

MINORITY RIGHTS GROUP INTERNATIONAL

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# THE ADIVASIS OF BANGLADESH

A MINORITY RIGHTS GROUP INTERNATIONAL REPORT • 92/1 • THE ADIVASIS OF BANGLADESH



BY FATHER R W TIMM  
DECEMBER 1991



# THE MINORITY RIGHTS GROUP

is an international research and information unit registered in Britain as an educational charity under the Charities Act of 1960. Its principal aims are –

To secure justice for minority or majority groups suffering discrimination, by investigating their situation and publicizing the facts as widely as possible, to educate and alert public opinion throughout the world.

To help prevent, through publicity about violations of human rights, such problems from developing into dangerous and destructive conflicts which, when polarised, are very difficult to resolve; and

To foster, by its research findings, international understanding of the factors which create prejudiced treatment and group tensions, thus helping to promote the growth of a world conscience regarding human rights.

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This report is published in conjunction with the COORDINATING COUNCIL FOR HUMAN RIGHTS IN BANGLADESH (CCHRB) is a non-government and non-political organization, formed in 1986. It acts as a regular forum for planning, coordination and monitoring of human rights activities by non-government organizations in Bangladesh. Its main objective is to investigate and analyze the human rights situation in Bangladesh; it has conducted seminars and training sessions, promoted legal education and legal aid and supported initiatives on human rights in integral development. In early 1991 CCHRB coordinated the training and support of 4000 independent election monitors before and during the 1991 national election campaign. The plight of the Adivasis of Bangladesh has been a consistent theme in their work.

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Garos  
grandmother  
and child

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# THE ADIVASIS OF BANGLADESH

BY FATHER R W TIMM

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# UNITED NATIONS COVENANT ON CIVIL AND POLITICAL RIGHTS 1966

## Article 27

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 practise their own religion, or to use their own language.

## INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION 1966

### Article 1

**1** In this Convention, the term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

**4** Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

### Article 2

**2** States parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

## UNIVERSAL ISLAMIC DECLARATION OF HUMAN RIGHTS, 1981

### X Rights of Minorities

**a** The Qur'anic principle, 'There is no compulsion in religion' shall govern the religious rights of non-Muslim minorities.

**b** In a Muslim country, religious minorities shall have the choice to be governed in respect of their civil and personal matters by Islamic law, or by their own laws.

## UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

### Article 30

'In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.'

# PREFACE

**Ownership and access to land is an issue of immense importance to tribal and indigenous peoples everywhere. Some indigenous land rights are customary ones, dating back to 'time immemorial', some were formalized under colonial rule. Other rights have been lost, disregarded by governments or ignored by the majority community, while tribal lands are often stolen by individual settlers, by government agencies and by public and private companies. The Adivasi – the preferred generic name of the tribal peoples – of Bangladesh are today fighting to retain their already tenuous rights to land.**

This report is an important new venture for Minority Rights Group. It is being published by MRG in conjunction with the Coordinating Council of Human Rights in Bangladesh (CCHRB), a coalition of Bangladeshi human rights and development organizations acting together to monitor and publicize violations, to urge the government authorities to rectify injustices, to educate the public and to work for justice. Among its other concerns, CCHRB has consistently worked with and for disadvantaged Adivasi communities. This report is being published in English for an international audience and in Bengali to help promote a better understanding of the Adivasis within Bangladesh.

The project has been coordinated in Bangladesh by Philip Gain, the Director of the CCHRB, and is truly a joint effort. Father R.W. Timm, CSC, a tireless and highly respected worker for justice in Bangladesh for almost 40 years, wrote on the Adivasis of the plains. Some additional material on the Chittagong Hill Tracts (CHT) has been adapted from work by Saleem Samad, an experienced human rights journalist, while Francis Rolt, a development worker and writer, has acted as Advisory Editor.

Despite Bangladesh's image as a country without racial discord, it has become increasingly evident that Adivasis are disadvantaged by the Bengali-dominated political and economic system. Adivasis suffer the same problems as the majority of Bangladeshi peasants. In addition, as this report shows, they face discrimination, simply because of their Adivasi origins. It describes how Bengalis see Adivasis in a culturally stereotyped way as primitive or 'jungly'. Their religion and way of life are regarded as inferior to that of Bengalis. The police, the courts and the local administration are biased against them simply because they are Adivasis. Those who gain some formal education will receive it in Bengali rather than their mother tongue.

As in other areas of the world, tribal peoples have few legal or constitutional safeguards and even these are generally disregarded. Since Bangladesh's independence in 1971, the state has declared itself to be firmly committed to a policy of freedom and equality for all religious and tribal minorities. Yet in practice, as the report shows, this has not been the case. The law has been used not to support the needs of oppressed tribal peoples but against them, and crucially, when the law rules in favour of their rights, it is frequently due to the support and training given by non-government support groups. Similarly, government efforts to grant regional

autonomy to tribal groups in the CHT have not succeeded, while the army remains in control over the area, preventing free movement.

The basis of Adivasi life is land, especially the few remaining forest lands of Bangladesh. The Bangladesh government has failed to protect the land rights of Adivasis. For example, devastating encroachment onto the Madhupur Forest of northern Bangladesh for rubber plantations threatens the Mandi people. In the CHT at least 300,000 Bengali settlers from the plains have been settled on tribal lands by the government. In addition further lands have lost because of the ecological effects of logging and, in the 1960s, the giant lake created by the Kaptai hydro-electric project.

The situation is especially urgent in the CHT, where a brutal guerrilla war has been fought between government forces and Adivasi insurgents for almost two decades. The government of Bangladesh has not respected the people or the land, seeing it as an area ripe for exploitation and settlement. Since 1988 the Bangladesh government has made some efforts to open the CHT to outside observers and to forge a political settlement, but these efforts have, to date, not succeeded. Given that documentation on the Adivasis of the CHT is available from other non-government organizations (NGOs), this report merely summarizes their situation, which has, quite rightly, received widespread attention.

However the situation of the Adivasis of the plains is little known to the outside world. Hence it is these Adivasis who are the major subject of this MRG report. The creeping encroachment onto their lands, shown in many examples in this report, has continued over many years and today the vast majority are landless, their lands stolen by Bengali settlers and by government. Bangladesh's few remaining plains forests are under threat while the eviction of Adivasi families continues, without compensation or resettlement.

Supporting Adivasi claims to land and justice does not mean a refusal to recognize the problems which daily face the vast majority of Bangladeshis – poverty, landlessness, powerlessness. Destroying the remaining forests and settling Bengalis on Adivasi lands are not viable solutions to pressure on land, for such short-term solutions ultimately only add to the problems Bangladesh must deal with if its people are ever to break the chains of poverty. Long term structural development is imperative.

This report concludes with a series of recommendations, which are being presented to the government of Bangladesh, to the government of India and to the international community, especially those involved in development aid. The recommendations are not all-inclusive and, by themselves, they cannot solve all the pressing problems facing the Adivasis of Bangladesh. But they are intended to act as a guide to good practice and as benchmarks for measuring achievements. NGOs such as CCHRB and others inside and outside Bangladesh, governments and UN agencies all have a positive role to play in securing justice for the Adivasis.

*Alan Phillips Executive Director  
December 1991*

## GLOSSARY

of terms used in this report

Abbreviations and terms from Bengali/Bangla and other languages

<b>ADB</b>	Asian Development Bank
<b>ADC</b>	Assistant District Commissioner
<b>Adivasi</b>	<i>lit.</i> 'original inhabitant', widely used in India, to a lesser extent in Bangladesh, to refer to tribal peoples (derived from Sanscrit)
<b>Bari</b>	extended household
<b>CHT</b>	Chittagong Hill Tracts
<b>Debottor</b>	<i>lit.</i> 'gift for the god'
<b>DC</b>	District Commissioner
<b>EBSATA</b>	East Bengal State Acquisition and Tenancy Act of 1950
<b>Goonda</b>	thug
<b>Jana Samhato Samniti (JSS)</b>	United Peoples Party, main Adivasi political opposition movement in the CHT
<b>Kanungo</b>	land settlement officer
<b>Khas</b>	government land
<b>Lakh</b>	100,000
<b>Lathial</b>	thug
<b>OC</b>	Officer-in-Charge
<b>Raja</b>	ruler
<b>Raska</b>	<i>lit.</i> 'pleasure'
<b>Samiraj</b>	village council
<b>Shanti Bahini</b>	<i>lit.</i> 'peace force', today refers to guerilla army (mainly Chakma) fighting government forces in the CHT
<b>Sharia</b>	code of Islamic law
<b>Taka</b>	main unit of Bangladesh currency
<b>Tebhaga Movement</b>	<i>lit.</i> 'three parts', movement of peasant shareholders of Rajshahi District in 1940s
<b>Thana</b>	police district
<b>TWA</b>	Tribal Welfare Association
<b>Upazila</b>	local government authority
<b>UEO</b>	Upazila Executive Officer
<b>Zamindar</b>	rent collector, semi-feudal landlord

## BANGLADESH IN OUTLINE

Bangladesh is a low-lying riverine land, almost entirely surrounded by India, except for a 283 km border with Myanmar (Burma) in the far south-east. To the south lies the Bay of Bengal, with its ever-changing coastline, into which feed the great river systems of the Ganges-Padma, the Brahmaputra-Jamuna and the Meghna. Most of Bangladesh is barely above sea-level and about 30% of the land is under water during a normal rainy season, lasting from June to September. The only hills are in the south-east in the Chittagong Hill Tracts (CHT).

In 1990 Bangladesh had a population estimated at 110 million people (1981 census – 87,120,000) in an area of 144,000 sq. km (55,598 sq. miles). Bangladesh has a population density of over 700 per sq. km – the greatest of any independent state except Singapore; but whereas Singapore is almost entirely urban, Bangladesh is overwhelmingly agricultural. The population growth rate is presently about 2.4% per annum, and although it has fallen since independence in 1971, it still outstrips economic growth. The government considers overpopulation to be its greatest problem, though factors other than overpopulation are generally seen as the root cause of its poverty, especially control of the economic and social structure by an elite minority which is protective of its own interests.

### Economy

Bangladesh's industrious people, fertile soil and abundant water have traditionally been her greatest resources, and still have great potential for enhanced food production, in spite of the country's present dependence on foreign food aid. The only other natural resources are natural gas (16 fields), one oil field which supplies 6% of national needs, and limestone used for cement manufacture. Coal is located too deep for economic mining.

Jute was till recently the leading foreign-exchange earner, two-thirds of it from manufactured goods. By 1990 ready-made garments ranked first, followed by jute, export of labour, shrimp and prawns, tea and leather. The Gulf War of 1991 profoundly affected Bangladesh economically in that about 80,000 workers returned home from Kuwait and Iraq; their remittances had been a major source of foreign exchange. Similarly, the cyclone and floods of 1991 destroyed factories as well as fields and will have long-term negative effects.

Bangladesh has been a food-deficit area since its inception. Widespread landlessness, excessive fragmentation of land holdings, high interest rates on loans from moneylenders, a share-cropping system in which one-half of the crop goes to the owner with no involvement on his part, and investment of agricultural profits in non-productive activities by surplus farmers are some of the many causes impeding agricultural advancement and self-sufficiency in food. The average farm is less than 2.5 acres and is subdivided into an average of six or seven plots. More than half the rural population is functionally landless (having less than 0.5 acre), though still largely dependent on agriculture for their livelihood.

Bangladesh ranks as one of the poorest countries in the world along with others in sub-Saharan Africa and Asia. While exact figures are difficult to obtain, for the past several years Bangladesh has probably been more than 85% dependent on foreign aid for its development budget. Large numbers of aid and development agencies work there, with the World Bank and Japan as the two major donors. The benefits of aid have been debatable, for sometimes it is inappropriate or destructive of natural resources, and there are many allegations of corruption or misapplication of resources. Many Bangladeshi policymakers and intellectuals resent this dependence on aid, yet it could be used by donor nations and international agencies as a lever to insist that the Bangladesh government pay greater attention to human rights. This is only a recent development; until a few years ago the general trend was for international donors to encourage development strategies and projects clearly inimical to the poor.

The People's Republic of Bangladesh is a non-aligned state, a member of the UN, the Commonwealth, and the Economic and Social Commission for Asia and the Pacific (ECOSOC). It also belongs to the South Asian Association for Regional Cooperation (SAARC), along with India, Pakistan, Sri Lanka, Nepal, the Maldives and Bhutan.

## History

The history of what is now Bangladesh is 'a history of domination'.<sup>1</sup> Aryan invaders between 2000 and 1500 BC pushed both Dravidian and aboriginal peoples south and eastward from the north and centre of the Indian subcontinent. Several Hindu and Buddhist dynasties (Maurya, Gupta, Harsha, Pala and Sena) dominated in turn until 1201 AD, when the first Muslim ingress from the Near East occurred. Various Muslim dynasties followed, creating a new cultural and religious ethos. Bengal was incorporated into the Mughal Empire in 1576 but the British East India Company defeated the Mughals in 1757. Its rule was replaced by the British Government in 1858 and Bengal became a province of British India.

Under British rule Calcutta developed as a port and an industrial centre, with the eastern, predominantly Muslim, areas of the province as suppliers of jute, tea and cotton. In 1905, Bengal was partitioned and the new province of East Bengal and Assam was created with its capital at Dhaka. This division was ostensibly on administrative grounds, but it was seen by all parties as accentuating a division on politico-religious grounds between Hindu-Indian nationalists on the one side and Muslim pro-British loyalists on the other. Although the partition was rescinded in 1912, it laid the basis for continued suspicion between Hindus and Muslims.

With the partition of India on independence in 1947, Bengal was divided into West Bengal (India) and East Pakistan. The partition was based on religious grounds, since many Muslims believed that they could no longer coexist peacefully with Hindus in an undivided India. Moreover, they had been in power at the time the British supplanted the Mughal Empire. Those areas which were predominantly Muslim and otherwise contiguous became

the new country of Pakistan, but East and West wings were separated by 1600 km of Indian territory. Though the Chittagong Hill Tracts (CHT) were almost totally non-Muslim, the area was incorporated into East Pakistan as a part of Chittagong District.

