

# HUMAN RIGHTS OF THE ABORIGINALS IN THE CONTEXT OF BANGLADESH

## Human Rights of the Aborigines in the Context of Bangladesh<sup>1</sup>

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Available at <http://www.ssrn.com/link/OIDA-Intl-Journal-Sustainable-Dev.html>

ISSN 1923-6654 (print) ISSN 1923-6662 (online).

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**Abstract:** Human Rights is one of the most pronounced terms in international and regional arena in recent decades. Rights of the indigenous people or aboriginals (*adibasis*) occupy a mentionable part of human rights contexts, which is a great concern in present Bangladesh. Historically the *Adibasis* have often been dispossessed of their lands, or in the center of conflict for access to valuable resources because of where they live, or, in yet other cases, struggling to live the way they would like. Indeed, they are often amongst the most disadvantaged people in this land. The present study provides an idea of the demography and identity issues of the *Adibasis* of Bangladesh primarily. It analyses the theoretical concepts of the human rights of the *Adibasis* according to particular documentary legal evidences. In addition, it finds out the facade of the real conditions of the aboriginals through a number of case studies. This study denotes the role of governmental and non-governmental institutions in this historically neglected and marginalized arena. Finally, this work recommends most possible comprehensive suggestions to bring the *Adibasis* of Bangladesh out to the mainstream socio-economic ways of Bangladeshi people.

**Keywords:** Human Rights, Aborigines, Bangladesh, socio-economic

### Introduction

Human rights are indispensable rights of every human being, which he/she inherits by birth in the nature. Without human rights a man ceases to be a man. They are based on mankind's increasing demand for a life in which the inherent dignity and worth of each human being will receive protection and respect. Human rights are not created by any legislation; they assume the position of natural rights. In spite of this, 'Charter of the United Nations', 'The International Bill of Human Rights' and other international instruments on human rights have been adopted. Municipal Laws have also recognized human rights either in the form of fundamental rights or as legal rights.

In the preamble of the United Nations Charter, the peoples express their determination 'to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and 'to promote social progress and better standards of life in large freedom'. Article 2 of the 'Universal Declaration of Human Rights, 1948 (UDHR)' provides equal rights and freedom to everyone, without distinction of race, colour, sex, language, religion, political or other opinion, national or social origins, property, birth or other status. But the history of modern human civilization is full of instances of violence towards the aboriginal. Many aboriginal have been killed or driven away from their homeland because of their differences with the dominant racial, religious or linguistic group. In Bangladesh the history of aboriginal is the history of oppression and deprivation of human rights and that is why, it is the dire necessity of time to have a study under the above-mentioned title.

At present more than six hundred crore people are living in the world. Among them thirty crore people belong to the aboriginals.<sup>2</sup> These minorities are scattered around the world. Minority group can be seen in Bangladesh, India,

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<sup>1</sup> This is a modified version of a Research Project submitted at the University Grants Commission of Bangladesh (UGC) in 2009. The author wishes to thank the UGC for the assistance received during work on this project and acknowledge the contribution of Mr. M Lutfar Rahman Shishir, Judicial Magistrate of Mymensing as Research Associate for collecting data.

China, Australia, New Zealand, Bolivia, Peru and Guatemala. Aboriginals have the same rights as the ordinary people of the world. The United Nations (UN) and world community have given special emphasis on developing or improving the human rights of the aboriginals. But it is emphatically true that aboriginals are being deprived of their rights; they are being exploited, tortured and neglected. Literally they are considered as human beings; but very often they receive subhuman treatment. So it is time to find out the reasons because the world community is getting more and more conscious of the matter. Many human rights organizations are doing their job on behalf of the aboriginals.

The study will make best effort to find out the ways and means for the better enjoyment of the rights of the aboriginal. To establish human rights and respect to human dignity, aboriginal must be provided human rights and the above-mentioned study has significant importance in this respect. A complete study in the field level concerning human rights of the aboriginals is discussed and the real scenario of enjoying the human rights is shown in this study.

### Conceptual Issues relating to the Aboriginals

The aboriginals can be defined as, “those people who have a historical continuity with pre-invasion and pre-colonial societies that developed on their territories and consider themselves distinct from other sectors of societies now prevailing in those territories, or parts of them”. Lately, a question arises whether the indigenous peoples in Bangladesh are *Upajati* or *Adibasi*. In the Chittagong Hill Tracts (CHT) the term "indigenous people" or their Bengali equivalent *adibasi* applies to eleven *montagnard* or hill peoples, viz., Bawm, Chak, Chakma, Khumi, Khyang, Lushai, Marma, Mro, Pangkhua, Tanchangya and Tripura, who are also known as *Pahari* or *Jumma* or as *tribals*. The word *adibasi* is more in currency in central and north-western Bangladesh to refer to the Barman, Koch, Munda, Oraon, Santal, and Rajbangshi, among others. There are other "tribal" peoples in north-central, north-eastern and southern Bangladesh, including the Garo (Mandi), Hajong, Khasi and Rakhain. None of these peoples accepts the term "tribal", or its Bengali equivalent, *upajati*, on account of its pejorative connotations. The East Bengal State Acquisition and Tenancy Act of 1950 (EBSAT ACT 1950) uses the terms "aboriginal tribes and castes" to refer to the *adibasis* of the plains. The CHT Regulation of 1900 uses the term "indigenous Hillman" to refer to the *adibasis* of the CHT. Similar wording has been used in the National Budget Act of 1995.<sup>3</sup>

The Bangladeshi indigenous peoples were living in and sustainably managing large parts of the country long before other ethnic groups settled in these areas. In any case, it is not the primordial basis of their identity that is important, but the fact that indigenous peoples have historically been denied a role in state-formation and state-building. International Treaty law and Customary International law on human rights and indigenous peoples' rights seek to reduce the unbalance, and do away with some of the legacies of these historical wrongs and inequities, including through affirmative action or protective discrimination.

In Bangladesh, aboriginals are found basically in three regions—Sylhet, Mymensingh, including Tangail, Jamalpur and north western part which include Rajshahi, Dinajpur, Rangpur and Bogra. In Rajshahi District there were some places like Godagari, Nachol, Mundumala, Kakonhat etc. where the aboriginals lived.<sup>4</sup>

According to the Bangladesh Adibasi Forum (BAF), Bangladesh is a home to as many as 49 distinct ethnic aboriginal groups, which constitute two percent of the total population. Although their numbers are insignificant in proportion to the total population of Bangladesh, aboriginals are scattered across the country. Their largest concentration is in the CHT where thirteen different aboriginal groups constitute a razor-thin majority over the ethnic Bangali population. In the plains, they are mostly concentrated in the greater Rajshahi, Mymensingh and Sylhet regions. There are significant aboriginal populations in the Gazipur district and in the coastal regions of southern Bangladesh.

The total number of aboriginals in Bangladesh is almost 20 lakh.<sup>5</sup> They live in many district, e.g., Rangamati, Bandarban, Khagrachari, Cox's Bazar, Sylhet, Sunamganj, Habiganj, Maulavibazar, Mymensingh, Netrokona, Sherpur, Jamalpur, Gazipur, Tangail, Pabna, Bogra, Sirajgonj, Dhaka, Kushtia, Joypurhat, Naogoan, Rajshahi, Dinajpur, Thakurgaon, Panchagarh, Rangpur, Nature, Chittagong, Comilla, Chandpur, Rajbari, Barguna,

<sup>2</sup> *Bangladesh Asiatic Society Patrika*, Vol. 21, Number I, June 2003, Dhaka, 49

<sup>3</sup> Act No. XII of 1995

<sup>4</sup> Dr. Mizanur Rahman (ed), *Agony of Development: A Study in Pauperisation of Displaced Communities*, ELCOP, Dhaka, 2007, 19

<sup>5</sup> *Ibid.*, meaning two million

Patuakhali, Jessore, Khulna, Jhenaidah, Chapainawabganj. The aboriginals are divided into various categories such as Chakma, Murma, Kھیang, Moro, Bom, Chuk, Pangkho, Khumi, Lusai, Tripura, Rakhain, Tanchanga, Khasi, Monipuri, Rai, Badiya, Bagid, Kole, Patro, Kormokar, Murier, Turi, Mahli, Satrio Bormon, Gomdo, Malo, Orau, Santal, Paharia, Munda, Dalu, Banai, Chuch, Mahatu, Rajbangshi, Garo, Hajong etc.<sup>6</sup> The aboriginals are not defined politically or geographically like as Bangalis who belonged to the Indian aboriginal group. It is very difficult to determine the definite number of aboriginals. The Government did not take any initiative for census of the aboriginals on the basis of the language, religion etc. According to a Government report published in 1981, there were 6,23,216 aboriginals in Bangladesh. Of them 42.7% were Buddhist, 29.1% Hindu 13.2% Christian 19% were others. But now their number must be 20 lac undoubtedly.<sup>7</sup> The aboriginals are classified into six categories such as Indian, Anyan Dravidian (Paharia and Orau caste), Austro Asiatic or Mon Khamer (including Khasian and Munda language) Kubi-Chin Boro including Tibbati Barmese language.<sup>8</sup> Aboriginals belong to proto Australiyyed Mongoloyed. On the basis of religion, the Hill-Tracts aboriginals are Buddhists. Khasian and Mandira are Christian. Some of the Hajong are Sorbopranbad and the rest of them are Hindus. Some Rajbanshi have been converted into Hindu and some into Sunni Muslim.

Human rights are the inherent rights of every human being. But the human rights of the aboriginal are being violated by the amendment of the Constitution, terrorists, government policy, enacted laws, abduction, land acquisition, apostasy, after the independence of Bangladesh. The area of CHT is ten percent (10%) of the total area of Bangladesh. There are 13 ethnic group in the CHT of them Chakma, Marma Tripura aboriginals are 90% of the total aboriginals. The major ethnic group in Bangladesh is Chakmas. They are 50% of total CHT aboriginals.

