respect for, and faith in, the armed forces as an institution. In fact, there have been allegations of human rights violations by members of the armed forces, for instance in the CHT in general and in particular during the tenure of the interim government. With this limited mandate the National Human Rights Commission will be a toothless tiger.

While the Commission itself should be given the power to file cases against human rights violators, the provision in the Act only allows the Commission to make suggestions to the Government to take steps against persons against whom accusations have been proven. So, its administrative independence goes as far as conducting investigations and making recommendations, but not taking any decisive action.

Recommendations of the Commission will be virtually non-binding. According to the Act, if the authorities concerned fail to go by the recommendations, or the action taken by the authorities is not considered appropriate by the commission, it can refer the matter to the president who will take steps for the submission of the matter in the parliament. It is needless to point out that the president cannot make such a decision without consultation with the prime minister. Also, such an arrangement is highly unlikely to make the government accountable for human rights violation, although it is perceived as a major perpetrator of rights violations.

As several legal experts were quoted as saying that the commission will neither be financially or functionally independent nor will it ensure protection of human rights. While the country needs a human rights commission, the one that it has got is certainly not the one it has bargained for.

The Act provides for a selection procedure of members to the National Human Rights Commission by a seven-member Selection Committee. This will allow direct intervention by the Government, since four members of the Selection Committee have come from the ruling party. The three remaining members are - a Government nominated retired Justice, who is also the Chair of the Law Commission and another is a Secretary of the Cabinet. Keeping room for only one member from the Opposition party has reduced the proposed National Human Rights Commission (NHRC) into an entity subservient to and controlled by the Government.

Bangladesh Re-elected UN HR Council Member

Bangladesh has re-elected as a member to the United Nations Human Rights Council for the term 2009-2012 in an election at the United Nations headquarters in New York on 12 May 2010. It is mentionable that Bangladesh has been an elected founder-member of the Human Rights Council since 2006.

The United States was also elected, along with China, Cuba and Saudi Arabia, to the UN Human Rights Council. Bangladesh hopes to play an active and constructive role in the Human Rights Council for promotion and protection of human rights and fundamental freedoms in all parts of the world.

Universal Periodic Review

The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council Resolution 5/1 of 18 June 2007, held its fourth session from 2 to 13 February 2009. The review of Bangladesh was held at the 4th meeting on 3 February 2009 at United Nations office in Geneva, Switzerland. The delegation of Bangladesh was headed by Dr. Dipu Moni, Minister for Foreign Affairs. At its 8th meeting held on 5 February 2009, the Working Group adopted the present report on Bangladesh.

It was very much disappointed with the report of the Government of Bangladesh, including their responses to the questions and recommendations raised by the Member States. In particular, the government has made clear commitment to implement the CHT Accord and respect the rights of indigenous peoples as part of their Election Manifesto. Yet this was not at all mentioned in their report and the reference to indigenous peoples is merely in one paragraph in their lengthy report.

Bangladesh, in its report, just said that Bangladesh is a home to diverse religious and ethnic minority. They have co-existed in harmony for generations. All religious groups are free to practice their own religion and culture. Among government measures aimed at the development of religious and ethnic minority groups, a separate Ministry had been set up for the tribal communities residing in the CHT. It was mandated to uphold social,

economic, cultural and educational rights of the hill people. In order to facilitate their rights to education, 5 per cent seats in all university level institutions are reserved for them. They also have special quota for recruitment in government services.

On the other hand, it was very notable that many States, such as the government of Norway, Australia, Denmark, UK etc have raised the concerns of indigenous peoples of Bangladesh and recommended the full and effective implementation of the CHT Accord as a matter of priority for the government.

In response to recommendation made by Norway, Australia and Denmark to fully implement the CHT Accord as a matter of priority and develop a time frame for its full implementation, Foreign Minister Dr. Dipu Moni said that Bangladesh accepts the recommendation, and is in the process of full implementation of the Accord. Most of the provisions of the CHT Accord have already been implemented. The rest will be implemented within the shortest possible time within the framework of the Constitution of Bangladesh.

AIPP submitted a shadow report to the Office of the United Nations High Commissioner for Human Rights on human rights situation of the indigenous peoples in Bangladesh concerning the Universal Periodic Review. Human Rights Forum on UPR formed by 17 national organisations also submitted a stakeholders' report under UPR.

General Election and New Government

The general election in Bangladesh was held on 29 December 2008. Awami League-led grand alliance got absolute majority in the election. The military-backed Caretaker Government led by Dr. Fakhruddin Ahmed handed power over to the new government, led by Sheikh Hasina, on 06 January 2009. It reintroduced democratic rule and constitution rights to Bangladesh after almost a two year State of Emergency.

In the general election, 4 indigenous candidates for Member of Parliament (MP) won the election. Among them, three were from three constituencies in the CHT and one from Mymensingh-1 constituency (Haluaghat) in Mymensingh district. They all were Awami League's candidates. Awami League also nominated a woman MP among from indigenous community from Cox's Bazaar district. Hence, the indigenous MPs in 9th Parliament are as follows:

1. Mr. Jatindra Lal Tripura from Khagrachari Hill Tracts-298
2. Mr. Dipankar Talukdar from Rangamati Hill Tracts-299
3. Mr. Bir Bahadur Ushwe Sing from Bandarban Hill Tracts-300
4. Ms. Eye Thein Rakhaine from Women Seat-7
5. Mr. Promode Mankin from Mymensingh-1 constituency (Haluaghat)

Upazila Parishad Election

The third Upazila Parishad election was held on 22 January 2009. In the new system of the Upazila Parishad provisions have been made for one chair and two vice-chairs. While the position of the chair is open for both the male and female candidates one of the posts of vice-chair is reserved for females and the other for the males.

In the third Upazila Parishad election, 15 indigenous candidates were elected as chairman, 15 indigenous women as woman vice-chairperson and 15 indigenous men as vice-chairperson in the 25 Upazila Parishads in the three hill districts of CHT. The result of the upazila polls in CHT are as follows:

Sl.	Upazila	Chairman	Vice Chair (male)	Vice Chair (Female)
Rangamati district				
1.	Rangamati sadar	Md. Muchha	Md. Jakir Hossain	Minati Chakma
2.	Baghaichari	Sudarshan Chakma	Diptiman Chakma	Sagarika Chakma
3	Longadu	Md. Tofazzal Hossain	Md. Shane Alam	Sabrina Tania Afroz
4	Barkal	Santosh Kumar Chakma	Kamal Jyoti Chakma	Rai Sona Chakma
5	Jurachari	Prabartak Chakma	Rup Kumar Chakma	Alpana Chakma
6	Bilaichari	Joysen Tanchangya	Amar Kumar Tanchangya	Mina Chakma
7	Naniarchar	Pritimoy Chakma	Kumendu Bikash Chakma	Milky Chakma
8	Kaukhali	Aung Cha Marma AL	Arjun Moni Chakma (Sudarshan)	Yeni Chakma (Kupa)
9	Kaptai	Aung Sui Sain Chowdhury	Md. Dilder Hossain	Nur Nahar Begum
10	Rajasthali	Thowai Sur Thoi Marma	Mui Thoi Aung Marma	Longbati Tripura

Khagrachari district				
1	Khagrachari sadar	Md. Shane Alam	Nirapad Talukder	Bashari Marma
2	Panchari	Sarbottam Chakma	Anil Kanti Dey	Shuvra Dewan
3	Mahalchari	Sona Ratan Chakma	Thoihla Aung Marma	Kakali Khisa
4	Matiranga	Shamsul Hoque	Md. Delowar Hossain	Fatema Begum Beauty
5	Manikchari	Md. Abdul Jabbar	Abdul Kader	Shahina Akhter
6	Ramgarh	Belayet Hossain Bhuiyan	Mongsa Prue Karbari	Aklima Sultana
7	Laxmichari	Remra Chai Chowdhury	Milan Chakma	Sagorika Chakma
8	Dighinala	Dharmabir Chakma	Supriya Khisa	Shatarupa Chakma
Bandarban district				
1	Babdarban sadar	Abdul Kuddus BNP-SOA	Mongcha Thoi Marma AL	Suchitra Tanchangya AL
2	Alikadam	Md. Abul Kalam JAMAT-SOA	Muhammad Riton	
3	Thanchi	Khamlai Mro BNP	Olsen Tripura	Han Boiru Tripura
4	Nakkyangchari	Tofail Ahmed JAMAT	Nurul Abchhar	Hamida Chowdhury
5	Ruma	Aung Thowai Ching Marma	Thoi Choya Mro	Omrachaing Marma
6	Rowangchari	Hla Thowari Marma	Pu Hla Aung Marma	Mra U Ching Marma
7	Lama	Muhammad Ismail AL	Md. Jahirul Islam	Setara Ahmad

In plain land, some of indigenous candidates for post of chair and vice chair both for men and women contested in the upazila parishad election. However, only one woman candidate in Madhupur upazila under Tangail district, Ms. Jostina Nokrek, won the election for the post of Woman Vice Chairperson.

Post-election violence in Rowangchari

Soon after the election on 23 January 2009, 8 Jumma villagers who were supporters to chairman candidate Mr. Kyaba Mong Marma in Rowangchari upazila were kidnapped by an armed group of the Democratic Party of Arakan (DPA). It is alleged that the kidnapping was made to make sure that Kyaba Mong Marma could not move to the Election Commission for recounting the votes at Betchari polling centre and re-holding the polls of Dayal Chandra Para polling centre.

It is learnt that the armed group of DPA first encircled the house of the father of Kyaba Mong Marma at mid-night. However, he was not at home at that time. Then the armed group of DPA kidnapped the following villagers from their houses:

- 1) Mr. Uchanue Marma (38), s/o Shwehlau Marma of Aungjai Para (he is head teacher of Aungjai Para Register Primary School)
- 2) Mr. Thowaicha Mong Karbari (42), s/o late Kya Aung Marma of Bengchari Natun Para
- 3) Mr. Mong Thowao Ching Marma (55), s/o late Kraimong Karbari of Bengchari (he is member of VDP)
- 4) Mr. Uhai Mong Marma (30), s/o Antaha Marma of Bengchari Para
- 5) Mr. Aungkya Ching Marma (28), s/o Ruiu Marma of Bengchari
- 6) Mr. Laren Tripura (35) of Sadhu Headman Para
- 7) Mr. Pulichan Tripura (30), s/o Sharat Chandra Karbari of Sharat Chandra Karbari Para
- 8) Mr. Shanti Lal Tripura (55) of Sadhu Headman Para.

II. IDENTITY OF INDIGENOUS PEOPLES

Identity of Indigenous Peoples

Government perspectives on the identity of indigenous peoples, however, are varied. The Ministry of Foreign Affairs, for example, prefers the terms “tribe” and “tribal” (“upajati” in Bangla), and is opposed to the use of the words “indigenous” and “adivasi”. The terms “tribe” and “tribal” came to be applied during the British colonial rule and tend to suggest a hierarchical categorization of peoples based on their level of civilisational advancement with the tribal peoples being perceived as uncivilised and primitive.

The legal situation, on the other hand, is quite pluralistic, and reflects, in its totality, the currency of all the terms preferred by government officials and indigenous peoples combined.

The government's reluctance to recognize indigenous peoples is largely politically motivated and has its roots in Bengali nationalism, which was the driving force in the struggle for independence from Pakistan. The country's population is overwhelmingly Bengali and there is very little understanding among the political establishment and mainstream society for diversity and multiculturalism.

MoCHTA's Letter on Tribal-Indigenous Issues

The Ministry of CHT Affairs (MoCHTA) sent two letters titled “misdeed to call ‘tribal’ communities as ‘adivasi’” and “mischief to brand hill terror activities as extremism of Muslim settlers” to different government authorities including three hill districts.

MoCHTA's letter titled “motivated attempt to brand terrorist activities of hill tracts as extremism of Muslim settlers” issued in December 2009 referring Armed Forces Division, Operation and Planning Department, Dhaka Cantonment no. 2929/ops/ci dated 15/10/2009 mentioned that

“...certain tribal vested persons are propagating against Bengalis living in CHT and by taking advantage of this propaganda the (certain tribal persons) are trying corner to Bangladesh in the international level. In the meantime they have been desperate to be identified themselves as ‘adivasi’ instead of ‘tribal’ so that they could enjoy indigenous peoples’ rights declared by United Nations and other international agencies. Side by side by achieving the recognition as ‘adivasi’ they can put international pressure upon the government in order to protect the interest of ‘adivasi’. Thus they are also thinking that they can easily achieve autonomy by recognising themselves as ‘adivasi’ peoples. As part of this conspiracy, they are trying to brand Bengali settlers as ‘Muslim’ Bengalee settlers. It could be hindered communal harmony among the communities living in the CHT.”

MoCHTA, in its letter signed by Md. Mazibur Rahman, Deputy Secretary (Coordination-2), also mentioned that it was ordered to take necessary actions to maintain harmony among the overall communities in the hill districts for the sake of maintaining of law and order in the CHT region. In another letter, MoCHTA also stated that

“...the tribal communities have been named as ‘tribe’ in the Hill District Acts, CHT Regional Council Act and CHT Accord of 1997... Nevertheless the tribal communities have been called ‘adivasi’ instead of ‘tribal’ by certain tribal leaders, intellectuals, educated persons living in hill tracts, even journalists.”

Indigenous leaders and civil society of the country protested against this letter. They termed that the content of the letter was fully politically motivated, fabricated & imaginary and provocative to communal sentiment and motivated by racial malice. Such type of extreme communal, racially malicious and politically motivated letter is not expected particularly during period of Grand Alliance Government who came to power with commitment to change and to establish secular democratic liberal welfare state.

Indigenous leaders opined that the statement of the MoCHTA's letter is nothing but to suppress indigenous peoples and to deprive of their just rights. In the letter, the movement for establishment of just rights of indigenous Jumma peoples has been tried to brand as ‘anti-Bengali’ and ‘misdeed of certain individuals’ and communal incitement and anti-indigenous peoples attitude was clearly reflected in the letter.

Indigenous experts said that the letter of MoCHTA cited only those laws in which mention the word tribal. However, the CHT Regulation of 1900 uses both terms “indigenous tribe” and “indigenous hillmen” interchangeably. A 1995 law – primarily a finance law, but also containing specific references to the exemption of income tax payments by indigenous people in the Chittagong Hill Tracts – uses the term “indigenous hillmen”.

Furthermore, in a recent case in the High Court Division of the Supreme Court of Bangladesh, the court took cognisance of the fact that the petitioner was an “indigenous hillman” of the Chittagong Hill Tracts. The East Bengal State Acquisition & Tenancy Act of 1950 uses the phrase “aboriginal tribes” to refer to several groups living in the plains regions, who now identify themselves as indigenous or Adivasi. In the recent National Poverty Reduction Strategy Paper adopted by the Government of Bangladesh, the term “adivasi/ethnic minorities” was used. The private press and media too display divergent attitudes, but on the whole, most tend to be accommodative towards the views of the peoples concerned and “indigenous” and “adivasi” are generally preferred over “tribes” or “tribal”.

Even though Bangladesh is a signatory of the ILO Convention No. 107 on Indigenous and Tribal Populations, the constitution of Bangladesh neither recognises the cultural identities of indigenous peoples nor specifies measures to protect and promote their rights. The Bangladesh State however recognizes the presence of “tribal people”, the adivasi. In official documents, they are often referred to as “backward segments of the population”.

In spite of the lack of any legal recognition of indigenous peoples there are legal and constitutional provisions which can be used for defending certain rights of indigenous peoples in Bangladesh. The Articles 28 & 29 of its Constitution makes provision of equal rights for its citizens and also stipulates affirmative measures in favour of the “disadvantaged sections” of the society.

Foreign Minister’s Statement on ‘Indigenous Peoples’

Dr. Dipu Moni, the Foreign Minister of Bangladesh, said in a meeting held on 11 April 2010 with Renata Lok Dessallien, the outgoing UN Resident Coordinator and UNDP Resident Representative in Bangladesh that ‘Bangladesh does not have any “indigenous population” as meant in the UN jargon’ and ‘Bangladesh rather has several ethnic minorities and tribal population living in all parts of Bangladesh, in harmony with the Bengalee population’.

The news further states that ‘The UNDP representative agreed with the foreign minister’s observations on the identity of the ethnic minority people and said the UN agencies would certainly follow the government position on this issue.’

The UNDP representative’s response to Foreign Minister’s assertion has outraged the indigenous Jumma peoples in CHT and all other Indigenous Peoples in Bangladesh.

GoB Statement and the Respond by the UNPFII Experts during the 9th Session

During the ninth session of United Nations Permanent Forum on Indigenous Issues (UNPFII) held on April 19-30, 2010 in New York at UN headquarters, representative of Government of Bangladesh (GoB) Mr. Iqbal Ahmed said his country did not have any indigenous people, but some tribal people and peoples of different ethnic minorities lived in various districts, including in the Chittagong Hill Tract. That region had been restive over the years. The Government had taken steps to ensure that tribal and non-tribal people there lived in harmony, side by side. To that end, many military camps had been withdrawn and the Chittagong Land Commission was surveying the region to help end disputes. Further, the Government had initiated special and targeted development programmes for all ethnic groups, to bring them into Bangladeshi society while preserving their unique cultures and traditions.

Responding to some of the comments made by the representative of Bangladesh, Hassan Id Balkassm, Forum expert from Morocco, said it was up to native and tribal people to decide for themselves whether they were indigenous to a particular region. To that end, indigenous peoples had been living in Bangladesh and other countries for years practising their own acknowledged cultural traditions. He urged all States that supported the Declaration to acknowledge the rights of such peoples. If they failed to do so, large segments of their populations would remain marginalized and, in some regions, conflicts would continue. So, in line with the Declaration, and in the spirit of promoting and protection human rights, everyone must respect the freedom of expression and “freedom of belonging” of indigenous peoples.

He said that indigenous and tribal peoples lived in areas surrounded by dominant societies, so those peoples had the right to express themselves as they wished. As for the representative of Bangladesh's intimation that there were no indigenous people in that country, that view contravened decisions taken by the United Nations, which had recognized such groups and allowed their caucuses to participate in its work.

Ms. Victoria Tauli-Corpuz, Forum member from the Philippines, reminded that there were laws recognizing the term "indigenous", including in Chittagong Hill Tracts Regulation 1900, State Acquisition and Tenancy Act 1950 which referred to indigenous people. The term "indigenous hillmen" is also echoed in several references to the Finance and Income Tax Acts in the schedule to the 1900 Regulation, and in several correspondences of the National Board of Revenue.

Constitutional Amendment and Recognition of Indigenous Peoples

Following the 29 August 2005 High Court verdict that declared the Constitution (Fifth Amendment) Act, 1979 (Act 1 of 1979) *ultra vires* and illegal, the Appellate Division of the Supreme Court on February 2, 2010 upheld the HC verdict with "modifications" and "observations". The judgment of the Supreme Court instructed the Government of Bangladesh to take legislative measures to revert to the original Constitution of 1972.

On 21 July 2010 Prime Minister Sheikh Hasina announced formation of nineteen-member Special Parliamentary Committee for Constitution Amendment with Deputy Leader of Parliament Sayeda Sajeda Chowdhury and Suranjit Sengupta in chair and co-chair respectively. BNP and its allies criticised it and refrained from joining there.

To pursue the government of Bangladesh for constitutional recognition of indigenous peoples, the leaders of indigenous peoples of Bangladesh including president of Parbatya Chattagram Jana Samhati Samiti (PCJSS) and Bangladesh Adivasi Forum Mr. Jyotirindra Bodhipriya Larma and Chakma Circle Chief Raja Devasish Roy raised their voices for recognition of their existence, identities, culture and rights in the constitution.

In the meantime, the leaders of indigenous peoples undertake initiatives to prepare a draft proposal to be submitted to the Special Committee for Constitution Amendment for recognition of indigenous peoples' rights.

In preparing the proposals, indigenous leaders are considering the proposals made by the late Manabendra Narayan Larma, then member of Constituent Assembly and founder of the PCJSS, for incorporation in the constitution of a number of provisions which were ignored when the constitution was adopted in 1972. The proposals include recognition of existence, identities, culture and rights of indigenous peoples, with provisions for protection of their traditional and collective land rights, reserved parliamentary seats for them, and retention of special administrative status of CHT, prior consent from indigenous peoples in making laws on indigenous peoples and CHT affairs and inclusion of CHT laws to the first schedule.

On 22 July 2010 the Parliamentary Caucus on Indigenous Affairs held a meeting at Sangsad Bhaban in order to pursue the constitutional recognition for indigenous peoples where a member of Technical Committee Mr. Goutam Kumar Chakma briefed the MPs on constitutional recognition for indigenous peoples. Soon after the meeting, Parliamentary Caucus organised a press conference at Sangsad Bhaban and urged the government to ensure the constitutional rights of the indigenous people.

On the other, another meeting was held at ALRD office on 8 August 2010 among indigenous leaders and citizen group of mainstream population for launching lobby and campaign for the same. On 12 August 2010 Raja Devasish Roy, Mangal Kumar Chakma and Shakti Pada Tripura called on Suranjit Sengupta MP, co-chair of the Special Committee for Constitution Amendment. Indigenous leaders briefed him on constitutional recognition for indigenous peoples and requested him to play active role for the same. He advised indigenous leaders to call on Prime Minister Sheikh Hasina and Chair of the Special Committee for Constitution Amendment Ms. Sayada Sajed Chowdhury. He also asked indigenous leaders to continue public voice for the same.

In addition, Kapaeng Foundation with the support of Manusher Jonno Foundation (MJF) undertook a study on constitutional recognition of IPs. Orientation along with partner organisations of MJF was held on this study on 8 August (afternoon session) where Mangal K Chakma presented a keynote paper and final workshop was also held on 7 October 2010 at CIRDAP in Dhaka.

The indigenous members² of the Bangladesh Parliament met themselves at the residence of Primode Mankin, State Minister for Culture in Dhaka to pursue the issue on 22 July 2010. Accordingly, on 5 August 2010 ministers-of-state Promode Mankin and Dipankar Talukdar, are known to have met Prime Minister Sheikh Hasina, who had reportedly agreed to consider the inclusion of indigenous peoples issues in the future Constitution of Bangladesh. On 7 August 2010, Minister Dipankar Talukdar hosted a meeting at his Dhaka residence, which was participated in by all the indigenous MPs and a number of indigenous leaders from different parts of Bangladesh. At this meeting, a Constitutional Reform Drafting Committee on Indigenous Peoples Issues was formed with Chakma Circle Chief Barrister Raja Devasish Roy as the chair.³

The members of the committee met among themselves on 11 August 2010, and along with three indigenous MPs, on 13 August, both at the Dhaka residence of Raja Devasish Roy, wherein some draft proposals were deliberated and unanimously agreed upon. The proposals – contained in a columned matrix referring to existing constitutional provisions, desired amendment proposals and justification for the same - were refined further and presented to a larger gathering in Dhaka on 23 August, 2010, presided over by State Minister Promode Mankin. Raja Devasish Roy presented the amended proposals on behalf of the committee, which drew considerable support, along with some friendly criticisms and suggestions, among the participants.⁴

Raja Devasish Roy are of the opinion that constitutional reforms are required to provide a *respectful and express recognition to the identity, dignity and rights of the indigenous peoples*. A mere reference to “backwardness” is neither accurate nor respectful. In any case, the application of the appellation “backward section” to indigenous people too may be deemed problematic, as happened in a recent case in the High Court wherein the court questioned the applicability of this concept to the “upajati” (sic!) of the CHT in the absence of “procedure, method or mechanism of identification of backward sections of citizens”.

Mr. Roy also said that the *second* main reason for reforms is to ensure that affirmative action measures by the state for indigenous people are not regarded as violative of the Equal Rights and Non-Discrimination clauses of the constitution, even if the concerned laws or other measures do not expressly explain the justification for such measures. *Thirdly*, issues of paramount importance for the indigenous peoples – such as their identity, rights, historical and current state of marginality – should form an integral part of long-term policies of the Bangladeshi state, which is different from having sectoral and other policies of successive governments. *Fourthly*, it is insufficient that the special administrative status of the CHT region, and the status of its peoples, laws (e.g., the CHT Regulation, 1900 and the Hill District and Regional Council laws of 1989 and 1998) and agreements (e.g., the CHT Accord of 1997) should only remain recognized by ordinary laws, which are susceptible to constitutional challenges in the Supreme Court of Bangladesh (as happened in the Badiuzzaman case referred to above). Since it became annexed to Bengal in 1860, the CHT’s special status was always recognized constitutionally. Such a status needs to be revived.

Proposals for Amendments to the Constitution of Bangladesh to incorporate Safeguards on the Identity & Rights of the Indigenous Peoples of Bangladesh

CLUSTER-I IDENTITY & INTEGRITY

Existing Constitutional Provisions	Proposed Amendments	Rationale	Reference
The State Language (Article 3)	To be added at the end of article 3, after replacing the full stop with a comma:	The languages, traditions and culture of the indigenous peoples are	Article 161(5), Constitution of Malaysia: Notwithstanding anything in Article 152, in the State of Sabah or

² Mr. Dipankar Talukdar, Mr. Promode Mankin, Mr. Jatindra Lal Tripura, Mr. Bir Bahadur Ushwe Sing and Ms. Eye Thein Rakhaine

³ Other members include Sanjeeb Drong, Albert Mankin, U Shit Mong and Goutam Kumar Chakma, and through co-option by consent, Mangal Kumar Chakma.

⁴ Constitutional Reform & Indigenous Peoples’ Rights In Bangladesh–I: Terminology on Identity: ‘Indigenous’ versus Other Terms. Raja Devasish Roy, 6 September 2010 (Unpublished)

<p>The state language of the Republic is Bangla.</p>	<p><i>“but other languages may be freely practised with the equal patronage of the state”.</i></p>	<p>threatened and marginalized. Patronage of the state is necessary for the ends of justice and in view of the social and economic marginalization of the peoples concerned. Without such patronage, the effective discrimination against these peoples will not be removed.</p>	<p>Sarawak a native language in current use in the State may be used in native courts or for any code of native law and custom.</p> <p>Article 9, Constitution of Venezuela:</p> <p>Spanish is the official language. The use of native languages also has official status for native peoples, and must be respected throughout the territory of the Republic, as constituting part of the cultural heritage of the Nation and humanity.</p>
<p>National Culture (Article 23)</p> <p>The state shall adopt measures to conserve the cultural traditions and heritage of the people, and so to foster and improve the national language, literature and the arts that all sections of the people are afforded the opportunity to contribute towards and participate in the enrichment of the national culture.</p>	<p>In Article 23 to incorporate the “language, literature and arts of the different peoples” of Bangladesh</p> <p>Article 23</p> <p><i>The state shall adopt measures to conserve the cultural traditions and heritage of the people, and so to foster and improve the language, literature and the arts of the different peoples that all sections of the people are afforded the opportunity to contribute towards and participate in the enrichment of the national culture.</i></p> <p>Or to add a new Article 23A on the “multicultural heritage of the indigenous peoples”:</p> <p><i>The State shall patronize the rich multicultural heritage of the indigenous peoples through the protection and promotion of the cultures, languages, customs, usages, traditions, literature, arts, heritage, etc. of the indigenous peoples.</i></p>	<p>Bangladesh is a multi-ethnic, multi-lingual and multi-cultural country. In keeping with the need to “conserve the cultural traditions and heritage of the people” emphasis must be provided towards the fostering and improvement of the multicultural heritage of the country.</p> <p>The state should equally patronize their languages, literature and arts and crafts of all peoples, including indigenous peoples, without discrimination.</p> <p>Given the marginal situation of indigenous peoples, the cultural integrity of the indigenous peoples is far more threatened than that of other peoples and communities, and hence, unless special measures are adopted, the languages, literature, traditions, music, arts, crafts, knowledge systems, heritage etc. may be permanently lost or irreparably eroded.</p>	<p>Article 28I(3), Constitution of Indonesia:</p> <p>The cultural identities and rights of traditional communities shall be respected in accordance with the development of times and civilisations</p> <p>Article 3, Constitution of Bolivia:</p> <p>The Bolivian nation is comprised of all the Bolivian and Bolivians, the indigenous nations and peoples originating peasants, and intercultural and Afro-Bolivian communities that together constitute the people boliviano.</p> <p>Article 27, International Covenant on Civil and Political Rights: In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.</p>
<p>Interpretation (Article 152)</p>	<p>To add a definition of “indigenous peoples” in the definitions section in article 152:</p> <p><i>Indigenous Peoples” will mean those peoples, who were the original inhabitants or first settlers in the areas now</i></p>	<p>Through the constitutional recognition of the indigenous peoples their members will be able to retain their identity and at the same time be able to exercise their rights and perform their duties as other citizens and the multicultural heritage of the country will</p>	<p>Article 119, Chapter VIII: Rights of Native People, Constitution of Venezuela:</p> <p>The State recognizes the existence of native peoples and communities, their social, political and economic organization, their cultures, practices and customs, languages and religions, as well as their habitat and original rights to</p>

	<p><i>inhabited by adibashi peoples, and, among others, whose social systems, languages, cultures and traditions distinguish them from the mainstream population of the country, whose family laws and internal disputes are administered by traditional institutions invoking customary law, who have a deep social, economic, cultural and spiritual relationship with their lands, and who generally form a marginalized section of the country's citizens.</i></p>	<p>be accurately reflected.</p>	<p>the lands they ancestrally and traditionally occupy</p> <p>Article 153 (1), Constitution of Malaysia:</p> <p>It shall be the responsibility of the [King] to safeguard the special position of the ... natives of the States of Sabah and Sarawak.....</p> <p>ILO Convention on Indigenous and Tribal Populations, 1957 (No. 107), ratified by Bangladesh.</p> <p>1. This Convention applies to (a) members of tribal or semi-tribal populations in independent countries whose social and economic conditions are at a less advanced stage than the stage reached by the 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;</p>
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CLUSTER- II
PARTICIPATION, REPRESENTATION, OWNERSHIP, CONSULTATION & CONSENT

Existing Consttn Provisions	Proposed Amendments	Rationale	Reference
<p>Article 9</p> <p>The unity and solidarity of the Bangalee nation, which deriving its identity from its language and culture, attained sovereign and independent Bangladesh through a united and determined struggle in the war of independence, shall be the basis of Bangladeshi nationalism.</p>	<p>Article 9</p> <p><i>The unity and solidarity of the Bangladeshi nation, deriving its identity from its peoples' multi-ethnic, multi-lingual and multi-cultural heritage, attained sovereign and independent Bangladesh through a united and determined struggle in the war of independence, shall be the basis of Bangladeshi nationalism."</i></p>	<p>The redefinition of Bangladeshi nationalism from a multicultural perspective and the acknowledgment of role of all peoples in the War of Liberation will further promote unity and integrity.</p>	<p>Article 1, Constitution of Bolivia:</p> <p>Bolivia is an Unitario Social State of Law Plurinational Community, free, independent, sovereign, democratic, intercultural, decentralized and autonomous. Bolivia is based on plurality and pluralism political, economic, legal, cultural and linguistic background of the integration process within the country.</p> <p>Article 3, Constitution of Bolivia:</p> <p>The Bolivian nation is comprised of all the Bolivian and Bolivians, the indigenous nations and peoples originating peasants, and intercultural and Afro-Bolivian communities that together constitute the people boliviano.</p>
<p>Principles of Ownership (Article 13)</p> <p>The people shall own or control the instruments and</p>	<p>To add a new Article 13 (d) after article 13(c) on "collective property in accordance with customary law"):</p> <p>Collective property,</p>	<p>The indigenous peoples exercise both individual rights and collective rights of ownership. For example, in the Chittagong Hill Tracts, indigenous peoples and communities of the</p>	<p>Article 119, Chapter VIII: Rights of Native People, Constitution of Venezuela:</p> <p>The State recognizes the existence of native peoples and communities, their social, political and economic</p>

<p>means of production and distribution, and with this end in view ownership shall assume the following forms-</p> <p>(a) state ownership.....</p> <p>(b) co-operative ownership..... and</p> <p>(c) ownership by individuals</p>	<p><i>meaning customary collective ownership of indigenous peoples.</i></p>	<p>mauzas exercise collective rights over lands and natural resources that are not recorded in the names of individuals.</p>	<p>organization, their cultures, practices and customs, languages and religions, as well as their habitat and original rights to the lands they ancestrally and traditionally occupy to demarcate and guarantee the right to collective ownership of their lands, which shall be inalienable, not subject to the law of limitations or distraint, and nontransferable, in accordance with this Constitution and the law.</p> <p>Article 18B(2), Constitution of Indonesia: The State recognises and respects traditional communities along with their traditional customary rights as long as these remain in existence and are in accordance with the societal development and the principles of the Unitary State of the Republic of Indonesia, and shall be regulated by law.</p>
<p>Property of the Republic (Article 143)</p> <p>Article 143 (3): There shall be vested in the Republic, in addition to any other land or property lawfully vested –</p> <p>(a) all minerals</p> <p>(b) all lands</p> <p>(c) any property</p>	<p>To add a new sub-article 3 after Article 143 (2) on indigenous peoples' resource rights:</p> <p><i>Nothing in this article will prevent the State from securing the rights of indigenous peoples to the land and resources and collective ownership in the territories inhabited by them.</i></p>	<p>The lives and livelihoods and cultures of the indigenous peoples are intertwined with lands, forests and other natural resources. Such a provision is necessary to safeguard the lives, livelihoods and rights of the indigenous peoples.</p>	<p>Article-XII Section 5, Constitution of the Philippines:</p> <p>The State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being.</p> <p>Article 161A. (5) of the Constitution of Malaysia:</p> <p>Article 89 shall not apply to the State of Sabah or Sarawak, and Article 8 shall not invalidate or prohibit any provision of State law in the State of Sabah or Sarawak for the reservation of land for natives of the State or for alienation to them, or for giving them preferential treatment as regards the alienation of land by the State.</p>
<p>Local Government (Article 59)</p> <p>(1) Local Government in every administrative unit of the Republic shall be entrusted to bodies, composed of persons elected in accordance with law.</p> <p>(2) Everybody such as is referred to in clause (1) shall,</p>	<p>To add new Articles 59(3) and 59(4) after article 59(2) on the special administrative system of the CHT:</p> <p><i>(3) The Chittagong Hill Tracts region, comprising of the Rangamati, Khagrchari and Bandarban hill districts, will be administered in a special manner by special laws, and seats</i></p>	<p>The CHT was a self-governing territory from time immemorial, in which the indigenous peoples retained their ethnic identities and traditional cultures. Within the ambit of article 28(4), the CHT, as a region inhabited by disadvantaged indigenous peoples, has special laws, which seek to protect the educational, cultural and socio-economic integrity of the peoples of the region. It is necessary to</p>	<p>[Chapter VI Regional Authorities] Article 18(2), Constitution of Indonesia:</p> <p>The regional authorities of the provinces, regencies and municipalities shall administer and manage their own affairs according to the principles of regional autonomy....</p> <p>[(Local Government) Autonomous Regions] Article X Section 15, Constitution of the Philippines:</p> <p>There shall be created autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces,</p>

<p>subject to this Constitution”</p>	<p><i>will be reserved in the district and regional councils for indigenous peoples;</i></p> <p><i>(4) In areas inhabited by indigenous peoples, reserved seats shall be kept for indigenous peoples, including indigenous women, in local government councils.</i></p>	<p>protect these special laws through the constitution.</p> <p>It is noteworthy that all peoples have the right to freely determine their political status, including to retain self-government systems in order to manage their local and internal affairs.</p> <p>Having regard to their small numbers and their marginality with regard to participation and representation, it is vital to ensure that the constitution provides for reserved seats for indigenous peoples.</p>	<p>cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines.</p> <p>[National Unity, Regional Autonomy] Article 2, Constitution of Spain: The Constitution is based on the indissoluble unity of the Spanish nation, the common and indivisible homeland of all Spaniards, and recognizes and guarantees the right to autonomy of the nationalities and regions which make it up and the solidarity among all of them.</p>
<p>PART V</p> <p>THE LEGISLATURE</p> <p>CHAPTER II- LEGISLATIVE AND FINANCIAL PROCEDURES</p> <p>Legislative procedure (Section-80)</p>	<p>To add two new articles, articles, 80(2)(a) and 80(2)(b) after article 80(2) on consultations with indigenous peoples on legislation:</p> <p><i>80(2)(a): “The Government shall consult the Chittagong Hill Tracts Regional Council and the Hill District Councils, and as appropriate, the traditional institutions in the hill districts, when considering new legislation, amendments to existing legislation or the repeal of existing legislation, on the Chittagong Hill Tracts, and legislate on the basis of such consultations.”</i></p> <p><i>2(b): “The Government shall consult the legitimate representatives of the indigenous peoples when considering amendments to, or the repeal of, legislation, including provisions of this constitution, that protect the identity, integrity and rights of the indigenous peoples.”</i></p>	<p>Constitutions It is important to retain constitutional measures to safeguard against the arbitrary repeal, amendment or other erosion of the rights of indigenous peoples contained in legal instruments without their free, prior and informed consent.</p> <p>Under international law, indigenous peoples are required to be consulted prior to the adoption of legislative and administrative measures that affect them.</p> <p>It may be recalled that the constitutionally recognized “Tribal Area” status of the CHT and the “Partially Excluded Area” status of Greater Mymensingh (Sherpur, Sribardi, Nalitabari, Haluaghat, Durgapur and Kamalkanda) were unilaterally and arbitrarily revoked without the prior, informed consent of the people of the aforesaid areas.</p>	<p>CHT Regional Council Act, 1998:</p> <p>53. Discussion etc. with the Council regarding new laws: (1) The Government if it initiates to make any law concerning the Council or the Chittagong Hill Tracts shall take necessary measures for making the law in consultation with the Council and the concerned Hill District Council and after by considering the advice of the Council.</p> <p>Hill District Council Acts, 1989:</p> <p>79. Objections regarding provisions of any law- If any law, passed by the Jatiya Sangsad, applicable to Rangamati Hill District, is found to be hurtful to the district or objectionable to the tribal people in the opinion of the Council, it may file a petition in writing to the Government stating the reasons of its being hurtful or objectionable for the purpose of amending or relaxing its application in writing to the Government and the Government may adopt necessary remedial measures [in the light of the petition.]</p> <p>Article 371G, Constitution of India:</p> <p>Notwithstanding anything in this Constitution,— (a) no Act of Parliament in respect of— (i) religious or social practices of the Mizos, (ii) Mizo customary law and procedure, (iii) administration of civil and criminal justice involving decisions according to Mizo customary law, (iv) ownership and transfer of land, shall apply to the State of Mizoram unless the Legislative</p>

			Assembly of the State of Mizoram by a resolution..
<p>Establishment of Parliament (Section-65)</p> <p>1.</p> <p>2.</p> <p>3.</p> <p>4.</p>	<p>To insert a new article, article 65(3)(a) after article 65(3) on reserved seats in parliament for indigenous peoples:</p> <p><i>In order to ensure the representation of indigenous peoples in the national parliament, fifteen seats shall be reserved for indigenous peoples (including indigenous women), in a manner to be prescribed by law.</i></p> <p><i>Provided, however, that nothing in this clause shall prevent an indigenous person from being elected to any of the seats provided for in clause (2).</i></p>	<p>It is necessary to ensure the adequate representation of indigenous peoples in the national parliament in the light of their small numbers and their marginality. Similar measures are contained in several constitutions of democratic countries.</p> <p>The opportunities of representation in parliament are decreasing day by day on account of the minoritization of indigenous peoples in their ancestral territories. For, non-indigenous persons were elected twice to the constituency of Khagrachari district, during the Ershad regime and again in 1991.</p>	<p>[National Assembly] Article 51(b), Constitution of Pakistan:</p> <p>Eight shall be elected from Federally Administered Tribal Areas, in such manner as the President may, by order,...</p> <p>Article 330(1), Constituion of India:</p> <p>Seats shall be reserved in the House of the People for— (a) the Scheduled Castes; (b) the Scheduled Tribes except the Scheduled Tribes....</p> <p>Article 125, Constitution of Venezuela:</p> <p>Native peoples have the right to participate in politics. The State shall guarantee native representation in the National Assembly and the deliberating organs of federal and local entities with a native population, in accordance with law.</p>
<p>Single Electoral Roll for Each Constituency (Article 121)</p> <p>There shall be one electoral roll for each constituency for the purpose of elections to Parliament, and no special electoral roll shall be prepared so as to classify electors according to religion, race, caste or sex.</p>	<p>To add the following proviso at the end of article 121 on a special electoral system for the CHT:</p> <p><i>Provided, however, that, nothing in this article shall prevent the state from making a special electoral roll in the Chittagong Hill Tracts composed of permanent residents of the region.</i></p>	<p>It is imperative to ensure such a safeguard to ensure the representation and participation of the permanent indigenous and Bangalee residents of the CHT.</p>	<p>Article 125, Constitution of Venezuela:</p> <p>Native peoples have the right to participate in politics. The State shall guarantee native representation in the National Assembly and the deliberating organs of federal and local entities with a native population, in accordance with law.</p> <p>Article 26, Section I: Political Rights, Constitution of Bolivia:</p> <p>I. All citizens have the right to participate freely in the training, exercise of political power and control, directly or through their representatives, either individually or collectively. Participation will be fair and equal for men and women.</p> <p>II. The right to participation include:</p> <p>4. The election, appointment and nomination of direct representatives of nations and indigenous peoples originating peasants, according to its rules and own procedures.</p>
<p>Article 142</p> <p>Power to amend any provision of the</p>	<p>To add, after Article 142(1)(a)(ii), a new sub-article (1)(a)(iii) on consultations with</p>	<p>It is important provide safeguards against the arbitrary repeal, amendment or other</p>	<p>[Administration of Tribal Areas] Article 247(6), Constitution of Pakistan:</p> <p>The President may, at any time, by</p>

<p>Constitution</p>	<p>indigenous peoples regarding legislation:</p> <p><i>The Government shall consult and discuss with the representatives of the indigenous peoples prior to amending or repealing any provisions of the constitution that protect the identity, integrity, and rights of the indigenous peoples, including their right to participation.</i></p>	<p>erosion of constitutional measures without the prior, informed consent of the indigenous peoples.</p> <p>It may be recalled that the constitutionally recognized “Tribal Area” status of the CHT (in 1964) and the “Partially Excluded Area” status of Greater Mymensingh (Sherpur, Sribardi, Nalitabari, Haluaghat, Durgapur and Kamalkanda) were unilaterally and arbitrarily revoked without the prior, informed consent of the people of the aforesaid areas.</p> <p>Due to the absence of express constitutional safeguards, the CHTRC Act, 1998 and a few provisions of the HDC Acts of 1998 were held to be unconstitutional and illegal by the High Court Division in the case of Mohammed Badiuzzaman v Government of Bangladesh and Others (Writ Petition No. 2669 of 2000).</p>	<p>Order, direct that the whole or any part of a Tribal Area shall cease to be Tribal Area, and such Order may contain such incidental and consequential provisions as appear to the President to be necessary and proper: Provided that before making any Order under this clause, the President shall ascertain, in such manner as he considers appropriate, the views of the people of the Tribal Area concerned, as represented in tribal jirga.</p>
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CLUSTER- III

PARTICIPATION, EQUALITY, NON-DISCRIMINATION, AFFIRMATIVE ACTION & SPECIAL MEASURES

Existing Constitutional Provisions	Proposed Amendments	Rationale/Justification	Source/Reference
<p>Emancipation of peasants and workers (Article 14)</p> <p>“It shall be a fundamental responsibility of the State to emancipate the toiling masses the peasants and workers and backward sections of the people from all forms and exploitation.”</p>	<p>In Article 14, to add indigenous peoples:</p> <p><i>It shall be a fundamental responsibility of the State to emancipate the toiling masses the indigenous peoples, peasants and workers and backward sections of the people from all forms and exploitation.”</i></p>	<p>It is important to clarify that the provisions on the emancipation and freedom from exploitation apply equally to indigenous peoples by specific mention.</p> <p>It may be recalled that affirmative action measures for employment “tribals” in the hill district councils were declared unconstitutional by the High Court Division in the case of Mohammed Badiuzzaman v Government of Bangladesh and Others</p>	<p>Article 10, Interim Constitution of Nepal:</p> <p>The State shall pursue a policy which will help to promote the interest of the marginalized communities and the peasants and labourers living below poverty line, including economically and socially backward indigenous tribes, Madhesis, Dalits, by making reservation for a certain period of time with regard to education, health, housing, food sovereignty and employment.</p>