Having been separated from its industrial and commercial links with Calcutta, East Pakistan was confirmed as an agriculture-based society. It was always a supplier of cheap raw materials: silks, muslin cottons, indigo and jute. It raised almost 85% of the world's jute but the processing mills were all located in Calcutta and Scotland. Although it was a much smaller territory, the majority of the population – 56% – of the new state of Pakistan lived in the East wing. All major development was concentrated in West Pakistan. 'East Pakistan became a colony of West Pakistan; politically neglected, culturally subjugated and economically exploited.'<sup>2</sup> The predominantly Bengali population of East Pakistan strongly resented the attempt to foist a foreign language (Urdu) on them as the only national language. The result was the Bangla Language Movement of 1952 in which protesting students were killed by West Pakistan troops.

As the British colonial power had drained the region through the famous 'Great Bengal Plunder' – a huge transfer of assets to the mother country – so the Pakistan administration, dominated by West Pakistan civil servants, directed a huge transfer of domestic resources to the West wing. Government became increasingly centralized and undemocratic and the military took over. In the east, opposition crystallized around the figure of Sheikh Mujibur Rahman of the Awami League, who demanded autonomy on the basis of a six-point programme, promoting Bengali nationalism.

After the December 1970 national elections had given the Awami League victory in all but two seats in the East and an overall national majority, the autonomy movement appeared to have won its demands. But West Pakistan refused to accept the decision of the electorate and on 25 March began the suppression of East Bengal. The next day the creation of the new state of Bangladesh was proclaimed and the civil war started. For nine months the Pakistani army occupied the east, instigating mass killings and destruction in which perhaps three million people died and over 10 million fled as refugees to India. Within the territory, conflict was widely viewed as a struggle for the preservation of the Bengali culture, language and way of life, as well as a political struggle. Finally, India intervened and after two weeks the Pakistani army surrendered on 16 December 1971, *Bijoy Dibash*, Liberation Day, the day of the official creation of Bangladesh.

## Independent Bangladesh

The new state faced enormous problems both politically and economically. In November 1970, a dreadful cyclone and the resulting floods had killed a quarter of a million people. The war had destroyed the little economic infrastructure which existed. There were further floods in 1974 which brought famine and cholera in their wake. Social tensions increased and the Awami League, which had been sustained by its leadership during the war, lost popularity. Its programme of nationalization of finance

and industry had not revived the economy and agrarian reforms were scarcely attempted. In December 1974, President Mujibur Rahman declared a State of Emergency, amended the constitution to ban parties other than the Awami League and gave himself full powers. Rahman was assassinated by the army, and his death ushered in a long period of almost unbroken army rule.

This pattern has since been repeated several times in Bangladesh – a military coup, a struggle for power with one leader emerging as an authoritarian president, some feeble attempts at a manipulated democracy, further economic problems, popular unrest mirrored by action from the military. General Ziaur Rahman, who eventually emerged as leader after the 1975 assassination and took over the Presidency in 1977, was himself assassinated in 1981, while General, later President, Hossain Mohammed Ershad, held power until his eventual overthrow (by unprecedented popular action) in late 1990.

To date, no later natural disaster has reached the level of the lives lost in the 1970 cyclone. The decade from the mid-1970s to the mid-1980s was relatively stable but since then conditions have worsened and Bangladesh has experienced a series of natural calamities, most notably the floods of September and October 1988, a cyclone in 1989, and yet another cyclone in April/May 1991 in which perhaps 100,000 people died either in the cyclone or the floods and disease which followed. In addition there are long-term problems: the forests are disappearing, rivers are being fished out, and the rising sea-level (the effect of global warming) threatens to inundate the low-lying country altogether.

### **Return to Democracy, 1991**

The last months of 1990 saw a remarkable groundswell of popular protest against the regime of President Hossain Mohammed Ershad, which ultimately forced his resignation in December, after almost nine years in power. It was not the first time such protests had taken place; in November 1987, for example, nationwide strikes and demonstrations had resulted in Ershad decreeing a State of Emergency which suspended civil liberties and prohibited political parties. Although legislative elections followed in March 1988, they were marked by corruption and violence and it was no surprise that the Ershad government's *Jatiya Party* (National Party) won 250 of the 300 seats. But in 1990 Ershad had, crucially, also lost the confidence of the military.

But the events of 1990 were qualitatively different, for not only did Ershad resign but an interim government was founded under Acting President Shahabuddin Ahmed. Elections were called for 27 February 1991. The main parties contesting the elections were: the Awami League (AL), led by Sheikh Hasina Wazed, daughter of Sheikh Mujibur Rahman; the Bangladesh Nationalist Party (BNP), led by Begum Khaleda Zia, the widow of General Ziaur Rahman; the Jatiya Party of General Ershad (in custody under the Special Powers Act since 12 December); and several other smaller parties, including the fundamentalist *Jamaat-e-Islami*. The two-month election campaign was conducted in a generally fair and peaceful way (compared to the 500 lives lost in the local

elections of 1988), with 2774 candidates standing for the 298 seats contested.

The results were unexpected. The popular vote between the two major parties was very close with the BNP winning 31.07% and the AL, 30.77%. However the BNP had 138 seats (close to the 150 needed for an absolute majority), while the AL had only 88 seats. The Jatiya Dal did surprisingly well in third place. After the remaining seats were distributed (including the seats reserved for women), the BNP was able to form a government on 20 March 1991 with Begum Khaleda Zia as Prime Minister. The BNP gained an absolute majority in September, after winning five seats in parliamentary by-elections.

Further evidence of a decisive break with the past came in June when former President Ershad, was tried and found guilty of illegal possession of arms. His sentence was seven years imprisonment. In July 1991 the BNP government, with the support of the opposition AL, took a further step by moving to abolish the presidential system and replace it with a parliamentary system. This was finally enacted in September 1991.

Welcome though these developments are, democracy alone cannot solve the manifold problems facing Bangladesh. The cyclone of 29 April and the flood that followed showed the weakness of the civilian structure, and, in contrast, the relative strength of the military, who were able to step in to support relief operations. Furthermore the underlying economic problems have been exacerbated by the cyclone and floods. Investment rates are among the lowest in Asia (around 11% of GNP, or less than 5% if foreign investment is deducted) compared to 25% in India and 33% in Thailand.<sup>3</sup> Bangladesh has an external debt of between nine and 10 billion US dollars, which costs \$US 700 million annually to service.

Some observers maintain that the cycle of tentative moves towards democracy followed by military government will begin again if democratic government fails to solve these enormous problems (although successive military administrations have been equally unsuccessful). Other observers maintain that democratic government is still really rule by a tiny elite, which has little interest in extending democracy to the mass of people. Agrarian reform, employment opportunities and flood control are the issues that affect the daily lives of most Bangladeshis and, to successfully break the cycle, the present democratic government must work decisively to resolve them.



# THE PEOPLES OF BANGLADESH

Just as Bangladesh has few natural geographic boundaries, so it has few natural ethnic boundaries. Although most people belong to one ethnic and linguistic group, and share one religious faith, this should not disguise the essentially small-scale fragmentation of most of Bangladeshi society, living in villages and divided by riverine barriers. Nor should it disguise the significant minorities within Bangladesh.

## The Bengalis

According to official figures, the overwhelming majority of the population, about 98%, are Bengalis. These are part of a larger Bengali population in the Indian states of West Bengal, Tripura (where they are majorities), Assam and elsewhere in India. The Bengalis have evolved from an amalgam of racial groups over thousands of years – Dravidians, Aryans, Tibeto-Burmese, and others.

Bangla – the language of the Bengalis and the national language of Bangladesh – is an Indo-European language and is related to but distinct from Hindi and other languages of the northern Indian subcontinent. Geographical obstacles, poor communications and high rates of illiteracy have meant that dialects and pronunciation vary throughout the country, although compared with many Asian countries, language homogeneity is fairly high.

In Bangladesh most Bengalis are Sunni Muslims (whereas in West Bengal the majority are Hindus). According to the 1981 census, Muslims comprise 86.6% of the population, Hindus 12.1% and others 1.2%. Many contest these figures, arguing that the proportion of non-Muslims is as high as 25%. The other religious minorities are Christians, Buddhists or animists; many are also ethnic tribal minorities.

## The Hindus

The Hindus are the major religious minority in Bangladesh. They used to be a considerably larger proportion of the population but many left during Partition in 1947, and others after Independence in 1971. In 1961 the Hindu population was approximately 20%, and in 1981 the census measured it as 12.1%; thus there was a decline of 40% over 20 years.

Most Hindus are Bengalis by ethnic origin and language, although some tribal groups are also Hindus, or at least follow religious beliefs and customs which have some affinity with Hinduism. Hindus are most likely to live in the areas towards the West Bengal borders, especially in Barisal, Khulna, Faridpur and Jessore (and similarly in West Bengal Muslims are most likely to live in areas towards the Bangladesh border). The highest proportions of Hindus to Muslims in Bangladesh lives in the city of Comilla, close to the border with Tripura. A large proportion of the former *Zamindar* class (large, semi-feudal landlords) and moneylenders were Hindus, but many of this group left for West Bengal in the upheavals of 1947 and 1971. Today the socio-economic differences between the Muslim and Hindu communities are much less marked than previously.

Though Bangladesh began in 1971 as a secular state, Islam was made the state religion by constitutional amendment in 1988. Other religions are, however, recognized under Article 41 of the Constitution, which gives citizens the right to practise and promote their religious beliefs. Further provisions of Article 41 guarantee an individual's right to refuse to practise a religion, or to be compelled to be educated in a religion other than their own. Sections 295, 296, 297 and 298 of the Penal Code deal with offences against religious places or practices.

Despite these provisions and the Constitutional principle of non-discrimination, some Hindus and other observers have alleged that there is informal discrimination against Hindus as well as direct persecution of them. The Eighth Constitutional Amendment was seen by many observers as a step leading towards the imposition of *Sharia* (Islamic) law in Bangladesh, along the same lines as Pakistan. It was not only Hindus who feared the effects of *Sharia* law; many Muslims also preferred to live in a secular state and Islamic fundamentalists are a minority among the (overwhelmingly Sunni) Muslim population.

The late 1980s saw increased fundamentalist agitation, directed against Hindus and other religious minorities. Some members of the Hindu community were accused of leading a new separatist movement, the *Swadin Banga Bhumi* ('Free Bengali Land'). Large numbers were arrested and there have been allegations of police mistreatment and torture of those held in police custody.

It appears that the real reasons had more to do with land-grabbing than political separatism or agitation. Local politicians, powerful vested interests and *goondas* (thugs), unscrupulously using Islam as their rallying cry, threatened and sometimes practised violence against Hindus, forcing them to flee their homes and land, which were then taken over. Most fled over the border to West Bengal, to live in makeshift shanty towns. Many of these refugees told stories of the police and government authorities refusing to act against the *goondas* or actively collaborating with them. Where political factors entered, it appeared that many of the persecutors were members of the *Jamaat-e-Islami*, an Islamic fundamentalist party supporting the introduction of *Sharia*, while the victims were most likely to be allied to the Awami League or the Maoist Sarbahara Party.<sup>4</sup>

The anti-Hindu agitation continued into 1989. In January two people were killed and hundreds of others injured in the city of Chittagong in clashes between *Jamaat-e-Islami* and secular student groups. A new dimension was given by communal disturbances in neighbouring India around the controversy over the Babri mosque (which Hindu fundamentalists claim was built on the site of a Hindu temple and thus should be demolished, which plan is resisted by Muslims). In November 1990, mobs whipped up by religious zealots and local leaders utilizing Islam as a pretext for violence against Hindus, set fire to Hindu temples in Chittagong and Dhaka, while according to independent witnesses police stood in silence nearby. A monitoring group, the Bangladesh Hindu, Buddhist and Christian Unity Council, listed a total of 73 separate communal incidents throughout Bangladesh during the first half of November 1989, stating:

*'Using the recent Babri-Masjid and Ram Mandir controversy in India and the activities there as a pretext, the communal repression and violence in Bangladesh have assumed a deadly new dimension. In many places, including Narshindi, Tangail, Magura, Naogoan, Moulvi-Bazar, Srimangal, Narayanganj, Dhamrai, Savar, Netrakona, Rangpur, Barisal and Chittagong, houses belonging to the members of the minority communities have been set on fire, shops and businesses have been looted, places of worship have been attacked and deities and shrines have been destroyed and several incidents of killings have occurred. As a result of these large-scale communal disturbances and repression, feelings of anxiety and insecurity have been created among the members of the religious minorities...'*<sup>5</sup>

## The Biharis<sup>6</sup>

'Biharis' is the term given to a group of non-Bengali residents and citizens of the former East Pakistan, most of whom originated from the north Indian state of Bihar. Today, many 'Biharis' live in Pakistan and India in addition to Bangladesh. Most Biharis are Sunni Muslims, like the majority of Bengalis. Some Biharis immigrated to what is now Bangladesh during British rule, primarily as skilled craftsmen on the railways. During Partition in 1947, there was a mass movement of peoples between India and Pakistan. Of the eight million who moved from India into Pakistan, about 1.3 million moved into the Eastern wing. One million were Muslims from Bihar, who came to be known collectively as 'Biharis'.

On arrival in East Pakistan, the Biharis found work as small traders, clerks, civil service officials, skilled railway and mill workers, and doctors. Many were appointed by the Pakistani authorities to replace educated Hindus in administrative jobs and in the mills. The Urdu-speaking Biharis became increasingly unpopular, and were seen by Bengalis as symbols of West Pakistani domination, which created a climate of hostility against Biharis.

In the December 1970 elections, most Biharis supported the pro-Pakistan Muslim League rather than the Awami League, which was largely a Bengali nationalist movement. In 1971, the promised National Assembly was postponed; and, in retaliation, over 1000 Biharis were reported to have been killed by Bengalis. Many Biharis fled to the Mirpur suburb of Dhaka. After the banning of the Awami League there was a further wave of retaliatory killings. One wing of the Razakars, an auxiliary force in the Pakistani army, was made up almost entirely of Biharis, and many of these engaged in revenge attacks on Bengalis. In December 1971 the Pakistani army capitulated but this did not prevent the massacre just before independence of hundreds of Bengali intellectuals, an act of violence for which the Bihari community was widely blamed.