### **Human Rights and the Rights of the Aboriginals**

Permanent peace and security are not possible without ensuring human rights. We have had bitter experience from world wars. One of the plenary objects of forming the UN is to implement the human rights. Human rights are receiving more and more importance day by day. There are some human rights that every person obtains inherently. Such rights do not need any authority of the world. It does not need to prove its presence by any law or rules. Human rights cannot be alienated or cannot be obtained by power or force. Its nature is inherent; the concept of human rights has been established on the basis of human dignity. Human being is the best creature of the world, who enjoy special dignity among all other creatures of the world. This dignity is acquired only when one gets one's rights properly. The UN took several initiatives for developing human rights. In 1948, the UDHR contains various rights such as civil, political, economical, social and cultural rights of the human beings. Under the UDHR the term human rights can be defined as, "Human rights are such rights which are acquired after birth, without these rights no man can live with proper respect". The word human right itself signifies the meaning of equality of man and indiscrimination to man. This concept has been adopted in the UDHR and other international covenants. Everyman is equal in status; every person has the right to enjoy human rights irrespective of race, caste, religion, language, birthplace or other grounds.

Discrimination towards human being is contradictory to human dignity or human rights. The aboriginals are also the part of human beings and they are also the developing partners of the state. So, they have also human rights. The UN Charter and the UDHR do not specify about minority group or aboriginals. After the Second World War, the world community gives emphasis for the protection and safety of minorities. The Human Rights Council (earlier the Human Rights Commission)<sup>9</sup> is constituted for protection of human rights in the world. The HRC did not define the term minorities before the formation of the sub-commission on prevention of discrimination and protection of minorities. It could be the reason that the international community believed that, "every person has human rights and this term includes the human rights of the minorities also."

In 1966, International Covenant on Civil and Political Rights (ICCPR) has been adopted and it has been effective since 1976. The ICCPR gives special importance on the rights of minorities. Article 27 of the ICCPR states that, "in those states in which ethnic, religious and 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

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<sup>6</sup> *Ibid.*

<sup>7</sup> Manas Ghosh, *Bangladesher Adibashi: Ekti Nritattik Bishleshon*, Pothokali Prokashoni, 2005, Dhaka, 14

<sup>8</sup> *Ibid*

<sup>9</sup> *Hereinafter referred to as the HRC*

practice their own religion and to use their own language.” If we analyse this article we see the minorities have three specified rights:

- right to enjoy culture
- right to profess and practice their own religion
- right to use their own language.

The aboriginals are classified into six categories on the basis of language such as:

Indian *Aryan Dravidian* (including Hasian Munda language), *Kubi Chin* and *Tibbatian Benmiz* (including Boro language). Aboriginals belong to *Proto-Australiyed* and *Mongolyed* on the basis of language. The Hill Tracts Aboriginals are Buddhists. Khasian and Mandira are Christians.

Ethnic group can reside in a definite territory as a minor or a major. Article 27 of the ICCPR protect aboriginals and it refers to three types of minority such as ethnic, religious, or linguistic but does not give detailed explanation. The minorities are protected not only by Article 27 but also by Article 18 (freedom of speech, conscience, religion) of the ICCPR.

Article 19 of the ICCPR ensures freedom of expression and Article 22, freedom of association. They can exercise or preserve their rights according to these Articles. But it is a matter of great sorrow that they are now under pressure in modern societies, because their cultures are being influenced by other influential culture.

International law protects minority groups who are classified under the race, religion or language. The aboriginals belonged to the ethnic majority but in special cases, they can be grouped under language or religious minority. They can be minor or major in different states. The protection of human rights is considered not on the basis of minorities but to ethnic religious or linguistic group. Permanent International Court of Justice defined the meaning of protection of minorities. The court gives recommendation concerning ‘Albania Minority School’<sup>10</sup> that, “the idea underlying the treaties for the protection of minorities is to secure for certain elements incorporated in a state. The population of which differs from them in race, language or religion the possibility of living peacefully alongside that population and co-operating amicably with it while at the same time preserving the characteristics which distinguish them from the majority and satisfying the ensuing special needs”.

According to the recommendation of the court, the method of preserving the rights of minorities can be divided under two (2) heads upon purposes:

First of all, the possibility of peacefully living along the population and co-operating amicably;

Secondly, the possibility of preserving characteristics that distinguished them from the majority, satisfying the ensuing special needs.<sup>11</sup>

In others words, the term “human rights of the minorities indicate that they can enjoy equal rights just as the other citizens of the state”. They have also rights to expose their separate identity.

International law gives two cardinal human rights to the minorities:

- right to survive
- right to separate identity

*The Genocide Convention* 1948 and the ICCPR also protect these rights. Now let us have a look at the Convention against Discrimination in Education which was enacted by the UNESCO in 1960.

According to article 5(1) “it is essential to recognize the right of the members of national minorities to carry on their own educational activities including the maintenance of schools”. Customarily, the aboriginals have the right to land. The right to land is recognized in different international instrument. According to article 17 of the UDHR, “Everyone has the right to own property alone as well as in the association with others, and no one shall be arbitrarily deprived of their property”.

Article 11 and 12 of the *International Labour Organization Convention* 1969 (ILO Convention) says, “the right of ownership, collective or individual of all the members of population concerned over the lands which this population traditionally occupies shall be recognised”... ..“and population concerned shall not be removed without their

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<sup>10</sup> *Minority Schools in Albania* (AB/64) 17 (1935)

<sup>11</sup> *Ibid.*

consent from their habitual territories”.<sup>12</sup> Article 14 of the ILO Convention recognises the right to ownership and possessions as, “the rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised”.

Bangladesh ratifies the ILO Convention. It is necessary for the Government of Bangladesh to ratify the ILO Convention to recognise the right to ownership and possession of the aboriginals.

Working group of Indigenous Population is the sub-ordinate organ of the Sub-commission on Prevention of Discrimination and Protection of Minorities. The commission is constituted by five specialist members representing different ethnic religions. The Assembly of working group is open for aboriginal representation of government, UN organisation and NGOs etc. This working group is one of the international groups that work specially to observe, develop, and search the human rights of the aboriginals. The rights of the aboriginals should be given importance. From this concept, the *Declaration of the Rights of Indigenous People* was prepared in 1993<sup>13</sup> which recognises human rights of the aboriginals and fundamental freedoms such as right to equality, right to self-determination.

According to Article 3 of the Declaration, the aboriginals have the right to self-determination. By virtue of this right they can determine the political status and dignity; they can freely develop their economic social and cultural rights.

According to Article 10 of the Declaration, the aboriginals shall not be forcibly ousted from their own land and homestead. Without their free consent and consensus no new group shall be rehabilitated. But the aboriginals shall be transferred from their own land by giving proper compensation. Again if there is any scope of rehabilitation they should be given priority.

According to Article 17 of the Declaration, the aboriginals have the right to enjoy all the laws including customary, domestic and international, which are applicable for them.

The UN General Assembly declared 1993 as the International Aboriginal Year. Every state has enacted some laws as if they can entirely involve in political, economical activities of the state. International Aboriginal Decade in 1995 to 2004 was observed by the international community to develop an improved human right education health of the Aboriginal now.

Let us discuss the position of aboriginal which is guaranteed by the Constitution of Bangladesh. There is no special provision preserving the aboriginals and minorities’ rights. Everybody is entitled to get equal protection of law. Everybody is equal in the eye of law and is entitled to equal protection of law. This is the prime right in our constitution that, “equal protection of law” indicates that equal footing people enjoy equal right.<sup>14</sup>

In *Nurul Islam vs. Bangladesh*,<sup>15</sup> Justice R. Islam said, "the principle on which the doctrine of equal protection of laws is founded is that persons in similar circumstances must be governed by the same laws"

In *Skeikh Abdus Sobur vs. Returning Officer & others*,<sup>16</sup> Justice ATM Afzal said, “equal protection is the guarantee that similar people will be dealt with in a similar way” the rule of equality specified in Article 27 of the Constitution of Bangladesh is broadly explained in Article 28. According to Article 28 (1) that, “the state shall not discriminate against any citizen on grounds only of religion race, sex, caste or place of birth”. This provision secured the citizen from discrimination. In this regard, Justice Latifur Rahman said that, “the crucial word in this Article is discrimination which means making an adverse distinction with regard to or distinguishing unfavourably from others”.<sup>17</sup>

Article 29 of the Constitution of Bangladesh gives safeguard for equality of opportunity in public employment: Article 29 states:

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

<sup>12</sup> ILO Convention No. 169, Articles 11 and 12

<sup>13</sup> Hereinafter referred to as the Declaration

<sup>14</sup> Constitution of the People’s Republic of Bangladesh, Article 27

<sup>15</sup> 41 DLR (AD) 30

<sup>16</sup> 41 DLR (AD) 30

<sup>17</sup> Justice Latifur Rahman, *The Constitution of the People’s Republic of Bangladesh with Comments and Case Laws*, Mallic Brothers, Dhaka, 2004, 60

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

The object of this Article is to create equality of opportunity in public employment it is apparently and theoretically good provision but minorities are little bit benefited. The constitution itself gives equality to citizens including minor but the provision is not sufficient to give facility and to develop the minor group it is emphatically true that several Government discriminatory policies make ineffective the constitutional guarantee.

According to Article 23, "The state shall adopt measure to conserve the cultural traditions and heritage of the people. All the sections of the people are afforded the opportunity to contribute towards and to participate in the enrichment of the national culture". But it is wrongly understood that national culture means the only Bangali Muslim culture other ethnic or religious minorities so called aboriginal never think that his provision is also applicable for their culture and religion. No step is taken to protect the culture of the minorities.

The condition of the minorities all over the world is very miserable. Security for them is internationally accepted. Various states secure aboriginal by the constitution and by other domestic laws. For the welfare of the aboriginals, in Indian Constitution there is no provision relating to aboriginals.

Article 28 of the Constitution of Bangladesh provides a special facility to backward section of the citizen. Article 29 of the Constitution gives power to the state to make special provision in favour of any backward section of citizen for the purpose of securing their adequate representation in the service of the Republic. Again this Article gives powers to the state giving effect to any law which makes provision for reserving appointment relating to any religious or denominational institution implement this provision because the provision is directive. So, the Government is bound to implement this.

All the aforesaid provisions regarding equality will be ineffective if we overlook other Articles of the Constitution. According to Article 31 of the Constitution of Bangladesh, "the state language is Bangla, so it is the violation of the right of the aboriginals. Accordingly 25 and 11 language is accepted as the state language in India and South Africa. So Article 3 makes frightening aboriginal concerning survival and cultural existence.

