

Introduction

Bangladesh is a small country with a rich cultural heritage. It is not only the Bangalis (plains people) who have contributed to this culture, but also the several hundred tribal communities of the country who live mainly in the Hill areas of the Chittagong Hill Tracts, in the Districts of Dinajpur, Rajshahi, Sylhet and the plains forests in Dhaka, Tangail, Mymensingh and Jamalpur.

Unfortunately, through out the modern history of the country, successive governments have carried out successive re-settlement programmes, ousting the tribal populace from their settlements and agricultural land and bringing in Bangalis from the plain lands. This has happened in both the Chittagong Hill Tracts (CHT) and in the Madhupur forests of Mymensingh. However, it is not only re-settlement which disrupts tribal life. The government has also caused loss of land by flooding it with the construction of a dam - the Karnaphuli Dam in the CHT area, and deforestation in Madhupur for making rubber plantations. Deforestation also occurs due to unchecked and illegal logging. However, it is not only the government who act as 'land grabbers'. In many cases, influential locals in the regions have muscled their way into illegally acquiring tribal-owned land, through pillage, murder and fire. All this happens despite Constitution guarantees that all citizens of Bangladesh are equal in the eyes of the law and that there shall be no discrimination against any person. Loss of land by tribals have has serious repercussions to the peace of Bangladesh.

Land grabbing is one of the major problems faced by tribal people all over the country. Land is taken by force, fraud or bribery and it is difficult for the tribal people to establish their rights. One of the causes for this is the sad lack of education and ignorance of the law. Another reason is discrimination. While the constitution advocated every person's equal right under the law, in various occasions, tribals are considered to be 'second' class citizens. These are the reasons why access to legal recourse is not found and why many prefer to keep quite about injustices done to them. Some fear violence and retribution from local Bangalis, while others are exasperated by the fact that the law enforcing agencies in the locality do nothing to protect them from wrongful acts such as land grabbing, forced eviction and even crimes such as rape and murder.

Odhikar Investigations : Madhupur and Naogaon

In 2001, Odhikar, with the support of the Bangladesh Freedom Foundation, carried out two investigations concerning disputed land. One case was in the Madhupur Forests of Mymensingh and the other in Mahadevpur in the district of Naogaon. Both incidents lead to the murder of tribal people. Both cases reflect the non-cooperation of law enforcement agencies in the area.

A. Murder in Madhupur: Gidita Rema

Historical Background

In Bangladesh, forests can be found in the coastal areas (Mangrove), in the Hill region (Sylhet and CHT) in the plains (Dhaka, Tangail, Mymensingh, Jamalpur, Rangpur and Dinajpur) and small forests are even found in the villages, surrounding homesteads. However, deforestation is damaging the ecology of the country at an alarming rate. Despite the popular campaign of "cut one tree - plant two to replace

it" and strict laws against violators of forest land, the black market is still doing a roaring trade in illegal logging.

The Madhupur forest in the districts of Tangail and Mymensingh is, to date, the largest surviving forest of the plains. It used to occupy 250 square miles, but deforestation has reduced it to more than half its original area. This has been the cause of a lot of resentment from the Koch and Mandi (also known as Garo) tribes who live in the area today. The Mandi people have been living in the Madhupur forests for several hundred years, cultivating rice, fruits (mainly pineapples and vegetables) and conserving the produce of the forest. According to the British Zamindari system, the forest and the inhabitants came under the Zamindari of the Rajah of Natore who, in turn, dedicated the area to the god Gobinda as a gift (debottor). Throughout the British Raj, the Mandi people cultivated the high land under lease and could register the lowland in their own name. In 1878, the Mandi recorded their lowlands under the Indian Tenancy Act, 1878. In 1956, a Forest Settlement Officer tried to repeal this act and a notice of eviction was gazetted, but not served on the Mandi people. Since the Partition in 1947, the land claims of the Mandi people have been under increasing jeopardy.