		(Writ Petition No. 2669 of 2000) on the ground that there was no objective criteria mentioned in the concerned Acts.	
<p>Free and compulsory education (Article 17)</p> <p>The State shall adopt effective measures for the purpose of -</p> <p>(a) establishing a uniform, mass-oriented and universal system of education and extending free and compulsory education to all children to such stage as may be determined by law ;</p> <p>(b)</p>	<p>To add new sub-articles (d) and (e) after article 17(c):</p> <p><i>(c): providing mother tongue education with a view to enhancing education among the different linguistic communities of the country.</i></p> <p><i>(d) including provisions on the multicultural heritage of the country in the state educational curricula.</i></p>	<p>To ensure that indigenous children are able to access primary education through their mother tongues, in an atmosphere in which they are comfortable, to ensure that the transition to education in national and international languages is gradual and easy, and to help ensure that the traditional cultural identities of the children are retained and fostered.</p>	<p>Article 30(1), Constitution of India:</p> <p>All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.</p> <p>Article 152.1 (1), Constitution of Malaysia:</p> <p>The national language shall be the Malay language and shall be in such script as Parliament may by law* provide:</p> <p>Provided that- (a) no person shall be prohibited or prevented from using (otherwise than for official purposes), or from teaching or learning, any other language ...</p>
<p>Discrimination on grounds of religion, etc (Article 28)</p> <p>(1)</p> <p>(2)</p> <p>(3)</p> <p>(4) "Nothing in this article shall prevent the State from making special provision in favour of women or children or for the advancement of any backward section of citizens.</p>	<p>In Article 28(4), to add the phrase "<i>indigenous peoples to ensure that affirmative action provisions for them are equally protected as with women, children and "backward sections":</i></p> <p><i>Nothing in this article shall prevent the State from making special provision in favour of indigenous peoples, women or children or for the advancement of any backward section of citizens."</i></p> <p><i>To add a new schedule to the constitution to include the names of the indigenous peoples of the country.</i></p>	<p>The phrase "backward section" in its application to indigenous peoples is not certain and unequivocal. Specific mention of indigenous peoples is therefore essential.</p> <p>The inclusion of a schedule, containing the names of the indigenous peoples, would further clarify the matter.</p> <p>It may be recalled that in the case of Mohammed Badiuzzaman v Government of Bangladesh and Others (Writ Petition No. 2669 of 2000) reservation of posts for "tribals" in the hill district councils was held to be insufficiently clarified with objective standards.</p>	<p>Article 8(5), Constitution of Malaysia:</p> <p>This Article does not invalidate or prohibit – (c) any provision for the protection, wellbeing or advancement of the aboriginal peoples of the Malay Peninsula...;</p> <p>Article 161A(7), Constitution of Malaysia:</p> <p>The races to be treated for the purposes of the definition of "native" in Clause (6) as indigenous to Sarawak are the Bukitans, Bisayahs, Dusuns, Sea Dayaks, Land Dayaks, Kadayans, Kalabit, Kayans, Kenyags (Including Sabups and Sipengs), Kajangs (including Sekapans., Kejamans, Lahanans, Punans, Tanjongs dan Kanowits), Lugats, Lisums, Malays, Melanos, Muruts, Penans, Sians, Tagals, Tabuns and Ukits.</p>
<p>Equality of opportunity in public employment {Article 29 (3)}</p> <p>(a) making special provision in favour</p>	<p>In Article 29(3), to add the phrase "indigenous peoples to ensure that affirmative action provisions for their employment and representation in public</p>	<p>As in the case of article 28(4), the phrase "backward section" in its application to indigenous peoples is not certain and unequivocal. Specific mention of indigenous peoples is</p>	<p>Article 153.(2), Constitution of Malaysia:</p> <p>Notwithstanding anything in this Constitution, but subject to the provisions of Article 40 and of this Article, the Yang di-Pertuan Agong shall exercise his functions under this</p>

<p>of any backward section of citizens for the purpose of securing their adequate representation in the service of the Republic;</p>	<p>posts are equally protected as with women, children and “backward sections”: Section 29 (3)} <i>(a) making special provision in favour of any backward section of citizens or for the indigenous peoples for the purpose of securing their adequate representation in the service of the Republic;</i></p>	<p>therefore essential, particularly to safeguard against reserved posts and other affirmative action through “special measures” being deemed to be unconstitutional as happened in the judgment of the High Court Division in the case of Mohammed Badiuzzaman v Government of Bangladesh and Others (Writ Petition No. 2669 of 2000).</p>	<p>Constitution and federal law in such manner as may be necessary to safeguard the special provision of the Malays and natives of any of the States of Sabah and Sarawak and to ensure the reservation for Malays and natives of any of the States of Sabah and Sarawak of such proportion as he may deem reasonable of positions in the public service (other than the public service of a State). Article 16(4A), Constitution of India: Nothing in this article shall prevent the State from making any provision for reservation [in matters of promotion, with consequential seniority, to any class] or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State...</p>
<p>Freedom of movement (Article 36) Subject to any reasonable restrictions imposed by law in the public interest, every citizen shall have the right to move freely throughout Bangladesh, to reside and settle in any place therein and to leave and re-enter Bangladesh.</p>	<p>In Article 36, to add the phrase “or for the protection of the indigenous peoples” to supplement provisions on “public interest” which justify regulation of this freedom of movement and settlement. Article 36) <i>“Subject to any reasonable restrictions imposed by law in the public interest or for the protection of the indigenous peoples, every citizen shall have the right to move freely throughout Bangladesh, to reside and settle in any place therein and to leave and re-enter Bangladesh.</i></p>	<p>The proposed measures will help ensure, beyond doubt, that regulation of movement in certain areas and regulation of land ownership laws and other measures are constitutionally protected. Formerly, in-migration and other movement of non-indigenous people and non-residents into the CHT was regulated by special laws (Inner Line Regulation, 1874 & Rules 51 and 52, CHT regulation, 1900). With the repeal of these laws, immigration into the CHT has been unrestricted, leading to the minoritization and marginalization of the indigenous peoples and threats to their land rights, civil and political rights, cultural identity and integrity.</p>	<p>[Protection of certain rights regarding freedom of movement, etc.] Article 19(5), Constitution of India: Nothing in [sub-clauses (d) and (e)] of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe. Right to Freedom: Article 12(3), Constitution of Nepal: Every citizen shall have the following freedoms: (e) freedom to move and reside in any part of Nepal; and Provided that, (4) nothing in sub-clause (e) shall be deemed to prevent the making of laws which are in the interest of the general public, or which are made to impose reasonable restrictions on any act which may jeopardize the harmonious relations subsisting among the peoples of various castes, tribes, religion or communities.</p>
<p>Article 47 (2): Savings for certain</p>	<p>To include the following in the First Schedule to the</p>	<p>Indigenous peoples have the right to the recognition,</p>	<p>Article 371G, Constitution of India: Notwithstanding anything in this</p>

<p>laws:</p> <p>(2) Notwithstanding anything contained in this Constitution the laws specified in the First Schedule (including any amendment of any such law) shall continue to have full force and effect, and no provision of any such law, nor anything done or omitted to be done under the authority of such law, shall be deemed void or unlawful on the ground of inconsistency</p> <p>with, or repugnance to, any provision of this Constitution; Provided that nothing in this article shall prevent amendment, modification or repeal of any such law.</p>	<p>constitution to ensure that they are protected laws notwithstanding other provisions of the constitution:</p> <p>■ The Chittagong Hill Tracts Regulation, 1900 (Regulation I of 1900)</p> <p>* The Rangamati Hill District Council Act, 1989 (Act XIX of 1989) (including the amendments made by Act IX of 1998)</p> <p>■ The Kharachari Hill District Council Act, 1989 (Act XII of 1989) (including the amendments made by Act X of 1998)</p> <p>■ The Bandarban Hill District Council Act, 1989 (Act XXI of 1989) (including the amendments made by Act XI of 1998)</p> <p>■ The Chittagong Hill Tracts Regional Council Act, 1998 (Act XII of 1998)</p>	<p>observance and enforcement of the treaties, agreements and other constructive arrangements concluded between them and states. Absence of constitutional entrenchment of the same can lead to the non-implementation of the provisions of such instruments, as happened in the case of the CHT Accord of 1997 (which is not constitutionally recognized or expressly protected).</p> <p>The absence of protective mechanism for the post-Accord and Accord-resultant laws on the CHT – CHT Regional Council Act, 1998 and parts of the Hill District Council *(Amendment) Acts of 1998 – being declared unconstitutional.</p> <p>Earlier, in 1965, the Rule 51 of the CHT Regulation, 1900 – which enabled the removal of non-natives that disrupted law and order and stability – was held to be unconstitutional and illegal by the Dhaka High Court in <i>Mustafa Ansari v. DC, CHT & Another</i> (7 DLR, 1965, 553).</p>	<p>Constitution, — (a) no Act of Parliament in respect of— (i) religious or social practices of the Mizos, (ii) Mizo customary law and procedure, (iii) administration of civil and criminal justice involving decisions according to Mizo customary law, (iv) ownership and transfer of land, shall apply to the State of Mizoram unless the Legislative Assembly of the State of Mizoram by a resolution so decides.</p> <p>[Administration of Tribal Areas] Article 247(6), Constitution of Pakistan:</p> <p>The President may, at any time, by Order, direct that the whole or any part of a Tribal Area shall cease to be Tribal Area, and such Order may contain such incidental and consequential provisions as appear to the President to be necessary and proper: Provided that before making any Order under this clause, the President shall ascertain, in such manner as he considers appropriate, the views of the people of the Tribal Area concerned, as represented in tribal jirga.</p> <p>Article 19, UN Declaration on the Rights of Indigenous Peoples:</p> <p>States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.</p>
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INDIGENOUS FREEDOM FIGHTER HONOURED

Indigenous freedom fighter Yu K Ching accorded

On 3 January 2009 'Shudhui Muktijuddho Publications' accorded the reception to freedom fighter Yu K Ching, the lone member from the indigenous community who was awarded 'Bir Bikram'. The reception was given at Liberation War Museum in Dhaka.

Mr. Yu K Ching, belong to Marma community of Ujanipara in Bandarban, was a member of East Pakistan Rifles in 1971. He took part in the Liberation War and fought in Rangpur district as a Platoon Commander. But the elderly freedom fighter with his eight family members is now leading a miserable life, as he cannot work hard due to his illness and does not receive any support from the government.

Speakers at a reception ceremony called for ensuring equal rights of the indigenous peoples as they also took part in the Liberation War. A huge number of indigenous people took part in the Liberation War alongside Bangalees with a view to achieving their freedom as they did not see it as something concerning only the Bangalees, they said.

But the people failed to realise that this land is not only for the Bengalees but also for other communities with a diverse culture, resulting in discrimination, conflict and deprivation, they added. However, it is time to pay due respect to everyone irrespective of caste, culture and community who joined the Liberation War, the speakers said.



Maj Gen (retd) KM Shafiullah hands over a crest to freedom fighter Yu K Ching Bir Bikram at a reception ceremony at Liberation War Museum in Dhaka on 3 January 2009. On their right is Prof Mesbah Kamal and on their left are Selina Hossain, Maj Gen (retd) CR Dutt and Lt Col (retd) Abu Osman Chowdhury.

Maj Gen (retd) CR Dutt, a Sector Commander of the Liberation War, condemned the repression of the indigenous community in Chittagong Hill Tracts and called on the government to ensure their rights. Col (retd) Sazzad Ali Zahir Bir Protik, Maj Gen (retd) KM Shafiullah, Lt Col (retd) Abu Osman Chowdhury and litterateur Selina Hossain also spoke at the programme at the Liberation War Museum.

Freedom fighter Kakan Bibi honoured

On 30 June 2009 Kakan Hennyata, who is also known as Kakan Bibi, an indigenous female freedom fighter from the Khasi community, was honoured by Bangladesh Adivasi Odhikar Andolon at Engineers' Institution in Dhaka. Kakan Bibi (82), received the Sidhu-Kanhu-Fulmoni Award at a daylong ceremony organised to mark the 154th anniversary of Santal Hool (rebellion).

Although she fought in as many as 20 battles with the Pakistani occupation forces and supplied arms and food to the freedom fighters in Sector No 5 during the liberation war in 1971, nevertheless her contribution to the country's independence had never been acknowledged.

At the end of the meeting, noted academic Prof Khan Sarwar Murshid handed over the award -- a crest, Tk 20000 and a citation, to Kakan Bibi.

Raja Devasish Roy elected as an Asia Expert Member of the UNPFII

Raja Devasish Roy, Chakma Circle Chief, has been appointed as an expert member of the United Nations Permanent Forum on Indigenous Issues (UNPFII) for the term 2011-2013 from Asia region. He was first elected by the Indigenous Peoples' Organisations (IPOs) of 14 countries of Asia.

It is mentionable that voting of selection process of the indigenous expert from Asia for the UNPFII was held on 13-16 November 2009. Two candidates namely Raja Devasish Roy and Neingulo Krome, human rights activist from Nagaland State of India contested the election. Raja Devasish Roy won election with 12.5 votes out of 14 votes of 14 Asian countries.

Finally on 28 April 2010 the President of the Economic and Social Council announced the appointment of Raja Devasish Roy as a member of the UNPFII for 2011-2013, starting 1 January 2011 along with other selected members from other regions.

Nominated by Governments	Appointed by the President of ECOSC *
Helen Kaljulata	Mirna Cunningham – Nicaragua, Latin America and the Carribean Region
Eva Biaudet – Finland	Saul Vicente Vazquez – Mexico, Latin America and the Carribean Region

Alvaro Esteban Pop – Guatemala	Anna Naikanchina – Russia, Eastern Europe and Transcaucasia
Mirian Masaquiza – Ecuador	Edward John – Canada and North America
Megan Davis – Australia	Raja Devashish Roy – Bangladesh, Asia
Andrei Nikiforov – Russia	Dalee Sambo Dorough – Arctic
Paimaneh Hasteh – Iran	Valmaine Toki – Aotearoa, Pacific
Simon William M'Viboudoulou	Paul Kanyinke Sena – Kenya, Africa

* elected or nominated by indigenous peoples' organizations

Parliamentary Caucus on Indigenous Issues

On 20 December 2009 a national roundtable discussion on 'ILO Convention 169' and 'Indigenous Peoples and the Bangladesh Parliament' was organized by ILO and RDC at Spectra Conventional Centre, Gulshan, Dhaka. The objective of the roundtable discussion was to create awareness on ILO C169 and advocate Parliamentary role on Indigenous Peoples issues.

The first session of the roundtable with theme "Ratification of ILO C169: Way Forward" had started at 10 o'clock chaired by Prof. H K S Arefin. Mr. Dipankar Talukdar, State Minister of the CHT Affairs Ministry was present as Chief Guest and Mr. Masud Ahmed, Secretary In-charge of CHT Affairs Ministry was present as special guest at the first session. Country Director of ILO Ms Panudda Boonpala had delivered welcome speech.

Mr. Coen Kompier, Senior Labour Standard Specialist, ILO Delhi office had presented the overview of ILO 169. Mr. Goutam Kumar Chakma, Member of CHT Regional Council and Mr. Sanjeeb Drong, General Secretary of Bangladesh Indigenous Peoples Forum spoke as panel discussant.

Finally national roundtable formed a committee with following Parliament Members to work for forming a 'Parliament CAUCUS for indigenous peoples' causes' within next parliament session-

- (a) 5 MPs of indigenous peoples;
- (b) 3 MPs from Awami League (namely Shawkat Momen Shahjahan, Rubi Rahaman and Rawshan Jahan);
- (c) 2 MPs from Workers' Party (Rashed Khan Menon and Fazle Hossain Badshah);
- (d) 1 MP from Jatiya Samastantrik Dal (Hasanul Haque Inu).

The roundtable also formed a 3-member technical support committee with Mr. Goutam Kumar Chakma, Prof. Mesbah Kamal and Mr. Sanjeeb Drong.

The roundtable was ended with vote of thanks by Abhilash Tripura, National Coordinator, Promotion of the Rights of Indigenous Peoples of ILO Dhaka office.

On 22 July 2010, in a press conference, the parliamentary caucus on indigenous issues urged the government to ensure the constitutional rights of the indigenous peoples in Bangladesh. After a three-hour meeting at the Jatiya Sangsad Bhaban, chairman of the parliamentary caucus Rashed Khan Menon MP told reporters that the government has moved to amend the constitution. Caucus wants it to recognise them in the constitution and also identify them as indigenous peoples.

The caucus placed a thirteen-point proposal that includes amendment to the constitution, constitutional recognition of indigenous peoples and formation of a separate land commission for the indigenous peoples living in the plains. It also called upon the government to give traditional land rights to the indigenous peoples.

Seventeen Members of Parliament (MP) attended the meeting. They were Mr. Rashed Khan Menon MP (WP) (Convenor), Mr. Hasanul Haque Inu MP (JSD), Mr. Dipankar Talukder MP (AL), Mr. Promod Mankin MP (AL), Mr. Jatindra Lal Tripura MP (AL), Mr. Bir Bahadur MP (AL), Ms. Ethin Rakhain MP (AL), Dr. Mohiuddin Khan Alamgir MP (AL), Mr. Moinuddin Ahmed Khan Badal MP (JSD), Mr. AKM Mozammel Haque MP (AL), Mr. Shawkat Momen Shahjahan MP (AL), Mr. Fazle Hossain Badsha MP (WP), Ms. Amena Begum MP (National Awami Party), Ms. Rubi Rahman MP (Ganatantri Party), Ms. Rawshan Jahan Sathi MP (AL), Mr. Nawab Abbas Ali Khan MP (Jatiya Party), Ms. Kabari Sarwar MP (AL).

III. LAND RIGHTS AND LAND DISPOSSESSION

Article 11 of ILO Convention 107 stipulates, “The right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognised.” However, the lands of the indigenous peoples are still forcibly being taken away basically for establishment of eco-park and national parks, protected and reserved forest, settlement of government-sponsored non-indigenous migrants and establishment of military bases and training centres, and development projects.

While the government of Bangladesh has failed to restore the lands to the indigenous peoples in accordance with the CHT Accord of 1997, the security forces and the illegal Bengali settlers have continued to seize more land belonging to the indigenous Jumma peoples in CHT by use of force.

Article 11 of ILO Convention 107 stipulates, “The populations concerned shall not be removed without their free consent from their habitual territories...” Further, Article 2(1)(b) of International Convention on the Elimination of All Forms of Racial Discrimination says, “Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations.” But with direct support from the security forces and administration, Bengali land grabbers continue to conduct large-scale attacks on the indigenous villages to uproot indigenous peoples from their ancestral land.

In Bandarban district alone, around 50,000 acres of land for lease, 118,000 acres of land for protected and reserved forest and 71,711 acres of land for military purposes were grabbed. The indigenous Jumma peoples are on the verge of total eviction from their ancestral land where they have been living and cultivating *Jum* from generation to generation.

In plain lands around 2,000 indigenous families in 10 districts in the border regions in the northwest (Rajshahi-Dinajpur) have so far lost their 1,748 acres of ancestral land. On the other, during the 2009-2010, 216 families of indigenous peoples in plain lands have been attacked and their houses have been looted and destroyed by the land grabbers of mainstream population. Besides, 13 indigenous families have been evicted from their ancestral land and homesteads.

Attack on Indigenous Peoples in Plain Lands 2009-2010

Form of atrocity	Total
No. of house burnt to ashes & looted	56
No. of house destroyed and looted	5
No. of family attacked	155
No. of person assaulted	100
No. of family evicted	13

LAND ACQUISITION IN CHT

Leases allotted to non-indigenous and non-local persons for rubber and other plantation

Around 2,000 plots covering 50,000 acres of land have been given lease to non-tribal and non-local persons for rubber and horticulture purposes during 80s and 90s depriving indigenous peoples. In regard to this land lease, Clause 8 of Part C of the CHT Accord provides,

“Land allocation for rubber and other plantation: Out of the lands allotted to non-tribal and non-local persons for rubber and other plantations, the lease (allocation) in respect of the lands of those who did not undertake any project during the last ten years or did not properly utilize the lands shall be cancelled”.

But as per the above clause, a few plots have been cancelled in 2009 and 2010. In the two meetings of Parliamentary Standing Committee on CHT Affairs Ministry held on 20 July and 19 August 2009 in Khagrachari

and Rangamati respectively with Mr. Promod Mankin MP in the chair, it was taken decided on to cancel land leases as per CHT Accord. Deputy Commissioner of Bandarban district claimed that 593 plots of leases have been cancelled. However, locals claimed that lands are still under occupation of lease holders. On the other hand, most of lease holders applied for regaining their leases and accordingly most of the leases were reinstated.

In addition, allotments of land under this category continue unabated by the authorities. The Deputy Commissioner of the Bandarban district continues to give hundred of acres of land in lease to the outsider non-Indigenous Bengali people in violation of the concerned provisions of the CHT Accord.

The leases given to the outsiders by the government in the name of rubber plantation and horticulture in Bandarban district alone is given in the following table:

Sl.	Name of upazila	Rubber plantation		Horticulture		Total	
		No. of plots	Land (in acre)	No. of plots	Land (in acre)	No. of plots	Land (in acre)
1.	Bandarban	91	2,275	119	2,855	210	5,130
2.	Lama	835	20,875	177	4,500	1012	25,375
3.	Alikadam	194	4,847	62	1,550	256	6,397
4.	Naikhyangchari	112	2,800	15	375	127	3,175
Total in 4 upazilas		1,232	31,797	373	9,280	1,605	40,077

Source:

Land acquisition for protected and reserved forest

Sub-clause (b) of Clause 8 of Part C of the CHT Accord provides "Notwithstanding anything contained in any other law for the time being in force, No land, hill or forest under the controlled and within the jurisdiction of the Council shall be acquired or transferred by the Government without consultation with and the consent of the Council".

But the provision is not adhered to and complied with by the authority. The Deputy Commissioners of the three hill districts continue to acquire and transfer land in violation of the concerned provisions of the HDC Acts. On the other hand, in the name of afforestation, the government has unilaterally undertaken a programme to acquire 218,000 acres of land. Of this land, 72,000 acres of land alone fall under the Bandarban district. Thus, the Khyang ethnic people, the smallest and most deprived and disadvantaged Jumma group in the CHT, are on the verge of total eviction from their ancestral land where they have been living and cultivating *Jum* from generation to generation. The land illegally acquired by the government in the name of afforestation in Bandarban Hill district alone is given in the following table:

Sl	Name of the upazilas	No. of mouzas	Land (in acre)
1.	Alikadam	3 mouzas	5,754.98
2.	Naikhyangchari	3 mouzas	4,840.00
3.	Lama	5 mouzas	2,780.99
4.	Bandarban	5 mouzas	15,750.00
5.	Rowangchari	10 mouzas	45,950.00
6.	Ruma	5 mouzas	11,500.00
7.	Thanchi	4 mouzas	7,500.00
Total in 35 mouzas under 7 upazilas			94,066.97
Occupation under Forest Department without acquisition			23,933.03
Total acquired land for reserved forest			1,18,000.00

Source:

Land acquisition for military purpose

Further, huge amount of lands have been acquired for military purpose in CHT, particularly for the expansion of cantonment, expansion of camps, opening new Artillery Training Center and new Air Force Training Center. The land illegally acquired by the government in the name of military purpose in Bandarban district alone is given in the following table:

Sl.	Particulars	Land (in acre)
1.	Acquired for Sualok Artillery & Infantry training centre	11,445.45
2.	Under process for acquisition for Sualok Artillery & Infantry Training Centre	19,000.00
3.	Acquisition for Ruma Garision	9,560.00
4.	Acquisition for expansion of Bandarban Brigade Headquarters	181.00
5.	Acquisition for Tankabati Hill Ecopark and tourism by army	5,500.00
6.	Under process for acquisition for Bandarban-Lama Air Forces Training Centre	26,000.00
7.	Acquisition for BDR Battalion HQs in Ruma	25.00
Total amount of land		71,711.45

Source:

Plan to establish BDR Battalion HQ evicting Jumma villagers in Ruma

On 15 July 2010 Armed Forces Division under Prime Minister's office issued a letter to acquire 25 acres of land at Thana Para under Poli mouza in Ruma Upazila for the purpose of establishment of BDR headquarters in Ruma. Though BDR officially showed 25 acres of land for acquisition, however, it will be more than 25 acres as BDR marked the boundary of the proposed area up to bank of Shanghu river and Barshi Para and Upper & Lower Rumachar Para other than Thana Para will be affected. If the proposed BDR Wing headquarters is set up, then it will uproot 40 families of Thana Para, 15 families of Barshi Para and 50 families of Rumachar Para (Upper and Lower) from their ancestral land who belong to Marma community. Even a hostel for local indigenous students and a carpentry & sewing training centre run by a local NGO named Toymu will also be uprooted from Thana Para area.

Land acquisition for expansion of Palashpur BDR zone in Matiranga

Government took plan to acquire around 100 acres of land of indigenous Jumma villagers and Bengali permanent residents for expansion of Palashpur BDR zone (29 Rifle Battalion) of Matiranga (Khedachara Mouza, Belchari UP of Matiranga Upazilla) in Khagrachari district. Zone authority already demarcated the lands (100 acres land). Zone authority started works related to land acquisition and expansion of zone since 2 February 2010.

EVICTION AND DISPLACEMENT FROM ANCESTRAL LAND IN PLAIN LANDS

The lands of the indigenous peoples in plain lands were being occupied over years in the name of eco-park, commercial gardening, coal mine and social forestation, evicting the indigenous communities, which is a complete violation of human rights

Anil Marandi, President of Jatiya Adibashi Parishad said around 2,000 indigenous families in 10 districts have so far lost their 1,748 acres of ancestral land. Different organisations including the forest department also grabbed or acquired the land showing forged documents or in the name of social forestry, he added.

Adivasis protest for land rights

On 5 April 2009 about a hundred indigenous people of Godagari upazila in Rasjshahi made a human chain at Shaheb Bazar in Rajshahi district to protest harassment and a bid to evict indigenous people from their land by influential locals. An influential of Jamdaha village of Godagari upazila in Rasjshahi applied for *khas* land leased out to Hirua Sarder. When he was refused he came with 15 other settlers, attacked Hirua's house, beat his wife and looted and damaged property. They threatened him to immediately leave the village. He filed a case and the police arrested one person, but his goons are threatening Hirua. The protest group demanded exemplary punishment to the land grabbers.

Adivasi village burnt-down in Porsha upazila of Naogaon district

On 12 June 2009 the land-grabbers attacked an Adivasi village at Porsha upazila of Naogaon district and burnt-down 74 houses. At least four hundred people assembled with grievous weapons under the leadership of one Nur Hossain Master and his son Nazrul Haque and attacked indigenous village Khatirpur Upar-Sonadanga in Chhaor union.

The piece of land at the centre of dispute is an 18 bigha plot owned by two Santal brothers Chotka Mardi and Turka Mardi both of whom left for India during a communal tension a few years ago while their family members stayed back. Now Nur Hossain claims that they sold the land to him and want their nephew, Mr. Jerta Mardi alias Bondhon of village Kusumkunda, to get the permission of Adivasi land transfer done from the Deputy Commissioner's office. Jerta Mardi refused to do that and Nur Hossain threatened to kill him by running a car over him.

Being threatened, Jerta Mardi raised the matter with local leaders like Azizul Islam, Mozibur Rahman, Ruhul Amin, Keram Uddin and Eshahak Ali and many others besides their own community leaders. The Bengali social leaders suggested the Adivasis to begin to live on the plot in order to keep the land under their possession. Accordingly, 56 Adivasi families settled down there and also allowed 18 landless Bengali families to reside there. Nur Hossain hired *lathials* from Gomastapur and tried to evict them on that day. Adivasis also tried to protect themselves with bows and arrows but they were overpowered. Police stood silent half a kilometer away and only moved in when every household, Adivasi and Bengali, was torched and looted. Many were critically injured including Sutar Kisku (45), Suren Murmu (35), Biswanath Hembram (28), Rajina Hasdak (32), Hosne Ara (32), Mosrefa and Deljan (70).



An indigenous woman sits on the rubble of her home, which land grabbers torched on June 12, 2009. The palm-leave shed on the right is her home now.

Orao Arju's teenage daughter Shanibala is still upset by last week's eviction and arson attacks on 74 families, including 56 indigenous families, in Khatirpur allegedly by an influential land grabber.

During the attack the attackers chased Orao Arju's teenage daughter Shanibala and threatened to kill her and her parents if they did not leave their own land. Her mother said Manjurul, Ata, Dhola, Shafikul and Ahsan in their first attack on June 12 chased her daughter while she was going to the Union Parishad for relief.

Another 15-year-old girl among the victim families was beaten up and her dresses were torn apart on June 13 as she protested the attackers looting corrugated iron sheets and household stuff in presence of the police. Traumatized since the incident, the girl prefers staying in the dark and trembles seeing any stranger, say her mother and villagers. Her mother was also beaten up until they were rescued by some other women.

The arsonists and armed attackers are moving scot-free in the area although they are accused in a case, allege the eviction victims.

On 21 June 2009 Indigenous people observed protest programmes in Rajshahi, Naogaon and Magura to press home their demand for punishment of the land grabber who evicted 74 indigenous families at Khatirpur under Porsha upazila of Naogaon district on June 12. They also demanded immediate steps for rehabilitation of the evicted indigenous families.

In Rajshahi, Jatiya Adibashi Parishad (JAP) held human chain and rally demanding security to indigenous people, cancellation of the forged land documents of land grabber Nur Hossain and withdrawal of the cases filed against indigenous people.

The indigenous leaders demanded immediate arrest of Nur Hossain and withdrawal of Porsha Police Station Officer-in-Charge Zahidur Rahman Chowdhury, a relative of Nur Hossain and his alleged abettor.

On 21 June 2009 indigenous students of Rajshahi University (RU) formed a human chain at Kazla gate of the university demanding punishment of the grabbers of 74 indigenous families' land in Porsha. The students urged the government to form a separate land commission for indigenous communities and ensure their constitutional rights.



Indigenous people prepare to parade the main roads of Thakurgaon town 28 October 2009 demanding constitutional recognition to the rights of plain land indigenous people and formation of a separate land commission for them.

Protesting against the Posha attack and demanding rehabilitation of the victims of the attack, on 28 October 2009 Thousands of indigenous people led by Jatiya Adivasi Parishad (JAP) organised Long Marches in Natore, Rajshahi, Naogaon, Pabna, Bogra, Joypurhat, Thakurgaon and Dinajpur districts. They also demanded for forming a separate land commission to protect land rights of the indigenous people living in plain lands. Several hundred people marched about 30 kilometres from Kakonhat to reach Rajshahi deputy commissioner's office at around 2:00 pm.

They held a rally on the DC office premises and submitted a memorandum demanding formation of a separate land commission to resolve the land-related problems of the indigenous people of plain lands. The indigenous people demanded stopping occupation of their lands in the name of land survey and using forged deeds.

Nachole grabbers eye land of 17 indigenous families in Chapainawabganj

On 18 June 2009 a group of Bengali land grabbers attacked on 17 indigenous families at Dulahar village in Nachole upazila of Chapainawabganj district.

On 22 June 2009 indigenous people formed human chain and held rally in Nachole Bus stand area demanding punishment to the hired goons of the land grabbers who tried to occupy land of 17 indigenous families at Dulahar village in Nachole upazila of the district on 18 June 2009.

The attackers seriously injured two indigenous women and threatened with dire consequences if the 17 indigenous families did not vacate the khas land, the indigenous leaders said at the rally organised by Nachole Adivasi Adhiker Kendra and residents of Dulahar village. Meanwhile, police arrested two persons in connection with this attack on indigenous people.



Nachole Adivasi Adhiker Kendra forms a human chain near Nachole bus stand 22 June 2009 demanding punishment to the attackers of indigenous people at Dulahar village.

Belasius Murmu, president of Nachole Adivasi Academy, Hingu Murmu, president of Uttar Banga Adivasi Forum, Bisut Moni Toppo, central leader of Jatiya Adivasi Parishad, Prohlahd Mahdi, member of upazila Adivasi Samannay Parishad, spoke at yesterday's rally. They demanded security of the local indigenous people. Indigenous leaders had also urged the government to form a separate land commission for indigenous communities and ensure their constitutional rights.

17 houses of indigenous people ransacked in Thakurgaon

On 26 November 2009 at least five women were injured as a local influential person and his men attacked and ransacked 17 houses in an attempt to illegally evict indigenous people in Shialor village in Haripur upazila in Thakurgaon district. Of the injured indigenous women, Baramai Mardi, 46, was admitted at Haripur Upazila Health Complex in a critical state.

Mr. Abdul Alim and his men attacked the indigenous people around 11:30 am and badly damaged 17 thatched houses. About 50 people led by Alim launched the attack for illegally evicting them from Som Maddi's ancestral land.

Alim claimed he purchased the 3.25 acres of land from Som's mother 22 years ago. However, Soniram trashed the claim and said in their tradition mothers cannot sell any land. Soniram added on the day of the attack the indigenous male people went to the district headquarters to attend hearing of a case filed by Alim against 200 people to "harass" them.

The District Jatiya Adibashi Parishad protested the incident and submitted a memorandum to Water Resources Minister Ramesh Chandra Sen and Deputy Commissioner Munshi Shahabuddin Ahmed in the afternoon. In the memorandum they demanded immediate arrest of the attackers and withdrawal all false cases against the indigenous people.

False case filed against 14 indigenous villagers in Joypurhat

In 2009 nine false cases were filed against 14 indigenous villagers including Jahar Lal Pahan s/o late Sahadev Pahan of village Nurnagar-2 Shiyala Para of Tilakpur under Akkelpur upazila in Joypurhat district by an influential person named Md. Solayoman Ali Plang s/o Md. Kachimauddin Plang with the intention to grab 11 acres of land of said indigenous villagers.

Land of Kalimandir grabbed by Bengali land grabbers in Joypurhat

In 2009 a piece of land of Kalimandir, a Hindu temple of indigenous villagers of Keota village under Pachbibi upazila in Joypurhat district was grabbed by four Bengali land grabbers.

In connection with this land grabbing, Mr. Joyanta Mali s/o late Jogesh Chandra Mali and Ranjit Chandra Mali s/o Budha Mali of Keota village of Sarail under Pachbibi upazila filed a case with Pachbibi police station against the land grabbers, namely, (1) Md. Nurul Islam Mandal s/o late Afchar Ali Mandal, (2) Md. Afjal Hossain Mandal s/o late Afchar Ali Mandal, (3) Ms. Parul Bibi w/o Nurul Islam Mandal and (4) Ms. Chahena Bibi alias Chaina Bibi w/o Md. Afjal Hossain Mandal of Keota village. But no action has been taken against the land grabbers from police authority so far. The land grabbers made false land title.

False case filed against indigenous villager with the intention to grab land in Joypurhat

On 3 February 2009 a false case was filed by a Bengali school teacher named Md. Kasem Ali Mandal s/o late Ramjan Ali Mandal against indigenous villager named Mr. Jatin Kujur s/o Suresh Kujur of Angrha of Majina under Pachbibu upazila in Joypurhat district with the intention to occupy Jatin Kujur's land. The land grabber made a fake document of this land soon after died of Suresh Kujur. As Mr. Jatin Kujur is a poor, it is not possible to run case for him.

Land owned by indigenous villagers grabbed by Bengali land grabbers in Joypurhat

On 4 April 2010 6.24 acres of land owned by indigenous person named Mr. Mantu Oraon and Bharat Oraon both s/o Bijoy Oraon of Palash Garh village under Pachbibu upazila in Joypurhat district was occupied by Bengali land grabbers, namely, (1) Md. Joylan Abedin s/o Amir Uddin of Palash Garh and (2) Md. Hossain Ali s/o Saheb Ali, (3) Sekendar Ali s/o Ayesh Uddin, (4) Md. Shuku Mian s/o Ayesh Uddin, (5) Siraj Uddin s/o Ayesh Uddin, (6) Md. hechab Uddin s/o Hafez Uddin, (7) Md. Jafar Uddin s/o Ibrahim and Md. Abu Taleh s/o Malek Uddin of Doibajnandanpur of Joypurhat.

The khatian number of this land is 221 and 171 with JL no. 34 and 25. Mr. Mantu Oraon and Bharat Oraon put objection to the Additional Deputy Commissioner (Revenue) against them mentioned above. But no action has been taken from administration so far. The land grabbers made false land document.

Land owned by indigenous villagers grabbed by Bengali land grabbers in Joypurhat

0.54 acre of land owned by Santosh Pahan s/o Nirmal Pahan of Ripnagar under Pachbibu upazila in Joypurhat district was allegedly occupied by (1) Md. Samad Molla s/o late Bashir Molla, (2) Md. Ramjan Mandal s/o late Tojan Mandal, (3) Md. Mozam Pramanik s/o late Malek Pramanik, (4) Md. Dulu Pramanik s/o Md Hamed Ali of Ribnagar village under Pachbibu upazila. A case was filed against land grabbers by Santosh Pahan on 5 April 2010 with Pachbibu police station.

Pond traditionally owned by indigenous peoples leased out to Bengalis in Joypurhat

A pond traditionally being owned and used by indigenous villagers of Chakbarkat village of Khaspahanda union in Joypurhat was leased out to influential Bengalis by the local administration in 2010.

It is learnt that indigenous people have been using this pond for generations for at least one hundred years. But local administration made it lease to influential Bengalis without consent and discussion with indigenous villagers. Soon after taking lease, lease holders have been threatening indigenous families who are living around the pond for generations to leave the area. Indigenous villagers put objection to the authorities and also organised human chain in Joypurhat to protest against this land grabbing, but no action has been taken so far.

Attack on 47 families of Indigenous People at Niamatpur in Naogaon

On 23 September 2010 almost 47 families of indigenous people were attacked by a group of people on them to grab the victim's land at Nakhoil Boarambari village in Niamatpur upazila of Naogaon district.

Shariful, the alleged "Land grabber", along with his 60 men equipped with sticks, spears (locally known as ballam), and machetes attacked the houses of the families at dawn on the day, said local people. The attackers broke open the doors of their thatched houses and beat them up indiscriminately with spears and other sharp weapons, leaving five men and four women injured.



Pankaj Bhattachariya visits the child who was thrown off during the attack on indigenous people at Nakhoil Boarambari village in Niamatpur upazila of Naogaon.

They dragged Ruhel Hembrom, a three-year-old son of Biswanatha Hembrom, out of the room with holding his legs and circling him around over the head and threw out the child on the ground. The injured victims were Biswanath Hembrom, Laxmiram Murmu, Lobin Mardi, Molin, Sumon Murmu, Mainu Mardi, Probhati Mardi, Digi Mardi and Arati.

Local people said five indigenous men -- Laxmiram Murmu, Marang Hembrom, Noksha Murmu, Toro Murmu and Lobin Mardi -- inherited a piece of 72 bighas of land. As they went to India during the War of Liberation, they could not establish their rights on the land after returning home. As situation improved after the present grand alliance government assumed power, some 38 indigenous and nine Muslim families started living on the land setting up straw houses.

The "land grabbers" first attacked them on 12 July 2010 and damaged their houses. Failing to capture the land, the grabbers again attacked on them on 23 September 2010 morning, said the victims.

Though two cases were filed with Niamatpur Police Station in this connection, none was arrested so far. Rather, the indigenous families alleged that the land grabbers threatened them.

The affected families had a little food until some political leaders and indigenous leaders visited the spot and distributed some relief materials, including rice, pulse, salt, clothes and medicine.

Pankaj Bhattachariya, presidium member of Gono Forum, Shakti Pada Tripura, organising secretary of Bangladesh Indigenous Peoples Forum, advocate M Shah Alam, an investigator of Ain O Shalish Kendra, Dipayan Khisha, vice chairman of Kapaeeng Foundation, Rabindranath Soren, Amin Kujur and Sabin Munda of Jatiya Adivasi Parishad visited the scene 29 September 2010.

They demanded arrest of the attackers and establishment of the land rights of the indigenous people immediately. The police could not arrest the attackers.

Land of Tripura families grabbed in Sitakundo

The land of Bashbaria Khamar Bari under Sitakundo upozila has been occupied by the Premier Group in where at least 8 Tripura families have been living for more than hundred years. It is reported that they have been evicted from their land. Even on 14 April 2010 the musclemen tried to burn them in their home at night. On 25 April 2010 the victim organized a press conference at Chittagong Press Club to have attention on this regard.

They alleged that the terrorist involved with this act have been giving pressure to leave the place. For this continues treat, finally wife of Chandiram Tripura filed a case with the court. As a result, the land grabbers torched their houses on 14 April 2010 at night. The helpless Tripura families again filed case against the gang with Sitakundo police station on 16 April 2010. But no one has arrested so far. It is reported that the sub-inspector of Sitakundo police station Mr. Khademul Islam is biased toward the land grabber. The victims are not getting legal aid. Right now they are passing miserable life without food and security.

2.14 acres of land of Sunil Keoar grabbed in Chapainawabganj


A land grabber named Sirajul Islam occupied 2.14 acres of land of indigenous valler named Sunil Keoar of Telipukur village by making a false document. He and his men threatened indigenous leaders Jaoharlal Ekka and Motilal Toppo with death on 10 May 2010 as they went to Chapainawabganj jail to meet one of the two accused.

Indigenous people of Gomostapur upazila under Chapainawabganj district have made allegations of harassment and repression on them by the land grabbers. Leaders of indigenous people of Dighori, Pargana, Baisi Parishad, Lahanti Akhra Forum, Adivasi Samonnya Parishad and Jatiyo Adivasi Parishad made the accusations at a press conference at Chapainawabganj Press Club on 15 May 2010.

They alleged the land grabbers have been harassing them by filing false cases. Not only that, when anybody comes forward to help the victims, the land grabbers threat him of dire consequences, they added.

The indigenous leaders said one Sirajul Islam of Lebudanga village under Radhanagar Union in Gomostapur upazila came under bomb attack at the same village by some unidentified criminals on the night of 29 April 2010. Sirajul's father-in-law Golam Rabbani filed a case with Gomostapur Police Station the following day against two innocent indigenous people. Without finding the real culprits, police had sent the two indigenous people to jail custody, they alleged.

A Weekly Publication of The Daily Star



Volume 9 Issue 31 | July 30 , 2010 |

Despair of the Tripura

Shudepto Ariquzzaman *Back from Shitakunda*

“Every family must provide day labour to work in the fields of the landlord everyday for 140 taka. It does not matter whether there are better offers in the fields or gardens of other owners, those who live in this area must work the in fields of the company that owns the land. Those who miss out on a day's work will face harsh penalties and that might mean evacuation from our homes,” says Nikunja Tripura, an aboriginal day labourer from Choto Kumira, Shitakunda, “if we are evacuated from our own homes, where shall we go?”

This sounds more like a story dating back from the British era when the feudal system was in place. Unfortunately, Nikunja Tripura resides in 21st century Bangladesh, where such tales of repression from the landlords should have been read only in the pages of history. But even now, in some places of Bangladesh,

most notably among the aboriginal population in these regions, mandatory labour dating back from the British era is still very much of a reality. “When one of us is sick, he or she must find a replacement from the village, otherwise there shall be harsh consequences from the company,” says Nikunja.

The Tripura para (neighbourhood of the Tripura) in Choto Kumira, Shitakunda, Chittagong is inhabited by 92 Adibashi families. Like most Tripura neighbourhoods, the light of modern civilisation has yet to penetrate through the thick canopy of forests covering the hills that often provides some members of the Tripura community with a livelihood. “I go up the hills and cut bamboos for a living,” says 70-year-old Biswakumar Tripura as he returns from his day's work carrying a huge and heavy bag full of bamboos. “We have lived in this place for generations, now there are rumours that we shall be evicted. There are hardly any educated people in this area; most of us are dependent on day labour, jhum cultivation (slash and burn cultivation) and cutting bamboos.”



