Status and Dynamics of Land Rights, Land Use and Population in Chittagong Hill Tracts of Bangladesh

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Acknowledgements

Bangladesh is one of the most densely-populated countries of the world with 993 persons living per square kilometer (in 2010). In a predominantly agricultural economy like Bangladesh land constitutes the most important basis of socioeconomic and political power for the overwhelming majority of the people. The three districts of the Chittagong Hill Tracts (CHT) is an area with least population density. However, in terms of cultivable land population density is high. The area has been a habitat for eleven ethnic minority groups since long. The rights of these people have been violated by many authorities and persons throughout the history and the situation went severe in the 1960s, 70s and 80s. This led the legitimate discontent among the indigenous people of the CHT.

The history of Bangladesh as well as the Indian subcontinent over centuries and until the middle of the last century is the history of external rulers from the north and west. The land ownership laws in the plain areas of the country were changed. These laws were highly influenced by the external rulers such as the Mughal and the British (colonialism) over the last five hundred years and took the present form. However, as there were strong protests from the Hill peoples against invasion of these external rulers into the CHT, land ownership laws in that area remained customary. Rulers over last few decades took opportunity of the prevailing customary ownership of land in the area. They enacted many laws that violated the land rights of the ethnic minority (indigenous) people, sponsored invasion of people from other parts of the country who also grabbed land of the indigenous peoples. The tension between the government, people of the plains and the indigenous peoples continued for decades over these issues. Finally, the armed conflict between the government and the indigenous peoples came to an end through the CHT Peace Accord 1997. However, the land and forests grabbed by the government or people from the plain are yet to recover and rights of the people has not been established yet.

At this backdrop, Danish International Development Agency (DANIDA), Bangladesh has initiated the study to provide an in-depth analysis of status and dynamics of land rights, land use and population in the Chittagong Hill Tracts. Our thanks are, first and foremost, due to Mr. Hans Hoffmeyer, Head of Unit, Human Rights & Good Governance, Programme Support Unit, DANIDA, Bangladesh and his office for this timely initiative. Hans' three other colleagues Mr. Kirti Nishan Chakma, Sarder M. Asaduzzaman (former Programme Officer, HRGG-PSU, DANIDA) and Mr. Kartick Chandra Mandal, Programme Officer, HRGG-PSU, DANIDA deserve special thanks for their cooperation at different stages throughout the research study period.

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Since inception of the study we have consulted many people of the three Hill Districts who include Headmen and Karbaries of different mouzas, leaders of indigenous communities and knowledgeable people on the CHT and its conflicting issues. We thank all of them for their sincere cooperation in sharing their accumulated knowledge. Among these knowledgeable persons, Sudatta Bikash Tanchangya [Secretary General, Movement for the

Protection of Forest & Land Rights (CHT), and Vice Chairperson, *Taungya*] and ZuamLian Amlai [Chairperson, Movement for the Protection of Forest and Land Rights in Chittagong Hill Tracts Bandarban Chapter, and Baum Community Leader] were involved in the research process all through. In all phases of the study—from sampling to selection of the study mouzas, collection of the mouza maps, field plan, field staff recruitment, training, field test, data collection we sought their help and found immediate response. We express our sense of gratitude to Mr. Sudatta and Mr. ZuamLian for their cooperation that they provided out of a feeling to do something for the people of their communities.

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Prof. Abul Barkat, Ph.D Dhaka: December 21, 2010

Abbreviations and Acronyms

CHT	Chittagong Hill Tracts
CHTDB	Chittagong Hill Tracts Development Board
CHTLDRC	Chittagong Hill Tracts Land Disputes Resolution Commission
CHTRC	Chittagong Hill Tracts Regional Council
DANIDA	Danish International Development Agency
DC	Deputy Commissioner
DCI	Data Collection Instrument
FD	Forest Department
FGD	Focus Group Discussion
GD	Group Discussion
Govt.	Government
HDC	Hill District Council
HDRC	Human Development Research Centre
HRGG- PSU	Human Rights and Good Governance- Programme Support Unit
ILO	International Labor Organization
IP	Indigenous Peoples
IWGIA	International Work Group for Indigenous Affair
KII	Key Informant Interview
MP	Member of the Parliament
MoCHTA	Ministry for Chittagong Hill Tracts Affair
NGO	Non-Government Organization
PCJSS	*Parbatta Chattagram Janasanghati Samity* (CHT People's Solidarity Association)
PRSP	Poverty Reduction Strategy Papers
UN	United Nations
UNDP	United Nations Development Programme
UNO	*Upazila Nirbahi* Officer (Sub-district Chief Executive)
UPDF	United People's Democratic Front
VCF	Village Common Forest

CONTENTS

Sl. No.	Title	Page #

Author's
Abbreviations
Acknowledgement

Chapter 1: Purpose, Objective, and Methodology 1
- Purpose of the Research Study 1
- Objective of Study 3
- Methodology Used 3

Chapter 2: Land and Life of Chittagong Hill Tracts Peoples: Why Land is Important? 11
- Socio-economic Aspects of 'Land' of the CHT Peoples 15
- Politico-legal Aspects of 'Land' of the CHT Peoples 18
- Religio-cultural Aspects of 'Land' of the CHT Peoples 21
- An Outline of the 'Importance of Land' for the CHT peoples 23
- The Practice of Customary Resource and Property Inheritances of Different CHT Indigenous Communities 25
- The Concept of 'Forest Policies' among the CHT Peoples: 37
- The CHT Peoples and the Legal Frameworks of 'Forest Policies' 37
- The Future of the 'Land and Forest Policies' in Relation to the Present Crisis in the CHT 43

Chapter 3: Land Use and Land Rights in Chittagong Hill Tracts: 46
- The Concept of 'Property Ownership' from the Evolution of Societies: With a special focus on 'Land ownership' 47
- Development of 'Land Ownership' in Bengal region 49
- Land Laws in Pre-Mughal and Mughal Era 50
- Land Laws under the British Rule and aftermath 52
- Land Laws in Bangladesh 56
- Land Laws in the Chittagong Hill Tracts 60
- Pre-British Chittagong Hill Tracts 62
- Erosion of Autonomy and Direct Government Rule (1937-1989) 62
- The Denial of Land Rights & Transmigration of Bangalee Settlers 64
- Revival of Autonomy and Restoration of Land Rights 65
- The Constitutional Ignominy 66
- Demographic Changes & Implications on Self Rule and Land Rights 67
- Demography, State Subsidies & Land Disputes 69
- The present situation of 'Land Rights' and 'Land Uses' among the CHT Peoples: In the light of previously enacted 'land laws' 70

Chapter 4: Land Use and Land Rights in CHT: Status and Dynamics 72
- Land Use in Chittagong Hill Tracts at a Glance: Findings from Research Survey 72
- Land Rights in Chittagong Hill Tracts at a Glance: Findings from Research Survey 76
- District Wise Status and Dynamics Of Land Use And Land Rights In Chittagong Hill Tracts 80
- Bandarban: Status and Dynamics of Land Use and Land Rights 80
- Bandarban at a Glance 80

Overall Status and Dynamics of Land Use in Bandarban 81
Sample Mouza Wise Status and Dynamics of Land Use in Bandarban 84
Betchhara Mouza 84
Fasyakhali Mouza 86
Renikhyong Mouza 88
Naikhongchhari Mouza 89
Balaghata Mouza 91
Overall Status and Dynamics of Land Rights in Bandarban 92
Sample Mouza Wise Status and Dynamics of Land Rights: Bandarban 95
Betchhara Mouza 95
Fasyakhali Mouza 100
Renikhyong Mouza 104
Naikhongchhari Mouza 107
Balaghata Mouza 110
Khagrachhari: Status and Dynamics of Land Use and Land Rights 114
Khagrachhari at a Glance 114
Overall Status and Dynamics of Land Use in Khagrachhari 116
Sample Mouza Wise Status and Dynamics of Land Use in Khagrachhari 118
Gumati Mouza 118
Perachhara Mouza 120
Maischhari Mouza 122
Alutila Mouza 123
Kabakhali Mouza 125
Overall Status and Dynamics of Land Rights in Khagrachhari 127
Sample Mouza Wise Status and Dynamics of Land Rights in Khagrachhari 129
Gumati Mouza 129
Perachhara Mouza 133
Maischhari Mouza 138
Alutila Mouza 142
Kabakhali Mouza 146
Rangamati: Status and Dynamics of Land Use and Land Rights 149
Rangamati at a Glance 149
Overall Status and Dynamics of Land Use in Rangamati 152
Sample Mouza Wise Status and Dynamics of Land Use in Rangamati 154
Dhanu Chhara Mouza 154
Kukya Chhari Mouza 155
Petanya Lamar Chhara Mouza 157
Ballal Chhara Mouza 158
Ulta Chhari Mouza 160
Overall Status and Dynamics of Land Rights in Rangamati 162
Sample Mouza Wise Status and Dynamics of Land Rights in Rangamati 164
Dhanu Chhara Mouza 164
Kukya Chhari Mouza 167
Petanya Lamar Chhara Mouza 170
Ballal Chhara Mouza 173
Ulta Chhari Mouza 176

Chapter 5: Population of Chittagong Hill Tracts: Status and Dynamics 179
Defining the 'Indigenous Peoples'..... 180
The Demographic and Social Status of the CHT Population..... 183
The Notion of 'Land and Population Relationship' in CHT..... 188
The Issues of Transmigration and the CHT Population settlement schemes (1960-87)..... 191
The 'Push-Pull Factors' of the Transmigration Programme in the CHT..... 193
The CHT people in the conflicts in the CHT..... 199
Chittagong Hill Tracts Population Estimation for 2009 201
Chapter 6: Key Learning 209
Annexure
Annex 1: Survey-based Data Tables 216-306
Annex 2: Data/Information Collection Instruments 307-329
Bibliography and Reference 330

LIST OF ILLUSTRATIONS

LIST OF FIGURES

Figure 1: Distribution of land use/control under paras in CHT in % (1978) 73
Figure 2: Distribution of land use/control under paras in CHT in% (2009) 73
Figure 3: Distribution of land use/control under paras in CHT in % (1978 and 2009) 73
Figure 4: Land ownership pattern in CHTin % (2009) 76
Figure 5: Land ownership pattern in CHT in % (1978) 76
Figure 6: Land ownership pattern in CHT in % (1978 and 2009) 77
Figure 7: Distribution of land use/control under paras in Bandarban district in% (2009) 82
Figure 8: Distribution of land use/control under paras in Bandarban district in % (1978) 82
Figure 9: Distribution of land use/control under paras in Bandarban district in % (2009 and 1978) 83
Figure 10: Distribution of land use/control under paras in Betachhara mouza in % (2009) 85
Figure 11: Distribution of land use/control under paras in Betchhara mouza in % (1978) 85
Figure 12: Distribution of land use/control under paras in Betchhara mouza in % (1978 and 2009) 85
Figure 13: Distribution of land use/control under paras in Fasyakhali mouza % (2009) 86
Figure 14: Distribution of land use/control under paras in Fasyakhali mouza in% (1978) 86
Figure 15: Distribution of land use/control under paras in Fasyakhali mouza in % (1978 and 2009) 87
Figure 16: Distribution of land use/control under paras in Renikhyong mouza in % (2009) 88
Figure 17: Distribution of land use/control under paras in Naikhongchhari mouza in % (2009) 89
Figure 18: Distribution of land use/control under paras in Naikhongchhari mouza in % (1978) 89
Figure 19: Distribution of land use/control under paras in Naikhongchhari mouza in % (1978) 90
Figure 20: Distribution of land use/control under paras in Balaghata mouza in % (2009) 91
Figure 21: Distribution of land use/control under paras in Balaghata mouza in % (1978) 91
Figure 22: Distribution of land use/control under paras in Balaghata mouza in % (1978 and 2009) 92
Figure 23: Land ownership pattern in Bandarban district in % (2009) 93
Figure 24: Land ownership pattern in Bandarban district in % (1978) 93
Figure 25: Land ownrship pattern in Bandarban district in % (1978 and 2009) 93
Figure 26: Land ownrship pattern in Betchhara mouza in % (1978 and 2009) 95
Figure 27: Land ownrship pattern in Fasyakhali mouza in % (1978 and 2009) 100
Figure 28: Land ownership pattern in Renikhyong mouza in % (2009) 104
Figure 29: Land ownership pattern in Naikhongchhari mouza in % (1978 and 2009) 107
Figure 30: Land ownership pattern in Balaghata mouza in % (1978 and 2009) 110
Figure 31: Distribution of land use/control under paras in Khagrachari district in % (2009) 116
Figure 32: Distribution of land use/control under paras in Khagrachhari district in % 1978) 117
Figure 33: Distribution of land use/control under paras in Khagrachhari district in % (1978 and 2009) 117
Figure 34: Distribution of land use/control under paras in Gumati mouza in % (2009) 118
Figure 35: Distribution of land use/control under paras in Gumati mouza in % (1978) 118
Figure 36: Distribution of land use/control under Gumtai mouza in % (1978 and 2009) 119
Figure 37: Distribution of land use/control under paras in Perachhara mouza in % (2009) 120
Figure 38: Distribution of land use/control under paras in Perachhara mouza in % (1978) 120
Figure 39: Distribution of land use/control under paras in Perachhara mouza in % (1978 and 2009) 121
Figure 40: Distribution of land use/control under paras in Maischhari mouza in % (2009) 122
Figure 41: Distribution of land use/control under paras in Maischhari mouza in % (1978) 122
Figure 42: Distribution of land use/control under paras in Maischhari mouza in % (1978 and 2009) 123
Figure 43: Distribution of land use/control under paras in Alutila mouza in % (2009) 124
Figure 44: Distribution of land use/control under paras in Alutila mouza in % (1978) 124
Figure 45: Distribution of land use/control under paras in Maischhari mouza in % (1987 and 2009) 125
Figure 46: Distribution of land use/control under paras in Kabakhali mouza in % (2009) 125
Figure 47: Distribution of land use/control under paras in Kabakhali mouza in % (1978) 126
Figure 48: Distribution of land use/control under paras in Kabakhali mouza in % (1978 and 2009) 126
Figure 49: Land ownership pattern in Khagrachhari district in % (2009 127

Figure 50: Land ownership pattern in Khagrachhari district in % (1978) 127
Figure 51: Land ownership pattern in Khagrachhari district in % (1978 and 2009) 128
Figure 52: Land ownership pattern in Gumati mouza in % (1978 and 2009)..... 129
Figure 53: Land ownership pattern in Perachhara mouza in % (1978 and 2009 133
Figure 54: Land ownership pattern in Maischhari mouza in % (1978 and 2009)..... 138
Figure 55: Land ownership pattern in Alutila mouza in % (1978-2009)..... 142
Figure 56: Land ownership pattern in Kabakhali mouza in % (1978-2009) (in %) 146
Figure 57: Distribution of land use/control under paras in Rangamati district in% (2009)..... 152
Figure 58: Distribution of land use/control under paras in Rangamati district 1978 (in %) 153
Figure 59: Distribution of land use/control under paras in Rangamati district in % (1978 and 2009) 153
Figure 60: Distribution of land use/control under paras in Dhanu Chhara mouza in % (2009) (in %) 154
Figure 61: Distribution of land use/control under paras in Dhanu Chhara mouza in % (1978) (in %) 154
Figure 62: Distribution of land use/control under paras in Dhanuchhara mouza in % (1978 and 2009) (in %) 155
Figure 63: Distribution of land use/control under paras in Kukya Chhari mouza in % (2009) (in %) 156
Figure 64: Distribution of land use/control under paras in Kukya Chhari mouza in % (1978) (in %)..... 156
Figure 65: Distribution of land use/control under paras in Kukyachhari mouza in % (1978 and 2009) 156
Figure 66: Distribution of land use/control under paras in Petanya Lamar Chhara mouza in% (2009)..... 157
Figure 67: Distribution of land use/control under paras in Petanya Lamar Chhara mouza in % (1978) 157
Figure 68: Distribution of land use/control under paras in Petanya Lamar Chhara mouza in % (1978 and 2009) 158
Figure 69: Distribution of land use/control under paras in Ballal Chhara mouza in % (2009) 159
Figure 70: Distribution of land use/control under paras in Ballal Chhara mouza in % (1978) 159
Figure 71: Distribution of land use/control under paras in Ballal Chhara mouza in % (1978-2009) 159
Figure 72: Distribution of land use/control under paras in Ulta Chhari mouza in % (2009)..... 160
Figure 73: Distribution of land use/control under paras in Ulta Chhari mouza in % (1978) 161
Figure 74: Distribution of land use/control under paras in Ulta Chhari mouza (1978 and 2009) (in %) 161
Figure 75: Land ownership pattern in Rangamati district in % (2009) 162
Figure 76: Land ownership pattern in Rangamati district in % (1978) 162
Figure 77: Land ownership patern in Rangamati district in % (2009 and 1978) 163
Figure 78: Land ownership patern in Dhanu Chhara mouzain % (2009 and 1978) 164
Figure 79: Land ownership patern in Kukya Chhari mouza in % (2009 and 1978) 167
Figure 80: Land ownership patern in Petanya Lamar Chhara mouza in % (2009 and 1978)..... 170
Figure 81: Land ownership patern in Ballal Chhara mouza in % (2009 and 1978)..... 173
Figure 82: Land ownership patern in Ulta Chhari mouza in % (2009 and 1978) 176
Figure 83: Population of the CHT Districts in 1991 by ethnic groups: Population of Bandarban (in %) 186
Figure 84: Population of the CHT Districts in 1991 by ethnic groups: Population of Khagrachhari (in %) 186
Figure 85: Population of the CHT Districts in 1991 by ethnic groups: Population of Rangamati (in %) 186
Figure 86: Composition of para in accordance with communities (%) 188

LIST OF TABLES

Table 1: Reporting about status of mouzas regarding land disputes in Bandarban 8
Table 2: Reporting about land dispute of paras at sample mouzas of Bandarban 8
Table 3: Sample mouzas and paras and reporting about their extent of land disputes in Bandarban 8
Table 4: Reporting about status of mouzas regarding land disputes in Khagrachhari 9
Table 5: Reporting about land dispute of paras at sample mouzas of Khagrachhari 9
Table 6: Sample mouzas and paras and reporting about their extent of land disputes in Khagrachhari 9
Table 7: Reporting about status of mouzas regarding land disputes in Rangamati 10
Table 8: Reporting about land dispute of paras at sample mouzas of Rangamati 10

Table 9: Sample mouzas and paras and reporting about their extent of land disputes in Rangamati 10
Table 10: Bandarban District (Census Results at a glance) 184
Table 11: Khagrachhari District (Census Results at a glance) 184
Table 12: Rangamati District (Census Results at a glance) 185
Table 13: Changes in the size of ethnic minorities in the CHT by population (during 1955-1980): 185
Table 14: Who lives where in CHT: by Upazilas and by Ethnicities 187
Table 15: Number of expected Bangalee Settlers from the plain to the CHTs according to Government 192
Table 16: Indigenous peoples and Bangalee population Statistics (1901-1991) 199

LIST OF BOXES

Box 1: CHT Situation in Recent Past 2
Box 2: Headman-Karbari 6
Box 3: The Data Collection Instruments (DCIs) Used 6
Box 4: The Training, Field Data and Information Collection, and Quality Control Mechanism 7
Box 5: Forrestal Survey 56
Box 6: Jum Cultivation 60
Box 7: The CHT Manual of 1900 61
Box 8: Kaptai Dam 63
Box 9: CHT Land Reform Commission 65
Box 10: Peace Force (Shantibahini) 67
Box 11: Settlement of Bangalees 68
Box 12: 1997 Peace Accor 70
Box 13: Survey Area 72
Box 14: Area under Control of Paras 72
Box 15: Methodology for Estimation of Land Use and Land Ownership in CHT 72
Box 16: Sample Mouzas of Bandarban 81
Box 17: Land use in Bandarban: Methodological Note 82
Box 18: Group Discussions at Betchhara Mouza 84
Box 19: Group Discussions at Fasyakhali Mouza 86
Box 20: Group Discussions at Renikhyong Mouza 88
Box 21: Group Discussions at Naikhongchhari Mouza 89
Box 22: Group Discussions at Balaghata Mouza 91
Box 23: Land Rights in Bandarban: Methodological Note 92
Box 24: Rohingya: Issue of Humanity and Concern 97
Box 25: Sample Mouzas of Khagrachhari 116
Box 26: Land use in Khagrachhari: Methodological Note 116
Box 27: Group Discussions at Gumati Mouza 118
Box 28: Group Discussions at Perachhara Mouza 120
Box 29: Group Discussions at Maischhari Mouza 122
Box 30: Group Discussions at Alutila Mouza 123
Box 31: Group Discussions at Kabakhali Mouza 125
Box 32: Land Rights in Khagrachhari: Methodological Note 127
Box 33: Sample Mouzas of Rangamati 152
Box 34: Land Use in Rangamati: Methodological Note 152
Box 35: Group Discussions at Dhanuchara Mouza 154
Box 36: Group Discussions at Kukya Chhari Mouza 155
Box 37: Group Discussions at Petanya Lamar Chhara Mouza 157
Box 38: Group Discussions at Ballal Chhara Mouza 158
Box 39: Group Discussions at Ulta Chhari Mouza 160
Box 40: Land rights in Rangamati: Methodological Note 162