To examine the laws of Bangladesh relating to aboriginals, *Limitation Act 1908* recognises the right to land as customary right, the land that is acquired by prescription, or by possession. According to this law if anybody enjoys any personal property over 20 years or any public property over 60 years without any protest peacefully such possession shall be turned into legal right. The aboriginal is residing in Bangladesh from immemorial time. And they are enjoying land peacefully. So, this possession is allowable by the Limitation Act. They become gradually, owner of the property on the concept of traditional collective ownership. But this right is often denied. As a result they are transferred from the traditionally acquired land it is done in the name of so called public interest.

According to Section 20 of the *Forest Act 1927* if any forest is declared as "Reserved", the right to enjoy traditional collective ownership shall not be observed. But the provisions of this Act are being abused. For example, Modhupur Forest is declared as the reserved forest that is why *Garo aboriginal* lost their land. *The Forest Act 1927* was amended in 1989, by this amendment, all the forest are considered as "government trusted land" and that trusted property are controlled by forest office. Again forest office declared this forest as national property.

### **Enjoyment of Human Rights of the Aboriginals**

Aboriginals are residing under severe threat and insecurity. Exploitation and discriminatory conduct with them is highly responsible for that reason. The reports of various tortures upon them are published in the newspapers. Again it is true to say that some miserable incidents remained unpublished.

Actually, aboriginals are being exploited and tortured all around the world. For example, Red Indians are residing in the United States of America (USA) from immemorial time but they are minor in number. So, they are deprived from their fundamental rights. European who had come in America in searching for livelihood now governs the state where the President is the member of the African community. The Red Indians were killed in a very planned way so all president of USA from Washington would be sentenced for murder. Abraham Lincoln, greatly known as worshippers of democracy, killed many Red Indians during civil war. A newly born independent state tries to expel out aboriginal through killing or torturing. The major community do not accept the presence of the aboriginal group. The state machinery is indulgence to the torture.

After the division of Indian Sub-continent, the aboriginals are being severely tortured by the government of this Sub-continent try to wipe out them. They are residing in the Sub-continent for almost thousand of years. So they become the integrated part of the country. They are the partners of weal and woe of the land.

The colonies are now independent but the aboriginals are not freed in North-Eastern part of India. The aboriginals are tortured by military force in every now and then. In South-East Asia aboriginals' lands are acquired by military, so they become marginally extreme position. In addition to this, commercial forestation and other project effect upon environment or aboriginal. So they are not benefited from this activities or projects.

*Saontal* as for instance is one of the most backward, unprivileged and negligible indigenous communities of Bangladesh. Most of them live in the wide area covering Rajshahi, Natore, Chapai Nawabgonj, Bogra, Naogaon, Pabna, Rangpur and Dinajpur in the northern region of the country. Presently they are about 2 million (20 lac), but 99% of them live below poverty level.<sup>18</sup> They are very marginal socially too. In spite of living in this area for hundreds of years, they are deprived of education and other development. Their condition and location is very disappointing in every indicator of development. They are backwarded in every side including income, education, lodging, health, treatment, job etc. Due to having no right and ownership upon land, still they are to live here and there like nomad. They have also been deprived from any legal support everywhere. The status and condition of the *Saontal* is very lower in every sphere of the social and state structure. A discriminatory attitude about the *Saontal* is prevailing everywhere in the society.<sup>19</sup>

Due to severe poverty and prevailing socio-economic situation, their proper development, empowerment, economic freedom and human rights have not yet been ensured. Though the Government and some non-government organizations have taken some initiatives to improve their socio-economic condition, but they could not succeed in changing their lot and in raising their voice much. After all the *Saontal* are becoming prey to torture, harassment, exploitation and negligence, becoming deprived of their basic human rights. But the real pictures of the torture, oppression, harassment, exploitation and problems of the *Saontal* have not been properly reflected in the mass media, or if done it have been done negatively and sporadically. Similarly the art, culture, traditional glory, folk concept, socio-economic condition, expectation, problem and potentiality of the *Saontal* have never been highlighted in the media. For example it can be mentioned that the news and stories relating to the murder of prominent *Saontal* leader Alfred Soren killed in 2000 at Manda in Naogaon, protest movement and demonstration were not properly published and reflected in the leading newspapers.<sup>20</sup>

Aboriginals are not properly participated in the mass media. In fact they have no or little involvement with such a powerful, creative and intellectual media like newspaper and television channels. As a result it has impacted negatively in preparing, publishing and broadcasting the news stories related to the life and works of the aboriginals. Consequently, the real picture of the torture, oppression, harassment, exploitation, traditional glory, folk concept, socio-economic condition, expectation, problem and potentiality of the aboriginals have not reached to the Government, policy makers and the donor agencies properly. As a result the significant issue like their development and human rights have been neglected in the national policy leaving them deprived of any scope of having all the facilities and development.

The political crackdown in early 2007 resulted in serious human rights violations, arbitrary arrests under false or at least barely credible charges and summary trials under dubious conditions. The year saw a continuation of the long-term un-stated policy of ethnic displacement in the CHT, a trend that dramatically accelerated during the last caretaker government. Now let us focus on the issues more particularly.

### ***Damage to Life and Property***

In the light of a three decade long military "pacification" programme in the region, a series of arrests, beginning immediately after the declaration of the emergency in 2007 spread panic among *Pahari* activists. Various 'operations' were launched in this regard with names like "Operation Dabanol" (forest fire), "Operation Uttoron" (the rising) and "Alor Shondhane" (in search of light).<sup>21</sup>

<sup>18</sup> [www.weeklyholiday.net/2005/040305/advoc.html](http://www.weeklyholiday.net/2005/040305/advoc.html)

<sup>19</sup> Dr. Mizanur Rahman (ed), *In Search of a withering Community: The Santals of Bangladesh*, Dhaka, "Empowerment through Law of the Common People", 2002

<sup>20</sup> Rabindranath Saren (44) in a group interview at *Gram Bikash Kendra* at Parbatipur, Dinajpur on 20 February 2006

<sup>21</sup> "Army kicks off anti-graft drive in CHT", *The Daily Star*, Dhaka, 27 July 2007

Table 1: Human Rights Violation on Ethnic Minority in 2007

Month	Murder	Hurt	Injured	Property taking away by force	Kidnap	Arrest	Eviction from land	Total
January	1	18	2	1	0	2	0	24
February	0	0	0	0	1	0	0	1
March	0	4	0	0	0	0	0	4
April	0	0	0	0	0	0	0	0
May	0	0	0	0	0	0	0	0
June	0	0	0	0	0	0	0	0
July	0	12	0	0	0	0	1	13
August	0	0	0	0	2	0	0	2
September	0	0	0	0	2	1	0	3
October	0	0	0	0	1	0	0	1
November	0	8	0	2	0	0	0	10
December	1	0	0	0	0	0	0	1
Total	2	42	2	3	6	3	1	59

Source: *Human Rights Concerns 2007*, Odhikar Report on Bangladesh, 1st January 2008

### ***Coercion and Torture of the Aboriginals***

Recently coercion becomes one of the social norms or political culture by which the minorities are tortured. So the minorities pass their time through hardship. They are now frequently tortured, if they protest any coercion. It is necessary to refer that the majorities are not threatened for leaving out from country. The powerful clan or elite group thinks that they are separate. Of late Chales Recil (Modhupur, Tangail) was killed. Ranglai Murong (Bandarban) was abducted. The investigation of those cases is not completed. So the accused get relief from charge. Chales Recil was the leader of Garo tribunal. The Garo aboriginal claimed right to land and as he was the leader of the Garoes so he was killed by military. The case of Cholesh Richil was the first major case of custodial death reported under the CTG coming in the third month of the CTG's tenure, it was seen as a litmus test of how the Army would handle allegations of human rights abuse.

A young man (23) of Pirganj Upazilla under Rangpur district made illegal relation with a girl (15) who was the daughter of a day labour, on the promise to marry her. After some days, the girl became pregnant (for illegal sexual-intercourse), but he denied to marry the girl. In such circumstances, she informed her parents. The parents alleged to the Aboriginal headman (Sanchu Pahan). The headman convicted the tortured the family. They were excommunicated from the society. He imposed fine to them. They collected Taka: 20,000.00 by selling cow and land. They gave money to the Headman so that excommunication withdrawn.

On the other hand, Mostafizer (a member of Union Punished) pressured the tortured family to miscarriage and to resolve the problem. They did not agree with the proposal. So, the girl was abducted by six or seven person from this time the girl was not found. The tortured family was threatened, when they wanted to know information about their girl.

Some young man (Pirganj, Rangpur) claimed money from Gurudas Murandi (headman) Narayan Pahan. But they denied giving the money. So, young men attacked them and injured ten (10) persons including Gurudas Murandi and Narayan Pahan on that matter they said that young men tortured aboriginal in every night by drinking wine.

Manhil Manzi (21) (Pirganj, Rangpur) son of Homra Marzi was abducted by Manjur Hossain (Hajipur village) and Suman. They took Taka 20000.00 to set free Manzi. The villagers said that, Monjur Hossain technically detained Manzi then he informed Latumai (mother of Manzi) that her son was detained by terrorist. He said the terrorist demanded money to him and if not given, they would killed her son. He asked her not to discuss the fact with others. Latumai collected this demanded money and gave to Manzur. He took signature upon white stamp from Manzis elder brother (Romesch Manzi) 5 days later, Moorhill Manzi was rescued with the assistance of the Cahirman Dilip Paikar, and Wahed Ali, but the matter was not informed to the police station.



23 August 2008 a widow (Baterhat village, Birol, Dinajpur) was ousted from the village, the villagers said Bablu Pahan made a illegal relation with the widow. A neighbours saw Bablu with the widow in a questionable condition, the fact was scattered all over the village. The village Headman (Mongla Pahan) fixed Taka 2000.00 as compensated money to the widow. The widow was expelled from the village. Now, the widow is residing in her father's house.<sup>22</sup>

### ***Injury to Life and Trespass to Property***

The social security and life standard of the aboriginals are in a very low level. Aboriginals do not get Vulnerable Group Feeding (VGF) cards, elderly pension from the government. Injury to life and trespass to property is the common and familiar method to torture aboriginals. It may be by physical torture, loot, acid throwing, firing etc. The criminals very often are not sentenced because crime is done with the assistance of political leader; again if any measure is taken criminal becomes more ferocious. Aboriginals are very often, the victim of abduction in those cases and they do not get proper justice.