Chandiram Tripura can only look at his birthplace from the other side of the fence. PHOTO: CHANCHANA CHAKMA

The Tripura tribe in Bangladesh concentrated in the regions of Sylhet, Moulvibazar, Rajbari, Comilla, Chandpur, Mirshorai, Hathajari, Chokoria, Fotikchhari and Shitakunda as well as the three hill districts of Khagrachhari, Rangamati and Bandarban is one of the 13 Adibashi hill tribes. Unlike the other tribes of Tibeto-Burmese stock in Bangladesh, the Tripura tribes are unique in the sense that they inhabit both the plains and the hills and can be located across different regions of the country. The Tripura tribe is the third largest hill tribe of Bangladesh, coming after the Chakmas and Marmas. Unlike most hill tribes, members of the Tripura tribe tend to adhere to Hinduism as opposed to Buddhism.

Ancient history indicates that the Tripura tribe probably migrated from near the upper courses of the Yangtze Kiang and the Hwang Ho Rivers in Western China. Although there are no credible records, historians believe that the Tripura tribe reached Assam valley well before the Christian era.



These Tripura villagers must work as day labourers or face eviction from their homes. PHOTO: CHANCHANA CHAKMA

Gradually, the tribe annexed the present day Indian state of Tripura. The Tripura tribe also asserted their influence in the regions of Sylhet, Comilla, Noakhali and Chittagong and successfully defied the onslaught of the mighty Mughal Empire to retain their own kingdom over large swathes of these territories. With the advent of British rule, the kingdom's territory and influence shrank and although the Tripura kings still retained their old kingdom in most parts, they were heavily dependent on the British politically, diplomatically and militarily. With the birth of Pakistan and India, on August 14 and 15, 1947 respectively, the regions under the rule of the Tripura kingdom became divided between the two new nations. Like other tribes inhabiting the hills, the minority Tripura tribe had long been special targets for repression. Since Tripura

tribes in Shitakunda and other Bengali majority areas are geographically isolated from the Hill Tracts, they have become easier targets for suppression.

"In the hill districts, there are at least strong communities among the Adibashi and even though there is much oppression, we have earned the voice to launch an united front for protests in co-ordination with the other tribes against injustices committed against us," comments Haripada Tripura, Information and Publicity Secretary of Bangladesh Tripura Welfare Congress. "But in Shitakunda and other places disconnected from the Hill Tracts, it is all together a different story for the Tripura community as they are a very small minority in these areas. Thus for generations, the Tripura community in these regions are easy to single out as victims of fear and subjugation. Also there are very few educated people in this particular area among the Tripura community."

Although not all Tripura communities are necessarily victims of mandatory labour, tales of deceit and despair can be heard in all Tripura neighbourhoods. "My father was the general manager of this garden and he used to work under (late) Mokbul Ahmed," says Chandiram Tripura, pointing to the Bashbaria rubber garden. "We knew all along that he owned a place in the gardens of 11 acre 34 per cent. We even have documents to prove his ownership of the land. But suddenly in 1996, his son Kawsar Zaman claimed that his father had purchased 11 acres and 28 per cent from my father back in 1978. He has even procured fake documents to back up his claims and ordered the evacuation of myself and two other brothers who used to live in these gardens ever since we were born. I am now living at my daughter's house." Incidentally, the fake documents were produced under the name of Mosammat Shireen who happens to be Kawsar Zaman's stepmother. Chandiram Tripura claims that the documents carry fake signatures and are not at all valid.

"There is no reason to suppose my father had sold the land to Mokbul Ahmed, had he done so we would have been aware of it. I am a poor man and I do not have the means to challenge a rich man like Kawsar Zaman in court," says Chandiram Tripura. Kawsar Zaman has not been in the locality since the current government took power last year. General Manager Mofidullah, who currently looks after the affairs of the plantation, was not available for comment.

In other Tripura neighbourhoods, there were different accounts to be heard from the tribal communities. Though their stories were of a different nature, one thing was certain: every Tripura community is in one way or another victims of false promises, deception or other forms of oppression.

“Almost 35 years ago we made an agreement with Eskander Chowdhury who owned the land. Under the terms of the agreement, we were supposed to clear the forests and make the hills eligible for the cultivation of different varieties of trees that will yield fruits. The terms of agreement clearly stated that we were entitled to an equal share of the yields from the gardens that were to be cultivated by us,” says 55-year-old Padmakumar Tripura from Tripura para, Mohadebpur. “Accordingly, 46 families all together participated in the arduous work of clearing the forests and making the land eligible for gardening. But even before the year was over, and the first fruits of our hard-earned labour began to appear on the trees, Chowdhury went back on his promises. Since then they have had been enjoying 100 per cent of the profits from the produce, while we had to be content with working as day labourers on the very land we had once made adequate for gardening mangoes and jackfruits. Today, excepting 29 families, others have migrated to different parts of the region for their livelihoods.”

The local administration in Shitakunda seems quite aware and even sympathetic concerning the various problems facing the Tripura tribes. “Personally I am very interested in the welfare of the Tripura community,” claims Shitakunda Upazila Chairman Abdullah Al Baker Bhuiyan. “I am totally aware of the nature of the problems facing the community, but unfortunately we have not been accorded the necessary powers. I believe that land belongs to those who work on it, but in reality we notice that those who are not involved in agricultural labour are enjoying the ownership of the land.”

Union Parishad (UP) chairman Abdur Rouf comments, “The land of Shitakunda has been declared as uncultivable land by the government. So according to the current land laws, the land cannot be allocated. It is up to government policymakers to formulate new guidelines for the rehabilitation of the Tripura community.”

As long as there are no special guidelines for the protection of this vulnerable minority, Tripura community members like Chandiram Tripura will have to look at their birthplace from another side of the fence.

High Court issues rule to allow the felling of 4,000 trees of Nahar Punji

Following a writ petition filed by the timber trader Salim Uddin Mohalder and Nahar Tea Garden Manager Pijush Kanti Bhattacharya, on 22 February 2010 the court directed the forest department authorities and local administration to allow the felling of trees as per the earlier work order. In this verdict, High Court totally overlooked and bypassed the reality of the existence of the Khasis and ignored their traditional rights to the land and forest.

It is learnt that the Ministry of Environment and Forest dubiously issued a permit on 30 June 2008 in favour of Nahar Tea Garden in Moulvibazar allowing it to chop down a total of 4,000 trees in exchange for Tk 47.51 lakh as royalty to the public treasury. Nahar Tea Garden, however, made a deal with M/s Salim Timber and Traders to sell the 4,000 trees in October 2006, two years prior to obtaining the permit. The deal involved Tk 1.5 crore.

Following protests by the Khasia community and BAPA (Bangladesh Paribesh Andolon), forest ministry on October 19, 2008 suspended the permit. Before the suspension, the contractor, however, had cut 1,200 trees and removed them with elephants. The court in its 22 February 2010 directive did not mention the number of trees already felled.

Interestingly, Sylhet Divisional Forest Officer Md Delwar Hossain issued a fresh permit on 2 February 2010 allowing the garden owner to cut down 2,350 trees and asked to spare 450, as those are located in the Khasia Punjis (1200+2350+450=4000).



The felled trees at Kailin Punji in Srimangal

In the Sylhet Divisional Forest Office permit, the garden owner was asked to pay the government an enhanced royalty of Tk 1.19 crore for the trees as per revised rate of forest goods.

Soon after the High Court verdict, a timber trader chopped down over 100 trees and destroyed two betel leaf enclosers at Kailin Punji near Nahar Tea Garden in Srimangal yesterday after the High Court gave the go-ahead to cut down 4,000 trees. Earlier, 1,200 trees were already felled in 2008.

Indigenous people of neighbouring Khasia Punjis (villages) and environmentalist group Bangladesh Paribesh Andolon (BAPA) apprehend displacement of indigenous people from their ancestral homesteads, loss of traditional livelihood and environmental degradation as a consequence of the wholesale tree felling. There are around 60 Khasia families in two Khaisa Punjis--Akilam Punji and Kailin Punji--in and around the garden.

The then Sylhet Divisional Forest Officer Abdul Mabud in a letter to the Nahar Garden manager in August, 2008 said 3,754 of the total 4,000 trees grew naturally and the rest were planted. The trees had 87,174 cubic foot timber and 75,508 cubic foot of firewood. The trees included Cham, Gamar, Gorjon, Jaam, Koro, Bonak, Rongi, Shimul, Awal, Khami, Bolos, Lud, Belpoi, Dumur and others.

The Khasis of Aslom Punjee (known as Nahar-1) and Kailin Punjee (known as Nahar-2) situated in Khejurichora, P.S. Srimangal under the district of Moulvibazar are in fresh trouble. They are at the point of eviction from their home state. As you all know that after a series of rallies, protest gathering, human chain, Press Conferences, lobbying and advocacy since June 2009 the Government of Bangladesh suspended the decision of felling 4000 trees from Khasi occupied territory. Many environmentalists, Civil Society and Human Right Organisations protested on the ground of felling huge number of trees which would affect environment as well as the livelihood of Indigenous Khasi families.

On 19 March 2010 indigenous people formed a human chain in the Sylhet city protesting at the continued felling of trees at Khasia Punjee of Srimangal in Moulvibazar. Members of different ethnic minority communities participated in the human chain programme arranged in front of the Central Shaheed Minar in the city.

The human chain was followed by a rally at the same place. The speakers urged the government to take immediate steps to stop the local tea garden owners from cutting down the trees at Khasia Punjee of Srimangal. They said more than 50 per cent of 500 ethnic minority people at Khasia Punji 1 and 2 of Nahar Tea Garden had become jobless as at least 2,500 trees have been cut down in the last one week. The local Khasia community are dependent on the trees for betel leaf cultivation and they apprehend the displacement of indigenous people from their ancestral homes, loss of traditional livelihood and environmental degradation as a consequence of the wholesale tree felling.

High Court issues rule to protect Modhupur Sal Forest

On 16 March 2010 the High Court asked the government to explain in four weeks why it would not be directed to settle the rights of the ethnic minorities, forest dwellers of the Modhupur Sal Forest, in accordance with the Forest Act 1927.

The High Court bench of Justice Syed Mahmud Hossain and Justice ATM Fazle Kabir also asked the government to explain why it would not be directed to correctly identify the borders of the Modhupur Sal Forest as per the notifications dated 2 February, 1956 and 19 July, 1984.

The government will also have to explain why it would not be ordered to frame rules on village forestry as required under the Forest Act 1927 and ensure regeneration of the Modhupur Sal Forest through protection and planting of indigenous trees and with the direct participation of the forest-dependent people as envisaged in the Act.

The court passed the order after hearing a writ petition filed by the Bangladesh Environmental Lawyers Association, the Joyenshahi Adivasi Unnayan Parishad and Jatiya Adivasi Parishad. Supreme Court lawyers Probir Neogi and M Iqbal Kabir moved the writ petition.

5 indigenous families evicted and their land grabbed in Norail

On 5 September 2010 five indigenous families have been evicted from their homestead at Chandibarpur village of Chandibarpur union under Norail sadar upazila in Norail district and their land have been occupied by a group of land grabbers of mainstream population.

It is learnt that indigenous villagers namely Sunil Bishwas, Tapa Bishwas, Sripati Bishwas, Kartik Bishwas and Gonesh Bishwas have peacefully been living on their ancestral land. But on 5 September 2010 Akbar Ali, Omar Ali, Rajan and Billal along with 20/25 musclemen attacked indigenous villages and evicted them from their land. Attackers also destroyed the fruit garden including mango, coconut, jackfruit trees etc and planted banana trees on this land. Kartik Bishwas filed a case in connection with this incident with Norail sadar police station. But no body was arrested so far.

INDIGENOUS PEOPLE OF PLAINS DEMAND SEPARATE LAND COMMISSION

Indigenous people have demanded a separate land commission and enactment of laws to protect their traditional culture and language, and constitutional rights. About formation of a separate commission for the plain-land indigenous people, indigenous leaders said that it is their logical demand. They have been demanding ownership of their lands since the British colonial era. But the colonial rulers, later all the rulers and governments did never pay heed to their demand.

Indigenous peoples, in a roundtable discussion on "Land Problems of Indigenous Peoples of Plain and its Ways Forward" organised by Jatiya Adivasi Parishad, Kapaeeng Foundation and Gram Bikash Kendra on 16 February 2010 at CIRDA Auditorium in Dhaka, reiterated their demand to form separate land commission to resolve land problem of indigenous people in plain lands.

The government would consider forming separate land commission for indigenous people of the plain land like the land commission for CHT if the demand comes from them, said Law and Parliamentary Affairs Minister Shafiq Ahmed on 3 August 2009. "There is a provision that nobody can buy any land of indigenous people without their permission. But if you [indigenous people] don't want the provision to exist the law can be amended because many people buy the land by manipulating the provision," he said. The minister was speaking at a dialogue on 'Human Rights of Indigenous Women: Experience from Implementing DSK Project' at the National Press Club in Dhaka on 3 August 2009.

Again, food and disaster management minister Abdur Razzaque said on 7 August 2010 that the Prime Minister Sheikh Hasina was 'sincere enough' to settle the disputes over the lands of indigenous peoples living on the plains. "Prime Minister assured me on 5 August 2010 that the government would form a separate commission to settle the disputes over the lands of adivasis living on the plains or empower the commission for CHT to deal with their problems," the minister told a seminar on land rights of indigenous communities at the LGED auditorium in Dhaka.

LAND GRABBING AND ATTACK ON JUMMA PEOPLES IN CHT

Jumma villagers attacked by Bengali settlers in Longadu

On 15 January 2009 in a clash between Jumma villagers and Bengali settlers took place at Bagachadar area under Longadu upazila in Rangamati district. Following this incident, Bengali settlers made attack on Jumma people at Baranachari bazaar under Barkal upazila (adjacent to Longadu upazila).

It is reported that Bengali settlers have been trying to collect forest product from the area owned by Jumma villagers. On the contrary, Jumma villagers have been trying to prevent them from collecting bamboos and trees from their garden and orchard. However, the Bengali settlers continued to do so. On that day, Bengali settlers also went to the Jumma locality to collect the bamboos and trees and consequently Jumma villagers opposed them. At a stage, the clash was taken place.

In retaliation to this incident, Bengali settlers made attack on Jumma people who went to Baranachari bazaar. That day was the market day. It is reported that many Jumma villagers were injured in this attack. Two Jumma villagers who were seriously chopped got admitted at Al-Rabeta hospital at Longadu. On the other, 8 Bengali settlers were also admitted at same hospital with injuries.

Following this incident, Jumma people were banned Kalabanya bazaar by the Bengali settlers from Kalabanya and Bhushanchara under Barkal upazila. Local Jumma villagers said that Bengali settlers issued this ban on Jumma people aiming to protect Jumma voters to cast their vote at Kalabanya polling centre during forthcoming Upazila Parishad election scheduled to be held on 22 January.

Jumma villagers attacked by Bengali settlers in Ramgarh with the intention to occupy land

On 14 June 2009 in a clash between Jumma villagers and Bengali settlers occurred at Jalia Para under Ramgarh upazila in Khagrachari district.

It is learnt that Bengali settlers from Jalia Para cluster village have been trying to occupy the land of Jumma villagers at Baroitoli area of Baroitoli mouza and Hafchari union under Ramgarh upazila. Baroitoli area is around 8 kms far from Jalia Para cluster village. Very recently on 7 June Bengali settlers cleaned the scrubs and erected at least 15 houses. Again 14 June early in the morning, a group of Bengali settlers numbering around 70 persons went to the area and started to build houses. But the Jumma villagers opposed them to construct houses. At a stage, clash between two groups started and at least 10 Bengali settlers were injured in the clash. They were admitted to Guimara hospital.

Soon after receiving this news, Bengali settlers of Jalia Para and Guimara cluster made attack on innocent Jumma people indiscriminately at Jalia Para area on Khagrachari-Chittagong road.

Sources said that five Marma rickshaw pullers were beaten by the Bengali settlers at Jalia Para area. Among them, two injured rickshaw pullers were identified as Thoiha Prue Marma (35), s/o Aungyajai Marma of Labrechai Headman Para of Guimara union and Apruesi Marma (35), s/o Remrachai Marma of Lubre Para of Guimara.

It is reported that Dhanadas Tripura (21), s/o Sukumar Tripura of Sindhukchari village of Sindhukchari union under Mahalchari upazila was brutally beaten by a group of Bengali settlers with firewood and iron rod when he (Mr. Tripura) reached there. However, he could narrowly escape. He was seriously wounded.

Bengali settlers from Jalia Para and Guimara cluster gathered to attack the Jumma villagers of Baroitoli area. However, the military forces resisted them from the attack. On the other, Mr. Jatindra Lal Tripura, MP from Khagrachari district and Chairman of the Task Force on Rehabilitation of Returnee Jumma Refugees and IDPs called both communities to refrain any retaliation.

It is also learnt that most of the Jumma villagers nearby Jalia Para area took shelter into the remote Jumma villages fearing further attack.



Bangladesh Marma Students Council forms a human chain in Khagrachhari town 18 June 2009 demanding immediate action to stop settlers' alleged bid to grab indigenous people's land at Boroitali village in Ramgarh upazila of the district

200 Mro families in fear of land-grabbers and terrorists in Bandarban

About 200 indigenous Mro families in Ronjupara, Penaipara, Chakkoipara and Bhatyapara under Tonkaboti Union in Bandarban Sadar Upazila have been living in fear of land grabbers and terrorists, says Prothom Alo, a leading national Bengali daily.

In a news article on 25 June, the daily says "Since the attack on a villager of Penaipara on 18 June, the residents of the area have been living in fear of further terrorist attacks on them."

The villagers spoke of their sense of insecurity at a press conference held at Bandarban press club on Sunday. The chairman and members of Tonkaboti Union Council and village chiefs at the press conference demanded that land-grabber Shaha Alam and his terrorist gang members are arrested and brought to justice.

At the press conference Tonkaboti Union Council Chairman Purna Chandra Mro said, 'Shah Alam, a resident of Choromba area under Lohagora Upazila in Chittagong, has occupied without legal documents hundreds of acres of land belonging to Mro people with the help of his Rohingya terrorist gang. As a result the Mro people of Ronjupara and Penaipara have been unable to cultivate Jum for the last three years, plagued by dire financial crisis and compelled to live a substandard life. Complaints have been lodged with the government administration but to no avail, and the lack of effective measures on the part of the government has been a shot in the arms of terrorist Shah Alam.'

Expressing anger village chief of Ronjupara, Luring Mro said: 'I can no longer enter the land where we have been cultivating Jum for generations.' He said Shah Alam and his terrorists tortured Rengrao while he was working at Jum field. He is still undergoing treatment in Bandarban Sadar Hospital. A case has been filed against six persons including Shah Alam; however police has so far failed to arrest any of them.'

UP member Majeda Begum and Ashraf Mian told the press conference that they have been living in peaceful co-existence with the Mro. As Shah Alam has illegally occupied the lands of Mro people, who are simple and peaceful, they cannot cultivate their Jum fields and have to live in starvation.

Bandarban Upazila Nirbahi Officer (UNO) Anupam Barua said, "Shah Alam has no land in Tonkaboti Union. He is doing this defying an order not to occupy Jum lands belonging to Mro people."

Lease holders of non-resident Bengalis threaten 12 indigenous Mro villagers

On 1 July 2009 the lease holders who are non-resident Bengalis threatened indigenous Mro villagers of 12 villages (228 families) under Lemu Palong mouza and Duluchari mouza to leave areas. Otherwise, they would be faced severe consequences. Indigenous Mro villagers put memorandum to the Prime Minister of Government of Bangladesh seeking justice. But no action has been taken so far.

Forcible land grabbing has got a very serious turn particularly in Bandarban. For instances, Upazila Nirbahi Officer (UNO) of Naikhyongchari upazila in Bandarban district made plantation and horticulture gardens on the 234 acres of land under Bakkhali mouza and 150 acres of land under Alikhyong mouza in Naikhyongchari upazila in the name of his wife and relatives.

Civil society demands trial of M A Matin

On 19 July 2009 civil society organized a human chain in front of National museum against the leasing of huge acres of land by former adviser of Caretaker Government Major General M A Matin in Bandarban district. Distinguished educationalist Siurajul Islam Chowdhury, columnist and researcher Syed Abul Moksud, leader of physicians Mahbub Rashidi, teacher of Dhaka University Robayet Ferdous and Sourav Sikder, national leader Pankaj Bhattacharjey attended in the demonstration.

Abul Moksud termed the leasing as robbery of land. It is unjust that bureaucrats, political leaders and military personals are taking the land of Adibashi people on lease, he added. The govt for change must reveal the list of persons who took the lease, he demanded. Professor Sirajul Islam Chowdhury told, we are living in the array of injustice in this country. One of the major injustices is done against the ethnic minority. The other speakers were Soheli Hajong, Saktipad Tripura, Robayet Ferdous, Pankaj bhattacharjey. Finally, moderator Hiron Mitra Chaskma put forward the demand of civil society, such as, revealing of the list of leaseholder in the CHT; cancellation of all kinds of lease in the CHT; Trial of M.A.Matin; reorganization of indigenous people in the constitution and implementation of CHT CHT Accord.

3,300 landless indigenous families await settlement in Khagrachhari

At least 3,300 landless indigenous families have not yet got permanent settlement of the government land where they have been living for 30 years.

It is learnt that the government gave 20,625 acres upland (high land) to 3,300 families in 1979-1980 financial year under the 'Chittagong Hill Tracts Development Board upland project' to settle floating indigenous people in CHT. Each family was provided with 6.25 acres land and other facilities including house to make them financially independent.

According to Deputy Commissioner's (DC) office, the government rehabilitated 600 families in Bhaibonchhara, 580 families in Gasbon, 220 families in Bairafa, 600 families in Dighinala, 500 families in Matiranga under Khagrachhari district while 300 families in Baghaichhari area under Rangamati and 500 families in Bandarban.

Tripura woman killed by Bengali settlers with the intention of land grabbing in Mahalchari

On 3 September 2009 at night one indigenous Tripura woman named Ponemala Tripura (50) w/o Bhibishan Tripura was allegedly killed at Sindukchari village of Sindukchari union under Mahalchari upazila (sub-district) in Khagrachhari district. Her dead body was recovered from their Jum (traditional shifting cultivation) field of Sindukchari by the villagers in the morning on 4 September. Four Bengali settlers were suspected to have involved with this killing.

It is learnt that this year Ponemala Tripura and her husband Bhibishan Tripura have cultivated two jum farms for more earnings. Both Husband and wife stayed night separately to protect crops from wild animals at temporary jum houses. They usually worked at their jum farms and stayed separately at two jum farms on 3 September. On that day at dawn her husband Bhibishan Tripura called her but he (husband) did not receive any response from his wife (Ponemala) and went to the jum house where his wife was staying. But he did not find her there. Then Bhibishan suspected that something is wrong. Then he informed it to the local Tripura community people and they started searching jointly nearby jungle of jum farms and lastly they found her dead body at one kilo far from her jum field.

It is widely believed that she was kidnapped from her jum farm and murdered at the night (3-4 September 2009). This jum farm is two kilometers far from the locality (Tripura village). It is also learnt that she has land dispute with following settler's leader namely-

- 1) Md. Afsar Gazi, s/o Hamid Gazi of Sindukchari,
- 2) Khairul Islam, s/o late Azgar Ali of Sindukchari,
- 3) Rustam Ali, s/o unknown of Sindukchari,
- 4) Noab Ali, s/o late Afsar Gazi of Sindukchari in Khagrachhari district.

Several times they went there to grab the land of Ponemala.

Deputy Commissioner of Bandarban issued unlawful letter to Headmen

On 23 September 2009, Deputy Commissioner (DC) of Bandarban district Mr. Mizanur Rahman issued a letter to all Headmen of Bohmong Circle ordering not to issue any land deed to any person without permission from him. Issuance of this letter is contradictory to the rights of indigenous Jumma peoples in CHT. He also threatened that Headman would be removed from his headmanship if any Headman handed over such deed.

It is mentionable that according to Chittagong Hill Tracts Regulation of 1990, Headmen of CHT region have the rights to give settlement of 0.30 acre of land to any mouza resident and accordingly to issue land deed to him.

However, Deputy Commissioner of Bandarban issued this letter violating the rights of indigenous Jumma peoples and rights & responsibilities of Headmen. He one-sidedly claimed these lands as state-owned. He also indiscriminately alleged against the Headmen to have involved with corruption. Local residents believed that DC of Bandarban district starts these activities when the possibility of functioning of land commission for resolution of land disputes in CHT is seen.

Bengali settlers burn down Jumma houses in Laxmichari

On 24 September 2009 at night the Bengali settlers burnt down 3 Jumma houses in Laxmichari under Khagrachari district. It is learnt that a group of Bengali settlers from Mogaichari launched an overnight raid on the village of Bainamachara under Dulyatoli Union last night and set the houses ablaze. The houses belong to Naibo Chakma (55) s/o Nayan Sen Chakma, his son Rashik Chakma (33) and Sudikya Chakma (30) s/o Mono Kumar Chakma. All their belongings in the houses were burnt to ashes.

It is also reported that Bengali settlers also burnt down 4 huts used by the guards of a controversial fruits garden raised by one Anisur Rahman, a Bengali businessman. Anisur raised the garden on an area of 1,000 acres of land that the Jummas claim they own.

100 acres of land acquired for expansion of Palaspur BDR zone

Palashpur BDR zone (29 Rifle Battalion) of Matiranga (Khedachara Mouza, Belchari UP of Matiranga Upazilla) of Khagrachari took plan to acquire around 100 acres of land of indigenous Jumma villagers and Bengali permanent residents. Zone authority already demarcated the lands (100 acres land). Zone authority started works related to land acquisition and expansion of zone since 2 February 2010.

Bengali settlers constructed makeshifts on the recorded lands of Jumma people at Pablakhali in Baghaichari

Very recently Bengali settlers in the name of Bangladesh Muktijuddha Punarbasan Society (Bangladesh Freedom Fighters Rehabilitation Society) constructed around five hundred makeshifts on the recorded lands of Jumma people near Bhangamura army sub-zone camp at Pablakhali area under Khedarmara union and Amtali union of Baghaichari upazila in Rangamati.

It is also learnt that on behalf of Bangladesh Muktijuddha Punarbasan Society, its district president Md. Bacchu Mia and district commander Mokhlesur Rahman submitted application to Land Minister and State Minister for CHT Affairs on 5 January 2010 to get settlement of following 3,200 three thousand two hundred acres of lands situating at the following places -

- (1) Along the roadsides of Longadu to Naniarchar road;
- (2) Along the roadsides of Merung to Maini road
- (3) 500 acres of land from Chibe Aga to Kathaltali
- (4) 175 acres of land of Amtali and Gulshakhali mouzas under Longadu and Baghaichari upazila respectively
- (5) Pablakhali area.

It is noted that without prior approval of the concerned Hill District Council (section 64 of its Act) settlement, lease, sale and transfer of any land is restricted. In this connection, the Land Ministry issued circular in 1989 and the MoCHTA in 1998. In addition, since 2003, MoCHTA issued a letter to stop settlement of land in CHT.

In spite of the above circular and letters about and settlement, on 27 January 2010 Md. Motahar Hossain, Additional Deputy Commissioner (Revenue) of Rangamati Hill District issued a letter to the Upazila Nirbahi Officer of Longadu upazila (sub-district) to send inquiry report on the matter of the application.



Bengali settlers constructed houses in Pablakhali and Amtali union

In the mean time, in September 2009 Bengali settlers affixed a signboard of Bangladesh Muktiyuddha Punarbasan Society occupying reserve forest land of Pablakhali range under Baghaichari upazila. As continuation of this land grabbing, Bengali settlers occupied grove land and paddy land of indigenous villagers at this area and constructed around 500 makeshifts at Pablakhali in Baghaichari upazila.

Among others, the land of Rupantu Chakma (35), Amar Kanti Chakma (38) and Pritimoy Chakma (42) were forcibly occupied by Bengali settlers. Jumma villagers alleged that Bengali settlers destroyed crops of their farmlands. Bengali settlers ordered Jumma villagers to leave the area; otherwise severe consequences would have to be faced. Tension is has been prevailing in this area, particularly at Pablakhali area due to threatening of Bengali settlers. At least six Jumma villagers removed their children and aged to safe area.

On 12 March 2010 Chairman of Baghaichari upazila Mr. Sudarshan Chakma and Vice Chairman Diptiman Chakma, Upazila Nirbahi (Executive) Officer of Baghaichari upazila Basirul Haque Bhuiyan, Upazila Executive Officer of Langau upazila Khairul Rahman, Officer-in-Charge (OC) of Baghaichari and Longadu police station Nayeem Uddin and Julfikar Mahammad Gajjali, Chairman of Khedarmara and Atarakchara union Sachitra Chakma and Mangal Kanti Chakma visited the spot. No leader of the Bangladesh Muktiyuddha Punarbasan Society was present during that time. Those who were present at that time claimed that they are general member of the Society. But they failed to show certificate of freedom fighter. However, they claimed they were relatives of freedom fighters and landless poor.

As they occupied land illegally, the visiting team ordered the Bengali settlers to destroy the makeshifts and to vacate occupied lands within 15 days. Otherwise, action would be taken against them.

Protest against land acquisition for Ruma Cantonment and BDR Battalion HQ in Ruma of CHT

On 8 November 2010 indigenous Jumma peoples in Ruma upazila under Bandarban Hill District organised demonstration and held meeting at Ruma Upazilla HQ protesting against acquisition of lands of the Jumma people recorded in their names as well as occupied by them so far for expansion of Ruma Cantonment of the Bangladesh Army and establishment of new wing headquarter of BDR (Bangladesh Rifles) in Ruma. The protest was organised by the local Jumma people under the banner of the people from all walks of life in Ruma.

It is noted that the Army authority during the pre-CHT Accord period put a plan to acquire 9,560 acres of land for expansion of Ruma cantonment. Since mid 1980s the local Army authority time and again made attempts to have acquisition of the proposed area. Every time the local Jumma People particularly the Murung (Mro), who numbering to about 15,000 (Fifteen thousand) are to be uprooted even from their whole mouza (local traditional area unit) and would become completely landless and deprived from their livelihood, the occupation of plough land cultivation and shifting agriculture cultivation.

On the other hand, the GoB authority took plan to acquire another 25 acres of land at Thana Para under Poli mouza in Ruma Upazila for the purpose of establishment of BDR headquarters in Ruma. Though BDR officially showed 25 acres of land for acquisition, however, it will be more than 25 acres as BDR marked the boundary of the proposed area up to bank of Shanghu river and Barshi Para and Upper & Lower Rumachar Para other than Thana Para will be affected. If the proposed BDR Wing headquarters is set up, then it will uproot 40 families of Thana Para, 15 families of Barshi Para and 50 families of Rumachar Para (Upper and Lower) from their ancestral land who belong to Marma community. Even a hostel for local indigenous students and a carpentry & sewing training centre run by a local NGO named Toymu will also be uprooted from Thana Para area.

On the day of 8 November 2010 the meeting was chaired by Mr. Numlai Mro, Headman of Pantola mouza and the meeting was addressed by Mr. Mongcha Ching Marma, member of Galenga union Parishad (a local government council), Mr. Cham-a-u Marma, Headman of Chanda Mouza, Mr. Kyochoya Prue Marma, Karbari of Rumachar Para, Mr. Ruihla Mro, ex-member of Galenga union parishd, Thoiching Marma, Karbari (Village head), Mr. Ukyo Ching, President of PCP (Pahari Chhatra Parishad, a student wing of PCJSS) of Ruma Branch and Vice president of PCJSS of Ruma branch Mr. Jial Bawm while general secretary of PCJSS Mr. Lue Prue conducted the programme. The procession was brought out in Ruma bazaar area at ruma Upazilla HQ in Bandarban Hill District.

The protesters submitted a memorandum to Prime Minister of GoB through the Upazila Nirbahi Officer (UNO) demanding to cancel the plan to acquire lands for the expansion of the Ruma Cantonment and setting up the new BDR Wing HQ there and to stop uprooting them from their ancestral territory as well as depriving them from their occupations and livelihoods.

It is further noted that though until the date there have been more than 400 hundreds army camps and cantonments, BDR and Ansar camps yet there are attempts from various corners of the GoB to set up new camps of army and BDR on the pretext of combating terrorist activities and drug trafficking in CHT. But, the reality is to occupy lands to make rooms for the expansion of settlements of Bengalee settlers in CHT.

MEDIA REPORTS

The Daily Star

The Daily Star, August 25, 2009

Prisoners of forest

Around 25,000 indigenous people left in the lurch as all govts ignored forest laws, their rights

Pinaki Roy

No government has ever complied with the forest laws to recognise the land rights of the indigenous Garo or Mandi and Koch people, traditional inhabitants of the Madhupur Sal Forest, but rather used the forestland for non-forestry purposes.

Around 25,000 indigenous people of 8,630 families now live in 63 villages in and around Madhupur in coherence with the forest and its ecology.

The Garo and Koch people were once the mainstream community here. But the Bangla-speaking people are dominating day by day as the Department of Forest introduced settlers to implement its controversial projects.

"The indigenous people were unable to pay bribe and get involved in the social forestry project. So the Department of Forest involved outsiders in the project and thus promoted the settlers in the forestland," said Ajay A Mree, an indigenous leaders living in Madhupur.

In the process of gaining profit from the forest, the department also failed to protect the forestland, leave alone the rights of forest people.

The department always wanted to keep its control over the forest ignoring the local people, resulting in total degradation of the valuable natural forest and tension again and again in the area.

This forest is very much related to the indigenous people's life, culture and livelihood. The Garos collect 27 different types of tubers for food from the forest during the rains. Moreover, they collect 57 kinds of medicinal herbs besides dried leaves and fodders for their animals.

But the government between 2000 and 2004 tried to fence in the Sal forest prohibiting the forest dwellers from collecting forest resources. The government's National Park Development Project only mounted tension and led to degradation of the natural forest.

However, almost all the money of this around Tk 10-crore project was kept for constructing different concrete structures including brick walls, roads, toilets and development of picnic spots.

The government also implemented many others donor-funded wood tree plantation projects in which the indigenous people did not want to take part. As they demanded their land rights, they went through a contentious relation with the Department of Forest.

The department filed hundreds of cases against local indigenous people accusing them of illegal logging, while the indigenous people allege those cases were filed only to harass them.

The same scenario went on and on for years.

"We can withdraw the cases but they have to promise that they would not fell anymore trees in the forest. But the indigenous people's leader cannot make such promise," says Shah-E-Alam, divisional forest officer of Tangail forest division.

Around 3,200 cases are now pending against the indigenous people. The government in 2006 suggested that the department withdraw the cases which were filed to "harass" the people.

"Still there are more than 3,000 cases against the indigenous people filed by the Department of Forest. They issued warrants against us under the cases filed in 2004 which was only for harassment," said Ajay A Mree.

The proposal of fencing in the forest was eventually abandoned at the cost of lives of two indigenous protesters - Peeren Slan who was killed by the law enforcers on 3 January, 2004 and Cholesh Richil who was declared dead in custody of the law enforcers during the caretaker rule.

Utpal Nakrek, an indigenous youth, became handicapped forever as bullets hit his backbone during protests against the eco-park project.

HOW MUCH LAND THEY NEED

The total land claimed by 4,129 Garo families in this forest is 8,171.74 acres, while settlers are occupying about 5,547.17 acres of land within the forest.

This was revealed by a recent door-to-door survey conducted by Bangladesh Environment Lawyers Association (BELA) and the Joyenshahi Adivasi Unnayan Parishad in Madhupur, Muktagachha, Ghatail and Phulbaria mouzas.

The survey detects the land claimed by the Garos and other dwellers in the 18 mouzas -- Aronkhola (4180.315 acres), Pargachha (3,138.33 acres), Joramgachha (362.395 acres), Fulbagchala (531.21 acres), Chapaid (271.64 acres), Rasulpur (89.64 acres), Chunia (442.36 acres), Sholakuri (419.835 acres), Bijoypur (84.94 acres), Beribaid (2,872.815 acres), Mohishmara (492.61 acres), Molajani (269.6 acres), Idilpur (171.26 acres), Gachhabari (278.53 acres), Mirzabari (8.82 acres), Pirojpur (71.11 acres), Dholpur (13.23 acres) and Moraid (18.87 acres).

Asked how to preserve the natural forest and protect the rights of the local people as well, Syeda Rizwana Hasan, executive director of BELA, cited the experience of the neighbouring countries.

"They recognise the rights of the forest dwellers and manage the forest in participation of the local community. And they have successfully revived much share of the natural forests," she said.

"The indigenous community will never destroy the natural forest as it goes with their lifestyle, practice and knowledge. Just the authorities have to change the approach," she added.

HOW THINGS GOING SINCE BRITISH ERA

The first onslaught on the indigenous people came in 1927 when the British colonial rulers granted the entire Madhupur tract to the Raja of Natore.

The Raja dedicated the forest to the god Govinda as endowed property.

However, the Garos were allowed to live on homestead plots paying a yearly tax. The Garo woman tenants were also granted permission to register low-lying land in their names.

The registration started in 1892 and was incorporated again in the Cadastral Survey of 1914-1918.

In 1982 the government of independent Bangladesh in a gazette notification placed much of the Madhupur tract under the category of the government forest land.

The entire procedure was completed without issuing any notice to the Garos.

When the government move was challenged in the court of justice and in the land settlement office, the authorities allegedly refused to give any opportunity to the Garos to produce their documents.

The successive governments served eviction notices to the Garos while depleting the Sal forest and even replaced the local trees with unknown species, highly detrimental to environment and local inhabitants.

LEGAL RIGHTS VIOLATED

The sections 5, 11, 12, 14 and 15 of the Forest Act, 1927 state that the original forest inhabitants may claim rights over land, rights of way, rights of pasture, and rights over forest produce declaring the forest as a village forest.

At the same time, the Wildlife Protection Act, 1973 does not put any blanket restriction on human living or settlement in the National Park areas.

But even after 82 years of the law being in force, no such forest has been declared as "village forest" to mean actual involvement of the forest dependent people in forest management.

Sanjeev Drong, a rights activist fighting for the rights of the indigenous people, says forming a different land commission for the plain land indigenous people could solve the problems and save the forests.

"We have been demanding constitutional recognition of the indigenous people and a separate land commission for years. A separate land commission could solve the issue," Sanjeev observes.

He expresses the hope that the current government would protect the rights of indigenous people and forest dwellers as it was in the election manifesto of the ruling Awami League.

"So far it seems the government is positive to its pledges."

The Daily Star

The Daily Star, 13 May 2009

Commercial exploitation of forests displaces forest-dwellers

Speakers tell seminar

Speakers at a seminar yesterday said commercial and industrial exploitation of forests are the main reasons behind mass displacement of forest-dwellers in the country.

They also pointed out rubber and pulpwood plantation in the Chittagong Hill Tracts as major reasons for deforestation in the area. Flawed policies have destroyed a large part of the Modhupur forest, they added.

The seminar on 'Tea Workers, Forest and Forest Peoples' was organised by Society for Environment and Human Development (SEHD) at the WVA auditorium in the city as part of the national assembly of tea plantation workers and forest-dwellers.

Lawmaker Promod Mankin, chairman of the Parliamentary Standing Committee on CHT, said traditionally most of the indigenous people in Bangladesh live in and around the forest regions.

The indigenous people only collect firewood and wild vegetables from the forest. But their access to the forest is being restricted by introducing eco park, he alleged.

They are being detached from the forestland, the main source of their livelihood. On the other hand those who fell trees commercially are being patronised, Mankin added.

At Madhupur, indigenous people remain in constant threat of eviction. They do not have land records as they follow the traditional community ownership, he mentioned.

Out of the total landmass Bangladesh has about six percent of forestland. The forests are classified as hilly forests, plain land Shawl forests, Mangrove forests, coastal forests and home gardens.

Zuamlian Amlai, chairperson of the Movement for the Protection of Forest and Land Rights in CHT, Bandarban chapter said a huge area of natural forests in CHT have been cleared for pulpwood and rubber plantations. Pulpwood plants are felled when they are mature so these artificially planted trees fail to create any forestland.

Meanwhile, a large number of the indigenous people have been evicted from their homeland for rubber plantation, which had attracted outsiders, mainly Bangalees to the region who are often the reason behind many violent activities, including rape of indigenous women, Amlai added.

He blamed the Forest Department for destroying the forest instead of protecting it. Unscrupulous foresters are behind illegal felling of trees, he alleged.

Forest-dwellers Ching Sala Chak, Shambhu Tanchangya, Kajendra Tripura and Nidarshan Khisha gave accounts of their suffering at the seminar.

Dr Noazesh Ahmed, photographer and agricultural scientist, Prof Amena Mohsin of Dhaka University, Farida Akter, executive director of Policy Research for Development Alternatives (UBINIG), and Philip Gain, general secretary of SEHD, also spoke.

IV. GROSS HUMAN RIGHTS ISSUES

State mechinaries continue to violate the civil and political rights and collective rights of indigenous peoples with impunity and there is no effective mechanism available for redress in addressing these violations. Numerous cases of human rights violations committed by State Forces are contrary to its national laws and its international human rights obligations. Further, the government being a member of the Human Rights Council should make itself more transparent and accountable to its international human rights obligations.

During period of 2009-2010, at least 7 Jummas including 5 women have been killed by Bengali settlers and security forces in CHT while 7 Jummas have been arrested. At least 4 massive communal attacks on indigenous villages have been committed by Bengali settlers with the direct support of security forces and administration in CHT in which at least 511 houses of indigenous Jumma peoples have been completely burnt to ashes and 97 Jummas have been injured.

On the other hand, in plain lands of the country, several attacks on indigenous villages have been made by the miscreants and land grabbers with the intention to occupy indigenous people's land. In these attacks, 4 indigenous persons have been killed while 74 houses have been destroyed and looted. Besides,

Human Rights Violations in CHT 2009-2010

Form of atrocity ↓	Perpetrator→	Security Forces	Bengali Settlers	SF+BS	Total
No. of person killed		3	4		7
No. of person tortured		47	25	25	97
No. of person arrested		7			7
No. of person harassed		15	19		34
No. of house set fire			77	434	511
No. of house looted & destructed		9	4		13
No. of person whose land grabbed			3		3
Total		81	132	459	672

Human Rights Violations in Plain Lands 2009-2010

Form of atrocity	Total
No. of person killed	4
No. of person injured	1
No. of person arrested	3
No. of family attacked	155
No. of house destroyed & looted	74
No. of family evicted	13

MASSIVE COMMUNAL ATTACK ON INDIGENOUS VILLAGES IN CHT

Massive communal attack on Jummas by Bengali settlers in Baghaichari

On 24 January 2010 Jumma people have allegedly been attacked by Bengali settlers in Baghaichari sadar and Baghaihat. At least 8 persons in two places have been injured in this communal attack.

It is learnt that around 9.30 am a group of Bengali settlers made attack on Jumma people at Choumuhani area of Baghaichari sadar under Baghaichari upazila in Rangamati district. The following persons were injured in this attack-

- (1) Mr. Bijoy Chakma (25) s/o Alok Bikash Chakma of village Magban in Baghaichari, sustained injury on his head;
- (2) Mr. Sohel Chakma (student) of village Chahabachara in Baghaichari;
- (3) Mr. Samapta Chakma of village Babu Para of Baghaichari;
- (4) Mr. Dayal Chandra Chakma of village Malya in Baghaichari.

They were admitted at Baghaichari upazila hospital. Dayal Chandra Chakma came to Baghaichari headquarters to withdraw aged allowance.

On the other, at the morning Bengali settlers made attack on hostel of Baghaihat High School where Jumma students have been staying. It is reported that at least 3 students and Head Master of the school were injured. They were identified as-

- (1) Mr. Shakyabodhi Chakma, Head Master of Baghaihat High School;
- (2) Mr. Rubel Chakma, a student of SSC candidate;
- (3) Mr. Soikat Chakma, a student of SSC candidate;
- (4) Mr. Mithun Chakma, a student of SSC candidate;
- (5) Mr. Rupam Chakma, a student of SSC candidate.

It is reported that at present 28 students including above-mentioned students and two teachers namely Shakyabodhi Chakma, Head Teacher and Ms. Soheli Chakma, Assistant Teacher of Baghaihat High School have been logged at school house and encircled by the Bengali settlers from 10.00 am to 4.00 pm. Finally it is learnt that they were freed and sent to their home under police security.