LIST OF MAPS

Map 1: Sample mouzas 4
Map 2: Bandarban District 81
Map 3: Betchhara mouza 99
Map 4 Fasyakhali mouza 103
Map 5: Renikhyong mouza 106
Map 6: Naikhongchhari mouza 109
Map 7: Balaghata mouza 113
Map 8: Khagrachhari District 115
Map 9: Gumati mouza 132
Map 10: Perachhara mouza 136
Map 11: Maischhari mouza 141
Map 12: Alutila mouza 145
Map 13: Kabakhali mouza 148
Map 14: Rangamati District 151
Map 15: Dhanu Chhara mouza 166
Map 16: Kukya Chhari mouza 169
Map 17: Petanya Lamar Chhara 172
Map 18: Ballal Chhara mouza 175
Map 19: Ulta Chhari mouza 178

LIST OF CASE STUDIES

Case Study 1: Forest Department's afforestation programme leads to human suffering in Betchhara mouza 96
Case Study 2: Extinction of a para in Fasyakhali mouza 101
Case Study 3: The State sponsored cruel eviction in Renikhyong mouza 105
Case Study 4: Enemy in the disguise of a friend 108
Case Study 5: Bangalee settlers and Rohingya grabbed land of a Chak para 108
Case Study 6: Documented land, but dispossessed 111
Case Study 7: Illiteracy caused land dispossession 111
Case Study 8: Persecution by Bangalees 131
Case Study 9: When majority becomes the minority 135
Case Study 10: Misappropriation of land by sharecropper 140
Case Study 11: Extortion on indigenous people by Bangalees and military 144
Case Study 12: Curse of forced migration-1 147
Case Study 13: Curse of forced migration-2 147
Case Study 14: Eviction of a para by the Forest Department 165
Case Study 15: When inhabitant become refugee 167
Case Study 16: Land grabbing by the Bangalee settlers 170
Case Study 17: Harassment by the Forest Department 173
Case Study 18: Eviction of indigenous people from their land 176

LIST OF MATRIXES

Matrix 1: Property inheritance and related issues by indigenous communities in CHT 34

Chapter 1
Purpose, Objective, and Methodology

Purpose of the Research Study

With a population of around 150 million, Bangladesh is a multi-cultural, multi-religious and multi-lingual country. Roughly around 1.2 percent of the population is indigenous[1] living in the Chittagong Hill Tracts and in the plain lands. These indigenous peoples have their own language, alphabets, number, culture, religion, and civilization. At present, there are more than 45 types of indigenous group (known as *adibashi*) living in the Chittagong Hill Tracts (CHT) and in various plain land districts of Bangladesh[2] .

There are about 11 indigenous groups living in the Chittagong hill districts. The indigenous peoples living in the CHT are (in alphabetic order): Bawm, Chak, Chakma, Khyang, Khumi, Lushai, Marma, Mro, Pangkhua, Tanchangya, and Tripura. The Chittagong Hill Tracts (CHT) is situated in the southeastern corner of Bangladesh. It has a total land area of about 13,294 square km (about 10% of land area in Bangladesh). Administratively, CHT comprises of three hill districts: Bandarban (4,479 sq. km.), Khagrachhari (2,699 sq. km.), and Rangamati (6,116 sq. km.). According to official Population Census of 2001, the estimated population of CHT is 974,445. The region- which covers about 10% of the land mass (including forest) of the country has less than one per cent of the population.

The Chittagong Hill Tracts (CHT) region remains as one of the major crucial political and development discourses. The issues like ethnicity, displacement, land dispossession and alienation, migration, environment, socio-economic backwardness, insurgency, military operations, and consequently the unstable situation in the CHT make it a unique case for research. Issues related to ownership and use, access, possession and dispossession of land, and relevant rights are the most complex ones in CHT.

Indigenous peoples in the CHT are some of the most politically marginalized and socio-economically disadvantaged peoples in Bangladesh. One of the key aspects of this marginalization is gradual dispossession of their land and it impacted negatively not only on their livelihood concerns, it also heavily accentuated their identity crisis including the process of acculturation. Despite this rather critical situation of the indigenous people (as well as the local Bangalees in some case) in CHT with regard to the dispossession of their ancestral lands, there very little comprehensive study has been conducted so far.

In CHT, the ownership and use pattern of land is different than that of the plain districts of Bangladesh. Bangalee settlers and law enforcing agencies are accused in numerous times for land dispossession of the indigenous people in CHT. Besides ownership, the changing dynamics of use of land has also been acting adversely on the livelihood of the indigenous communities in CHT. Forced migration has been the root of many problems prevailed in the CHT. Demographics and population dynamics in this area are critical in nature.

[1] No in-depth ethnographic survey has been done so far in Bangladesh. Providing any accurate estimate about the number of indigenous peoples is difficult due mainly to politico-economic reasons. According to 1991 Population Census, the "ethnic population" (this is official terminology to denote indigenous peoples) of Bangladesh is 1.2 million, which constitutes 1.2 percent of the country's total population. The official Population Census 2001 of Bangladesh does not provide disaggregated Population data for indigenous peoples.

[2] PRSP-II, however mentions the types of ethnic minorities/indigenous peoples' in Bangladesh as 72 in one place of the document (p. 120) as well as 45 in another place of the document (p. 185)

Despite this critical situation in the CHT there has been very little comprehensive study done so far. There is a need of information on land use, land rights, and land dispossession issues along with population dynamics of CHT to expedite informed development planning and to undertake relevant initiatives.

The study has been conceived and undertaken in this context in order to get comprehensive idea about the present status and dynamics of land ownership, land use and population in the CHT, including the extent of and reasons for the dispossession of and alienation from their land and forests.

Box 1: CHT Situation in Recent Past

Immediately after Bangladesh attained its liberation, some armed groups of Bangalees from the neighboring districts, initiated forceful grabbing of some lands traditionally owned by the indigenous peoples. The constitutional non-recognition and/or denial of regional autonomy coupled with incidences of land-grabbing have created massive resentment among the indigenous population. The overall law and order situation had deteriorated all over Bangladesh since 1973. The then Government launched massive combing operation all over the country, and the same in CHT has been further intensified compared to rest of the country as the security forces had also been assigned to deal with political groups who favored popular demands of the Indigenous Peoples (IPs). As a result, many innocent IPs involved with neither anti-state nor extremist activities have been harassed and/or taken into custody. However, in early 1975, the Government took some measures and released a large number of people in CHT. However, the combing operation was not discontinued, and the massive discontent kept continuing. Meanwhile, with the political changeover that took place in Bangladesh in 1975 in connection with tragic incidences of assassination of the then President along with some other key political leaders and over-throwing of the elected constitutional Government, military-dominated Governments ruled the country for about 15 years. These Governments also failed to realize the gravity of the problem in CHT, and rather wrongly viewed it as insurgency that had arisen from backward infrastructure, unorganized marketing system and exploitation of natural resources, illegal grabbing of indigenous land; and eventually undertook the policy of resolving the situation from the position of achieving a military solution. Since then the successive Governments encouraged sponsored population transfer programme (1979-1984). During 1979-1985, around 400,000 poor Bangalees had been uplifted from the plain districts of Bangladesh and transmigrated to CHT (Barkat and Huda 1988, Ali 1993, Mohsin 1997, Shelly 1997, Halim & Roy, 2007). However, around 15% of these transmigrated people had reportedly left CHT because of insecurity and being completely alien to the living environment there (Shelly 1992, Roy 1995). Millions of Taka from the national exchequer were earmarked and spent to cover the expenses of the transmigration operation, but no public announcements and notifications in this regard were made. In October 1976, the Government officially involved the armed forces in 'Aid to Civil Power' (Rokonuddowla, 2007) which triggered tension in the region. It is to be noted that, by this time, some of the IP political groups also undertook the policy of armed confrontations (shantibahini attacks) with the authorities while the police force have proved themselves incapable of dealing with such confrontations. The Government, in response to IPs' insurgencies, had undertaken the traditional multi-branched counter insurgency strategy including (i) use of military force, and (ii) use of socio-demographic measures (including political and socio-cultural interventions, (iii) 'socio-economic assistance for development', (iv) 'winning over hearts and minds of the people' by keeping demographic engineering interventions as the heart of the strategy. In reality, all these strategies together had been implemented as (i) use of force to evict and relocate the indigenous population from their land and villages, and (ii) transmigration of tens of thousands of landless and poor Bangalees from the plain land (mostly the river-erosion victims) and settling in plots provided by the state. The main objectives behind these strategies were as follows: (i) the settlement of a large number of Bangalee households in CHT would enhance the size of population loyal to the state, and (ii) these fresh settlements would act as counterweight to the population demanding indigenous peoples' rights and regional autonomy. Furthermore, the Bangalee population transmigrated to CHT, if needed, would serve as 'human shields' and/or 'hostages to fortune' for the security forces (Adnan 2004). Although there are several debates about intensity and duration of the armed conflict related to insurgency and counter-insurgency operations, a distinct shift in the counter-insurgency strategy from the Government had been observed since the mid 1980s. These include (i) Government's suspension of large-scale transmigration program, (ii) initiation of informal and formal contacts and/or dialogues with the IPs, (iii) declaration of CHT as a special economic area, (iv) deployment of resources for 'pacification' to integrate IPs and Bangalees towards 'confidence building', (v) introduction of 5% quota in all Governmental recruitments, and student intakes at all educational institutions for all indigenous populations (including those on the plain land), and (vi) introduction of 10% quota for contractors from among IPs in all development works/projects undertaken in CHT. Thus, it shows that the state had initiated a process aiming at development of peace and confidence building in CHT more than a decade before it culminated through signing of CHT Treaty in 1997.

Source: Barkat, Abul et al., (2008). "Socio-economic Baseline Survey of Chittagong Hill Tracts", conducted by Human Development Research Centre (HDRC) for UNDP Dhaka

Objective of Study

The **overall objective** of the study was to provide an in-depth analysis of status and dynamics of land rights, land use, and population in CHT.

The **specific objectives** were-

1. To provide in-depth data/information about the developments in the land-use pattern in the CHT.
2. To identify the factors (demographic, legal, and political) functioning behind the changing pattern of land use in the CHT.
3. To provide an analysis on concepts and categories of land-rights and ownership prevailed in the past and present in the CHT, with emphasis on the present situation.
4. To analyze the reasons and mechanism behind the developments in the application/distribution of different land right categories, including demographic aspects, distribution of natural resources as well as legal and political instruments in the CHT.
5. To provide in-depth data/information about demographic developments in the CHT.
6. To analyze the reasons and mechanisms behind the demographic development, including push and pull factors as well as legal and political instruments in the CHT.

Methodology Used

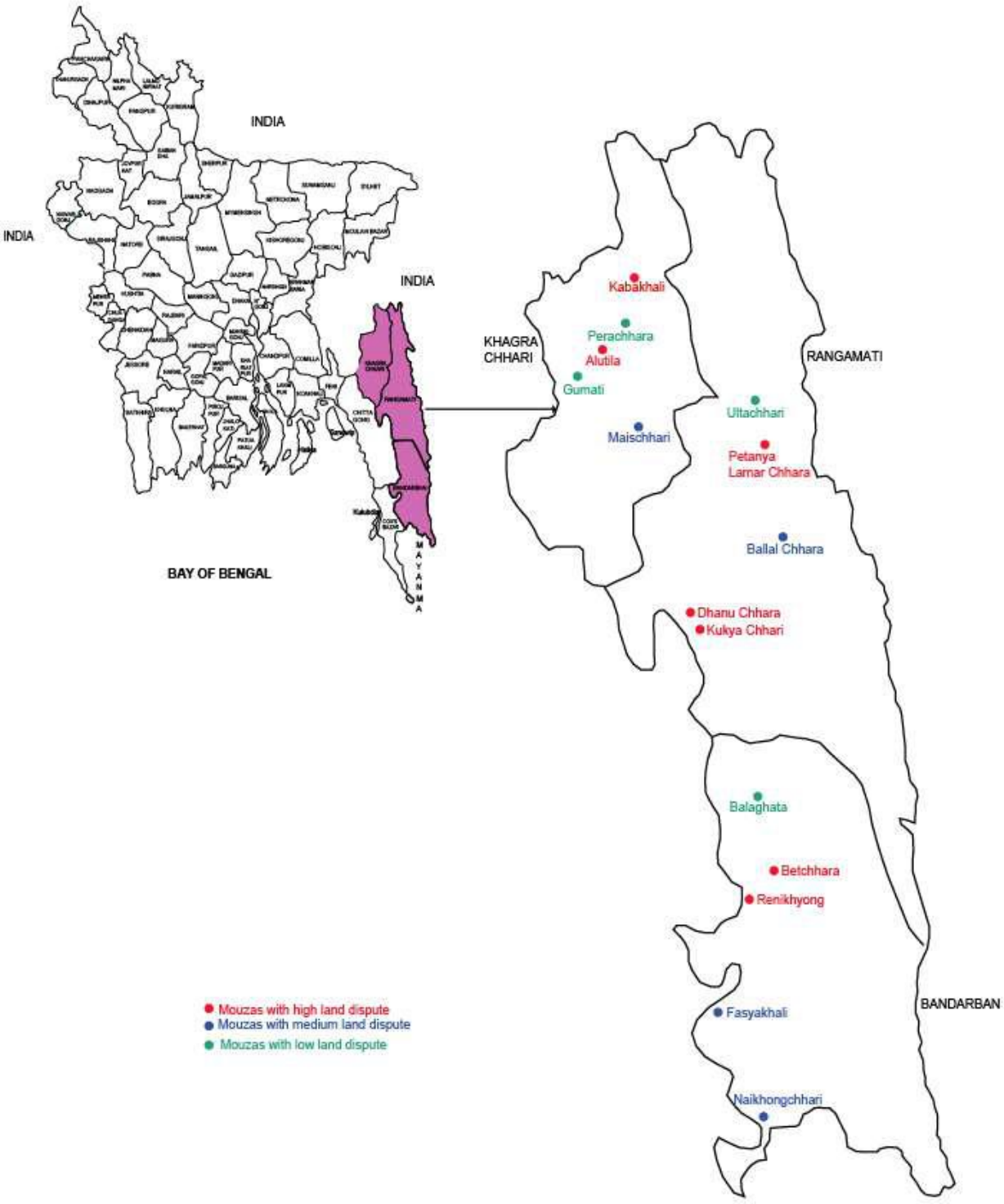
The land as well as population is one of the most critical and politically sensitive issues in the CHT region of Bangladesh. To portray the status and dynamics of land use, land rights and population in CHT was indeed a complex assignment. Traditional method for data and information collection is not applicable in case of CHT in most cases on these issues of land and population. Thus a methodology- unorthodox but strong in logical setting- had been designed and used for this study.

Both primary and secondary data and information had been collected for this study. The study mostly used qualitative information in a view to portray the situation in a quantitative manner. In this regard, quantitative and qualitative issues were triangulated carefully. The relevant documents and literatures were reviewed extensively to complement and supplement the primary data and information.

While designing the methodology, it had been found that as land is the most crucial thing in the CHT and almost all the disputes took place between the Bangalee and indigenous and among the indigenous communities themselves too, the task seemed to be a very complicated one and extremely difficult to conduct.

The study team's field works at CHT and number of discussions sessions with the local knowledgeable peoples had gave an indication that the initially planned sample survey at household level would not serve the purpose. Rather it had been found that dealing with the lowest land administrative unit (i.e., mouza) will give more accurate result. In this regard, a 15 mouzas from CHT (5 in each of the three districts) were decided to be taken as sample mouza to represent the overall land scenario of CHT. Methodology used to portray about the district as well as whole CHT scenario based on para and mouza representative. Considering the nature of the study – the number of sample paras in sample mouzas is sufficient to tell about the whole CHT. However, to remain careful the trend found from the quantitative data has been cross-checked with knowledgeable people (i.e., community leaders, researchers, academicians etc.)

Map 1: Sample mouzas



In selection of the sample mouzas different level of intensity of land related problems had been taken into consideration to capture a representative scenario of CHT. Intensity of land disputes or the history of dispossession of lands is not the same everywhere in CHT. There are wide dispersions of such occurrences among different mouzas or among mouzas of particular areas. Therefore selecting the mouzas randomly did not fulfill the true representative sampling criteria. Besides following only a quantitative method certainly permitted exclusion of many 'must be taken' mouzas. To overcome this limitation another sampling method had been used, which was more qualitative in nature but more logical to be practiced, to get the sample mouzas as the true representative.

In this method, mouzas with different characteristics in terms of disputes and dispossession etc. had equally been considered for selection. First, all the mouzas had been ranked as *high disputes*, *medium disputes* and *low disputes* for each district. A number of consensus building meetings were arranged at different districts and upazilas of CHT with the local knowledgeable people to finalize the methodology. In those sessions expert people like indigenous community leaders, headmen, karbari, representative from Bangalee community etc. participated proactively. For arranging the sessions the local community leaders (both indigenous and Bangalee) worked closely with the core study team.

In the next step of the method the representation of mouzas from these three categories from each district had been ensured and it had been fitted in with the sample size for mouzas in that particular district. Representation of geographical locations (especially Upazilas) was also an important consideration while selecting the mouzas lest the remote or hard to reach mouzas were not excluded. Then, the proportion of the mouzas (by extent of land dispute) had been used to distribute the 5 sample mouzas in each of the three districts. For an example: if district "X" has 100 mouzas where 30 mouzas are with high land disputes (30%), 50 mouzas are with medium land disputes (50%), and 20 mouzas with low land disputes (20%)- then in the 5 sample mouzas 2 mouzas will be with high land disputes (40%), 3 mouzas with medium land disputes (60%) and 1 mouza with low land dispute (20%).

In the next step before finalizing the sample mouzas, considering the above, a flexible list had been prepared which included almost twice the number of mouzas than the sample for each category (i.e., *high, medium,* and *low disputes*) in every district (i.e., Bandarban, Khagrachhari, and Rangamati). For example, in Bandarban district, although a 2 mouzas had been required from the high dispute category, 4 mouzas had been listed in the 'high dispute' category. This had been done to ensure the availability of mouza maps which proved to be an essential part of the study. This is also necessary to mention that in spite of this flexible mouza list, it was not always possible to remain restricted to this list while working in the field.

Through discussions at para level of CHT, it had been found that the land issues would only be possible to be captured if the local people (including the *headman* of mouza and *karbari* of the para) were shown a visual representation of their para and mouza. Through number of study visits at para level of three districts of CHT this method of visual representation found to be most effective method to gather land related information. Thus it became a necessity to collect the maps of sample mouzas. A group of local influential people were assigned to collect the maps of the sample mouzas. At that point it was found that the relevant mouza maps were not readily available. Then special efforts had been put to collect "map sheets" and prepare "mouza map". In this process, to understand the real changes in land situation, *"Math Khasra"* (containing *dag* numbers, name of the person who got allocation, and land

type etc.), and *"Jama Bandi"* (containing details about land ownership) had also been collected. These land documents had been used extensively in the group discussions with the headman and karbaries of the sample mouzas to quantify the land areas. It is noteworthy that the map collection process from the relevant Government Offices found to be extremely troublesome, time consuming and costly due to bureaucratic complication, harassment, and the sensitive nature of the issue. Especially mouza map collection in Rangamati turned to an 'almost impossible situation', which had be resolved with additional efforts.

Box 2: Headman-Karbari

The Karbari is the leader (head) of the basic administrative unit – the village, appointed from among the villagers, by the Raja directly or on the recommendation of the mouza headman. The Karbari is responsible for all matters relating to that para.