In the health sector they are totally deprived of getting minimum health care. Thousands of children under five were given dose of OPB to immunize them against polio across country. Did a single aboriginal child get a dose of such OPB or would they ever get such opportunity? Thousands of aboriginal children are denied of their rights of general medical care. Many of them are suffering from malnutrition and other diseases and dying without treatment. The Government has no programme to extend medical care for this class of people.

### ***Violation of Women's Right***

It has many saying relating empowerment of women but they remained in a helpless situation in a society. The conditions of the aboriginal women are more delicate. Male backed society strengths the power of elite class. They can easily attack over the minority group. In the same way male back aboriginal delicates the aboriginal women in a marginal extreme situation. Aboriginal women are raped, tortured, harassed, which news is published in different newspapers. Acid throwing to women is the common matter in our society. The women are frequently raped before husband, sometimes, mother and daughter are raped simultaneously. The aboriginal woman faces this problem, but they do not go for legal aid or legal assistance because they are afraid that they may be tortured again even if any litigation is filed threaten is given for withdrawing the litigation. They suffer severe tortures including physical or mental. The aboriginal women are discriminated in five categories such as, they are women, aboriginal, poor, they live in remote inaccessible place and they are considered as immigrant worker.

Cases of rape and sexual assault were reported both in the media and by some Human Rights Organizations.<sup>23</sup> During the violence between the settler Bangalis and the *Adibasis*, on 3 April 2006, following a land-grabbing incident at Maheschari in, several women were, reportedly, sexually assaulted and even raped. No official inquiry into any of these allegations has so far been conducted and the perpetrators have not been identified.

### ***Lack of Freedom of Association***

Freedom of association and expression remains restricted in the region, another legacy of the insurgency years. Nevertheless, consequent to the signing of the peace accord, the *Adibasis* have formed or activated socio-economic development associations and organizations. The Hill Tracts' NGO Forum (HTNF) formed to coordinate their activities, however, was instructed by the Department of Social Welfare, Rangamati in a letter to suspend its activities since it was not a registered body, and the NGO Bureau wrote to the HTNF not to represent NGOs or use the name since the process of its registration with the Bureau had not concluded. HTNF had been denied registration since it was composed of organizations rather than of 'persons'.

### ***Ignorance and Misperception***

Prejudice against the *Adibasis* is aggravated by the absence of information in textbooks or training programmes for Government officials serving in these areas. The episode regarding publication of a book by the Deputy Commissioner (DC) of Khagrachari, ostensibly produced for promoting the tourism potential of the district is one of the best examples. In the book, the DC, made disparaging comments about the Chakma people, and described them as 'outside intruders' and the ethnic Bangalis, including the 'settlers' as 'true indigenous peoples of the region'.

<sup>22</sup> *Daink Khobor*, Dhaka, 15 January 2008

<sup>23</sup> *Danik Sangbad*, Dhaka, 21 June 2006

### ***Taking away from Right to Land***

There may be differences in the cultures and customs among the aboriginals but they are equally denied of their rights in all aspects of life and have been leading their lives beyond poverty levels and without any social security. Their problems are yet to attract national targets. As they are illiterate the aboriginals are often the last to be served and they are frequently forgotten. If we want to protect their rights, we have to arm ourselves with information first and then to take effective measures to help them protecting their own rights in the society. Since 1947, or even after independence of Bangladesh, aboriginals had their cultivable lands, homestead, cattle, fowls and even some of them had farm-house. But they never felt to keep their papers for the records of rights for their lands and properties. During land survey and records, they could not produce any paper of record of rights. Local people taking advantage of their illiteracy and simplicity got their names recorded in places of aboriginal. Finally the aboriginals were ejected from their own properties and homesteads. They were frightened by the local people and refrained themselves from taking any legal steps for the recovery of their properties. Finding no other alternatives some of them left the country for India. But even in India they could not do anything for the settlement, subsequently returned to this country and became rootless.<sup>24</sup>

Transfer of any of the aboriginal property is restricted by the laws of the land, if there be any such transfer, these may be done by taking permission of district authority. In presence of such laws how the aboriginals of the country are becoming rootless and living in the slum area- a question yet to be asked. All these transfers have been made fraudulently and by exercising undue influence on the authority. Many of the aboriginal have transferred their properties due to acute poverty or fear of threat of local people. Taking advantage of their illiteracy and simplicity local people fraudulently get the deed Registrar of more lands than they propose to sell or purchase and pay, then on the basis of that registered deed divest the aboriginals from their entire lands even the homestead. This is very usual practice in the locality of the aboriginal. Influx of refugees from bordering districts of Nadia during 1947 partition, and internal migration in Northern districts of Bangladesh, people settled in the areas of aboriginal.

Aboriginal seem to be rather suspicious of refugees, who are known to make use of any tactics to divest local people of their properties. The refugees have joined economically more powerful local groups who exploit the aboriginals in various ways. The aboriginal find it very difficult to understand how their land - which they have been cultivating for generations and paying taxes regularly - can become vested property of others, or how 'khas' (Government land) land which they have been enjoying for years is now suddenly taken on lease by non-aboriginals.

One of the major problem exists among the aboriginal is landlessness. It has been mentioned in 107 Convention of the ILO that land of aboriginal must be protected they shall never be deprived of their right to property. If their lands are acquired for any public purpose in that case they must be given adequate compensation. Like all other countries of the world Bangladesh also ratified the ILO Convention of 1972. Department of Forest has been trying to evacuate 5000 aboriginals from Madhupur Hill Area, in the District of Mymensingh in the name of creating a National Park there. At Rajshahi and Dinajpur districts huge lands of aboriginal have been illegally declare 'vested property' under the Vested Property Act, ignoring their rightful ownerships. Taking advantage of Matrimonial family system among Garos many Muslim males are marrying Garo females in order to grab their properties. After their marriage they use to transfer properties of Garo females in their names and divorce the females. Besides these due to ignorance aboriginals fail to record their names in the record of rights in due course. In some places majority of the local people are depriving the aboriginal of their property rights fraudulently. Aboriginal can not go to the court of law for recovery of their property either due to threat of the local people to or due their ignorance. Only in greater Dinajpur district 900 acres of land of the aboriginals have been grabbed by the influential.<sup>25</sup>

The state enacted the *State Acquisition and Tenancy Act 1950 (SATA)*. By this Act the aboriginals of Hill Tract have been evicted from their land. They have also been evicted from their land by different settlement activities. Land Commission was formed after the *Parbotto Shanti Chukti* for removing problems but the commission has never started their function. The aboriginals living in plain land are expelled because of the *State Acquisition and*

<sup>24</sup> Dr. Mizanur Rahman (ed), *Agony of Development: A Study in Pauperisation of Displaced Communities*, ELCOP, Dhaka, 2007, 24

<sup>25</sup> See generally at, [www.newsfrombangladesh.com](http://www.newsfrombangladesh.com)

*Tenancy Act 1950*, but plain land forest region is the centre of cultural social system. The aboriginals think that such expulsion is hindrance to their own identity. There are 56 land grabbing reports published in a mass media in 2004. Saontal, Khasi and Rakhain lost their lands by the terrorists, political cadres or leaders.

The CHT Peace Accord signed in December 1997 between the Government of Bangladesh and the *Parbattya Chottagram Jano Samhati Samity* (PCJSS) raised hopes for a peaceful settlement of the two-decade-old conflict. The implementation of the Accord was seen as critical for sustainable peace in the region. It was also a unique document being the first since the emergence of Bangladesh to recognize the rights of the aboriginals ('tribal' in the original text).

There has, however, been a troublesome legacy of sporadic strifes between the *Adibasis* and the Bangali 'settlers', which may have been exacerbated by the military presence. According to the Peace Accord, the deployment of army personnel was supposed to be limited to half a dozen large garrisons and the remaining camps were to be closed. There is, however, little or no official information in this regard. But eyewitness reports from the region would testify that the task has not yet been completed.

### ***Status of the Peace Accord***

Implementation of the Peace Accord has not been significant. A three member committee for the implementation of the Peace Accord formed by the then Government became totally dysfunctional during the tenure of the next Government. The CHT Affairs Minister also did not meet the Advisory Council members to the Ministry. As a result there has been no progress in activating key conflict resolution mechanisms envisaged in the Accord, such as the *Parbotya Chottogram Bhumi Birodh Nishpotti Commission* (CHT Land Disputes Settlement Commission) and Refugee Rehabilitation Task Force. They were expected to bring about an acceptable and permanent solution to the land disputes and settlement of peoples from the plains, on lands claimed by the aboriginals, "in accordance with registered title and/or customary law."

However, the landmark 1997 Peace Accord that ended the twenty years insurgency led by the *Shanti Bahini* entered its tenth year with few signs of implementation. Vital clauses that had not been acted upon by the last two political governments, continued to remain paper promises under the current regime. However some important announcements were made. These include activating the Land Commission, withdrawal of all "temporary camps" of Army, BDR, Armed Police Battalions, and handing over of full control of local civil and police administration to three Hill District Councils. An important step towards enforcement of one provision of the accord was taken with the High Court decision to set up District Judges' Courts in the three hill districts, a much-needed measure to clear a backlog of over 25,000 cases. Another positive development was the CTG's decision to call a meeting of the CHT Affairs Ministry Advisory Committee, the first such meeting after a five year gap during the Government of 2001-2006. Former Foreign Affairs Advisor, Iftekhar Chowdhury's positive remarks about implementation of the Peace Accord advanced the issue. However, this was starkly contradicted by the then Law Advisor Mainul Hossein's public statement at a meeting of the militant pro-Bengali settler group "Parbotto Shomo Odhikar Andolon" (The Hill Equal Rights Movement) that the accord required revision.

According to the *Pahari* members the major obstacle to the Commission's work is that the Act itself deviates from the structure and functions as laid down in the Accord. The discrepancies include the (i) jurisdictional area of the Commission and the (ii) vesting of near-absolute veto-like powers upon the chairperson in case of absence of consensus among the members.

Since its establishment the *Land Disputes Settlement Commission* has remained non-functional. A major reason, according to the aboriginal members is that the Act itself deviates from the structure and functions as laid down in the Accord. The discrepancies include jurisdictional area of the Accord and the vesting of near-absolute veto-like powers upon the Chairperson in case of absence of consensus amongst the members.