Massive communal attack on indigenous villages in Baghaihat

On 19-20 February 2010 massive communal attack on Jumma indigenous villages was made by military forces and Bengali settlers at Baghaihat area of Sajek union under Baghaichari upazila in Rangamati district.

The affected villages are Hajachara, Guchchha Gram, Balughat, Simanachhara, Baipaichhara, Suranganala, Kerekkaba Retkaba, Jarulchhari, Dane Bhaibachhara, Bame Bhaibachhara, MSF Para and Purbapara villages. It is learnt that around 450 houses of Jumma villagers including school, Buddhist temple and church were completely burnt into ashes. More than five hundred houses of indigenous Jumma villagers were completely burnt to ashes.

Two indigenous Jumma villagers were shot death by military forces. They were identified as Ms. Buddhabati Chakma (34) w/o Uttam Chakma of Baghaihat Gucchagram and Mr. Laxmi Bijoy Chakma (30) of Golakmachara. At least 5000 indigenous Jumma villagers belonging to the Chakma, the Marma and the Tripura ethnic groups (major groups out of 11 indigenous Jumma ethnic communities in CHT) were victimised and affected.

Pls add a picture if it is available

Since starting of January 2010, Bengali settlers with the support of Baghaihat army zone resumed expansion of their settlement in Sajek area under Baghaichari upazila in Rangamati district. A number of houses have already been erected by the Bengali settlers occupying Jumma villagers' land.

The villagers, under the banner of Sajek Bhumi Rakkha Committee, submitted a memorandum to the Baghaichhari UNO on 10 January 2010 with an ultimatum of 16 January 2010 to return them their lands. As the deadline expired without any fruitful result on 16 January, Jumma villagers started their agitation and started to boycott Baghaihat market from 18 January 2010. On the other, on 25 January 2010 the PCJSS sent a letter to the Home Minister with copy to State Minister of CHT Affairs Ministry and other concerned government authorities demanding to stop settlement programme and to withdraw Bengali settlers from Baghaihat area. However, government did not take any measure in this regard.

On 19 February 2010 afternoon a group Bengali settlers went to the Gangaran Duar area and put pillars on the land of indigenous Jumma villagers for construction of house there. At that time, the Jumma villagers protested and opposed the Bengali settlers.

Again at night around 8.30 pm hundreds of Bengali settlers led by leaders of so-called Sama Odhikar Andolon under full protection by a group of security forces gathered at Gangaram Duar area and set fire on the houses of Jumma villages. Jumma villagers alleged that Bengali settlers also looted the valuables while they were burning the houses. The villagers fled into the jungle when the attack took place.

Further, at around 10.00 am on 20 February 2010 tension mounted throughout the area while the army and Bengali settlers ordered the Jumma villagers to leave the area, but they refused to comply. At around 10.00 am the army started to beat the Jumma indiscriminately. One Jumma villager chopped an army named Sergeant Rezaul Karim while beating him brutally and then the army fired leaving him spot dead. Following this, the army opened fire into the Jumma villagers indiscriminately without any sort of provocation, leaving 2 dead and 25 wounded.

Since the start of firing, Bengali settlers set fire on Jumma houses at Hajachara, Guchchha Gram, Balughat, Simanachhara, Baipaichhara, Suranganala, Kerekka Retkaba, Jarulchhari, Dane Bhaibachhara, Bame Bhaibachhara, MSF Para and Purbapara villages. Bengali settlers also burnt Banani Bana Vihar, a Buddhist temple. One statue of Buddha was stolen and another one which was given by Thai Government was also stolen..

Indigenous Jumma peoples, civic groups of Bangladesh and international community made appeal to Government of Bangladesh to take urgent steps to conduct a prompt, impartial and independent judicial investigation into the killings and arsons attack in Baghahat and Khagrachari; to take appropriate action against the perpetrators Bengali settlers and military personnel that responsible for killing and arson attacks; to provide proper, adequate and effective compensation for the victims of Jumma indigenous peoples; to stop expansion of Bengali settlement and to close Bengali settlers from Baghahat areas and return back land and homesteads occupied by Bengali settlers to Jumma villagers; to close Baghahat Army zone soon and to withdraw all temporary camps including de facto military rule 'Operation Uttoran' as per CHT Accord and to implement the CHT Accord and to declare roadmap with timeframe for speedy and proper implementation of CHT Accord.

But the government of Bangladesh did not take any step against the perpetrators.

Massive communal attack on indigenous villages in Khagrachari

On 23 February 2010, massive communal attack was made on Jumma indigenous-inhabited localities in Khagrachari municipality under Khagrachari district by Bengali settlers with the direct help of law enforcement forces. The affected villages are: Mahajan Para, Madhupur, Govt High School Staff Quarter area, Satbaiya Para and Golabari area. Around 60 Jumma houses were burnt down and several Jummas were injured in this attack. On the other, one Bengali employee who participated in the arson attack on Jumma houses was killed.

Pls add picture

KILLINGS AND IMPUNITY

An indigenous youth killed by land grabbers in Joypurhat

On 16 April 2009 a mutilated body of an indigenous youth named Naresh Mahato s/o Shukta Mahato of village Ishwarpur under Joypurhat sadar upazila in Joypurhat district was recovered from a toilet. He went missing some days ago.

It is learnt that due to land dispute, a group of Bengali land grabbers threatened Naresh Mahato to death. After recovering the dead body, father of deceased Mr. Shukta Mahato and one relative Mr. Shyamal Pahan lodged a case with Joypurhat police station against (1) Md. Omar Ali s/o Manir Uddin, (2) Shafiqul Islam s/o Omar Ali, (3) Nafiqul Islam s/o Omar Ali, (4) Tafiqul Islam s/o Omar Ali, (5) Mostaf s/o Ismail Hossain and Md. Sekendar s/o Ismail Hossain of Ichuya village in Joypurhat.

However, on same day police arrested Mr. Shyamal Pahan and Mr. Shukta Mahato instead of arrest of the defendants. Later, though police released Mr. Shukta Mahato, but Shyamal Mahati was sent to jail. Even, due to tremendous threatening to death from the defendants, father of deceased Shukta Mahato was compelled to leave his village.

A Jumma youth shot dead by security forces at Subalong Bazar

On 26 June 2009 a Jumma youth named Tarun Kusum Chakma of Harina under Barkal Upazilla in Rangamati district was shot dead by security forces of Subalong army camp in Rangamati.

It is learnt that the victim went Subalong Bazaar for his business purpose on that day. Soon after arrival at bazaar, a group miscreants ran after him. He rushed to the Subalong Bazar Army Camp and asked the camp authority for his security. However, He was driven away from the camp.

Again, miscreants tried to catch him when he reached at Bazaar after getting release from army custody. Having no alternative to save his life, he tried to escape from attack and jumped over the lake (Kaptai Lake) near Shuvalong forest outpost. At that time, a group of army led by Warrant Officer Saiful and Corporal Atik of 6 Bengal ran after him by two separate boats when he was swimming for escaping. But the army shot him when he came to land near Dhanmia shrine. He sustained bullet injuries on his leg and scrotum. The military forces started to torture brutally. At a stage, the neck of Tarun Kasum was broken. There were several wounded on his body.

Mr. Tarun Kusum Chakma (30), s/o Gunadhar Chakma was a permanent resident of Bhushanchara of Harina union under Barkal upazila (sub-district) in Rangamati district, but stayed at Moitreenagar under Rangamati municipality with his family. He was an innocent youth and used to earning by day labour or by collection of forest products for family survival. Couple of days ago, he went to Shuvalong area for earnings.

The dead body was brought in Rangamati sadar hospital for post mortem in the evening on 26 June. The dead body was handed over to victim's elder sister and younger brother afternoon on 27 June.

Indigenous leader killed in Rajshahi

On 28 October 2009 unidentified assailants murdered an indigenous leader in Godagari upazila in Rajshahi district. The deceased, Kartik Kisku, 65, of Joyda Adarpara village, was from Santal community. Anwar Ali Tuhin, acting OC of Godagari Police Station, said Kartik might have been strangled.

Kartik's family members said he went out of their house on 27 October 2009 morning for an arbitration of a social dispute on Gogram Union Parishad premises. The arbitration ended at around 5:00 pm but he did not return home, they added. Locals found Kartik's body on the bank of a canal at Biroil village at around 11:30am on 28 October and informed the police who went there, recovered the body and sent it to Rajshahi Medical College Hospital morgue for autopsy.

A case has been started being Godagari police station case no. 18 dated 28 October 2009 under section 302/34 of Penal code filed by Nirmal Kisku – son of deceased.

On 1 November 2009 indigenous people in Rajshahi demanded immediate arrest of and punishment for the killers of their elderly leader Kartik Kisku. They made the demand from an hour-long human chain participated by over a hundred indigenous people under the banner of Jatiya Adibashi Parishad from 11:00 am. Their leaders also demanded CID investigation into Kisku's murder in village Joyda Adarpara under Godagari upazila.

Addressing the human chain, leaders of the ethnic people said hired goons of local influentials and land grabbers had killed Kartik Kisku, 65, who was a leader of the Jatiya Adibashi Parishad.

An indigenous youth attacked to death in Joypurhat

Two hundred indigenous families under constant threat

On 28 July 2010 an indigenous youth named Mr. Golap Pahan was attacked to death for trying to save his wife from clutches of rape and abduction by Muhammad Hassan and others. The father of the victim lodged FIR, but about two hundred indigenous families are passing their days with great anxiety. This incident took place at indigenous village of Ram Bhadrapur of Panchbibi police station at Joypurhat district of Bangladesh.

It is learnt that Hasan Ali is a noted criminal and smuggler belonging to BNP of Panchbibi upazila of Joypurhat district kept lustrous eyes on Ms. Depali Pahan wife of Golap Pahan and he took advantage to rape Depali on the night in the middle of July 2010, but due to resistance of her husband he could not rape her but molested her. Depali cried loudly and local caught him red handed after small beating he fled away. There was arbitration on this issue at the local Union Parishad and Mr. Hasan has been warned not to commit such type of offence in

future. But on 28 July 2010 while Golap and his father was returning back to their home on way to perpetrators house then Md. Hasan and his associates encircled him and started beating Golap mercilessly resulted serious injuries on his head and body. Golap died with his injuries after 11days. Father of the victim lodged first information report at Panchbibi police station on 1 August 2010 naming 3 persons responsible for the crime.

As a result the local perpetrators started to give threat on those indigenous families for their lives. The local Awami League leaders went at the spot on 31 July 2010 and consoled them. The indigenous village remains insecure. Most of the indigenous youths are always watching at night. The leaders of Adibashi Association condemned this type of hooliganism in the locality. Advocate Babul Robidas, an indigenous leader and lawyer on 15 August 2010 informed the journalists that the local indigenous families are on constant threat by the local influential perpetrators. He also said the indigenous communities are not safe. He demanded immediate punishment of the criminals.

An indigenous villager killed by Bengalis in Joypurhat

On 9 October 2010 an indigenous person named Mr. Saresh Kisku s/o Chuka Kisku of Prayakpur under Pachbibi upazila in Jorpurhat district was allegedly killed by two Bengalis including Md. Nazrul Islam. After killing, dead body of Shyamal Pahan was kept near road and publicised that victim died due to road accident. A case (no. 247/10, GR no. 5) was filed against Md. Nazrul Islam and his associate with Pachbibi police station. But no body was arrested so far.

The Daily Star

The Daily Star, 19 March 2009

Trial demanded

Bangladesh Adivasi Odhikar Andolon and Bangladesh Chhatra Sangram Parishad demanded trial of Cholesh Risil murder and establishment of rights of indigenous people on land and forest.

They made their demands from a human chain at Shahbagh in the city yesterday.

They said a judicial probe committee was formed in May 5, 2007 after the murder of Cholesh Risil, but the committee submitted its report yet.

Although seven indigenous people were killed so far in connection with the problem of Madhupur forest and land but trial of any of the murder completed yet, they added.

They also demanded withdrawal of all false cases against indigenous people, cancellation of eco-park project, and solution of land-related problems.

Bangladesh Adivasi Odhikar Andolon General Secretary Prof Meshbah Kamal, Organising Secretary Rakhi Mrang, convener of Desh Premik Janaganer Mancha M Enamul Haque, general secretary of Jatiya Garments Sramik Federation Amirul Haque Amin, and Shahidul Islam Shabuj, among others, addressed the gathering.



New Age, Dhaka, March 19, 2009

Trial of Richhil's killers demanded

The ethnic community rights activists on Wednesday demanded immediate trial of the killers of their leader Chalesh Richhil and scrapping of the Eco Park Project at Madhupur in Tangail.

They put forward the demand at a human chain formed in front of the National Museum at Shahbag in the capital, organized by Bangladesh Adivasi Odhikar Andolan and Bangladesh Chhatra Sangram Parishad on the occasion of Richhil's second death anniversary.

'Chalesh Richhil, who was the leader of the anti-eco park movement at Madhupur, was killed brutally while remaining in custody of the law enforcers about two years ago. But we haven't noticed any significant progress in the trial process,' Bangladesh Adivasi Odhikar Andolan general secretary, Mesbah Kamal said at the human chain. 'The investigation committee, which was formed on May 5, 2007, is yet to submit its report on his death,' he added.

He also demanded making the investigation report of Richhil's death public without any delay and punishment for his killers in accordance with the law.

The speakers called on the government to scrap the Eco Park Project at Madhupur right away and withdraw the fabricated cases filed against the ethnic people by the forest department.

Deshpremik Janaganer Mancha convener, M Enamul Huq, National Garments Workers' Federation general secretary, Amirul Huq Amin, Bangladesh Chhatra Sangram Parishad president, Sohel Hajang, and Pahari Chhatra Sangram Parishad general secretary, Bablu Chakma, spoke, among others, on the occasion.

Rights leader of the ethnic community at Madhupur, Chalesh Richhil died on March 18, 2007 after torture while in custody.

ARBITRARY ARREST

Rang Lai Mro finally released on bail

On 19 January 2009 Rang Lai Mro, the traditional leader of the Mro community, and sitting Chairman of Sulaok Union Parishad in Bandarban district was finally released on bail. On 7 January 2009 the High Court ordered to release him. Mr. Mro has been detained for 22 months since his arrest in the early hours of 22 February 2008 from his home in Bandarban and his being implicated in a criminal case under the Arms Act for illegal possession of weapons. Mr. Mro was hospitalized the day after his arrest and was required to obtain urgent medical treatment for blockages in his arteries which he has still not received.

Mr. Mro's Lawyers argued that he should be released on bail on humanitarian grounds in order to receive emergency medical treatment. They also argued that he had been falsely implicated in this case at the behest of certain vested interests in reprisal for his steadfast efforts to ensure the rights of persons displaced through forcible occupation of lands including forest areas in the CHT.

Mr. Mro was brought to the National Heart Hospital on 1 January 2008 in a seriously ill condition but was kept in danda beri (bar fetters) from which he was released after interventions by Ain o Salish Kendra and then the National Human Rights Commission.

A number of national and international organisations had earlier issued appeals for Mro's release, including Amnesty International, the International Commission on the CHT and others.

A Division Bench of the High Court, comprising Justice Md. Mozzamel Hossain and Justice Afzal Hossain Ahmed, issued the order. Dr. Kamal Hossain and Mr Nizamul Huq Nasim moved the petition, with Sara Hossain, Karunmoy Chakma and Pratikar Chakma.

A Jumma arrested by the police in Dighinala

On 15 January 2009 at the morning police from Dighinala upazila arrested Mr. Jokoj Chakma from Dighinala. It is reported that he was brutally tortured during the police custody. Due to serious injuries, he was admitted at Khagrachari general hospital instead of producing before the court. He was a returnee PCJSS member per CHT Accord.

Shaktipada Tripura arrested by police in Dhaka

On 22 January 2009 at mid-night Mr. Shaktipada Tripura (42), Organising Secretary of the Bangladesh Indigenous Peoples Forum and President of Khagrachi District Headmen Association, was arrested from a rented house at Mirpur in Dhaka.

It is mentionable that during the state of emergency on 14 June 2007 Joint Forces led by army raided his house at Khagrapur in Khagrachari district. Mr. Tripura was absent at home at that time. However, military forces picked up Mr. Bholash Tripura, Finance Secretary of Khagrachari district branch of Hill Student Council, from his house and two false cases were filed against Shaktipada Tripura and Bholash Tripura with Khagrachari police station for keeping illegal arms and foreign currency. Military forces also seized Mr. Tripura's passport. Since then, Mr. Tripura had been passing absconding life. It is also learnt that Mr. Tripura was arrested when he had been preparing to return to Khagrachari to fight the cases.

Three innocent villagers arrested in Mahalchari

On 15 March 2009 three innocent Jumma villagers were arrested by army from Sarnath Arannyo Kuthir area in Karallyachari under Mahalchari upazila in Khagrachari district.

Warrant Officer, Md. Wahid of 13 Bir, stationed at Sarnath Arannyo Kuthir, made the arrests at 9am while they were sawing logs in the Kuthir (Buddhist temple) area.

The arrested have been identified as Shanti Ranjan Chakma (45) s/o late Ram Charan Chakma, Amar Singh Chakma (40) s/o Biro Sen Chakma and America Chakma (45) s/o Kalabiza Chakma. They are from the village of Karallyachari.

The army handed them over to the police station in Mahalchari. However, no case has yet been filed against them, said Sunil Jibon Chakma, ex-chairman of Kyang-ghat Union Council.

He further said newly-elected Mahalchari Upazila Chairman, Mr. Sona Ratan Chakma contacted the Mahalchari zone headquarters of the army yesterday and pleaded for their release; but his request went unheeded.

Shuvajyoti Dewan arrested by police in Rangamati

On 16 May 2009 Shuvajyoti Dewan, a Jumma youth was arrested from Kataltali area of Rangamati town by the police in connection with kidnapping case. This kidnapping case was filed on 24 February 2009 (case no. 03 of Kotowali police station under section 363/34 of BPC) against student leaders, such as, Shubhajyoti Chakma, Juban Bikash Chakma, Adhiram Chakma, Chinese Chakma, Fodangtang Chakma, Tuhin Chakma, Pohel Chakma at el.

The Officer-in-Charge (OC) of Kotowali police station said to the student leaders off the records (when they rushed police station soon after the hearing the arrest) that he did not have any option except arresting Shubhajyoti as he was put pressure from influential section.

Two innocent villagers arrested in Kudukchari

On 18 March 2009 two innocent villagers were arrested by army in Kudukchari under Rangamati district. It is learnt that a group of army personnel led by a captain from Kudukchari camp raided the village of Kabukchari and arrested Amal Chakma (45) and Dharma Chan Chakma (45). The Jummas were picked up in the afternoon, and the army took them to the camp.

An innocent indigenous villagers arrested in Joypurhat

In August 2009 an innocent indigenous villager named Mr. Shyamal Pahan s/o Mohan Lan Pahan of West Shiyala Para Nurnagar-2 under Akkelpur upazila in Joypurhat district was arrested by the police. It is learnt that on 4 August 2009 at night office of the upazila social welfare was ransacked by unknown/s who entered the office breaking door. In connection with this incident, police arrested Shyamal Pahan whose house is 50 kilometres away from the upazila social welfare office.

Satyabir Dewan released on bail

On 25 August 2010 around 4.30 pm former general secretary of PCJSS was released on bail from Chittagong jail in accordance with bail granted on 4 August 2010 by a High Court bench.

On 18 February 2007 the Joint Forces (army and police) led by Lt. Kazi Mustafizur Rahman of Rangamati army region and Md. Osman Goni, PSI of Kotowali police station of Rangamati district arrested Mr. Satyabir Dewan (56) s/o Hira Lal Dewan of village Balpiya Adam in Rangamati municipality from his home. He is arrested putting a country-made pipe-gun under the bed sheet. In total six false cases were lodged against him with different police station.

The session judge court of Chittagong Divisional Commissioner awarded 17 years rigorous imprisonment to Mr. Dewan in May 2007 for keeping illegal arms and 2 year for keeping illegal foreign currency after summary trials under dubious conditions. He appealed against the verdict of judge court to the High Court.

BRUTAL ASSAULT AND HARASSMENT

Security forces beats up Khagrachari Municipality Councilor

On 13 April 2009 during national festival of indigenous Jumma peoples Mr. Monang Dewan, Commissioner of Khagrachari municipality was beaten by army at Zero Mile check post in Khagrachari district.

Mr. Dewan went there to enquire into an allegation that the army at the check post was providing shelter to some miscreants who had kidnapped a Jumma woman. After the beating, hundreds of Jummas converged on Zero Mile to lodge their protest. An unconfirmed report said the army personnel involved in the beating have been closed.

CHT indigenous peoples claim oppression in Sajek

Indigenous people, in a conference held 3 July 2009 claimed that following the abduction and killing of Alkajya and Mojibur on 6 May 2009, over 20 indigenous people were detained by the security forces. They said the detainees were intimidated, tortured and even given electric shocks and their belongings were looted. Their statement mentioned five incidents of detention, a number of which resulted in the eviction of indigenous people from their land. In a 4-point demand the indigenous victims placed, they called for an end to repression on indigenous people, encroachment on their land, "intimidation of indigenous people in the name of army patrols in the area," and wanted an impartial investigation into the abduction and killing of Alkajya and Mojibar.

The alleged that they were forced to move to Sajek in the face of repression. But they cannot live there in peace either. Fear of repression and eviction still haunts them every moment said Ajit Chakma of Gongaram Dhor in Sajek during the press conference at a Dhaka Reporters Unity Club. Indigenous people migrated to Sajek from places like Dighinala and Baghaichhari before 1982 and, now, following repression and eviction, they are leaving for Mizoram in India, the statement said.

Operation on indigenous Chak localities in Naikhyongchari

On 16 August 2009 a group of BDR of 15 Battalion from Naikhyongchari camp and RAB jointly conducted operation at Baishari area under Naikhyongchari upazila in Bandarban district in the name of rescuing supervisor of rubber plantation Mr. Hefazuddin. It is mentionable that Mr. Hefazuddin and labourer of the plantation Md. Najer were kidnapped on 15 August allegedly by an extortionist group led by Prokash Chakma who introduces himself a member of UPDF. Later, the kidnappers released Md. Najer and demanded ransom for releasing the supervisor of rubber plantation Mr. Hefazuddin.

It is learnt that during the operation, the BDR and RAB first encircled the Badurjiri Chak Para under Naikhyongchari upazila and caught 7 innocent Jum cultivators belong to Chak community.

Soon after the arrest, they were taken to a local primary school and tortured brutally there. Then they released all except Aungchagya Chak. Aungchagya Chak was kept under BDR custody since the arrest.

Again, on 22 August 2009 BDR and RAB jointly conducted operation to rescue the kidnapped person. They took more 12 indigenous Chak villagers as helpers for searching operation.

But BDR and RAB failed to rescue the kidnapped person. Due to failing, they became angry upon the helpers of innocent Chak villagers. Then the Chak villagers were gathered to a local junior high school and inhumanly started to torture by turn by the BDR and RAB there. Besides them, the 8 Chak villagers were also brutally tortured by the BDR and RAB at the junior high school.

After meeting retaliation, most of villagers were set free on 22 August, but 7 innocent villagers were kept under BDR custody. The Chak villagers called on Mr. Bir Bahadur, ruling MP from Bandarban for taking necessary measure on 23 August. Mr. Bahadur assured them to look into the matter. It is also learnt that more 5 villagers

were also released on 23 August afternoon, but following 2 Chak villagers were handed over to the police and produced before court-

- 1) Mr. Aungchagya Chak (37) s/o Thuila Khai Chak of Badurjiri village;
- 2) Mr. Mong Wai Chak (20) s/o Kijairi Chak, Madyam Chak Para.

At last, it is reported that kidnappers released Mr. Hefazuddin, supervisor of rubber plantation, at 8.00 a.m. on 24 August 2009 at Alikadam.

Indigenous man attacked in Kawkhali under Rangamati

On 12 September 2009 around 1.30 am unidentified Bengali settlers entered the house of an indigenous day labourer named Mr. Basudev Chakma alias Boba (35) s/o Buddha Moni Chakma and attacked him with sharp weapons at remote Chhoto Dolu village under Kawkhali upazila. It is learnt that a gang of five settlers entered the house of Bosudeb Chakma when he was sleeping. The criminals chopped him indiscriminately injuring him seriously. The neighbours took him to Kawkhali upazila health complex at about 3.00 am.

Indigenous student of RU stabbed

On 20 October 2009 a group of students stabbed an indigenous student of Rajshahi University (RU) at a students' mess near the campus.

Sujit Kumer Sardar, a second year student of Biochemistry department and also an activist of Adivasi Chhatra Parishad (ACP) of RU unit, was admitted to university medical centre with stab injuries in hands and head.

Sujit alleged that a group of students, led by Maruf Hossain, a second year student of music and drama department, attacked him at Bulbul Chhatrabas following an altercation with Maruf over a trifling matter.

Sujit filed a general diary (GD) with Motihar Police Station. Leaders and activists of ACP university unit strongly condemned the incident. They also met Proctor Prof Chowdhury Zakaria and demanded punishment to the attackers. The proctor assured the ACP leaders and activists of taking necessary steps in this regard.

A Jumma boy chopped by Bengali settlers in Naniarchar

On 2 January 2010 a Jumma boy named Rikel Chakma (12 years) s/o Sadhan Moni Chakma of Kukurmapa village under Naniarchar upazila in Rangamati district was chopped by Bengali settlers of Islampur of Naniarchar upazila. Ligament of a left leg of Rikel Chakma was cut.



It is learnt that Sadhan Moni Chakma along with his son Rikel Chakma went to nearby jungle to collect bamboos for household use. At that time, a group of Bengali settlers numbering 5/6 persons from Islampur settler village led by Md. Rubel attacked them at around 1.00 pm on that day. Bengali settlers threw sharp lethal weapon targeting Rikel Chakma while he along with his father was escaping from the attack of Bengali settlers. The sharp lethal weapon directly hit the left leg of the victim and ligament was fully hacked.

He was admitted at Rangamati General Hospital on 3 January 2010. Dr. Jitendrijo Tanchangya of Rangamati General Hospital advised the father of victim to transfer the patient to Chittagong Medical College Hospital for higher treatment. But the father of victim failed to transfer his son to Chittagong due to financial constraint.. A police case was filed with Naniarchar police station. But nobody was arrested so far.

Tanchangya villagers beat by BDR at Tamprue in Naikhyongchari upazila

On 19 January 2010 Tanchangya villagers of Tamprue Upper Tanchangya Para under Naikhyongchari upazila in Bandarban district including women were beaten by BDR personnel of Tamprue BDR outpost.

It is learnt that very recently Tanchangya villagers gathered forest products for their domestic uses basically for repairing and re-constructing their houses. However, the BDR personnel from Tamprue outpost conducted operation at Tamprue village. Seeing the trees gathered at their houses, BDR personnel charged villagers with smuggling of forest products. At first they beat male villagers of the Tanchangya community while they were trying to protest. BDR personnel also tortured women while they protested against the false charge and beating of male villagers. The name of victims of Tanchangya villagers are yet to be received.

A Tripura shopkeeper wounded by a Bengali settler in Mahalchari

On 23 November 2010 a Tripura shopkeeper named Bishwachan Tripura (42) s/o Hug Kumar Tripura of village Sindukchari under Sindukchari union Mahalchari Upazila in Khagrachari district was attacked by a Bengali settler named Khairul Islam s/o Ajgor Ali of Sindukchari.

It is learnt that at a stage when being altercation regarding business transaction at the shop of Mr. Tripura at Sindukchari Bazaar, Khairul Islam suddenly hit Bishwachan Tripura on his head firstly with stick and then with a cup and Mr. Tripura became senseless. He was taken with senseless at army hospital (army camp) near the Sindukchari bazar. The people who were present at the time of incident brought Khairul Islam to the Camp Commander but Camp Commander did not take any step against him. At a stage, the culprit could escape. Relatives of Biswchan Tripura went to police station to file case but police did not accept to receive the case.

RELIGIOUS PERSECUTION

Buddhist monk harassed by security forces in Naniarchar

On 21 May 2009 Captain Shamim of Betchari army camp under Naniarchar upazila in Rangamati district allegedly harassed and tried to beat Rev. Bishuddhananda Bhikkhu, chief priest of Ratnankur Buddhist Temple in Naniarchar along with his fellow monks and novices while he was returning from Mahalchari upazila after attending a religious event at Tarachari village of Kengelchari area.

It is learnt that vehicle carrying Rev. Bishuddhananda Bhikkhu was halted when it reached at the check post of Betchari army camp around 10.30 am. The army ordered then to get down from vehicle for checking. However, Rev. Bishuddhananda Bhikkhu refused to get down, though others got down. Rev. Bishuddhananda Bhikkhu argued not to check the vehicle as it belongs to his Buddhist temple.

On 24 May 2009 the Buddhist community people in Rangamati district took out a procession in Rangamati town and held a rally on the premises of Rangamati Deputy Commissioner's office protesting what they claimed harassment of a monk by security personnel in Naniarchar upazila on 21 May. In the rally, the speakers said, 18 locals were called to the zone camp and asked to refrain from organising protests against the incident.

A Buddhist Zadi plundered in Teknaf of Cox's Bazaar district

On 13 June 2009 at night an ancient Zadi situated on top of Nilla Bazaar hill has been broken. Nilla is 12 miles north of Teknaf (Kayoukchoung) in the district of Cox's Bazar, Bangladesh. It is not yet known whether it was an act of zealotry or was it merely plundered in search of treasure. Buddhist community from Teknaf visited the site the following morning on 13 June 2009. They found one of the Zadi partly broken having being dug from underneath the *gu* entrance. Some pictures are attached herewith. There are three Zadi on top of the hill and the biggest one has been found plundered. These Zadis could be seen clearly as we travel on road from Cox's Bazar to Teknaf and also from the Burma side of river Naff that divide the two countries. The houses nearby that you will see in the pictures are the illegal Kala encroachments that they had settled not without the support of the local muscle men and goons. The local Buddhist community there in Nilla is very small (microscopic in act) in number and their faint voices could hardly reach the top helm of the Bangladesh government.

Initiative to build Mosque adjoining Buddhist temple in Borguna

Owner of the Bismillah Pharmacy Mohammad Abu Taher s/o Ismail Hawolader of of Taltoli bazar took initiative to construct a mosque adjoining to Taltoli Buddhist Temple and office of Rakhain Development Foundation at Taltoli

village of Amtoli upozila (sub-district) under Borguna district. Local indigenous leaders said that this initiative has been taken with the intention to commit religious persecution. Indigenous people put objection to the Deputy Commissioner of Borguna district urging protection of their land.



As a result, on 8 February 2010 the kanungo of Aamtoli upazila land office visited the disputed land and asked Mohammad Abu Taher not to start any construction without further notice. At that time, indigenous communities showed land document of this land before kanungo. However, violating this order, Abu Taher started to construct the Mosque. Deputy Commissioner of Borguna district and UNO of Amtoli upazila also observed this when they visited the spot on 28 February 2010.

Indigenous Christian village raided by Bengalis in Rangpur

On 20 March 2010 about 500 Muslim extremists armed with batons and knives attacked the Catholic Santal mission of Boldipukur in Rangpur district and left about 50 people injured, with 10 in a serious condition, creating panic in the area. Some of the victims were women and children, "The attackers said they will kill some of indigenous people. We are in a panic and are afraid to go out," said Nirod Bakla, (40) in charge of the parish hostel, who was beat up by 10-12 men. "I have cuts all over my body. All the parishioners are afraid to leave their homes, even though they have to go to work", he said.

It is believed the attack is a result of a seven-year land case, which a court recently decided in favour of the parish and which had begun to build a boundary on the church land previously held by a Muslim-run high school. On Mar. 18 upazila authorities had removed some business establishments from the "disputed" land. Father Desai said he has already filed complaints against 17 of the attackers.

A Buddhist temple ransacked by security forces in Rangamati

On 26 October 2010 at night 4:00 a.m. a Buddhist temple named 'Triratna Bono Sadhana Kuthir' located at Chegeya Chhari (Amtola) of Suvolong union under Barkal upazila (sub-district) of Rangamati district came under attack of security forces. There are also 12 small Kuthirs (cottage) including the main temple 'Triratna Bono Sadhana Kuthir'. It is mentionable that the Kuthirs (cottage) are used as meditation place.

It is learnt that on that time a group of security forces from nearby Bhijey Kijing Camp and Banduk Chhari (Banojogi Chhara) Zone Head Quarter, 23 Bir Regiment led by Lt. Colonel Mijanur Rahaman broke into the temple area and destroyed 9 Kuthir and threw valuable things including images of Buddha away into river after destruction.

Champatali Buddhist temple searched by security forces in Lama

On 12 November 2010 around 11 p.m. a group of army led by Subedar Kasem from Champatali army camp searched Champatali Buddhist temple and misbehaved with the monk of this temple Rev. U Poiyeo. Subedar Kasem also harassed village head Mr. Chathowai Aung Karbari (45) s/o late Mong Ching Ching Karbari as well. Security forces intentionally accused temple authority to allow PCJSS to hold memorial meeting on the occasion of 27th death anniversary of M N Larma.

ATTACK ON AND THREATS TO INDIGENOUS LEADERS AND RIGHTS DEFENDERS

Prof Mesbah Kamal threatened to death

On 4 October 2009 Prof Mesbah, a teacher of History department at Dhaka University, received a death threat over his cellphone. The caller threatened him, saying that he and his family members would be killed if he does not stop his activities in favour of the indigenous peoples.

On 7 October 2009 the indigenous Koch people of five districts yesterday strongly condemned the death threat to Prof Mesbah Kamal, general secretary of Bangladesh Adivasi Odhikar Andolon and teacher of Dhaka University.

Around 500 indigenous Koch people, including women and children, from 12 upazilas of Tangail, Jamalpur, Sherpur, Mymensingh and Gazipur demonstrated at Joradighi Technical and Agriculture College at Sagardighi under Ghatail and held a protest rally. Bangladesh Koch Adivasi Sangathan organised the rally with its President Ramesh Koch in the chair.

Majharul Islam, office and communications secretary of the organisation, Sushil Koch, general secretary of Bangladesh Koch Adivasi Sangathan, its Ghatail upazila unit General Secretary Shukhen Koch and Sakhipur upazila unit General Secretary Nikhil Koch spoke.

Sanjeeb Drong attacked by a group of armed hoodlums in Netrokona

On 22 January 2010 Sanjeeb Drong, eminent writer and general secretary of Bangladesh Indigenous Peoples Forum, was attacked by a group of armed hoodlums near Rashmani Memorial at Rannikhong in Netrokona when he was returning to Birishiri after attending a meeting.

Sanjeeb, who was accompanied by his wife during the incident, was later rescued by local people. His motorcycle was also vandalised by the assailants.

The injured Adivasi leader alleged that the attackers were all Bangalees except one Garo accomplice named Supen Toju from Madhabpur village. A case had been filed in Durgapur Police Station in Netrokona. Police later arrested one Krishna Saha in connection with the attack.

Sanjeeb said an influential group is creating pressure on the police to release the arrestee, who can disclose the names of the architects behind the attack.



Prof Mesbah Kamal, general secretary of Bangladesh Adivasi Adhikar, speaks at a press conference organised by Bangladesh Adivasi Forum and Bangladesh Adivasi Adhikar Andolon at Dhaka Reporters' Unity in Dhaka on 24 January 2009. On his right is indigenous leader Sanjeeb Drong.

Rights activists condemned the attack on indigenous community leader Sanjeeb Drong, general secretary of Bangladesh Adivasi Forum, and demanded punishment to the attackers.

The rights activists said this at a press conference organised by Bangladesh Adivasi Forum and Bangladesh Adivasi Adhikar Andolon at Dhaka Reporters' Unity in Dhaka on 24 January 2009.

Prof Mesbah Kamal, general secretary of Bangladesh Adivasi Adhikar and Research and Development Collective, said human rights activists are most vulnerable to aggression. Pankaj Bhattacharya, presidium

member of Gono Forum, Prof Robayet Ferdous and Dr Sourav Sikdar of Dhaka University, Sharif Jamil, joint secretary of Bangladesh Paribesh Andolon and politician Haidar Akbar Khan Rono also spoke.

Attacks on Santu Larma and Raja Devasish Roy in Mahalchari

On 27 January 2010 at around 10.00 am convoy of Jyotirindra Bodhipriya Larma alias Santu Larma, Chairman of Chittagong Hill Tracts (CHT) Regional Council and Raja Devasish Roy, Chakma Circle Chief was attacked allegedly by miscreants of anti-accord elements at three spots, namely, Betchari under Naniachar upazila and Lemuchari and Maischari under Mahalchari upazila on his way to the Khagrachari district headquarters.

It is reported that the miscreants of anti-accord elements threw brickbats indiscriminately on convey of Santu Larma and managed to flee the scenes immediately. The glass of jeep carrying Mr. Larma was damaged in the attack. Mr. Larma sustained minor glass injury in his finger. Besides, his four accompanies- gunman of Santu Larma Mr. Tarjen Khisa, personal staff of Mr.Larma Mr. Jinopal Khisa, Mr. Barun Kumar Chakma and Mr. Udayan Tripura also sustained glass injury.

Santu Larma was going to Khagrachari district from Rangamati district to attend a meeting of CHT Land Dispute Resolution Commission at the circuit house.



*A window shield of the car, carrying Santu Larma to Khagrachari, is seen broken down as it came under gun attacks by unidentified assailants on Wednesday and Larma is in inset. Photo star **Star Online Report***

Mr. Larma was accompanied by Raja Devasish Roy, Chakma Circle Chief and Mr. Laxmi Prasad Chakma, Vice President of PCJSS. Mr. Roy was also going to Khagrachari to attend the meeting of CHT Land Commission while Mr. Chakma to attend the meeting of Task Force on Rehabilitation of Returnee Jumma Refugees and Internally Displaced Families at the circuit house. It is learnt that vehicle of Raja Devasish Roy also came under attack of anti-accord elements. He also escaped the attack unhurt.

In another incident, Nikhil Kumar Chakma, Chairman of Rangamati Hill District Council, also came under attack in Rangamati on his way to Khagrachari circuit house in the morning. He also escaped the attack unhurt.

Soon after reaching at Khagrachari circuit house around 11:00 am, Mr. Larma told journalists that if the government provided him proper security, the miscreants could not be able to carry out the attacks. Finally, Santu Larma attended the meeting of CHT Land Dispute Resolution Commission at circuit house.

Chairman of Naniachar upazila attacked by Bengali settlers in Naniachar

On 26 February 2010 at 11.00 pm chairman of Naniachar upazila parishad Mr Pritimoy Chakma was attacked by a group of Bengali settlers at his government residence in Naniachar under Rangamati district.

It is learnt that at 11.00 pm no sooner of firing of two rounds of bullet at Bampiland area of so-called Sylhet Para in Naniachar, the Bengali settlers equipped with fire arm and sharp weapons proceeded toward residence of Pritimoy Chakma and made attack there.

However, he was rescued by local army from his residence. It is also learnt that Bengali settlers also made attack on the house of chairman of Naniarchar union parishad Mr. Panchanan Chakma while the Bengali settlers were returning home.

Pankaj Bhattacharjee threatened by anti-accord elements

On 19 March 2010 at around 11.00 am a group of members of anti-accord elements threatened presidium member of Gono Forum and eminent human rights activist Mr. Pankaj Bhattacharjee to kill if he would come in CHT. Threatening was made from a cell phone no. 01925628244 and by introducing themselves as UPDF members, they said

Recently Mr. Bhattacharjee led a civil society team comprising human rights activists, eminent intellectuals, women rights activists, political leaders and journalists to visit Baghaihat and Khagrachari areas to conduct on-site inquiry of communal attack on Jumma villages by Bengali settlers with the support of military forces. The members of UPDF made it over telephone.

Special unit of RAB may be deployed in CHT

On 25 September 2010 State Minister for Home Shamsul Haq Tuku has given a broad hint of deploying special unit of Rapid Action Battalion (RAB) in the Chittagong Hill Tracts in view of deteriorating law and order situation.

Speaking at a meeting of the Rangamati law and order committee on 25 September he expressed dissatisfaction at the situation in the region. He told the district leaders that the government has plan for deployment of special unit of RAB in case the situation deteriorated.

Reviewing the situation Tuku said recovery of illegal arms is a continuous process. The law enforcing agencies have been advised to see none could indulge in using illegal firearms to destabilize the situation.

Indigenous leaders in CHT protested against the deployment of RAB in CHT. They said that government should comply the CHT Accord in which provides to form district police with permanent residents of CHT giving priority to indigenous hillmen. They also said that government should transfer the subject of law and order and district police to Hill District Councils as per CHT Accord with an aim to improve law and order in the three hill districts of CHT.

ACTIVITIES OF RELIGIOUS EXTREMIST

JMB members arrested by RAB in Matiranga

On 26 September 2009 the Rapid Action Battalion (RAB) busted a training camp of the banned Islamist outfit Jamaatul Mujahideen Bangladesh and arrested five operatives, including its 'second-in-command' in Chittagong division, from Matiranga upazila in Khagrachari district.

It is learnt that the outfit was running a training camp in the remote Shantipur village in Matiranga upazila of Khagrachari district. JMB operative Delwar Hossain Sajib established the training camp under the guidance of its sura member Shahed alias Osman. He took lease of four acres for the camp in the name of plantation on the directive of JMB amir Sayedur Rahman.

The RAB raided the hideout on that day at night and arrested the outfit's Chittagong division 'second-in-command' Abdur Rahim (26) alias Zahid alias Habib alias Saiful alias Saifullah. On the confessional statement of Rahim, the RAB team arrested the outfit's ehsar (full-time) member Delwar Hossain alias Sajib 32, and his employee Younus Ali, 20, at Shantipur on 27 September. Delwar owns a poultry farm in the area.



খাগড়াছড়ি থেকে গ্রেফতার জেএমবির ৫ সদস্য -ইত্তেফাক

On the statements of the arrested, another team conducted a drive in Signboard area in Gazipur and arrested Delwar Hossain alias Dulal, 23, on that day morning. A third team of the battalion arrested JMB ehshar member Monir Hossain alias Ripon, 25, at Dighirpar in Comilla in the same morning. The RAB also seized a large number of militancy-related books, grenade components and explosive substances from their possession.

Not only in hill areas, Jama'atul Mujahideen Bangladesh has training facilities in far-flung chars as well to stay beyond the reach of the law enforcers. The banned outfit shifted their camps to distant places after Rapid Action Battalion had busted militant dens in the capital in recent months.

RAB busted a JMB training camp at remote Matiranga hill forest in Khagrachhari on Friday following up intelligence from the field. During the raid, they arrested Abdur Rahim, second-in-command of Chittagong division JMB, and seized bomb-making materials. The following day, the crime busters captured four other JMB operatives.

The Chief Judicial Magistrate's Court here sent three detained JMB members including Rahim to jail. Matiranga police prayed for Rahim, Delwar Hossain and Yunus Miah to be remanded for seven days. But the court rejected the prayer as police failed to submit case dossiers.

6 Hizbul Mahadi men arrested in Rangamati

On 13 September 2010 evening Barkal upazila police arrested six members of Islamist outfit 'Hizbul Mahadi' from Suvalong Bazar while selling books on jihad at the weekly village market.

The arrestees are Sirazuddalh, 64, son of late Mobarak Uddin, Shahjahan Mistry, 60, son of Moslem Ali, Khadem Ali, 75, son of Osman Gani, Sohrab Ali, 55, son of Abed Ali, Abdur Rouf, 30, and Shahidul Islam, 27, sons of Khadem Ali.

They all hailed from Bogarbil Islampur under Barkal upazila. Being informed, Barkal police led by sub-inspector Idris Ali raided Suvalong Bazar and arrested them. They also recovered leaflets of 'Hizbul Mahadi' and jihadi books and posters from their possessions, police said. Later they were handed over to Kotwali police at night.

The arrestees were produced before the Chief Judicial Magistrate's Court on 14 September 2010, which sent them to Rangamati jail.

