

LETTER TO BANGLADESH FROM A 'NON-EXISTENT' BANGLADESHI

PRASHANTA TRIPURA

Dear Bangladesh, I don't know if you remember me, but I am writing to you in the hope that you do. Having witnessed and celebrated your birth when I was little, and having grown up with you, I have always cared deeply about you, as I will always do. But I am not sure that you feel the same way about me. In fact, I am not even sure that you know or acknowledge that I exist. I am saying this as a member of one of the many 'small' ethnic groups that have been consigned to the margins and darkest corners of your geography and history. People who speak and write on your behalf have rarely made any serious effort to change this order of things. On the contrary, many of them have been busy pushing these marginalized groups out of tracts that have nourished them for generations. As if that were not enough, the same powers have lately sought to erase them from various government documents and public discourse as well. The latest instance of such efforts came recently when, two days before the International Day of the World's Indigenous Peoples, a government press handout urged academics, newspaper editors and others to refrain from using the word 'Adibashi' (Bangla for 'Indigenous People'). The handout made use of an extraordinary logic: The constitution does not talk about the Adibashis, so they don't exist! I think we have had enough of such nonsense. So I am compelled to write this letter to you and I sincerely hope that you will hear me out.

Let me start by reminding you of when and how we first met. Do you remember a time when you began to take shape in the imagination of many, including those who would shout the slogan 'Joy Bangla'? The small rural town where I grew up, Khagrachari, was somewhat distant from big events sweeping the whole of East Pakistan at that time. But sure enough, 'Joy Bangla' reached our town too, and sometime around March 1971, when I was just a 9-year old, I too took part in a procession that went around the whole town. I distinctly remember that we started chanting the slogan differently than how it is commonly done. In our case, someone would say the first word "Joy", and then, after a hesitant pause, the rest would say, "Bangla." Anyway, I wish to skip the traumatic and eventful period of nine months of the War of Independence that I witnessed as a small boy. Instead, let us zoom to the time of your liberation in December 1971. I suppose you cannot remember the face or voice of every single individual out of the millions that greeted your liberation, but I wonder if you happen to remember seeing a group of



jubilant young Tripura boys aged 8-12 returning to their village in the outskirts of Khagrachari town, singing 'Amar sonar Bangla', just a day or two after your liberation. If you remember such a group, know that I was one of those boys! Anyway, on the road that day we were happy to see some of our heroes, freedom fighters, many of whom were fellow Tripuras, including a first cousin. With 'our side' victorious, we came out of hiding, and made a happy return to our village, secure in the knowledge that there would no longer be any reason for us to run around in fear. But we were so wrong!

I am not here to chronicle all that went wrong in the newly independent state that bears your name. I know that you have lived through many upheavals, turmoil, and senseless losses of huge magnitudes that continued to sweep through the entire country. But I wonder whether you realized that what was happening in the Chittagong Hill Tracts was by far the worst in many ways. How did you deal with the immense suffering that many of the indigenous CHT communities endured for decades? Since they barely accounted for half of 1% of the total population that are tied to you, is it possible that you chose to close your eyes and bear the pain quietly when so many of CHT people lost their lives, livelihoods, lands, homes and honour? Would you believe if I told you that even I – who lived a relatively sheltered life – was once beaten up by an armed security man aboard a launch boat on Kaptai lake, on my way home from my college in Dhaka, for no justifiable reason? The man even threatened to kill me, and might have done so if my father were not among the passengers of the boat. Apart from actual violence, the people in the CHT had to put up with various rituals of humiliation and display of brute force as well, e.g. at

security check points, soldiers would board buses and announce, "All tribal passengers, get down and get checked."

But I digress. Let us return to the question of whether there are 'Indigenous Peoples' in Bangladesh. Personally, the first time I had to deal with this question seriously was in 1993, when, as a lecturer of anthropology at Jahangirnagar University, I was tasked by a committee – jointly headed by two Awami League MPs of that time – to write a keynote paper to celebrate the International Year of the World's Indigenous People. The BNP-led government of that time had stated that the event did not merit official observance since the 'tribes' and 'nomads' who lived in Bangladesh were not really 'indigenous'. The then leader of the opposition, who happens to be the present Prime Minister of Bangladesh, however, expressed solidarity with the Adibashis of the country. In that context, much of my paper dwelt on the question of whether the so-called tribal people of Bangladesh could be called 'indigenous', and what a Bangla equivalent for the term could be. Our conclusion was that the 'tribal' people certainly qualified as 'indigenous people', in the sense the term was being employed by the UN, and that 'Adibashi' could be used as a Bangla equivalent for the same.