When the independent state of Bangladesh was formed in December 1971 and the Pakistani army and civilians were evacuated to India, the Biharis were left behind, most in enclaves protected by the Indian army. After its withdrawal there were further clashes between Biharis and Bangladeshi troops, most notably at Mirpur in January 1972. Several thousand Biharis were arrested as alleged collaborators and there were many cases of retaliation against Biharis. Most lost homes, shops and property. Sheikh Mujib had originally called for tolerance and reconciliation but from this time onwards took a stronger line against the Biharis.

By mid-1972, the number of Biharis in Bangladesh was approximately 839,000. Some 278,000 were living in camps on the outskirts of Dhaka; another 250,000 were living around Saidpur in the north-west. Reconciliation programmes were initiated and Urdu-speakers were taught Bengali in an effort to overcome the most obvious obstacle to their acceptance by the Bengalis. However, there were, and remain, deep psychological barriers to overcome and most Biharis feared further retaliation.

The majority of the Biharis in Bengal have consequently expressed a wish to be repatriated to Pakistan. The Pakistani government initially agreed to take 83,000 Biharis; the number was later increased. By 1974, 108,000 had been transferred to Pakistan and by 1981, 163,000. During the 1980s there were new initiatives to resettle Biharis in Pakistan, but these have resulted in few concrete results while political developments in Pakistan make future mass repatriation unlikely.

The 250,000 to 300,000 Biharis who have remained in camps in Bangladesh still face difficulties. Their past allegiance has not been forgotten. Some describe themselves as 'stranded Pakistanis' and are organized into the Pakistani General Repatriation Committee, which advocates militant action to achieve repatriation. Camp conditions in some cases are still poor although Biharis are increasingly able to leave the camps in search of work. Most Biharis are afraid of trying to integrate into the Bengali community, although they have closer cultural and economic ties with that community than they do with Pakistan. Such integration will need determination from the Biharis and increased goodwill from the Bengalis.

## The Tribal Peoples

The International Labour Organization (ILO) Indigenous and Tribal Peoples Convention of 1989 distinguishes between tribal and indigenous peoples. By its definition of indigenous peoples, it would be hard to include all the present tribes of Bangladesh and exclude the Bengalis. The term 'tribe' is used in English by both Adivasis and Bengalis. The locally accepted Bengali term, *Adivasi* ('original inhabitant', deriving from Sanskrit, and widely used in India today to refer to all tribal peoples) is the preferable one and is thus used most commonly in this report.

As with the Bengali population the Adivasis are not confined by natural or political borders and are part of a much larger tribal population living in the Indian subcontinent. In India, according to the 1981 census, 51 million people – 7% of the population – are classified as

members of the 'Scheduled Tribes'. In Bangladesh the proportion is much smaller, perhaps 1% of the population, so in this respect they have some similarities with the indigenous tribal peoples of North America and Australia.

In Bangladesh there are at least 27 different tribes.<sup>7</sup> (Different numbers are sometimes cited: for example, one European ethnographer, C. Maloney, stated that there were 36 tribes.<sup>8</sup> Such confusion is a result of sub-tribes being classified by ethnographers as separate tribes under different names.) These tribes inhabit the border areas of the north-west, north and north-east and the Chittagong Hill Tracts. But it is difficult to give an accurate count of their numbers.

As a matter of government policy, there has never been an attempt to take a census of the tribal people on the basis of language and religion (as is the case in India), in either East Pakistan or Bangladesh.<sup>9</sup> Adivasis were officially estimated to number 623,216 in 1981. Of these, 43.7% were estimated to be Buddhist, 24.1% Hindu, 13.2% Christian and 19% classified as 'other'.

The total number of Adivasis given in the census is obviously too low. Objective calculations produce numbers which are much larger. For example, the estimated tribal population for Dinajpur District in 1981 was 11,999, but a head count in 1979 revealed 55,613; the corresponding figures for Rangpur were 6301 and 20,613, and for Rajshahi, 30,824 and 120,005. In the 1990 Statistical Yearbook, the government figures for tribal populations in these districts are very close to the above head-count figures. According to the government's revised figures, the total Adivasi population in 1981 was 897,828. It is now certainly over one million.

Many observers feel that undercounting has been done deliberately to emphasize the marginality of the Adivasi population. Lower numbers mean that their legitimate demands can be more easily dismissed or ignored by governments and thus excluded from relief aid or development programmes. Their land claims are seen as more tenuous and their traditional ways of life as mere fragments of the past rather than as a living culture.

The plains Adivasis - those who dwell in the plains - have been long cut off from their parent bodies in India and communication across the borders is gradually being reduced. Almost all Bangladeshis, including many Adivasis, speak Bangla; and tribal languages have assimilated many Bengali words as their own. Those Adivasis who have been formally educated through the school system, mostly males, are more likely to speak Bangla than illiterates, especially illiterate females.

The tribes of Bangladesh belong to six linguistic categories: Indo-Aryan; Dravidian (Paharia and Oraon tribes); Austro-Asiatic or Mon-Khmer, including the Khasi and Munda languages; and Tibeto-Burmese, including the Kubi-Chin and Bara (Bodo) languages. 'Bengali language and culture evolved in Bengal from pre-existing cultures and borrowed from both east and west, and also north.'<sup>10</sup>

By ethnic origin, the Adivasis are Proto-Australoid and Mongoloid. By religion, the CHT inhabitants are mainly

Buddhist, while the Khasi and Mandi are predominantly Christian. The other tribes have retained their original animism or have affiliated with Hinduism, especially the Hajong, while the Rajbansi are either Hinduized or have become Sunni Muslims.

The most populous tribes in Bangladesh are the Santal (200,000), Chakma (194,949), Marma (65,889) and Mandi (60,000)<sup>11</sup>. This report does not attempt to give an in-depth analysis of the situation of all these different tribes - such detailed information would require far more scope than can be provided here - but concentrates particularly on the situation of the Mandi. They are frequently acknowledged as some of the most educated and aware of the Adivasis, and thus their struggles to assert their rights are more advanced than most groups, who face similar pressures.

In addition adequate and contemporary information on many tribes is sometimes difficult to obtain. The Paharia tribe of Rajshahi District (numbering 7361) is the only plains tribe which has been adequately researched by a Bangladeshi,<sup>12</sup> though there are many studies by foreigners, especially on the CHT.

# THE ADIVASIS OF THE CHITTAGONG HILL TRACTS<sup>13</sup>

The Chittagong Hill Tracts, covering 10% of the total area of Bangladesh, are the home of 13 different peoples, of which the Chakma, Marma and Tripura (Tippera) total approximately 90%.

The Chakma form one of the largest tribes in Bangladesh, accounting for over half of the tribal population of the Hill Tracts. They are unique among the tribes in having sacred Buddhist texts written in both their own language and in Pali, the language of Buddhist scriptures. Their ancestors are believed to have migrated north-west from Arakan in present-day Burma and their alphabet is related to early Burmese alphabets. Culturally the Chakma have affinities with the Chin tribes of western Burma.

The Marma (often referred to by the derogatory name Mugh) also originated from Arakan and are Buddhists (with some animist beliefs). The Tripura are Hindus. The Adivasis of the Sajek valley in the north-east, the Lusai and Pankho, were converted to Christianity by missionaries, as were the nomadic Bom of the south. The Mizo are also Christians. The Mru, Sak and Khyang follow indigenous animist beliefs. The remaining tribes are the Taungchanya, a sub-group of the Chakma, and the Brong, a sub-group of the Tripura.

## History to Independence

Most of the CHT peoples migrated into the area from the south between the 16th and 19th Centuries. From the 17th Century when Bengali settlers arrived on the coast of Chittagong, they retreated further into the hills. The CHT tribal groups remained less disturbed by British rule than the majority Bengali community. In 1860 the British established a superintendent to police the area and recognized three tribal chiefs as *rajas* (rulers), who implemented indirect rule and, more importantly, collected taxes. The Chittagong Hill Tracts Frontier Police Regulations of 1881 authorized a police force drawn from the hill peoples.

But the most important legislation was the Chittagong Hill Tracts Regulation of 1900. It confirmed that in internal matters the CHT was largely self-governing within the recognized structure. It delineated categories of land, notably *khas* (government) land, and specifically excluded non-tribals from settling in tribal areas.

After Partition in 1947, however, the Pakistani government allowed Bengali Muslims to move into the CHT, causing resentment among the hill peoples. There was a gradual movement of Adivasis from East Pakistan into India. The proportion of non-tribals living in tribal areas grew, but after the establishment of military rule in 1958 non-tribals were once again barred from settling in the region. The special status of the CHTs was abolished in 1964.

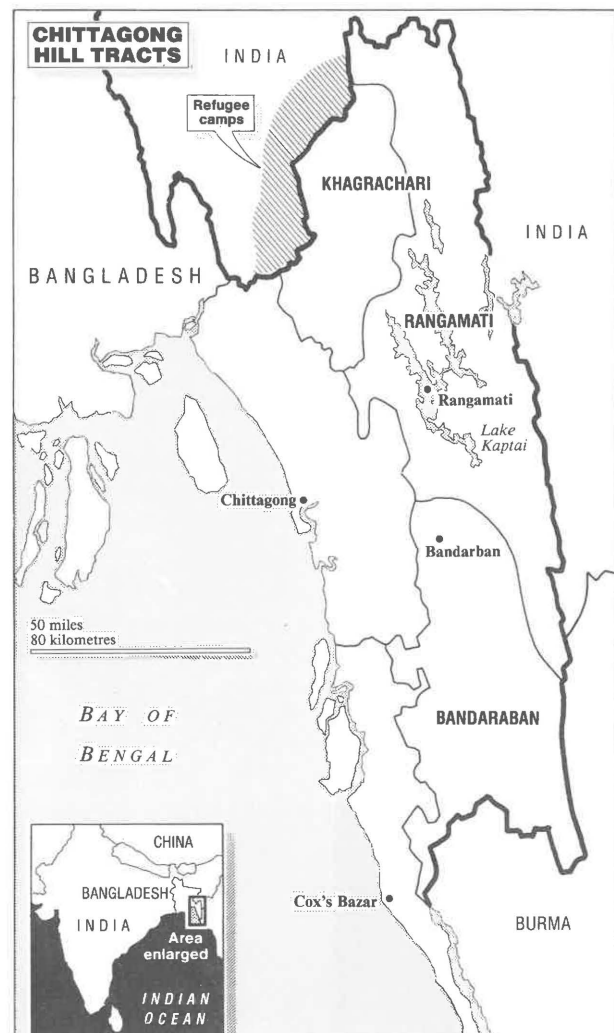
The huge Kaptai Dam, built in the 1960s, submerged 40% of the cultivable land of the tracts and displaced one-sixth of the population. Perhaps 40,000 environmental

refugees left for India, where today they live in the north-east state of Arunchal Pradesh, citizens neither of India, which has refused to grant them citizenship, nor of Bangladesh, and without rights in either.

In the general election of 1970 the CHTs elected two tribal independents to the Provincial Assembly of East Pakistan and one to the national Parliament of Pakistan. However, the popular uprising of 1971 and the subsequent breakup of Pakistan and the formation of Bangladesh meant that their status was again problematic. There was little active participation by the Adivasis in the 1971 war, although a few prominent figures among them actively supported Pakistan. Thus, the Adivasis are seen by some Bangladeshis as being pro-Pakistani – a situation which is not supported by the evidence.

## Insurgency and Counter-Repression

When a delegation representing the Hill Peoples petitioned the new government for a restoration of autonomy for the CHT, they received an unsympathetic response; the new government of Sheikh Mujib considered the request as secessionist. The government launched raids into the CHT in 1972 with the result that thousands of Marma and Tripura fled to India and their lands were given to Bengalis. The tribal *Jana Samhati Samiti* – United Peoples' Party – (JSS) and its military wing, the *Shanti Bahini* (Peace Force), were formed to resist the government forces.



Numbering between 2000 and 15,000, the Shanti Bahini was mainly staffed by Chakma but also contained Marma and Tripura and conducted a guerrilla war against Bengali settlers and government troops throughout the 1970s and into the 1990s. The government launched counter-insurgency campaigns against the Shanti Bahini, producing fresh waves of refugees into India, most notably in 1979, 1981, 1984 and 1986. By 1987, 50,000 refugees – about 10% of the Adivasi population of the CHT – were living in Indian camps or in bush settlements.

The main reason behind the Shanti Bahini attacks is the continuing encroachment of Bengalis onto Adivasi lands. The government looks on the CHT as an 'empty' land on which to resettle landless Bengali peasants. Between 1977 and 1987 about 300,000 ethnic Bengalis moved into the area and now constitute at least one-third, and possibly half, of the CHT population. The Adivasi, therefore, have genuine fears that they will become a permanent minority on their own lands.

From the end of 1982 the government claimed that it had ceased to allot land to non-tribals and it appears that official efforts to discourage migration have made some impact on population growth in the CHT; however, landless peasants from the plains still migrate of their own volition. Attempts to build industries and development projects have benefited settlers rather than Adivasis. Some western development agencies have terminated projects in the area because of the negative effects on tribal peoples of these projects and because of the government's poor human rights record.

### Attempts at a Settlement

There were attempts by the government of General Ershad to reach a settlement with the Shanti Bahini, probably because of international concern by donor states and by India, and the adverse publicity for Bangladesh. In 1987 a National Committee was formed to look into the grievances and to hold talks with Adivasi leaders from the JSS and Shanti Bahini. Between October 1987 and February 1988, several meetings were held, ostensibly to resolve the issue and allow the return of the refugees from Tripura.