The Headman (also woman) is the main person who is appointed by the circle chiefs (the Rajas) as the 'in-charge' of a Mouza. Generally a mouza is a territorial unit of jurisdiction under which a number of villages are grouped together. There are more than 350 mouzas in the entire CHT. A Headman is responsible for collection of revenue, preservation of peace, allocation of agricultural lands including the jum, conservation of the natural resources and administration of customary law etc. of the mouza.

It had been decided that from the paras of sample mouzas samples paras will be selected using the ranking as *high disputes*, *medium disputes*, and *low disputes* paras in the mouzas. It had been decided that from all the sample mouzas around 6 mouzas will be taken as sample para where the proportion of the intensity of land related problems in all the paras will be considered. For an example: if mouza "X" has 60 paras where 20 paras are with high land disputes (33%), 30 paras are with medium land disputes (50%), and 10 paras with low land disputes (17%)- then in the 6 sample paras 2 paras will be with high land disputes (33%), 3 paras with medium land disputes (50%) and 1 para with low land dispute (17%). However the percentage distribution has not been used strictly rather the reported situation of the area has been used for para sampling; for example medium land dispute has been found as a critical term which sometimes lean towards high dispute area and some time to low dispute area. This issue has also been considered in the sampling for paras.

Box 3: The Data Collection Instruments (DCIs) Used

The data collection instruments (DCIs) were designed after a number discussions meetings and brainstorming sessions. Some of the sessions were arranged in the CHT. In the phase along with the core study team members, indigenous community leaders, other researchers and academicians on this issues, activists, and relevant people participated proactively in the design of data collection instruments. An extensive pre-testing at Naighangchhari, Bandarban were arranged DCI finalization. The full survey team had a field-practice in the training period at Fasyakhali, Bandarban; the experience of the survey team members was also used in modification of the DCIs. In addition to these, a number of field visits were made in between for finalization of the DCIs. The DCIs used in these study were:

DCI-1: Group Discussion (GD) Guideline and Issues
DCI 2: Format for Extent of Land Dispossession and Inhabitants in Para (Land Issues)
DCI 3: Format for Sample Para: Land Status and Dynamics
DCI 4: Format for Land Ownership in CHT Mouza: Status and Dynamics
DCI 5: Format for Land Use of CHT Mouza: Status and Dynamics
DCI 6: Format for Land Dispossession Scenario in CHT Mouza in detail
DCI 7: Format for Population Dynamics of CHT Mouza
DCI 8: Land Price Schedule
DCI 9: Focus Group Discussion (FGD) Guideline and Issues (Inheritance Process of Indigenous Groups)
DCI 10: Key Informant Interview (KII) Schedule
DCI 11: Case Study Issues
DCI 12: Mouza Mapping Exercise Manual

It is to note that defining the mouzas' and paras' severity of land related disputes did not follow any common criteria or condition rather- it varied from area to area; the local knowledgeable peoples' perceptions were used to determine the status of the mouza/para.

This process was conducted in a completely participatory method. It indicates that only *area of dispossessed land* or *number of affected household* determined the mouza's/para's status as *high land disputes area*; rather many other criteria (e.g., sufferings, loss of life, loss of culture etc.) were also cited in the group discussion sessions as reasons of indicating some area with *high land disputes*. It is also to be mentioned here that a sample mouza which has been defined as an area with high land disputes, does not necessarily mean that in that mouza the number of affected paras is the majority (compared to medium and low land disputes); rather the overall scenario of the mouza has been defined considering all the direct and indirect losses and suffering by the participants at the group discussions. However, the number of affected paras has been a good proxy to determine the overall status of the mouza regarding land disputes. In spite this, for an example, in Khagrachhari it has been found that though apparently the number of affected paras seem less than other two districts, but as the land related eviction and suffering is high the mouzas in cases- has been termed as highly disputed.

This exercise of sample para selection was done at mouza level at a long group discussion session with the active participation of the concerned headman, knowledgeable karbaries and other informed people. Then at the sample paras in separate group discussion sessions (with active participation of Karbari and other informed people) were arranged from where the information on land use, land rights, and population in two periods (i.e., 2009 and 1978) were collected.

In the group discussion sessions, the mouza maps and the relevant documents (namely, *Math Khasra* and *Jama Bandi)* were used extensively and proved to be highly effective in relatively accurate reporting about the land related information.

Box 4: The Training, Field Data and Information Collection, and Quality Control Mechanism

A 12-day residential-training of the survey team was held at Human Development Research Centre (HDRC) training venue at Dhaka. The intensive training was provided to 14 field enumerators (male-female mixed group), who were recruited entirely from the three districts of CHT from different ethnic origins (Indigenous peoples-Bangalee mixed group). Besides classroom training and orientation the full survey team was provided with an opportunity of 2-day field-practice at Fasyakhali, Bandarban. Two quality control officers from CHT from two different indigenous groups were assigned as quality control officers to ensure the data and information quality. In addition, a team of research associates of HDRC visited field at regular interval to ensure the survey quality. The core study team also went the survey areas in CHT during field data collection. The survey team had to stay much more time than anticipated before due to the critical and sensitive nature of the study. Besides, lingering of the mouza collection process also delayed the field data and information collection for this study.

In addition to the group discussions, focus group discussions (to gather information about ethnic communities' land inheritance system) were arranged and case studies were also been done. **In presenting the cases, the major thrust of enquiry was on mechanism and process of dispossession. For security reasons, instead of the real name(s) of the affected/beneficiaries pseudonyms have been used.**

The major part of the study data and information collection consisted of land use and land right issues. However the population related issues had been collected from all the sample paras. The land and population information, later, had been used in this study to extrapolate for the total CHT. The district as well as mouza wise descriptions are also been shown in detail in this study. The detail methodology for each section has been given in the relevant section(s).

Table 1: Reporting about status of mouzas regarding land disputes in Bandarban

Total number of mouza (Population Census 2001)	Mouza with high land dispute		Mouza with medium land dispute		Mouza with least land dispute	
	Number	Percentage	Number	Percentage	Number	Percentage
97	40	41%	50	51%	7	8%

Table 2: Reporting about land dispute of paras at sample mouzas of Bandarban

Sample Mouzas	**Number of total para**		**Paras with high land dispute**		**Paras with medium land dispute**		**Paras with the least land dispute**		**Extent of land dispute in mouza**
	Number	%	Number	%	Number	%	Number	%	
Betchhara	13	100%	9	69.2%	4	30.8%	0	0%	High
Renikhyong	9	100%	8	88.9%	0	0%	1	11.1%	High
Fasyakhali	36	100%	11	30.6%	21	58.3%	4	11.1%	Medium
Naikhongchhari	50	100%	22	44%	18	36%	10	22%	Medium
Balaghata	30	100%	5	16.7%	17	56.6%	8	26.7%	Low
Total	**138**	**100%**	**55**	**39.8%**	**60**	**43.5%**	**23**	**16.7%**	

Table 3: Sample mouzas and paras and reporting about their extent of land disputes in Bandarban

Upazila	Union	Sample mouza	Extent of land related problem in mouza	Sample Para	Extent of land related problem in para
Rowangchhari	Tarachha	Betchhara	High	Kadam Pru	High
				Merai	High
				Baraitala	High
				Betchhara	High
				Mayfow	Medium
				Lanthan	Medium
Sadar	Suwalak	Renikhyong	High	Deba	High
				Renikhyong Bagan	High
				Rangli Headman	High
				Dayai Headman	High
				Gayal Mara	High
				Baburchi	Low
Lama	Fasyakhali	Fasyakhali	Medium	Sapergara Notun Marma	High
				Awlar Jhiri	High
				Khedanoya	High
				Dhaikka Pari	Medium
				Sapergara	Medium
				Hadarnasi	Low
Naikhongchhari	Naikhongchhari	Naikhongchhari	Medium	Maddam Chak	High
				Pardan Ziri	High
				Dungri Headman	High
				Chak Headman	Medium
				Ashar Toli	Medium
				Notun Chak	Low
Sadar	Bandarban	Balaghata	Low	Guda	High
				West Balaghata	Medium
				Habron	Medium
				Mang Pru	Medium
				Tangpru	Low
				Kanaiuo Tanchangya	Low

Table 4: Reporting about status of mouzas regarding land disputes in Khagrachhari

Total number of mouza (Population Census 2001)	**Mouza with high land dispute**		**Mouza with medium land dispute**		**Mouza with least land dispute**	
	Number	Percentage	Number	Percentage	Number	Percentage
120	25	20.8%	40	33.3%	55	45.8%

Table 5: Reporting about land dispute of paras at sample mouzas of Khagrachhari

Sample Mouzas	**Number of total para**		**Paras with high land dispute**		**Paras with medium land dispute**		**Paras with the least land dispute**		**Extent of land dispute in mouza**
	Number	%	Number	%	Number	%	Number	%	
Kabakhali	15	100%	4	26.7%	4	26.7%	7	46.7%	High
Alutila	17	100%	4	23.5%	4	23.5%	9	52.9%	High
Maischhari	21	100%	3	9.5%	7	33.3%	12	52.4%	Medium
Gumti	20	100%	2	10%	8	40%	10	50%	Low
Perachhara	25	100%	3	8%	8	32%	14	56%	Low
Total	**98**	**100%**	**16**	**16.3%**	**31**	**31.6%**	**52**	**53%**	

Table 6: Sample mouzas and paras and reporting about their extent of land disputes in Khagrachhari

Upazila	Union	Sample mouza	Extent of land related problem in mouza	Sample Para	Extent of land related problem in para
Dighinala	Kabakhali	Kabakhali	High	Daskin Hasinchan Pur	High
				Harendralal Karbari	High
				Headman	Medium
				Joykumer Karbari	Medium
				Durgha Karbari	Medium
				Hajachhara Jora Bridge	Low
Khagrachhari Sadar	Matiranga	Alutila	High	Eishan Moni Headman	High
				Alutila Punorbashon	High
				Bang Mara	Medium
				Shap Mara	Medium
				Ashutosh Karbari	Low
				Khelakumar Karbari	Low
Mahalchhari	Maschhari	Maischhari	Medium	Rabi Chandra Karbari	High
				Khirood Chandra Karbari	High
				Chowdhury	Medium
				Narendra Karbari	Medium
				Jibon Dhan Karbari	Low
				Bali	Low
Matiranga	Gumti	Gumati	Low	Bali Chandra	High
				Brenda Kesor	High
				Mahabub Member	Medium
				Kala Pani Monsur Contractor	Low
				Sadek Chairman	Low
				Alim Sarkar	Low
Khagrachhari Sadar	Perachhara	Perachhara	Low	Pratap	High
				Comilla Tila	High
				Kalapani Chhara	Medium
				7 Mile Para	Medium
				Palukya	Low
				Gula Dana	Low

Table 7: Reporting about status of mouzas regarding land disputes in Rangamati

Total number of mouza (Population Census 2001)	Mouza with high land dispute		Mouza with medium land dispute		Mouza with least land dispute	
	Number	Percentage	Number	Percentage	Number	Percentage
162	85	53%	40	25%	37	23%

Table 8: Reporting about land dispute of paras at sample mouzas of Rangamati

Sample Mouzas	Number of total para		Paras with high land dispute		Paras with medium land dispute		Paras with the least land dispute		Extent of land dispute in mouza
	Number	%	Number	%	Number	%	Number	%	
Dhanu Chhara	7	100%	5	71.4%	1	14.3%	1	14.3%	High
Kukya Chhari	5	100%	3	60%	1	20%	1	20%	High
Petanya Lamar Chhara	6	100%	4	66.7%	1	16.7%	1	16.7%	High
Ballal Chhara	7	100%	3	42.8%	2	28.6%	2	28.6%	Medium
Ulta Chhari	16	100%	5	31.2%	6	37.5%	5	31.2%	Low
Total	**41**	**100%**	**20**	**48.8%**	**11**	**26.8%**	**10**	**24.4%**	

Table 9: Sample mouzas and paras and reporting about their extent of land disputes in Rangamati

Upazila	Union	Sample mouza	Extent of land related problem in mouza	Sample Para	Extent of land related problem in para
Rajasthali	Ghilachhari	Dhanu Chhara	High	Bara Kuichkha	High
				Shil Chhari	High
				Dhanu Chhari	Medium
				Madan karbari	Medium
Rajasthali	Ghilachhari	Kukya Chhari	High	Chotakuikka	High
				Saduma Chhara	High
				Uluchhari Mazar	High
				Noa	Medium
				Talukder	Low
Langadu	Bagachatar	Petanya Lamar Chhara	High	Mahajan	High
				Petannamachaara	High
				Rangi	Medium
				Ranjit	Low
Belai Chhari	Belaichhari	Ballal Chhara	Medium	Bahultoli	High
				Tinkunia Tripura	High
				Tinkunia Headman	Medium
				Chandi Mohon karbari	Low
Langadu	Adrakchhara	Ulta Chhari	Low	Daksin Ulta	High
				Uttar Yereng Chhari	High
				Sukracharjya	Medium
				Ratna Mohon Karbari	Medium
				Ulta Chhari Mukh	Medium
				Chowdugi Chhara	Low

Chapter 2
Land and Life of Chittagong Hill Tracts Peoples: Why Land is Important?

In a first sense, 'land' is regarded as one of the most important natural resources that human kind has been endured with for their survival on this earth. As earth is the only planet where life exists, the natural resources available on the earth and the solar energy - both are essential to meet the basic requirements of all life forms. The natural resource comprises of land, water and the air. The three layers of the Earth's crust are lithosphere (land), hydrosphere (water) and atmosphere (air). Land is the base of all other activities including food supply and living strategies for all living organisms.

Natural resources refer to the environment.[3] They contain a significant amount of aesthetic values. They are the gift of nature and are indispensable for carrying out the productive activity of the society and are considered as basic requirements for the development of an economy. They are available in limited quantity with fixed location and moving them after extraction adds to the cost of production. Some of the important uses of natural resources that are related to land are:

- Natural resources like land, forests and water provide livelihood to millions.
- Natural resources help in raising food crops and other natural food items.
- Natural resources like forests helps to prevent soil erosion
- Developing countries depend a lot on its natural resources (specially the land) for their economic development.

Nature is something that one generation has to pass over to the future generation. Hence it is the duty of the present generation to keep them intact so that the next generation can also enjoy the fruits of nature. So, degradation of natural resources is a major cause for poverty in many developing countries. Besides, violation of any rules related to the proper utilization and distribution of natural resources like: land, is also a definite cause for insurgencies and conflicts in many parts of the world. The CHT of Bangladesh is also one of the prominent cases in this matter.

From the dawn of human civilization, man is - in fact, only a member of a biotic team and it is shown by the ecological interpretation of history. Many historical events, hitherto explained solely in terms of human enterprise, were actually biotic interactions between people and land. The characteristics of the land determined the facts quite as potently as the characteristics of the men who lived on it. Land was the prime source which gave birth to a civilized human kind and made life static. But by the course of time, the human civilization as advanced more and more; was in need of a land ethic for their further survival as well as socio-economic circulation of their life. An ethic to supplement and guide the economic relation to land presupposes the existence of some mental image of land as a biotic mechanism[4]. People can be ethical only in relation to something they can see, feel,

[3] Importance of Natural Resources: accessed from http://www.tutorvista.com/biology/importance-of-natural-resources on 22 October, 2010.
[4] The Land ethic: retrieved from http://home.btconnect.com/tipiglen/landethic.html on 22 October, 2010.

understand, love, or otherwise have faith in. So a land ethic was needed to accomplish the rights on lands whether social but more legal as because legal rights on anything is derived mainly from the ethics that are established among the people.

There is as yet no ethic in a true sense dealing with man's relation to land and the plants which grow upon it. Land is still property. The land relation is still strictly economic, entailing privileges but no obligations. The extension of ethics to this element in human environment is an evolutionary possibility and an ecological necessity. The despoliation of land is not only inexpedient but wrong. Society, however, has not yet affirmed this belief. But it is a usual incident that is being done in CHT of Bangladesh for many years.

All ethics so far evolved rest upon a single premise, that the individual is a member of a community of interdependent parts[5]. His instincts prompt him to compete for his place in that community, but his ethics prompt him also to co-operate. Thus many individuals make a great community or ‘communal society’ by their co-operation and interdependencies. When a community is built up, they also achieve the right to consume their demands communally. Thus, as land is still a property, so every individual of that communal society owns the right of inheritance on land from their ancestors and preserves the notion of land-use patterns among them. These patterns of land-use are one of the fundamental points of land ethic.

In this way, through the notions of inheritance and patterns of land-use; the land ethic simply enlarges the boundaries of the community to include soils, waters, plants, and animals, or collectively: the land. A land ethic of course cannot prevent the alteration, management, and use of these 'resources,' but it does affirm the right to continued existence of any particular society, their formations of land inheritance and their continued survival in a natural circumstances. In short, a land ethic changes the role of *Homo sapiens* from conqueror of the land-community to a member and citizen of it. It implies respect for his fellow-members, and also respect for the community as well.

Land-use ethics are still governed wholly by economic self-interest, just as social ethics were century ago. Both of these ethics play a vital role inside the human society. The thumbnail sketch of land-use as an energy circuit conveys some basic ideas:

- That land is not merely soil.
- That the native inhabitants keep the land-use continued.
- That land is the major natural component of inheritance.
- That land has all the socio-economic, politico-legal and religio-cultural aspects intertwined all together in and through it.
- That man-made changes are of a different order than evolutionary changes, and have effects more comprehensive than is intended or foreseen.

Land as a natural resource covers a wide ecological dimension by its use and is a source of wealth that can be transformed through inheritance and it is a tool for changes for every economy along with the other aspects. Land is generally abundant in supply but desirable land which can be used for cultivation and other income generating ventures is limited. The heavy reliance on land for development makes sound management of this important resource so as not to compromise the needs of future generations.[6] And this is the point where the

[5] The Land ethic:
[6] Nsemiwe, 2006.

inheritance of lands finds a specific dimension in relation to land-use and land-rights inside the human society in every age.

It is inconceivable that an ethical relation to land can exist without love, respect, and admiration for land and a high regard for its value. By value, it is meant that something far broader than mere economic value; which is a value in the philosophical sense.[7] But this philosophical sense can only be attained through the practice of land-use in particular forms; of which one is – agriculture. The ecological as well as socio-economic fundamentals of agriculture are widely known to the public as in other fields of land-use and this is also true for the indigenous peoples of CHT.

In the case of the CHT people, perhaps the most serious obstacle impeding the evolution of a land ethic is the fact that the educational and economic system is headed away from, rather than toward, an intense consciousness of land. The true relationship of the inhabitants is separated from the land by many middlemen of government powers, and by innumerable physical gadgets. They have no direct relation to it. To the ruling powers in every period, the lands in the hilly areas were only the spaces between cities and the hills where they can put up more loyal citizens who will help them to sustain their ruling practices. In this situation, the notion for a land ethic is absent but for the minorities who are in obvious revolt against these so called 'modern' trends; it should appear as a weapon against all odds.

It of course goes without saying that economic feasibility limits the tether of what can or cannot be done for land.[8] It always has and it always will. The fallacy that the economic deterministsin disguise of government powers, have tied around the collective neck of the indigenous peoples; and which they now need to cast off, is the belief that economics determines all land-use. This is simply not true. An innumerable host of actions and attitudes, comprising perhaps the bulk of all land relations should be considered in the case of land-use but as a matter of fact, this conception has been violated continuously for many years in the CHT by the powerful classes.

To sum up, the land-grabbing and demographic engineering systems that went on in CHT for many years by many of the ruling powers based solely on economic self-interest is hopelessly lopsided. It tends to ignore, and thus eventually to eliminate, many elements in the land community that lack socio-economic or commercial values of land, as well as hindrances the hazard-free life for the CHT peoples and also create obstacles into their inheritances of their ancestral lands. It assumes, falsely, that the economic parts of the biotic clock will function without the uneconomic parts. It tends to relegate to government many functions eventually too large, too complex, or too widely dispersed to be performed by government. An ethical obligation for the implementation of the private ownership in the form of 'social ownership of land' is the only visible remedy for these situations. That is why, the land ethic as a product of social evolution should commence through the indigenous peoples' participation because nothing is important as an ethic is ever 'written.'