In 1962, the government of Pakistan established a 500-acre farm in Kakraid, under Madhupur Thana, and resettled displaced Bangali farmers on Mandi prescription lands in Aronkhola. In 1968 and 1969, eviction notices were sent to the Mandi of Chunia village by the Divisional Forest Officer of Mymensingh. There was no mention of resettlement or compensation for the evicted families. This sort of forced displacement by Bangali settlers, often with false documents, and the authority continued throughout the years and in 1977, President Ziaur Rahman suggested that the tribals form a Tribal Welfare Association (TWA) to protect their own interests. This came into being on 15 June 1977. The Association produces a 15-point demand regarding land, security, education and the power and authority to decide their own development. The demand petition was never answered. In 1978, Divisional Forest Officer and District Commissioner of Tangail issued eviction notices to 200 homesteads - comprising of about 800 families, in order for the government to create a national park. As compensation they were offered 1000 taka per homestead and also one acre of land. Ironically, the 200 acres of land offered as compensation was already registered and occupied by poor Bangali settlers.

In 1980, the Rasulpur Range Office was ordered by the Government to occupy 108 acres of Mandi land in Joynagacha, Bonderiacholla and Kedjai. Some of the Mandi people there had land-owning documentation dating back 80 years. About 200 non-tribals (Bangalis) were brought in to settle there, set up a sub office and plant mulberry trees. In May 1981, the Forest Department hired local thugs to try and occupy land by force. After the Proclamation of Martial Law in 1982, a martial Law Order was sent to the Union Chairman and village government head to evict those 'forcibly occupying government forest'.

Land grabbing still exists and the classic pattern is that investigations and Commissions are set up and promises are given. After the initial excitement and anger has worn away, the matter is quietly dropped and forgotten. Even the media forget the issue and do not follow up on such matters. In 1984, over 42,000 acres in the Madhupur forest were classified as Forest Land - meaning land belonging to the state Forest Department - but the Mandi were not consulted in this matter. In 1986, Rubber plantations began threatening the forest ecology. The first plantation was 15,000 acres big and established in the Madhupur forest. Private entrepreneurs took

over Mandi land without compensation and in January 1990 the government announced that 25,000 acres of Madhupur forest were now planted with rubber trees, with another 40,000 acres to be developed with funding from the Asian Development Bank. Faced with pressure from human rights groups, the ADB withdrew funding. Much of the forest has been destroyed and the rich sal and teak trees uprooted and other plants and wildlife wiped out.

Gidita Rema

On 26 March 2001, the daily papers carried the news of the murder of Gidita Rema (25), a woman belonging to the Garo (Mandi) tribe in Madhupur, Tangail. The murder occurred in the Magantinagar area of Madhupur on 20 March 2001. On 26 March 2001, a team of investigators from Odhikar went to the area and talked to family, friends and neighbors of the deceased women. They learnt that the probable reason for the murder lay behind the kidnapping, forced marriage and ultimate attempts to get back Gidita's sister, Namrata Rema. However, the police tell a totally different tale - that a land dispute lay behind the murder, the other party being one Habibur Rahman and his supporters. Gidita's father, Gonesh Rishil, had sold some land to Habibur Rahman while there were pineapples being cultivated on it. According to Gidita's younger sisters, Kabita and Itali Rema, their father sold only the land to Habibur Rahman and not the pineapples on it. The dispute arose when the buyer came to cut the pineapples. Ten days after the murder, the police had yet to arrest anyone in this regard. The murder and the relaxed attitude of the police have created a wave of anger and resentment in the Garo community. To prevent any further friction and to protect the family members of Gonesh Rishil, four policemen have been deployed in the village of Magantinagar.