The fate of the Refugee Task Force is similar to that of the Land Commission. After much delay, the Government reconstituted it with new members in 2004. But this Task Force too has remained non-functional.

Land grabbing and loss of control over natural resources were the single most important issue for the *Adibasis* in the plains. The events surrounding the Phulbari Coal Mine Project in Dinajpur were most significant in this regard. Coal was first discovered in Phulbari in mid-1990s by BHP, an Australian company. The licensing and investment agreements that BHP subsequently entered into with the Government of Bangladesh were acquired by Asia Energy PLC in 1998.

The company planned to extract coal through the 'open-pit' system, which would have led to displacement of half a million people, including 50,000 *Adibasis*, largely from the Santal, Oraon and Munda communities from Phulbari and adjacent upazillas of Birampur, Parbatipur and Nababganj, as claimed by the National Committee to Protect Oil, Gas, Mineral Resources, Electricity and Ports. Asia Energy's own estimates put the number of potential displaced at about 50,000 persons including 2,500 from the *Adibasi* groups.

In September 2005, the Environmental Assessment Report of Asia Energy was approved by the Department of Environment of the Government of Bangladesh, following which, in October 2005; Asia Energy submitted a full proposal to the Government for approval. From May 2005 onward, through a sub-contractor, Asia Energy started some pre-exploratory work in the area. This triggered massive protests from the local population and received support in other parts of the country. In one incident, on 26 August, the police opened fire on the protestors, killing four persons on the spot and injuring dozens. To date, the results of any investigation into the police firing have not been made public, nor have those responsible been brought to account. Asia Energy has currently suspended its activities.

Asia Energy claimed that it had compensated everyone affected by its activities on the basis of the Resettlement Plan and *Adibasi* People's Development Plan it had prepared, which incorporated the findings and recommendations of the Environmental and Social Impact Assessment, in accordance with international best practices, including the Equator Principles, the World Bank and Asian Development Bank (ADB) guidelines.<sup>26</sup> Asia Energy, however, never fully disclosed its resettlement package. It demanded from the Government special legislation for acquisition of land. Furthermore, any rehabilitation/ resettlement package needed to take into account the specific conditions of the *Adibasis*. For them, land is not only a means to produce crops for their livelihood; it is part of their collective identity. Any future resettlement initiative, however generous it may be in financial terms, would not only disrupt their livelihood security, it could also potentially result in jeopardizing their collective identity and lifestyles, particularly if the families were re-settled in scattered areas.

Other reports of land grabbing are related to the *Rakhaings* in the districts of Patuakhali and Barisal. They perceive their lands as places of worship, yet as their population has dwindled being gradually forced to migrate elsewhere, mostly to Myanmar, they do not have the means to resist the local, influential groups of land-grabbers.<sup>27</sup>

Resistance to eco-parks and forestation programmes by the Department of Forests has been strong in greater Mymensingh and Sylhet regions. When the Government undertook the construction of a boundary wall in order to demarcate and create an eco-park in 2002 in the Modhupur forests in Mymensingh, the *Adibasis* protested. The Government ignored their protests and continued to implement its plans. In the course of events, the armed forest guards together with police fired on a peaceful demonstration in January 2004 and killed Piren Snal, one of the protesters. Till date, no one has been held accountable for this killing. In another incident, on 22 August 2006, the forest guards fired on the *Adibasi* women who went into the forests to collect dry leaves and branches for firewood. A woman called Cecilia Snal received serious bullet wounds. Following the killing of Piren Snal, the Government postponed the eco-park project, but harassment and intimidation by the Forest Department officials, often in collusion with law and order forces, were reported in the media during the year.<sup>28</sup>

Similar encroachments on the traditional communal and individually owned lands of the *Khasi* community by the Forest Department continued in the greater Sylhet region. Many *Khasi* people faced forcible eviction from their traditional homesteads (*punjis*) where they grew betel leaves as their principal, and often only, means of livelihood. The eco-park project was merely postponed, not cancelled. In the meantime, harassment and intimidation of the community by *mastans*, in collusion with local police, has reportedly carried on.<sup>29</sup>

A three decade long policy of resettlement and pacification, in which heavy military presence was an explicit deciding force, has made it possible for Bengali settlers to occupy land in the CHT - reducing the Pahari population

<sup>26</sup> *Dainik Sangbad*, Dhaka, 29 June 2006

<sup>27</sup> *Ibid*

<sup>28</sup> *Dainik Shamokal*, Dhaka, 24 April 2006; *Dainik Prothom Alo*, Dhaka, 15 May and 23 August 2006

<sup>29</sup> *Dainik Prothom Alo*, 29 September 2006

from a one-time majority to roughly 50-60 per cent of the population. This trend continued in 2007, with cases of Bengali settlers reportedly displacing Paharis and grabbing lands—particularly in Khagrachari district.<sup>30</sup>

In the case of Sadhana Tila, Buddhist monks of a Meditation Centre were allegedly ordered to leave on 13 August 2007 by the local Army Zone Commander in order for the area to be used for rehabilitation of 800 Bengali families. Ultimately, Bengali families were not resettled there. Throughout the year 2007, reports of similar cases continued, some in the national media but the majority as ‘word of mouth’ from local eyewitnesses. While these incidents need to be independently verified, what is undeniably clear is the sheer number of such allegations and the overall trend of dispossession of and eviction from land of the indigenous ethnic communities, with the government machinery – most prominently the security forces – being constantly alleged to be implicated. One prominent example was the Ruma Army Cantonment, which announced plans to expand the garrison by 7,570 acres, and reportedly ordered more than 4,000 Mro indigenous families to vacate the land.<sup>31</sup>

Sorogini Choumbugong was a Garo woman; she inherited 35-acre land as a Nocona. She left East Pakistan alongwith her husband. She took shelter in India, during the liberation war in 1971. After independence, she returned to her motherland. Some local Bangali dispossessed her from land. She got possession over Shalbon. By this time her husband died but she was not hopeless. She continued her livelihood. But her Bangli neighbours tried to take possession of the land for her helpless condition but failed. So they appointed some terror for cutting *shal* trees. Sorogini sought assistance form local police station and forest officers but they denied assisting her. Now she apprehends danger to her life in every moment.

Reservation of forest notification was published in 1989. Recently in some reservation area, a list has been prepared. The aboriginal settlers have been evicted from that reservation area. The activities of the eco-park, National Horticulture should be stopped because it curtails the aboriginal rights. In Modhupur the Aboriginal lands should be specified. Land commission should be formed so that it can restore dispossessed land. In Sylhet, in the name of making forest Khasian lands have been acquired.

Jotish Dufu (72) is a farmer, he lives in Sataria. He has 7-acre land. Of the 7-acre land he inherited 5-acre land which was enjoyed over 250 years by his ancestor. The rest 2-acre land he gets as a land less people given by Land Ministry (according to Article 95 order 1/1394). That land (Mouza: Rasulpur, Khatian: 1) was distributed by the Deputy Commissioner Abidur Rahman effective for (25 August 1995 to 9 October 2008) 99 years. But the Land Office declared the land as *khas land* and said that land would be included within the Eco-park area. Jotish protested it. Then land office freed the homestead but kept their control on the 2-acre land. Land office planted some foreign trees there and Jotish was wiped out. So, land office filed 3 false litigations against Jotish. He planted banana seedlings but land officer often gave threats to wipe out banana seedlings.

Komola Sanal (50) lives in Uttar Aachik Para. Her husband is sick. So, she along with her husband’s brother works in the field. Her elder son went to India during *Kaderia revolt* in 1957, and did not return. Her second son works in confectionary. Her daughter works as Home Assistance in a Korean house at Dhaka. During paddy harvesting time, she earns Taka: 50 to 70 daily where a male worker at the same labour, get double wages, she cannot provide proper medical treatment owing to lack of money. They had come from Banaichiringi Para where they had 20 acre land. But some local Bangali possessed their land by deceiving them. Local Bangali deceived them by saying that they were refugees. So, the government made a notification to give this land to the Bangali. In this way, they lost their land. Then they came to Uttar Aachikpara. After coming here she took loan from a local Bangali with high rate interest. Her income was so low that she could not pay the interest. As a result she pledged her land. Komola Sanal dedicated herself to misfortune but dreamed a happy day.

Raida and Rabeya Agro Complex Ltd. bought 200 acre land in Chotora Chitro Union Parishad, Pirganj Upazilla under Rangpur district. Eight percent (8%) of the land was bought from aboriginal group. Some people sold land fraudulently although they were not the owner. They prepared false documents and allegation came from aboriginals. Bablu Khalco (a leader of aboriginal) alleged about corruption or false documents.

<sup>30</sup> "CHT Land Dispute Commission yet to start work in 6 years", Pradip Chowdhury, Sangbad, 5 January, 2007; "43 acres of land grabbed in Bandarban, human rights crisis", *Dainik Prothom Alo*, Dhak, 7 January 2007; "Land grabbers enjoy blessings of administration officials", *The Daily Star*, Dhaka, 8 January 2007.

<sup>31</sup> Qurratul-Ain Tahmina, "7,500 Acres of Land to be Taken for Ruma Cantonment", *Daink Prothom Alo*, Dhaka, 13 July 2007

Eco-park is being erected in that land. This project was taken by the Former State Minister Lutfur Rahman Khan. We see in aforesaid chapter that aboriginals have rights to land. This right is called traditional collective ownership. But the Government never intends to recognize this right. Even the government has contrived to oust them from their land. They have been ousted from their land in the name of so-called "Development Project". Examples are endless. Most incidents of forced occupation were allegedly perpetrated by the rehabilitated Bangalis, commonly known as 'settlers', reportedly with assistance and protection provided by military personnels.