From all these discussions, it is evident that, like the other societies of the world; the 'land' is a central element for the survival of the CHT peoples from a very old time. So since when they started to inhabit in CHT, they kept practicing their own way of land-use and never felt the need of their land ethics to be written down; so as to say they were unaware of their customary law of land inheritance. Customary law is – locally recognized principles, and

[7] The Land ethic: retrieved from http://home.btconnect.com/tipiglen/landethic.html on 22 October, 2010.
[8] The Land ethic

more specific norms or rules, which are orally held and transmitted, and applied by community institutions to internally govern or guide all aspects of life. This is also true for the CHT peoples and their customary laws also follow the same characteristics. All of their ethics related to their lands were only in their minds and in their oration from generations to generations. But all those ethics do imply the importance of land in their life for their endurances and other necessary livelihoods. The unwritten land ethics is also important for defending the tribal peoples in establishing their traditional rights over land and their inheritance system. These different aspects of land-rights and land-use are discussed hereafter for a clear understanding.

The different aspects of land of the CHT people are discussed hereafter under three broad categories. But it is worth mentioning that, all these aspects and all of their aftermaths do overlap one another and are inter-linked to each other in many points.

The indigenous peoples of CHT are practicing their own customary 'land-use' systems for many years. As customary laws may be linked to the specific social structures that relate and transmit law between successive generations; they also have links to the traditional land and environment associated with indigenous communities. By the same indication, customary laws and practices may be a factor in establishing possession over traditional lands, or other rights relating to land and resources. So, in the CHT; every generation have raised their ideas of land-use from their ancestral orations and traditional practices and kept those continued. So keeping a record of those systems were un-necessary for them that can support their 'rights' over their 'lands'. That is why, the most sensitive issue for them today is the absence of written documentation of their land-rights which can protract their land-use system and give them a peaceful chaos-free life over there in CHT.

For generations, the CHT people are involved in their traditional land-use system of which the most known is the Jum cultivation or shifting agricultural system. It is still considered the mainstay of the indigenous peoples' economy and the central force in their identity as indigenous peoples of Bangladesh, despite the governments many efforts to curtail this practice (Gain, 1998)[9]. Traditionally jum land is owned by the village rather than an individual. The Headman is responsible for the distribution of the jum land among the village member. The size of the plot depends on the size of the family or the community. The Jumia families pay a tax to the headman to be shared by the headman, the chiefs, and the government (Gain, 2000; Roy, 1998)[10].

The customary laws of the CHT indigenous communities, as these are an intrinsic part of their lives; can be a complex issue in national constitutional law, and may arise in claims over land and natural resources. That is why, land-rights relating to the customary use of land through jumming has diversified aspects that imply the importance of land in the life of CHT people. The socio-economic aspects of land do highlight the importance of land in their life. The politico-legal aspects of land project a different dimension that can give a strong picture of the necessity of 'rights over land' in CHT. Lastly, the religio-cultural aspects of land derive another image of the significance of land in the life of CHT people which can boost another discussion.

[9] Tiwari, 2003.
[10] *ibid*

Socio-economic Aspects of 'Land' of the CHT Peoples

The CHT people had led their social life entirely encircled by the attempts of traditional methods to produce their necessities that they needed for their everyday existence. They were engaged in 'jum' from a period when they invented this 'shifting cultivation system' to meet their basic needs of food supply along with the other requirements. Traditionally, individual families of CHT did not cultivate jum in isolation, but as part of a community of households, all of whom were interlinked by multiplex ties of kinship, status and authority[11]. Together they made a distinct category of social organization relating to jum cultivation in CHT.

For many years, in a jumland, usually all that an indigenous family needs are cultivated by rotation. The variety of those crops would have impressed many a biodiversity enthusiast. It is no wonder that jumming has been said to be an extremely successful human adaptation to the rigorous and constraints of the humid tropics.[12] At work of jum, the social organization of production highly existed with agreed rules and sanctions for management of jum cultivation. Thus this system served in preventing the land-use practices from endangering and undermining the sustainability of natural resources and surrounded environment.

The social organization of jum cultivation among the CHT village communities was integrally related to some technical considerations. The relationship of the jum system with the level of productivity and environmental effects on each other are some typical points. An institutional arrangement for community-based decision-making for allocating jumming plots by the karbari as well as headman was a major portion of that social organization. While jumming, the farmers were undergone some redistributive and egalitarian norms, which made the community guaranteed that every family unit received a share of the common lands for jum cultivation, in accordance with its particular needs. So, all of these joining together and co-operation refers to the existence of an 'organic solidarity' prevailing among the indigenous society of CHT.

The interdependencies and social ties related to jum cultivation thus made the land-use system to be continued by a distinct feature of their own. Accordingly, jumming system became an inevitable part in the lives of the CHT people. In the more inaccessible areas of the CHT, jum is the only sensible way to make a living. With jumming, an individual need not to do the migration to other areas to meet the crisis of his livelihoods. This system is also prevalent in the relatively easy to reach regions of the CHT where it can provide the indigenous farmers with a way for an extra support to their living. In the inaccessible areas, unless the communication system improves and alternative modes of cultivation are proved to be viable, jumming will continue to remain indispensable to the farmers. Besides, as a method of shifting cultivation - the jum system can also help in protecting the soil erosion through affore-station of deforested areas.[13]

The primary objective of productive activities among the indigenous peoples of CHT was to meet subsistence needs[14] through self-provisioning methods which were practiced mainly through the jum system. But there also exist five major land-use systems — jum, annual cash crops, horticulture, agro-forestry, and timber plantation on hill slopes. In addition, the other prevalent economic activities that were and still are recognized in the indigenous society of

[11] Cf. Mey [1991:60] cited in R.C.K Roy [1996:26] as cited in Adnan, 2004.
[12] Pratap and Watson, 1994 as Cited in Roy, 1995.
[13] Roy, 1995.
[14] Adnan, 2004.

CHT are – plough cultivation, horticulture (fruits as cash crops), livestock and poultry, extractions of forest resources, brewing alcohol and making clothes. Most of these producing actions are related to land. The major portion of plough cultivation, horticultural practice and forest resources extractions are directly related to and based on land. Even the homegrown cotton they need to make yarn for spinning and weaving their traditional clothes is also collected from their cultivated and nurtured trees of their own lands.

Land-based activities are the principal components of the CHT economy, inclusive of agriculture, livestock-raising, extraction of forest resources and hunting and gathering which are some useful life-style practices for the CHT people. Land thus constitutes the principal means of production of the people of the region[15]. Now jum and plough cultivation co-exist side by side with fruit-growing and horticulture which is considered as an innovative method of cultivation that concentrates on fruits and vegetables and trees to be sold in the market. The CHT people even have a huge market of their weaved traditional clothing and handicrafts renowned from local one to the international spheres. Thus the CHT people can make a supplementary way of income to run their livelihoods.

Concerning jum, in the contemporary CHT economy, traditional production and trading activities of the hill peoples, concerned with self-provisioning and subsistence, co-exits with profit-making activities mediated by the market. This is a marking point where practicing jum system is in a risky situation for a convenient living. The pressure of population growth on the limited cultivable lands of the CHT has begun to affect the viability of jum cultivation. Furthermore, for the last few decades, the area of jum cultivation available to the hill people has been drastically reduced by a constellation of factors, inclusive of takeover of their land through illegal occupation, forced eviction, affore-station projects and other development interventions, etc[16]. Despite all these difficult upheavals, still jum cultivation continue to be the preferred mode of agriculture among the general and ordinary people of those hills even today. But in a relatively accessible area of CHT, majority of the peoples are engaged in the other potential land-based economic productions and even participating in the market place to run their source of incomes.

Though being functional for many of the indigenous families, a drastic change is being observed there in the jum sectors in the CHT now-a-days. And these changes came in the form of threats to the people and their families. The practice of jum is declining and those that are still jumming are relying on it much less to meet their livelihood, due to the decrease in land availability, lack of fertile soil, the incised input of labour required and low yield. The roles of men and women within the jum field have been shifting as well; traditionally men would clear the area, and women would tend to the weeding, and harvesting (Gain, 2000).[17] However now it seems that women are becoming increasingly involved in all aspects of jum cultivation and are often taking the lead role in agricultural activities, as men move towards daily labour in neighboring towns.[18] The other hindrance for their agricultural living was the constant demographic engineering done by the ruling powers of Bangladesh during the past decades, surely destroyed those land-based productive units. Another obstacle for jumming and the other land-based productive activities was the construction of 1962 Kaptai Dam on the Karnaphuli river of Chittagong. Many jumlands have been flooded by the Kaptai Dam or have been converted to plantations and orchards, restricting jum cultivation to remote hill

[15] Adnan, 2004.
[16] *ibid*
[17] Tiwari, 2003.
[18] *ibid*

areas. Even the horticultural food production, forest resources extraction or tree plantation economy was also barred because of this establishment.

There were also problems lied inside the management of the CHT agricultural system relating to jum and the other plantation sectors. These problems surely affected the jumming social organization and mainly the farm households who are still the vital parts of the CHT land-based economic activities. Depending on their characteristics, farm households faced different types of problems, had different potentials, and acted in different ways. To promote environmentally and economically sound land use it is necessary to have detailed knowledge about the characteristics of the land-use systems practiced by the farm households and their underlying patterns (Dixon, 1990).[19] For a suitable organization of those farm households and to meet up their problems, they need similarly structured natural, economic, and socio-institutional conditions for farms productions. For the purpose of agricultural development and to devise meaningful measures in agricultural policy, it is advisable to group farms with similar structural properties, (Ruthenberg, 1980: 14).[20] The inadequacy of all these factors surely affected the whole social organization connected to the CHT agricultural economy.

All these surely demolished the Indigenous peoples of the CHT from their rights on their lands and thus their land-use practice was collapsed. There were some other definite factors behind this situation. But by the initiation of institutional support by the government to bring up the location and documentation of land for the CHT people, to increase the land productive resources by specific methods, to locate and clarify the valley land, to understand and establish the land asset value and to promote the off-farm income as a support to the land-use practice can well guard and guarantee the land-rights of the CHT peoples. Making the advantages on the distance between the economic productions and the market and service centers can be a measure to support the land-use practice in CHT which ultimately can make way for the land-rights scheme. These steps then finally can make the hill peoples relieved and keep their socio-economic life in a continued manner as they consider the ‘jum’ as ‘a way of life’.

With roughly 1.2%[21] of the total population of Bangladesh, the indigenous peoples are some of the most socio-economically marginalized and disadvantaged peoples in Bangladesh. The key aspects of this marginalization are gradual dispossession and destruction of their lands, expelling them form their land-rights and thus diminishing them from their land-use patterns which impacted negatively not only on their livelihood concerns, but also heavily accentuated their identity crisis. The CHT peoples are the most sufferers in this matter. Their Socio-economic life faced constant brutalities concerning all those matters. If the corrections can be made to the blunders caused by the different ruling classes and if the indigenous peoples can be supported with the establishments of their land-rights back again, then they may have the opportunity of a better life in CHT. Then the social organization related to the CHT agricultural economy would face a relatively independent arena to flourish more and to support more to the CHT indigenous families.

[19] Rasul, 2005.
[20] *ibid*
[21] Barkat (et al.). 2009b.

Politico-legal Aspects of 'Land' of the CHT Peoples

The political and legal notions of any human society are closely related to each other and influence one another repeatedly. These two driving factors of human society do indulge in a manner of self-positioning and institutionalize the people of that society by different political powers and legalization of those authorities. Very few times these two notions stay in a favorable condition side by side but most of the time they give an end-result to constant conflict and insurgencies. The CHT people are also some of the sufferers by the latter form of the politico-legal institutionalization of their customary laws alongside with the state's political and legal incantation on them by pressure.

The political condition of Bangladesh, for the last few decades, has provoked the CHT ethnic people in many ways with the help of state's laws that are in line with the state's own interest. The most scorching point was and still is - related to the CHT 'Lands'. Their land-rights have been violated many times by the laws that have been enacted along with the forcing of the political authorities. As a result, the land-use pattern and the customary land inheritances have been immensely influenced by this situation.

Historically, the CHT existed as an independent area and did not come within the authority of outside colonization until the 18th century. The historical development of the CHT and the other districts differed markedly. Most of the areas of the CHT formed parts of the Tripura or Arakan kingdoms and later became integrated into the Mughal Empire (1666),[22] whereas the Hill tracts have always retained its independent status and remained in relative isolation with a separate administrative structure where the customary laws of the hill people were paramount. During the Mughal Empire the hill people were brought under a commercial undertaking by commencing trades between them and the plain-land peoples. After that, the CHT only became a part of the modern nation-state system in the late 19th century.

The major factor for the penetration of outside influences into the Hill tracts has been economic, based on trade factors which reached its peak in the British period. By 1760, the British East India Company had succeeded in annexing Bengal as they were a commercial enterprise and their actions were guided by the economic interests. After a hundred of years, the CHT were declared a district within Bengal by Act No. XXII of 1860 of British period, and a Superintendent was appointed to the CHT, under the supervision of the Commissioner in Chittagong when the major objective was to establish their overall supervisory authority over the area. In 1892, a set of rules were enacted which were later developed into a more elaborate set of rules under the popularly known 1900 Regulations or the Hill tracts manual. These safeguards provided for a certain measure of self-determination in the Hill tracts which also included judicial, administrative and legal measures in addition to procedural mechanisms. After the 1947 partition of the Indian Sub-continent, in 1956, the first constitution of Pakistan recognized the CHT as an excluded area and an exclusive homeland for indigenous peoples with restrictions on settlement to non-indigenous peoples. But in 1964, the CHT was removed from the list of the amended tribal areas for which the CHT no longer had the recognition of being designated as a separate homeland for the indigenous peoples. After the liberation of Bangladesh in 1971 through a bloody civil war; in 1972, the Constitution of Bangladesh also did not include any provisions recognizing the distinct identity of the indigenous peoples or accord the hill tracts any special status. The indigenous

[22] Roy, R.C.K. 2000.

peoples of different ethnicities were treated unofficially as the 'backward section'[23] of the population which in turn made them craved for their right to self determination.

From these earlier discussions the idea that came up is that, a country, especially Bangladesh, discriminates ethnic minority in two ways. One method is to use force directly and the other is to enforce law or do in the name of national development. It is very often observed that the aggression of capitalist 'development' in the world has advanced in parallel with the development military aggression. What happened in the Chittagong Hill Tracts in the last few decades in the name of 'development' and 'sovereignty' has affected the whole system of the entire area, investment pattern, use of technology and above all human relationship.[24] Development has been vindicated in the CHT by treating the tribal people as a 'problem' or 'backward' and policies were introduced to bring them into the 'conventional' politico-legal system.

One most mentionable form of the institutionalizing of the CHT people in the state's own political and legal systems is the constant threat to their customary laws of land-rights. The experiences of the indigenous, traditional and other cultural communities in relation to their customary laws and perspectives are of course as diverse as those communities themselves. But many communities have expressed concern that the exposed content of their distinctive knowledge systems should not be considered in isolation from the customary community context. Like many other aspects of indigenous society, the customary laws of the indigenous peoples, and the context of their application, are also constantly changing, whether brought about by these peoples themselves or otherwise.[25] But it is being violated mainly through the political powers and law enactments. The laws and their application, and ways and means to protect and strengthen them in accordance with the wants and needs of contemporary indigenous society in the CHT are the most burning question of today.

If the statements of the indigenous peoples living both in the plains and the hills were to be taken, it could be observed that, the process of violation of land-rights and dispossession of their lands has been continuing since the British rules. This got further accentuation during the Pakistani period, and has been particularly sinister following the aftermath of the independence of Bangladesh[26]. The trend still seems to continue unabated. Customary laws can define how traditional cultural heritage is shared and developed, and how traditional knowledge systems are appropriately sustained and managed within a community. But every time they are collapsed in many ways by many forces in the CHT till today. A number of reasons are assumed to be responsible for this situation. Lack of legal safeguards, in ignorance of the indigenous peoples and their customary practices regarding land ownership in the relevant government policies, lack of and/or ineffective application of government rules and laws have all been key factors for the present situation. Together with the historically marginalized situation of the CHT people, there had been hardly any means for them to resist this situation[27].

The CHT has its own legal system that is separate from the rest of the country. Although most laws that apply to the rest of the country also apply to the CHT, some do not apply at all – such as the Bengal tenancy laws governing land administration matters[28] and the laws on

[23] Roy, R.C.K. 2000.
[24] Nasreen and Togawa. 2002.
[25] Roy, 2004b.
[26] Barkat (et al.). 2009b.
[27] *ibid*.
[28] Roy, 2004b.

the procedure for civil litigation – or apply to the region only in a limited manner. On the other hand, some laws apply only to the CHT. The most singularly important of these laws is the CHT Regulation of 1900 (Bengal Act I of 1900), which placed a detailed policy for the general, judicial, land, and revenue administration of the region and defines the powers, functions, and responsibilities of various officials and institutions. Thus, the CHT Regulation works in the nature of a constitutional legal instrument for the CHT.

Following this, unlike indigenous peoples' customary laws with regard to their family matters, which have by and large not been directly interfered with by national laws and state authorities, the legal status of indigenous peoples' customary laws with regard to lands and other natural resources is far more contested. The fact that most of these rights have never been defined by law or ancillary administrative regulations, orders, or guidelines has complicated the issue further. Thus, for all practical purposes, customary land and forest rights are usually enjoyed only where, and to the extent, they do not conflict with state law.[29]

The differences in practicing the law related to the management of the natural resources exist in the form of using political instruments in the CHT. And this practice is exercised on lands and other natural resources by traditional indigenous institutions on the one hand, and state bureaucratic officials on the other. These are perhaps best reflected in the manner of regulation of jum cultivation. The overall authority to control, regulate, or prohibit jum cultivation within an administrative district is specifically vested upon the central government's representative in the hill districts, the Deputy Commissioner (Rule 41, CHT Regulation, 1900).[30] In practice, the temporary allocation of jum lands takes place in accordance with customary law and local practices and usages, and is done under the authority of the headmen.

Therefore, the fact that jum lands will be allocated by the headmen and cultivated on a rotational basis by the indigenous peoples is not expressly mentioned in the rules, but completely acknowledged by the CHT's legal system. By having the traditional authorities these rules continue to have a direct role in land and natural resource management and administration. In addition to rights over jum cultivation, other important customary resource rights of indigenous peoples in the CHT include those over grazing lands, water bodies, and forests. Some of these rights – including those concerning water bodies and hunting – are not directly recognized by legislation. Others are indirectly acknowledged, such as rights over grazing commons and grasslands, as in the case of the jum lands mentioned above.

Then again, there are customary resource rights that are directly acknowledged by formal legislation. Among these are the right to "occupy" homestead land in rural areas (Rule 50, CHT Regulation) and the right to use timber, bamboo, and other "minor" forest produce for *bona fide* domestic purposes (Rule 41A, CHT Regulation of 1900; Forest Act of 1927 through CHT Forest Transit Rules, 1973)[31], both of which are reserved exclusively for indigenous people. The status of customary resource rights in the CHT has been, and still is, ardently contested between indigenous peoples, and state agencies and private corporate bodies. In some cases, the rights are accepted by state law although there are difficulties in relation to their actual enjoyment. In other cases, there are disputes as to the status of the right concerned, or the question of its legal validity altogether.

[29] Roy, 2004b.
[30] *ibid*
[31] *ibid*

Concerning the customary land-rights of the CHT and the accrual practice of them in line with the state's law, has arisen some problems in the pattern of land-use of the indigenous peoples. Assessment of agricultural land use in the CHT revealed some mentionable route in change. The most important change in land use took place via the policy of nationalization of land and forest resources of the entire CHT and creation of reserve forests where all economic activities, including jum or shifting cultivation, were prohibited in the late 1880s during the British colonial period. This policy denied hill tribes customary land rights and introduced private ownership of land through leasehold for tillage in valley land. Shortage of land for jum due to the establishment of reserve forests forced hill tribes to shift gradually to sedentary agriculture in suitable locations. The expansion of sedentary agriculture gained momentum in those favourable locations with the development of market linkage with lowland people. Jum cultivation, however, remained a dominant practice in most of the region, because of a lack of secure land tenure, transportation facilities, knowledge about sedentary agriculture, and required inputs.

The other changes on the land-use patterns were observed when the population pressure on land resources in the CHT continued to increase gradually as a result of natural population growth and in-migration of lowland people — promoted by the government during the late 1970s and early 1980s. Land use also gradually exaggerated in the area alongside. The lowland people, with experience in intensive agriculture, further intensified valley farming with the help of irrigation, chemical fertilizers, and pesticides. As valley land was very limited, the people encroached on sloping lands for cultivation. Many tribal people who had lost their ancestral land due to the influx of lowland settlers moved onto more marginal land and were forced to adopt or expand shifting cultivation for sustenance. As a result, the horticulture gradually increased. Inspired by the increased demand for timber, some farmers who had secured land titles adopted agroforestry and tree farming.