Odhikar investigators learnt that on 7 February at around twelve at night, Namrata Rema (18) was kidnapped allegedly by Mofizuddin, Saidur and Izzat Ali of the same village. Due to this, Gidita went to complain to Habibur Rahman, Mofizuddin's elder brother. However, facing his apparent reluctance in the matter, Gidita went to Modhupur Thana to lodge a complaint, which the Thana did not accept. Later on, Gidita's father, Gonesh Rishil, filed a complaint case before the First Class Magistrate in Tangail under the Repression of Violence against Women and Children Act, 2000, on 19 February, the case bearing Case No. 444/2001. Six people were named as the accused. The Magistrate ordered that the Officer in Charge of Modhupur Thana, Iftekahrudin Ahmed, take appropriate legal action of the matter. Iftekharuddin Ahmed told Odhikar that an investigation report of the said incident had been submitted to the Magistrate. However, the magistrate informed the investigators that no such report had been received by the said court at the time of the investigation.

After the Complaint case filed by Gonesh Rishil, Mofizuddin informed the family of Gidita that he had married Namrata. However, it was also learned by the investigators that Namrata had voluntarily married Mofizuddin and informed the police that she had come to his home on her own free will. A few days after the wedding, it was learnt that Namrata sent a message to Gidita to bring her back home. She allegedly said in her message that she was being abused in her in-laws home. On the basis of this, on 16 March 2001, Gidita and her other sisters brought Namrata back home. Mofizuddin's elder brother, Habibur Rahman informed the Union Chairman of Orunkhola, Mohammed Zakir Hossain, that Gidita had forcibly taken Namrata from the house. The Chairman reassured them that he would take appropriate steps in the matter. On 18 March 2001, a Salish was arranged. The Chairman allegedly threatened that if Namrata was not returned to her husband's

home within 24 hours, Gidita's home would be raised and they would be evicted from the village. However, Namrata was not returned.

On 20 March 2001, in the afternoon, armed hooligans surrounded Gidita on the way to the local Bazaar. Gidita's younger sister, Itali Rema was just behind her. At one point the hooligans tried to pull Itali away. Gidita, tried to intervene. However, Habibur Rahman, Mofizuddin and others allegedly killed Gidita in broad daylight. Itali, the witness to the incident, informed the investigators that Habibur stabbed Gidita in the left side of her chest. Kabita Rema, as a plaintiff, lodged a FIR at the Madhupur Thana naming nine accused and eight or nine others. Investigators learned that Habibur allegedly injured himself on the forehead, bandaged it and went to lodge a counter case at the same Thana. Gonesh Rishil and Gidita's sister Kabita Rema, saw Habibur at the Orunkhola police camp. They then informed Sub Inspector Hemayet Hossain that that person had murdered Gidita and requested him to arrest Habibur. The Sub Inspector did not arrest Habibur, giving the latter the scope to escape.

Gidita's families are putting more stress on Namrata's marriage as the reason for Gidita's murder. However, in the FIR they have mentioned land dispute and monetary matters as the reason. Gonesh Rishil had borrowed ten thousand taka, with interest, four years ago from Habibur Rahman, to cultivate land. The amount he now owes has increased to forty thousand taka. In order to get this money back, Habibur Rahman and others took fifteen bigha's of land in exchange. This caused a dispute.

The alleged murders took a jeep and went to Pirgach and Dokhla, searching for Namrata. After this incident, it has been learnt that Namrata has sought sanctuary at St. Paul's church. The Church would not allow Odhikar to interview Namrata on grounds of security, since the murders of Gidita were still roaming around free. Some people of the locality allege that Namrata Rema and Mofizuddin knew each other for a long time and had got married by affidavit. The local Chairman is very influential and it is alleged that Habibur Rahman and his supporters are under his protection. Odhikar tried to contact the Upazilla Chairman, Zakir Hossain, however, his personal assistant, Sultan Ahmed told the investigators that he had gone to Dhaka. He could not be contacted by telephone either.

On 28 March 2001, the Superintendent of police, Tangail, Nur Mohammad and Additional Superintendent of Police (Circle-Gopalpur), Mohammad Shamsuzzoha carried out an investigation into this matter. Odhikar investigators managed to interview Mr. Shamsuzzoha. The incident of Habibur being noticed by Gidita's father and sister at the Orunkhola police camp and the fact that Sub Inspector Hemayet allowed him to escape, was acknowledged by ASP Shamsuzzoha and accordingly, Hemayet was removed from the position of Investigating Officer in this case and was replaced by Iqbal Hossain. The ASP said that if the allegations could be proved against Hemayet, departmental action will be taken against him.