Since 1993, governments have come and gone, promises have been made and broken, and various new issues have emerged to keep the nation bitterly divided on many counts. But over the years a rare level of national unity has emerged in the form of a widely shared view that the 'tribal' people are not the 'true sons of the soil' (somehow no one ever speaks of the 'daughters of the soil'). This is a refrain that has been repeated by countless people, including some of the best-known intellectuals of the country, who have come up with various

arguments and faulty interpretations. I have outlandish personally written a lot about all this and do not wish to rehash my past arguments here. Instead, I would like to pose a few questions to which I must get some answers from you. First, do you know that the terms that were introduced through Article 23A in the constitution – 'tribes', 'minor races' and 'ethnic sects' – are regarded globally as outmoded, and have been rejected by vocal segments of the very people for whom they are intended? Secondly, please have another look at the constitution's Article 9, which says: "The unity and solidarity of the Bangalee nation, which, deriving its identity from its language and culture, attained sovereignty and independent Bangladesh through a united and determined struggle in the war of independence, shall be the basis of Bangalee nationalism." May I ask if this makes sense to you? Why is 'unity' conceived of so singularly here, without any acknowledgement of languages and cultures other than that of the 'Bangalee nation'? What were the Adibashi freedom fighters doing in 1971? What made us sing 'I love you, my Sonar Bangla' in 1971? Does it make sense for us to sing it today? Do we the Tripuras, the Santals, the Garos, the Mros and so on in fact exist in any meaningful sense? This is a question that will remain even if the government were to declare tomorrow that there are indigenous peoples in this country.

I was also going to ask you if you buy the argument that since the constitution does not have the word 'Adibashi', there are no Adibashis in this country. We all know how silly all this sounds. But I do wonder about one thing. We know that both Sheikh Hasina and Khaleda Zia have signed on messages of felicitation to the Adibashis on several occasions in the past. We also have numerous photos of other leaders who have taken part, as a gesture of solidarity, in various programmes organized by people who call themselves 'indigenous' and would like the state to accord this recognition unambiguously. Surely these leaders cannot be so forgetful or mindless as to look absurd in front of the whole world by endorsing the kind of faulty arguments that have been heard all over again last week. But that is precisely what most of them – one big name after another – have been doing while in power. So my real question to you is this: Who or what are the forces that compel all these leaders to act like the way they are acting? I think we must find answers to this question.

The writer is an academic anthropologist turned development professional

Recognition of indigenous people

DR. SHAHJAHAN MONDOL

THE tribal and the minor race-people of the hill-tracts and the plain land of Bangladesh have, for a couple of years, been raising voice for Constitutional recognition as 'indigenous' (adivasi). The voice intensified after the 15th Amendment to the Constitution of 2011. Their expectation was the recognition as *indigenous* in this very Amendment. The Amendment, however, recognized them in Article 23A not as *indigenous* but as *tribes*, *minor races*, *ethnic sects* and *communities*. This provision as inserted in this regard in the Constitution by means of the 15th Amendment runs: *The State shall take steps to protect and develop the unique local culture and tradition of the tribes, minor races, ethnic sects and communities.* Among them are the Saontals of Rajshahi, Naogaon and Chapai Nawabganj, the Chakmas, Mogs, Murongs, Marmas etc. of the Chittagong Hill-Tracts, and the Garos or Khasias of Mymensing and Kishoreganj districts and so on. Around a number of 57 ethnic groups of the kind are living in the country.