All these shows that the Bangladesh political powers has worked in the CHT through different legal instruments in different times and violated the practice of land-rights as well as the land-use patterns of the CHT people very severely. The peaceful lives of the people over there became full of chaos and confusion for the constant exploitation of their lands and other natural resources many times by the 'other' parties where this 'other' includes the government itself and the plain land people replaced through the demographic engineering by the governments during the last few decades. Even the military sector of Bangladesh has played a brutal role in this matter. As a result, the people of he CHT faced a life threatened by constant insurgencies with the law being silent to them when they go to file cases against all odds most of which were related to land and natural resources based occurrences. That is why; it is evident that the politico-legal aspects of lands of the CHT people also have gone through rigorous injustice.

Religio-cultural Aspects of 'Land' of the CHT Peoples

Of all the most mentionable driving factors that influence the human life as well as their society in a great manner – religion and culture are the two. Human society is strongly related to and influenced by religion and culture uninterruptedly. Culture is something that is said to be by the scholars as a 'way of life' and religion as the notion that 'shape up the life'. These two dynamic features are also co-related to each other in many points and together they make functions on a human society. The indigenous society of the CHT of Bangladesh is also influenced in this respect that their way of life is strongly related to their own religious beliefs and cultural notions.

Sometimes the religion covers the whole belief systems of human life which makes it's traits to the cultural ideas. In the CHT, in many of the indigenous groups, the religious thoughts are some of the drivers that control their lives as well as making footprints towards the existence of their cultural identity. Thus religion and ethnic affiliation are inter-related highly and co-exist together among the CHT people. These notions together project a different picture about the religio-cultural lives of those ethnic groups where much of their attributes are related to nature. Thus nature has a direct relationship to religion and culture in addition to the lives of the CHT people and the central feature of nature on which the religious viewpoints and cultural values are derived from and encircled to is the land of the CHT.

The religious and cultural elements of any distinguished society, as they are in most instances inter-related, do make an influence on the lives of the individual which ultimately is circulated to the other members and usually practiced continually over time. These elements are comprised with the total life-style components of which music, songs, and dances are highly practiced concerning natural surroundings. In some of the indigenous societies of the world, 'dance' is essentially an offering or prayer to the creator. Some other ethnic groups believe that the earth was created by the joint efforts of nine Gods and seven Goddesses[32] as the later group, by observing the enveloping water in all spaces started dancing and then the former group, by being fascinated; congratulated them by throwing earths on those spaces and this way the earth was created. Here the 'earth' may be considered as a reference to the land.

The ethnic people of the CHT are also rich with their religious as well as cultural traditions where dances are essential religious and social rituals too. They actually dance about their tribal life, their social customs and their religions most of which is devoted to the nature and thus to land. The largest ethnic community of the CHT, the Chakma, has the 'Jum dance'[33] as their main dance. Though their dances mainly center around the Mahamuni Fair, there are dances for all agricultural activities. The Buddhist religious ceremonies are also celebrated through dancing. So the Chakmas have rich tradition of ballads and songs. Alongside, the Tipra jum dance[34] is linked with the religious and agricultural rituals. Singing and dancing hold a special significance during the jum cultivation particularly at the time of sowing. This dance is called Maikai which means the dance of sowing paddy. The harvesting is marked by a big festival of dancing and singing, called Mamita. Some of the tribal groups also perform many dances as religious rituals. There are separate dances for occasions of which some are related to harvesting and sowing etc. Through dance they pray for rain, celebrate the spring season and usher in the harvesting which are mainly enclosed to land-based productions.

Indigenous peoples have an intimate relationship with their land which is vital for the survival of their subsistence economies as well as for their cultural and spiritual integrity and identity. However, indigenous peoples' rights over their land have been systematically denied by both states and corporations, as the ancestral homelands of indigenous peoples are regarded by states and corporations as resource base. Even in some of the ethnic groups, continuous land dispossession became such serious action that they have mentioned the situation and their bitter experience concerning that deterioration, and have made their own folk songs where their struggle for preparing lands by clearing out jungles and the later grabbing by the moneylenders of their lands out of their scarcities to live a life – has been engraved with much significance.

[32] Rahman, 1995.
[33] *ibid*
[34] Rahman, 1995.

In a cultural formation of any society the best part on which any incident takes place most extensively – are the womenfolk. In the CHT, concerning the cultural construction of women and their relationship to the land-use patterns are also worth mentioning. In this respect, the indigenous women's right to land is often denied by customary laws or practices in many communities, resulting in further oppression and continued subordination of women. The community reinforces such discriminatory practices in the name of 'customary tradition'; whereas the state does this through acts of *commission* for development, and acts of *omission* through its non-interference stance on tribal matters.[35]

But as the tribal people of the CHT continued their struggling for a separate right to self-determination in addition to the land-rights and land-use patterns; it may be observable that they can sustain their own cultural paths. According to this, it seems that jum cultivation will continue, however the use and access patterns associated with this practice will continue to transform as women become increasingly visible in jum fields, as other agricultural systems (such as home gardens, plantation and orchards) are introduced, as the land available for juming decreases, as the people's priorities shift from subsistence to market oriented agriculture, and as the culture evolves due to constant influxes of new social and economic determinants.[36]

When commenting on the religious beliefs and cultural paths of the indigenous groups of the CHT, it is also noteworthy that these concepts are also constantly being threatened by many factors. Most of these factors are implemented politically by the state in disguise of developmental strategies. Like, the state undertakes various programs (like tourism, media representations, documentation, etc) in this way to transform the culture of ethnic communities as goods for exhibition. From the Pakistan period, CHT was targeted as tourist area. CHT has been sold focusing on natural beauty, exotic people and symbol of tradition. Tourists have an attraction to 'tribal' dance and their handicrafts, which show the simple and carefree life in the hill. And it is needed to add that 'the tribal girl's dance' is the most attraction of CHT represented by the media and state, which makes many leaflets and photographs entitled 'a tribal dancing girl', 'tribal life in CHT' and these type of representation expresses the state intention over ethnic minorities. The tribal women are then culturally constructed and politically viewed. State's real intention of non-recognizing the culture of the ethnic communities is unveiled here. Without recognizing the culture of ethnic communities, the state spreads its paramount dominance on the communities using its nationalist character.[37]

In this way, the religio-cultural lives of the CHT people are shaped and re-shaped by many of the factors which also made interventions on the religio-cultural aspects of their 'lands'. So the constant discrimination and exploitation made the CHT people to be more self-concerned and aware of their rights. For each of these atrocious experiences, the indigenous peoples of the CHT make their minds to save their own religio-cultural existence and fight back against all barriers.

An Outline of the 'Importance of Land' for the CHT peoples

From all the earlier discussions it can be summed up that, the entire life-style of the indigenous peoples of the CHT is closely and most prominently related to land and land

[35] 2008 VAW Consultation, New Delhi, India.
[36] Tiwari, 2003.
[37] Nasreen and Togawa. 2002.

based activities. Most of them still spent most of their time in a day on the agricultural production to support their livelihoods. Now-a-days, may be their efforts to run their life has been diversified to the mercantile economic production but still the land based agricultural economy provides them the necessary sustainability for the continuation of their socio-economic life. Though the political authorities play influential role in deshaping their lives by enacting the legal mechanisms, but still they can uphold their politico-legal aspects of their land by their constant struggle and make voices against all the disorders. Still they keep their religious beliefs and cultural ethics alive that are related to their nature and keep themselves go on regardless of all changes happened to their land-rights and the patterns of land-use.

But it is to keep in mind that, the changes in land use was not linear. Several types of changes came about with changes in national policies, laws, and social and political environments. Overall, land use gradually moved from an extensive to an intensive system, subsistence to commercial farming, and from food crops to cash crops. At present, one can observe several types of land use such as jum or shifting cultivation, valley farming, horticulture, agroforestry, and tree farming in the CHT. In some areas, jum cultivation has been replaced substantially or is being practised together with intensive valley farming, annual cash crops, commercial horticulture, agroforestry, tree farming, and animal husbandry. In most areas, however, jum cultivation is still the dominant pattern of land use.

The indigenous peoples of the CHT have a common view and practice among them that, their ancestral lands are communally owned and embracing their whole life by giving them the required supports. They consider these lands as a source of life or sustenance. But these lands are also being affected by multiple reasons. The major source of the livelihoods of the CHT peoples, which is the land, is being systematically disintegrated by neoliberal globalization. The forces of neoliberal globalization have extracted the resources from the indigenous lands for many times repeatedly. Such aggression has changed the dynamics of communal ownership and resource control and use of indigenous peoples, and destroyed the whole concept of ancestral land. The regular land grabbing by the state and private sectors for so-called development projects, in the forms of extractive industries, mono-crop agricultural plantations and money-making resorts have highly affected the lives of the tribal peoples. Thus the capitalist influences over communal property rights and alteration of communal lands to commercial and non-agricultural exercise for foreign investment have heavily affected the way of their living.

By the course of time, in 1997, a peace accord was instigated among the indigenous peoples of the CHT and the then Bangladesh government to stop the insurgency situation happened through all the last few decades. All those insurgencies took place centering mostly on the customary resource rights and especially the land related matters. The CHT Accord of 1997 and the legal reforms afterward have provided a strong impetus to the customary resource rights of the indigenous peoples. The development projects then became out of step with the accelerated marketization and privatization of the CHT economy which favor exchange relations rather than subsistence-oriented arrangements.[38] Therefore, in the condition of peace process, the indigenous peoples need to struggle more to preserve and prolong a substantive position for their customary resource rights regime within the CHT and national juridical and economic systems. There always exists a challenge in facing those resistances because the Bangladeshi political and administrative system in recent times shows that there is almost always a wide gap between law and practice. As a result, as it has been observed from the

[38] Roy, 2004b.

historical instances of the CHT in the last few decades that; despite various legal amendments to the land laws of the CHT starting from the period of British rule, through to the Pakistani period and after Bangladesh's independence in 1971, the pattern of land and forest management in the CHT has essentially remained somewhat 'colonialist,'[39] in the sense that the major policy benefits have accrued not to the local population, but to the state which is still going on in many ways.

In relation to the gap between the enacted laws through politicization and the usual socio-economic or cultural aspects of land of the CHT people, conflict was always observed to have happened in the CHT. Such conflicts between indigenous people and the state, between indigenous people and private interests, and between rural indigenous farmers and wealthier city-dwelling landowners are, of course, not confined only to the lands of the CHT people alone, but are also a threat to their identity and to their lives. The threats posed by large-scale private corporate investors in the form of logging, mining, or other commercially lucrative natural resource exploitation ventures are still not felt directly or acutely in the CHT, but the situation may change soon with the expected advent of drilling operations for natural gas, and perhaps even oil. If and when that happens, customary rights over agricultural or jum lands will be seriously threatened.

To abolish all these threats, conflicts and insurgencies in the CHT and to ensure a peaceful life for the CHT people, preserving the customary land-rights and promoting the traditional patterns of land-use among those tribal groups is the most crying need of today's Bangladesh. Only then the socio-economic, politico-legal and religio-cultural aspects of lands of the CHT people can be sustained and maintained with their own full fledged customary resource rights enactment and management.

An imperative part of the customary resource rights of the CHT people is obviously disseminated in the 'inheritance of land' by those people. Though it is not much directly related to the 'land-rights' notions, but it can be a major basis to perceive the land-rights formations and land-use patterns of those ethnic communities to a great extent. For a clear understanding about the land issues of the CHT, the knowledge about the inheritances of the tribal people can be a supportive source. Therefore, the customary practices of the traditional resource and property inheritances of different ethnic communities of the CHT have been discussed henceforth.

The Practice of Customary Resource and Property Inheritances of Different CHT Indigenous Communities

The notion of 'inheritance' projects the idea that, it is the practice of passing on property, titles, debts and obligations[40] which has long played an important role in human societies. As land is still one of the most demandable properties worldwide, it is also considered valuable among the indigenous peoples of the CHT. The possession of inherited lands has been much more like a family trust to them according to their customary laws. As 'inheritance' is labeled as the 'intergenerational transmission of income or wealth,'[41] so the CHT people do consider lands as the central part of their living. Their customary laws related to the land have always been holding this idea and preserving the notion for the betterment of their future survival.

[39] Roy, 2004b.
[40] Inheritance: accessed from http://en.wikipedia.org/wiki/Inheritance on 25 October, 2010.
[41] Inheritance:

Customary law is the law of the small scale communities which people living in these communities take for granted as part of their everyday experience. For the peoples of the ethnic communities of the CHT, the resource rights or specially the land inheritance was communal and were used according to collective communal rules. These were managed through a social organization where the people, sometimes consisting of a number of families or kinship; used to work on those common lands by the promotion of social integration. Their traditional rights over lands helped them to develop the thought that the 'land' is a resource for the CHT people, which must be properly managed in order to ensure that everyone in their community benefits from its use.

After conducting the present study, it has been observed that the traditional or customary resource and property rights in the CHT have no legal frameworks by which it can be understood clearly. The main reason was that the ethnic people had no written documents of their customary inheritance. But as knowing the inheritance patterns of lands of the CHT people is one dimension that is essential to have the knowledge about the land-rights formations prevailing over there. In this respect, the practice of customary resource and property inheritances of eleven ethnic communities of the CHT are described here one after another; for a better understanding of the contemporary land issues of the CHT.

However, all these accounts have been derived from the CHT peoples' own deliveries when some of them from each of the eleven ethnic communities were brought under the 'FGD scheme' in the 'Data collection procedure' of the present study. The inheritance patterns of lands among them do depict a different picture of their traditional and customary legal system.

CHAKMA

According to the customary inheritance system of Chakma community, only the sons inherit the family property. If a family does not have any male children, then the daughter of that family generally becomes the inheritor of property by default. Property is distributed in accordance with social tradition, while no deeds are prepared for this arrangement and it is distributed among inheritors in equal ratio. However, sometimes the elder son of the family gets some extra share of family property as he usually shoulders the responsibility of looking after parents at their old age. The inheritance custom would not be different if the male has a second wife as well as children in that family.

Sons of the family usually do not find any difficulty in getting the share of property. In Chakma community, both son and daughter of a family can shoulder the responsibility of taking care of their old parents. However, some variation in this pattern is found in some other Chakma communities of CHT. In Maischhari mouza[42] of Khagrachhari district, only the sons of a family shoulder the responsibility of taking care of their old parents. In this regard, only in the absence of male children, the daughter of that family shoulders the responsibility of taking care of their old parents.

In Chakma community, widow does not have any right of ownership over her late husband's property. In fact, husband also can not claim his late wife's property. In case of family having no children, only then one can inherit late spouse's property. Daughter also can inherit her parents' property, if she shoulders the responsibilities of looking after parents at their old age.

[42] FGD held on 23th September 2009 in Khirod Karbari Para

In this process, if woman becomes the inheritor of the property, she can sell that property on her own accord.

Traditional inheritance custom of Chakma community has remained the same over the years. However, both male and female are not satisfied with traditional land rights related regulation and hence they want changes in this system (arrangement). In focus group discussion, participant of the discussion suggested that for the proper distribution of land, requirement of formal documents and deeds should be introduced in the process.

MARMA

In the Chittagong Hill Tracts, Marma traditional land inheritance custom varies among the circles. Two form of Marma land inheritance custom are visible in Bohmong, Mong and Chakma circle of CHT. In Bohmong circle both the son and daughter of a family get share of the property. However, in Mong circle[43] and Chakma circle only the son of a family entitled to get the whole share of family property. Hence, daughters do not have any right over family property. Daughters and wife of a family only can possess family property, if husband/father of that family wills his property to their name before his death. According to Marma inheritance custom, If a certain Marma family of these circles does not have any male children; the entire dead person's property is distributed among his daughters and wife. However, after the death of wife usually her property is transferred to her husband.

According to the Marma custom of Bohmong circle, after the death of a father of a family, mother of that family becomes the owner of property and makes use of that property. After the death of mother or upon the attainment of adulthood by son and daughter, property of a father is distributed among the heirs. Among the father's property, daughters of a family receive half of the property received by sons. Hence, land is distributed among daughters and sons in one-third and two-third ratio respectively. However, within Bohmong circle slight variations are also visible in the Marma inheritance custom, where land is distributed among daughters and sons in one-fourth and three-fourth ratio respectively. Daughters receive 75% of their maternal assets, while the rest of 25% is received by son. In the case of a Marma male living in Bohmong circle, the inheritance custom would be different if the male has a second wife as well as offsprings in that family. As per the custom, the children of his first wife would receive four seventh of the property. The children of the second wife would receive the remaining property, i.e., three seventh.

Besides male, as female become the inheritors of parents' property in Marma community (in Bohmong circle), they can sale that assets by their own will. After the death of a husband if property of husband is recorded under the name of wife, she can sell that property. If land or assets are not recorded under wife's name, then wife can only occupy (use and consume) the land and the assets. However, in case of the emergency need of children and family, she can sell that asset. If that widowed women get married again she would lose her right over her late husband's assets.

As the system of property distribution is specifically determined by traditional customs of Marma community, the sons and daughters do not face any difficulty in having their due shares from the assets that they are heirs to. Among the sons and daughters anybody can

[43] FGD conducted in Noapara Headman Office of Maichcharri mouza of Khagrachhari district (Mong circle) reveals this different pattern of Marma land inheritance custom.

shoulder the responsibility of looking after their old age parents. In this regard, parents' opinion gets the main priority. Marma community's traditional practices of inheritance have not undergone any significant changes over the years. However, women of the Marma community are not satisfied with the existing property inheritance custom and they now desire for equal share of property.

TRIPURA

According to the land heritance system of Tripura community, the son of a family inherits property of that family. After the death of a father, property is equally distributed among the sons of that family. In this distribution process, daughters do not get any share of their father's property. However, if father wills some of the property to his daughter in his lifetime, daughter can possess that property. In addition, daughters get share of their mother's property. In case of childless family, close relatives of that family become the heir of that property.

If the family does not have any male children, then the daughters of that family become the inheritor of the property by default. Besides that, daughters only become the heir of their mother's property. She can not sell that property by her own will. In selling her property she needs to consult with her husband or elder son. Wife has some right over her husband's property so that she can address her needs after the death of her husband. However, in case of her second marriage she will lose her entitlement over her husband's property.

Generally, according to the traditional custom of Tripura community, the sons do not find any problem in getting their share of property. The sons easily get their share of property even if they are physically or mentally disabled. However, drug addicted sons find it difficult to get their share of property. According to Tripura customs, if certain daughter changes her religion or marries to other communities' member, she certainly loses her right over her family property. Those, who shoulders the responsibility of looking after his or her parents, gets some extra share through inheritances.

Land inheritance custom of Tripura community has no longer remained the same over the years. According to the previous system of Tripura custom woman had no right over property. At present, women have at least some right over their family property. Various seminar symposiums have laid very positive impact in this changing pattern of Tripura inheritance custom. Both male and female of Tripura communities are happy with the existing land inheritance custom of Tripura community. At present, Bangladesh Tripura Songsod[44] is formulating Tripura social law. This social law may promote a good guide line for establishing a fair inheritance system in Tripura communities.

TANCHANGYA

According to the custom of Tanchangya community, only the sons inherit family property. In the absence of male offspring, property goes under the possession of any sons of father's close relatives. Generally, female members of Tanchangya society do not inherit any property. Father can give share of the property to his daughter, if he thinks it necessary. If father wants to give share of his property to certain members, nobody can have objection regarding his decision. Nevertheless, daughters do not have any say over the issue, even if her

[44] Bangladesh Tripura Association

father deprives her from his property. Mother of the family also does not have any say in this regard.

Mother of a family can only look after the property in nominal sense but can not possess property. Only incase of the death of a husband, the wife can attain this minimal power. She retains this power up to the attainment of adulthood of her sons.

Property is equitably distributed among heirs. Sons do not face any difficulty in having their due shares from the assets that they are heirs to. In old age, parents live with the son they most prefer. Generally, parents like to stay at their son's house and that respective son gets some extra share of the parents' property. However, if sons fail to look after their parents, daughter shoulders the responsibility of looking after her parents. In this particular case, that respective female descendant gets some share of parents' property.

In spite of some marginal changes, inheritance custom has remained the same over the years. Members of Tanchangya society are now often giving their daughter some right over the property. Nowadays, property is distributed among both son and daughter of the family. Women of the Tanchangya society are not satisfied with the traditional land inheritance custom. In Tanchangya society, women also desire to have right over the property. Hence, they urge for the permanent alteration of this land inheritance system to cope up with the pace of modern times. They also opine that in case of the death of husband, property should be inherited by the wife. According to inheritance custom of Tanchangya society, property is inherited and occupied (used and consumed) by offspring on the basis of the faith where legal documents do not exist. As this system is seems vague to Focus Group Discussion participants, they want the proper documentation and deeds to be introduced in Tanchangya's property inheritance system.