MEDIA REPORT

The Daily Star

The Daily Star, Front Page, 2 October 2009

Huji first to use hills

It set up training camps in early 1990s, ran those till crackdown after Aug 17 serial blasts in 2005

Julfikar Ali Manik and Shariful Islam

Harkat-ul-Jihad al Islami (Huji) was the first militant group to use the remote hill areas in Chittagong for arms training.

It set up training camps in the hills in the early 90s. It packed up when the law enforcers began cracking down on the militants after Jama'atul Mujahideen Bangladesh staged countrywide serial blasts on August 17, 2005.

JMB, which used to have training facilities mainly in plains, however moved to hill forests.

Militant camps in the hills have become an issue much-talked about with Rapid Action Battalion's recent busting of a JMB camp in Khagrachhari.

Speaking to The Daily Star about the origins of militant training in the country, Huji insiders say their organisation started recruitment in the late 80s.

Initially, its activities were concentrated at madrasas in Chittagong.

It began training the recruits how to operate firearms and explosives at some makeshift camps in far-flung hill areas there in 1989.

Its job became easier after Rohingya insurgents entered Bangladesh in 1991.

"At first, we had to use dummy firearms. But it all changed as a large number of Rohingya insurgents turned up with sophisticated firearms," said a source who had training from the outfit.

When the Rohingyas took refuge in Bangladesh, insurgents slipped in with them and started building camps at the places Huji had already been using.

For shelter, food and other help, they gave Huji access to their firearms and explosives.

As the relations grew stronger, many madrasa students involved in Huji went to Myanmar to fight for the Rohingya insurgents. Several of them were even killed in action.

Foreign militant leaders and officials of Islamic NGOs that financed militancy campaign to take root in Bangladesh visited the camps, posing as Islamic scholars.

Both Huji and the Rohingya militants used madrasas and mosques in Cox's Bazar, Teknaf, Ukhia and other areas in Chittagong division as a cover for their activities.

Their similar looks and dialect helped them escape unwanted attention.

Throughout the first half of the 90s, law enforcement agencies had either ignored or tacitly encouraged militant activities thinking it might help them deal with the local insurgents, said intelligence sources.

The militants ran camps also in deep forests of Fatikchhari, Putia, Hathazari, Raozan, Rangunia and Satkania in Chittagong.

In 2004, police happened to bust two militant camps in Hathazari and Rangunia upazilas.

The Hathazari camp was set up just two months before the raid. By the time it was closed down it was used to train over 60 youths in arms operation.

Besides Chittagong hill tracts, Huji put up camps in rural areas of Sylhet and northern districts, said a source who had worked as a trainer for the banned militant outfit.

After Huji decamped from the Chittagong hills in 2005, its trainers spread to places across the country to remain beyond the police dragnet.

They began working as teachers, imams and muazzins at madrasas and mosques.

Huji had mainly used government lands to build training camps at that time.

The statements of the JMB operatives arrested during the Rab raid on Khagrachhari camp however point to a shift in that trend.

They said they set up the camp at Khagrachhari on a four-acre land their organisation had purchased in the name of farming.

Talking to The Daily Star yesterday, Rab's Additional Director General Col Mizanur Rahman Khan said, "We have long been keeping a close watch on the hill tracts. Now we are focusing on forest areas in Chittagong, Sylhet and Panchagarh to see if militant camps exist there as well."

V. WOMEN AND CHILDREN RIGHTS

Women representation in the local government bodies

The present grand alliance government passed Upazila Act in the Parliament in April 2009. However, the Upazila Act includes in it the different background of the indigenous women. Consequently, although a post of the vice-chair is generally reserved for women there are no reserved seats for the indigenous women in the Upazilas inhabited by the indigenous communities.

In the third Upazila Parishad election held on 22 January 2010, no indigenous women was elected in the post of the chair. However, in 25 Upazila Parishads under the three hill districts of CHT 15 indigenous women have been elected as the vice-chairs. Among them 10 are Chakma, two Marma, two Tripura and one from Tanchangya community.

Only one indigenous woman candidate in Madhupur upazila under Tangail district named Ms. Jostina Nokrek won the election for the post of woman Vice-Chair.

Three interim Hill District Councils of CHT have been reconstituted with ruling party workers by the present grand alliance government soon after assuming state power. However, as usual, no indigenous woman has been nominated in these councils. Consequently, it has deprived the indigenous women of their rightful representation in these bodies.

VIOLENCE AGAINST INDIGENOUS WOMEN

Indigenous women in the country are victims not only of repression and negligence for centuries, but also of violence like rape, kidnap and murder by the mainstream Bengali people. Rampant violation of women's human rights takes place not only within a home or public but also during police custody as well. Many of these incidents were reported in leading national dailies but none of the accused was punished. In most cases, the perpetrators of these gross human rights violations go unpunished even when the victims or the witnesses identify them.

During the period of 2009-2010, at least 5 Jumma women have been killed by the security forces and Bengali settlers while 14 indigenous Jumma women have been raped or molested. Besides, two Jumma women have been kidnapped by Bengalis. On the other, 2 indigenous women in plain lands have been killed after brutally rape while 5 indigenous women raped and molested.

Attack including Sexual Violence on Indigenous Women in CHT 2009-2010

Form of atrocity	Security Forces	Bengali Settlers	SF+BS	Total
No. of women killed	1	4	-	5
No. of women raped	-	4	1	5
No. of women molested	4	3	-	7
No. of women kidnapped	-	2	-	2
Total	5	13	1	19

Attack including Sexual Violence on Indigenous Women in Plain Lands 2009-2010

Form of atrocity	Total
No. of women killed	3
No. of women raped & molested	4
No. of women kidnapped	1
Total	8

RAPE AND KILLING

Jumma woman killed after rape by Bengali settler in Bandarban

On 9 May 2009 a Jumma woman named Ms. Mya Ching Khoy Marma (18) d/o Binu Aung Marma of Remong Member Para of Gajalia union under Lama upazila in Bandarban district was raped and then killed by Md. Juyel Miah (25), s/o Jalaluddin, manager of Agro Plantation. Mya Ching Khoy Marma was a worker of tobacco garden under Agro Plantation Project in Lama.

It is reported that on 11 May 2009 the police of Lama police station exhumed the body of the victim. It is also learnt that Jewel Miah killed Mya Ching Khoy by hitting her mercilessly with a brick. A murder case was filed with Lama police station following which Jewel was arrested the same day.

Indigenous women strangled to Death after rape at Mitapukur

On 26 October 2009 at 2.00 am an indigenous woman named Ms. Karmi Bala Orao (48) was strangled to death after rape at Mitapukur Upazila of Rangpur District.

The local people and the police informed that a naked dead body of Karmi Bala Orao was traced on that day at the paddy field 300 yards away from "Benu Ban Buddhist Bihar" of Mitapukur village. Local people saw the dead body of the victim in the morning and informed police and the police sent the dead body of the victim for post mortem examination. The dead body was recovered with multiple injuries and her throat was entangled with her wearing saris.

Son of the deceased victim Mr. Sudhir Orao informed that as her mother did not return from the spot of meeting participated by the Industry Minister on the previous day he anticipated that something happened. In this connection he lodged a First information report (FIR) at Mitapukur police station.

Tripura woman killed allegedly by Bengali settlers in Mahalchari

On 3 September 2009 at night one indigenous Tripura woman named Ponemala Tripura (50) w/o Bhibishan Tripura was allegedly killed at Sindukchari village of Sindukchari union under Mahalchari upazila (sub-district) in Khagrachari district. Her dead body was recovered from their Jum (traditional shifting cultivation) field of Sindukchari by the villagers in the morning on 4 September. Four Bengali settlers were suspected to have involved with this killing.

It is learnt that this year Ponemala Tripura and her husband Bhibishan Tripura have cultivated two jum farms for more earnings. Both Husband and wife stayed night separately to protect crops from wild animals at temporary jum houses. They usually worked at their jum farms and stayed separately at two jum farms on 3 September. On that day at dawn her husband Bhibishan Tripura called her but he (husband) did not receive any response from his wife (Ponemala) and went to the jum house where his wife was staying. But he did not find her there. Then Bhibishan suspected that something is wrong. Immediately he informed it to the local Tripura community people and they started searching jointly nearby jungle of jum farms and lastly they found her dead body at a place one kilo away from her jum field.

It is widely believed that she was kidnapped from her jum farm and murdered at the night (3-4 September 2009). This jum farm is two kilometer far from the locality (Tripura village). It is also learnt that she has land dispute with following settler leaders namely-

- 5) Md. Afsar Gazi, s/o Hamid Gazi of Sindukchari,
- 6) Khairul Islam, s/o late Azgar Ali of Sindukchari,
- 7) Rustam Ali, s/o unknown of Sindukchari,
- 8) Noab Ali, s/o late Afsar Gazi of Sindukchari in Khagrachari district.

Several times they went there to grab the land of Ponemala. Local Tripura community people and police went to the spot for recovering her body.



Indigenous women form a human chain in Khagrachhari town demanding punishment to the killers of Panay Mala

An indigenous woman shot dead by security forces in Baghaihat

On 19-20 February 2010 massive communal attack on Jumma indigenous villages was made by security forces and Bengali settlers at Baghaihat area of Sajek union under Baghaichari upazila in Rangamati district. More than five hundred houses of indigenous Jumma villagers were completely burnt to ashes and two indigenous Jumma villagers including one woman were shot death by military forces. They were identified as Ms. Buddhabati Chakma (34) w/o Uttam Chakma of Baghaihat Guchchagram and Mr. Laxmi Bijoy Chakma (30) s/o unknown of Golakmachara.

The affected villages are Hajachara, Guchchha Gram, Balughat, Simanachhara, Baipaichhara, Suranganala, Kerekkaba Retkaba, Jarulchhari, Dane Bhaibachhara, Bame Bhaibachhara, MSF Para and Purbapara villages.

An indigenous woman killed in Kaukhali

On 29 March 2010 an indigenous woman named Jharna Chakma (32), w/o Alo Jyoti Dewan of Talukdar Para area of Kaukhali upazila (sub-district) sadar under Rangamati Hill District was brutally killed by a group of Bengali settlers.

It is learnt that on that day at about 11:00 a.m. Jharna Chakma went to their own orchard nearby their house to collect some firewood for household-use. She even collected two bundles of firewood. At that time a group of Bengali settlers from nearby settler village also went there to cut firewood. On it, Jharna Chakma prohibited them not to cut any wood at their orchard. After saying that, she came back home with one bundle of the collected firewood. However, she again went to the orchard to bring another bundle of firewood. But she did not return home. After a while, all of the family began to search Jharna Chakma. At a stage, the dead-body of Jharna Chakma was found in naked position in orchard jungle. It was very clear that Jharna Chakma was killed mercilessly. Her hands were broken, legs with hit-marks and skull was cracked.

Soon, relatives of deceased Jharna Chakma informed nearby police station and a case was filed with Kaukhali police station. But, no culprit was arrested in connection with this killing.

Indigenous house wife raped, committed suicide in Nowgaon

On 13 July 2010 at midnight an indigenous house wife Ms. Pratima Rani (34) was raped by Mohammad Zahurul Islam. The victim felt herself insulted and she took poison and swallowed. The incident took place at North Sadishpur village of Badalgachi Upazila of Nowgaon district. An FIR has been lodged with Badalgachi police station under section 9(a) of Women and Children Repression Act, 2003. The police have not arrested the perpetrator.



It is learnt that at midnight on that day Mohammad Zahurul Islam (28) forcefully and unlawfully entered into the house of Ms. Pratima Rani and raped her. Her husband Mr. Budhu (40) was not present at that time. Victim Pratima tried to escape and started hue and cry, a neighbour came out and witnessed the sexual assault. The victim felt herself insulted and she took poison and swallowed. Local people took her to nearest modern hospital at Joypurhat but she breathed her last during treatment on 14 July 2010. An unnatural death case was started preliminarily, but Badalgachi police started murder case against those responsible for rape and compelling her to take poison.

A Santal woman killed in Joypurhat

In October 2010 dead body of a Santal woman named Sohagi Murmu was recovered from Idgah premises of Chimantapur village of Khangiya area in Joypurhat district. She went missing three days ago when at night she was returning home from nearby shop after watching television. A case (case no. 13) dated 11 October 2010 was filed in connection with this killing with Pachbibi police station.

A Tripura girl allegedly murdered in Matiranga

On 15 November 2010 a Tripura girl named Ms Koshmoti Tripura (14) s/o Shanto Kumar Tripura of village Brajendra Karbari Para of Doliya mouza under Matiranga upazila of Khagrachari district was killed after rape. Her mutilated body has been recovered from a jungle in Matiranga under Khagrachari district on 22 November 2010.

It is learnt that Ms Koshmoti Tripura went missing on 15 November while working in a paddy field near their house in the village of Brajendra Karbari Para. Her mutilated body was recovered one week later from a jungle.

Police arrested Md. Bablu, Md. Shafique and Md. Jafar of village Palashpur of Matiranga Upazila and Chhuto Ali of village Adorsho Gram of Matiranga Upazila in Khagrachari district on suspicion of being involved in the murder. A case has been filed with Matiranga police station in this connection. The police sent her body to Khagrachari Sadar Hospital for autopsy on 23 November 2010.

On 25 November 2010 at 10 am CHT Women Resource Network and TSF organised a human chain in front of Khagrachari press club protesting said gang rape and killing.

SEXUAL ASSAULT AND VIOLENCE IN CHT

Indigenous woman with disabilities raped by a Bengali settler in Dighinala

On 31 July 2009 an indigenous Chakma woman (20) with disabilities of Dighir Parh of Boradom under Dighinala upazila in Khagrachari district has been raped allegedly by a field worker of Grameen Bank named Nazrul Islam.

It is reported that on that day Mohammad Nazrul Islam 25, an employee of a national NGO and a resident of Patiya upazila under Chittagong district, went to Dighir Parh by a motorbike to collect the installment of micro credit. He entered victim's house in the afternoon on the plea of drinking water. Finding physically and mentally challenged victim alone at the house, Nazrul violated her and ran away leaving her seriously injured.

At that time, victim's parents were not at the house. She was found senseless when the victim's parents returned home. Then she was first admitted at Dighinala upazila hospital and then transferred to Khagrachari district hospital.

A case was filed with Dighinala police station by the victim's guardian. But the culprit is yet to be arrested. A procession protesting against the rape was brought out by Hill Women's Federation and students of different educational institutions in Dighinala on 1 August 2009 demanding punishment of the culprit.

Again, Hill Women's Federation (HWF) and five other organisations working for the physically challenged have demanded immediate arrest and exemplary punishment of the NGO man who allegedly raped the physically challenged indigenous girl.

Marma girl raped and then kidnapped by Bengali settler in Sindukchari

On 4 September 2009 an orphan Marma girl (13 years) of Nakbai Para of Sindukchari area under Mahalchari upazila in Khagrachari district was raped and then kidnapped by Bengali settler named Md. Ripan (35) s/o Shahjahan Patowari of Zianagar village under Manikchari upazila in Khagrachari district.

It is learnt that Md. Ripan, a construction labourer who has two wives was brought as labourer by Mr. Babul contractor Tintahari village of Manikchari upazila to work for construction of culvert of Drung stream at Nakbai village under Sindukchari union. The victim along her family lives near the Drung stream. Md. Ripan frequently visits victim's house in the name of drinking of water.

On 4 September 2009 victim's mother Ms. Myama Marma went to the Pathachara Buddhist temple to attend the funeral ceremony of the monk leaving victim alone at the house. By taking advantage of this opportunity, Md. Ripan entered the house of victim and offered victim to go with him for searching job at garment factory. At a stage, Md. Ripan raped the victim and then kidnapped forcefully.

Victim was taken to Noakhali district. On 14 September 2009 two constables named Md. Rafiq and Tajul Islam arrested Md. Ripan along with the victim in Noakhali while Md. Ripan along the Marma girl was suspiciously moving there. Md. Ripan and victim were handed over to the Guimara police station on 15 September 2009. On that day, victim's mother Ms. Myama Marma filed a raping and kidnapping case under section 10 of Women and Children Repression (Amendment) Act of 2003 against Mr. Ripan on 15 September 2009. On 16 September statement of the culprit Md. Ripan and the victim was taken by the judicial magistrate court of Khagrachari district.

On 15 September the victim was taken to Khagrachari district hospital for medical check-up. But the medical report is yet to be received.

Tripura girl tried to be raped by Bengali settler in Sindukchari

On 13 September 2009 a Tripura girl (18 years) of Manjoy Karbari Para of Sindukchari area under Mahalchari upazila in Khagrachari district was tried to rape by a Bengali settler named Md. Alamgir (27) s/o Altaf Munsif of Muslim Para of Sindukchari area.

It is learnt that on that day around 11.00 am victim was taking lunch for her father at Jum field of Choto Mura Para under Sindukchari, at that time Md. Alamgir blocked her and tried to be closed by talking with the victim. But failing to be closed, Alamgir first hit victim from the back that caused to falling lunch basket from hand of victim. At this stage, victim tried to run for escaping, but Alamgir caught her from the back. At a stage of scuffle, victim became naked and was pulled to the bottom of hill of Paisongchara. Then Alamgir tried to rape and kill by holding victim's throat tight. Hearing the shouts, victim's father Mr. Matindra Kumar Tripura proceeded toward the spot. Sensing the presence of victim's father, Alamgir rapidly left the spot. Victim sustained several injuries including nose and mouth.

After rescuing his daughter, victim's father Mr. Matindra Kumar Tripura went to the office of the Sindukchari union and put objection before the chairman and members of the union. At that time, Mr. Rashedul Islam Bhuiyan, Sub-Inspector (SI) of Guimara police station was also present at Sindukchari union office. But he did not take any action against the culprit. Victim filed a case under section 10 of Women and Children Repression (Amendment) Act of 2003 against Md. Alamgir on 13 September 2009. But police did not arrest the culprit so far.

Durbar Network and several women organisation organised press conference on 16 September 2009 protesting violence against Jumma women. The rights groups demanded arrest and trial of Bengali settlers involved with these incidents.



Hill Women's Federation brings out a procession in Khagrachhari town on 14 September 2009 demanding arrest and punishment of the culprit who raped indigenous Tripura girl.

A Tripura school going girl abused by settler Bengali in Matiranga

On 15 October 2009 at 11.00 am, a school going girl (17), daughter of Dugal Tripura of village Arbari of Bailyachari area under Guimara union of Matiranga upazila (sub-district) in Khagrachari was molested by a Bengali settler Md. Hossen s/o Jasmat Ali of village Rasulpur under Matiranga in Khagrachari district while she was going to school. She is a Secondary School Certificate (S.S.C) candidate from Matiranga Pilot High School. It is also learnt that, settlers leader whipped the culprit Md. Hossen and beg apology to Jumma leaders including Guimara Union Parishad councilor Renu Bala Tripura.

Officer-in-Charge (OC) of Guimara Thana, Sub-Inspector Mr. Badiuzzaman visited the spot afternoon but nobody has come to complain him.

Tripura school teacher sexual abused by Bengali settlers in Panchari

On 18 October 2009 at 11.00 am a Tripura girl (16) of village Sindhu Karbari Para of Waduk Para of Panchari Mouza under Panchari upazila (sub-district) of Khagrachari district who are also a pre-primary school teacher of UNICEF Para Kendra was abused by two unknown Bengali settler while taking bath near the stream.

It is learnt that while taking bath in stream suddenly two Bengali settlers came and made tighter her mouth and show knife and tried to rape her but due to shouting of victim culprit were fled away. Unfortunately she was not able to mention their name but confess that, those settler's faces were known to her.

A FIR was lodged in Panchari police station and she was sent to Khagrachari sadar hospital for medical test. Local Tripura community leader Mr. Shushil Jibon Tripura, General Secretary of Bangladesh Tripura Kalyan (Welfare) Samsad (BTKS), Mr. Sukanta Tripura, Organizing Secretary of BTKS Headman Khetra Mohan Roaza, Chairperson of Durbar Network Shefalika Tripura, General Secretary of Khagrapura Mahila Kalyan Samity (KMKS) Shapla Tripura, Kuheli Chakma of Durbar Network, Advocate Anupam Chakma, Legal Adviser of Zabarang Kalyan Samity, Pramod Bikash Tripura, EX President of Tripura Student Forum, Bangladesh, Joytee Tripura, Office Secretary of BTKS has visited her in hospital.

Victim's father Sindhu Kumar Karbari (65) informed that after completing some formalities she was sent to Khagrachari Judicial Magistrate Court and it is learnt that a case was filled in Judicial Magistrate Court, Khagrachari.

Chakma woman attempted to be raped allegedly by an army in Naniarchar

On 8 November 2009 an army from Ghilachari camp under Naniarchar zone of allegedly attempted to rape a Chakma woman (21) of Krishnamachara village of Ghilachari union under Naniachar upazila (sub-district) in Rangamati district. The culprit was identified as Md. Ziaul. Later local people observed road blockade programme protesting against the incident. During the road blockade programme, agitated people allegedly hit and broke the glasses of an army pick-up. On the contrary, security personnel beat the protesters with stick and firewood leaving some women and men seriously injured.

It is learnt that on that day around 3:00 pm the victim went to nearby well to bring water. At that time, army person Md. Ziaul also went there from their nearby sentry post in name of bringing drinking water. When he

found Ms. Jamuna Chakma alone, he tried to grab her from behind and attempted to rape. But victim could narrowly run away and reach nearby turmeric and ginger field where some Jumma villagers were working.

No sooner of the incident, husband of victim Shyamal Kanti Chakma along with neighboring villagers went to the Ghilachari camp and put objection against Md Ziaul. The camp authority, making eye-watch punishment to the culprit, tried to terminate the matter by offering some money to husband of Ms. Chakma.

On 12 November 2009 an Investigation Committee was formed in initiative of upazila chairman and upazila executive officer. The committee is as follows: (1) Convener- Kumentu Chakma, vice chairman of Nanyachar upazila, (2) Member- Md. Rafique, S I of Nanyachar police station, (3) Member- Reni Chakma, women affairs officer of Nanyachar upazila, (4) Member- Mithu Chakma, chairman of No. 4 Ghilachari union council, (5) Member- Babul Karmakar, representative of Awami League of Nanyachar upazila. The Investigation Committee has not yet published any report.

A Jumma girl attempted to be raped by Bengali settlers in Longadu

On 16 November 2009 at about 1:30 pm two settler Bengali boys attempted to rape a Jumma girl while she was returning home from her school in Longadu upazila (sub-district) of Rangamati district. Accused Bengali boys were punished in a local arbitration meeting arranged by Upazila Nirbahi Officer (UNO) and Zone Commander of Maini army zone.

It is learnt that daughter of Purnendu Bikash Chakma of village South Ghonomor of Bhasanya Adam union under Longadu upazila is a student of Ghonomor Sena Maitri Junior High School. On that day she was returning home after attending the school examination around 1:00 pm. At one stage, when she reached at Modyam (middle) Ghonomor area at about 1:30 pm, two settler Bengali boys named (1) Md. Alauddin alias Milan (16) s/o Kalo Mia and (2) Hasan Ali (14) s/o Abdul Mannan of village South Ghonomor caught her and tried to rape her taking into nearby bushes. However, she could narrowly escape. But her dresses were torn up by the culprit boys.

Next day on 17 November 2009 another arbitration meeting in participation of both Bengali and Jumma sides was held led by Upazila Nirbahi Officer (UNO) and Zone Commander of Maini army zone and the both sides reached a solution. The meeting found the accused boys guilty of the occurrence and the accused boys were sentenced to punish with cane and pay financial fine respectively 5000 taka to the victim's family. The guilty boys and their guardians gave an undertaking to this effect that they would never commit such crime and never try to create communal instigation.

Adolescent Jumma girl allegedly raped by a ASI and hotel owner in Rangamati

On 19 January 2010 an adolescent Jumma girl aged 13 years was allegedly raped by Assistant Sub-Inspector (ASI) Abdur Rahim from Vedvedi Outpost under Rangamati police station and Manager of Hotel Palace Md. Masud.

It is learnt that the victim of adolescent girl is a student of grade IX of local high school. Couple days before ASI Abdur Rahim introduced himself with the victim. On 19 January ASI Abdur Rahim invited the victim over cell phone for having a cup of coffee at Hotel Palace situated at old bus station under Rangamati municipality. On good faith, she went to hotel at 4.00 pm on that day. However, relatives of the victim alleged that taking her at a room of hotel palace, she was first raped by ASI Abdur Rahman and then by hotel manager Md. Masud.

No sooner of receiving this report, a group of women rights activists led by Adv. Sushmita Chakma rushed there and found the victim at a hotel room logged from outside. Sensing it, ASI Abdur Rahman fled the hotel. Women rights activists went to the police station and put objection against the said ASI and hotel manager. However, Officer-in-Charge (OC) of Kotwali police station Babul Uddin Sardar at first denied to accepting any case against said ASI in connection with this incident. Finally due to tremendous pressure from women rights and media activists, a case against three persons including ASI Abdur Rahman and hotel manager Md. Masud was registered with Kotwali police station by elder sister of victim.

It is also reported that ASI Abdur Rahman was closed from Vedvedi outpost. Medical test was also done at the evening on 20 January.

A indigenous garment worker abducted in Ashulia

On 24 February 2010 an indigenous women named Sujoni Chakma (22) w/o Tapan Chakma, from Monatek village of Mahalchori Upazila under Khagrachari district was allegedly abducted from EPZ area of Ashulia area which is very near to Dhaka. Mr. Tapan and his wife Ms Sujoni are working in two separate garments factories. Ms Sujoni was four months pregnant and she was returning home from her office on that day as she felt illness. It is reported that she was abducted by miscreants on her way to home.

After noticing the incident, her husband and other relatives tried to find out her but they failed. The next day they went to police station to file an abduction case. However, police refused to accept the case. They only took a General Diary (no. 19). It is reported that police did not take any action at all. After some days, relatives and indigenous workers working at EPZ rescued victim.

Two Tripura women attempted to be raped by army personnel in Matiranga

On 9 March 2010, at 10:00 am two Jumma women were allegedly attempted to rape by two army personnel and an Ansar member of Taikatang army camp of Matiranga upazila of Khagrachari district.

It is learnt that on that day and time two Tripura aged 35 and 34 of village- Arbari of Matiranga upazila went to a nearby jungle to cut 'Chhan' a kind of tall grass. At a stage, two army personnel and an Ansar member suddenly arrived at that place and attempted to rape the women. At once, as the women shouted, some people of nearby Jumma village rushed to the spot. Then and there, the miscreants ran away. Thus, the women managed to escape the attempting to rape.

On 10 March 2010, second-in-command (2iC) of Matiranga zone went to the houses of women and wanted to know that what happened and who wanted to do that. Then the commander took a number of villagers including the women to their camp. At first, the camp commander, showing some army personnel, asked the victim women that whether the criminals were among them. The women responded 'no'. Again, the camp commander did so and asked the women same. That time, the women clearly could recognize the miscreants. But, the camp commander made no judgment of the occurrence and no punishment of the criminal. Rather, he pressurised the victims and their guardians to give an undertaking to this effect that there happened nothing.

A Tripura girl raped in Matiranga

On 22 April 2010 an indigenous girl was rapped while she was collecting vegetables from adjacent forest with her friends. This incident has happened in Kaminipara village of Matiranga upazila under Khagrachari district. Mr. Suichang Tripura, father of the victim filed a case with Matiranga police station under the Women and Child Repression Act 2003. Sub-inspector and investigation officer of this case Mr. Shah Alam Sarkar informed that Mohammad Jewel, the only culprit of this case has already arrested.

On the other, the duty physician of Khagrachari Sadar Hospital Mr. B K Tripura informed that the medical test of the victim has finished. While in treatment, the victim informed that she was forcefully rapped by the culprit Mohammad Jewel.

Court issues order to re-investigate Kalpana Chakma abduction

On 2 September 2010 the Chief Judicial Magistrate of Rangamati District, Md. Shariful Islam ordered a re-investigation of the abduction of Kalpana Chakma, a leader of Hill Women's Federation. The order was issued after Kalpana Chakma's brother Kalindi Kumar Chakma had rejected the final police report filed with the court a few days ago.

Kalindi Kumar Chakma made an appeal for a re-investigation arguing that the final report on the abduction of Kalpana Chakma was not accurate and the investigation was not carried out in an appropriate manner. The court took cognizance of this appeal and ordered the CID to re-investigate the case.

Kalpana Chakma was kidnapped from her home in New Lallyaghona village under Baghaichari Upazila of Rangamati district on 12 June in 1996 by Lt. Ferdous and his accomplice.

A Jumma housewife attempted to be raped by BDR in Barkal

On 3 September 2010 a Jumma house wife named Mrs. Sima Chakma (19) w/o Ripan Alo Chakma of village- Tagalak Bag area of Bhushan Chara union under Barkal upazila of Rangamati Hill District was attempted to rape by one local BDR member named Md. Jonaet.

It is learnt that on that day at around 9:00 a.m. Md. Jonaed of local BDR camp (BOP) of 18 Rifle Battalion, E Company, went to the shop-cum-house of Local Ripan Alo Chakma. At that time, wife of Ripan Alo, Mrs. Sima was present alone at their shop. BDR member Md. Jonaed wanted to change a 500 taka note to Sima. While Sima was drawing out her money from her waist for giving change, Md. Jonaed touched at sensitive parts of Sima's body and tried to rape embracing her. At once, Sima shouted and hearing the shout of Sima nearby villagers rushed to the spot and caught the miscreant red handed and released him after beating with shoe. After that, the villagers wanted justice to the camp commander Subedar Md. Osman in this regard. But no justice is yet to be found.

A Jumma adolescent attempted to be raped by BDR in Barkal

On 4 October 2010 in the morning time, a Jumma adolescent (13) was attempted to rape by one BDR person named Aktar.

It is learnt that on that day at about 11:00 a.m. a group of Bangladesh Rifles (BDR) of Choto Harina zone of Barkal upazila under Rangamati district went on a patrol to nearby Tagalak Bagh area. During patrolling, a member of BDR Aktar went to the house of Bonya Chakma (victim's father) of Tagalak Bagh area in the name of drinking water. But Bonya Chakma was not at house at that moment. As some drinking water was asked, adolescent Kripa Mala Chakma gave a glass of water to constable Aktar. As constable Aktar wanted another glass of water, victim again brought drinking water. At that time, constable Aktar tried to rape Kripa Mala embracing her, as it was confirm that victim was alone at house. As at once Kripa Mala shouted, people from nearby house rushed to the spot and rescued Kripa Mala. The villagers appealed to Lt. Colonel Md. Mehedi Hasan, zone commander of BDR Choto Hariana zone seeking justice in this regard. But, no justice is yet to be seen.

A Jumma girl attempted to be raped by Bengali settler in Mahalchari

On 18 October 2010 a Chakma women (21) was attempted to rape at Lemuchari village under Mahalchari Upazila in Khagrachari district by Zahidul Islam (24), a Bengali settler from Maddyom Lemuchari village. It is learnt that Zahidul Islam (24) tried to rape victim while she was taking a break from work at the courtyard of their house about 8.00 pm. Victim's mother Sadhana Chakma rushed there hearing her daughter's screaming for help. Then they caught the victim.

Jumma villagers handed culprit over to the settler leaders. A criminal case was filed with Mahalchari police station. However, even police failed to take any actions to bring Zahidul to justice so far.

A Jumma girl with disabilities raped by Bengali settlers in Manikchari

On 3 November 2010 a Jumma girl with disability (13) was gang raped by four settlers in Manikchari under Khagrachari district.

It is learnt that the culprits picked her up from her family home around 10.00 pm on that day, took her to Ramiz Tila (hill top), raped her by turn and then left her unconscious. It is reported that police arrested two settlers namely Abul Kashem (26) and Delwar Hossain (22) in this connection and sent them to jail. The incident occurred on 3 November in the village of Godatuli under Borbil Union of Manichari Upazila. The other two accused namely Mohammad Belal (25) son of Abul Boshor and Md. Raju have not been arrested.

Four Jumma women tried to be sexually assaulted by Bengali settlers in Dighinala

On 5 November 2010 at around 5.00 pm following four Jumma women from Kobakhali Headman Para under Dighinala upazila in Khagrachari district were allegedly subjected to sexual assault by Bengali settlers at Kobakhali village under Dighinala Upazila.

It is learnt that the Jumma women were on their way back home from a nearby jungle. When they reached Roshya Moni Karbari Para area the settlers suddenly appeared and grabbed the women.

When they screamed for help, members of the paramilitary Ansar from a nearby camp rushed there and detained Md. Shohag (27) son of Abdul Kashem of Ambagan village and Md. Nazim Uddin (22) son of Abdul Malek of village Ali Nagar. Later, they were handed over to Dighinala police station.

SEXUAL ASSAULT AND VIOLENCE IN PLAIN LANDS

Indigenous girl rescued, alleged abductor held Laxmipur

On 15 September 2009 at noon police rescued an abducted indigenous girl from Ramganj in Laxmipur district on and arrested alleged kidnapper Mohammad Shahparan Mia alias Ripon.

Mongsathowai Marma, father of Athuibai Marma, 13, lodged a case on that day morning accusing Ripon for kidnapping his daughter from Nagbaipara village under Guimara upazila in Khagrachhari on 4 September 2009.

Acting on a tip, a police team from Guimara Police Station went to Ramganj and rescued the indigenous girl.

Following her statement, police arrested Mohammad Shahporan alias Ripon from Manikchhari upazila headquarters in Khagrachhari district 16 September 2009 morning. The accused was produced before the court of Chief Judicial Magistrate Abul Bashar Munshi and the court sent him to jail.

At a press conference at Khagrachhari Press Club on 16 September 2009, leaders of Durbar Network, a women organisation in Chittagong Hill Tracts, condemned torture on women in the area and urged the government to take stern action against the culprits. Shefalika Tripura, president of Durbar Network, Chittagong, its General Secretary Shyamoli Chakma and Khagrachhari district unit member Indira Devi Chakma spoke at the press conference. They urged the authorities concerned to ensure punishment of the perpetrators.

Tripura woman raped by miscreants at Sonaichari in Chittagong

On 30 October 2009 an indigenous Tripura woman (19 years) was become a victim of gang raped in Sonaichari of Sitakunda under Chittagong district.

It is learnt that, in the hilly region of Keshabpur of Sonaichari Union under Sitakunda upazila (sub-district) a 19 years young girl from Rangamati (who was there to visit their relatives) was gang raped by local Union Parishad (Local government council councilor) member Jahur and his 7 associates. Forcefully she was taken by them in the hilly region at evening.

She was recovered by her relatives unconsciously at next morning and then taken to Sitakunda police station. After filling a case at Sitakunda police station she was examined by doctors.

Case was filed against Jahur Member (45), Suman (28), Hannan (32), Nuruzamman (42), Shamim(32), Selim (34) and Mona (45). All of them were inhabitant of Keshabpur village under Sonaichari Union of Sitakunda upazila of Chittagong district.

It is mentionable that Sitakunda area is exclusively indigenous Tripura inhabitant area especially in mountain region of Sitakunda and very unfortunately it has become a common feature of this area. They are very poor and depend on forest resources.

A 15-year old indigenous Hajong girl gang-raped in Sunamganj

On the 26 February 2010 an indigenous 15-year old Hajong girl was abducted outside of her home, by five local Bengali leaders at Bandra village in Moddhonagar police station under Sunamgonj district.

It is learnt that the girl was taken to a nearby river where she was repeatedly raped until she became unconscious. When she was found later that evening she was still unconscious. On the 27 February 2010 the girl's family tried to lodge a complaint against the perpetrators at Moddhonagar Police station, but the officer in charge refused to file it. However, later with the help of a community leader, they managed to file a complaint and a case was registered against the five perpetrators, on 27 February. Until this date none of the perpetrators have been arrested and the girl and her family are now being threatened to withdraw the case by a local influential Bengali community leader.

An indigenous woman tried to be raped in Joypurhat

On the night in the middle of July 2010 Ms. Depali Pahan wife of Golap Pahan was tried to rape by Mr. Hasan Ali at Panchbibi upazila of Joypurhat district. However, due to resistance of victim's husband culprit could not rape her but molested her.

It is learnt that Hasan Ali is a noted criminal and smuggler belonging to BNP of Panchbibi upazila of Joypurhat district kept lustrous eyes on Ms. Depali Pahan and he took advantage to rape her, but due to resistance of her

husband he could not rape her but molested her. Depali cried loudly and local caught him red handed after small beating he fled away. There was arbitration on this issue at the local Union Parishad and Mr. Hasan has been warned not to commit such type of offence in future. But on 28 July 2010 while Golap and his father was returning back to their home on way to perpetrators house then Md. Hasan and his associates encircled him and started beating Golap mercilessly resulted serious injuries on his head and body. Golap died with his injuries after 11 days. Father of the victim lodged first information report at Panchbibi police station on 1 August 2010 naming 3 persons responsible for the crime.

Indigenous freedom fighter's daughter raped in Tangail

On 17 July 2010 an indigenous freedom fighter's daughter was allegedly raped by Helal Hossain, 35, who is a garments worker in Dhaka and a resident of Bhuaid village in Tangail district.

It is learnt that on that day at night Helal broke into the house of the victim and raped her in front of her 5-year-old son. He was caught while trying to escape and was beaten up by the victim's brother-in-law. However on the next day, Helal's family members forcefully took him away.

On 29 July 2010 Bangladesh Adivasi Odhikar Andolon and Bangladesh Nari Pragati Sangha demanded immediate arrest and punishment of Helal at a press conference at Dhaka Reporters Unity. They also demanded security to the victim and her family members.

An investigation by the two organisations and National Coalition on Adivasi Affairs found that police have remained indifferent to the matter. The family was also receiving threat from a local influential leader named Habibur Rahman, to withdraw the case against the rapist, said leaders of the organisations.

Again, on 23 September 2010 Indigenous leaders demanded exemplary punishment to a culprit for rape of an indigenous housewife and withdrawal of 'false' case against the victim's family.

Several hundred indigenous people belonging to Koch, Barmon and Garo tribes of Tangail and Gazipur districts demonstrated at Tangail Shaheed Minar premises on 23 September 2010 and held a protest rally there to press the demand. Tribal Welfare Association of Sakhipur and Bangladesh Adivasi Odhikar Andolan jointly organised the protest rally.



Tribal Welfare Association and Bangladesh Adivasi Odhikar Andolan jointly organised the protest rally against rape of indigenous freedom fighter's daughter at Sakhipur

Indigenous girl abducted in Joypurhat

On 28 February 2010 an indigenous girl named Rafika Rani Malo (14) d/o Rabi Malo of Chandpur village under Pachbibi upazila in Joypurhat district was allegedly abducted by a group Bengalis. A case was filed against Bengali abductors, namely, (1) A S M Shamsul Arefin Abu Chowdhury s/o late Shmasuddin Chowdhury of Mahipur village of Joypurhat district, (2) Ms. Amena w/o Md. Nejam Uddin of Chandpur village of Joypurhat district, (3) Ms. Chameli d/o Nurul Amin of Uttar Nouda Para under Shahmukhdam upazila in Rajshahi district. The case with Women and Child Repression Court no.-1 is under trial. The victim is now in jail in the name of so-called safe custody.

Indigenous girl subjected to eve teasing in Netrokona

On 25 November 2010 Protima Hajong (17), an indigenous girl from Durgapur municipality under Netrokona district attempted to commit suicide by taking Hydrogen-par-oxide as she was subjected to eve teasing

She was admitted at Durgapur Upazila Hospital in critical condition. Mr. Brajendra Hajong, the father of the victim lodged a written complain at local police station accusing Ripan Karmakar and his associates for this.

It is learnt that, the victim Ms Protima, a permanent resident of Lengura village of Kalmakanda Upazila under Netrokona district stays in a rented house at Durgapur Upazila and studying in Susang Degree College. For long time, she was being disturbed by Ripan Karmakar, s/o Sukumar karmakar of Sadupara village of the Durgapur municipality on her way to college. On Thursday, Protima was halted in front of Upazila Parisad office by Ripan and his gang and they snatched away the mobile phone set of Protima. At that time culprit Ripan misbehaved and treated her to abduct. Later on, in the evening Ripan's gang went to the house where Protima lives and they again seriously insulted and misbehaved her. Following this incident, being insulted and humiliation she attempted to commit suicide. It is learnt that police raided to arrest the culprit Ripon but he skipped.

16 children rescued from 'trafficker' in Bandarban

On 1 February 2010 police rescued 16 indigenous children from a hotel and arrested a man on charges of child trafficking from Bandarban town.

Acting on a tip-off, Bandarban sadar police raided Habib Boarding in the morning of that day and found them. Police later arrested the alleged trafficker, Mohon Tripura, a local church employee. Guardians of the children alleged that Mohon Tripura brought the children promising that he would get them admitted to an institution in the town. The children were taken to Bandarban town from different villages of Lama upazila on 31 January 2010.

MEDIA REPORT

The Daily Star

The Daily Star, Star Chittagong, 21 May 2009

Para Kendra a ray of hope for hill children, women

Nur Uddin Alamgir

The underprivileged children and women of tribal communities have started to reap the benefits of Para Kendra (centre) in the remote hilly areas of Rangamati, Khagrachhari and Bandarban.

Para Kendra is the local pre-school education and healthcare centres set up under the Integrated Community Development Project (ICDP) in Chittagong Hill Tracts (CHT).

Set up under the joint initiative of Chittagong Hill Tracts Development Board and the United Nations International Children's Emergency Fund (Unicef), the Para Kendras are playing significant role in improving education and healthcare services in remote hilly areas.

Mothers reading book to their children or teaching them the basic skills before enrolling them in primary school is a rare scene where poor rate of literacy and malnutrition among children were prevalent and maternal health was neglected.

The scenario, however, is changing there as the children aged between three to six are receiving pre-school education at Para Kendras under the supervision of a woman of their community.

Mothers of these kids are also learning about healthcare, nutrition as well as water and sanitation issues at the centres.

In addition to pre-school education and healthcare, the centres also motivate the children to attend classes distributing micronutrient biscuits provided by the United Nations World Food Programme (WFP). The biscuits not only encourage the children to attend classes but also help improve their nutritional status and capacity to concentrate.

While visiting a Para Kendra at Golachhara, around 14 kilometres from the Rangamati town, Para Karmi (worker) Swapna Debi Chakma was seen teaching the children.

She was giving lessons to 17 pupils, including 12 girls. They sang songs in Bangla and Chakma.

Earlier a delegation of Bhutan visited the area to have an idea and gather experience on the pre-school education.

Swapna said she has faced difficulties to control and give lessons to the children at the preliminary stage but now they become accustomed gradually with the activities of the Kendra and aware of the benefits of attending the classes.

The local Union Parishad Chairman Arun Kanti Chakma said there are four Para Kendras in his union.

He said parents are happy to send their children to the Para Kendras as it makes easier for them to get enrolled in primary schools. The dropout rate is decreasing gradually at the primary schools following the programme.

Sonam Tsherins, Chief Programme Officer of Non-formal and Continuing Education Division of Education Ministry of Bhutan, told The daily Star that the programme can be introduced in their country to reduce dropout at the primary school level.

He said, "I think it is playing a significant role in the life of the tribal people of the remote hilly areas and we want to utilise the knowledge gathered from them."

Same scenario was also seen at Moshmara Para Kendra, around seven kilometres off the town, where children were playing display on hygiene as per instruction of Shefali Chakma, a Para Kendra worker.



(Top) A Para Kendra at Golachhari Para in Rangamati. (Bottom) Children from indigenous community take lessons at a Para Kendra at Moshmara Para in Rangamati. Photo: STAR

Of 2,520 Para Kendras, 962 are in Rangamati, 668 in Bandarban and 890 in Khagrachhari. Unicef and ICDP have plan to establish 3,500 Kendras to cover all paras in the hill districts, said Unicef Chittagong Hill Tracts Region Programme Officer Mong Yai.

Para Kendras are becoming the focal point of all development activities offering preschool education, parenting education on early childhood development, demonstration on gardening, information about low cost hygienic latrines and safe drinking water, vitamin A capsules for lactating women and fortified biscuits for children attending preschools, Mong said.

Construction of most of the Para Kendras are borne by the community providing land, labour and locally available materials. Ninety-five percent of the Para workers are women and get Tk 1,500 a month as remuneration, he added.

A memorandum of understanding (MoU) was signed between government and the Unicef on July 11, 1980 in order to improve socio-economic condition of tribal people especially the women and children.