The JSS put forward a number of demands, contending that these were the only way of protecting Adivasi interests. They included: the withdrawal of Bengali settlers and the prohibition of future settlement by non-tribals; withdrawal of all Bangladesh military forces from the CHT; retention of the CHT Regulation of 1900; a specified degree of autonomy within the CHT; guarantees that these provisions could not be changed without a plebiscite within the CHT; economic development aimed at Adivasis; dismantling of model villages and release of JSS prisoners; involvement of international agencies such as UNHCR or ICRC in the implementation of such an agreement. However, the Ershad government contended that many of these demands were not possible without violating the existing constitution. A lull in fighting was broken in April 1988.

Nevertheless the government did offer to negotiate with a 'Dialogue Committee', supposedly a liaison body between

the government and the JSS. Instead of autonomy the CHT was offered three District Councils (Khagrachari, Rangamati, Bandarban), which are based on the structure which operates in the plains of Bangladesh but which differ in crucial ways: the members are elected, not appointed; although the chair is a hill person, members are elected to represent various tribes or settlers in pre-determined proportions. However, although the councils will supposedly be responsible for 22 functions, by the end of 1990 only three functions (primary schools, health and agriculture) had been transferred to them. The other powers were transferred by the BNP government in 1991.

The elections to the District Councils in June 1989 were contentious, with a considerable amount of violence employed on both sides. The JSS was not allowed and did not want to take part. The most serious incident involved was at Langadu, where at least 36 Adivasis were killed and six villages were destroyed by non-tribal settlers in a series of killings. Over 5000 Adivasis fled to India. Violent incidents of this nature have continued, with both government and the JSS claiming provocations and reprisal killings. At the present time it is not possible to investigate these incidents. What is obvious is that the District Council initiative has not resolved the situation.

Nor were there substantive moves by the Begum Khaleda BNP government, elected in 1991, towards a new settlement. In October 1991 the government offered an amnesty to any Shanti Bahini member who surrendered, promising each would receive five acres of land and 20 kilograms of food each month for a year. Similar amnesties have been offered in the past, and while some Shanti Bahini have surrendered, there have been complaints that government promises were not fulfilled. Meanwhile in the CHT, the army remains in control.

### Violations of Human Rights

The CHT and the north-east of India are remote strategic areas which are normally closed to foreigners; therefore independent information on the continuing war in the CHT is not easy to obtain. Even Bangladeshi investigators have difficulty in penetrating the military net which engulfs the area and which makes it very difficult to obtain open and free views on the situation from those living there.

Nevertheless, over the past decade there have been well-attested accounts of human rights violations against Adivasis by both military and government personnel and Bengali settlers. For example, Amnesty International has documented cases of deliberate killings and executions, torture and ill-treatment, and detentions, although it appears that stricter controls over military personnel may have led to a decrease in such reports after 1987.

The most complete account comes from the Chittagong Hill Tracts Commission (CHTC), an international NGO body established to investigate the human-rights situation in the CHT. Its report, published in May 1991, reported that the area was saturated with *'the all-pervading presence of military and para-military forces... counter-insurgency is their main task.'*<sup>14</sup>

Although military officers reiterated that they followed strict rules not to abuse Adivasis, the CHTC collected many first-hand accounts of ill-treatment and torture, threats and killings, along with army destruction of houses and temples.

Since 1988 many Adivasis have been moved into so-called 'cluster villages' (similar to those used by the US in Vietnam or the Marcos regime in the Philippines), to isolate them from contacts with the Shanti Bahini. Cluster villages are guarded by the military, and movement is controlled; villagers cannot travel without army permission. Not surprisingly, the cluster villages are regarded as jails by the affected Adivasis.

The human rights of the Adivasis of the CHT are also affected. Although since 1988 Islam has been the state religion of Bangladesh, other religions are given full recognition under the constitution. This should, in theory, be sufficient to protect the religious rights of the peoples of the CHT, most of whom are Buddhists. Yet the CHTC reported many incidents of the destruction of Buddhist and Hindu temples and Christian churches while the army exercises control over religious functions, including pilgrimages to the Chitramaram Temple, the most sacred Buddhist shrine in the CHT. They also recorded incidents of forced conversions to Islam.

Similarly in education, there have been attempts to impose Bengali-language education on Adivasis. Ironically, the Adivasis of the CHT are more advanced in formal education than Bengalis, having a higher literacy rate than the Bengalis of the plains – 60% as compared to 23%. Many Adivasis also speak Bangla. Attempts to educate Adivasis in Bangla are seen by the authorities as bringing them into 'the national mainstream'.

Little publicity has been given to the damage caused in the CHT by the 1991 cyclone and the floods which followed. There have been allegations that Dhaka has ignored the suffering of the local population and that relief supplies have been prevented from reaching there. Given the fact that most relief supplies come from international donors, there is an urgent need for independent outside observers to monitor that adequate aid is reaching the area and reaching the neediest recipients.

## Refugees

The cumulative result of continuing militarization in the CHT has been waves of internally displaced peoples and refugees. Some Adivasis have fled to sanctuary in the jungles for shorter or longer periods, many more over the borders to camps in Tripura state in India; some have since returned to the CHT or moved elsewhere in India. At one stage there may have been 70,000 of these refugees.

Some observers see the Indian decision to isolate the camps as being deliberately obstructive of attempts by the Bangladesh government to settle the situation, while others maintain that it is a way of defusing possible tensions with the tribal peoples of its own north-eastern states. In 1982 there was a repatriation agreement between the Indian and Bangladesh governments but the JSS says that Bangladeshi promises to the returning

refugees of rehabilitation and protection were not met and that many were forced to flee to other areas. In 1988 the two governments agreed to seal their mutual borders, preventing infiltration by guerrilla groups on both sides but at the same time also preventing refugees from crossing the border to safety.

An agreement to repatriate refugees was reached between the two countries in November 1987; however, after pleas from international human rights organizations the Indian government suspended the plans. Apparently refugees had refused to return, fearing violence against them, and having nowhere to go in any case – their land and villages have now been taken over by Bengalis.

In 1990 perhaps 55,000 Adivasi refugees remained in six refugee camps inside India. India does not accept UNHCR or other international assistance for these camps, which precludes international inspection or aid. The CHTC visited the camps and reported that conditions there were 'appalling'; nevertheless the JSS has been active in the camps and has managed to keep some sense of continuity and to organize schools, medical facilities and temples. Outsiders who have managed to visit the camps report that food and medicine is frequently in short supply, and in addition to humanitarian aid, have urged that income-generating schemes be implemented to allow Adivasi refugees some chance to create a more useful life within the confines of their displaced existence.

## ADIVASI TRIBES OF BANGLADESH

mentioned in this report

<b>Bom</b>	<b>Brong</b>
<b>Chakma</b>	<b>Hajong</b>
<b>Khasi</b>	<b>Khyang</b>
<b>Koch</b>	<b>Lusai</b>
<b>Mandi [Garo]</b>	<b>Marma [Mugh]</b>
<b>Mizo</b>	<b>Mru</b>
<b>Oraon</b>	<b>Paharia</b>
<b>Pankho</b>	<b>Rajbansi</b>
<b>Sak</b>	<b>Santal</b>
<b>Taungchanya</b>	<b>Tripura</b>

## ADIVASIS OF THE PLAINS

The Adivasis were originally people of the hills and forests. Some, such as the Mandi, migrated centuries ago from the Himalayan foothills of Meghalaya at a time when the plains were lightly populated. The plains Adivasis in Bangladesh are now dependent mainly on settled agriculture and have long since abandoned slash-and-burn cultivation. It is difficult to characterize Adivasis since there are many tribes and they are not monolithic in structure.

Divisions are imposed by the great river system which divides the plains. The Mandi, meaning 'the people', who are sometimes known also as Garo, live in north-central Bangladesh, east of the Ganges and the Brahmaputra. Other tribes, such as the Santal, live in the north-west. At times this division is as significant as that between the Adivasis of the CHT and the Adivasis of the plains.

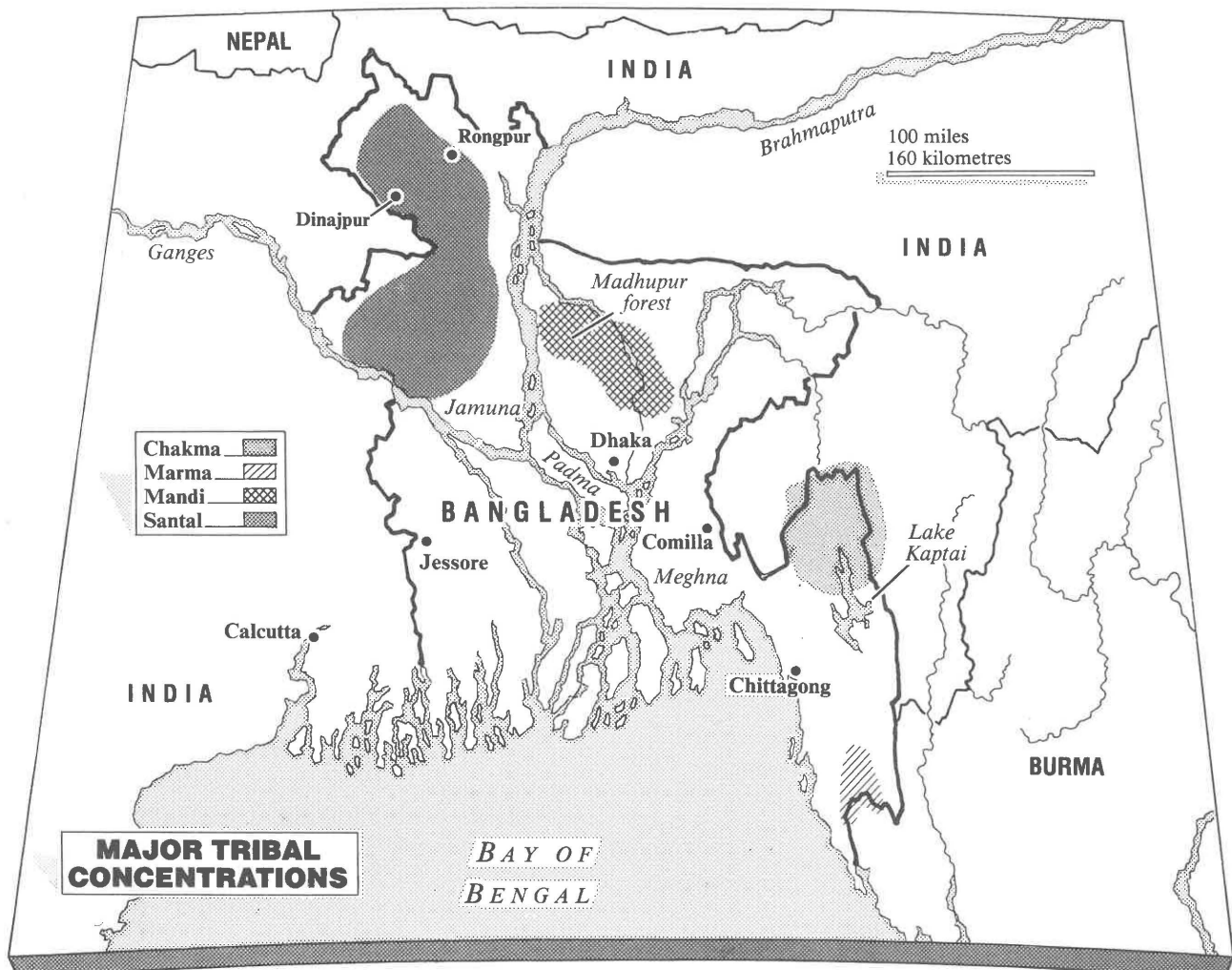
What they have in common is their readily apparent differences from Bengalis – ethnic, cultural, religious and linguistic. In comparison with Bengalis, Adivasis are generally regarded by Bengalis themselves as more open, friendly, generous and honest. In common with the

majority community, few Adivasis are city dwellers and they have a strong relationship with the land.

Traditionally Adivasis have a love for nature and believe in a world of spirits which exercise control over nature and their lives. Their original animism pervades their thoughts and feelings. This intimate personal relationship between the tribals and invisible supernatural beings and powers is expressed by prayers, offerings of rice-beer and sacrifices of small animals. Spirits have power over nature and the Adivasis can acquire this power through religious exercises to appease these spirits. Because spirits are either malevolent or beneficial, the Adivasis' attitude is a mixed one of fear, supplication, dependence, appeasement and hope.

Religion is not a personal phenomenon, however. Religion and social structure are intertwined. All Adivasis take part in celebrations and generally express their religious feelings in a communal rather than an individual way. The public ceremonies intensify social solidarity – the feeling of belonging to a specific cultural group.<sup>15</sup> There is a deep interrelation between their religious belief and their social structure.

The communal spirit is strong and, according to tribal law and custom, all land is the property of the tribe. Public ceremonies for occasions such as birth, initiation,



marriage and death reinforce their feeling of belonging to a specific cultural group, although a decline in rites and ceremonies is apparent, due to a number of factors: less time and money available, the influence of Bengali neighbours, missionary evangelization, growing cultural assimilation, etc.

There are various forms of social organization. For example, the Mandi and Khasi societies are matrilineal; the inheritance passes to one of the daughters, the eldest in the case of the Khasi, and any daughter by choice among the Mandi.

Adivasis are considered by the Bengalis to be a pleasure-loving people. The word *raska* (pleasure) 'is often on the lips of the Santal, and it is dear to their hearts.'<sup>16</sup> Their 'pleasure complex' is expressed through singing, feasting, drinking and dancing. Dances and songs are specific to each different tribe and they have their own rhythms. Even after death, there is an expectation of pleasure. A funeral mantra of the Khasi runs: 'Goodbye, goodbye, wake and go to the kingdom of God; there you will eat betel nuts.'<sup>17</sup>

The Mandi are in greater contact with the Bengali community than are the other plains tribes. The influence of Christianity and of modern education have been the main factors leading to social change and assimilation, whether for good or bad. Hundreds of young Mandi girls and children have gone to Dhaka in recent years to improve the economic prospects of their families. Mandi girls work in many of the 700 or more garment factories, where they are often signed up in groups, kept in separate hostels and exploited in multiple ways because they have no local guardians or protectors. Mandi children are a familiar sight in Dhaka households, working as domestic servants, and some have moved out into the villages.