The most egregious incident took place in Maheschari, resulting in the loss of properties and homesteads of several hundred indigenous inhabitants, and reported rape of some aboriginal women. The incident was triggered by forcible occupation of lands by the Bangali 'settlers' in Maheschari union in Mahalchari thana of Khagrachari district. The 'settlers' occupied a Buddhist temple and its land, torched the huts around it and constructed new houses. On 21 May 2006, the Managing Committee of the temple called on the UNO of Maheschari to resolve the dispute. A meeting convened by the UNO was ignored by the 'settlers' who again constructed 35 more houses. The police demolished the houses on 25 May. A few days later, on 14 June, the 'settlers' again set fire to the temple and constructed 40 more houses. The *Adibashi* villagers submitted a memorandum to the Prime Minister demanding that their land seized by the 'settlers' be returned to them. But no action seemed to have been taken.<sup>32</sup>

There have been other attempts at forcible seizure of land belonging to *Adibasis* with direct support or at least connivance of the State. An important case involved the threat of eviction of more than 400 predominantly *Khyang* families in the Rajasthali upazilla of Rangamati district ostensibly for use of the area for industrial purposes. Their land was reportedly requisitioned by the Forest Department for forestation with pulpwood trees in the late 1980s. But after protests by the *Adibasis*, the action was postponed. For reasons still not clarified by the concerned authority, the initiative was again revived in 2006 putting at serious jeopardy *jhum* cultivation, which is a source of livelihood for all the families.<sup>33</sup> CHT residents, both *Adibasis* and Bangalis, are threatened by a proposal of the Ministry of Environment and Forests to create new 'reserved forests' on more than 200,000 acres of land in all three districts.

In a similar incident, 50 families from the Chak community in the Naikhyangchari Upazilla of Bandarban district were, reportedly, threatened with eviction from their *Jhum* land. The district administration without any consultation with the *Chaks*, in mid 1990s, leased about 200 acres of land to several individuals including the British American Tobacco Company (BATC).<sup>34</sup> It started planting Acacia trees on the leased land on 25 June 2006 in the presence of the Upazilla Land Officer. They stopped their activities only after vehement protests by the *Chaks*. Although further tree planting was not resumed in the following months, the threat of dispossession of land continues to loom large for the *Chaks*.<sup>35</sup>

### ***Deception in the name of assistance***

Some NGOs has come forward to accelerate the development of aboriginals. It is true that a small number of aboriginals are benefited by their development programme. But it is emphatically true that some NGO deceive the aboriginals. NGO collects money (technical support) from various foreign donor organizations.

It gets a huge amount of money but it spends a small portion of donated money for the welfare of the aboriginals. It is also a corrupted sector. It has lack of accountability in the true sense of the term, aboriginals have not been properly benefited. Rather they have become poorer. They are losing their own culture, religion and cultural organization. They are now in a complicated condition. Basically, the aboriginals all around the world are deceived by the NGOs. An Australian aboriginal expressed his grief about the NGOs activities in such way.

"If you (NGOs) want to develop us, please return to your home again if you consider our struggle is your struggle; join with us to work together."<sup>36</sup> By this expression we can easily guess about the real scenario of deception by NGOs.

<sup>32</sup> [http://www.angelfire.com/ab/jumma/settlers/land\\_grabbing.html](http://www.angelfire.com/ab/jumma/settlers/land_grabbing.html)

<sup>33</sup> *Dainik Jugantor*, Dhaka, 24 August 2006

<sup>34</sup> *Dainik Sangbad*, Dhaka, 27 August 2006

<sup>35</sup> *Ibid.*

<sup>36</sup> *Dainik Prothom Alo*, Dhaka, 7 September 2007

### Taking away from Right to Culture and Education

The tribal people (Living in the Chittagong Hill areas) who are more advanced educationally and financially practically outnumbered the aboriginals in cases of admission into colleges and universities as well as in job opportunities. Ministry of Education has issued administrative order for the admission of the disadvantaged classes of people into colleges and universities. In most of the cases tribal students outnumber the aboriginal students. Government should be persuaded to issue separate order for preserving seats for the aboriginal students in the colleges and universities. Even after obtaining degree, aboriginals rarely get any government job. There are several aboriginal graduates who are serving in the NGOs and working in the agricultural sectors. They may not be able to compete for the higher posts in the government services, but they may get jobs in the lower government services. Provisions should be made for the preservation of seats for aboriginal in the government services.

Every race or caste has its own identity. It is expressed by their own culture. The aboriginals are losing their culture because their cultures are being neglected by the government and NGOs. So there are some aboriginals who have completely forgotten their own culture. They are not taught by their mother tongue. The Government never paid consideration to the issue.

A language is not just combination of words or phonetic symbols. It is the history of a tribe or a nation; a result of thousand years of experiences, glorious lifestyles. It is means of communication as well as the expression of a peoples heart, which precedes civilization.

Aboriginals' religion and language are crying silently. Bangladesh is a multi-language based country but these languages are about to be extinct. Bhujpuri, Bangli, Kurmi, Rajbanshi, these languages have already been vanished.<sup>37</sup> UNESCO said that everyday we are losing a language. Bangladesh has almost 73 aboriginals' caste. They have 68 types of language. Among these languages, 64 languages are about to be extinct. The minorities cannot think of the necessity of their own language as a medium of instruction.

Naturally human beings can only express themselves absolutely through their mother tongue. But we are influenced too much nowadays by circumstances and merging ours original identity into the mainstream, English-biased colonial culture. Amidst the excitement and aggressiveness, we forgot to show proper love and respect to our indigenous culture. Because of less practice in mainstream media, development process and the muscle strength of dominant culture and language, not only the small but fertile language and culture of ours pass away, a piece of our world is gone as well. Half of the 6,000 or so languages spoken in the world are under threat. Last three centuries thousand languages passed way at a dramatic increasing pace of English-cantered modernization, especially in the Americas and Australia. At the present moment, on average 2 indigenous languages per month are disappearing due to improper record of wisdom alighted in that language.

21 February is declared as the **International Mother Language Day** by the UNESCO. After giving this declaration there is no doubt that, every language is equal but in reality minority's culture is being destroyed by major culture or globalisation. Household census of small ethnic groups in Bangladesh: A mapping exercise written by Mohammad Rafi (Director of BRAC) is written about the language of ethnic He said that there are no people to speak in Bhujpuri, Bangali, Kurmi, Rajbangshi, language, on the other hand. The total number of (51) aboriginal caste is soless including Bagdi, Sadri, Pathanl, Beda, if proper step is not taken these will lose. There will not be found a single person to speak on that language.

Mohammad Rafi said about the reason for extinction of the language. There is the influence of other culture and the Government does not response to preserve the language. This influence is much upon the Non-Bangali aboriginal who liked plain land than that of Hill tract people. Most of the aboriginals are being bound to use the Bangla language including their mother language. It is to be done for searching food or livelihood. Some of the aboriginals do not speak their own mother language. They are afraid that they may be easily identified on which caste they belong. Some where the mother does not teach their child by her own language because they think more security, if they can mix with the majority group language. Again, some aboriginals (on the basis of language) are so minor that they will not able to demand their right.

Somebody alleged that aboriginals are being detached from their own culture by the activities of NGOs and Missionaries. Mass media (including Radio, TV, and Newspapers etc.) has also far reaching effect for vanishing aboriginal language because all the programmes are broadcasted of Bangla or English language. According to the

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<sup>37</sup>

*Dainik Prothom Alo*, Dhaka, 20 February 2008

census only 42% of Aboriginal desired to learn by their own mother language, 52% aboriginal desired to learn by their own mother language along with Bangla language. 0.2% people wanted to learn Bangla, English and their mother language. 31.9% people desired to learn only Bangla language because they think that they are disconnected group to remove this problem, they desired to learn only Bangla. The census said that the group which is bigger in number. It has more affection to their own language. Almost 03.% aboriginal children go to school but there is no difference between the rate of girls and boys (School going boys rate 65%, girls rate 62.9%). The aboriginals have their own language but every language has no its own alphabet. Only 23 to 28 aboriginal languages possess their own alphabet. Chakma, Marma, Monipuri are able to use their own alphabet Santal, Munda, Mahato etc. use Roman alphabet to express their language and this is done with the assistance of the missionaries. Bangla alphabet is being used by the Tripura and Monipuri to express their mother language.

More alphabets were prepared by Menley More in 1986 and in 1996 Men Rum More prepared a more alphabet if the "Rien" font with the assistance of the public Health centre. The more language (presenud & development) committee enacted some book relating to language on the subject of mathematic, language, environment, agriculture etc. This is made for the students of class one, two and three.

Bangla language was also in neglected condition before 1952 but now. Majority people speak in Bangla it is the state language. So, It hinders other language to develop or practice, Because, Bangla is sole medium for education and communication. So the aboriginal people get less opportunity to cultivate their own culture. Right to education must be facilitated in mother language. In our constitution there is no special provision relating to language except Bangla. Although, there is a provision relating to other religion. In second chapter of the "Primary Education Development Project" prepared by the Education Ministry, it recommends to prepare some instrument which can develop the Aboriginal language. But even now, the government did not take any initiative to implement this recommendation. The government is the cardinal guardian to preserve aboriginal culture and language. In this regard constitutional safeguard should be given. Discrimination should be eliminated in the case of service that learned their own language should give equal facility. If there is no any economic discrimination then the aboriginals who are afraid of learning their own language shall be encouraged.

UNESCO prepared an Instrument According to this instrument 82% of total population can get facility to learn their own mother language. The rest of the people do not get this facility. According to a census in 1991 the rate of literacy is 14.1% of the total aboriginal among this percent male representing 20.5% female representing 7.81% the total number of aboriginal in our country is almost 20 lakh. If we add 3 lakh Bihari people speaking in Urdu, there are 23 lakh people who are not Bangali, they have no any special facility to teach them in their own language.