VI. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

BUDGET ALLOCATION FOR INDIGENOUS PEOPLES⁵

Annual Development Programme (ADP) projects can not be categorized as Adivasi Focused as Government has no explicit allocation for indigenous peoples. Even there is no allocation directly for education in mother tongue and empowerment of indigenous women.

ADP documents did not treat indigenous peoples of plain-land as indigenous peoples or Adivasis. They have been treated as people living in the special area other than CHT. Although indigenous peoples are 1.13% of total population of the country, only 0.32% ADP has been allocated for them in fiscal year 2009-2010. In fiscal year 2009-2010, per capita ADP allocation for overall Bangladesh has been taka 1,996.98; whereas indigenous peoples of CHT received per capita ADP of taka 1652.67 and for indigenous peoples of plain land the amount was BDT 83.64 only. In average, per capita ADP allocation for overall Bangladesh has been nearly 3 times higher than the allocation for indigenous peoples. Allocation for plains land's indigenous peoples increased a little in 2008-09, but decreased for CHT. However, the original ADP allocations in Bangladesh have increased consistently during 2003-10.

Table: ADP allocation for indigenous peoples of plain land

Source: ADP documents, 1996-2010
(in Crore Taka)

Fiscal Year	Bloc allocation
1996-1997	5
1997-1998	5
1998-1999	5
1999-2000	5
2000-2001	5
2001-2002	5
2002-2003	5
2003-2004	7
2004-2005	7
2005-2006	7.5
2006-2007	8
2007-2008	8
2008-2009	8
2009-2010	8

Fund allocation for indigenous peoples of plain-land has started in fiscal year 1996-97 with a bloc allocation of taka 5 crores. Expenditure of this bloc allocation does not consider their needs. In fact, indigenous peoples of plain land are not a part of decision-making of spending this amount.

Table: Adivasi ADP

Source: Estimated from Budget & ADP documents, 2002-2010

⁵ This data has been taken from presentation made by Prof. Mesbah Kamal. This was presented at the workshop on "Budget and Adivasis" organised by Research and Development Collective (RDC) with the support of Oxfam-GB at BIAM in Dhaka on 23 May 2010. Presentation is partially based on study conducted by RDC and carried out by Iftekher Hossain and Shahid Uddin Eskander of Dhaka University in 2008.

(in Crore Taka)

Fiscal Year	Total ADP	Adivasi ADP	CHTA ADP		PLA ADP	
			Amount	% of total	Amount	% of total
2002-03	19,200	100	95	0.49	5	0.026
2003-04	20,300	102	95	0.47	7	0.034
2004-05	22,000	117	110	0.50	7	0.032
2005-06	24,500	122.5	115	0.47	7.5	0.031
2006-07	26,000	127	119	0.46	8	0.031
2007-08	26,500	113	105	0.40	8	0.030
2008-09	26,500	88	80	0.30	8	0.030
2009-10	30,500	98	90	0.295	8	0.026

Figure shows that adivasi ADP has increased during the period 2003-2004 to 2006-2007, decreased in 2007-2009 and slightly increased in 2009-2010

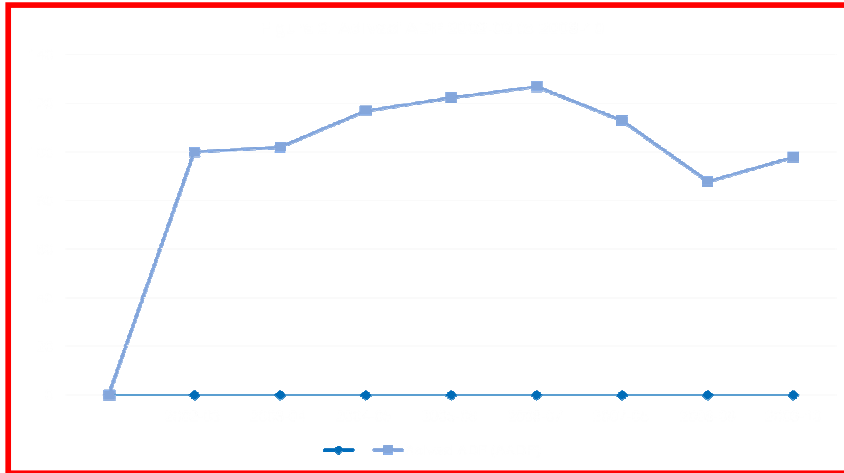


Table: Per capita Adivasi ADP

Source: Estimated from Budget & ADP Documents, 2002-2010

Fiscal Year	Bangladesh	Adivasi
2002-2003	1,447.99	696.99
2003-2004	1,506.98	699.80
2004-2005	1,607.62	790.15
2005-2006	1,762.29	814.34
2006-2007	1,840.91	831.04
2007-2008	1,846.95	727.86
2008-2009	1,766.66	533.18
2009-2010	1,996.98	593.77

Indigenous peoples of both plain-land and CHT have been largely deprived of Government budget allocations through ADPs over the years. Government's budgetary allocation targeting the indigenous peoples is highly insignificant which is a major cause of their poverty and deprivation.

Although indigenous peoples constitute around 1.08 percent of the total population, only 0.30 percent of the current budget for the next fiscal year has been allocated for them. In the last fiscal, the amount was 0.40 percent which is less than the previous year. To get this very small amount, the lawmakers from indigenous people's region had to go through immense hassles at all levels of the government.

It is also observed that the needs of the indigenous peoples living in the plain are especially neglected than those living in the hills. The annual allocation for indigenous people living in the plain is only 0.056.

The very little amount allocated for CHT is actually intended for both indigenous people, Bengali permanent residents and Bengali settlers living there and as such the actual figure is even more insignificant. More over there is no representation of the indigenous peoples in the distribution process. Deputy Commissioners and Upazila Nirbahi Officers (UNOs) in plain lands are responsible for fund distribution, which is not always transparent.

18 indigenous ethnic groups to be left out of census

Eighteen ethnic minority communities of the country are going to be left out from the next population census. The finalised questionnaire, now being printed for the census, which will be held on 15-19 March 2011, mentions only 27 indigenous communities, highly placed sources from Bangladesh Bureau of Statistics said.

The major ethnic communities, Chakma, Marma, Garo, Tripura, Tanchangya, Chak, Rakhain, Lushai, Kheyang, Pankho, Khumi, Hajong, Koch, Hodi, Dalu, Banai, Rajbangshi, Bormons, Maniupuri, Santal, Bwam, Paharia, Khashi were included in the census questionnaire.

But the minor ethnic communities like the Bagdi, Lohar karmakar, Mridha, Mundha, Roy, Gonja, Gain, Patra, Gurkha, Oraon and Kol were not included in the questionnaire. According to the 1991 census the indigenous population was 501,114 in the CHT. But the number of indigenous population, living in the plains was not available in the earlier census report in 2001.

This will be the 5th national census in the country for enumeration of total population. The population census is held every 10 years. The next census will be carried out in digitally to ensure more accuracy.

Census is very important for the country's indigenous community. But no accurate figure and a proper picture of the indigenous community was not included in the last four census reports.

Indigenous leaders said that a special format for the indigenous community should be added in the questionnaire of the next census. They also said that, there are 46 indigenous communities in Bangladesh and all information like real figure of indigenous population, household, economic status, land properties etc should incorporate in the census. They demanded of the concerned authority to appoint officers and supervisors from among the indigenous communities to conduct survey in areas inhabited by indigenous people to obtain accurate information. They also called for imparting necessary training for the supervisors and volunteers on the census activities. The concern authority should invite representatives from the indigenous communities when the details questionnaire will be completed to revise or amend the questionnaires.

Tea workers lowest paid

Tea plantation workers remain one of the least paid labourers in the country who live a very miserable life. However, increased wages and facilities can improve the life of workers and raise their productivity benefiting the tea industry eventually.

Tea workers are paid only Tk 32.5 as daily wages while the present price of one kg coarse rice is Tk 20 or more. Most of tea workers have eight to 10-member family. With the price of every essential going up regularly, they can barely survive. In addition, around Tk 60 is deducted weekly from the meagre salary as electricity bill while another seven percent is deducted monthly as provident fund.

With this amount they are totally dependent on landowners. Having no other skills they cannot escape from this life. Moreover, to cope with the price hike many workers have taken loans which they cannot pay back. At present there are around 118, 000 labourers working in 163 tea estates.

Most of them are situated in Moulvibazar, Habiganj and Sylhet. There are also a few in Panchagarh, Chittagong, Rangamati and Brahmanbaria.

The first tea garden of the country was established by the Duncun Brothers at Malinichhara (Surma Valley) in Sylhet in 1854. Ancestors of most of the tea workers were brought in from Assam, Madras, Orissa, Bihar, Andhra Pradesh, Madhya Pradesh, Uttar Pradesh and West Bengal of India as cheap labour. They belong to different indigenous groups like Oraon, Shantal, Munda, and Gondo.

Experts said life of a tea worker remains the same as it was when they were brought in to this country from India in 1850s. In addition to a meagre salary, they are also deprived of education, quality housing and health facilities. Experts said labour law is regularly violated at tea gardens and the workers remain isolated from the mainstream. Tea workers laid emphasis on increasing the wages and providing education to the children of tea workers.

SAD includes Hindu minorities as indigenous peoples

Indigenous leaders alleged that Special Affairs Division (SAD) under Prime Minister's office dealing with indigenous peoples' development in plain districts included Hindu minorities in the fiscal year 2008-2009 as beneficiary list of development grant identifying them as indigenous ethnic group.

It is learnt that SAD granted Taka 15 lacs 45 thousand under ongoing fiscal year 2008-2009 for socio-economic development of indigenous peoples in Taherpur upazila (sub-district) under Sunamganj district. However, SAD included some groups of Hindu caste as indigenous ethnic group. Hindu minorities have already formed an organisation named "Nritattwik Adivasi Association" to receive the grant.

Indigenous ethnic groups, such as, Garo, Hajong and Khasi living in this area protested against the inclusion of Hindu caste as beneficiary identifying them as indigenous peoples. However, Upazila Nirbahi Officer (UNO) of Taherpur upazila is putting pressure on indigenous representatives to be integrated with Hindu caste to enjoy this government grant.

NATIONAL EDUCATION POLICY AND INDIGENOUS PEOPLES

The grand alliance government undertook initiative to formulate a modern education policy. For this purpose, the government constituted a 16-member committee headed by Prof. Kabir Chowdhury on 8 April 2010 to formulate the national education policy in line with the 1974 Qudrat-e-Khuda Education Commission. On 2 September 2010, the National Education Policy Formulation Committee submitted to the government the eighth such report since the independence of the country.

The committee has suggested extension of primary education up to class VIII and secondary education up to class XII aiming to educate all, irrespective of their religion, gender, socio-economic condition and geographical location.

The salient features of the recommendations of the committee are the suggestion to make primary education free, universal and compulsory, and the mandatory inclusion of six compulsory subjects under all streams of education. Besides, all students must study their own religions and receive education that develops moral values and patriotism.

The new education policy has suggested that the secondary level of education should be from class IX to XII, and that uniform curriculum and syllabus in several subjects should be followed in all mediums including madrasa. Madrasa education should be modernised, including science and information technology in the curriculum that should focus on developing the skill and capacity to respond to the need in the employment market.

It also recommended the formation of a permanent education commission to implement the education policy, and decentralisation of the National University by setting up centres in all divisions. All such recommendations are to be welcomed, but the harsh reality is that we have so far failed in implementing such recommendations.

The committee has included a few recommendations on indigenous peoples in the education policy. It mentioned in the aims and objectives of the education policy in chapter-I that one of the objectives of education is to develop cultures and languages of all small ethnic groups including indigenous peoples of the country.

Further, the indigenous children's issues were included in the primary education of chapter-II of the national education policy that indigenous teachers and textbook will be provided for indigenous children in order to study through their own languages. Indigenous communities will be involved in implementing this work, particularly in

formulating the textbooks. The education policy also mentioned to provide special supports to the marginalized indigenous children. Primary schools will be established in all adivasi-inhabited areas (hill tracts and plain land) where primary school does not exist. If needed, attention will be given to provide hostel facilities for the students and teachers to those areas where inhabitation of indigenous are scattered, with aim to provide admission facility for indigenous students.

In addition, there is also a paragraph on higher education for indigenous students including freedom fighter children in higher education in chapter-VIII in which it mentions that special support including residential facilities and scholarship will be provided for the children of freedom fighters, small ethnic groups including indigenous peoples, disadvantaged and other groups in order to continue their study.

INDIGENOUS QUOTA IN EDUCATION AND EMPLOYMENT

With regard to the admission quota for indigenous students, there is no coherent policy and the entire issue is often embroiled with bureaucratic interventions. In some cases, it is totally dependent on the discretion of the authority of the concerned educational institutions. Furthermore, in several cases, the indigenous quotas are occasionally filled up by Bengali students on the pretext of not having qualified indigenous students.

The government has a 5% quota reservation in Bangladesh Civil Service (BCS) for indigenous peoples. But this has never been practiced in reality. A total of 29,667 persons have got BCS jobs through 20 BCS examinations since 1972. Following the principle of the 5% quota, 1483 indigenous persons should have been in the BCS cadre service.⁶ In reality, the actual number of indigenous incumbents in government cadre jobs remains a minor fraction of this number.

Indigenous students demand quota increase

On 30 March 2009 in a human chain programme organised by Bangladesh Indigenous Students Action Forum, indigenous students at Dhaka University campus demanded an increase in quota in higher education for the indigenous students.

They also demanded transparency and full implementation of the quota system for the indigenous students in higher education, including BCS examinations, as they are to come to this level facing a number of obstacles. They alleged irregularities and corruption in the quota system as Bangalee students are being enrolled in the name of indigenous students.

Non-tribal students get admitted at tribal quota in Comilla University

Comilla University posted the result of the first year admission test of the academic session 2009-2010 at its website (<http://www.cou.ac.bd>). The website shows that some non-tribal students get admitted under tribal quota.

According to the merit list of science unit, Limon Kanti Dey (Roll no. 30724) got chance to admit under tribal quota. Similarly, according to the merit list of business unit, Mohammad Abdullah Al (Roll no. 42050) and Md Minhajul Abedin (Roll no. 45286) get admitted under tribal quota. However, actual tribal were kept in the waiting list of this business unit.

Freedom fighter quota and tribal quota in the arts & humanities and social science unit is not clear as merit list of these two quotas were shown in one list. Total 12 students got chance to admit at this quota. Of them, 5 students are tribal and 7 students are non-tribal. (Source: <http://www.cou.ac.bd>)

NSU to offer scholarships to indigenous students

In May 2009 Chairman of the board of governors of the North South University (NSU) Foundation and vice chancellor of the NSU decided to set aside two full tuition waivers per semester for bright and needy indigenous students.

Earlier, the Education Minister Nurul Islam Nahid made a strong and explicit appeal at a meeting to grant full tuition waivers to indigenous students. In order to receive the financial aid, the indigenous students have to meet the admission requirements of the university and qualify in admission test.

⁶ Situation of Indigenous Women and ILO Convention on Discrimination by Dr. Sadaka Halim, Professor of Dhaka University, Sanghati 2007.

Allegation not to follow Indigenous quota in Chapainabaganj

Indigenous leaders alleged that indigenous quota in appointing the assistant teachers of primary school and police constable in northern districts of plain lands in September 2010 was not followed.

It is learnt that in accordance with 5% quota reserved for indigenous peoples in government services, at least 18 indigenous candidates were supposed to be appointed to the post of assistant teachers. However, only 5 indigenous candidates got appointment in Chapainabaganj, Rajshahi and Naogaon district. It is reported that only one indigenous candidate out of 3 candidates appeared viva-voce examination in Chapainabaganj district, 3 indigenous candidates out of 5 candidates in Rajshahi district and one indigenous candidate out of 2 candidates in Naogaon district were appointed. Indigenous leaders also alleged that same scenario is found in Joypurhat, Natore, Thakurgaon and Sirajganj.

On 25 September 2010 during the appointment of police constable in Chapainabaganj district, candidates among from Oraon and Santal were not regarded as indigenous or tribal. While indigenous candidates demanded to regard as 'adivasi' and to consider their candidature under indigenous/tribal quota, the examiners explained that they are not adivasi, rather only small ethnic groups living in CHT are tribal.

RANGAMATI SCIENCE AND TECHNOLOGY UNIVERSITY

Meeting in Rangamati on Education on 10 March 2010

On 10 March 2010 Education Minister Mr. Nurul Islam Nahid visited plots of lands in Rangamati Sadar upazilla for Rangamati Science and Technology University.

In the evening a meeting was held at Rangamati Town Hall presided by Deputy Commissioner of Rangamati. Jyotirindra Bodhipriya Larma, Chairman of the CHT Regional Council was absent for his prior programme of meeting in Bandarban on that day. However, he, on request of the Deputy Commissioner appointed Goutam Kumar Chakma, member and Krishna Chandra Chakma, Executive member of CHTRC to attend the meeting.

It is noted that a Delegation of CHTRC met Mr. Nahid in October 2009 and raised the issue of transferring the higher secondary education, vocational education and education in mother tongue to the Hill District Councils through issuing executive orders. By the by he asked about the Rangamati Science and Technical College and the delegation responded that that would not be useful to the local indigenous peoples at the moment. That is why, that should be postponed for some years till further progress of the implementation of the Accord.

It is noted that previously, the local people placed objection to have the University on their lands. That is why, this time another new plot of lands has been shown to the education minister. It is yet to be known whether these villagers also would agree to vacate their lands for the purpose.

Due to Kaptai Lake most of the indigenous peoples lost their lands and now none of them are really ready to loose their lands any further. So it is imperative to consider the matter very carefully and should have further formal discussion with the CHTRC and other actual representatives of the indigenous peoples.

Move to set up university in Rangamati protested

On 21 September 2010 Indigenous people of Jhakrabil area under Moghban Union of Rangamati Sadar upazila formed a human chain in the district town demanding withdrawal of the government decision to set up a university at Bilaichhar Para.

They also urged the government to stop land acquisition at the site selected for the proposed Rangamati University of Science and Technology (Rust) and submitted a memorandum to the Prime Minister through the Deputy Commissioner of Rangamati district.

Hundreds of indigenous people joined the human chain in front of the Court Building in the morning. They said the government has taken up the project to evict them from their own land. They said thousands of indigenous people were displaced after construction of Kaptai Dam in 1960. So, the project taken up by the present government is another move to make the people of Bilaichhar Para homeless, they alleged.

CHTRC asks PM to postpone Rangamati University project

On September 2010 CHT Regional Council sent a letter to the Prime Minister requesting to postpone Rangamati Science and Technology University Project for some years till further progress of the implementation of the Accord.

It is mentionable that Government of Bangladesh (GoB) resumed its project to set up a science and technology university at Jhagrabil mouza under Rangamati sadar upazila in Rangamati district. However, local indigenous people have been opposing setting up university at their area arguing that it would uproot them once again from their ancestral land and create socio-political problem in this region.

It is learnt that in 2001 the then Government headed by Prime Minister Sheikh Hasina passed the Rangamati Science and Technology University Act, 2001 and immediately formulated a project to set up the university in Rangamati district. The GoB authority selected a site for the purpose at 104 Jhagrabil Mouza under Rangamati upazila. The site is located on the south of the Rangamati town and on the north-west of the Kaptai Naval Base, a training centre of the Bangladesh Navy and north of Kaptai upazila headquarters. In 2008 Rangamati-Kaptai road, which run through the Jhagrabil Moza has been completed funded by Asia Development Bank.

The inhabitants of the said selected site belong to the indigenous Chakma, Marma and Tanchangya ethnic groups. All of them were uprooted from their own homes and villages of the said mouza due to construction of the Kaptai Hydro-Electric Project Dam in 1960s, which inundated 256 square miles area including the best arable lands of CHT, the main granary of the region amounting to 54,000 acres and affecting 100,000 indigenous people and a few non-indigenous families. Owing to lack of cultivable plough lands they were provided uplands on high hills in their own mouza and at that time there was a condition that they would no further be displaced from there. On the other, it is noted that there is not any such a suitable place, where they could be rehabilitated with proper quantity of lands along with proper communication facilities. That is why they submitted application to the GoB to exclude their area for the project of the proposed Rangamati University.

During the period (2001-2006) of four party coalition government headed by Prime Minister Begum Khaleda Zia, indigenous inhabitants of Jhagrabil mouza submitted their application to the then Prime Minister for canceling the project. The PM could follow the matter and took up action. The Proposed project was cancelled in 2004.

The grand alliance government headed by Sheikh Hasina took over power in January 2009. The Education Ministry once again took up initiative to implement the previous project of the Rangamati University. The Deputy Commissioner of Rangamati was asked to proceed for acquisition of lands proposed for the site of the University. The DC took up the process once again. The local inhabitants of 104 Jhagrabil mouza submitted memorandum to the Education Minister on 11 May 2009.

In addition, the inhabitants of Jhagrabil mouza submitted to all the local concerned authorities, i.e. CHT Regional Council (CHTRC), Rangamati Hill District Council (RHDC), Deputy Commissioner of Rangamati and Ministry of CHT Affairs (MoCHTA) for canceling the said proposed project at their area.

On 05 July 2009 the Education Minister Mr. Nurul Islam Nahid convened a meeting on the matter in Dhaka. In the meeting Chairman of the CHTRC Jyotirindra Bodhipriya Larma, who being President of the PCJSS (Parbatya Chattagram Jana Samhati Samiti) is one of the signatory of the historic CHT Accord 1997 said that the inhabitants of Jhagrabil Mouza submitted application previously to the GoB for which the then Prime Minister cancelled the project in 2004. This time too the local inhabitants once again submitted application for canceling it. He added that, Rangamati Science and Technology University was to a normal university with normal honour courses, which could be introduced in the existing three Government Colleges of the three Hill District headquarters, which have been so far demanded by the local people of the region. Yet, he suggested arranging a meeting with the local people to have their opinion on the issue.

He was fully supported in the meeting by Mr. Jatindra Lal Tripura, MP from Khagrachai Constituency and Chairman of the Task Force on Rehabilitation of the Jumma Refugee Returnees and Internally Displaced Jumma People and Mr. Bir Bahadur U Shwe Ching, MP from Bandarban Constituency and Chairman of the CHT Development Board. That is why it was decided in the meeting that a meeting would be held in Rangamati for the purpose. But it is astonishing that the minutes of the meeting signed by the Education Minister as Chair of it wrote that there had been no different opinion with regard to setting up the proposed Rangamati University at the

selected site at Jhagrabail Mouza of Rangamati upazila. However, the minute included the decision to have a meeting in Rangamati about the matter.

On 27 October 2009 a four-member delegation of CHTRC headed by Goutam Kumar Chakma, Member of CHTRC and Convenor of the Committee on Law, Land and Local Councils had a meeting with the Education Minister in Dhaka about transfer of the concerned subjects to the Hill District Councils, like Secondary education, Education in mother Tongue and Vocational Education as well as providing facilities to the colleges and secondary schools in CHT. During this meeting the Education Minister wanted to know the opinion of the CHTRC about the Rangamati University and the delegates very sincerely opined that as the local people being displaced persons of the Kaptai Lake were not in a position to vacate their homes and hearths once again and the Rangamati University was not necessary at all to meet the requirement in education of the region at the moment so CHTRC was not in favour of it. However, they conveyed the message of the CHTRC Chairman that he was waiting for the Education Minister as per the decision of the meeting about holding a meeting with the local people.

On 10 March 2010 Education Minister Mr. Nurul Islam Nahid accompanying Mr. Dipankar Talukdar, State Minister of MoCHTA visited the sites of the proposed Rangamati University and held a meeting at Rangamati municipality hall on sharing opinion on the issues of education in Rangamati Hill District. Only two days before of the visit of the Education Minister a phone call was given from the Office of the DC of Rangamati to the CHTRC Office about participation in the meeting in Rangamati. As the Chairman of CHTRC was unable to attend it due to his prior programme in Bandarban Hill District on that day so he entrusted responsibility with Mr. Goutam Kumar Chakma, member of CHTRC to represent in the meeting. Mr. Chakma arrived at the venue well in advance. He welcomed the Education Minister, the State Minister of MoCHTA and reported that he was representing the CHTRC Chairman. Yet he was neither allowed to represent nor speak in the meeting probably fearing that he would opine to have free, prior and informed consent of the local indigenous Jumma inhabitants about setting up the Rangamati University at the proposed site.

On 01 December 2009 and 21 September 2010 the local inhabitants sent another memorandum addressed to the Prime Minister Sheikh Hasina and 11 May 2009 to the Education Minister Mr. Nurul Islam Nahid appealing for canceling the process of acquisition of their lands for the proposed project of the University. Until the date it yielded no response. The local inhabitants, time and again approached to the CHTRC for which it sent a letter to the Prime Minister Sheikh Hasina and passed copies of the same to the Chairman of the Parliamentary Standing Committee of the Education Ministry on 19 July 2010. In the letter CHTRC Chairman recommended to cancel the project of setting up the Rangamati Science and Technology University, which was not necessary at all at the moment and in lieu of it to enhance facilities in three Government University Colleges in the three Hill District headquarters to study honour courses on more other subjects and make arrangement for housing for teachers and students and provide necessary equipments.

Hundreds of indigenous families will be uprooted once again from their ancestral lands where they settled down after displacement by Kaptai Dam in 1960s. Like Kaptai hydro-electric dam, university will gradually displace indigenous people from their ancestral land along the Rangamati-Kaptai road. Thousand acres of land would have to be vacated by indigenous inhabitants where they made garden and orchards for their livelihood survival. Most of the teachers, staff and students would be from other parts of the country, which would mean that the university area would be a new and strong centre of the outsiders, which creates negative socio-political impacts on indigenous communities.

RAT INVASION IN CHT

MEDIA REPORT



New Age, Dhaka, August 2, 2009

Rats cause havoc to food security in CHT

WFP launches 2nd phase of support

The wild rats have still been posing a major threat to the food security for third consecutive year in the Chittagong Hill Tracts, a bordering hilly areas battered by rat floods since mid 2007.

The ordeal is expected to continue for three more years before it settles down through bringing affected people in normal cultivation and rats in their normal breeding chain, concerned agencies told the news agency.

Officials and victims said hundreds of families got affected after wild rats attacked paddy fields and consumed most of their food stocks at homes and fields in 2007, fifty years after 1958 when local tribal people experienced similar rodent attacks.

According to the studies of World Food Programme, 80 to 90 per cent of crops were damaged on the first year of the attack, while nearly 50 percent crops damaged in affected areas in 2008 by the rat attacks.

The rats consumed most of rice, sesame, cucumber, ginger and maize, causing an extreme food shortage for nearly 26 percent household surveyed in the three hilly districts of the CHT. The impact of the attack was huge, read a couple of studies of UN agencies.

The people not only lost their food, but also seeds stocks in the areas. Separate studies show 90 percent of affected people, who were dependent on Jhum, a traditional method of rice cultivation on hills, have no seeds to plant for next year.

The rats initially started consuming rice in the fields, especially in Jhums, then moved homes to eat rice stocks, and eventually consumed other crops, including wild potato, before they destroy household items such as mosquito nets, bamboo furniture, cloth and cotton.

The rat flood, also known as rodent crisis, had started in Mizoram in India in 2006 and then moved to neighbouring Bangladesh territory in the following year after rats were boomed through consuming 'bamboo shoots'.

The highly nutritious bamboo shoots give rats an accelerated breeding power to reproduce six to eight times a year against a normal breeding of twice in a year. The shoots usually come every 40-50 years in bamboo plants, which give flower and fruit, and die off before regeneration.

'Tens of thousands of wild rats attacked our rice fields- Jhums— at night and consumed all paddy within minutes before they attack on next field,' said Chikonia Tripura, 45, of Sajek, 40 km off Rangamati district town.

Chikonia, a poor and marginal farmer, said the people in the hilly areas, especially in remote place, were suffering a lot from food shortage because of poor communication systems. Betling, 40 km off Ruilui, is one of the worst affected areas, he said.

WFP said they had rushed to the affected areas of Khagrachhari, Rangamati and Bandarban soon after the crisis was started in 2007. Initially WFP had provided food assistance under a European Union grant to 25,680 households as an emergency relief and now providing food plus other supports for 7,750 households under second phase.

According to WFP surveys, 80 per cent of household surveyed reported having smaller meals, while 45 per cent reported at least one of their family members' skips a meal everyday. Children are the worst victims, reveals the survey, saying significant number of children are suffering from severe malnutrition.

The Daily Star

The Saily Star, 10 August 2009

Rodent horror looms large in the hills

Jhum farmers face poor cultivation prospect for lack of seeds, abundance of rodents

Najmul Alam Nobin, back from Rangamati

Jhum cultivators in Chittagong Hill Tracts (CHT) areas who were affected by the rodent crisis of 2007 are yet to find their feet back on the ground.

This year because of lack of paddy seeds they have not been able to cultivate their land to full capacity.

To top it all the population of rodents hasn't gone down either, so there remains the possibility of some loss to their crops.

Locals blame the government of failing them because the government has done precious little for the jhum cultivators since the rodent crisis. They alleged that they had been given more assistance by the government they would have recovered quickly. Today they are still struggling.



An indigenous man shows two captured rodents in this file photo taken in 2007. Photo: File Photo

In 2007, the flowering of bamboo -- which happens once every 40-50 years -- caused a huge boom in the rat population in the region leading to not only the total destruction of crops on the fields but also the destruction of food storage. This led to a severe food crisis in the area.

Experts said that after consuming the bamboo fruits rats reproduced at an accelerated rate -- some six to eight times in a year. The last time such a crisis occurred here was in 1958.

Two hill districts Rangamati and Bandarban were severely affected by the crisis and parts of Khagrachhari was also affected.

The government at the time distributed only 10 kg of rice per household through the union parishad, jhum cultivators said. This support was very inadequate they complained.

Jhum cultivators said the rat population is still high so they expect that their crops will be damaged to some extent again this year.

Sudarshan Chakma, a 45-year-old cultivator said, "Rats took over my land like a flood and ate up everything that I had. My family literally had nothing to eat for a few days."

Sudarshan, a resident of Uttar Rui Lui of Sajek union under Baghaichhari upazila in Rangamati, said he received only 10 kg of rice from the government as help.

Reports of World Food Programme (WFP) says that majority of the affected households in the area is dependent on jhum cultivation of paddy, sesame, cucumber, cotton, ginger, gourd and maize and 80 to 90 percent of the crops were damaged in 2007.

Nagojiya Chakma, 60, another cultivator from Orachhari village under Belaichhari upazila in Rangamati told this correspondent rats had already started attacking his paddy crop.

"I used to sow 40 kg of paddy seeds and harvest around 1,600 kg of paddy. In 2007, I was able to harvest only 450 kg of paddy. This year I have sown only 20 kg of paddy seed due to lack of seeds," he said.

Chikanya Tripura, 35, said he used to sow 30 kg of seeds and harvest around 700 kg of paddy. This year he has used as seed only half of that.

In 2007, the WFP provided emergency assistance to around 26,000 households between May to September 2008. Four rounds of food distribution took place consisting of 50 kg rice, four litres of vegetable oil and two kg salt to each household.

The WFP has started a Rodent Crisis Recovery Programme (RCRP) to lift the affected people of the area. Covering around 7,850 households from Jurachhari, Belaichhari and Baghaichhari in Rangamati and Ruma, Thanchi and Alikadam in Bandarban. Under this scheme, WFP will be providing cash for work, cash for training and motivate the locals to mandatory savings.

The European Commission for Humanitarian Aid (Echo) is also handing out a financial aid of US\$ 2.6 million for the project to be implemented from April 2009 to January 2010.

One of the beneficiaries of the WFP's RCRP Shanti Jibon Chakma told The Daily Star that the WFP's project is giving them some respite from the crisis but they need further assistance to strengthen the food security in the region.

Project Coordinator of RCRP Tania Cass told The Daily Star, "The crisis is still continuing but people are slowly recovering in some areas in the hill districts."

"The Jhum cultivators used to retain some seeds from a portion of their harvest for the next year's cultivation. When the rodent crisis wiped out their storage, they not only faced starvation but also had no means to cultivate their lands the following season," she said.

When contacted Additional Secretary of the Agriculture Ministry Anwar Faruque told The Daily Star he was not aware of any such seed crisis in the area.

He said, "They (the cultivators) should let the ministry know at once about their crisis through the local representatives and the agriculture office."

"The government will surely provide them with the required seeds if they approach the ministry, and given that the government has that specific variety of seeds in its storage."

VII. AN AUDIT ON THE IMPLEMENTATION OF CHT ACCORD

The Chittagong Hill Tracts Accord 1997 signed between the Government of Bangladesh and the Parbatya Chattagram Jana Samhati Samiti (PCJSS) recognises the reestablishment of the rights of the Jumma indigenous peoples over the CHT region, southeastern part of Bangladesh with the formation of four local councils as controlling and supervisory bodies over land & land management, law & order, civil administration, police (local), development, primary & secondary education, forest & environment, and many more.

CHT Accord recognises CHT as a tribal-inhabited region and introduces special political arrangement for CHT with formation of CHT Regional Council (CHTRC), as an apex political body of the region and three Hill District Councils (HDCs). The newly introduced CHTRC and the somewhat older HDCs are also unique to the CHT. The majority of the seats (two-third) in the CHTRC and HDCs, including the positions of chairs, are reserved for indigenous peoples and one-third seats for permanent Bengali residents. The Peace Accord also contributes for the creation Ministry of Chittagong Hill Tracts Affairs (MoCHTA) in Dhaka to be appointed a minister among from indigenous peoples and to be constituted an Advisory Committee to lend support to the ministry. The Accord also provides establishment of Land Dispute Settlement Commission, demilitarization of the region, rehabilitation of the victims etc. The Accord is divided in four parts.

The CHT Accord is a landmark in the history of Bangladesh; it paves the way for the peace, development and representation of the region's people.

THE IMPLEMENTATION STATUS OF THE ACCORD AT A GLANCE:

- i. So far there have not been any official steps by the government to preserve the characteristics of the "*tribal inhabited region*" by keeping their life and living undisturbed and attain the overall development thereof as embodied in the Accord.
- ii. Full execution of the CHT Regional Council Act has not been carried out as yet. Rules of Business of the CHTRC is kept pending as it still waits for government approval for almost last 12 years. In absence of this provision CHTRC is unable to exercise its authority as mandated in the CHTRC Act to supervise and coordinate the activities of all transferred subjects under the three HDCs, law and order, general administration, development programs, the activities of CHT Development Board, coordination of NGO activities, disaster management and relief operation, traditional and social justice etc and issuing license for heavy industries.
- iii. *No other subjects, especially the most important land management, general administration and police, have so far been transferred to the three HDCs since the signing of the Accord. Election of the HDCs is yet to be held and a Voter list with only the permanent residents of the CHT, to be certified by the Circle Chiefs, is yet to be prepared for the election of HDCs.*
- iv. Land Commission is yet to commence its function and its Act is yet to be amended in the light of the Accord. This has not only kept land disputes unresolved but also opened the floodgates of new land disputes to emerge, making things more complicated for smooth resolution.
- v. Only 66 *temporary army camps including a brigade out of 543 camps were withdrawn so far. Rest of the temporary camps is yet to be dismantled. Moreover, security operation codenamed 'Operation Uttaron' which was resorted to in 2001 to tighten security noose, is still in operation.*⁷
- vi. 9,780 families out of 12,222 families of *repatriated Jumma refugees* are yet to be reinstated in their lands, homesteads and orchards and 40 villages of the returnees are still under the occupation of the settlers.
- vii. More than ninety thousand *internally displaced families* have not yet been rehabilitated.
- viii. Though grand alliance government reconstituted the CHT Accord Implementation Committee, but since its inception it could not come up with anything concrete to help the implementation process of the Accord.

⁷ PCJSS Report On the Implementation of the CHT Accord, 2010

- ix. The decision to withdraw Cases filed against PCJSS members and those permanent residents who were associated with PCJSS prior to the signing of the Accord are yet to be carried out.⁸

The implementation of the CHT Accord is crucial for unhindered development of the country. For the peace to thrive and stability to continue in a developing country like Bangladesh, it is the call of the hour to press for all the good will at the disposal of the state to materialize everything that the Accord stands for. For good governance and rule of law to prevail in the CHT, there is no option but to ensure that CHT Accord is honored and is given a fair play. The CHT indigenous peoples may be smaller in number but they have diversely distinctive characteristics of their own which adds to the diversity of the country to the pride of the entire nation. In diversity flourish democracy and its prized values. When the bigger and the stronger communities can thrive and prosper and can live in their own way, with their own faith in their land then what is the wrong with the smaller ethnic groups if they demand to live in their own way in their own land with their own faith and way of life. The ethno-diversity of the CHT needs to be preserved and nourished to uphold the secular character of the country that Bangladesh takes pride of historically.

This aspiration of the indigenous peoples is not demonstrative of the breaking apart of the polity but it presages the development of a strong pluralist society which can best serve as the cradle of popular democracy, and for which the people of Bangladesh fought and sacrificed for years. The respect to the 'protective safeguards' for the ethnic minorities in Bangladesh will build confidence in all to live together in peace which, in turn, will add strength to the unity that the country needs desperately to flourish in prosperity to improve the quality of life of its 160 million people who continue to languish in poverty.

HIGH COURT VERDICT ON CHT ACCORD AND CHT REGIONAL COUNCIL⁹

On 12-13 April 2010 the High Court (HC) Division of Bangladesh Supreme Court, in a verdict, declared the Chittagong Hill Tracts Regional Council (CHTRC) Act 1998 as well as some provisions of the Hill District Councils (HDCs) Acts unconstitutional. The HC, however, announced judgement on the CHT Accord that it being political in nature, an accord with the belligerents could not be reviewed judicially.

It is notable that the Accord popularly known as "CHT Peace Accord" was signed between the Government of Bangladesh (GoB) and Parbatya Chattagram Jana Samhati Samiti (PCJSS), the then lone political party of indigenous Jumma peoples in CHT on 2 December 1997 with an aim to resolve CHT problem by political and peaceful means. The Accord stipulated provisions to strengthen special administrative system in CHT with CHT Regional Council and three HDCs.

One writ petition against the CHT Accord, CHTRC Act and HDCs Acts was filed in 2000 by Badiuzzaman, a Bengali settler in the CHT, and the other one by Tajul Islam, a pro-Jamaat-E-Islami lawyer challenging the legality of the CHT Accord was filed with the High Court in 2007.

Barrister Rokan Uddin Mahmud and Advocate T H Khan placed submissions as amici curiae (friends of court) while Dr Kamal Hossain and Barrister Sara Hossain argued for the CHTRC, one of the parties of these cases besides the government, to the HC.

Barrister Moudud Ahmed and Barrister Abdur Razzaq moved for the petitioners while Barrister Imran Siddiq, Barrister Belayet Hossain and advocate Tajul Islam assisted them.

Additional Attorney General Murad Reza and Assistant Attorney General Protikar Chakma stood for the government.

High Court verdict: After a prolong hearing, the HC Bench of Justice Syed Refaat Ahmed and Justice Moyeenul Islam Chowhury announced judgement on these cases, on 12-13 April 2010 stating that the court observed the CHTRC Act 1998 was unconstitutional for it violated the 'characteristic of the unitary structure of the state.' Same way the HC declared Section 4(6), 17, 32(2), and 62(1) of the Rangamati Hill District Council (HDC) Act 1989, Khagrachari HDC Act 1989 and Bandarban HDC Act 1989, as amended in 1998 in accordance with CHT Accord saying that the amended provisions violated the 'characteristic of a unitary state.'

⁸ PCJSS Report on the Implementation of the CHT Accord, 2010

⁹ This report on High Court verdict has been prepared based on Revisiting CHT Peace Accord written by M. Shah Alam published on The Daily Star on 8 May 2010, Connecting the visible dots: A post-Accord history written Naeem Mohaiemen on The Daily Star on 16 April 2010, CHT Accord signed between the government of Bangladesh and PCJSS on 2 December 1997, news of The Daily Star on 14 and 16 April 2010 and news of New Age on 14 and 16 April 2010.

Section 4(6) of the HDC Acts narrates, "Whether a person is a non-tribal or not and, if so, which community he is a member of, shall be determined, subject to his producing a certificate from the concerned Mouza Headman/Union Council Chairman/Municipality Chairman, by the concerned Circle Chief and without a certificate in this connection being received from the Circle Chief, no person shall be eligible as a non-tribal to be candidate for the post of a non-tribal member".

According to Section 17 of the Acts, no people can be enrolled on the electoral rolls for the elections to the HDCs if they are not permanent residents of the district concerned.. In this connection it is noted that section 3 of Part 'B' of the Accord narrates that "Non-tribal Permanent Resident" shall mean a person who is not a tribal and who has lands of lawful entitlement in the hill districts and who generally lives in the hill districts at a specific address.

Section 32(2) of the HDCs Acts narrates that indigenous persons would get preference for the appointment of Class III and IV employees in the HDCs.

Section 62(1) of the HDCs Acts empowers the HDCs to recruit sub-inspectors and other police personnel below the rank of sub-inspectors with preference to the indigenous persons of the district concerned.

High Court Guidelines: In the judgment, HC issued five guidelines to the government. In one of the five guidelines of the judgment, the HC bench said it has found that the CHT Regional Council Act violated some articles of the constitution but it is still up to the government to form public statutory institution comprising of entirely nominated members as part of the peace process.

The court said that it was certainly an irony of matter that the peace process, aimed at democratic governance, had not been able to ensure the practice of democracy in CHT. However, the democratic governance in the CHT had been the lifeblood of the peace process and that should be encouraged in all earnest.

With regard to the backward section of citizens stated in the constitution, the court said that it was the government's responsibility to adopt a method and procedure, which would be reasonable and convenient for application of it to the indigenous peoples of CHT as well..

The court also said that the peace process has to be pursued against the backdrop of geo-strategic consideration and the historical circumstances under which the conflict arose and was brought to an end in 1997.

Appellate Division stays the HC verdict: However, the Appellate Division of the Supreme Court stayed the HC verdict on 15 April 2010 for six weeks. The chamber judge of the Appellate Division passed the order after hearing a provisional petition filed by the government, who stated to prefer an appeal against the verdict. Later the stay order of the Appellate Division was extended till regular appeal.

High Court verdict and relevant issues: Most of the constitutional experts said that the HC verdict was fully exparte. HC failed to consider the distinct characteristics and administrative background of the CHT. They said that the judgment would hamper the CHT peace process and create complexities in the functions of CHT regional administration. They also argued that the peace process and stability in CHT would be effected following the verdict.

Experts said that CHTRC formed in 1999 has been created as a special administrative unit under Articles 59 and 60 of the Constitution in furtherance of the goals of local government laid down in Articles 9 and 11. To protect the special rights of the indigenous people in CHT, the CHTRC has been given more power than other administrative units of local government in other parts of Bangladesh.

Such enhanced powers for similar reasons were earlier also given to three HDCs of Rangamati, Bandarban and Khagrachhari under three separate Acts in 1989. The CHT Regional Council basically coordinates the activities of the HDCs. It also provides recommendations to the GoB on matters relating to CHT.

The CHTRC does in no way resemble any organ in a federative unit e.g. a province in a federal state. It does not violate the unitary characteristic of the state or GoB. The CHTRC has only been given special territorial jurisdiction and powers as a special administrative unit, for which the Parliament is empowered under the Articles 59 and 60.

The special rights of the indigenous peoples relate mainly to their rights on land. Outsiders are not allowed to settle or occupy lands in CHT without the permission of the HDCs or the CHTRC. This is not a creation of the Accord. This was long in existence, recognised both by custom and legislation prior to the Accord.

The provisions of the Accord have been argued to be legitimate rather than violation of equality, equal opportunity and property rights clauses (Articles 27, 29 & 42) of the Constitution. Violation of Article 36 on freedom of movement has also been alleged. In fact, movement to CHT has not been barred at all. Of course, strict control has been imposed on further permanent settlement by outsiders in CHT in order to protecting rights of the indigenous peoples on their own lands in the region.