Several highly educated Mandi, as well as other Adivasis from other tribes, work in big cities as lawyers, teachers, accountants and social workers for Non-Government Organizations (NGOs). Others work for the Christian churches and their development organizations, who regard the welfare of Adivasis as a priority. Educated Mandi almost inevitably become 'Bengalized' and sometimes marry Bengalis.

### Discrimination Against Adivasis

The attitude of Bengalis to Adivasis is based on culturally inherited stereotypes of Adivasis as primitive or 'jungly' people, even as headhunters (as indeed some of them were in the past). They don't speak Bangla correctly and their religion and culture is regarded as inferior. They are seen as migratory people of no permanent abode. For all these reasons they don't really belong in Bangladesh. Prejudice is least shown toward the best educated Adivasis - Mandi and Khasi.

In the north-west all Adivasis are considered by the majority of Bengalis to be Santal, since they are the major tribe. The majority of Adivasis there are illiterate, landless and poor. Hence, Bengalis regard them as socially inferior and they are often refused service in rural areas. A survey of 40 Santal college and university students in a Rajshahi hostel revealed that 78% stated that poor Santal were not

allowed to have food and tea in rural hostels and restaurants.<sup>18</sup> The head driver of a tractor (an important, high-status job in Bangladesh) was refused food in a Bengali restaurant because he was an Adivasi, while his Bengali assistants were freely served.

The complaints of the Adivasis of the north-west are often the same ones as those of the poor Muslim farmers in Pabna District, portrayed in the book *Power Among the Farmers of Daripalla*.<sup>19</sup> However, Adivasis, unlike poor Bengalis, face discrimination simply because they are Adivasis. Discrimination applies to all levels of tribal society and not just to the poor. The police, the lower courts and the local administration are biased against them simply because they are Adivasis.

A chief complaint of the Adivasis is that the legal system serves only the rich of the Bengali community. One Adivasi family migrated to India rather than bring a legal charge for the rape of a daughter, because of the difficulties it would bring for them. The Adivasis also complain because of arbitrary or discriminatory police treatment, especially police brutality. The police are reported as often telling them: 'Go back to India where you belong.'

In the cities the main Bengali attitude seems to be that Adivasi girls make novelty entertainers for visiting dignitaries. They demonstrate the cultural diversity of Bangladesh. And tribal child workers are often preferred to Bengalis because they are usually stronger and can be hired more cheaply.

Unlike the Adivasis of the CHT and the Mandi, who have higher literacy rates than most poor Bengali peasants, literacy among the tribal people of the north-west is much lower than the national average. This is demonstrated by **Table 1**, which compares surveys of Adivasis in Dinajpur, Rangpur and Rajshahi Districts with the national average. While the figures are higher for children of school-going age who were actually attending school, the gap between Adivasis and Bengalis still remains.<sup>20</sup>

**Table 1: ADIVASI LITERACY RATES**

District	Numbers	Literacy (%)	School Attenders (%)
Dinajpur (1979)	55,613	9.70	16.74
Rangpur (1980)	20,613	9.34	4.60
Rajshahi (1986)	120,005	6.97	0.40
Bangladesh (national average)	...	22.02	35.56



## LANDLESSNESS

The Adivasis at one time occupied vast tracts of land and used slash-and-burn cultivation, as is still practised by some hill tribes. But today more than 85% of the Adivasis of the north-west are landless. The status of Adivasi landholdings in Dinajpur, Rangpur and Rajshahi districts is shown in **Table 2**.<sup>21</sup> It shows that the majority of land to which Adivasis have a claim is registered land to which, in theory, they have clear title. It does not show how much land is available per family, the number of Adivasi families who are without land, or how secure, in practice, are Adivasi land titles.

**Table 2. LAND HOLDINGS (in acres)**

District	Registered	Khas	Mortgaged	In court	Forest
Dinajpur	11,386	1,054	2,331	122	311
Rangpur	4,500	41	988	168	188
Rajshahi	20,383	1,065	959	2,083	n.a.

(n.a. = not available)

**Registered land** is that to which there is clear title. **Khas** land is government land, for which cultivation leases are granted annually. Usually, **mortgage** means taking a private loan with a specified amount of land as collateral. The use of the land is surrendered until the loan is paid. In practice, most people are not able to redeem their land, for which they have received far less as loan than its sale value. **'In court'** means lands which have been challenged by court cases. At any time, half the rural population of Bangladesh are involved in land disputes. **Forest land** is that which comes under the Forest Department, which no one can settle on.

When going to court in a land dispute, the Adivasi must utilize a Bengali middle-man; both for this and for the preparation of legal papers, the Adivasi is charged more than a Bengali.

*'In the villages any quarrel with a Bengali brings fear and terror to the whole village and all have to be careful in going about their business, going to market or going out at night. Their life becomes like a walk through a minefield.'*<sup>22</sup>

The tribes of the northern border, especially the Mandi, are more educated and organized than the other plains Adivasis; thus they are not losing their lands as rapidly as the Adivasis in the north-west. Another reason, perhaps, is because the Mandi have been seen in some areas as ready to stand up for their rights, at least in part because of the leadership given by Catholic and Protestant churchpeople. Mandi are thus more respected and, in some areas, are living in harmony with their Bengali neighbours.

## Landgrabbing

The main problem of all the Adivasis of Bangladesh is land grabbing by the Bengalis. Although all tribal land is theoretically considered to be communal land, it was fortunate that the plains Adivasis for the most part received individual title deeds to their land under British rule. Communal land claims have proved far more difficult to sustain in law. Yet their individual land holdings are threatened in many ways.

Before the Bengali invasion into their territories in the early 1960s, the plains Adivasis lived a largely unmolested and unrestricted existence. A good part of their rice crop was used to brew rice beer – a custom which has endured. They had little realization of the commercial value of land and the importance of private ownership for defending their land. Their economy was not 'geared to an increased production so as to fulfil growing needs, but to an immediate consumption'.<sup>23</sup>

Thus, they fell easy prey to unscrupulous Bengalis whenever they needed money for special occasions or in times of hardship because of storms, floods or crop failures. The fact that most Adivasis are illiterate, and uneducated in legal matters, makes cheating them of their land in one way or the other a relatively simple matter. The same is true of most lowland Bengalis.

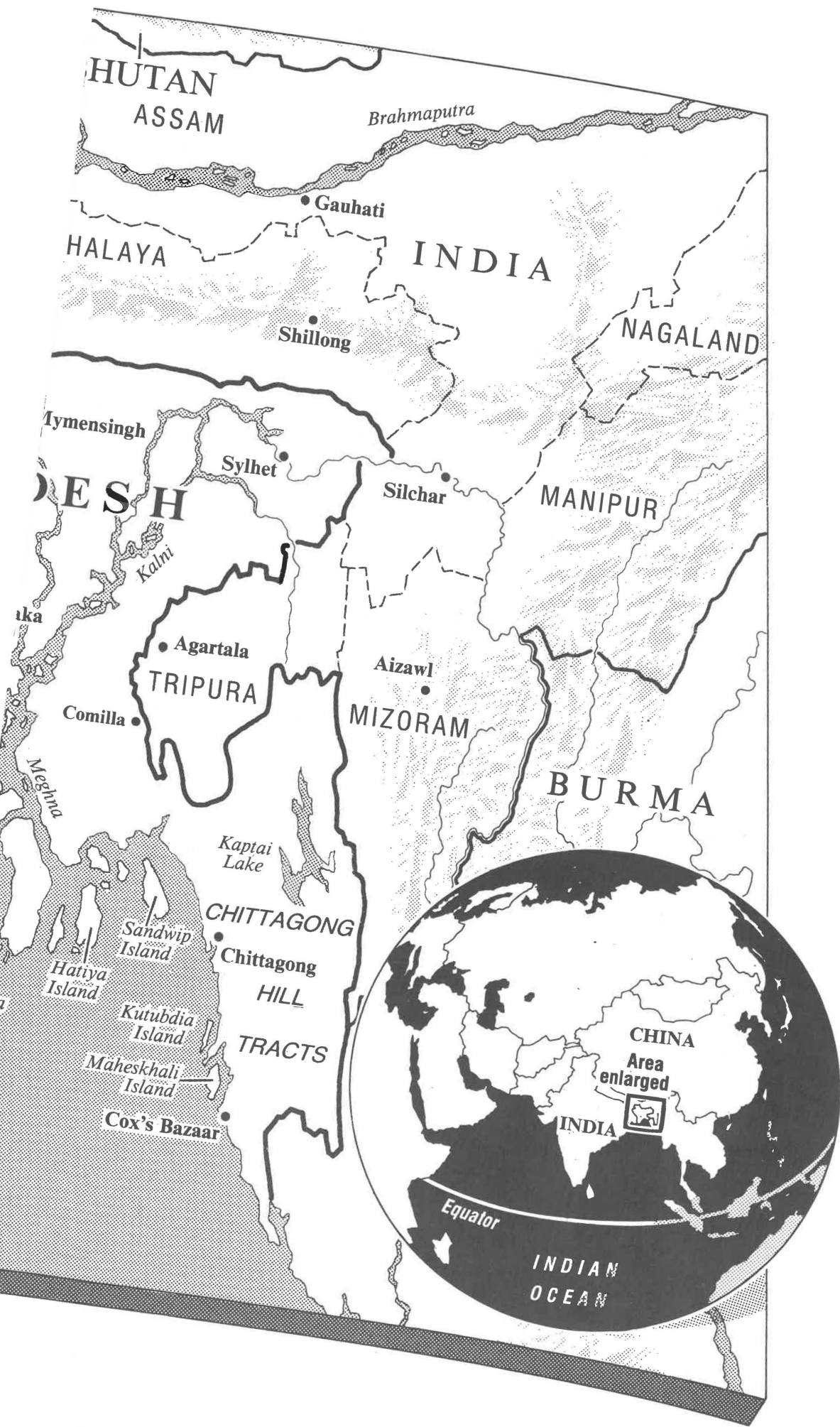
Some common means by which land was, and is, transferred from Adivasis to Bengalis are:

- mortgaging of land for a low price and on terms by which the Adivasi can never regain ownership;
- registration of the mortgaged land by Bengalis, for which many 'hidden' expenses have to be borne by the Adivasis themselves;
- the quantity of land to be sold is mutually agreed upon but the Bengali writes a much larger amount of land on the deed;
- money is given on loan by Bengalis, for which a thumb impression on a blank paper is demanded; the Bengali later writes up a deed for ownership of a large tract of the Adivasi's land;
- Bengalis marry Mandi girls, often by abduction, in order to acquire their land, even though tribal law requires that her land revert to the community;
- Bengalis check in the land revenue office for land deeds of Adivasis which are weak or faulty and submit a false land deed on official paper (acquired by bribes) for an Adivasi's land; he then shows the deed to the Adivasi and tells him to get off the property where he has been living 'illegally'.

There are also more direct ways of acquiring land unjustly: seizure by trickery or force and the illegal application of the Vested Property Act.

# BANGLADESH AND ITS NEIGHBOURS





## Seizure by Trickery or Force

Several case studies of poor people who lost their lands were documented in a book published in 1980 by Bangladesh Rural Advancement Committee (BRAC).<sup>24</sup> The book documents injustice in 10 villages, including one completely Adivasi village, along the northern border. It records that land grabbing was mainly carried out by:

*'a small number of active and ruthless men, who have greatly expanded their power and wealth as a result'.*

Their methods varied from:

*'outright violence, through trickery and deceit, to bribery and forgery of official documents'.*

A case from Nijpara village:

*'Recently, Hafiz and his nephew Latif have been the most active in this village. In 1967 they forcibly occupied eight acres belonging to a Koch [Adivasi], who over two years filed nine cases against them and others in the Sub-Divisional Magistrate's Court. They were all arrested but released after seven days on bail while the case continued. When their conviction became imminent they approached the Chairman, who threatened and pressurized the Koch to come to a compromise. As a result he kept 4.25 acres and Hafiz got 2.75 acres; the Chairman influenced the Court at this stage by reporting that Hafiz had never occupied any land, and for this he received 1,000 Taka. At the same time Hafiz occupied 4.40 acres from two more Koch and has been able to obtain documents from the Revenue Department.'<sup>25</sup>*

The biggest opportunity for land seizure came in 1964 when there was a strong demand for land for Muslim refugees coming from India. It was their invasion of tribal lands, with the silent acquiescence of government, which led to a mass exodus of Mandi across the northern border.<sup>26</sup>

The majority of the Mandi returned to Bangladesh later in the year to find their lands illegally occupied by Bengali squatters. Many got their lands back but others did not. Even today there are still large numbers of illegal occupants holding the land of people who returned from

India. The legal owners and heirs are ignored in the granting of leases for cultivation of these lands, which are counted as Khas lands. Bribes are paid by non-tribals to obtain the leases of the lands.

Harvesting of Adivasi crops by force is another expedient resorted to by those who have powerful backing, especially from the government party. Police are bribed or are afraid to enforce injunctions obtained in law to keep out the unlawful trespassers.

## Laws Protecting Tribal Land

The Adivasis first came under the domination of outsiders when the Permanent Land Settlement Act of 1793 placed agricultural lands, both tribal and non-tribal, in the hands of rent collectors (zamindars). The British administration, however, gave special protection to tribals through preferential legislation. The Government of India recognized the exemption of certain aboriginal tribes from the Indian Succession Act of 1865, No 940, thereby acknowledging the existing tribal laws of succession and inheritance. The Bangladesh government has also recognized this exemption in case law, provided that written proof can be given of the applicable tribal laws.

The Indian Tenancy Act of 1878 recognized the registration of tribal lands under zamindars. The Choto Nagpur Tenancy Act of 1908 aimed at keeping non-tribals away from tribal lands, and rents were to be collected only through tribal headmen. This act was incorporated in the Bengal Tenancy Act of 1938, which retained its status under the East Bengal State Acquisition and Tenancy Act of 1950 (EBSATA), abolishing the zamindar system, but the law was not enforced by the East Pakistan government. Bengali immigrants were settled on tribal-owned lands, which government regarded as public domain (khas land). This particularly occurred after a big influx of Bengali Muslim settlers from Tripura in the early 1960s. The forests also were invaded by Bengali settlers and many were given registered forest lands through false papers.