According to the census of 2011 the population of the tribal and minor-race people is 1.57 million that amounts to 1.10% of the total population of the country. Nearly 98.90% of the population is ethnically and linguistically Bangalee. In the BCS and other competitive examinations for public service 5% quota is reserved for them which is four-times than their proportion. Moreover they are free to enjoy the other service and education facilities preserved for the backward section of the people that is backed by Article 28(4) of the Constitution, viz. 30% for freedom-fighters, 10% for women and 10% for districts. But today's question is neither their number or percentage nor the percentage of quota they enjoy in service or education sector. Today's, question, is rather the justification of the claim for the constitutional recognition as *indigenous*. It is relevant to mention that for the religious minorities of the country like the Hindus, Buddhists, Christians or Shikhs no such quota is reserved.

In Article 11 of the Constitution is reflected the same tune: *The Republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed.* The indigenous people, if there be any in the country deserve recognition.

It is observed that the ethnic minority peoples as mentioned and recognized in Article 23A of the Constitution are not satisfied with such recognition as *tribes*, *minor races*, *ethnic sects* and *communities*. Before entering into the debate about the *indigenous* issue we need to clarify what does the term *indigenous* imply.

It is therefore safe for the ethnic and/or linguistic minority people of Bangladesh to be satisfied with their constitutional recognition as tribes, minor races, ethnic sects and communities as prescribed in Article 23A of the Constitution of Bangladesh.

There is, fortunately or unfortunately, merely the mentioning of the term *indigenous* in some municipal laws of Bangladesh but no definition thereof. The term *indigenous* is mentioned in the Chittagong Hill-Tracts Regulation of 1900, but the term aboriginal castes and tribes is mentioned in the State Acquisition and Tenancy Act of 1950 for the purpose of meaning the same peoples. It shows that there is no uniformity in the laws of Bangladesh in mentioning and meaning the ethnic-minority peoples.

The major and effective inter-state instrument on the point is the *Indigenous and Tribal Peoples Convention* (No. 169) declared on 27 June 1989 by the ILO. It is mentionable that the United Nations General Assembly adopted the UN Declaration on the Rights of Indigenous Peoples vide Resolution [without reference to a Main Committee (A/61/L.67 and Add.1)] 61/295 in the 107th plenary meeting on 13 September 2007 which did not define the term *indigenous*. However, the ILO Convention No. 169 of 1989 is relevantly defines the term *indigenous*.

For an easy understanding of the definition it may be designed as follows and all the ethnic peoples of the country should be compared with it, be they Saontal or Chakma, Mog, Murong, or Garo etc. or even, and very importantly, Bangalee. According to the ILO Convention No. 169 those peoples are *indigenous*:


- who live in an independent country, and
- who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs at the time of:
 - conquest, or
 - colonization, or
 - the establishment of present state boundaries, and
- who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

In the light of the definition provided by the International Labour Organization the ethnic minority peoples of Bangladesh who claim them to be recognized as *indigenous* should be assessed. If only the major points satisfy the ILO Convention-conditions then they should be recognized as *indigenous* by the Constitution.

Now question arises, if all the ethnic minorities i.e. a number of 57 ethnic and/or linguistic minorities of Bangladesh like Saontal, Mog, Murong, Garo etc. as well as ethnic and linguistic majority Bangalee are given legal or constitutional recognition as *indigenous* what will be the result and situation? Why shouldn't the ethnic and linguistic majority Bangalee be supposed to be constitutionally recognized as *indigenous* so far as they can satisfy all the conditions of the ILO Convention No. 169 of 1989? In such a situation the recognition of only the minorities as *indigenous* shall create hazard and nothing else, because the majority Bangalee should also lawfully be recognized as *indigenous*. There will then be no distinction between the ethnic and/or linguistic minorities like Saontal, Mog, Murong, Garo etc. and the ethnic and linguistic majority Bangalee. In all sectors the minorities as well as the majority Bangalee should be eligible to apply on the same footing.

It is therefore safe for the ethnic and/or linguistic minority people of Bangladesh to be satisfied with their constitutional recognition as *tribes*, *minor races*, *ethnic sects* and *communities* as prescribed in Article 23A of the Constitution of Bangladesh. This recognition made by the Government under the prudent leadership of Bangabandhu-daughter Prime Minister Sheikh Hasina has brought the minority people in a position of dignity.

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