B. Murder of Santal Leader Alfred Soren

Historical Background

The Santal is the largest ethnic minority population in the north and northwestern belt of Bangladesh. A survey report reveals that the total population of Santal is 143932 in Dinajpur, Rajshahi, Bogra, Pabna and some other areas of Bangladesh.

As with other ethnic minority people in the country, the Santals are victims to successive government plans and policies regarding land rights and rehabilitation. During the last three decades, the former policy of segregation has been replaced. Ownership of land has been introduced in these areas. The ecological degradation of barind tract has caused further sufferings to the people of this area. The Padma river was the main source of fishing among the Santals, which is now seriously threatened due to lack of water in the river. Most of the Santals have adopted wage laboring and share cropping. Most of them are living their livelihood on agriculture. The locally published Santal journal name ULGULAN contains articles on land encroachment, rape, murder and police brutality in the Santal areas, on a regular basis.

Alfred Soren:

Odhikar in cooperation with Bangladesh Freedom Foundation investigated the incident of murder of tribal leader Alfred Soren and the barbaric act carried out by landowners in the Santal village of Bhimpur, under thana Mahadevpur of Naogaon District. The investigator's spoke to the late tribal leader's wife Josna Soren (30); his sister Rebeka Soren (20); his father Gain Soren (60); elder brother Kamal Soren (45); the Chairman of the Jatiyo Adibashi Parishad (National Tribal Committee) of Naogaon Branch, Amin Kuzur (30), the General Secretary of the Jatiyo Adibashi Parishad of Naogaon Branch, Hridoy Orao Kuzur (33), neighbors, local people and local administrators.

Late Alfred Soren's sister Rebeka Soren (20) told Odhikar that on 18th August 2000 at around 11 am, land owner Shitesh Bhattacharya, alias Gadai Babu, of Ukilpara village at Naogaon District; and the former Chairman of the Union Porishad, Hatem Ali of Kismat Kosba village of Magadevpur Thana of Naogaon, along with more than 200 armed goons, surrounded their village. From their position on the road adjacent to the village, Gadai Babu and Hatem directed those goons to abolish all the indigenous people and to burn all the houses. Each of those armed goons was allegedly carrying a Chinese axe, a spear, blades and sharp knives.

Alfred Shoren's neighbour, Sukamal Barman (32), told Odhikar that at that time every one was running in panic and the miscreants started attacking anyone who came in front of them irrespective of men, women and children. He also said that the goons were told to find Alfred Soren and bring him to Gadai Babu and Hatem.

Alfred Soren's elder brother, Kamal Soren (45), told Odhikar that when the miscreants could not find Alfred Soren, they began to burn homes. They tied up one Jagannath Barman (50), and one Vishwanath (40), and set them on fire. At that time, Alfred Soren was hiding out in a nearby house. When they began to torch that house, he tried to escape and the goons caught him. For 10/12 minutes they hit him repeatedly with weapons and when they were sure that he was dead, they left. 14 families lost their homes in the fire.

Though a person named Khagon informed the Nauahata police station of the terrorist activities carried out in the Santal village, police reached the place one and half hours after the incident.

According to some local people, landowner Gadai and Hatem allegedly attacked Bhimpur tribal village after getting a green signal from the police. Officer in Charge, Sakhawat Hossain and Sub Inspector Abdus Samad of Mahadevpur Police Station were temporarily suspended due to their negligence in discharging their duties and for co-operating in the attack at the village. Habildar Nazim and Shafiq of the same police station were 'closed' due to their controversial role in the said incident.