BAWM

According to the customary social system of Bawm community only the sons of a family inherit property. In case of childless family, sons of father's close relatives get share of that respective property. According to traditional Bawm custom, though in some cases mother can only look after the family property, but mother and daughters of a family do not get any share of that property. However, if a father considers it necessary to give some share of the property to his daughter and wife, he can do it in his own accord.

Sons do not face any difficulty in having their due shares from the assets that they are heirs to. Property is equitably distributed among the sons of a family. However, in some areas of Bohmong and Chakma circle, the youngest son of a family gets the maximum share of family property. Only in nominal sense, wife can look after her husband property. In case of the death of a husband, the wife can attain this minimal power. She retains this power up to the attainment of adulthood of her son/s. On the other hand, a husband is entitled to get whole portion of his late wife's property.

The Bawm parents, in their old age, live with the son they most prefer. Generally parents stay at their youngest son's house. Among the Bawms, parent's living in daughter's house is considered as the failure of sons of that family. Hence, parents do not prefer to stay in daughter's house at their old age.

Inheritance custom of Bawm community has undergone some changes in recent years. Members of Bawm community are now giving their daughter some rights over the property. Provision of getting one fourth of the family property by daughter has been legitimized in Bawm community. At present among the Bawms, a wife is entitled to get 25% of her late husband's property. However, women of the Bawm community are not satisfied with the existing traditional land inheritance custom. They want extensive alteration of this system. According to the women of Bawm community, the women also have right to possess property. As they want to go with the pace of modern time, they desire for changes in land inheritance custom of Bawm community.

KHUMI

In Khumi community, by inheritance only the sons have the possession of family property. In case of family having no children, father's close relatives get the share of that respective property. Generally daughters of a family do not get any share of the family property and mother of the family also does not have any say in this regard.

Property is equitably distributed among the sons of a family and in this regard sons do not face any problem in having their due shares from the assets that they are heirs to. An extra share of the property, goes to the one descendent (mainly a male) who shoulders the responsibilities of looking after the parents at their old age. Daughter of the family do not get any share of that property. In case of the death of a husband, the wife can attain minimal insignificant power to look after her husband property. She only can retain this power up to the attainment of adulthood of her son/s.

The parents in their old age, live with the son they most prefer in the Khumi comminity. Generally in old age, parents stay at their youngest son's house and do not prefer to stay in daughter's house. Inheritance customs among the Khumies have remained the same over the years. However, women of the Khumi community are not satisfied with the existing traditional land inheritance custom. They desire to have some right over their fathers' property by inheritance.

LUSHAI

In Lushai community, the sons of a family are the sole inheritor of a parents' property. Daughters and wife of a Lushai family do not have any right over family's property. After the death of a father, the sons of that family have to ensure livelihood of female members of that family. If certain family does not have any son, then property goes to the possession of any male members of the father's close relatives. However, if father wants then he can will his property in the name of his daughters and wife.

A widow is entitled to get sustenance from her late husband's property, though she does not have any right over that property. However, in case of her second marriage she will lose her entitlement over her husband's property. After the death of a wife, her property (if she possessed any); goes into the possession of her husband. In case of divorce, the splitted woman can attain some share of her husband's property.

As the youngest son of a family shoulders the responsibility of looking after the parents at their old age, he gets the maximum share of family property. Except the youngest and eldest sons, all other sons get very little share of their parents' property.

PANGKHUA

Only the male offspring of a Pangkhua family become the inheritor of parents' property. The daughters do not have any right over the family property. However, if a father wants, then he can will his property to any one of his sons, daughters and wife. If certain family does not have any son, then property goes to the possession of any male members of the father's close relatives.

According to Pangkhua custom, wife can not inherit the property of his husband. She and her daughters only can have sustenance means from her late husband's property. A wife only can act as a custodian of her late husband's property and can sell that property in time of her children's need. However, in selling the property the widow has to consult with the close relatives of her late husband. Moreover, in case of her second marriage she would lose that custodianship.

In Pangkhua community, husband is entitled to receive the property of his late wife. In absence of that widower, the respective sons of that woman are eligible to get share of her property (if she had any). In this regard, daughters do not have any right over their mother's property.

The youngest son of a family gets the major share of parents' property. It is the youngest son who has to take on the responsibility of looking after parents at their old age.

KHYANG

Among the Khyang community, the son of a family becomes the heir of his father's property. No legal documents or deeds are prepared in this inheritance process. If certain family doesn't have any male children, property of the family transfers to father's close male relatives. In the distribution of property among the children, no fixed ratio structure is followed. Women of the Khyang community do not inherit their parents' property; even they do not have right over their husbands' property. However, widow has some right over her late husband property and for the sake of her children she can sell that property. Nonetheless, in usual situation women can not sell their possessed property.

According to the existing customs of Khyang community, the sons do not find any problem in getting their share of property. Generally, the sons of a family shoulder the responsibility of looking after their old aged parents. However, land inheritance custom of Khyang community has been changed during the last few decades. Moreover, some variations in Khyang land inheritance system can be seen among different Khyang subgroups. Among some of the subgroups, both male and female are eligible to inherit family property. According to those Khyang customs, the sons get two-third and the daughters get one-third of their late parents' property. Foster children also have significant rights over their foster parents' property.

As both male and female of the community are not satisfied with the existing land inheritance custom of Khyang community, they want reformation in the traditional Khyang land inheritance system. According to them, provision of land deeds needs to be incorporated in Khyang land inheritance process. Moreover, they also suggest for incorporating equal distribution system in the traditional Khyang inheritance process.

MRO

In Mro community, only the sons of a family own the family property by inheritance. If certain family does not have any male descendent, then property goes into the possession of any of the son of father's close relatives. In Mro community, daughters generally do not inherit any property and mother does not have any right of interference in this regard.

Wife does not have any right of ownership over her husband's property. Only after the death of her husband, she can look after the property in nominal sense. She holds this power up to the attainment of adulthood of her sons. Hence, property inheritance by mother is not feasible in Mro community.

Sons of the family get equal share of the property. In general, the sons do not face any difficulty in having their due shares from the assets that they are heirs to. In old age, parent live with their preferred son's house. As according to Mro customs, only the son takes on the responsibility of looking after parents at their old age. And thus parents do not live in their daughter's house.

Traditional practices of inheritance in Mro community have remained the same over the years. In recent years it has been changed partially. For instance, members of Mro community are now often giving their daughter some rights over the property. Moreover, the wives are now getting some rights over their late husband's property. But both men and women are not satisfied with the current inheritance practices among the Mro community. They expect comprehensive changes of this custom. Women of the Mro community want to be in the modern trend. That's why they are opting for possessing property.

CHAK

Only the sons inherit family assets among the Chak community. But the daughters are not allocated with any family property. Though according to Chak inheritance rules, a mother can become the owner of family property in absence of a father, but in reality only the male descendent is the real and legal owner of that property. The right of that mother is limited to only custodianship of that property. Even if she possesses assets, only her sons have the rights over those assets. If certain family does not have any male children, then the property goes to the possession of that person's nephew. If the person does not have any brother or nephew, then a male member from his father's family become the owner of that property.

However, some deviation from the common inheritance practice of Chak community is visible in some of the Chak localities, where a wife has also been consolidated rights over her husband's property. In those Chak localities, if a certain family does not have any male children, daughter(s) of that family obtain right over parents' property.

Family assets are distributed among the sons of a family equitably. It is worth noting that original owner (parents) keeps some assets or land for their old age support. The descendent, who shoulders the responsibility of looking after parents at old age, retains the remaining property. Parents take shelter at their trust worthy children's care in their old age.

Inheritance customs among the Chak community have undergone some changes in recent years. If a family does not have any male children and if son-in-law of that respective family lives in his father-in-laws family, then that son-in-law becomes the heir of that property.

Women of the Chak community are completely dissatisfied with the existing customary land inheritance system. Hence, they want overall changes of this inheritance custom and want to have equal share of the property.

From all the above statements, the special and distinct depictions of the practice of customary resource and property inheritances of different ethnic communities of the CHT has come out with a unique understanding. These portrayals have been shown in a matrix afterwards[45].

[45] All the land inheritances according to the customary laws of the CHT indigenous peoples have been verified and cross-checked by an in-depth study from the 'Research based Compilation of the Promotion and Protection of Indigenous Rights (PPIR) project' – the series of 'Personal and Familial laws' of the different ethnic groups residing in the CHT; by Chakma, Advocate Gyanendu Bikash. (et al.). 2007 (for detailed information, see Reference section – Bibliography and references, pg-324).

Matrix 1: Property inheritance and related issues by indigenous communities in CHT

Sl. no.	Land inheritance custom	Ethnicity										
		Marma	Chakma	Tripura	Tanchangya	Bawm	Khumi	Lushai	Pangkhua	Khyang	Mro	Chak
1	**Property inherited by son**	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2	**Share of property received by son**	In Bohmong circle, two-third of the father's property and one-fourth of the mother's property. In Mong and Chakma circle entire of the property	Equal distribution (however, sometimes the eldest son get some extra share of the property)	Equal distribution**	Equal distribution**	Equal distribution (however, in Bohmong and Chakma circle, the youngest son get some extra share)	Equal distribution[46] (however, the youngest son get some extra share)	The youngest and the eldest son of a family get the maximum share of property	The youngest son of a family receives the maximum share of family property	No fixed structure is followed (in some localities sons get two-third of the property)	Equal distribution**	Equal distribution **
3	**Property inheritance of daughter**	Unconditional in Bohmong. Conditional (in absance of male children in the family) in Chakma and Mong circle	Conditional (in absence of male children)	Unconditional inheritance of maternal property*; Conditional inheritance of paternal property (in absence of male children)	Conditional (in absence of male children and paternal close relatives, daughters receive parents' property)***	Conditional (in absence of male children and paternal close relatives, daughters receive parents' property) *	Conditional (in absence of male children and paternal close relatives, daughters receive parents' property) *	Conditional (in absence of male children and paternal close relatives, daughters receive parents' property)	No	Conditional (in absence of male children and paternal close relatives, daughters receive parents' property). Unconditional in some localities, e.g., Laitu subgroup[47]	Conditional (in absence of male children and paternal close relatives, daughters receive parents' property)***	Conditional (in absence of male children and paternal close relatives, daughters receive parents' property)** *
4	**If entitled, share of the property received by daughter**	One-third of the father's property and one-fourth of the mother's property (Bohmong circle)	In equal ratio among the daughters (Conditional)	In equal ratio among the daughters (Conditional)	In equal ratio among the daughters (Conditional)	In equal ratio among the daughters (Conditional)	In equal ratio among the daughters (Conditional)	In equal ratio among the daughters (Conditional)	N/A	In some of the localities daughters receive one-third of the property	In equal ratio among the daughters[48] (Conditional)	In equal ratio among the daughters (Conditiona l)
5	**Wife's right over husband property**	Unconditional in Bohmong. Conditional in Chakma and Mong circle.	No (however, in case of childless family, wife attains late husband propderty)	Only in some sub-groups (Usung and Riang)	Yes (limited ownership)	No	No	No	No	Yes (limited)	No*	No*

*Variation can be found
** Person who shoulders the responsibility of looking after his/her parents at old age gets some extra share of the property
*** In some communities, daughters get preference over paternal close relatives in inheriting family property

Contd.....

[46] Sometimes property is distributed among children according to parents' preference
[47] Chakma, Advocate Gyanendu Bikash (et. all). 2007.
[48] As the Mro inheritance custom has undergone some changes recently, daughters get half of the family property if the family does not have any male children (Bikash et. all, 2007).

Sl. no.	Land inheritance custom	Ethnicity										
		Marma	Chakma	Tripura	Tanchangya	Bawm	Khumi	Lushai	Pangkhua	Khyang	Mro	Chak
6	**Woman right in selling her possessed land, if any**	If recoded under her name, a woman can sell her land	If a woman possesses land under her name, she can sell that possessed land	In selling her property she needs to consult with her son and husband. Before marriage, she can sell her land at her own will	No	A woman can sell her land (if any). She can sell her late husband's land for addressing children's need	A woman can sell her land (if any). She can sell her late husband's land for addressing children's need	A woman can sell her land (if any). She can sell her late husband's land for addressing children's need	Can sell land (under the custody of wife) having due consultation with husband's close relatives	Can sell land for addressing children's need	A woman can sell her land (if any). She can sell her late husband's land for addressing children's need	A woman can sell her land (if any). She can sell her late husband's land for addressing children's need
7	**Person Shouldering the responsibility of looking after parents**	Parents preference (Generally son)	Son and daughter*[49]	Son	Son	The youngest son	The youngest son	The youngest son	The youngest son	Son	Son	Parents preference (in some communities only son)
8	**Changes in traditional inheritance custom**	No	No	Yes	Some changes (Daughters are currently receive parents' property)	Yes (Daughters and wife of a dead person are currently entitled to get 25% of the family property respectively)	No	Some changes	Some changes	Yes	Some changes (daughters are now having some right over family property; even wife are now entitled to have late husband property)	Some changes (Women are now having some right over family property)
9	**Satisfaction with the existing inheritance system**	Women are dissatisfied	Both men and women are dissatisfied	Satisfied as the traditional Chakma inheritance system is changing and promoting fair scope for woman	Women are dissatisfied	Women are dissatisfied	Women are dissatisfied	Women are dissatisfied	Women are dissatisfied	Both men and women are dissatisfied	Both man and women are dissatisfied	Women are dissatisfied
In most of the communities it has been found that wife of a late husband only act as the custodianship of late husband's property. Though the widow is not the legal owner of her late husband's property, she can sell that property for the sustenance of her children. However, in selling of property on the basis of that ground she needs to consult with other male member among husband's close relatives.												

*Variation can be found

[49] In some of the mouzas (e.g., Maischhari mouza), it also has been found that only son is responsible for shouldering the responsibility of taking care their old aged parents.

It is difficult to depict the comprehensive inheritance custom of different ethnic communities of the CHT in a single framework. The main difficulties in formulating comprehensive framework emerge from the space and time aspect of property inheritance custom. Inheritance custom within certain community varies across different area of CHT. Moreover, as the inheritance customs is changing over time in different localities, it is hard to generalize the existing land inheritance practice. In addition, customary inheritance system is not formalized into permanent law as they are not documented and preserved in written form. Because of these aspects, different literature on ethnic communities' traditional inheritance custom also significantly differs from the existing practiced customs of different localities. In this study, land inheritance customs of different ethnic communities have been obtained through Group Discussion session held in specific localities. Hence, the variation of above mentioned matrix can be found in different areas of the CHT.

In most of the ethnic communities, women have very limited right over their parents' and late husbands' property. Only through satisfying rigorous land inheritance condition, they can attain the right over land in terms of selling and possessing that land. In majority of the ethnic communities, it has been found that if a certain family does not have any male offspring, paternal close relatives get priorities over female offspring of that family in inheriting respective family property. Only under the condition of unavailability of close relatives, daughters get share of their parents' property.

The human life depends on land. Any fight for their survival must give highest priority to land issues such as its access, distribution, management, administration, ownership and inheritance rights, especially in developing countries. The CHT peoples of Bangladesh are not an exception in this matter. Due to various traditions, customs and culture; the ethnic groups of the CHT may be diversified with their own inheritance laws and the practicing patterns over land; but the circulation of their survival is always based on land.

For the different ethnic communities in the CHT, land-use pattern is a system of a social planning, methods and techniques which aims at integrating ecological with social, economic and legal principles to meet changing human needs. Simultaneously to them, land ensures long-term productive potential of natural resources and the maintenance of the environment and cultural functions which tend to back the sustainable use of land as a resource.

In the CHT, land has achieved the status of a vital asset, necessitating the need for its protection against alienation outside the clan or family. The people over there have been holding their conception about their land inheritances according to their customary laws from the time of their inhabitation in the CHT. Their transmission of property through land inheritances derives its social relevance from the influence that inheritances exert on social structures and social relationships. But most of the time they went through the legal and political debates on questions of inheritance law. The structure of these debates provides insights into the perception of causal relationships, the values held by the people involved, and the structures of political power and the changes they undergo.

For a certain peaceful life for the indigenous CHT peoples, they must be given support to run their lives with the help of their customary land inheritance law as a basic one. As because a basic Inheritance law standardizes the fundamental aspects of familial solidarity, that makes it pertinent to the long-term permanence of social structures. Concerning this, the CHT peoples must be accorded to their traditional land-rights system as bequests form a material foundation for family continuity and thereby contribute to the intergenerational strength of social structures.

While there may have diverse problems related to land all over the world - especially in developing countries; secured resource utilization, access to and ownership of land through

inheritances should be identified as a right of every human being.[50] This is also true for the indigenous peoples of the CHT of Bangladesh. They should be treated with the correct political and legal support to sustain their resource rights and land inheritances through their own socio-economic processes and to maintain their traditional religio-cultural aspects of land in their life. Only then, their customary laws can live within them and support them for a peaceful life.

The Concept of 'Forest Policies' among the CHT Peoples:

As 'land' is one of the most essential of all other natural resources to the peoples of the CHT, they pay an extra attention to uphold the existence of their 'Customary laws' on their surrounding lands. Following this, when the notion of the 'Customary laws' of the CHT indigenous communities is discussed for a clear understanding of their existing laws to maintain land rights and land use patterns among them, alongside there comes the concept of 'forest policies' under those laws automatically; as forest is one integral part of the natural resources that people can be benefited from. The CHT indigenous communities also share same view towards their encircling forests.

The forests around there in the CHT areas are also some vital parts of the land use strategies as well as the source of the lives of the CHT peoples. So, there exists a relationship between and among all these ideas which are essential for their survival. The forests are also some significant parts of their defending social bindings and economic backbone on fighting against poverty. Those forests also imply a strong relationship to their political bases to struggle to establish their 'right to self-determination' through their customary laws. Even the forests also preserve the notion of their religious beliefs and cultural aspects in many ways.

When the incidents of 'land dispossession' of the CHT indigenous communities are discussed, the ideas of 'forest grabbing' also come along with that as those instances took place for many times in the CHT. So, the land occupancies have also taken place in the manner of illegal seizing of forests by many of the mid-level non-tribal people as well as the ruling powers. And in this way the 'land-rights' of the indigenous groups of the CHT has been violated and the land-use pattern been demolished time by time.

In this respect, to have a comprehensive idea about the land dispossession or land occupancies in the CHT areas and to figure out the notion of the land-rights and land-use pattern of the CHT peoples, the legal frameworks of 'forest policies' are discussed hereafter. It is to note that, these legal frameworks have been discussed here under three thematic layouts, which are connected to – the historical view of the frameworks under the customary laws of the indigenous peoples of the CHT, the frameworks of the existing forest policies according to government strategies and lastly the impacts and possible remedies of those policies for the betterment of the CHT peoples.

The CHT Peoples and the Legal Frameworks of 'Forest Policies'

Any legal framework is the foundation of a particular society as well as community to establish the rights of their basic survival strategies. Many of the supportive forces are included in those frameworks. Some may support the endurance of social schemes and combat economic upheavals. Some other may carry the thoughts to achieve the political

[50] Nsemiwe, 2006.

supremacy and the inaction of laws as some driving factors in life. Again some other forces can facilitate the religious privileges and cultural identity for further existence inside the society. So, recognizing the legal frameworks in any notion is of great importance.

Following this, there exists a certain 'legal framework' relating the 'forest policies' in the CHT. The CHT peoples have simultaneously undergone the scrutiny of these 'forest policies' from many sources. Historically, the indigenous peoples of the Hill tracts had the right to use and extract forest produce, including the right to jum and the right to reside therein[51]. The major part of the hill tracts was until recently covered with tropical forest. There was no formal distinction between forest and other lands and all the indigenous communities used the entire region of the CHT for their livelihoods. They used to rely on the land and its natural resources, including the forests for their economic and spiritual well-being. In the CHT, about a quarter of the land was declared reserved forest during the British colonial times severely limiting access of the indigenous communities to the land that had been commons to the indigenous communities for centuries.[52] In 1875-1882, the British administration initiated a policy of curtailing the rights of the indigenous peoples to the forests[53] by categorizing them into three distinctive parts which the present day national administration still practices.