### ***Right to Information: Continuing ban on Mobile Phones***

The mobile phone revolution is one of the huge success stories of Bangladeshi business sector, growing from less than one million phones in 1996 to 30 million subscribers today. Yet in the midst of this huge growth, all three districts of CHT- Bandarban, Khagrachari, Rangamati—remained almost completely outside the mobile phone coverage grid, due to a de facto ban. The basis of the ban was not clear, though the justification apparently given by the local authorities was that any other situation would help the "insurgent *guerilla* forces." This in spite of the fact that the majority of such forces had, since 1997, put down arms and joined civilian life. The mobile phone blackout had caused a huge negative impact to the development of business and commerce in the area. In an interview, Raja Devasish Roy expressed his hope that the Government would lift the ban on mobile phones in the region.<sup>38</sup> Late in the year, the Government sought to impose restrictions on events relating to *Adibasi* rights. One report<sup>39</sup> alleged that the Home Ministry had issued an instruction asking authorities to "prevent intellectuals and eminent personalities from attending functions organised by ethnic minorities." This was in line with a report allegedly submitted to the offices of the President, Chief Adviser, Home Ministry, Inspector General of Police and Dhaka Metropolitan Police Commissioner which said, "Necessary measures should be taken so that the editors, left-leaning politicians and eminent personalities do not participate in the programmes." The Home Ministry allegedly sent a note to this effect to the Information Ministry on 11 October 2007 as well as to Bangladesh Television and Bangladesh Betar. The

<sup>38</sup> "Seeing everything through security eyeglasses would be a mistake", Raja Devasish Roy interview in *Dainik Prothom Alo*, 17 June 2007. [Ed Note: The mobile phone network was ultimately made operational in the CHT from 28 March, 2008]

<sup>39</sup> "Government plans curbs on indigenous people's rights", 26 January 2008, <http://www.jpnu.org.uk/news/jan2008/26jan08.html>



instructions would arguably make it impossible to hold, in the future, events such as International Day of the World's Indigenous Peoples, events by Bangladesh Adibasi Forum and Bangladesh Adibasi Odhikar Andolan.

### **Implementing Human Rights of the Aboriginals**

Bangladesh is a democratic country; the members of parliament are directly elected by the people. The government has a plenary role to ensure the rights of the people. It is the duty of the government to establish the rule of law. The aboriginals are the citizens of Bangladesh. So, the government is to bind to protect and ensure their rights. Like Government, the NGOs also have the duty for ensuring human rights of the aboriginals. In addition to this, every citizen has also duties to them. If we become conscious, they can happily live with us.

The government should give attention to where aboriginals are being exploited in case of economic, religion, culture or education. One should realise that they are the assets of the state. They may be the effective partners for development. They directly participate in the domestic production system. They are also the citizens like other citizens. So, they have also recognized constitutional rights.

NGOs as well as the government can come forward for the welfare of the aboriginals. Very often government does not pay heed to them. But NGOs try their welfare. It makes advertisement in favour of the rights of the aboriginals. It files suit in favour of them. It provides education facilities. There is an allegation that NGOs deceive them. Transparency International of Bangladesh (TIB) reported, "NGOs are the most corrupted sector in Bangladesh. It has lacks of proper accountability and economic solvency". In such circumstances, the government should take proper initiatives to ensure the accountability of the NGOs in terms of their activities.

In fact a joint and mutual cooperation among government, NGOs and the citizens are necessary for entire progress of the rights of the aboriginals. Beside this, the Bengali class people should grow a positive and cooperative mentality. In the next chapter what should be done in order to the betterment of the aboriginals are to be discussed.

### **Recommendation for Ensuring Human Rights of the Aboriginals**

There is an urgent need to safeguard the fundamental rights of the *Adibasis*, to uphold their human dignity. It is necessary to promote a culture of diversity, pluralism and mutual tolerance for the growth of any future democratic society.

The nature of discrimination, abuse and violation of fundamental rights of the *Adibasis* demands institutional interventions to prevent further erosion of rights and to hold the perpetrators to account. More importantly, it calls for pro-active initiatives by the Government in particular, by other relevant stakeholders and the civil society in general, to protect the rights of the aboriginals.

Our text based study and field level research have tried to find out the ways to emancipate the aboriginals from torture and deprivation. We believe that by considering a subject with full concentration rather than considering it lightly we can reach a possible comprehensive solution. The state and its influential Bangali class people neighbour consider the aboriginal issues with concentration. Some specific suggestions can be made for the entire welfare of the aboriginals.

This is known to all that the key responsibility to ensure human rights of the aboriginals goes to the government. A universal call can be convene to all including the government, the civil society and NGOs all to participate for performing duties and follow the recommendations that are made on the basis of this research.

### ***In the Economic Field***

The condition of a nation can be known by its economy. The economic condition of the aboriginals of Bangladesh is very fragile as their other conditions are. In the last chapter we discussed the economic pauperisation of the aboriginals. Now we submit specific following suggestions to recover those:

- (i) The government should have a comprehensive economic plan for the economic progress of the aboriginals. In that plan specific guidelines should be offered. This should be done in consultation with the various economic classes of the aboriginals. In the plan effective steps should be maintained in order to resist economic marginalization of the aboriginals.
- (ii) Local government should come forward to let the aboriginals enter into the local markets more easily.

- (iii) For the above purpose local Bangali businessmen should co-operate them. By implementing this, a good understanding should be created through mutual trust and reliability among the representatives of both Bangalis and aboriginals.
- (iv) Presence of mid-level beneficiaries in the market is mostly responsible for the economic pauperization of the aboriginals. Administrative interference can resist them. The government should take steps to open the doors of the market for the entry of the aboriginal producers.

### ***In the Cultural Field***

We observed that the culture of aboriginals is faced with manifold pressures for years these pressures have almost destroyed their culture. Many unique characteristics of their culture have already lost. Therefore cultural rebuilding is a tough journey. Reaching this goal needs co-operative approach and initiatives from the government. State can do the following things:

- (i) State can establish a separate cultural research centre where the aboriginals can attach their own culture with this centre. The aboriginals, in this way, may rethink of their culture, work to develop that and exercise newer culture of their own.
- (ii) Governmental economic plans and development projects must be consistent with aboriginals' cultural environment. The government must not take such initiatives that may destroy the culture of the aboriginals. Anti-cultural effects and reactions of globalization should be regularly inspected by State-level initiators.
- (iii) The government should financially assist the aboriginals in their various cultural programmes. Besides, cultural rebuilding may be accomplished through establishing special museum and information centre which will preserve the cultural pattern, graphics and other information of the aboriginals.
- (iv) Side by side, the *church* also can play a vital role here. Gentle and constructive behaviour of the *church* can accelerate this cultural rebuilding. The *church* authority should come forward to establish for specific identification of the aboriginals.

Language and education are two of the most vital components of a culture. We propose the following specific suggestions regarding these:

- (i) Language is the main medium of cultural communication. A language of its own is vital for the survival of a culture. Many languages of the aboriginals have almost lost their key façade. The government can conduct the aboriginal children's study in their own language. Their textbooks may be published in their mother language. The government may initiate a sub-regional language centre where various books, journals etc. may be published.
- (ii) Government and NGOs may come forward to establish schools and other educational institutions for the aboriginals. The aboriginal students should be given more opportunities to have the higher studies by quota system. Their text books should contain more information and description on their culture. It is possible to bring about a positive change in the education for the children of aboriginals through an introduction of multi-lingual education system.

### ***Land Rights and other Fields***

“There is no greater sorrow in the earth than loss of one's own native land.”

-- Euripides, Philosopher.

Aboriginals' lands are inextricably connected with their life. The aboriginals, the children of the nature, have been maintaining a deep spiritual and at the same time economic relation with lands. However, this research shows a different and quite unexpected picture on this issue. We observed that the *Garos* in Haluaghat, Mymensingh and Modhupur of Tangail have gradually become landless labourers. The government should take an immediate step in this issue. In land problems of the aboriginals we make the following recommendations:

- (i) The State should form a land commission having full power to enquire and settle dispute of lands between Bangalis and aboriginals of plain land.

- (ii) The government should enact a complete statute to recognise the collective traditional ownership of land by the aboriginals.
- (iii) Section 97 of the *State Acquisition Tenancy Act* 1950 should be amended in such a manner that complexity in field level be solved.
- (iv) In solving dispute the local authority should be more cautious and impartial. Proper representation of the aboriginals should be ensured there.
- (v) The government should consult the concerned local aboriginals if they commence any development work or project. The government should not impose anything in the name of development.
- (vi) The government should stop eco-park project in Modhupur of Tangail. The government should obey and implement the concerned international treaties.
- (vii) The collective ownership of land of the aboriginals should be recognised by the government. The aboriginals should be given sufficient opportunity to enter in to the forest and freely have their livelihood from there.

In order to rehabilitate the aboriginals the following steps may be taken:

- (i) To conduct a survey in order to assess the actual number of aboriginals in Bangladesh and also to locate their living places.
- (ii) Land settlement records of the concerned areas since 1974 are to be checked in order to find out the names of the aboriginals in the original land records. Those old records can be collected from the district or Thana Tahsil record offices.
- (iii) The government should to check the transfer deeds of lands of the aboriginals since 1974, how and why these lands were transferred in spite of the existence of laws restricting the transfer of aboriginal property. Original deeds can be collected from registration volume books in the office of the lands register of the concerned areas.
- (iv) To find out who are presently occupying the lands, previously occupied by the aboriginal people.
- (v) To find out the means to rehabilitate the aboriginal to their original lands either through court or by paying compensations by the present occupants.
- (vi) As the aboriginals are illiterate, they do not have any knowledge about laws of the land as such their rights to sue for recovery of their property cannot be extinct by imposition of limitation.

More specific suggestions can be made separately for the hill areas and for the plain lands.

*In the Chittagong Hill Tracts—*

- immediate steps for implementation of the CHT Peace Accord, including activating the key conflict resolution mechanisms (e.g. Land Dispute Settlement Commission, Refugee Task Force, etc.),
- immediate steps to stop encroachment of land in Gamaridhala, Khagrachari, Maischari, Mahalchari, Dighinala and other parts of the CHT,
- the right to freedom of association (e.g. HTNF),
- lease of lands belonging to the *Chaks* in Naikhyangchari, any future leasing of land for commercial purposes,
- order declaring a 'reserved forest' in respect of land enjoyed by the *Kyangs* and other *Adibashis* in Rajasthali and in other areas as declared since 1990s in the CHT,
- a ban on demarcating any more 'reserved forests' in the CHT.

*In the Plains—*

- a separate Land Settlement Commission for the *Adibashis* in the plains,
- the eco park projects in Mymensingh and Sylhet and officials responsible for violence in these areas,

***Protecting Customary Institutions***

The social structure of the aboriginals is embellished with various customary characteristics and institutions. Their customary institutions are about to be abolished by internal and international pressure on their culture. Nonetheless these institutions of the aboriginals can survive by their own initiatives. Therefore, primary steps should be taken by the aboriginals themselves. Besides, State can take the following steps:

- (i) The State can initiate specific plan to protect the customary institutions of the aboriginals. At the same time newer institutions can be established. The social customs of the aboriginals can be cherished and nourished there.
- (ii) The government can establish a State-aided forum in consultation with the representatives of the communities where popular and honourable aboriginals will work. The forum may be formed in each aboriginal community or among the entire aboriginals collectively. The forum may play a vital role to protect the institutions.
- (iii) The government may enact a legislation recognising the justice delivery system of the aboriginals among them. The ordinary courts of the land will recognise the judicial decisions of the aboriginals.