Rebeka Soren told Odhikar that there was a long-standing dispute between Gadai Babu and Hatem Ali regarding the possession of 544 Bigha of vested property. Following this dispute, about 12/13 years ago Hatem's people gouged out Gadai's elder brother Piyush's eye. She alleged that Hatem Ali was more influential than Gadai and his brother. At that time Gadai could not cope with Hatem's power. During that time, to dispossess Hatem from that land, in 1989, Gadai and his brother brought 20 Santal families from Tanor Area of Rajshahi to settle on the disputed area. At that time, the deal was that each of the families would be given five bighas of land and a pair of oxen for ploughing the land. Initially, the land was leased to the settlers for agriculture, on condition that they would give 2 maunds of rice from each bigha. After some years they claimed ownership of the land and in this movement, Alfred Soren allegedly played the leading role.

When the settlers demanded their ownership, Gadai Babu told them that the said land was disputed property and he could not transfer the land to them. As a result, from January 2000, the settlers stopped giving rice to Gadai Babu. As a result Gadai Babu started conspiring to oust them. He filed a false case against four people-

1. Kamal Soren, son of Gaina Soren
2. Alfren Soren, son of Gaina Soren
3. Srimanta Hemron, son of Pota Hemron.
4. Jatin Murmu, son of Madan Murmu.

They were detained for 17 days and released on bail. That case is still pending.

Rebeka Soren further told the Odhikar Investigation team that around 120 bighas of land were under the Santal settlers' possession. For obtaining possession of this particular land, Gadai lease it to Bhimpur village's influential Ayezuddin. To get control of the said land under the possession of the Shantal people, Ayezuddin joined forces with Hatem Ali. On August 4, 2000 Hatem Ali's people attacked the Shantal people. Bishwanath Besra, Mangal alias Supal Besra and Srimanta Hemron were injured in that attack.

While investigating, it was learnt that Gadai Babu was desperate to get back possession of that land. He, along with his people, attacked the Santal village on several occasions. He also started harassing the villagers. In this regard, Alfred Soren lodged a General Diary in Mahadevpur Police Station on 4 June 2000 (GD No-151). There, he mentioned that Gadai Babu would humiliate tribal people, harass tribal women, burn their homes and file false cases against them. Apart from that, Alfred Soren allegedly gave a list of the names of those people who wanted to murder him, to Awami League's influential leader Amzad Hossain Tara on 17 August 2000. Alfred in his written letter, requested Tara to arrest 10 people (Sattar, Zaidul,

Khoka, Babu, Alim, Akkas, Samad, Latif, Rahman, Rahim). The next day, he was murdered.

While investigating, Odhikar talked to the Chairman of the National Indigenous Committee, Naogaon Branch - Amin Kuzur (30), and General Secretary of Mahadevpur Thana Branch, Hridoy Orao Kuzur (33). They told Odhikar that the tribal people wanted to keep their homestead, even after facing oppression of the two disputing land-owners. They also wanted to create a movement under the banner of the Jatiyo Adibashi Porishad (National Tribal Committee). On 9 August 2000 they surrounded the police station in demand of protecting their homestead and agricultural land and also presented a memorandum in this regard. After that, Gadai Babu and Hatem Ali allegedly became desperate to oust them. Alfred's sister, Rebeka Soren, lodged a FIR in the Mahadevpur police station, mentioning Shitash Bhattacharya alias Gadai, Hatem Ali, Ujjal, Omar Ali as the main accused including 91 other accused and 200 other unknown persons (case no- 167, date 18.8.2000, under sections 143/1 47/149 /448/ 323/ 325/ 326/ 380/ 302/ 120 (kha)/ 114/34 of the Penal Code).

In this regard, when Odhikar contacted the Officer In Charge of Mahadevpur Police Station, Munshi Mofazzal Hossain, he told them that, initially the investigating officer of this case was Mahadevpur Police Station's Sub Inspector, Md Abdur Samad. Later on, Munshi Mofazzal Hossain was appointed as the investigating officer of the said case. The Officer in Charge also told them that 8 people named in the said FIR as accused have been arrested. They are -

1. Rahim Khan, son of Tamiz Khan
2. Farooque, son of Khoka Sarkar
3. Hamid , son of Meser Ali
4. Nazim, son of Sabullah Sardar
5. Shapan, son of Dabir Mandal
6. Babu, son of Osman Ali Mandal.
7. Wazed, son of Hafiz
8. Md Mazed, son of Md Tanir.