Traditionally, the hill people have never had to question their right to the hills and forests in their area, and have managed the resources according to their traditional natural resource management. According to the customs of the CHT communities, forest and lands were the common possessions of a specific tribe or village community. The traditional rights incorporated the right to jum, the right to sufficient land for a homestead, the right to extract forest produce as well as hunting and the right to access to common lands. These were all unwritten rules institutionalized in the form of social rules and norms mutually upheld by the community. The village authorities were responsible for the overall use and management of the forests and their produce, including their conservation and regeneration. Mindful of the vital role that forests and their produce play in their own economic sustainability, the indigenous peoples devised mechanisms and modalities to preserve and protect their resource base according to the precepts of equity and responsibility.[54] A large number of them are still directly dependent on forests for meeting their basic necessities for subsistence livelihood and source of income.

There were generally three innovative systems based on the natural resource management that kept going on among the indigenous societies for a long time. Those systems were correlated to the 'common village forests', 'The Jum cycle' and 'The Tanga or Taungya system' etc. Among them the 'common village forests' were communally owned and managed inside the indigenous groups. As each village identified an area within its territorial and jurisdictional authority, which was reserved solely for use and extraction relating to domestic purposes; the community as a whole was responsible for its supervision and conservation. In this respect, use and extraction was need-based with each person taking only what was required, in order not to reduce the natural resources of those forests which existed for the benefit of the whole community. This area was later known as the 'mauza reserve' or 'service forests' (Regulation 1 of 1900) with the indigenous village administration

[51] Roy R.C.K., 2000
[52] Gain (eds.), 2005
[53] Roy R.C.K., 2000
[54] *Ibid*

responsible for its care and upkeep (Rule 41A of the manual).[55] But this manual or better known as the 'CHT Manual' enacted by the British colonial rulers, which once gave special status to the CHT and its peoples; has gone through a peculiar situation after the end of the colonial rule. The 1900 Manual in Rule 34 promoted that, 'possession of land by outsiders in the CHT was restricted, but did not impose total ban upon it'. Land could be acquired for the purposes of plantation on commercial basis [Rule 34(b)], industrial purpose [Rule 34(c)], residential purpose [Rule 34(d)] and commercial purpose [Rule 34(e)] etc.[56] Moreover, in between 1900 and 1964 the Regulation left customary tribal laws and the lesser civil and criminal powers with the chiefs and headmen. Among the other things, they could settle land disputes under the 1900 Regulation. With the special status abolished, the ethnic leadership lost control over land among other things. Since then the land rights situation in the CHT has deteriorated with large-scale Bengali settlement and the presence and increased power of the military. The amendments to the CHT Manual aimed at promoting 'development' through plantations, construction activities and business have massively dispossessed the indigenous peoples of their communal lands.[57] This way, their lands including the forest areas became restricted to them.

All these mistreatments of the CHT indigenous communities as well as their forest-lands were actually the outcomes of the 'Acts' that had been enacted in the Bengal region at different times which dates back to the Forest legislation in Bangladesh in 1865, when the first Indian Forest Act was enacted. It provided for protection of tree, prevention of fires, prohibition of cultivation, and grazing in forest areas. Until a comprehensive Indian Forest Act was formulated in 1927, several acts and amendments covering forest administration in British India were enacted and were as follows: (a) Indian Forest Act, 1873; (b) Forest Act, 1890; (c) Amending Act, 1891; (d) Indian Forest (Amendment) Act, 1901; (e) Indian Forest (Amendment) Act, 1911; (f) Repealing and Amending Act, 1914; (g) Indian Forest Amendment Act, 1918; and (h) Devolution Act, 1920.[58] Finally, the 'Forest Act of 1927' came forward carrying the amendments along with the related rules and regulations and is still the basic law governing forests in Bangladesh.

As mentioned earlier, that the British colonial administration divided the CHT forest resources into three distinctive categories and those were declared off-limits to the indigenous groups. In 1860, the concept of forest governance was introduced after the annexation of CHT by the British administration. Since then they regulated the four fifths of the CHT area that were regarded as 'Government Forests' through section 2 of Act VII of 1865. After that in the 1870's, one forth of the total land of CHT was classified as "Reserve Forests" under the Forest Department, prohibiting all previous rights of entrée and use of forest resources in these areas. Colonial forest laws were prepared and imposed on the communities in order to realize the point of increasing revenue through maximum commercial exploitation of forest resources.

This procedure of converting the 'traditionally inherited lands' of the ethnic communities of the CHT, into reserve forests was continued by the Pakistani government (1947-71). Even it was still in practice by the government of Bangladesh since its independence in 1971. Consequently, the forest laws became a powerful political tool to further marginalize those

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55 Roy R.C.K., 2000

56 Acts from the CHT Manual of 1900 [from British Reign in the CHT (1860-1947)]: accessed from http://www.angelfire.com/ab/jumma/bground/british.html on 31 October, 2010.

57 Gain (eds.), 2005

58 Forest Acts: accessed from http://www.banglapedia.org/httpdocs/HT/F_0158.HTM on 31 October, 2010.

communities and also provided a basis for corruption in the forest governance. Those forests that were declared as 'reserve forests', are later recognized as 'government forests' also. Like this way, the present forest governance of Bangladesh is a direct inheritance of colonial forest law and governance. The still continuing government intentions can be notified in the trend of increasing other areas of forests as reserved one by using special powers under forest laws. Whenever such 'reserve forests' are declared, the government denies all arguments based upon customary law.

The ruling powers afterwards promoted the unlawful snatching of forests further and still it is engraved in the concepts of government forest policies. The indigenous peoples had no right to these forests and those became the sole property of government. By initiating another concept of 'protected forest' in 1960s, the CHT is divided into three particular forest categories at present as per national legislation. They are – 'Reserve Forests' (24%), 'Protected Forests' (1%) and 'Unclassed State Forests' (75%).[59] Each category of forest is subject to a specific juridical regime and definite rules and regulation. As a government forest it comes under the supervisory jurisdiction of the forest department. The hill peoples can not enjoy their customary rights in those reserve forests and can do so in a restricted manner within the protected forests. Alongside, 'unclasssed state forests' are those forests which were the common lands of the indigenous peoples within the mauza areas.

After the inaction of the 'Forest Act' in 1927, the principal objective of creating government forests was to set aside the forests and their resources for the exclusive use, extraction and exploitation by the national administration. It was stated under Chapter-II (of reserved forests) of the Act (1927) addressing the 'power to reserve forests' that, 'the Government may constitute any forest-land or waste-land or any land suitable for afforestation which is the property of Government, or over which the Government has proprietary rights or to the whole or any part of the forest-produce of which the Government is entitled, a reserved forest in the manner hereinafter provided'.[60] These processes have been instrumental in eroding the rights of the indigenous peoples to their lands and resources which demarcated the first reserve forest in the 'Maini and Kassalong reserved forests' which took place in 1875. The 'Sitapahar reserve and Renikhyong valley' were made as reserved which were further followed by the 'Sangu and Matamuhuri' reserves in 1884. In this way, the government had the law in hand. So it had declared the forestland used by the local communities as reserved.[61] The complex logic of the ruling powers to make those areas of the CHT as reserved were – to grant services to conserve and improve the region, to prevent denudation of the hills and soil erosion, to employ the local people, to have sustained supply of forest productions and to provide gradual improvement of the forest in order to have maximum financial return etc. which were nothing but deployment in disguise of development.

Present state afforestation policy is outlined in various documents including the Forestal Report of 1964-66, the 1979 Forest Policy and the Forestry Master Plan of 1993.[62] In 1964, the government engaged a Canadian company – the Forestal Forestry and Engineering International Limited, to study the soil and topography of the CHT. A sixteen member team of experts had studied the terrain for two years through an extensive field research. The team found out that the population growth rate in those areas exceeded the land capacity and the soil condition was poor and inadequate as a resource base for its inhabitants. Lastly they

[59] Roy R.C.K., 2000
[60] The Forest Act, 1927: accessed from http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=144 on 31 October, 2010.
[61] Gain (eds.), 2005
[62] Roy R.C.K., 2000

concluded that the best manner of land-use for the majority of the land (over 77%) was 'afforestation'. Following this, the national forest policy of 1979 upheld the idea that, the government forests "shall not be used for any purpose other than forestry".[63] All these unlawful applications that were initiated over a century ago, continues till today and in 1992; the government had again decided to create another such Reserve Forest (Bangladesh Gazette Notification of 21 may, 1992). This again had curtailed the rights of the indigenous peoples in the CHT including their right to live there.

According to the present national 'Forest policy', the area of the 'reserved forests' in the CHT is slightly more than one-fourth of the total area of the whole CHT; that is being controlled by the 'Forest Department' under the 'Ministry of Forest and Environment' of the government.[64] Only and only the Forest Department has the sole right for the ownership and the management of those forests. Thus the 'Forest Department' in their 'National Forestry Policy'[65] (1994) stated in various points that, 'since the ownership of land under their (the tribal peoples) disposal is not determined, they grab the forest land at will' and the remedy they (the Forest Department) have taken to combat this situation was to 'bring the rest of the forest land under permanent protection.' They further endorsed a 'massive afforestation programs' in the denuded hilly areas of the CHT's Unclassed State Forests which were ultimately taken under the auspices of the 'Ministry of Land' in cooperation with the local government. This way, all the state owned forests which were ancestrally owned by the tribal peoples; were used for producing forest resources and thus the forest lands were brought under profit-oriented business.

Though rest of other areas were still under control of the laws enacted at different times; the reserved forest areas, government owned industrial areas and power plant project areas were deducted from the state laws according to the Section 64 of the Hill District council acts (Act 19, 20 & 21 of 1989) and according to the Section 6(1) of the Chittagong Hill Tracts Land Disputes Resolution Commission (CHTLDRC) Act (Act no. 53 of 2001).[66] As the Forest department is the main agency to implement the provisions of the Forest Acts[67], it carried out practicing these laws on various areas including the CHT which also had further notable effects on land occupancies by the government. Even the Forest (amendment) Act of 2000 also patronized a scheme of forest development in the name of 'social forestry' which was ultimately a threat for the existence of those forest peoples. This act denied the land rights of the probable participators and they were only given a responsibility, not the authority over their lands and forest areas. After the categorization of those forest areas of the CHT by the state into three sub-categories as 'reserved forests', 'protected forests' and 'unclassed state forest'; later another category was included as the 'privately owned forests' as very few forest areas were privately owned through leasing and being kept as recorded.

The administration system of the 'reserved forests' is still like before since the declaration of being reserved and it has made the indigenous communities as excluded and deprived of their resource rights. This same incident also happens in the case of 'protected forests' as the ownership of these forests are endorsed on the revenue division of the District council. The local peoples have very limited access to these areas and they believe that these forests are the pre-existing conditions of being a reserved one. The unclassed state forests are partially

[63] Farooque, 1995 as cited in Roy R.C.K., 2000
[64] Pampu, 2009
[65] National Forestry Policy (1994): accessed from http://www.bforest.gov.bd/act.php on 31 October, 2010.
[66] Pampu, 2009
[67] Forest Regulation [from FRA 2000 (Forest resources of Bangladesh: country report)]: accessed from http://www.fao.org/docrep/007/ad104e/AD104E08.htm on 31 October, 2010.

covered by forests areas and are controlled by the District council which the ethnic groups consider as their common forest areas and common areas for jumming. Except the reserved forests, protected forests and the remaining areas under the Section 64(1)(A)[68] of the Hill District council acts; the rest of the areas are considered as the unclassed state forests where the indigenous peoples were targeted to meet the state's own interest in many ways. This way the state forest policies have ruled the forests as well as the lives of the CHT ethnic communities.

All these 'State Forest Policies' had severe impacts on every aspects of the hill peoples of the CHT which is still continuing. These policies implemented in the CHT paved the way for systematic violations of the customary resource rights of the ethnic peoples as well as threw constant threat to their lives. The procedure for creating Reserve Forests included a concomitant loss of lands and related resource rights for the hill people. Any use or extraction of forest produce was prohibited within the Reserve and/or protected Forests and it is still going on. Only the government 'Forest Department' has the right to sell the products or market them after processing which had surely curtailed the subsistence economic activities for the hill peoples. The public notification of forest areas as reserved effectively displaced the indigenous inhabitants living within the areas and some were forcefully evicted. The principal economic activities were criminalized as the traditional activities of gathering sun-grass for a thatched roof, trapping or hunting, and jumming were categorized as crimes within those reserved and/or protected areas and were subjected to strict controls. In one word, the lives of the CHT peoples were suffocated where they were put into an unseen cage.

For all these constant exploitations of the property and resource rights of the CHT ethnic communities by the ruling powers, the people residing over there entered into a conflict stage which again made their life miserable in many ways. But as a matter of fact, the tradition of conflict between public agencies and the public has unfortunately resulted in a conflict of traditional rights versus statutory rights or management.[69] So the CHT ethnic communities have also encountered this point in many ways. The continuous mistreatment of the customary land and forest policies of those ethnic peoples is one platform from where this point can be sought out.

There are many rights that relate to or grow over forests and co-exist with the land rights which are various forest produces and forest land use rights.[70] The different perspectives from where the forest rights can be considered, one is the 'Traditional rights in forests'. These traditional or customary rights may cover land rights or rights to forest productions and other ancillary rights. In Bengal, customs and customary rights were active in regulating land tenure issues and the law recognized them with some qualifications.[71] As a matter of fact, the origin of many of the rights of present title holders of land was initially based in or developed from customary rights or prescriptions which were variably endorsed in numerous modalities. The CHT peoples had also gone through these provisions.

To meet up the crisis of the CHT peoples' land and forest policies, an active legal framework must be initiated. The government should come first to make this a practical incident along with the CHT intellectuals, representative from the CHT ethnic communities and other expertise related to the CHT platform including the law persons. Then the possible remedies

[68] Pampu, 2009
[69] Farooque, 1995
[70] *ibid*
[71] *ibid*

to end up the conflicts originated from the land and forest policy disputes can be brought up togetherly. The CHT peoples' participation in forest management, caution in commercial plantation, protecting remains in the natural settings and providing the knowledge to save the surrounding bio-diversity, expansion of agroforestry strategies, training of proper cultivation methods, conducting socio-economic survey on the forests-land peoples and circulating the flow of information – all these can support the lessening of land and forest related clashes in the CHT and can make the lives of those peoples hazard and disarray free from conflicts. In this way, everyone related to the wellbeing of the land and forests of the CHT can surely bring peace in protecting the forest communities.

The Future of the 'Land and Forest Policies' in Relation to the Present Crisis in the CHT

The life of the indigenous communities of the CHT is based on their encircling natural resources where the land and the forests play an invincible role next to none. That is why land and the forests have a close relationship to the peoples of the CHT and together they influence those peoples' lives. Their customary laws or traditional resource rights give them an extra space to establish such beliefs by which they gather the constant inspiration to fight against all odds. This way they value their customary laws to a high extent.

Customary laws can guide many aspects of a community life. Like – the land ownership and other rights, inheritance, traditional resource rights, dispute settlements, social and economic sources of life, political and legal relations, and religious and cultural dimensions – all are generally being guided by these laws. Customary law is often considered as forming component of a view towards indigenous communities, which can only be fully understood and comprehensively applied within the community itself. Though it is challenging to comprehend the traditional reach of the customary jurisdiction of a community, but still; it is the spirit of their existence. There may be limits to how those exterior to the community can fully respect and respond to the complex social, economic, political, legal, cultural and spiritual context that shapes and defines customary laws and practices. The CHT peoples are also facing this situation concurrently in relation to their customary laws and their consideration by the whole Bangladesh.

Customary laws are central to the very identity of many Indigenous, local and other traditional communities. Generally these laws are considered as providing a basis for many laws in most systems of jurisprudence and for reasons positioned in principle and justice. A custom is a practice by virtue of which a class of persons or a community belonging to a defined segment in a locality is entitled to exercise specific rights. There is no custom without practice in a specific trend of that particular community. If a custom is immemorial in origin, certain in trends, reasonable in nature and continuous in practice; then it can be upheld by the law as right. These laws concern many aspects of their life as communities. These laws can relate them to the use of and access to natural resources, rights relating to land and forest areas, inheritance of the ancestral property, maintenance of cultural heritage and spiritual life and many other matters. The CHT ethnic communities are also seen in the same line with these ideas.

As the customary laws visualize the 'land-rights' and 'land use patterns' of the CHT indigenous communities in a great manner, they also reflect the relationship of the surrounding forest areas with the peoples' lives more elaborately. Their inheritances of their lands as well as the forests do capture all their attention to protect their 'right to self-

determination'. And together they make a distinctive feature of the indigenous communities of the CHT as a concerned group which has made them to figure out the 'illegal and forceful land occupancies' by different sources starting from the government to the mid-level non tribal businessmen.

The 'lands' of the CHT peoples' are occupied by many forces in many ways. It is important to find out those forces but it is more important to have an idea of the degree of the miseries of those tribal peoples in the CHT in relation to land occupancies. Along with the forceful land grabbing strategies, lands are also occupied over there when forest areas are grabbed as forests are an integral part of land based natural resources. But there is no remedy of these misdeeds. The ethnic peoples are denied everytime from the statutory justice and they have nothing left but to survive in extreme exploitation. The government enhances these sufferings to some more severe degrees as the government has the power to occupy any land in any areas without anyone's concern and it is established in the legislative sectors of the country.

As mentioned earlier that, it has been proclaimed in the 'Regulation 1 of 1900' or the 'CHT Manual' that the 'Government may take over any land' which further enabled the ruling powers all through the 1927 version of the forest act that was amended in 1989. It sanctioned the ruling powers to have extended authority to establish government rights over any land that is suitable for afforestation which was specially meant for the CHT only that has been implemented in those areas at different times. So it seems that, the government may be doing their tasks by obeying the laws but in doing so, they are creating the opposite picture. The incidents of 'land occupancies' are happening again and again behind the curtain of law. All these incidents are highly alarming for the existence of the CHT indigenous communities who are totally depended on their forest-land assets.

Laws of a nation are thought to be their 'protector' from every evil occurrences, but the 'land and forest laws' that have been enacted in the CHT areas at different times; came out as 'problem creator'. By the land and forest laws that were implemented in those areas, the land-rights and land-use patterns of the indigenous communities has been severely violated including their forest based opportunities been seriously bulldozed. The ethnic peoples in the CHT used to believe that they had the ancestral rights over those lands as they were living in those areas for a long time. But this believe has been doomed as their demand of such land-rights have not been recognized by the laws and have been damaged through many instances of land occupancies. So by all these instances from many sources now, neither they can access to these areas on their free will; nor can they enjoy the resources that they can gather over there. As a result a gap is created between the two edges and thus by being exploited the indigenous peoples become marginalized and enter in multi-stage conflicts.

The miseries of the CHT peoples due to the unvarying land occupancies by the government and the non-tribal outsiders know no bound. No compensation can be done to block their wretchedness. As government can occupy any lands at any time, they can also have the possession over those lands which are nothing but the exercise of their power of sudden acquisition. Besides, the government is not at all responsible to compensate according to law. So the ethnic communities fall under more divergences because of the maltreatments. The CHT is a burnt example of this confrontation for many times to which the end-result tends to constant discrepancies. But all this incidents must be combated with reformation of the legislative sectors and direct initiation of those laws by the state.

An initiative was taken to resolve all the conflicts that were going on in the CHT in and through arms and intellectual clashes. The initiative is named as the 'Peace Accord' that took

place in 1997 between the then Government of Bangladesh and the PCJSS[72] group who were indulged in the clashes with their arms. For some instances, the 'Peace Accord of 1997' worked out effectively. Following that, the 'CHT Land Dispute Resolution Commission (CHTLDRC) Act' or the 'CHT Land Dispute Settlement Commission Act' (popularly known as the 'Land Commission Act') was enacted in 2001 (Act no. 53 of 2001), to provide for the establishment of a Commission to resolve the land disputes in the CHT. Thus the separate 'Land Commission' formulated for the CHT land disputes came into being. But the present situation of the CHT has got more weird depiction which has again raised new questions of resolving the conflicts rooted in the land disputes over there.