The exceptions and restrictions have been imposed under the authority of the Constitution itself, and necessarily relying on the qualifying Article 36 use "subject to any restrictions imposed by law" put before the relevant Articles of the Constitution, or that nothing in the law can prevent the state from making special provisions to protect the interests of any backward class or group of people. This also applies to representation of the indigenous tribes enhanced in the HDCs and CHTRC and reservation of the top posts exclusively for them.

Whatever exceptions have been made in the Accord and in the subsequent enactments have been made to recognise and protect the long established special rights and status of the indigenous people. These have been done within the concept of the local government and under the relevant provisions of the Constitution with their liberal but permissible interpretations.

GOVERNMENT FORMS “STRATEGIC MANAGEMENT FORUM” TO OVERSEE CHT SITUATION

Government of Bangladesh decided to form a “Strategic Management Forum” under a minister or an adviser with the CHT Affairs Ministry, Home Ministry, Armed Forces Division, Forest Department, concerned Circle Chief, intelligence agencies in order to curb violence in the CHT and to oversee government development activities in this region. It is reported that on 5 May 2010 the plans were placed at a review meeting on the situation in the CHT chaired by Prime Minister Sheikh Hasina.

It is learnt that the plans include rehabilitation of families affected by ethnic violence under ‘ashrayan’ project, readjustment of the boundaries of the three districts, transferring Baghaichari upazila to Khagrachari district from Rangamati district, curbing poppy cultivation, rehabilitation of poppy growers, holding elections of the Hill District Councils and the CHT Regional Council after earliest completion of the High Court judgment, bringing the regional political parties under registration and legal compliance and regulating the destabilising activities of the United People’s Democratic Front (UPDF) etc.

Leaders of the CHT and citizens of the country sharply criticised this government plans saying that the plans contained elements that go against the spirit of the CHT Accord. They said that the government took the plans to pressurise the regional political parties to go closer to the national political parties and also to create scope for the national political parties to increase their activities in the CHT. They also expressed concern that the plans might pave the way for greater military supervision in the CHT.

AUDIT ON THE IMPLEMENTATION OF THE ACCORD BY CLAUSE

When chauvinism digs deep in the mindset eclipsing conscience, and reason fails to contain its proliferation, mankind bleeds and in consequence smaller cultural and linguistic groups are fated to face inevitable disintegration. The history of mankind, through the ages, has more than once vindicated this irrevocable verity of history. Many races with smaller population across the globe with their diverse culture and heritage either have perished in the face of brutal advance by the bigger and superior races or have just melted away in submission. Similarly, the ethnic minorities living in the CHT and in the plains have also not succeeded, as was in the past, to revert this historic process though the savagery of ancient and medieval ages, in many aspects, has given way to growing liberalism and tolerance of the twentieth and twenty first century. The CHT indigenous peoples, alarmed at the increasing incidences of denial of their rights they have been enjoying since the British colonial period by the successive governments in Pakistan and Bangladesh, turned desperate and took to arms to defend the rights acceded to them centuries back. The indigenous insurgency that stalked the region in a limited scale for about three decades has in the end terminated in an armistice declaring the CHT as the “tribal inhabited region” and acknowledging the necessity to protect its tribal character.

Soon after the Accord was signed, two bills on CHT Regional Council Act and the three Hill District Council (amendment) Acts, 1998 respectively were placed in the parliament and passed accordingly in April 1998. But the bills contained serious discrepancies with regard to some changes which were not consistent with the Accord. This wrongful departure of the bill, often described by many as intentional, has weakened the spirit of the Accord to a great deal. A review of the discrepancies sneaked in the amended bills is given below:

A. GENERAL

THE ACCORD:¹⁰ : 1. *Both the parties, having considered the Chittagong Hill Tracts region as a tribe-inhabited region, recognized the need of preserving the characteristics of this region and attaining the overall development thereof.*

Current status: There has not been any initiative by the government so far to uphold the *Jumma* national identity and to protect the *special character* i.e. the *tribal character* of the CHT region. On the contrary, various anti-jumma policies such as rehabilitation of the Bengali settlers brought in thousands from different plain districts for settlements in the CHT with the political design to unbalance the existing ethnic composition in favor of the Bengalis, supporting the settlers in carrying out communal attacks on the *Jumma* people, illegal land grabbing, inclusion of the Bengali settlers and non-indigenous outsiders in the voter list, issuance of permanent resident-certificate by DC and providing the Bengali settlers with employment and other opportunities including lease and settlement of land etc are adopted to destroy the *special character* of the region. Moreover, activities to incite communal frenzy in the CHT are being intensified through commissioning a communalist organization called Sama Adhikar Andolan (Movement for Equal Rights). There were serious attempts to provide ration to 28000 more settler families and to settle 10,000 more families in the Sajek area under Rangamati Hill District.¹¹

Comment: Many government functionaries, at the local and national level, do not favor the idea of according protection to the special character of the CHT as the “tribal inhabited region” in Bangladesh.

THE ACCORD: 2.. *Both the parties have agreed to make alter, amend and add to, in consonance with the consensus and responsibilities expressed in the different section of this Agreement, the relevant laws, regulations and practices according to law as early as possible.*

Current status: The recommendations on the necessary amendment to the Electoral Roll Ordinance 1982, the Electoral Roll Rules 1982, the CHT Regulation 1900, and the Draft Rules on Social Afforestation 2001 and the Code of Conduct for the NGOs have already been placed before the government by the CHT Regional Council. But the government has not responded so far in this regard, except effecting some changes (some provisions are not indigenous friendly) on the Draft Rules on Social Afforestation 2001. There has been no substantial progress with regard to alteration, amendment and addition to other relevant CHT laws, regulation and practices in accordance with the CHT Accord.

Comment: The government is yet to come up with any measure to implement this provision. On the contrary, both the Acts of Regional Council and the three Hill District Councils, 1998, are continued to be violated by the government functionaries.

THE ACCORD: 3. *In order to monitor the process of implementation of this Agreement, an Implementation Committee will be formed with the following members: a) A member to be nominated by the Prime Minister: Convenor; b) Chairman of the Task Force formed under the purview of the agreement: Member; c) President of Parbatya Chattagram Jana Samhati Samiti: Member*

Current status: The Accord Implementation Committee, constituted in 1998, had met on 21 March, 16 April, 7 August and 2 November in the same year and again met twice in 2001 with the last ever meeting held on 1 July 2001.¹² Interestingly, no proceedings or minutes were recorded and no steps had so far been taken to execute the decisions taken at these meetings. In fact, the committee totally remained inactive since 1998.¹³ The monitoring process of the CHT Accord implementation Committee discontinued since then. There was no such committee during the tenure of the four party alliances (2001-2006) and the military backed caretaker government (2007-2008). The grand alliances led by Awami League formed government following the general election held on 28 December 2008 and reconstituted, on 25 May 2009, the CHT Accord Implementation Committee with Mrs. Sajeda Chowdhury, the deputy leader in the parliament as its chairperson. Since then it

¹⁰ The texts of the Accord are given in italics

¹¹ PCJSS Report on the Implementation of the CHT Accord, 2010

¹² Goutam Kumar Chakma, Senior member of RC

¹³ Bushra Hasina Chowdhury, 'Building Lasting Peace: Issue of Implementation of the Chittagong Hill Tracts Accord', Research of the Program in Arms Control, Disarmament, and International Security, University of Illinois, at Urbana Campaign, August, 2002

held two meetings at Rangamati and in the parliament building on 19th August and 26th October 2009 respectively and discussed important issues like amendment to the CHT Land (Dispute Resolution) Commission Act 2001 in line with the recommendation of the CHTRC, handing over of transferred subjects to the HDC through the executive order instead of agreement between the respective ministry and the HDC, finalization of the Rules of Business of both the CHTRC and the HDCs, setting up of offices for the CHTRC, Task Force for the rehabilitation of the Internally Displaced People and the India Returnee Refugees, the CHT Land Commission, and appointment of necessary staffs, allocation of resources and provision of logistics, dismantling of all temporary camps and termination of Operation Uttoran etc.

Comment: Since the new BNP led government took power in 2001, it was not known if the old Accord Implementation Committee stood dissolved or not. Neither was it known if a new committee was formed with the change of government at the centre. On the contrary, the government, in total violation of the Accord, formed a Cabinet Committee on the CHT with Mr. Abdul Mannan Bhuiyan, the Minister for the Local Government & Rural Development at the head. The CHTRC had as many as 8 meetings with this Cabinet Committee. Following the discussions in these meetings it was decided to activate the Land Commission by bringing in necessary amendments in the Land Dispute Resolution Commission Act-2001, set up organogram and office for it, reorganization of the CHT Accord Implementation Committee and the Task Force Committee on the India Returnee Refugees and the Internally Displaced Persons, finalization of the Rules of Business of the CHTRC, placing of all the transferable subjects at the disposal of the HDCs, handing over of Cotton Development Board, Textile Vocational Institute and Horticultural Centre to HDCs and setting up of District Session Judge Court in the three districts. But nothing happened except appointment of Mr. Samiron Dewan as the Task Force Chairman and commissioning of the Courts of District Session Judge in the three districts. In reality, the implementation process of the Accord has remained frozen since it was signed in 1997.

THE ACCORD: 4. *The Agreement shall come into force from the date of its signing and execution by both the parties. This Agreement shall remain valid from the date of its effect until all the steps are executed as per this Agreement.*

Current status: The Accord was in force from the date of its signing. But no formal official order, instruction, or notice was issued to the concerned ministries, departments and institutions and local authorities to carry out their functions in compliance with the provisions of the Accord. However, steps and measures inconsistent with the agreement have continued to be put into action immediately after the Accord was signed.

Comment: The government as one of the signatories to the Accord has not been sincere in complying with it.

B. THE HILL DISTRICT COUNCIL

THE ACCORD: *Both the parties have agreed to alter, amend, add to and repeal the Parbatya Zilla Sthanio Sarkar Parishad Ayin, 1989 (Rangamati Parbatya Zilla Sthanio Sarkar Parishad Ayin, 1989, Bandarban Parbatya Zilla Sthanio Sarkar Parishad Ayin, 1989 and Khagrachari Parbatya Zilla Sthanio Sarkar Parishad Ayin, 1989) and its various sections, as may be in force till the date of commencement of this Agreement, in the manner set forth here under:*

1. *The word "Tribe" used in the various sections of the Council Act shall remain in tact.*
2. *The name of "Parbatya Zilla Sthanio Sarkar Parishad" shall be amended and this Council shall be re-named as "Parbatya Zilla Parishad".*

Current status: Amended and incorporated in the HDC Acts.

THE ACCORD: 3. *"Non-tribal Permanent Resident" shall mean a person who is not a tribal and who has lands of lawful entitlement in the hill districts and who generally lives in the hill districts at a specific address..*

Current status: While amending the Rangamati Hill District Local Government Council Act 1989 under the CHT Accord, the definition of "non-tribal permanent resident" was changed. The word "and" connecting the two phrases "who owns land in legal manner" and "who generally lives in a particular address in the Hill Districts" was replaced by "or" in the Act No. 9, 10 and 11 of the Hill District Council Acts 1998.

It was a breach of the concerned provision of the Accord. Later, it was amended in line with the Accord by an Act no XXIII of 1998 following a strong protest from the *Jumma* people and their organizations.

Comment: The motive to replace “and” with “or” in the definition was to include all the Bengali settlers and outsiders, who lived in a particular address under the category of ‘non-tribal permanent residents’ even though they do not own land in any legal manner. The existing ground practice being followed by the government officials are not to differentiate between permanent and non-permanent residents as far as Bengalis are concerned.

THE ACCORD: 4. a) *There shall be 3 (three) seats for women in every Hill District Council. One third (1/3) third (1/3) of these seats shall be for the non-tribals.*

Current status: Incorporated in the HDC Acts

THE ACCORD: b) *Sub-section 1, 2, 3 and 4 of section 4 shall remain in force as per the original Act.*

Current status: This provision is in force.

THE ACCORD: c) *The words "Deputy Commissioner" and "Deputy Commissioner's" appearing in the second line of sub-section (5) of section 4 shall be substituted by the words "Circle Chief" and "Circle Chief's" respectively.*

Current status: Incorporated in the HDC Acts

THE ACCORD: d) *The following sub-section shall be added to section 4: "Whether a person is a non-tribal or not and, if so, which community he is a member of, shall be determined, subject to his producing a certificate from the concerned Mouza Headman/Union Council Chairman/Municipality Chairman, by the concerned Circle Chief and without a certificate in this connection being received from the Circle Chief, no person shall be eligible as a non-tribal to be candidate for the post of a non-tribal member".*

Current status: The provision has been included in the Hill District Councils Acts.

Comment: However, the authorities and concerned officials continue to interpret that this provision is applicable only to the election to the posts of the members of the Hill District Councils. The matter does not end there. The CHT Ministry, violating the Accord, issued an order (No CHTAM (P-1)-HDC/Certificate/62/99-587) on 21st December 2000, authorizing the DCs of the three Hill districts to issue “Permanent Resident Certificate”. An executive order cannot override any law passed in the parliament. The CHT Regional Council strongly objected to this move of the CHT Ministry and accordingly a decision to cancel this instruction was taken at a meeting of the Advisory Committee on the CHT Affairs on 1 July 2001. But no order has so far been issued canceling this controversial instruction. Rather, an official letter No SHAPKM/CHISHIJ/MBBS, DDSCourse/Students Admission-31/2008/713.dated-31.09.2008 from the medical section of the Ministry of Health and Family Welfare to all the offices including the CHTRC, HDC, DC of the three hill districts asked all concerned to ensure that the intending tribal candidates seeking admission to all Government Medical and Dental Colleges must produce permanent resident certificate from both the Circle Chiefs and the DCs of the respective districts while the non-tribal candidates need to produce the same certificate from the DCs of the respective districts only. It clearly indicates that a tribal candidate needs to be certified by two persons and the non-tribal one from one person only. Consequently, the settlers and other Bengali outsiders are given with an opportunity to make use of these legal twists to gain access to employment opportunities, purchase or settlement of land in the CHT and quotas reserved for the *Jumma* students in higher educational institutions of the country. Taking advantage of this situation the Bengali population has grown in alarming proportion in recent years far outnumbering the indigenous population which stands at less than half of the total population in 2008 from 77% in 1978 in just 30 years time as against current more than 50% Bengalis whose figure stood in 1978 at only 23%.

There is no provision of law in the country empowering a DC in Bangladesh including three hill districts to issue such a certificate. The DCs are only authorized to issue citizenship certificates under the “Charter of Duties of Deputy Commissioners”.

Sometimes back, Rangamati HDC and Khagrachari HDC issued appointment circulars for the posts of both Head teachers and Assistant teachers in government primary schools vide memo. no. RHDC/Edu-two-36/97 (4th Part) 473 dated on 19/9/2002 and no. 17-26(3)2000/2002-624(100)/HDC dated 18/9/2002 respectively demanding of the candidates to produce permanent resident certificate either issued by the DC or by the Circle Chief. There were serious and angry reactions from

the *Jumma* people against this unwarranted exercise of authority by the DCs. The CHT Regional Council sent a letter to the concerned Hill District Councils and the CHT Affairs Ministry demanding correction in the appointment circular and to uphold the legitimacy and applicability of the permanent resident certificate issued by the Circle Chief as is provided in the Hill District Council Act. But the Ministry of CHT Affairs again issued an instruction which was very much similar to that issued on 21 December 2000 reaffirming the authority of the DCs of the three Hill Districts to issue "Permanent Resident Certificate" to all people in the CHT irrespective of their residential status in the region. But it did not come up with any explanation in defence of its action.

The DCs are mainly drawn from the ethnic Bengalis. Indigenous people being backward in all respect find it hard to get a berth in the country's elite administrative service that DCs generally come of. Due to the historic conflict between indigenous people and the Bengalis over the issue of land rights in the CHT, the DCs, of course with a few notable exceptions, are often found to sympathize with the Bengali causes because of their same ethnic background.

THE ACCORD: 5. *It is provided in Section 7 that a person elected to the post of Chairman or Member shall, before assumption of office, swear or affirm oath before the Commissioner, Chittagong Division. This shall be amended by provisions to the effect that the Members shall swear or affirm oath before "a Judge of the High Court Division" instead of the "Commissioner, Chittagong Division"..*

Current status: Incorporated in the HDC Acts as was sought in the Accord

Comment: Chairmen and members of the councils were not found swearing or making an oath before "a judge of the High Court Division" instead of the "Commissioner, Chittagong Division." This violation of the provision implies a superior standing of the administration at the local level.¹⁴

THE ACCORD: 6. *The words "to the Commissioner, Chittagong Division" appearing in the fourth line of section 8 shall be substituted by the words "as per election rules".*

Current status: "As per rule" was inserted in the amendment in place of "as per election rule" in the Accord

Comment: Use of the phrase "as per rule" gives the authority more manoeuvrability in respect of applying the law because as the law to be applied is not specific, the authority, if prejudiced enough, may feel applying laws which may prove useful to suit its purpose; whereas the phrase "as per election rules" points to the application of specific rules, i.e. election rules. It has weakened the strength of this provision.

THE ACCORD: 7. *The words "three years" in the second line of Section 10 shall be substituted by the words "five years".*

Current status: Incorporated in the HDC Acts

THE ACCORD: 8. *It shall be provided in Section 14 that in the event of the post of Chairman falling vacant for any cause or of his absence, a tribal member elected by other members of the Council shall preside over and discharge other responsibilities.*

Current status: Incorporated in the HDC Act as is in the Accord

THE ACCORD: 9. *The existing Section 17 shall be substituted by the following sentences: "A person shall be entitled to be considered as legally eligible for enlistment in the Voters' List if he is (1) a citizen of Bangladesh, (2) not below 18 years of age, (3) not declared by any competent court to be of unsoundly mind, (4) a permanent resident of the hill district.*

Current status: Amended as "A person shall be eligible to be enrolled in the electoral roll for Council's election, if he/she satisfies the four conditions mentioned above" and incorporated in the HDC Act.

Comment: This provision meant for preparing a voter list for CHT, based on conditions laid down in section 17 but the consequent amendment with the insertion of "Council's election", which was not in the Accord, did limit the scope of the application of the CHT electoral roll to council's election only.

Rule 18 of the HDC Act relating to election was amended in the form of rules 33, 34 and 35 of 2000 in complete disregard of the Accord. The inconsistencies in the amendment have not been corrected as of now. Later, the

¹⁴ Bushra Hasina Chowdhury, 'Building Lasting Peace: Issues of the Implementation of the Chittagong Hill Tracts Accord', Research of the Program in Arms Control, Disarmament, and International Security, University of Illinois at Urbana Campaign-August 2002

government made a 'Draft Rules on the Electoral Rolls' for the three Hill districts in 2000 and sent it to the Regional Council for its opinion. The Regional Council returned it to the government with its comments and recommendations. With the BNP led coalition that swept into power in 2001, whatever modest initiatives were taken by the previous government were stalled. However, the CHT Affairs Ministry in the face of repeated insistence from the CHTRC undertook an initiative to resolve the issue, and the Law Ministry sent the Draft Rule to the Prime Minister's Office after due scrutiny. But nothing was known of this Draft Rule since then.

Despite the fact that this provision has been incorporated in the HDC Acts, it has come to be flouted constantly by the government which is one of the signatories to the historic CHT agreement. In complete violation of the CHT Accord and three Hill District Council Acts the voter list in the CHT that included non-permanent Bengali residents as voters was prepared. CHT Accord as well as the three HDC Acts provide that the voter list in the CHT shall be prepared with the permanent residents of the CHT region only. A non-tribal in the CHT is eligible to become a permanent resident of this region when he owns lawful land property and lives here at a permanent address. But many non-permanent residents who frequent to CHT and spend months on various professional call here but do not make CHT as their permanent place of residency are included in the voter list to outnumber the *Jumma* voters.¹⁵

Bengali residents (settlers) not less than 18 years of age and in some cases just above 12/13 years of age were fraudulently included in the voter list prepared from 15 May to 24 June, 2000. Out of some 400,000 Bengali voters in the three Hill districts, more than 300,000 are the non-permanent Bengali settlers and outsiders from other plain districts.¹⁶ Apart from that there are hundreds of thousands of non-indigenous plain dwellers who secretly infiltrated into the CHT individually or in groups over the recent years, illegally occupied lands and settled in the CHT with behind-the-scene support from the government functionaries.¹⁷ In addition to this, there are hundreds of thousands of military and paramilitary (BDR, VDP, APBN) personnel serving temporarily in the CHT. Above all, thousands of Bengali outsiders are engaged in various jobs and other economic activities in the CHT. All of them were illegally included in the said voter list.

The Election Commission declared that the said voter list would be used in all elections including the parliamentary one except that of the Hill District Councils and the CHT Regional Council for which a new separate voter list would be prepared in line with the Clause 9, Part B of the CHT Accord. It can be mentioned here that the opinion of the Election Commission is erroneous and unconstitutional as the Constitution of Bangladesh does not admit of more than one voter list for all elections.

On the question of preparing a voter list with the permanent residents of CHT a memorandum objecting to the Election Commission's said notification was sent to the Prime Minister, CHT Affairs Minister, Law Minister and the Election Commission. The Election Commission informed that it was not possible to make a voter list as demanded by the CHT Regional Council without amendment to the concerned Acts. Having studied the Constitution of Bangladesh, Ordinance on Electoral Rolls 1982 and the Rules on Electoral Rolls 1982 with great care, the CHT Regional Council again sent its opinion on the subject to the Prime Minister Sheikh Hasina and Law Minister stating that there was no legal obstacle in making a voter list with only the permanent residents of the CHT. But the government has not taken any initiative so far in this regard.

The CHT voter list prepared by the Election Commission in the year 2000 and 2007-08 was not in conformity with the Accord, Hill District Councils and CHT Regional Council Act, Article 119 and 122 of the Constitution of the People's Republic of Bangladesh, Electoral Rolls Ordinance 1982 and the Rules on Electoral Rolls 1982.¹⁸ Even when updating the voter list commencing from 15th June 2009, scores of Rohingyas in Lama, Alikadam and Nakhyongchari upazila were included as voters.¹⁹

Clause 2 (d) of Article 122 of the Bangladesh Constitution provides that "A person has the right to be included in the voter list of a constituency determined for parliamentary elections, if he/she is a resident of that constituency or considered to be a resident of that constituency by law". Again section 4 of the Electoral Rolls Ordinance 1982

¹⁵ Bushra Hasina Chowdhury, 'Building Lasting Peace: Issues of Implementaion of the Chittagong Hill Tracts Accord', Research of Program in Arms Control, Disarmament, and International Security-University of Illinois of Urbana-Campaign

¹⁶ PCJSS Report on the Implementation of the CHT Accord, 2010

¹⁷ Dr. Imtiaz Ahmed. A Overall Review of the Problems of the CHT & Thought for Solutions: A Study, Department of International Relations, University of Dhaka, 1996

¹⁸ The PCJSS report on the Implementation of the CHT Accord, 2010

¹⁹ Bengali daily Jugantar, October 8, 2009

lays down that “a person shall be considered to be a resident of that constituency where he/she usually or generally lives”. Section 8 (2) further states that a government official or employee or a person in government office engaged in service in a constituency (other than his/her own) can be included in the voter list of that constituency provided that he/she applies for it and subject to the permission of the Election Commission. Therefore, in the light of the above sections there is no legal bar to make a voter list for the HDCs and CHTRC as well as for other elections in the CHT with only the permanent residents of the CHT excluding the non-permanent residents.²⁰

While voter listing was on for election to the 9th parliamentary election, the CHT Ministry issued a government order no CHTAM (P-1)-Ranga/Law-80/2000-158 to CHTRC and three HDCs asking for their cooperation in the voter registration process. The order did not contain any instruction to make voter list with only permanent residents of CHT. On the contrary, the order carried in a language which sounded intimidating with an inherent warning that action would be taken as per ordinance/law/rule in the event of failing to cooperate, or showing laxity and negligence in this respect. The 14 Party Coalition (Which formed the government after winning the 29th December 2008 election under the banner of Grand Alliances) in their proposal on the reformation of Election Commission and the Election System also proposed to make a voter list for CHT with the inclusion of the permanent residents of that region only. It, therefore, remains to be seen if the present government lives up to the promise it made with regard to making a separate voter list for the CHT.

THE ACCORD: 10. *The words “delimitation of constituencies” appearing in sub-section 2 of Section 20 shall be distinctly incorporated.*

Current status: Amended with words “determination of election constituency”

Comment: The word “electoral” has been replaced by “election”

THE ACCORD: 11. *There shall be a provision in sub-section 2 of Section 25 to the effect that the Chairman and in his absence, a tribal Member elected by the other Members shall preside over all the meetings of the Council.*

Current status: Incorporated in the HDC Act

THE ACCORD: 12. *Since the entire area of Khagrachari district is not encompassed by the Mong Circle. the words “Khagrachari Mong Chief” appearing in Section 26 of the Act regarding Khagrachari Hill District Council shall be substituted by the words “Mong Circle Chief and Chakma Circle Chief”. Similarly, there shall be made a scope for the attendance of the Bohmang Chief in the meetings of Rangamati Hill District Council. In the same manner there shall be provision that the Bohmang Circle Chief, at his will or on being invited, shall be entitled to attend the meetings of Bandarban Hill District Council.*

Current status: Amended using the words “Khagrachari Mong Chief, Rangamati Chakma Chief and Bandarban Bohmong Chief” in the provision.

Comment: The names of “districts” instead of “circles” have been used in the amendment. This will contradict the boundaries of the Circles as the Circle boundaries are completely different from those of the districts.²¹

THE ACCORD: 13. *It shall be provided in sub-section (1) and (2) of Section 31 that a Chief Executive Officer of the rank of a Deputy Secretary to the government shall be the Secretary of the Council and the tribal officers shall be given preference for appointment to this post.*

Current status: Amended as proposed

Comment: However, there has not been a single Chief Executive Officer in the HDCs who was drawn from the tribal community since the inception of HDCs in 1989. The government often appoints, on contract basis, from among the retired bureaucrats to higher positions in the service of the republic for better execution of the government policies. In the same manner, the government can go for appointing the retired *adivashi* high government officials on contract basis to the executive positions of the CHTRC and the HDC if the present available *adivashi* civil servants in the BCS cadre fail to meet the conditions necessary to become Executive Officers of these bodies.

²⁰ The PCJSS report on the Implementation of the CHT Accord, 2010

²¹ <http://www.angelfire.com/ab/jumma/bgground/british.html>

THE ACCORD: 14. a) *There shall be provision in sub-section (1) of Section 32 that the Council shall be competent, subject to approval by the government, to create posts of officers and employees of different categories for the purpose of smooth completion of the works of the Council.*

Current status: Though the provision was amended as it was intended in the Accord, but the HDCs and the national government are yet to implement it.²²

THE ACCORD: b) *Sub-section (2) of the Section 32 shall be formulated in the following manner "The Council shall, as per Regulations, have competence to appoint Class-III and Class-IV employees and to transfer, suspend, dismiss, remove or otherwise punish them.*

Provided that it shall be the condition attached to such appointments that the tribal residents of the district concerned shall have right of preference".

Current status: This provision has been incorporated in the HDC Acts but has not been executed fully.²³

THE ACCORD: c) *It shall be provided in sub-section (3) of Section 32 that the Government shall, as per Regulations, have the authority to appoint officers in consultation with the Council and to transfer elsewhere, suspend, dismiss, remove or otherwise punish them.*

Current status: Incorporated in the HDC Acts but government never consults the councils before making such appointments.²⁴

Comments: As a result of the inclusion of two sub clauses separately in the amended bill, the government can seek the advice of the HDC while making appointment of officers (1st and 2nd class officers) to the council²⁵ but the council does not reserve the right to take any punitive actions against them.

On the whole, from the implementation point of view these provisions have not been carried out as intended till today. As a result, the officials and employees of the district and upazila (sub-district) level administration are predominantly non-locals and non-indigenous people. They run their administration according to their mindset which is mostly toned up by the decades of belligerency between the indigenous peoples on the one hand and the non-indigenous dominated government forces on the other. It is also a reality that most of these non-indigenous officials and employees put up strong opposition to the implementation of the Accord. Appointment of *Jumma* officers and employees in the local administration is hindered as a result. The entire administrative weight, both civil and military, is put to use to support the *settlers'* interest in the CHT.

THE ACCORD: 15. *The words as per Rules shall be inserted in sub-section (3) of Section 33.*

Current status: Included in the HDC Acts

THE ACCORD: 16. *The words "or in any other way determined by the Government" appearing in the third line of sub-section (1) of Section 36 shall be deleted.*

Current status: The amendment sought has been implemented.

THE ACCORD: 17. a) *The provision starting with "Fourthly" in sub-section (1) of Section 37 of the original Act shall remain in tact.*

b) *The pharase "as per as" shall inserted in clause 'D' of sub-section (2) of Section 37.*

Current status: Amended accordingly and inserted in the HDC Acts.

THE ACCORD: 18. *Sub-section (3) of Section 38 shall be deleted and sub-section (4) shall be formulated as follows: "At any time before the expiry of a financial year, a budget may be prepared and approved, if necessary, for that financial year".*

²² Bushra Hasina Chowdhury. 'Building Lasting Peace: Issues of the Implementation of the Chittagong Hill Tracts Accord', Research of the Program in Arms Control, Disarmament, and International Security, University of Illinois at Urbana Campaign-August 2002

²³ Op. cit.

²⁴ Jatindra Lal Tripura, ex-HDC chairmen, Khagrachari Hill District, shared the view during an interview with this author

²⁵ <http://www.angelfire.com/ab/jumma/bgground/british.html>

Current status: Amended as “At any time before the expiry of the financial year, a budget may be prepared and approved, if necessary, for that financial year **and a transcript of it shall be sent to the government.**” The addition of the line in bold italics which was not in the original amendment sought. It demands of the council an obligation to submit a transcript of the budget it prepared.

THE ACCORD: 19. *The following sub-section shall be added to section 42: “(4) The Council shall be competent to prepare, undertake and implement, with the help of money receivable from the Government, development projects in respect of the matters transferred to it and all development programs at national level shall be implemented through the Council by the concerned Ministry/Department/Institution”.*

Current status: This provision was not rightly phrased in the Act No. 9, 10 and 11 of Hill District Council Act 1998 while amending the Hill District Local Government Council Act 1989 in line with the CHT Accord. The provision has been included in the Hill District Councils Acts (Amendment) 1998 in the following way:

“(2a) As Sub-Section (1) of Section 42, the Council with its fund or money given by the government can prepare and execute development projects on institutions or works given by the government to the Council under Section 23 (b)”.

“(4) All development programmes undertaken by the government at national level on any subject placed under the Council will be implemented by concerned ministries, departments or institutions through the Council”.

The proposed provision of section 42 was originally phrased in one sentence but it was split into two sub-sections in the amended form. The amendment appeared in sub-Section (1) of section 42 “*The Council shall be competent to prepare, undertake, and implement with the fund received from the government, development projects on the subjects transferred under Section 23 (b)*” was carried out as desired. But the amendment that was pressed in sub-section (4) stood totally in contrast to the provision of the agreement:

A close examination of the amended sentence appeared in section 19 clearly shows that in sub-section (4) an extra phrase “on any subject placed under the council” was added in the amendment after the line “All development programs undertaken by the government at the national level”. This extra phrase was not in the Accord. As a result the government is not obliged to execute, in the CHT, any developmental program initiated at the national level through the Councils as was originally agreed in the Accord.

The government was pressed again and again to amend the said contradictory provision in line with the CHT Accord. Finally, only the Sub-clause (2a) was amended in accordance with the Accord in the Act no. 29, 30 and 31 of the Council Act 2000 while sub clause (4) remained unchanged.

Comment: The amendment that was brought about focused the role of the HDC on the development projects under different transferred subjects only, leaving all other development programs in the hill districts taken at the national level out of its purview. Therefore, by refusing to amend sub clause (4) which stipulates that “all the development programs initiated at the national level shall be implemented by the concerned ministry/department through the Council”, the implementing role of the HDC, in total violation of the Accord, over the development programs initiated at the national level for CHT has been curbed.

THE ACCORD: 20. *The word "Government" appearing in the second line of sub-section (2) of Section 45 shall be substituted by the word "Council".*

Current status: Amended accordingly

THE ACCORD: 21. *Sections 50, 51 and 52 shall be repealed and in their stead the following Section shall be enacted: "In order to ensure harmonization of the activities of the Council advice or instructive orders, if necessary, if the Government be convinced on having received such evidence that any activity done or proposed to be done by or on behalf of the Council is inconsistent with law or contrary to public interest, it shall then have the authority to call for in writing from the Council information and explanation about the matter concerned and give advice or directive in that regard.*

Current status: The amendment was made in the following manner:

“The government shall have the rights to order or advise the HDC in case of necessity to ensure conformity of the functions of HDC with the purpose of this Act. If the government is satisfied that anything done or intended to

be done by the HDC or on behalf of HDC is not in conformity with law or contrary to public interest the government may seek information and clarification and give advice or order to the HDC on concerned matters in writing and HDC shall be to make available information and clarification and implement the order and advice.²⁶

Comment: The words “such evidence” in the third line of the proposed amendment were dropped in the amended bill and one additional line “HDC shall be to make available information and clarification and implement the order and advice”, which was not proposed in the Accord, was added. As a result the government does not need any definite proof but only satisfaction is enough to call for information or clarification from the HDC on concerned matter. Also consequent upon the amendment, HDC is bound to carry out the order or advice of the government sealing altogether the scope for HDC to explain its position on the matter that the government took exception of. Moreover, the original text of this rule begins as follows: “The government may, if deemed necessary, advice or order the Council...” This line is replaced in the amendment as “The government shall have the rights to order or advise the HDC....” Of the two lines quoted above, the ‘first line’ as appeared in the Accord presents a softer approach of the government in dealing with the council while the ‘other line’ as inserted in the amendment is expressive of domineering dictation to the council.

THE ACCORD: 22.. *The words “after the expiry of the period of being defunct” in Sub-section (3) of Section 53, shall be deleted and instead thereof the words “Within 90 days of cancellation of the Council” shall be inserted before the words “this Act”.*

Current status: Amended with the addition of this phrase “is published in the gazette” after the words “within ninety days of cancellation order of the council”, in violation of the Accord.

Comment: The provision in the amended form will surely delay beyond ninety days the reorganization of the council by as many days as it takes for gazette notification.

THE ACCORD: 23. *The word “Government” will be replaced by word “Ministry” in the third and fourth lines of Section 61.*

Current status: Amended with the addition of words “or Division” after the words “of the ministry”.

Comment: This amendment has brought the HDCs under the jurisdiction of the “Division” of the ministry, though the HDCs are answerable as per the Accord to the CHT affairs Ministry only.

THE ACCORD: 24. a) *Sub-section (1) of Section 62 shall be amended as follows: “Notwithstanding anything contained in any other law for the time being in force, Sub-Inspectors and all members of ranks subordinate thereto of the Hill District Police shall be appointed by the Council as per Regulations and prescribed procedure and the Council shall be competent to transfer them and take punitive action against them in accordance with the procedure prescribed by the Regulations;*

Provided that, the tribals of the district shall have preference in case of the said appointment.

b) *The words “subject to the provisions of all other laws for the time being in force” as appear in the second line of sub-section (3) of Section 62 shall repealed and substituted by the words “as per law and rules”.*

Current status: This provision has been included in the HDC Acts but it is yet to be executed.

Comment: Even after thirteen years since signing the Accord the government of Bangladesh could do nothing to transfer concerned subjects and functions to the HDCs for implementation. The police are still continued to be controlled and the power is allowed to be exercised by the same authorities as before.

The provision of the Accord to give priority to indigenous peoples in appointment to the local police forces continued to be violated till to date. Proposals calling upon the government to post the indigenous police personnel on duty in the plains to CHT as a stop-gap measure to stem the fragile law and order situation from crumbling has not been heeded to so far.²⁷ Of course, there have been some stray cases of such transfer which was not of any use or significance by any court.

THE ACCORD: 25. *The words “to render assistance” in the third line of Section 63 shall remain in tact.*

²⁶ <http://www.angelfire.com/ab/jumma/bgground/british.html>

²⁷ PCJSS Reports on the Implementation of the CHT Accord, 2010

Current status: This provision was retained.

Comment: As there has not been any change in the police regulation accommodating HDCs authority to control the police forces, the HDC Chairman and its officers have nothing to do if the police officials fail to comply with providing assistance to the former in the application of their lawful authority.

THE ACCORD: 26. Section 64 shall be amended and enacted as follows:

a) "Notwithstanding anything contained in any other law for the time being in force, no land and premises, including the leasable Khas lands, within the territorial limits of the Hill Districts shall be transferable by Ijara, settlement, purchase or sale except with the prior permission of the Council;

Provided that this provision shall not be applicable in respect of the area of Reserved Forest, Kaptai Hydro-electric Project, Betunia Satellite Station, State-owned in the industries and factories and the lands recorded in the name of the Government".

Current status: Incorporated as it is in the Khagrachari and Bandarban Hill District Councils' Acts. But in the case of Rangamati Hill District Council, the words "local authorities" have been inserted after the words "in the name of the government".

Comment: The contradictory provision was finally amended in line with the Accord in the Act no. 29 of the Council Act under pressure from the CHT Regional Council and the PCJSS. However, the authority over the land management has not been transferred to the Hill District Councils.²⁸

THE ACCORD: b) *"Notwithstanding anything contained in any other law for the time being in force, No land, hill or forest under the controlled and within the jurisdiction of the Council shall be acquired or transferred by the Government without consultation with or the consent of the Council.*

Current status: Though provision has been included in the Act but the concerned authority is not respectful of complying with the law. It has been observed disturbingly that the DCs, contrary to the relevant provisions of the HDC Acts, are increasingly involved in acquiring and transferring lands though there was a CHT Ministry circular CHTAM (P-1)/HD/miscellaneous/85/2000/529 calling upon the DCs to stop such practice. The Forest Department, alongside, has come up with a program to acquire 217,790 acres of land (72,000 acres of land alone in Bandarban Hill district) for afforestation.²⁹ This scheme by the government has put the Khyangs, one of the smallest indigenous communities of the CHT who are also the foremost among disadvantaged and deprived of the hill people, to virtual eviction from their ancestral domain of which they were parts for centuries.

The woe associated with land acquisition does not end there. The government has already acquired 11445.45 acres Sualok for establishing Infantry Training center. More lands are under process of acquisition: 19000 acres in Sualok for Infantry Training center, 9560 acres in Ruma for Para Commando and Aviation Training center, 181 acres for expansion of Bandarban Brigade, 5500 acres in Chimbuk for Eco-Park and Army Tourism center, 2600 in Bandarban-Lama for Air force training center, 50 acres of land for the expansion of Longadu Military Zone without any prior consent either from the Hill District Councils or from the CHT Regional Council as stipulated in the Accord. By now 11,445.45 acres of land have already been acquired in the Bandarban Hill District for the Artillery Training Center violating the condition of the Accord.³⁰

THE ACCORD: c) *The Parishad may supervise and control the works of the Headmen, Chainmen, Amins, Surveyors, Kanungos and Assistant Commissioner (land).*

Current status: This provision has been included in the HDC Acts, but the Councils have not officially been invested with any such power³¹.

On the contrary the CHT Ministry vide a circular No. Pachabim (pa-1)-(tathya-17/2005/355 dated 21-11-2009 asked for the opinion of the chairmen of both the CHTRC and the three HDCs on a proposal adopted in the DC's

²⁸ Bushra Hasina Chowdhury. 'Building Lasting Peace: Issues of the Implementation of the Chittagong Hill Tracts Accord', Research of the Program in Arms Control, Disarmament, and International Security, University of Illinois at Urbana Campaign-August 2002

²⁹ Bushra Hasina Chowdhury. 'Building Lasting Peace: Issues of the Implementation of the Chittagong Hill Tracts Accord', Research of the Program in Arms Control, Disarmament, and International Security, University of Illinois at Urbana Campaign-August 2002

³⁰PCJSS Reports on the Implementation of the CHT Accord, 2005, 2010

³¹ Bushra Hasina Chowdhury. 'Building Lasting Peace: Issues of the Implementation of the Chittagong Hill Tracts Accord', Research of the Program in Arms Control, Disarmament, and International Security, University of Illinois at Urbana Campaign-August 2002

conference-2009, to review section 64(2) of HDC Act 1989 authorizing the HDC to supervise and control the functions of the Headman, Amin, Surveyor, Kanunugo and Assistant Commissioner (Land).

THE ACCORD: *d) The reclaimed fringe lands of Kaptai Lake shall be leased out on priority basis to the original owners.*

Current status: This provision has been included in the HDC Acts but the authorities concerned have not been observing it. On the contrary, hundreds of acres of land have been given in lease to the settlers³².

THE ACCORD: *27. Section 65 shall be amended and formulated as follows: "Notwithstanding anything contained in any other law for the time being in force, the responsibility of collecting the Land Development Tax of the district shall rest in the hands of the Council and the collected tax of the district shall be deposited in the fund of the Council."*

Current status: Though the provision has been included in the HDC Acts, but this power is still continued to be exercised by the Deputy Commissioners of the three Hill Districts and the fund collected is deposited with the accounts of the district administration.

Comment: The CHT Ministry vide a circular No. Pachabim (pa-1)-(tathya-17/2005/355 dated 21-11-2009 asked for the opinion of the chairmen of both the CHTRC and the three HDCs on a proposal adopted in the DC's conference-2009, to review section 65 of HDC Act 1989, vesting the authority to collect land development tax with the HDC and to deposit the collected tax in the fund of the council.

THE ACCORD: *28. Section 67 shall be amended and formulated as follows: "in the event of necessity for harmonization of the works of the Council and the Governmental authorities, the Government or the Council shall raise proposals on specific subject and the harmonization of the works shall be effected through mutual communications between the Government and Council".*

Current status: This provision has been amended and included in the HDC Acts as was intended but is yet to be exercised either by the government or the HDCs.

THE ACCORD: *29. Sub-section (1) of Section 68 shall be amended and formulated as follows: "With a view to carrying out the purposes of this Act, the Government may, upon consultation with the Council, make Rules through Notification in the Government official Gazette and the Council shall have a rights to apply to the Government for review of the said Rules even after they are already made".*

Current status: This provision has been amended and included in the HDC Acts but the government is yet to make rules applicable to the Hill District Council.

THE ACCORD: *30. a) The words "with prior approval of the Government" in the first and second lines of Sub-section (1) of Section 69 shall be repealed and after the words "may make" in the third line the following proviso shall be added:*

"Provided that if the Government does not agree with any part of the Regulations made, it shall be competent to give advice or directive to the Council towards amendments of the said regulations".

Current status: This provision has been included in the HDC Acts but its application is yet to be tested.

THE ACCORD: *b) The words "conferment of the powers of the Chairman on any officer of the Council" in clause (h) of sub-section (2) of Section 69 shall be deleted.*

Current status: This provision has been implemented.

THE ACCORD: *31. Section 70 shall be deleted.*

Current status: This provision has been implemented.

THE ACCORD: *32. Section 79 shall be amended and formulated as follows:*

"If, in the opinion of the council, any law made by the National Parliament or any other authority as applicable to the hill district is one which creates hardship for the said district or is objectionable for the tribals, the Council

³² Ibid.

may, upon stating the cause of hardship or abjection, apply to the Government in writing for amending or relaxing the application of such law and the Government may take remedial measures in accordance with such application".

Current status: Amended and included in the HDC Acts. However, this legislative privilege is yet to be tested.

THE ACCORD: 33. The word "discipline" appearing in Item No. 1 under the heading the activities of the Council in the First Schedule shall be substituted by the word "supervision"

Current status: Amended and included in the Hill District Council Acts.

THE ACCORD: b) In Item No. 3 of the Council's activities, the following shall be added: "(1) Vocational education, (2) Primary education through mother tongue, (3) Secondary education".

Current status: Amended accordingly and included in the HDC Acts. But no initiative has been taken to impart primary education through mother tongue. Vocational education was transferred but secondary education is yet to be handed over to the HDC.

THE ACCORD: c) The words "reserved or" appearing in Clause 6(b) of the Council's activities shall be deleted..

Current status: This provision has been implemented. However, the subject of "development and conservation of forest not reserved by the Government" has not been transferred to the HDCs.