Apart from the above, they have taken the initiative to arrest the other people named in the FIR. The Police have allegedly declared a Taka 20,000 reward for the capture of the main accused persons, Gadai and Hatem Ali.

During the investigation, Kamal Soren told Odhikar that on 4 October 2000, the Minister for Chittagong Hill Tracts affairs, Kalparonjon Chakma, came to Bhimpur. He and the leaders of the Adibashi Parishad told the indigenous people to file a case under the Public Safety Act 2000. In this regard, when Alfred Shoren's maternal uncle, Srimonto Hemron, went to Mahadevpur Police Station to file a case, the Officer In Charge of the Mahadevpur Police Station refused to accept it. Later when he went to file a case in the Magistrate Court, he received similar treatment. He then filed a case under the Public Safety Act, against 95 people (case no-176 (Ka) Date4/10/2000 section 7(kha)/10/12) in the Second Criminal Court. The Officer in Charge of the Mahadevpur Police Station informed Odhikar that the Charge Sheets of both cases have been submitted in the Court.

It was revealed in the investigation that most of the Raj Bangshi who live adjacent to the Bhimpur Santal para have been named as the accused in this case. Rebeka Soren said that she has mentioned only the names of those whom she has seen and

recognised. While talking about the involvement of the people from the Raj Bangshi tribe, some local people said they were forced to get involved in the incident because they had taken lease of land from either Gadai Babu or Hatem Ali. On the other hand, the case is not progressing as none of the main accused have been arrested. Though Hatem Ali and Gadai were rivals, they joined forces in order to oust the Shantal settlers from the land.

Alfred Shoren's father, Gaina Soren (60), told Odhikar that they do not have financial capacity to continue the case in the court. In this regard, a local NGO called the Association for Community Development (ACD) and Bangladesh Legal Aid and Services Trust (BLAST), Rajshahi Branch, took a joint initiative and created a panel of five Advocates to deal with the matter. One of the advocates of the panel, Md Sardar Salahuddin Mintu, told Odhikar that they are facing certain problems in conducting the case. The documents required for conducting the case have not been provided. Soon after the Charge Sheet, Rebeka Soren changed the Public Prosecutor and made an affidavit claiming Timir Kumar Mohanto, who has previously, dealt with some of their family and land disputes, as the PP of this case. Timir Kumar alone did the affidavit with Rebecca's signature on the document. However, he informed ACD and leaders of the Adibashi Parishad that he wrote the affidavit by taking the permission of the plaintiff Rebeka and her relatives. The Law Ministry passed that affidavit and under the directive of the concerned Ministry, Timir Kumar took charge of conducting the case. In the mean time, the leaders of the Adibashi Parishad, ACD and Blast came to learn about the fact. They were worried about the future of the case and suggested that Rebeka do another affidavit and re-appoint the previous PP. As a result, Rebeka did another affidavit claiming that her earlier proposition was not right.

The tribal people think that this incident was carried out with the support of both the police and civil administration. While talking to the Shantal people, it was clear that they do not want any kind of favour from anyone. They only want to have the right to own property. Rebeka said that Hatem and Gadai had declared long ago that they would kill Alfred Soren and they have attacked him several times.

Advisor to the Jatiyo Adibashi Parishad Faze, Hossain Badsha, said that the case is not proceeding. The police have only submitted the Charge Sheet and are allegedly deliberately not arresting the main culprits. Most of the culprits are at large. Apart from that, he thinks that NGOs are playing a controversial role.

Domestic and International Law

As in every country of the world, Bangladesh has penal laws punishing offences such as assault, battery, murder and rape and crimes against property and theft. The country is also a signatory and has ratified the UN Convention on the Elimination of All forms of Discrimination against Women (CEDAW) and the UN Convention on the Rights of the Child(CRC). There are also specific laws punishing offences against women specifically. In 2000, Bangladesh ratified the International Covenant on Civil and Political Rights (ICCPR).