Bengalis also illegally acquired land through loose application of Law 97 of the EBSATA, whereby an Adivasi can only sell land to a non-tribal for 'serious reasons' certified by the District Commissioner (DC). Yet this law has also been used to the advantage of Adivasis. For example, in Mandi and Hajong territory, the Tribal Welfare Association (TWA) has made an arrangement with the DC to the effect that lands cannot be sold without the permission of the TWA. Investigation is carried out by 10 branch offices of the TWA when an Adivasi wants to sell land; no Adivasi is allowed to sell when there are only two acres left.

The most important international legislation is the International Labour Organization (ILO) Convention 169 *Concerning Indigenous and Tribal Peoples in Independent Countries* (1989). Bangladesh is a signatory to the original, weaker, ILO Convention 107 and has not signed the new Convention 169.

Article 14 of Convention 169 says that:

*'the rights of ownership and possession of the peoples concerned over the lands they traditionally occupy shall be recognized'.*

Article 16, Section 1 states that:

*'the people concerned shall not be removed from the lands which they occupy'.*

If their relocation:

*'is considered necessary as an exceptional measure',*

they shall be provided in all possible cases with:

*'lands of quality and legal status at least equal to that of lands previously occupied by them, suitable to provide for their present needs and future development'.*

Section 5 states that:

*'persons thus located shall be fully compensated for any resulting loss or injury'.*

The ILO Convention has had no practical significance for Bangladesh's tribal peoples because the major community does not recognize communal land as reserved land. In any case, as yet Bangladesh has not signed it.

## Tribal Movements

There have been two important movements among the plains Adivasis in Bangladesh for the realization of their demands. The first was the Tebhaga ('three parts') Movement of the 1940s in Rajshahi District. Santal and Paharia tribals took part in this movement of peasant sharecroppers, initiated by a Hindu woman, Ila Mitra, in the Nachal area of Rajshahi District. Her husband was the instigator of demands for the 'Tebhaga' system of sharecropping, by which the landowner would get one-third of the crop, one-third would go for inputs and labour and the final third would go to the sharecropper. (This system also exists in Comilla District, which saw the birth of the Cooperative Movement in East Bengal in the 1940s.)

The Rajshahi movement was known as the 'nachal revolution' or the 'Santal revolt in Rajshahi'. When the landowners resisted: 'The Santals and Paharias were made scapegoats for all', the Santal with some justification because they took the lead, the Paharia apparently because all Adivasis were seen as one.<sup>27</sup> Armed police were sent against Adivasis armed with bows and arrows, and many Adivasis were killed. Ila Mitra was detained by the police, tortured and jailed.

The second uprising occurred following the assassination of the first president, Sheikh Mujibur Rahman, in 1975. One of his loyal followers and a hero of the liberation struggle, Kadar ('tiger') Siddiqui, fled to India and started an insurrection along the northern border. He persuaded disaffected Mandi to join him on the promise of establishing a Mandi homeland.

The rebellion was short-lived but it brought pressure on the government of President Ziaur Rahman to give more attention to the Mandi tribals. A Tribal Cultural Academy was established at Birisiri, weaving centres were set up at *upazila* level, seats were reserved for Adivasi students at

the Bangladesh Agricultural University and Mymensingh Medical College and Adivasis taken into the border Guards (Bangladesh Rifles). Only the last measure has been properly implemented. For example, the Birisiri academy is largely staffed by Bengalis and promotes a bastardized Bengali culture as 'tribal'.

The two movements show that Adivasis can, when organized, fight with spirit and determination for land rights and against domination and injustice. But both movements were led by non-Adivasis, and illustrates a problem which still proves an obstacle, the need for greater Adivasi initiative and leadership.

## Vested Property Act

The Enemy Property Ordinance of 1965 was a consequence of the 17-day war between India and Pakistan. Companies, lands and buildings of Indian nationals and those residing in India fell under the control and management of the Pakistan government; 52 large industries and 250 companies and industrial enterprises were affected. They were to be returned to their rightful owners after the war ended, but the state of war was never officially lifted right up to the time of Bangladesh's independence in 1971. Though India was no longer the enemy, instead of abrogating this controversial ordinance the Bangladesh government confirmed it as the Vested and Non-Resident Property (Administration) Act (XLVI of 1974).

After 1974 there were to be no more new additions to the vested property lists. However, the Bangladesh government took over many new properties and the firms of Hindus who had taken refuge in India in 1971. Properties were seized even though some family members remained behind to manage them.

The law of Vested Property has been applied indiscriminately and illegally against all minorities, whether religious or ethnic. Tribal people of the north and north-west who were forced to flee to India as refugees to save their lives often returned to find that their lands had been placed on Vested Property lists. This even happened to people who had never left the country at all. The Bangladesh Rural Advancement Committee (BRAC) study, *The Net*, quotes a senior *kanungo* (land settlement officer) as saying that in one *thana* he had found that 75% of the 'enemy property' listings were false.

The abuse became so widespread that President Ershad ordered in 1984, and again in 1989, that the Vested Property ordinance could not be legally applied to any new cases. Various demands by Hindu groups and by the Hindu, Buddhist and Christian Unity Organization, as well as by some Muslim groups, for repeal of the Vested Property Act have gone unheeded. In August 1990, President Ershad announced that Vested Property illegally seized from Mandi tribals would be restored. Surveys were begun, preparing a list of such properties. After President Ershad resigned on 6 December 1990, the surveys stopped. Illegally acquired tribal land was an important campaign issue for parties opposing the Mandi candidate for Parliament in Haluaghat who, nevertheless, was elected MP on 27 February 1991.

## Other Kinds of Injustices

Adivasis are deceived and intimidated in many ways, some of them individual and some collective. Several incidents recorded below illustrate the variety of acts perpetrated against innocent Adivasis. Many more go unrecorded.

- When five or six women, including Jibita Chiran of Beribaid, were collecting firewood in the forest in 1985, several forest guards roughly beat them and attempted to rape them. A case of attempted rape was filed and won by the women, an unusual occurrence.
- During 1990 a Bengali man took an underage girl, Prini Mrong, to Mymensingh, promising her a job. He sold her to a gang. When a case was filed against them, the gang members fled.
- The Bangladesh Air Force set up a bombing range near the villages of Joloi, Telki and Nayapara in the Madhupur Forest. Twenty-two Adivasi families received eviction notices without any offers of compensation. The Tribal Welfare Association (TWA) protested and a two-person enquiry team surveyed and estimated Taka 109,850 as fair compensation. The families were evicted in 1985 but by 1991 had not yet received any alternative land or compensation for their land.
- In Jaflong near the Indian border, Khasi own their own land but Bengali businessmen take stones washed down from India – the only stones available in Bangladesh – from their property without payment.
- A Mandi was kidnapped in June 1990 and released after payment of one *lakh* (100,000) Taka. He was kept blindfolded and chained for 14 days and as a result has suffered impairment of vision.

Stealing of cattle, cutting of trees, forced labour, destruction of crops, assault on villages at night and biased settlement of village disputes are other frequent forms of injustices inflicted on Adivasis.

It is the invasion and settlement of tribal areas and villages by Bengalis which causes the Adivasis to feel the greatest insecurity. Tribal areas are no longer their exclusive domain. Because Adivasis are more open and hospitable, their Bengali neighbours frequently visit them and impose themselves on their unwilling 'hosts'. As the non-Adivasis gradually acquire land, the Adivasis (especially those in the north-west) tend to move out to another place or to emigrate. Yet in an already densely populated country, there are few places they can retreat to.

## PLUNDER OF THE FORESTS

Bangladesh forest coverage was reduced from 24% in 1947 to 6-8% in 1989. There are four categories of forest:

- 1 Mangrove forest**, comprising 1.45 million acres in Khulna, Bagerhat and Satkhira, including the Sunderbans, the largest source of timber and firewood, and 0.3 million acres of new plantation in coastal areas;
- 2 Hill forest**, in Sylhet, Chittagong and CHT;
- 3 Plainland forest**, comprising 2.99 million acres in Dhaka, Tangail, Mymensingh, Jamalpur, Rangpur and Dinajpur;
- 4 Village forest**, mostly around the homesteads.<sup>28</sup>

One source states that annual deforestation amounts to an estimated 8000 hectares.<sup>29</sup> Another report, a study by a Canadian consultancy showed that 750,000 acres have been completely deforested in the Chittagong region in the past several years. Whatever the figure, deforestation is clearly a major and growing problem in Bangladesh.

Its main cause is the cutting of immature valuable trees by business interests for sale in the black market. Mostly this is done with the connivance or participation of the Forest Department, which has long been considered an easy place to make money. In Dinajpur District the 24,000 acres of forest have almost completely disappeared within 30 years. 'What is left of the forest is the Forest Department.'<sup>30</sup>

In an effort to stem the relentless assault on the forests, the Ershad government amended the Forest Act of 1927 in September 1989. The amendment provides for stern measures against violators of the forest lands: seven years' imprisonment and a Taka 50,000 (\$US 1500) fine are the maximum penalties. The law requires the filling out of six different Forest Department forms before a tree can be felled – even on the owner's own land. Around the same time, enforcement measures were carried out with zeal. In August 1989, Tangail District police seized from the market, in four different *thanas*, Taka 350,000 (\$US 10,500) worth of stolen wood. Ten Forest Department Officers were suspended under suspicion of corruption. The incident clearly shows how enforcement of the law could take place effectively if the political will was there on a regular basis. Without the political will, no law where such large amounts of money are involved can be implemented.

Adivasis are often blamed for the degradation of the forests, even though they have been living there in harmony with the environment for centuries. Of the 24,000 acres of deforested land in Dinajpur, only 311.3 acres were cultivated by Adivasis, yet when the Forest Department began a programme of afforestation it chose to begin on cultivated Adivasi lands.

## The Madhupur Forest

The Madhupur Forest in Mymensingh and Tangail Districts, located about 150 km north of Dhaka, is the largest surviving forest of the plains. It used to be about 250 sq. miles in extent but at least half has been destroyed in the past 30 years. There is a long history of resistance to this destruction by the 16,000 Adivasi forest dwellers, both Koch and Mandi, and this continues today.

Since the partition of India in 1947 their land claims have been under increasing jeopardy. Forest Officers allowed thousands of Bengalis to settle on forest lands, beginning in 1962, often with false title deeds. Their number is about four times that of the Adivasis, who have witnessed their original environment being rapidly destroyed. The presence of these recent settlers complicates the claims of the Adivasis to ancestral land.

Land in the forest is of three kinds:

- 1 Land registered with the Land Revenue Department;
- 2 Forest Department Khas land and;
- 3 Revenue Department Khas land. Some of the Mandi own land by right of deed (registered land) and some by right of prescription (the law specifies 60 years as the time required for occupancy by prescription).

In 1984 the Bangladesh government listed 42,767.76 acres of forest land under Section 6 of the Forest Act of 1927, but none of the Mandi settlers were represented or consulted. All their land was listed arbitrarily as forest land. At a meeting of the Land Minister with tribal leaders in June 1990, the minister stated that a land survey would begin within 15 days, with tripartite representation on the part of the Land Revenue Department, the Forest Department and the Adivasis. A paper survey began, with no representation of the Revenue Department (which would possess the relevant tax papers) and no verification in the field.

For several hundred years, the Mandi have lived in the Madhupur Forest. Under the British Zamindari system, the Madhupur Tract and its people came under the Raja (ruler) of Natore, who dedicated the area to the god Gabinda under the title of *debottor* (gift for the god). The Mandi could cultivate the high land under lease and could register the lowland in their own name. This system was followed throughout the rule of British India.

In 1878 the Mandi recorded their lowlands (and some of the highlands) under the Indian Tenancy Act of 1878, which is their oldest claim in written law. The annual tax is still paid to the Revenue Department as the successor of the zamindar and the British Raj. In 1956 a Forest Settlement Officer tried to repeal this act. Eviction notification was gazetted (but not served on the Adivasis) and their properties were to be confiscated.

In 1962 government established a 500-acre farm in Kakraid, Madhupur Thana, and settled the dispossessed Bengali farmers on Mandi prescription lands in Aronkhola. The same year Governor Monem Khan publicly declared a plan for a 40-square mile National Park in the Madhupur Forest. No official notice was

issued to the people nor was there any effort to explain the plan to the public. Thousands of Mandi who lived in this area and cultivated rice in the lowlands and vegetables and pineapples in the highlands continued to pay taxes to the Revenue Department, but the Forest Department gradually took over control.

In 1968 and again in 1969 eviction notices were served by the Divisional Forest Officer of Mymensingh to the Mandi of Chunia Village. There was no mention of compensation or rehabilitation of the affected families. When police and forest officers attacked this same village with guns in 1974 to evict the villagers, the women rose up against them and drove them off.

In 1978 the Divisional Forest Officer and District Commissioner (DC) Tangail issued eviction notices for the third time to about 200 *baris* (extended households), comprising about 800 families, for the supposed National Park. They were offered one acre of land per bari and Taka 1000 compensation, regardless of registration and up-to-date payment of taxes. Moreover, the 200-acre area designated for them was already registered and occupied by poor Bengali refugees. The Commission for Justice and Peace (CJP) appealed to the Secretary of Agriculture and Forests and nothing further was done by the government.

A similar eviction was attempted in 1979 against 200 families in Thanarbaid, Sainamari and Pirgaccha; the same compensation was offered and the proposed new site was also already occupied by poor Bengalis.

In 1980 the Rasulpur Range Office was ordered to occupy 108 acres of Mandi land in Joynagaccha, Bonderiacholla and Kedjai. Some of the Mandi land documentation there went back 80 years. About 200 non-Adivasis were brought in to set up a forest sub-office and plant mulberry trees. In May 1981 local thugs were hired by the Forest Department to try to do these things by force.

After the proclamation of martial law in March 1982, a Martial Law Order was sent to the Union Chairman and village government head to evict those 'forcibly occupying the government forest'.

Every year several cases are brought against the Forest Department for illegal actions against Adivasis. An American priest who has worked for 32 years in the area has been the main influence in organizing and training the people, who are now able to handle violation cases themselves.