THE ACCORD: 34. The following subjects shall be included in the functions and the responsibilities of the Hill District Council:

a) Land and land management; b) Police (local); c) Tribal law and social justice; d) Youth welfare; e) Environmental protection and development; f) Local tourism; g) Improvement Trust and other institutions concerning local administration, other than Municipality and Union Council; h) Issuing license for local commerce and industries; i) Proper utilization of rivers and streams, canals and Beels and irrigation system other than water resources of the Kaptai Lake; j) Maintaining of the statistics of birth and deaths; k) Wholesale business; l) Jum cultivation.

Current status: Included, accordingly, in the HDC Acts, but except tribal law and social justice, and youth welfare none of the aforementioned subjects has been transferred to the HDCs as of now.

THE ACCORD: 35. The following items shall be added to the subjects for imposition of taxes, rates, tolls and fees by the Council as stated in the Second Schedule:

a) Registration fees of non-mechanical transports; b) Tax on buying and selling of commodities; c) Holding tax on lands and buildings; d) Tax on selling of domestic animals; e) Fees for community adjudication; f) Holding tax on Government and Non-government industries; g) A specified part of the royalty on forest resources; h) Supplementary Tax on Cinema, Jatra and Circus; i) Part of the royalty received by the Government against granting Licenses or Pattas for the exploitation of mineral resources; j) Tax on business; k) Tax on lottery; l) Tax on catching Fish.

Current status: This provision has been included in the HDC Acts, but the power to exercise this provision has not been accorded to the HDCs.³³

C. CHITTAGONG HILL TRACTS REGIONAL COUNCIL³⁴

THE ACCORD: 1. Subject to amendment and addition of the various sections in the Parbatya Zilla Sthanio Sarkar Parishad Ayin, 1989 (Act IXX, XX and XXI of 1989) for purpose of making the Hill District Council more powerful and effective, a Regional Council will be formed comprising the Local Government Councils of three Hill Districts.

Current status: Accordingly the three HDC Acts have been amended.

³³ Bushra Hasina Chowdury. 'Building Lasting Peace: Issues of the Implementation of the Chittagong Hill Tracts Accord', Research of the Program in Arms Control, Disarmament, and International Security, University of Illinois at Urbana Campaign-August 2002

³⁴ Op. cit.

THE ACCORD: 2. *The elected Members of the Hill District Councils shall, by indirect mode, elect the Chairman of this Council whose status shall be equivalent to that of a State Minister and who shall be a tribal.*

Current status: This provision has been included in the CHTRC Act. The chairman is also a tribal and has been given the status of a state minister.

Comment: The incumbent chairman is not elected as the present council is an interim one which the government formed in exercise of the power provided in section 12 of the CHTRC Act. The election to this Council could not be held during the last 11 years due to non-holding of elections to the HDCs. As per rule the elected members of the HDCs shall elect the chairman and members of the CHTRC.

THE ACCORD: 3. *The Council shall consist of 22 (twenty-two) Members including the Chairman. Two third of the Members shall be elected from amongst the tribals. The Council shall determine the modality of its functioning.*

- a) Chairman— 1
- b) Members: (tribal)— 12
- c) Members: female (tribal)— 2
- d) Members: (non-tribal)— 6
- e) Member: female (non-tribal)— 1

Of the male tribal Members, 5 shall be elected from the Chakma tribe, 3 from the Marma tribe, 2 from Tripura tribe, 1 from the Murung and Tanchangya tribes and 1 person from amongst the Lusai, Bowm, Pankho, Khumi, Chak and Kiang tribes.

Of the male non-tribal Members, 2 persons shall be elected from each district.

Of the female tribal Members, 1 person shall be elected from the Chakma tribe and another from the rest of the tribes.

Current status: Included in the CHTRC Act and implemented.

THE ACCORD: 4. *There shall be reserved 3 (three) seats for the women in the Council and one third (1/3) thereof shall be for the non-tribals.*

Current status: Included in the CHTRC Act and implemented.

THE ACCORD: 5. *The Members of the Council shall, by indirect mode, be elected by the elected Members of the three Hill District Councils. The Chairman of the three hill districts shall be ex-officio Members of the Council and they shall have right to vote. The qualification and disqualification of candidature for membership of the Council shall be similar to those of the Members of the Hill District Councils.*

Current status: Included in the CHT Act. The government in exercise of the power given in section 12 of the CHTRC Act 1998 nominated the CHTRC members as the election to the HDC has not been held.

Comment: The provision is yet to be put into action as the government lacks in sincerity and urgency to fully implement the Accord. The government can, if it so wishes, pursue the case in the High Court for its speedy disposal as the government is the main defender here.

THE ACCORD: 6. *The tenure of office of the Council shall be 5 (five) years. The procedure and other matters regarding the preparation and approval of the budget of the Council, dissolution of the Council, framing of the Rules of the Council, appointment and control of the officers and employees, etc. shall be similar to the procedure and other matters as are applicable to the Hill District Councils.*

Current status: Included in the CHTRC Act but has not been implemented accordingly. It is 10 years since the rules for conduction of the CHTRC were framed and sent to the government for its opinion. But the government is yet to comment on this. The interim council constituted in place of regular elected council in 1999 continues to function for the last eleven years without break though the provision sets five years for one term of the council.

THE ACCORD: 7. *There shall be the Council, a Chief Executive Officer of the rank equivalent to that of a Joint Secretary to the Government and the tribal candidate shall be given preference for appointment to this post.*

Current status: Included in the CHTRC Act and implemented accordingly.

THE ACCORD: 8.a) *If the post of Chairman of the Council falls vacant, one person from amongst the other tribal members shall be, by indirect mode, elected Chairman for the interim period by the Members of the three Hill District Councils.*

Current status: Inserted accordingly in the CHTRC Act.

THE ACCORD: b) *If the post of a Member of the Council falls vacant for any reason, it shall be filled up by by-election..*

Current status: Inserted in the CHTRC Act. No office of the CHTRC members fell vacant as of now.

THE ACCORD: 9. a) *The Council shall coordinate all the development activities carried out by the three Hill District Councils, and shall also superintend and harmonize all the affairs of and assigned to the three Hill District Councils. Besides, in the event of lack of harmony or any inconsistency being found in the discharge of responsibilities given to the three Hill District Councils, the decision of the Regional Council shall final.*

Current status: Included in the CHTRC Act but is not being observed in practice as there has not been any corresponding change in the relevant section(s) of the HDC act purported to bring the HDCs under the supervision of RC. The three HDCs were non-cooperative with the CHTRC during the BNP (2001-2006) and the Caretaker Government (2006-2008), and even present grand alliance government.

THE ACCORD: b) *This Council shall coordinate and supervise the Local Council, including the municipalities.*

Current status: Included in the CHTRC Act. But the union councils along with other local government bodies, for example, the municipalities are not cooperative with the CHTRC as the Acts regulating union councils and municipalities have not been amended accordingly to accommodate the provision for RC supervision.

THE ACCORD: c) *The Regional Council shall coordinate and supervise the three hill districts in matters of general administration, law and order and development.*

Current status: Incorporated into the CHTRC Act, but the district administrative authorities, police supers in the three hill districts, and development authorities like the CHTDB continue ignore the CHTRC while performing their functions as the 1900 Regulations has not been amended to accommodate for CHTRC supervision.

GoB took plan to form a "Strategic Management Forum" under a minister or an adviser with the CHT Affairs Ministry, Home Ministry, Armed Forces Division, Forest Department, concerned Circle Chief, intelligence agencies in order to curb violence in the CHT and to oversee government development activities in this region. It is reported that on 5 May 2010 the plans were placed at a review meeting on the situation in the CHT chaired by Prime Minister Sheikh Hasina. Leaders of the CHT and citizens of the country sharply criticised this government plans saying that the plans contained elements that go against the spirit of the CHT Accord. They also expressed concern that the plans might pave the way for greater military supervision in the CHT.

THE ACCORD: d) *The Council shall coordinate the activities of the NGOs in addition to disaster management and carrying out the relief programs.*

Current status: Incorporated accordingly in the CHTRC Act. However, the coordinating role to be performed by the CHTRC with regard to the NGO activities remains to be seen as of now. The disaster management and relief operation in the CHT, as in other parts of the country, is continued to be controlled by DC sidelining the CHTRC even 13 years after the Accord was signed. Thus the Ministry of Relief and Disaster management has continued to flout the Accord.

In the month of May 2010 CHT Parliamentary Standing Committee took a decision to monitor NGO activities in CHT by DCs, which was so far entrusted with the CHT Regional Council and three Hill District Councils as per its legislation. CHTRC opposed it and send letter to the concerned one including Prime Minister.

THE ACCORD: e) *Tribal law and community adjudication shall be within the jurisdiction of the Regional Council.*

Current status: Incorporated in the CHTRC Act. This customary prerogative of the CHTRC is yet to be tested.

THE ACCORD: f) *The Council shall be competent to grant License for heavy industries.*

Current status: Included in the CHTRC Act. However, when the process of establishing a fertilizer industry in the CHT and installation of two more units in the Kaptai Hydroelectric project were in progress, the CHTRC was not consulted with.

THE ACCORD: 10. *The Chittagong Hill Tracts Development Board shall discharge the assigned duties under the general and overall supervision of the Council. The Government shall give preference to the eligible tribal candidates in appointing the Chairman of the Development Board.*

Current status: Incorporated in the CHTRC Act. But the CHT Development Board (CHTDB) continues to disregard the authority of the CHTRC while discharging its functions. The government on the other, in complete disregard to the provisions of the Accord, appointed Abdul Wadud Bhuiyan MP from Khagrachari constituency as the chairman of the CHTDB. Though present grand alliance government appointed an indigenous MP named Bir Bahadur Shwe Sing elected from Bandarban constituency as chairman of the Board on 24 March 2009, but the Board continues to ignore the CHTRC's supervision.

THE ACCORD: 11. *The Chittagong Hill Tracts Regulation of 1900 and other related Acts, Rules and Ordinances being found inconsistent with the Local Government Council Acts of 1989, it shall be removed by law as per advice and recommendations of the Regional Council.*

Current status: Included accordingly in the CHTRC Act. But the government has so far not taken any steps to do away with the inconsistencies in the above mentioned Acts and Regulations (for one such example please see the 'implementation status' of sub-section (b) of section 26 under the head 'B. Chittagong Hill Tracts Local Government Council/Hill District Council').

THE ACCORD: 12. *Until the formation of the Regional Council through direct and indirect election, the Government shall be competent to constitute an interim Regional Council and to empower it to discharge the responsibilities of assignable to the Council.*

Current status: Included in the CHTRC Act and an interim Council has also been formed.

Comment: But the Council has not been made effective till to date as the government has failed to invest it with necessary power as has been provided in the CHTRC Act.

THE ACCORD: 13. *In making any law in connection with Chittagong Hill Tracts, the Government shall enact such law in consultation with and as per advice of the Regional Council. If it becomes necessary to amend any law which bears an adverse effect on the development of the three hill districts and welfare of the tribal people or to enact new law, the Council shall be competent to apply or submit recommendations to the Government.*

Current status: Incorporated into the CHTRC Act as was sought in the Accord. But this legislative prerogative of the CHTRC largely remains untested especially in matters of such laws as are exclusively meant to deal with the CHT issues. Otherwise, It is not uncommon that the government, sometimes, without consulting the CHTRC makes, by gazette notification, national laws applicable to the CHT without taking the CHT perspective and its distinctive character into account. For example, the government introduced the Speedy Trial Act 2003, Women and Child Repression Act 2003, Small Ethnic Groups Cultural Institute Act 2010 in the CHT without consulting the CHTRC. Enacting and introducing laws without an insight and understanding of the context may prove disastrous for the people for whom the laws are meant for. *Neither is the government amenable to any such recommendations submitted by the CHTRC on CHT issues.*³⁵

THE ACCORD: 14. *The sources of the Council Fund shall be as follows:*

- a) *Money received from the District Council Fund*
- b) *Money or profits received from all the properties vested in or managed by the council*
- c) *Loans and grants from the government and other authorities*
- d) *Grants given by any institution or person*
- e) *Profits earned from the investments of the Council Fund*
- f) *Any money received by the council*
- g) *Money received from other sources provided to the council as per the direction of the government*

³⁵ This is an allegation often made by the RC chairman in his speeches made on different occasion

Current status: Included in the CHTRC Act. But the government has not been very cooperative in playing supportive role to create such fund for the council.

D. REHABILITATION, GENERAL AMNESTY, AND OTHER MATTERS³⁶

In order to restore normalcy in the Chittagong Hill Tracts region and, to that end, in respect of the works and matters of rehabilitation, general amnesty and allied issues, both the parties have been arrived at the following consensus and agreed to undertake programs as follows:

THE ACCORD: 1. With a view to bringing the tribal refugees staying in the Tripura State of India back to the country, an agreement was signed on the 9th day of March, '97 at Agartala of Tripura State between the Government and the Leaders of tribal refugees. In pursuance of that Agreement, the tribal refugees started coming back to the country since 28th day of March, '97. This process shall remain un-hindered and to that end all possible cooperation shall be given from the end of the Jana Samhati Samiti. After ascertaining the identity of the Internally Displaced Persons of the three hill districts, rehabilitation measures shall be undertaken through a Task Force.

Current status: a) The *Jumma* refugees numbering about 12,222 families with a total of 64,609 persons returned to the CHT from the Tripura State of India. But 9780 families could not go back to their own homesteads, farm lands and native villages as they could not be reinstated in their original/rightful lands which were already occupied by the settlers. The prospect of rehabilitation is shrouded in uncertainty since then. 40 *Jumma* villages are still under the occupation of the settlers. 890 families did not receive money to buy bullock for cultivation. 6 government primary schools shifted during the insurgency period to new places were not brought back to their original sites. 5 bazzars relocated to the places with settlers populations were not reinstated in their former locations. 7 temples remained under settlers' occupation.³⁷

B) The Accord provided for the rehabilitation of the India Returnee Refugees (IRR) and the Internally Displaced People (IDP), after identifying them, through a Task Force. However, this task remains to be accomplished even after 12 years. The first Task Force formed immediately after the Accord was headed by Dipankar Talukdar, the then MP from Rangamati constituency and now heading the CHT Ministry in the capacity of a state minister, declared some 38,156 Bengali settler families along with more than 90,208 indigenous families as internally displaced people in the 11th meeting of the Task Force held unilaterally on 15th May 2000. The meeting was not attended by representatives of PCJSS and Returnee *Jumma* Refugee Welfare Association (RJRWA) who walked out of the 9th meeting of the Task Force held on 22 September 1999 in protest against tempering with the definition of the "Internally Displaced People" by some CHT Ministry official. They also issued a joint press release on the matter.

In June 2000 and September 2010, PCJSS submitted to the Prime Minister and the Convener of the CHT Accord Implementation Committee a memorandum calling for cancellation of the process of identifying the Bengali settlers as internally displaced people and withdrawal of the letter dated 19th July 1998 issued to the Task Force by the Special Affairs Division instructing rehabilitation of the "internally displaced non-tribal persons". It was also demanded for honorable settlement of the Bengali settlers outside the CHT.

The Task Force became dysfunctional as the term of the previous government ended on 13th July 2001. On a repeated demand from the PCJSS, the BNP government appointed, on 29th October 2004, Mr. Samiran Dewan as the chairman of the Task Force. The Task Force, after it was reconstituted, had four sittings on 22nd April, 27th May, 25th July and 21st November respectively in the year 2004. On 3rd June 2007, the Task Force had another meeting at the Khagrachari circuit house. However, these meetings could not make any breakthrough on the issue. On the contrary, Mr. Sontoshita Chakma Bakul, the leader of the Returnee *Jumma* Refugee Welfare Association, was arrested as soon as he emerged from the Task Force Committee meeting³⁸ on charges not known to any. Moreover, despite any decision taken in the Task Force Committee meeting on the rehabilitation of 26 India Returnee Refugee families, arrangements were made through the Khagrachari HDC to rehabilitate

³⁶ Bushra Hasina Chowdhury, 'Building Lasting Peace: Issues of the Implementation of the Chittagong Hill Tracts Accord', Research of the Program in Arms Control, Disarmament, and International Security, University of Illinois at Urbana Campaign-August 2002

³⁷ The PCJSS Report on the Implementation of the CHT Accord, 2009

³⁸ PCJSS Report On the Implementation of the CHT Accord-2009

them, in violation of the terms and reference of the Task Force Committee, on a land which belongs to one Ranajit Kumar Tripura, a member of the PCJSS.

The new government headed by the Prime Minister Sheikh Hasina reconstituted the Task Force on 23rd March 2009 by appointing Mr. Jatindra Lal Tripura, MP from Khagrachari constituency as chairman. The newly reconstituted Task Force had its first meeting on 5th October 2009 at the Khagrachari circuit house and decided on the agenda for the next meeting which included: determination of the process of identification of the internally displaced people and inclusion of the genuine IDP, 20 Point Package-Facilities, holding of monthly meetings of the Task Force, field visit by the Task Force, manpower, funds etc. On 27 January 2010 at 2.30 pm 2nd meeting of the Task Force on Rehabilitation of Returnee Tribal Refugees and Internally Displaced Persons was held at Khagrachari circuit house where Chairman of the Task Force Mr. Jatindra Lal Tripura MP presided over.

On 27 January 2010 2nd meeting of the Task Force was held at Khagrachari circuit house with Chairman of the Task Force Mr. Jatindra Lal Tripura MP in the chair. In regard to the identification of the IDPs, PCJSS representative Mr. Mr. Laxmi Prasad Chakma protested against the inclusion of the Bengalis settlers as IDPs. However, Divisional Commissioner of Chittagong division, representative of CHT Affairs Ministry, Member of the Task Force Md. Safi opposed it.

It is alleged that the CHT Ministry is unable to provide necessary funds to the Task Force. It remains to be seen if the present Task Force will be able to make any breakthrough in the stalemate created by "buy time" policy avidly practiced by the powerful coterie in the government in resolving the issues.

THE ACCORD: 2.. *After the signing the Agreement between the Government and the Jana Samhati Samiti and implementation thereof and rehabilitation of the tribal refugees and internally displaced tribals, the Government shall, as soon as possible, commence, in consultation with the Regional Council to the constituted under this Agreement, the Land Survey in Chittagong Hill Tracts and finally determine the land-ownership of the tribal people through settling the land-disputes on proper verification and shall record theirs land and ensure their rights thereto.*

Current status: This is a crucial program which remains to be implemented as yet. It is a major provision in the agreement as claim to land and its ownership has turned into an explosive issue that often leads to communal clashes between the tribal and the settlers.

THE ACCORD: 3. *In order to ensure the land-ownership of tribal families having no land or lands below 2 (two) acres, the Government shall, subject to availability of land in the locality, ensure settling 2 (two) acres of land per family. In the event of non-availability of required land, grove-lands shall be tapped.*

Current status: This program has not been implemented as of now.

THE ACCORD: 4. *A Commission (Land Commission) shall be constituted under the leadership of a retired Justice for settlement of disputes regarding lands and premises. This Commission shall, in addition to early disposal of land disputes of the rehabilitated refugees, have full authority to annul the rights of ownership of those hills and lands which have been illegally settled and in respect of which illegal dispossession has taken place. No appeal shall be maintainable against the judgement of this Commission and the decision of this Commission shall be deemed to be final. This provision shall be applicable in case of Fringe-lands.*

5. *This Commission shall be constituted with the following Members: a) Retired justice; b) Circle chief (concerned); c) Chairman/representative of the Regional Council; d) Divisional Commissioner/Additional Commissioner; e) Chairman of the District Council (concerned).*

Current status: A Land Commission has been formed accordingly. Justice Anwarul Haque Chowdhury was appointed as the chairman of this Commission on 3rd June 1999. But he died on 6th December in the same year before assuming his office. He was succeeded by Justice Abdul Karim who was appointed to the vacant post on 5th April 2000. But he assumed his office on 12th June 2000. However, he resigned his post on health ground following his visit to his office at Khagrachari. The post of the chairman was not filled since then though a secretary to the chairman was appointed later on. But nothing was done towards appointment of office staffs and provision of other logistics. The four party coalition government, immediately after assuming office, appointed retired Justice Mahmudur Rahman on 29th November 2001 without consulting the PCJSS and the CHTRC as required by the provision of the Accord. Justice Mahmudur Rahman also breathed his last in November 2007.

The Caretaker Government led by Dr. Fakhruddin Ahmed never paid heed to the request made by the RC for filling the vacant post.

The new government, installed on 6th January 2009, announced the appointment of retired Justice Khademul Islam as the chairman of the Land Commission.

No sooner had he assumed his office, he started in a dramatic fashion. He undertook a lightning tour of the three hill districts from 3rd to 5th August 2009 and convened meeting of the Commission for exchange of views. He used the DCs of the three hill district to issue letter calling upon the members to attend the meeting which was totally irregular. For, the DCs are nobody of the Commission. The Accord provides that the secretary of the Commission shall convene the Land Commission meeting. But the chairman of the Commission unilaterally declared to conduct land survey in the CHT without a decision to that effect in any of the meetings (despite the fact that the meetings were irregular). He went further, visited Rangamati and Khagrachari hill district on 7th and 8th September respectively, assigned DC of Khagrachari hill district with the responsibility to act as secretary who convened meeting in one day's notice for the chairman of the Commission to share his views. He did not convene any formal meeting of the Commission. Rather, he declared in the meeting of the officials to decide on the procedures of land survey in 15 days' time and to complete the survey by 15 March 2009 beginning from 15th October 2009.

Despite the huge protest from the all sections of the citizens including CHTRC and PCJSS and also three circle chiefs, the Chairman of the CHT Land Dispute Resolution Commission justice Khademul Islam Chowdhury continues his unilateral and controversial activities. In mid-July 2010 the secretary of Land Commission issued a notice to the CHT Affairs Ministry and Land Ministry to conduct cadastral survey in CHT soon; otherwise the ministries would be charged non-compliance with court order.

Section 2 of the part D of the Accord clearly provides to conduct land survey after implementation of CHT Accord, rehabilitation of returnee refugees and IDPs, in consultation with the Regional Council, in order to determine the land ownership of the tribal people through settling the land disputes following proper verification, and record their land and ensure their rights thereto.

The decision by the Land Commission chairman to undertake land survey before resolving the land disputes is a clear violation of the provision of the CHT Accord. In any case he is not mandated to conduct land survey and the government cannot go for any form of land survey before finally settling the land disputes following proper verification, and record their land ownership and ensure their rights thereto.

Since after the appointment of present Chairman of CHT Land Dispute Resolution Commission, the only meeting was held on 27 January 2010 in Khagrachari. The meeting was ended without taking any concrete decision. On 14 March 2010 Secretary of Land Commission Md. Abdul Hamid issued public notice asking affected land owners to lodge application on land disputes with Land Commission. This notice was issued without the decision of the Commission.

The controversies centering on CHT Land (Dispute Resolution) Commission Act is yet to be resolved. It is to be noted here that on 12 July 2001 the Awami League led government hurriedly passed through a legislation titled "The CHT Land (Dispute Resolution) Commission Act 2001" without consulting the CHTRC as per the Accord just one day ahead of relinquishing their office. The said legislation contained as many as 19 provisions which are not consistent with the Accord and hence are unfavorable to the interest of the hill people. The CHTRC presented to the government 19 point recommendations in 2001 seeking amendment to the provisions inconsistent with the Accord. Later, a meeting was held between Mr. Moudud Ahmed, minister for law and parliamentary affairs and J B Larma, chairman of the CHTRC to consider the recommendations. The meeting ended with a consensus on 18 recommendations. The lone recommendation that the government did not agree with was settlement of land dispute relating to fringe-land of the Kaptai Lake, though it was referred to in the Accord. However, it was agreed in the meeting to seek recommendation on this matter once again from the CHT RC in the next one month. The CHT RC submitted in April 2002 the recommendation to the government. Later, in a meeting held on 23 April 2003 between Mr. Moudud Ahmed, then law and parliamentary affairs minister and the CHTRC delegation, a consensus was reached on the recommendation. Thereafter, the Law Ministry vetted the Act. But then there was no further progress.

With the grand alliance forming a new government in January 2009, the CHTRC once again sent the recommendation to the government on 7 May 2009 for consideration. Accordingly a meeting presided by the land

minister Mr. Rezaul Karim Hira was held with the CHTRC delegation in the land ministry on 26 August 2009. The three Additional District Magistrates from the three Hill Districts who were also called, against the rule, to attend the meeting opposed strongly the proposed amendments in the Land Commission Act 2001 despite the favorable stand taken by the representative from the Law Ministry. At last, the meeting ended without any conclusion. The drama that was enacted in the Law Ministry was irregular in the sense that opinion of the district level officers was sought in framing law by the Law Ministry is unprecedented and there can be no scope for fresh opinion after the vetting by the ministry itself.

Again, on 10 October 2010 an opinion-sharing meeting on Settlement of Land Dispute and Land Survey in CHT held in Rangamati chaired by the Land Minister Rezaul Karim Heera. Three MPs of the CHT region, CHTRC chairman, three HDC chairmen and three Circle Chiefs were present at the meeting. Decision was taken to amend the CHT Land Dispute Resolution Commission Act 2001 as per recommendations of the CHTRC. However, it is yet to be implemented.

In addition to the amendment of the Land Commission Act, there is the necessity of making the Rules of Business of the Land Commission for proper functioning of the Commission and its Secretary and other officials. Until the date no steps have been taken by the GoB about the Rules of the Business of the Commission.

The government will be ill advised if it is asked to press the CHT Land (Dispute Resolution) Commission Act 2001 into operation without effecting necessary amendments to remove the inconsistencies (with the Accord) that crept in the Act. It will complicate the existing land disputes which have already turned huge in dimension and enormity.

1. **THE ACCORD:** 6. a) *The tenure of office of the Commission shall be three years. But its tenure shall be extendible in consultation with the Regional Council.*

b) *The Commission shall resolve the disputes in consonance with the law, custom and practice in force in the Chittagong Hill Tracts.*

Current status: No steps have so far been taken by the government to identify the customary laws and practices in force in the CHT.

THE ACCORD: 7. *The loans which were taken by the tribal refugees from Government agencies, but could not be properly utilized on account of the state of belligerency, shall be remitted along with interest.*

Current status: The stated position of the government is that the matter is under process in the Ministry of Finance. But the process seems to be an unending one. 13 years have gone by for the Ministry of Finance to issue an order condoning the loans as was promised in the Accord. The government is yet to write off the loans of 642 refugees.³⁹

With the BNP led Four Party Alliance government assuming office in 2001, a sinister move was initiated at the instigation of Abdul Wadud Bhuiyan to stop ration to the *Jumma* refugees. In a report Pprime Minister's office informed that the *jumma* refugees could no longer be provided with regular ration. Rather it needed to be mooted if something could be done for their rehabilitation with the fund from the Annual Development Plan. It was also learned that the prime minister's office instructed to continue regular ration to the Bengali settlers" (abridged). It is a racist decision. Government has been feeding a people who caused eviction to thousands of *adivashis* from lands where they lived for centuries in one hand and on the other hand government would stop food for those *adivashi* people who lost their lands and homesteads to the former. In the face of continuous protests, rallies and demonstrations the government at last yielded to the demand of the *Jumma* refugees to continue giving ration and that was also for three months. Later, they were told that the ration provided was meant for six months. It was a cruel game on the part of the government.

THE ACCORD: 8. *Land allocation for rubber and other plantation: Out of the lands allotted to non-tribal and non-local persons for rubber and other plantations, the lease (allocation) in respect of the lands of those who did not undertake any project during the last ten years or did not properly utilize the lands shall be cancelled.*

Current status: The Deputy Commissioners of three Hill Districts, in violation of the provision, allocated more lands to non-tribal and non-local persons during the years following the Accord. Around 50,000 acres of lands

³⁹ PCJSS Report on the implementation of the CHT Accord, 2010

under 2,000 plots were given in lease to the non-locals, particularly in Bandarban district. These lands happened to be the *Jum* land where Mro, Khumi, Khyang, Tripura and Marma communities grow crops for their livelihood. The Parliamentary Standing Committee on the CHT Affairs Ministry in its meeting at Khagrachari and Rangamati on 20 July 2009 and 18 August 2009 respectively decided to cancel those plots which remained unutilized for more than ten years. DC of Bandarban district claimed that about 593 plantation plots so far have been cancelled. But to the utter frustration of the CHT people, the DC of Bandarban has recently reinstated some plots to the owners keeping the CHT Ministry in dark. More plots are in the process of being reinstated.

THE ACCORD: 9. *The Government shall allocate additional finance on priority basis for the implementation of increased number of projects towards developments in the Chittagong Hill Tracts. The Government shall implement new Project on priority basis for the construction of required infrastructure for the development of the region and shall allocate necessary finance to this end. Keeping in view the environment of this region, the Government shall encourage the development of tourism facilities for the tourists, indigenous and foreign.*

Current status: But the funds allocated by the government on various projects in the CHT is too inadequate to make any tangible impact on the *Jumma* people and the permanent Bengali residents as these programs were more centrally guided than they were participatory. On the other hand, tourism has yet to be transferred to the HDC. The government is yet to come up with an effective discussion and consultation with the HDC and the RC on the management of tourism in the CHT.

According to ADP documents, allocation for CHT decreased in 2008-09. Taka 119 crore was allocated for CHT in 2006-07 followed by taka 105 crore in 2007-08. However, only 90 crore was allocated in 2009-10 fiscal year, though the original ADP allocations in Bangladesh have increased consistently during 2003-10.

THE ACCORD: 10. *Quota reservation and stipend grant: The Government shall maintain the quota system for the tribals in respect of government service and in institutions for higher studies until their attainment of parity with other regions of the country. To the aforesaid end, the Government shall grant increased number of stipends for the tribal male and female students in the educational institutions. The Government shall provide necessary scholarships for higher education and research in foreign countries.*

Current status: The provision on quota reservation and stipend grants is not being implemented properly. With regard to the admission quota for indigenous students, there is no coherent policy and the entire issue is often embroiled with bureaucratic interventions. In some cases, it is totally dependent on the discretion of the authority of the concerned educational institutions. Furthermore, in several cases, the indigenous quotas are occasionally filled up by Bengali students on the pretext of not having qualified indigenous students.

The government has a 5% quota reservation in Bangladesh Civil Service (BCS) for indigenous peoples. But this has never been practiced in reality. A total of 29,667 persons have got BCS jobs through 20 BCS examinations since 1972. Following the principle of the 5% quota, 1483 indigenous persons should have been in the BCS cadre service.⁴⁰ In reality, the actual number of indigenous incumbents in government cadre jobs remains a minor fraction of this number.

The number of stipends has not also been increased and scholarships for higher education and research in foreign countries have not been provided. On the contrary, the government has reduced the tribal quotas in Dhaka, Feni, Chittagong and Kaptai Technical Institutes to 4% from 5%.⁴¹

Comilla University posted the result of the first year admission test of the academic session 2009-2010 at its website (<http://www.cou.ac.bd>). The website shows that some non-tribal students get admitted under tribal quota. According to the merit list of science unit, Limon Kanti Dey (Roll no. 30724) got chance to admit under tribal quota. Similarly, according to the merit list of business unit, Mohammad Abdullah Al (Roll no. 42050) and Md Minhajul Abedin (Roll no. 45286) get admitted under tribal quota. However, actual tribal were kept in the waiting list of this business unit.

In September 2002, a Committee on Education formed by the CHTRC met the then Education Minister, then Deputy Minister of the CHT Affairs, authorities of the different universities and higher educational institutions and

⁴⁰ Situation of Indigenous Women and ILO Convention on Discrimination by Dr. Sadeka Halim, Professor of Dhaka University, Sanghati 2007.

⁴¹ PCJSS Report on the Implementation of the CHT Accord, 2009

finally submitted a memorandum to them to increase the number of quotas for the Jumma students and proper management of quota system under civilian authorities. But no step has been taken as per this memorandum.

THE ACCORD: 11. *The Government and the Elected Representatives shall strive to uphold the characteristics of tribal creed and culture. The Government shall patronize and help the cultural activities of the tribes towards their efflorescence at national level.*

Current status: The government, so far, has not come up with any such policy and program to protect the CHT *adivashi* custom, tradition and distinctive cultural identity. There are three Small Ethnic Groups Cultural Institutes in the three hill districts. But their role remains confined to entertaining the VIPs with colorful presentation of tribal dances and a few publications. Absence of state patronage to promote the indigenous culture and tradition is discernible in the systematic decay of these ethnic *Jumma* heritages.

The present grand alliance government enacted Small Ethnic Groups Cultural Institutes Act 2010 without consultation with indigenous peoples in the country and CHTRC and HDCs in CHT. The Act terms indigenous peoples of the country as “Khudra Nrigoshthi” or “Small Ethnic Groups” which is rejected by indigenous peoples. On the other hand, only 27 indigenous ethnic groups were listed in this Act while almost 25 ethnic groups were excluded from the list.

THE ACCORD: 12. *The Jana Samhati Samiti shall, within 45 (forty five) days of the signing of this Agreement, submit lists of all its members to the Government including the armed ones, and the particulars of arms and ammunitions in its possession and within its control.*

Current status: This provision has been executed on time.

THE ACCORD: 13. *The Government and the Jana Samhati Samiti shall, within 45 (forty-five) days of the signing of this Agreement, jointly determine the date, time and place for deposit of arms. After the determination of the date and place for deposit of arms and ammunitions of the listed members of Jana Samhati Samiti, all sorts of security shall be provided for the return of the members of Jana Samhati Samiti as per list also of their family members to normal life.*

Current status: This provision has been executed.

THE ACCORD: 14. *The Government shall declare amnesty for those members who will deposit arms and ammunitions on the scheduled date. The Government shall withdraw all those cases which were lodged against them.*

Current status: The government declared amnesty for all PCJSS members who returned to normal life. In 1998 the PCJSS submitted to the government a list of 844 cases filed against 2524 of its members and permanent residents of CHT for withdrawal. But even after 13 years since the signing of this Accord the government is yet to withdraw these cases. Moreover, no cases of the PCJSS members in the Martial Law Court were reviewed to withdraw so far.⁴²

THE ACCORD: 15. *In the event of any person's failing to deposit arms within the specified time limit, the Government shall take legal action against such a person.*

Current status: The PCJSS deposited all arms and ammunitions within the specified time limit.

THE ACCORD: 16. *A general amnesty shall be given to all the members of the Jana Samhati Samiti after their return to normal life and a general amnesty shall also be given to all the permanent inhabitants connected with the activities of the Jana Samhati Samiti.*

Current status: This provision has been implemented.

THE ACCORD: a) *For the purpose of rehabilitating the returning members of the Jana Samhati Samiti, Taka 50,000 per family shall be given at a time.*

Current status: The returning members received Tk. 50,000. Those who were in jails were also granted Tk. 50,000 each.

⁴² PCJSS Report on the Implementation of the CHT Accord, 2010

THE ACCORD: *b) After deposit of arms and return to normal life of all such members, including the armed ones, of the Jana Samhati Samiti against whom cases were filed, warrants of arrest were issued, 'hulias' were published or sentence was given on trial in absentia, as against them all cases shall be withdrawn, warrants of arrest and 'hulias' shall be called back and sentence given in absentia shall be remitted as early as possible. If any member of the Jana Samhati Samiti is in Jail, he too shall be set at liberty.*

Current status: Of the 844 cases placed before the government for withdrawal or dismissal, 720 cases were decided to be withdrawn by the Case Withdrawal Committee at district level. However, the decisions are yet to be implemented. But cases under the military court have not yet been taken up for withdrawal or dismissal by the government.⁴³

THE ACCORD: *c) Similarly, after deposit of arms and return to normal life, no case shall be filed against or punishment be given to or arrest be made of any person merely on account of his/her being a member of the Jana Samhati Samiti.*

Current status: Cases were filed, and warrant arrests were issued against some PCJSS members. A few of many such examples are: one Sadhan Tanchangya from Rajasthali under Rangamati Hill District was taken into custody. Mong Sa Thwai Marma was beaten to death by the security forces of Guimara camp under Ramgarh upazila of Khagrachari Hill District, Alia Chakma was beaten to serious injuries by some army personnel of the same camp. Fresh warrants were issued against Kalayan Chakma and Anubhuti Chakma whose cases were in the withdrawal process.⁴⁴

THE ACCORD: *d) The loans which were taken by such members of the Jana Samhati Samiti from Government Banks and Establishments, who could not have utilized such loan properly on account of the state of belligerency, shall be remitted with interest.*

Current status: No measures have so far been taken to write off the loans amounting to Tk.22, 783 of 4 PCJSS members.⁴⁵ The government says that the matter is under process in the Ministry of Finance. But the process as claimed by the government seems to be a never ending process.

THE ACCORD: *e) Those of the returned members of the Jana Samhati Samiti, who were previously in the service of the Government or of government organizations shall be reinstated to their respective posts and the members of the Jana Samhati Samiti and members of their families shall be given employment in accordance with their qualification. In this respect, government policy regarding relaxation of age-bar for them shall be followed.*

Current status: 78 JSS members submitted their application for reinstatement. Of them 64 were reinstated to their posts. But no measures were taken for consideration of their services during the insurgency period as 'effective service' period including time scale, seniority, regularization of pay scale and related allowances and retirement benefits etc. The rest PCJSS members were not reinstated in their previous jobs. 671 JSS members were absorbed as police constables and 10 PCJSS members as traffic sergeants. But alleged harassment, abuse and discriminatory treatment on racial and ethnic grounds by some high ranking Bengali police officials led many of these constables to quit the service after some time. Despite repeated request made by the RC to transfer them to the CHT were not paid heed to by the government except in the case of exceptional few.⁴⁶

THE ACCORD: *f) Priority shall be given to the members of the Jana Samhati Samiti in giving bank loans on simple terms with a view to helping their self-employment generating activities such as cottage industries, horticulture, etc.*

Current status: In the month of June-July, 1998 the PCJSS members submitted 1429 self employment schemes to the government. But the government is yet to decide on the conclusive action (either to approve or to reject the proposal) to be taken on the fate of these projects even in 13 years' time.

⁴³ PCJSS Reports on the Implementation of the CHT Accord, 2010

⁴⁴ PCJSS Reports on the Implementation of the CHT Accord, 2010

⁴⁵ The borrowers are: Sunil Talukder son of Sudhir Talukder, Ratna Bikash Chakma son of Purna Chandra Chakma, Jyotirmoy Chakma son of Singa Moni Chakma, Hriday Ranjan Chakma son of Tukko Chandra Chakma.

⁴⁶ PCJSS Report on the implementation of the CHT Accord, 2005, 2010

THE ACCORD: g) *Education facilities shall be provided to the children of the members of the Jana Samhati Samiti and their certificates obtained from foreign Boards academic Institutions shall be treated as valid.*

Current status: With one exception, all certificates were treated valid.

THE ACCORD: 17. a) *After the signing and execution of the Agreement between the Government and the Jana Samhati Samiti and immediately after return of the members of Jana Samhati Samiti to normal life, all the temporary camps of the army, the Ansars and the Village Defence Party (VDP), excepting the Border Security Force (BDR) and permanent army establishment (being those three at the three district headquarters and those at Alikadam, Ruma and Dighinala), shall be taken back by phases from Chittagong Hill Tracts to permanent cantonments and the time-limit shall be fixed for its purpose. In case of deterioration of the law and order situation, in time of normal calamities and for similar other purposes, Army Forces may be deployed under the authority of the civil administration in adherence to Law and Rules as are applicable to all the other parts of the country. In this respect, the Regional Council may, in order to get the required or timely help make requests to the appropriate authority.*

Current status: No time limit has been fixed for completion of the withdrawal of camps. It is tantamount to delaying the process of withdrawal. PCJSS claims that 31 army camps out of 543 have so far been taken back [vide letter no. CHTAM (sama-1)103/98/86 dated 15.4.99 and CHTAM (SAMA-)106/98/130 dated 10.6.99]. But the government claims that more than two hundred camps have been dismantled. Following the formation of a new government by the grand alliance a total of 35 camps including a brigade were withdrawn. But it is alleged that APBN have been re-deployed at least 5 camps out of 35 camps withdrawn.

An order issued in 1973 for clamping military administration in the CHT has in effect never been rescinded.⁴⁷ It was replaced with "Operation Uttoran (Operation Upliftment) on 1 September 2001 in the post-Accord period. As a result, the army continues to involve itself in the civil administration hindering normalcy from returning.

What is uncontested is the omnipresence of the military forces and their grip on the overall administration of the region, even after 13 years of the Accord. The opinions of the armed forces usually tend to prevail on most of the key decisions and in some cases they have taken over some of the positions which they relinquished following the Accord (e.g. assumption of the position of Chairman at CHTDB, after the declaration of emergency).⁴⁸

THE ACCORD: b) *The lands and premises abandoned by the cantonments, the camps of the military and paramilitary forces shall be made over to their real owners or to the Hill District Councils.*

Current status: This provision has not been implemented fully. Many villagers whose lands were used for setting up camps alleged that some members of the security forces instructed them not raise any structure in the places vacated by them. Moreover, the abandoned lands of military and paramilitary forces were to be handed over, it was so stipulated in the Accord, either to the owner or to the HDC. However, in actuality these lands were transferred to the Upazila Nirbahi Officer (Executive Officer of a sub-district) violating the provision of the agreement.⁴⁹

THE ACCORD: 18. *Against all the posts of officers of all ranks and employees of different classes in government, semi-government, local government and autonomous bodies of the Chittagong Hill Tracts, the permanent dwellers of the Chittagong Hill Tracts shall be appointed, subject to priority being given to the tribals. But, in case of non-availability of a qualified person among the permanent dwellers of Chittagong Hill Tracts for any post, appointment may be made to such post on deputation from the Government or for a definite period.*

Current status: No steps have so far been taken by the government for inclusion of the said provision in the concerned appointment or service rules and regulations of the ministries to be put into practice in the CHT region.

THE ACCORD: 19. *A ministry on Chittagong Hill Tracts shall be established on appointing a Minister from among the tribals. The following Advisory Committee shall be constituted to lend support to this Ministry:*

⁴⁷ Eleanor Ditaan Bang-oa: In Search for Peace in the Chittagong Hill Tracts of Bangladesh in Chandra K. Roy, Victoria Toulis Corpuz, Amanda Romero-Medina ed. 'Beyond the Silencing of the Guns', Teb Tebba, Baguio City, Philippines.

⁴⁸ The Indigenous World 2004, IWGIA, p-292

⁴⁹ FGD findings

a) Minister on Chittagong Hill Tracts affairs; b) Chairman/representative, Regional Council; c) Chairman/representative, Rangamati Hill District Council; d) Chairman/representative, Khagrachari Hill District Council; e) Chairman/representative, Bandarban Hill District Council; f) Member of Parliament, Rangamati; g) Member of Parliament, Kagrachari; h) Member of Parliament, Bandarban; i) Chakma Raja; j) Bohmong Raja; k) Mong Raja; l) Three members from the non-tribal residents of hilly areas nominated by the government from three hill districts.

Current status: CHT affairs Ministry came into existence with a minister from the tribal. But when BNP was voted to power to form the government, the CHT Ministry was run without a full-fledged minister. A tribal member of parliament (MP) was appointed as deputy minister to the ministry, while the post of the cabinet minister was retained by the Prime Minister. During the Caretaker Government led by Dr. Fakhruddin Ahmed a non-indigenous Adviser was appointed to look into the CHT Ministry. Later, in 2007 Chakma Cricle Chief Raja Devasis Roy was inducted to take care of the CHT Ministry as Assistant Adviser to the Chief Adviser with the rank and status of state minister. After 2008 election, having won absolute majority in the parliament, the Awami League formed the government. Dipankar Talukder, MP from the Ramgamati constituency was given the charge of the MoCHTA with the rank and status of a State Minister. However, the Accord envisages a full minister for the said ministry.

But the CHT Ministry is unable to exercise its powers and carry out its responsibilities as per the rules of business. The critical point to be given serious thought in respect of the Ministry is that 99% of its staffs are non-indigenous who do not hail from the CHT. As is natural, they have no idea about the CHT people and the administration of the region. As a result, they are often found to take stands which go against the interest of the hill people.

The MoCHTA has an Advisory Committee which met only twice during the incumbency of the caretaker government with no result on record. With the formation of the new government on 6 January, 2009, the Advisory Committee had a sitting a few months back. The results are not known as yet.