The Constitution of Bangladesh guarantees that everyone is equal in the eyes of the law, and has equal access to justice. It also guarantees employment to all, rights to education, shelter, employment and recreation to all. In part two, article 23, it is stated that:

" The state shall adopt measures to converse the cultural traditions and heritage of the people, and so to foster and improve the national language, literature and the arts that all sections of the people are afforded the opportunity to contribute towards and to participate in the enrichment of the national culture."

Article 28(1) states that:

"The state shall not discriminate against any citizens on grounds of only religion, race, caste, sex, or place of birth."

There are several drawbacks which prevent justice from being carried out in Bangladesh:

1. Rampant corruption and impunity in the law enforcing agency and in many of the lower sections of the judiciary
2. Criminalisation of politics and its support of vested interest groups
3. Lack of implementation of laws
4. Not enough legal awareness among people
5. Continued discrimination against indigenous people
6. Greed and corruption among more influential members of social sections in rural areas of the country.
7. A silent discriminatory policy remains in effect and as a result many members of the ethnic community are deprived of justice, education and government employment.
8. The fact that Bangladesh has no legal or statutory provisions where by international conventions, once signed and ratified by the State, automatically become part of municipal law.
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According to Article 1 of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and linguistic Minorities, which was adopted by the UN General Assembly in 1992, " States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories, and shall shall encourage conditions for the promotion of that identity". Article 2 says that persons belonging to minorities have the right to enjoy their own culture and heritage and language and that 'Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life' (sub clause 2).

However, the Madaripur Legal Aid Association, in its report for the Sasakawa project, in September 1996, stated that despite legal reservations for 5% of jobs in the Bangladesh Civil service for people from ethnic minorities, only 2-3 people from such backgrounds are selected every year.

According to Article 14 of the International Labour Office Convention No. 169: Convention Concerning Indigenous and Tribal Peoples in Independent Countries: "The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use

lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities". Article 14 (2) states that 'Governments shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession."

Even the Convention on the Rights of the Child states that "The State Parties (of which Bangladesh is one) agree that the education of the child shall be directed to.... the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin" (Article 29 (1) (d)).

Article 30 states that "in those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with the other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language."

Unfortunately, contrary to the above mentioned CRC Article, tribal children face language problems in primary schools. Text books are in Bangla, which is not their mother tongue and textbooks of higher primary classes (classes IX and X) do not even mention ethnic communities and their history and culture.

Conclusion

One of the writers on the Tribal people of Bangladesh had commented, that "In the villages any quarrel with a Bengali brings fear and terror to the whole village and all have to be careful in going about their own business. Their life becomes like a walk through a minefield." (Colombo 1979). This was written in 1979. A December 1991 report published by Minority Rights Group International on 'Adivasis of Bangladesh' says: 'A chief complaint of the Adivasis is that the legal system serves only the rich of the Bangali community. The Adivasis also complain because of arbitrary or discriminatory police treatment, especially police brutality.' (R.W.Timm. 1991). Nothing has changed. "Government sources are swift to blame shifting cultivation for the rampant deforestation in the CHT without acknowledging the deforestation caused by other factors, such as illegal logging. Moreover, indigenous people's traditional skills in successfully managing the village common forests are ignored. The indigenous peoples are often looked upon as marauders and encroachers by government agencies, even though these people were living in the government-run forests long before their titles came to be vested in the government and the lands categorised as reserved and protected forest areas" (Roy, Gain 1999).

In order to ensure the rights of the Mandi people and other tribal/ethnic minority/indigenous communities and their cultures in Bangladesh, the Government and its relevant bodies should take appropriate steps to implement the fundamental rights chapter of the Constitution and should stop criminalisation of the Law Enforcement departments to ensure transparency and accountability so that laws can be implemented and criminals brought to justice, regardless of the class, caste, creed, race, or economic background of the victim, or, for that matter, the criminal. Social justice needs to be ensured.