President Ziaur Rahman suggested that the tribals form a Tribal Welfare Association (TWA) to protect their own interests and it came into being on 15 June 1977. The TWA soon submitted 15 demands about land, security, education and power to decide on their own development. The demand petition was never answered.

This is the classic pattern. Commissions are set up, investigations are made and promises are given. These actions take the heat off when agitation is reaching boiling point. But when it subsides, the issue is quietly dropped. This also happens when the newspapers pursue a case that is unfavourable to the government.

After the appointment of a Christian presidential adviser in 1990, a delegation of the TWA met with the president and adviser and appealed particularly for land security. Shortly thereafter, the cabinet appointed a committee of ministers to look into the Mandi's problems, and President Ershad himself promised that all vested property would be restored to them and no more eviction notices issued. But on 12 June 1990 eviction notices were again issued and about 200 false cases were begun in July and August under the amended Forest Act.

## Rubber Plantations

The outstanding threat so far to the tribal land-holdings in the Madhupur Forest is the establishment of rubber plantations there. Rubber plantation began in Bangladesh on an experimental basis in 1954-55 and in the 1960s in the CHT, spreading from there to Sylhet. The production has been only two kg/day in Sylhet, three in the CHT and nine in the Madhupur experimental area (compared to 11 in Malaysia). The first rubber plantation in the Madhupur Forest was made on 15,000 acres of forest land in 1986. Private-sector entrepreneurs, who are mainly interested in the land, are entrusted with the establishment of the rubber plantations.

Several Adivasi-registered and prescription lands were taken over without payment of compensation. One woman, Purna Sangma, who held a valid title deed to three and a half acres of registered land, but was dispossessed on 12 December 1985, brought a civil suit in court and won. However, her land was already bearing young rubber trees; since the judgment in her favour in January 1989, the rubber plantation authorities have not yet arranged for compensation (November 1991).

In January 1990 the government announced that 25,000 acres of rubber plantation had been completed under Phase 1 at a cost of Taka 67 crore (670 million). It was decided that necessary steps were to be taken to check encroachment on the forest lands. A few months later eviction notices were served on many Adivasi inhabitants, informing them that they had been '10 years' on the land and were now required to leave because their presence was illegal.

The Second Phase of the Madhupur rubber plantation was to cover 40,000 acres at a cost of Taka 210 crore (2100 million). The project was funded by the Asian Development Bank (ADB), which had sponsored the feasibility study in 1988. Misled by false maps, the project was about to advance when ADB learned of the adverse social and human impact of the project, as observed and recorded by the CCHRB. The ADB then made a decision that it was no longer willing to fund the project.

The project had already destroyed much of the rich natural forests of sal (*Shorea robusta*) and teak in the area and forced Adivasis off their lands, all in the name of 'national interest'. The CCHRB has attempted to educate people to the fact that monoculture is not only deficient as a forestry practice but also results in significant loss of biodiversity and destroys wild-life populations in areas where it is carried out.

On 3 April 1989, the Minister of Agriculture had assured

the Mandi in the forest that there would be no rubber cultivation on registered or prescription lands. However, on 27 May, 20 more acres of land were forcibly planted under rubber at Dharati village, including homestead lands and gardens. Two weeks previously two Mandi houses had been burned. The Adivasis uprooted the plants and several were jailed. The Minister of Agriculture resigned, apparently in protest over the lack of government concern for the Adivasis. A Mandi leader, Paresch Chandra Mree, commented on this latest outrage against the Adivasis:

*'We are children of the forest. We were born here. We were brought up here. We want to die here. We are so accustomed to forest life that we cannot survive if we get evicted from the forest.'*



## GOVERNMENT POLICY

Since independence in 1971, when a secular Constitution was adopted, the State has been legally committed to a policy of freedom and equality for all religious and ethnic minorities. It has been the boast of government that all religions live in peace and harmony in Bangladesh. Many in the majority Bengali Muslim population have shown considerable tolerance and goodwill towards Bangladeshis from different ethnic and religious backgrounds, perhaps reflecting the mixed religious tradition which combines elements of Buddhism and animism (and to a lesser extent Hinduism) which preceded the coming of Islam. Thus Muslim fundamentalism has gained a hold only on a minority. There are considerable opportunities to build bridges across religious confessions.

The government of President Ershad (1982-90) took the strongest rhetorical advantage of this oft-declared policy but was the most provocative in disrupting it. The proclamation of Islam as State Religion in 1988 by the Eighth Amendment to the Constitution seems to have been a move to defuse the power of the fundamentalist political parties. What it meant was that the tempo of anti-minority land grabbing and other injustices was immediately stepped up. Some regarded the Amendment as an official declaration that Bangladesh was for Muslims only.

The government often reacted quickly in minor attacks against minorities. But in two major incidents – against Hindus in 1990 over the Babri Mosque incident in India and the anti-Christian assaults by pro-Iraq mobs in 1991 – government not only reacted slowly but two ministers were involved in provoking the anti-Hindu assaults. Ershad's preaching in mosques every Friday and his appeals on TV to 'We Muslims', especially built up animosity toward all non-Muslims.

While government at the highest levels has been publicly strongly supportive of the rights of tribal minorities, its inability to control social indiscipline at local levels has been growing. An instance of landgrabbing from a Mandi woman in Mymensingh District is a typical case, for which there is thorough documentation from 1985. It illustrates the complications of most land problems in Bangladesh and the difficulties of the tribal people in protecting their interests against the majority community.

### The Pansimoni Nafak Land Case

A Mandi woman, Pansimoni Nafak, said to be over 100 years old, divided her large landholdings in Haluaghat Upazila, Mymensingh District, among her sons and daughters; most of the land went to the daughters. The titles were recorded in their names and they paid rents and taxes regularly. During the Mandi exodus to India in 1964, two sons and two daughters died. The other members returned in May 1964 and therefore were in no way subject to the provisions of the Enemy Property Act of 1965. Two of the sons and one of the daughters died intestate. According to inheritance law, recognized by the Mandi government, the land ownership reverts to the nearest relative, in this case their mother, Pansimoni. The other daughter's property was inherited by her daughter, Protima Nafak.

In the early 1980s Pansimoni's family came to know for the first time that 61.87 acres of the family property had been declared as Vested (Enemy) Property through a backdated declaration and were leased out to Bengalis. As early as 1978, 11 Bengali refugee families from India had settled on the land. Those who took leases in 1985 and built huts on the land were all *lathials* (thugs) of the powerful landowners who were trying to dispossess Pansimoni and her family.

Rangamoni, her daughter, brought three cases against the Vested Property declaration in the court of the Assistant District Commissioner (ADC) (Revenue). She also obtained a court injunction order to protect her property against occupation until the civil suits under trial were settled. This was so ordered by the ADC (Revenue) on 27 September 1983. But his successor, under pressure from powerful and influential local leaders, rescinded the injunction order on 27 June 1985 without prior notice or hearing and while the court cases were still pending. Rangamoni appealed to the Commissioner of the Dhaka Division but this appeal was not answered.

In 1986 the property was invaded by 43 persons who obtained leases from the government. Rangamoni filed a violation of injunction case against them in court but some of her family were physically assaulted on 21 November 1986. After a fruitless visit from the officer-in-charge (OC), Haluaghat Police Station, to investigate the attack, the intruders forcibly reaped the entire harvest of the Mandi. Rangamoni filed a criminal case against them for assault.

The Tribal Welfare Association (TWA) has been supporting Rangamoni's case legally since 1985. They sent an appeal to President Ershad, which was supported by more than 300 Hindu and Muslim non-tribals who objected to the open injustice against the Mandi. The TWA also sent out an Asian appeal through Hotline-Hong Kong, a human rights action group which mobilizes concerned organizations and individuals to protest against cases of injustice.

As a result, the government responded by sending a state minister of the Ministry of Land to investigate the situation. His immediate directive called for preservation of the *status quo ante* until the court cases were finalized, and protection of Rangamoni against harassment. The order passed down to the Upazila Chairman and the OC but the illegal occupants, with the backing of the local Member of Parliament (MP) and the District Chairman, a relative, paid no attention to it. They openly seized more land in 1989 and early 1990 and harvested all the Mandi's autumn rice on 26 acres; they even took whatever rice had already been harvested and stored.

The family and the Tribal Welfare Association referred the case to the Commission for Justice and Peace in December 1989, which contacted the Inspector-General of Police (IGP), who gave an immediate order to enforce the injunction. When nothing happened, he phoned the OC of Haluaghat and told him that he shouldn't need special orders and pressure from Dhaka to carry out his duty. Because of the power of the local MP, who openly boasted that 'the police have no power in my territory', nothing was done. Therefore, a second urgent appeal

went out to Asian countries through Hotline-Hong Kong and again there was a quick intervention from the authorities.

An investigation was carried out in March 1990 by the Joint Secretary of the Land Ministry and the ADC (Revenue) of Mymensingh. Based on their 58-page report, the Deputy Secretary of the Land Ministry issued a stiff circular on 3 May declaring null and void the registration of the land as Vested Property, and the occupation of the land, together with the leases of those who had taken the land on rental. The Upazila Executive Officer (UEO) on 12 May and 16 May ordered the occupiers to vacate the land but they delayed until they had harvested all the winter rice which both the illegal occupants and the Mandi had sown. They even built two more new huts during this time.

Two human rights investigators hurried to the area and found the MP worried because of the outside interference and the ADC firm and zealous to drive out the culprits and do justice to the Mandi. He stated, however, that there was no record that the disputed land had ever been declared as Vested Property! The ADC set a date (12 June) for final evacuation, but in the meantime the squatters sent a petition to the President to be allowed to stay on the grounds that they had been settlers on lease there since 1985 (and a few since 1987). The President ordered the police to clear the property immediately and return it to Pansimoni, which they did in late June. She died the following night.

The 'happy ending' did not last long. The Land Revenue Officer imposed a Taka 82,000 tax for five years on the lands which the Mandi had not been able to use. In August 1990, on a visit to Haluaghat, the Vice-President announced that the President had withdrawn the tax. Yet the Land Revenue Office forced Rangamoni to pay an advance of Taka 20,000 and told her it would be returned when they got a written order. The Upazila Chairman and Upazila Executive Officer took large amounts of rice from her with the same promise. The CJP appealed for a written order from the Land Minister on 19 January 1991 and again on 26 June 1991. The Deputy Secretary of the Ministry answered on 25 July 1991 that there was no provision in law for such an exception.

Thus, it is clear that even when the government is forced to act it cannot impose its fiat in rural areas dominated by one or two powerful individuals, who have a personal interest in maintaining an oppressive system, which they control. Occasionally, a major issue can be brought to the attention of the leader of the country, but even so once the moment has passed and the attention has shifted elsewhere, conditions are unlikely to have changed.

### Legal Aid for Adivasis

One of the most important projects aimed at saving the lands of the plains Adivasis was the legal assistance project of Caritas Bangladesh.<sup>31</sup> It functioned in Dinajpur, Rajshahi, Mymensingh, Jamalpur and Sylhet Districts. The objects of the project were to educate people in the value of land and the importance of valid legal papers and to aid them in cases of land-snatching. Field workers made a survey of land titles and documents

among the Adivasis to make sure that their land rights could not be legally challenged.

The project in Dinajpur District was preceded by a pilot scheme for two years with 17 justice workers in the field. It was also applied to poor Bengali families as well as to Adivasis. In 1977, 136.8 acres of land were recovered in 120 cases, of which 55 were settled in court. In 1978, 324.3 acres were recovered in 482 cases, 51 of which were settled in court and 75 out of court. After three years of the legal assistance project in Mymensingh District, 228 cases involving 1092 acres led to the recovery of 458.5 acres of land; 94 cases were settled in court and 134 outside court. The legal aid project of Caritas was scheduled to run from 1979 to 1984 but the government stopped it in the fourth year without giving any reasons.

Other organizations are working along similar lines with the Santals on the West Bengal border, while a determined Catholic priest based at Jalchhatra in the north has spent three decades on legal and community education projects with Adivasis. The urgent need is for further similar projects in areas not yet covered.

### Other Kinds of Help

Education is the main hope of the Adivasis and the key to their survival. Many educated Adivasis who have studied at college or university level have returned to their homes and are working to transform their society from within. Old-style leaders are bypassed in the new educated village *samiraj* (council of leaders). In 1990 for the first time a Mandi was elected as a Union Council Chairman and in 1991 one was elected as Member of Parliament. Conscious efforts are being made by the TWA to preserve the elements of Adivasi culture which established a strong sense of unity and distinctive identity. Assimilation to prevailing national cultures of small and isolated groups of tribal people can only occur when the culture is congenial and the people themselves do the adapting according to their needs and circumstances.

Non-formal education programmes are going on in Adivasi territories through various NGOs: Caritas and *Gono Shahajjo Sangstha* (GSS) in Dinajpur and Rajshahi, Bangladesh Rural Advancement Committee (BRAC) in Jamalpur and Sherpur, Association for Social Advancement (ASA) in Sylhet, etc. Local people are trained as organizers. Groups of the poor and marginalized are helped to organize to become subjects of their own development. Through weekly meetings and discussions they analyse their local problems, which they understand thoroughly, and seek out their root causes. There is a marked cultural-religious contribution to this social analysis, so that development will be in keeping with their Adivasi ethos.

From their weekly savings, aided by small loans from various sources such as their sponsoring NGO, they carry out income-generating programmes for their economic improvement. They also carry out mass actions through the union of several nearby groups for opposing injustices, both personal and structural. Principles of non-violence are generally inculcated in such groups, because the concentration of power is all on the opposing side. Organized groups of the poor are also encouraged to form

broad-based support networks of persons of goodwill who can aid their cause by influencing public opinion.



## THE INTERNATIONAL DIMENSION

In effect there are two international dimensions which have importance to Bangladesh: that which involves India, the neighbouring state and regional power, and that of the donor states and international agencies which play such a prominent role in the Bangladeshi economy. Both the regional power and the international donors have been involved with the CHT issue but, to date, little international attention has been paid to the plight of the Adivasis of the plains.