***Ensuring Representation***

Ensuring democracy and good governance there has no alternative except representation in the government. In every development initiative and policy making for the aboriginals the aboriginals must be properly represented. The prior experiences prove that development work was destroyed or failed because the concerned aboriginals were not consulted. Therefore, in every stage of planning and implementing anything the local consultation is a must.

In order to ensure more effective representation of the aboriginals they may be given opportunity to participate more in every State apparatus, from local government to parliament.

***Civil and Media Awareness***

Lack of information or information scarcity often creates miseries and misunderstandings. The influential Bangali people, the neighbours of the aboriginal do not know anything significant on the aboriginals and what they know are mostly not correct. This absence of knowledge is creating mutual doubt and enmity. Therefore civil awareness is a must also. In order to reach the expected result, the following things can be done:

- (i) The press and mass media can play more significant role in preventing the oppression, torture and harassment, in empowering, in preserving human rights, the traditional art, culture and indigenous knowledge and above all in proper development of the aboriginals. In fact through ensuring the direct involvement and active participation of some of the representatives from the potential aboriginal people in the press and mass media, it may be possible to ensure the sustainable, stable and balanced development and to ensure the human rights of the aboriginals. At the same time through raising their voice it may be possible to impose pressure upon the Government and the donor agencies to adopt necessary development programs for their socio-economic, education and health related up-gradation. This is media that can bring about the key changes in the public sentiment regarding the aboriginals. In the print media lifestyle, culture, social structure, religious faith etc. of the aboriginals may be published as articles for example. Community based active journalism may work effectively in this regard.
- (ii) Unfortunately our textbooks give some misinformation on the aboriginals. Moreover, the books contain such writings that often mean that the aboriginals are foreigner. This should be removed so that we can give the right idea on the aboriginals.
- (iii) To develop the relation between aboriginals and Bangalee the aboriginals also should come forward with free mind. The aboriginal intellectuals can play a very vital role in this regard. They may present their culture, lifestyle, faith and rights.

### **Constitutional Recognition**

The government should ensure constitutional recognition of the rights of the aboriginals in the plains and in the CHT. They should also effectively implement existing constitutional provisions on affirmative action, and equal opportunities for all without discrimination on grounds of race, religion and language.

The Constitution of Bangladesh is basically a one nation-centric document. It does not observe the existence of the aboriginal people. The reality is that this silence hinders the development of a multi-cultural society. Moreover, this approach made us thinking that the aboriginals are foreigner in this country. These aboriginals needed constitutional recognition. However, the extreme nationalists give logic that if the recognition is given the State integrity will be threatened. In answer to these argument states:

- (i) If the Constitutional recognition is given, the aboriginals will be accepted by the highest documents of the State which will give a self-identity to them.
- (ii) If the aboriginals while keeping their own uniqueness become the development partner of the country, the country will get a industrious producer group that will play a positive role in the entire economy of Bangladesh. The constitutional recognition has an affect on this goal.

This constitutional recognition should be accompanied by a change in our attitude, approach and mindset also.

The long-term interest of any state is to foster contentment, peace and development. That is possible only by respecting true self-determination. The right of self-determination should not only be equated with the creation of a new state. Bangladesh has ratified the ICCPR and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Article 1 of both covenants reads: "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." This right cannot be denied to indigenous peoples, including those in Bangladesh.

The link between self-determination and democracy must be strengthened in theory and in practice. The violence we see around us is not generated by the drive for self-determination, but by its denial. The denial of self-determination, not its pursuit, is what leads to upheavals and conflicts. The denial of self-determination is essentially incompatible with true democracy.

The government should expand the mandate of the National Human Rights Commission to conduct a large-scale research on representation of religious and ethnic minorities in public, private, education, government, defence, police and all other employment sectors. It should ensure effective implementation of existing quotas in public service and implementation of fair recruitment policies and non-discriminatory practices (on grounds including sex, race, religion, disability, age, language) in both public and private bodies. The government should fully implement 1997 Chittagong Hill Tracts Accord, with priority given to withdrawal of security camps from the Hill region. The following actions are taken further:

- (i) The government should take initiative to eradicate all sorts of administrative discriminations over the aboriginals. On the matters of aboriginals, aboriginals themselves should be appointed. In this regard quota system should be developed so that the aboriginals may have opportunity to participate more.
- (ii) The policy makers of the State should give special attention to stop economic suppression on the aboriginals. The mid-level beneficiaries should be monitored. The State will encourage and assist to make the products of the aboriginals enter the markets freely.
- (iii) The government should take initiative to solve the suits between *Garos* of Modhupur and local forest department quickly.
- (iv) The civil society may play important roles by arranging seminar, symposium to change the State attitude positively on the aboriginals. Hopefully this will affect the policy making of the State positively.
- (v) In national budget specific and sufficient money should be granted for the aboriginals. Beside this, the State should give sufficient wealth to the aboriginals so that they may implement their own plans.
- (vi) Origin-knowledge is a big topic of research nowadays. This is high time we preserved the origin-knowledge of the aboriginals. The State can form an institute for this.

- (vii) The State should come forward to make an effective control and supervision of the NGOs in Aboriginals' area. State will restrict the actions of the NGOs that go against the interest of the aboriginals.
- (viii) The government should ratify the concerned international treaties that it has signed. Moreover the government should try to implement those treaties up to its best possible effort.

Government has never shown any sort of concern for the problems of the aboriginals; it is their rights, not privileges. They can demand these as citizens of the country. It is not enough to secure vague commitments from the government; the aim should be to persuade the government to make a valid commitment to target against which their performance can be judged. Aboriginal problems should be included in the national targets. Our government alone with its limited resources cannot come forward for this work. The voluntary organizations, NGOs or individuals should be encouraged to finance the rehabilitation of the aboriginal of Bangladesh and save them from extinction before it is too late.

### Conclusions

What was the objective of our independence? What should be the goal of a State? The importance of this research will be found in the answers of the questions. This is the State who is to take the responsibility to ensure a beautiful future of the aboriginals. But in the human history no right was given until it was demanded. Therefore the aboriginals themselves should come forward claiming their rights to the State. We believe that the aboriginals with the assistance of all will be able to create a developed future for them. The job is definitely tough, but while living in the valley of death the aboriginals have no alternative to think otherwise.

To establish the rights of the aboriginals' small and big human rights NGOs, society-conscious millions of citizens raise their voices worldwide. It persistently encourages us. The main theme of the First Aboriginals Decade declared by the UN from 1995 to 2004 was "Partnership in Action". The decade was preceded by the International Year of the World's Indigenous People, 1993, whose theme was "A New Partnership". 1 January 2005 heralded the beginning of the Second International Decade for Indigenous Peoples. The UN has declared 2005 to 2014 as Second Aboriginals Decade. The United Nations has also declared 9 August as World Aboriginals Day which is being observed worldwide every year.

When the International Indigenous Year was declared, it was hoped that a new and respectful partnership would emerge between indigenous peoples, states, the UN system and other sections of society. Similarly, it was hoped that the Decade would foster more effective mechanisms to protect indigenous peoples' rights. In particular, three specific targets were set for the Decade, two of which have since been fulfilled. One of these was the appointment of a special UN Rapporteur on the Human Rights and Fundamental Freedoms of Indigenous People. Professor Dr. Rodolfo Stavenhagen of Mexico has been appointed to this office. The other fulfilled target of the Decade was the establishment of the UN Permanent Forum on Indigenous Issues, which reports annually to the Economic and Social Council (ECOSOC) and provides expert advice to ECOSOC and to the UN Specialized Agencies. The third major aim of the Decade was for the UN to adopt a Declaration on the Rights of Indigenous Peoples, which remains to be fulfilled.

On 9 August 1993, the Bangladeshi indigenous peoples celebrated the International Year of the World's Indigenous People, even though the government had ignored the event. They demanded constitutional recognition of their cultural integrity and political status. Leading members of Bangladeshi civil society extended their solidarity to the indigenous cause. The impact of the international events was thus felt within the country in various ways. Firstly, the UN events led to the forging of greater unity among the country's indigenous peoples. Secondly, it instilled a greater sense of pride in the indigenous identity. Thirdly, it led to the growing currency of the terms "indigenous" and "Adibasi", which has also facilitated intra-indigenous unity.

The *Adibasis* of the country seek peace and stability in their areas and in the whole country. In the CHT, the indigenous people have suffered much during the 20-year conflict and will not easily support any further violence in the region. Whatever violence there is, can hopefully be ended, through the joint efforts of all concerned. The indigenous peoples of the region are more than ready to co-operate with all sections of Bangladeshi civil society to bring forth a truly just peace in the region.

At the time of political crackdown of 2007, a few positive trends in Bangladesh emerged: the High Court's judgment in 2008 regarding establishment of Sessions Courts and Nari Nirjaton Tribunals, the first meeting of the CHT

Advisory Committee in seven years<sup>40</sup> the emergence of more reporting and editorials on both *Adibasi* and *Pahari* issues in the media, “Words Of People Without A Country”;<sup>41</sup> “Rebecca Soren takes up her brother's struggle on Alfred Soren's death anniversary”,<sup>42</sup> and the appointment in January 2008 of Raja Devasish Roy to the Ministry of CHT Affairs as Special Assistant to the Chief Advisor.

Always our common goal was to establish such a nice society that is free from any sort of exploitation. We are not sure what is waiting for us in future. But our dream always supported us to reach our goal. Creating a dignified, developed and safe homeland for our aboriginals is our one of our main goals. Let us work together to implement this small but highly expected goal. Let us build a safe Bangladesh for the aboriginals. The conscious peoples should keep in mind that, ‘United we win, divided we fall’.

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<sup>40</sup> "Body to sit for first time in 7 years", *The Daily Star*, Dhaka, 29 May 2007

<sup>41</sup> Sanjib Drong's regular op-eds in *Daink Prothom Alo*

<sup>42</sup> *Daink Prothom Alo*, Dhaka, 17 July 2007