### The Role of India

India has been inevitably involved in the CHT issue. It is the destination of waves of Adivasi refugees (including the earlier environmental refugees who fled as a result of displacement by the Kaptai Dam). It is alleged to have given financial and military support to the JSS and Shanti Bahini. Although the Indian government has issued strong denials, it is alleged that Shanti Bahini activists based in Tripura are being assisted by the Indian government. On the humanitarian side, sanctuary to refugee Adivasis continues to be provided, even if not always generously.

The JSS submitted a memorandum to the then Indian Prime Minister, Rajiv Gandhi, in July 1987. In the memorandum, the JSS leaders requested the Indian Prime Minister to initiate steps to solve the tribal issue 'like the solution of the Tamil problems in Sri Lanka'. The memorandum proposed that the refugees were ready to return to the CHT under the direct supervision of the Indian government and overseen by the UNHCR. It also proposed that in order to solve the tribal issue, a tripartite meeting with participation from India, Bangladesh and the JSS should be immediately convened.

Relations between India and Bangladesh are not always easy – there have been disputes over the sharing of the Ganges waters and the immigration of Bengali settlers to Tripura, Assam and elsewhere in the Indian north-east. Bangladesh resents its larger and more powerful neighbour. India has no wish for the CHT to become another Sri Lanka or to inflame further tribal insurgency in her own troubled north-eastern states. India has actually played both ends of the game – encouraging the JSS and talking peace with Bangladesh.

But both countries share a common desire to keep the issue as a regional, rather than an international, one. Neither is a signatory to the UNHCR Convention on Refugees. Both have restricted international access to the region, which has meant that refugees and displaced peoples on either side of the border have received no benefit from protection agencies such as UNHCR and the ICRC, while NGOs have been unable to ensure basic amenities or start income-generating projects.

There have been few links made between the situation of the Adivasis of the plains and similar groups in India. In both states Adivasis face similar problems – pressure on land, exploitation, harassment by government officials. However, in India, Adivasis are a much larger group, both

in numbers and as a proportion of the population (over 7% of the total). They are classified as such in the census. They are recognized as an underprivileged group in the Indian Constitution (as 'Scheduled Tribes') and thus benefit from a quota for places in higher educational establishments and for employment in the central (and also in various state) civil services. Quotas ensure a proportionate number of Scheduled Tribes elected representatives in central and state parliamentary bodies, although these representatives do not necessarily support Adivasi concerns.

There are many arguments as to how effective such policies might be in promoting real equality. Many critics contend that quotas often go unfilled and these policies promote only a self-serving elite without noticeably improving the chances of the majority. Supporters argue that without affirmative-action policies the position would be much worse, and that in any case the effectiveness of these policies must be measured over time, perhaps even several generations. However, despite some sporadic affirmative action policies for Adivasis, the policies endorsed in India have not been implemented to nearly the same extent in Bangladesh. There are, however, some quotas for university places.

## Donor Countries and International Agencies

The CHT have figured prominently in human rights assessments of Bangladesh by donor countries, donor agencies and international organizations. It is difficult for the international groups to evaluate the situation since access to the area is not readily available either in Bangladesh or in India. The record of the Bangladesh government's activities in the Hill Tracts has been repeatedly condemned internationally; hundreds of protests have been lodged by international organizations demanding an end to atrocities.

Non-government organizations (NGOs) have taken the lead. The first report was produced by the London-based Anti-Slavery Society (now Anti-Slavery International). Survival International in 1984 accused the government of 'genocide'. Other NGOs include the International Fellowship for Reconciliation (IFOR), the World Fellowship of Buddhists (Thailand), Organizing Committee Chittagong Hill Tracts Campaign (Netherlands), Gesellschaft für Bedrohte Völker (Germany), the International Work Group for Indigenous Affairs (Denmark), Parliamentary Human Rights Group (UK), among others.

Amnesty International in 1986 declared that:

*'...successive governments have failed to investigate incidents of unlawful killings and torture and no measures have been taken to prevent their recurrence'.<sup>32</sup>*

After a brief visit to the CHT in 1988, Amnesty International stated that they were not satisfied with the

government's efforts to reduce violations. The Canada-based World Council of Indigenous People (WCIP), which has consultative status with UN, has called for the formation of an independent international commission to investigate the allegations of atrocities.

In turn NGOs have lobbied donor governments to place pressure on the Bangladesh government to end human-rights violations and grant a measure of autonomy to the Adivasis of the CHT. For example, a Canadian church group also expressed concern over the:

*'report of significant levels of human rights violations in Bangladesh... These have included instances of widespread arbitrary arrest and detention, torture and extra-judicial execution.'*

The Church group recommends that the Canadian government should:

*'ensure that no part of Canada's development assistance, or economic supports to the government of Bangladesh through international financial institutions, contributes to non-tribal resettlement programs in the CHT.'*

A UN agency, the International Labour Organization (ILO) has also expressed concern at the 'calculated annihilation of the tribals' and has alleged violence following settlement of settlers displacing the indigenous inhabitants. The fact that Bangladesh is a signatory to the ILO's Convention 107 on Tribal and Indigenous Populations has meant that the ILO has taken a continuing interest in the issue. The UN Working Group on Indigenous Populations has received regular statements from human rights and indigenous solidarity organizations.

The Bangladesh government has to some extent responded to this pressure, allowing some visits to the CHT by NGOs, parliamentarians and others, especially after 1988. However all these missions were closely supervised by the military. By far the most complete fact-finding mission was carried out by the Chittagong Hill Tracts Commission, an international group, which travelled in both India and Bangladesh in November and December 1990, talking to Adivasis, government officials and the military. Their initial report, published in May 1991, presented accounts of continuing violence, religious discrimination and land dispossession.

In contrast there have been few international efforts on behalf of the Adivasis of the plains, despite the fact that this is where the vast majority of the development aid which enters Bangladesh is concentrated. One problem is lack of information – little is known of the Adivasis outside Bangladesh. Within the country most work has been done by dedicated NGOs, such as the CCHRB and its associate organizations, who have given practical help, such as para-legal programmes and assistance in fighting court cases. But tribal issues are regarded as sensitive in Bangladesh; those who work with and on behalf of Adivasis have been detained or harassed in the past, and thus it is probably better and more effective to work through an international network rather than a local one.

One example, already mentioned, of how national and international pressure can be effective is the example of proposed rubber plantations in the Madhupur Forest. Initially, the second phase of this programme was to be

financed by the Asian Development Bank, which had sponsored a feasibility study in 1988. It was only a year later that the ADB learnt, through CCHRB, of the adverse environmental and human impact of the project and decided not to further fund the rubber plantation. Yet the battle may have to be fought further as other investors step forward, and in any case, part of the forest has already been destroyed.

A more effective network of interested NGOs willing to act on behalf of endangered Adivasis in Bangladesh could have a beneficial impact on donor nations and agencies. Similarly, NGOs can act to support local initiatives by and on behalf of tribal peoples.



# RECOMMENDATIONS

Bangladesh is a complex society with immense problems. The Adivasis are only one small part of this society and recommendations to assist them and improve their conditions of life need to be based on a realistic and pragmatic assessment of what is workable in the context of Bangladesh.

## The Government of Bangladesh

■ Democratic and open government, the rule of law, and public accountability of government officials are vital if the rights of minorities, including Adivasis, are to be safeguarded.

■ Freedom of expression on minority issues and a press free to report and publish on Adivasi problems are crucial for accurate information on, and advice to, disadvantaged minorities.

■ Members of minority communities – whether ethnic, religious or linguistic – should be entitled to the full protection of the law and full rights and responsibilities as citizens. The government should actively intervene to protect these rights.

■ Bangladesh should strengthen its human-rights standards and monitoring by actively seeking assistance from those international agencies with expertise and support, notably the UN Human Rights Advisory Services and the Commonwealth Human Rights Unit.

■ Bangladesh should ratify ILO Convention 169 (1989) *Concerning Indigenous Tribal Peoples in Independent Countries*.

■ Bangladesh should sign the UNHCR Convention on Refugees.

## Policies towards Adivasis

■ Adivasis are Bangladeshi citizens and are thus entitled to the full rights and responsibilities of citizenship. Adivasis should not be considered as non-nationals or second-class citizens and to identify oneself as an Adivasi should not be considered inconsistent with being a citizen of Bangladesh.

■ The census should take note of those individuals who wish to be identified as Adivasis – their location, tribe, religion and language – and this information should be used positively to assist and support them.

■ Adivasis should not be subject to harassment by government officials – whether police, army, forest guards, revenue officials or others. Those officials who act illegally should be punished by the government.

■ Adivasis should not be subject to exploitation by members of the majority community – whether landlords, moneylenders, employers, etc. Those who cheat or abuse Adivasis should be punished by the government.

■ Adivasis should not be displaced from their lands in order to resettle refugee, homeless or landless Bengalis. This is unjust to the Adivasis and ultimately does little to assist the resettled community. Alternative solutions need to be found.

■ Adivasi title to both individual and communal land needs to be strengthened. Where communal title exists it needs to be given defined status in law. Those Adivasis holding individual title to land need special legal protection to ensure that it remains in Adivasi hands and is not illegally transferred to non-Adivasis.

■ Illegal or unfair transactions in land (especially those based upon Adivasi ignorance of the law or seasonal or undue hardship) should be considered to be null and void and the land restored to Adivasi ownership.

■ The Vested (Enemy) Property Act is an unjust law which has been illegally and unfairly applied to Adivasis, in order to appropriate their lands. It should be abrogated as soon as possible and land which has been removed from Adivasis needs to be restored.

■ The remaining forests are an important national asset of Bangladesh which should be intelligently conserved to provide a continuing livelihood for their Adivasi inhabitants. Deforestation has not been caused by the Adivasis but by over-settlement, inappropriate agriculture and short-term financial gain. Adivasis should be represented and consulted on the best policies to conserve and exploit forest lands.

■ Adivasis should, if they so wish, have the right to receive education up to primary standard in their own language(s) and where possible, to receive translations /interpretation of government legal and administrative regulations in their own language(s).

■ There should be special training programmes directed at Adivasis, particularly concerning paralegal, mediation, agricultural and organizational training programmes.

■ Education is an important tool in supporting Adivasi awareness and organizing ability. Some Adivasi communities are more literate than Bengalis; they need employment and opportunities to use their education. Similarly other communities need education to reduce ignorance of and prejudice against Adivasis.

■ Strong and independent Adivasi organizations are essential if Adivasis are to articulate their needs and achieve full human rights. Adivasi organizations need education, training and some financial and legal assistance if they are to defend and extend their rights.

## **Policies Towards the CHT**

■ The situation in the CHT is urgent and needs immediate action by government to bring about a peaceful and just settlement to the continuing war. Outside mediation may be necessary to achieve this.

■ All the land was originally inhabited only by Adivasis. There must be some reserved land for them in any political solution for the CHT.

■ Adivasis of the CHT should not be displaced from their lands in order to resettle landless Bengalis. This is unjust to the Adivasis, while experience demonstrates that the CHT is unsuitable for intense settled agriculture of the type found on the plains. Alternative solutions to landlessness need to be found.

■ The militarization of the CHT must be reversed. It has proved counter-productive and counter-insurgency campaigns are inevitably disruptive of normal existence and abusive of human rights. The government must undertake to investigate cases of military abuse and punish perpetrators.

■ The refugees in India must be encouraged to voluntarily return to their homes in the CHT. This can only be done if the Bangladesh government makes genuine efforts to reach a just political solution in the CHT.

■ There must be real efforts to grant and implement a genuine degree of political autonomy to the Adivasis of the CHT, even though this may mean separate political arrangements for this region.

■ Independent outside observers should be able to travel in the CHT to assess and monitor the situation.

## **The Government of India**

■ The governments of both India and Bangladesh should recognize the UNHCR and its basic protective mechanisms for the protection of refugees and apply these to the refugees who have fled from Bangladesh to India. The UNHCR should use its good offices to protect refugees and, if they wish to return voluntarily to their homes in Bangladesh, to monitor their return and resettlement.

■ The government of India should facilitate the organization of basic humanitarian support – including foreign aid – to the refugee camps in Tripura and elsewhere, and allow independent outside observers to assess and monitor the situation.

■ The government of India should grant basic human rights, including citizenship, to the Adivasis who became long-term environmental refugees in the early 1960s because of displacement by the Kaptai Dam and other projects.

## **International Donors - Governments and Agencies**

■ International donors have a responsibility to ensure that aid benefits the poorest, including minorities such as the Adivasis. Aid should not take vital economic resources, such as agricultural land or forests, from the Adivasis, but should enhance their skills and natural resources.

■ Some aid should be used to support basic training and rehabilitation programmes for Adivasis, including paralegal and administrative training to allow them to articulate and organize effectively on their own behalf.

■ If necessary, donor governments or large agencies should be prepared to limit or stop aid which is destructive of Adivasi land rights or culture, or which is environmentally destructive or technologically inappropriate. Efforts should be made to finance small-scale local projects, which generate income for Adivasis in an environmentally beneficial manner.

## **Non-Government Organizations and Human Rights Organizations**

■ NGOs with projects in Bangladesh should be particularly sensitive to issues affecting Adivasis and give support to Adivasi organizations and their supporters. Funds should be earmarked for small-scale local projects, which generate income for Adivasis in an environmentally beneficial manner, and for appropriate training programmes.

■ A support group of organizations outside Bangladesh, prepared to respond in a rapid and positive way to issues affecting Adivasis, already exists but needs strengthening. By sending letters, cables, telexes, faxes, etc. to the government of Bangladesh, foreign governments, international donor agencies, etc., drawing attention to human rights abuses or projects harmful to Adivasi lands or interests, outside organizations or individuals can show solidarity with Adivasis.

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## USEFUL CONTACT ORGANIZATIONS

**COORDINATING COUNCIL FOR HUMAN RIGHTS IN BANGLADESH (CCHRB)**  
113 Siddeswari Road, Dhaka, 1217, Bangladesh

**HOTLINE-HONG KONG**  
48 Margaret Road, Kowloon, Hong Kong

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