Though the Land Commission was formed, it was unable to resolve any land disputes and the Land Commission Act was passed with provisions that were contradictory to the Accord. In addition, present chairman of the Land Commission declared to conduct a land survey in violation of the provisions of the Accord and continue to adopt decisions without holding meetings with the members of the Commission. The provision vesting the circle chiefs with exclusive powers to grant permanent resident certificates was not enforced; instead, the deputy commissioners were given the power to issue permanent resident certificates violating the CHT Accord. Land leases previously given to non-permanent residents were not cancelled and instead outsiders were given new leases in violation of the Accord. [73]

From all these above statements, it can be observed that the problem of the CHT conflicts is woven deeply into the problems of illegal 'land occupancies' by many means. These land occupancies take place over there in the form of government occupancy, forceful land grabbing by the non-tribal outsiders and even the 'land leasing' by the external multi-billionaires in the name of commercial development. But all these incidents turned out to be the root of all the political disorders and mistreatments of legislative notions and ultimately affected the land-rights of the indigenous peoples in the CHT. This present study, as it is aimed to find out all the status and dynamics of 'land-rights' and 'land-use patterns' of the ethnic communities over there; tries to make a link between the 'Importance of land' in the lives of those peoples along with the inheritance strategies according to their customary laws and traditional resource rights scheme. All these findings have been depicted in the next chapters of this study in details for a clear understanding of the study objectives.

[72] PCJSS: Parbatya Chattagram Jana-Samhati Samiti or PCJSS is a political organization of the indigenous peoples of the CHT. The organization waged an armed resistance against the government in the 1970's with the object of safeguarding the rights of the hill people. The Jana-Samhati Samiti was established in 1973 with the aim of securing the hill peoples right to autonomy. Soon after its emergence the military wing of the Samiti – 'Shanti bahini', started its activities. Since then the Bangladesh Army and Shanti Bahini had been in confrontation until the peace accord in 1997; accessed from http://www.banglapedia.org/httpdocs/HT/P_0088.HTM on 31 October, 2010.

[73] Chakma, 2010.

Chapter 3
Land Use and Land Rights in Chittagong Hill Tracts: The History

Bangladesh being blessed with an ample gift of nature, it is also found to be adorned with a huge area of land-spaces embraced with some outstanding attributes ranging from the plain land flora and faunas to the crests and peaks of highland and mountains. Such an area can be speculated in the Chittagong Hill Tracts enriched with a plentiful of highlands and mountains. One of the most salient features of all these quite a lot remote areas are that, these areas are a great space inhabited by many of the Indigenous groups. Though these indigenous groups can also be observed in some other places in the plain lands spreading all over Bangladesh, but these areas of CHT are the most profuse by them.

As land has a direct relationship with the lives of human beings in many ways, so each and every human being is supposed to have a socio-economic as well as cultural right on land. And this is also true for the indigenous peoples residing over there in the CHT for many a hundreds of years. But their rights over their land and their pattern of using those lands in the CHT have been overlooked and violated by many of the ruling powers through out some of the previous decades. This is still a political practice prevailing in Bangladesh for which the CHT people used to combat their lives against insurgencies and constant threats.

To speed up the combating force of the CHT peoples, the root cause of their miseries must be sought out. In this regard, this chapter deals with the historical development of land ownership patterns through reviewing different customs, practices and laws regarding land ownership, land records, surveys and management, land tenure and land reforms etc that took place in the subcontinent in general and also in Bengal (presently Bangladesh) in particular to assist in making a concrete idea about the 'land rights' and 'land use' formations of the indigenous peoples of the CHT.

At the beginning of the chapter the development of the concept of property ownership has been depicted in short with a special focus on land ownership from the evolution of the societies in human history. Then the discussion follows a historical progression of land ownership in the Indian Subcontinent including the present Bangladesh, as it is quite impossible to conceptualize the land rights and its uses of any nation without following the footprints of history. After having a basic idea about the relationship of land with human being from historical viewpoints, in the next phases of this chapter; the focus is turned to the customary practices and laws regarding land cultivation, tenure and ownership in the CHT region. This section also compares the customary laws and practices in CHT regarding land with those in the plains in a chronological manner. All these discussions eventually reveal the blueprint of the 'Land rights and uses' among the indigenous peoples of the CHT of Bangladesh.

The human being has a close relationship with 'land' from an ancient time. Starting from the beginning of mankind, the base of their living was always supported by the materials endowed in and established on land. All these astounding features have been depicted in brief in the sections below.

The Concept of 'Property Ownership' from the Evolution of Societies: With a special focus on 'Land ownership'

None of the societies that exist today was settled in a permanent place or territory nor did they have a fixed pattern. At the dawn of the human society people lived in groups and were nomadic. They used to roam about from place to place frequently for survival through hunting and gathering and thus maintained their livelihood. Hunting and gathering societies are the simplest types of societies in which people used to rely on readily available vegetation and hunted game for subsistence. Only a few people can be supported in any given area in such subsistence societies. Such small societies had little or no division of labour and there was no concept of property ownership by individual members as well.

Afterwards, the nomadic human groups entered into a 'domestication revolution', which was the transformation of human society brought about by the domestication of plants and animals for food production, leading to horticultural and pastoral societies. The domestication revolution was the first dramatic transformation in the nature of human societies that marked the first successful effort by people to use social organization to gain greater control over the production of food and improve their lives. The availability for the first time in human history of a dependable food supply unleashed a whole chain of events that changed society forever.

After doing the domestication of the 'pastoral life', the nomadic people found out another way of life when their lives became static. This static condition came into being through another incident which is – the 'agricultural revolution'. The agricultural revolution produced a transformation of human society brought about by the invention of the plow, making large-scale agricultural production possible and leading to agrarian societies. The agricultural revolution had such a profound impact on society that many people call this era the "dawn of civilization." which helped the mankind to reach from the 'Hunting and gathering' to the 'Agrarian societies'.

On reaching the 'Agrarian stage', the human being invented that the 'land' can be the most useful material for them to survive. Following this, the human civilization started to crawl ahead with the 'sowing of seeds and plants' on earth. The land became the ultimate centre point of any survival of the civilizations. If the world civilizations can be observed starting from the Greek one to the Indian sub-continent; in every era the base point would be found as the land. So when the human civilizations started the journey by growing up agricultural materials for their survival, since then the initiations of the thought of 'ownership of land' began to be molded. For them land was always something to be used communally. There were a social ownership existed in response to land among the early civilized people.

Since then the human civilizations grew more advanced with the invention of 'tools' and 'fire' in nearly about 10,000 BC. The early civilized people began to use the tools in hunting and also in their agricultural works. The invention of fire helped them to be more knowledgeable in making protections from wild animals and prepare foods for consumptions. After that approximately in 3,500 BC, the invention of 'wheel' helped the mankind to be more advanced in action. Crossing over the long paths became easy for the people when they adjoined those wheels to their domesticated animals and carts. Transportation gathered a new dimension which saved their time. Later, the early civilized people thought to use the saved time in inventing something that can help them in preserving their daily based communication and life-styles. In this way, by utilizing the time they invented 'writing' or 'alphabets'. Every civilization of the world had invented such alphabets of their own in

different times that surely gave them a separate identity and reached them to the highest pick of civilized era.

After the starting of a more advanced human civilization, the nomadic tribal societies found the idea of a static life by centering land and land based materials. They began to think about capturing every possible 'lands' including human being. In this way, the civilization faced one brutal part in its course which was the 'slave society'. The human beings were made as slaves and they were privately owned. In this way, their concentration grew further towards the use of slaves in their agricultural lands. The slaves were compelled to work on the land from dawn to dusk in ploughing and making the other agricultural preparations. Following this the masters of those slaves became more interested about the idea of 'colonization' by which they expanded their territory by initiating that process in order to farm the uninhabited lands. So again land became the central attraction for the world civilizations to be more advanced. And again this concentration started the idea of 'private land ownership'.

The concept of 'land ownership' became more solid through out the next phases of the civilized time period. As slavery was proliferated after the invention of agriculture, and the concentration towards 'land ownership' became stronger through new and new colonization processes; the abolishment of slavery emerged from every civilized nation. In this regard, new system of societies began to evolve in that time. Such one is the 'Feudalism'. The feudal society was a comparatively more advanced stage, which was based on hierarchical ownership. Feudalism was based on the division of land by the king to nobles and vassals in return for their military service under the Feudal Levy[74]. So, the population was divided into nobles and peasants. Land was the main source of the economy and was dependent on the peasants who worked on the land. The nobles own land and the peasants work on the land for their own subsistence as well as payment for the land owner. So all the economic as well as socio-cultural lives of a feudal society was certainly based on land only. Therefore again the 'land' became the supreme material for a 'private ownership' to be owned by people.

The Medieval Feudal system worked well for many hundreds of years. But with the passing of time this societal system also declined and turned to a new one. The decline of feudalism occurred due to a number of events which happened during the medieval era of the middle Ages. The land based economy turned to money based economy for which new trade options emerged and the instigation of industries were in demand where labour became a valuable commodity. All these were maintained by a centralized Government. Following this, more trade saw the growth of more towns with industries and by observing this, the peasants made revolts for their demand of their charges and moved into towns for a better living. This incident of industrialization demanded a huge number of people to work for continuous production. These productions needed the circulation of the money based economy in the form of 'capital' to be invested and re-invested. In this way, the new societal system known as the 'Capitalistic society' came into being roughly from the 16th century. After the commencement, this dominant process flourished the highest in Europe in the 19th and 20th century and then it started to invade every corner of the world.

In today's world, the capitalistic societal system or more specifically the – 'capitalism'; is the most powerful ruling system that is dominating the whole world in spite of some exceptions. In this system as the driving factors are related to production, market and money; so the private ownership of the means of production, creation of goods or services for profit in a

[74] Feudalism: retrieved from http://www.middle-ages.org.uk/decline-of-feudalism.htm on 18 September 2010.

market, and prices and wages are the elements of capitalism. All these elements are inseparable as well as important in the same manner. So the scheme of production needs an extra concentration for being into action and so it needs some inputs. According to this, the three inputs required for production are labor, land (i.e., natural resources, which exist prior to human beings) and capital goods. Capitalism entails the private ownership of the latter two—natural resources and capital goods[75]—by a class of owners called capitalists, either individually, collectively or through a state apparatus that operates for a profit or serves the interests of capital owners.

As land is one of the most influential inputs in the capitalistic society, it draws attention of the capital holders to be entailed as 'privately owned' which patronage the notion of 'private ownership of land' or 'land ownership'. This procedure is being in the trend from the instance of the birth of capitalism. From that time, the progressive commodification of land, money, and labor culminated the establishment of a generalized labor market for more production. So all those processes needed the force of a legalized outline which ultimately were done for the interests of the private owners or capitalists. And thus the initiation of similar legislation became an integral part of capitalist primitive accumulation and those specific legal frameworks of private land ownership have been integral to the development of capitalism. This is still in practice in the modern age and 'land' still remains the most valuable among the privately owned properties. Thus in this way, the notion of 'land ownership' has been developed by the course of time and it is regarded as one of the most 'high ranked status holder' among the people by supporting their rights on land in every society.

Development of 'Land Ownership' in Bengal region

As the present Bangladesh is one of the most influential parts of the Indian sub-continent, so the history of the development of land ownership in Bengal as well as in the present Bangladesh; dates back to the history of the development of land ownership in India. With the other commencement of the earliest civilizations in human history, India was also conceiving some attributives with the development of own civilizations.

This way, by passing through various stages respectively; the Indian subcontinent had entered the Islamic rules approximately in 12th century by the Khilji dynasty which was followed by the Mughal Empire that was founded in 1526.[76] The Mughal dynasty ruled most of the Indian subcontinent by nearly about 1600, by creating a vast social change in the subcontinent as the Hindu majority were ruled over by the Mughal emperors, most of whom showed religious tolerance, liberally patronizing Hindu culture. It was the Mughal Empire which brought outstanding formations to 'land' based activities through proper utilization of land labour and land management including legitimization of land rights.

Thus the 'land' gained a special attraction all through the Mughal Empire and afterwards as it was valued highly for human consumption in many ways. The highest legalized framework of this consumption was and still now is having the 'ownership of land' which institutionalizes the 'right over land'. So in every phase of history of Bengal, 'land' was made to be used in certain ways for the sake of consumptions and different rulers and administrative powers made different rules to use the 'land' for own advantages. So, Bengal too has encountered the different rules, regulations and laws regarding 'land ownership' that had started from Mughal period to the afterwards which are discussed below in brief.

[75] Capitalism: Retrieved from http://en.wikipedia.org/wiki/Capitalism on 18 September 2010.
[76] Mughal Empire: Retrieved from http://en.wikipedia.org/wiki/History_of_India on 18 September 2010

Land Laws in Pre-Mughal and Mughal Era

From a very ancient time, the Bengal was such a region that was amidst the riverine nature. This was a deltaic region formed largely by the alluvial actions of three mighty rivers - the Ganges, the Brahmaputra and the Jamuna. Being crisscrossed by a network of rivers, tributaries and canals and the erosion of land by the rivers and formation of new lands made this region to be enriched with multi-functional annual features with high potential fertility. These peculiar geographical conditions allured the outsiders to impose their rule on this region.

In every phase of the ruling classes, the basic land law in Bengal was that the ownership of land belonged to the person who cleared jungles on it and prepared it for cultivation. The ruler claimed a share in the produce of the land not as an owner but as a sovereign protector who met the cost of the security provided to the peasant-owner. This theory provided the basis for establishing some kind of direct relationship of peasants with the ruler or sovereign in respect of land ownership, which came to be known as the 'Raiyat' based system.

The most ancient land laws in Bengal and the present Bangladesh, can be traced to the practices of aboriginal communities involving payment of a share of the produce of the land to the head of the clan, the right of the family to cultivate the land in its possession, and the power of the head of a *Panchayet* to distribute land of the community to its families, and to settle land disputes[77]. In that early period, the rulers of Bengal had the right to distribute unused lands to others without disturbing the existing possessions of cultivators. The land revenue in those early period could be assessed at one-third or one-fourth of the produce, depending on the facilities provided for irrigation. But where there was no arrangement for irrigation, land revenue should be one-sixth of the produce[78].

Land was the common property of the community and belonged to settlers of the villages who cultivated the land. In course of time, they divided the land equally amongst their families. Hereditary cultivators could not be evicted from their land if they cultivated it and paid revenue. The right to partition the common land of the family amongst themselves was recognised in course of time. No settler family could transfer its land to any outsider without the consent of other permanent settlers or their heirs. A system of *barga* as sharing half of the crop produced in such land and giving the other half to the owners of the land[79] was also in practice by the passing of time. These systems for land management continued for decades after decades.

When Bengal was conquered by *Bakhtiar Khilji*[80] at the beginning of the 13th century, the rulers merely changed the rate of land revenue from one-sixth to one-fifth or one fourth of the

[77] *Land Laws*: Banglapedia: National Encyclopedia of Bangladesh: Retrieved from http://www.banglapedia.org/httpdocs/HT/L_0046.HTM on 18 September 2010
[78] *Land Laws*: Banglapedia
[79] *Land Laws*: Banglapedia
[80] Bakhtiar Khilji: The full name is - IIkhtiyar Uddin Muhammad bin Bakhtiyar Khilji and he was a member of the Muslim Turkic Khilji or as it is known in Iran and Afghanistan as Khalaj tribe, who was head of the armies that conquered much of northeastern India. He was one of the military generals of Qutb-ud-din Aybak (who was basically a Turkic ruler came from a Turkish descendency and later became the first Muslim Emperor of India who ruled from his capital in Delhi). Muhammad Khilji raided Bihar in 1193 where he destroyed the famous oldest Buddhist University at Nalanda. He also brought Bengal's ruler Lakshman Sen under his authority, and captured his capital in 1205. He is the founder of the Khilji dynasty and is considered to be the first Muslim ruler of Bengal. Rather than consolidating Bengal, however, he led a disastrous campaign into Tibet and died in 1206 on the retreat. From http://en.wikipedia.org/wiki/Bakhtyar_Khilji accessed on 18 September, 2010.

produce, payable either in cash or in kind. Customary rights of landowners to transfer the land in any manner they liked were not interfered with in case of those tenants who used to pay rent. But those who paid a share of the produce of the land cultivated by them as rent or revenue had no such right to transfer the land. However, such land was heritable by the heirs of such tenants and could be cultivated by such heirs on the same terms and conditions as their predecessors enjoyed. Those who paid rent or revenue in cash were personally liable for the same and could be sued for the recovery of arrears of dues but could not be evicted from their land for non-payment of revenue. Only wastelands were given as *Jagir* or *ayma* to royal officers in lieu of their salary and to religious and learned persons for their maintenance. Whoever brought under cultivation any wasteland became owner of the same, subject to payment of rent or revenue assessed[81].

In the course of time, The Mughal Empire replaced the Khilji dynasty and began to rule the Indian regions including the Bengal provinces. Then the Mughals had made new laws to sustain the land management system. Some of them came out most useful while reverse results also existed. The land management systems stipulated by the Mughals are described below.

During Mughal rule, the land revenue system was systematized and consolidated by assessing the land revenue of the entire country at the rate of one-third of the produce. At first, they instituted the Zamindari system and established their representatives known as Zamindars.[82] These Zamindars created new posts as Jaigirdars, Aymadars, Talukdars etc. to manage the vast lands of the then Bengal provinces. These talukdars used to collect revenue from the cultivators at the rate assessed by the Government and paid the same to superior landlords who were Zamindars, and they got a share of the collection as their remuneration. The Government could lease out the khas lands[83] on fixed revenue to others. The lessees of such lands could themselves cultivate the same or get the same cultivated through *bargadars* (sharecroppers) who had no rights to the land beyond getting half of the produce. Government lessees such as *jaigirdars* and *aymadars* could, in their turn, also lease out their land to others on a rental basis[84].

After that, in the peak of Mughal era, more systemized strategy began to be initiated by the rulers. Revenue was then assessed by Government officers known as *amins*, who also settled land disputes. Such officers used to assess revenue with the help of the *kanungo*, who knew the customs and regulations regarding land. *Karkuns* preserved records regarding land surveys and land revenue assessment and *chowdhurys* represented the inhabitants of the Pargana, also called *mahal* or *mukaddam*. *Patwaris* or village accountants and other survey officers surveyed each and every plot of land on the basis of average production and market price of the produce for the previous ten years. Cultivators known as Raiyats could pay revenue either in cash or kind but cash payment was preferred. Alongside, the Zamindars, jagirdars or Government rent collectors such as *amils*, *sikdars*, *amalguzars* or *crorie*s were

[81] *Land Laws*: Banglapedia: National Encyclopedia of Bangladesh: accessed from http://www.banglapedia.org/httpdocs/HT/L_0046.HTM on 18 September 2010

[82] Zamindar: The term *zamindar* (from the Persian *zamin* or land, and *dar* which is an inflexion of the verb *dashtan*, denoting to have, hold or possess) has passed into the historical vocabulary of medieval India to signify the superior landed interest. Zamindars during the Mughal period came to denote all rent receivers above the actual cultivators. Zamindars were mere farmers of revenue - intermediaries between the government and the inferior revenue farmers. Retrieved form http://www. banglapedia. org/httpdocs/HT/Z_0009.HTM on 18 September 2010.

[83] Khas land: Governmnet land

[84] *Land Laws*: Banglapedia

prohibited from realizing any additional amount known as Abwab other than the assessed revenue from the raiyats. Those persons, as well as jagirdars and aymadars, could neither evict the raiyats from their land nor bring the land to their khas possession or let it out to others. Only when raiyats went elsewhere leaving their land, or when there was no male person in the family to cultivate the land, could the land be settled with others. Zamindars, jagirdars or aymadars were not proprietors of the land under their control. They could only collect revenue from the cultivating raiyats at Government assessed rates. Zamindari right was hereditary but *ijaradari*, jagirdari or aymadari rights were neither hereditary nor transferable. Later, aymadari was made heritable. Zamindars or ijaradars got a share of their collection of land revenue as their remuneration and collection cost.

Permanent settlers of villages who themselves cultivated lands of their own village or through others were known as *khudkast* raiyats. They had to pay revenue at the customary rate of their pargana called *nirikh*, or at the rate mentioned in the Patta or lease deed executed in their favour. If they paid the revenue fixed for their land, they could not be evicted from their land and could possess their lands from generation to generation. They also could not abandon their land at their sweet will. Those who cultivated the land of the village where they did not live were known as *paikast* raiyats and could pay rent on a contract basis. But they had no right to continue in possession and were merely tenants-at-will, and they could be denied the right to cultivate the land any time after harvesting was over. Such raiyats could also abandon such land at their sweet will. Zamindars, jagirdars, chowdhuries and talukdars could cultivate land in their khas possession through bargadars or agricultural labourers who had no rights on such land except to get a half share of the produce or wages for their labour.

Land Laws under the British Rule and aftermath

In 1765, the East India Company was granted Diwani (provincial revenue administration system) rights by the Mughal Emperor Shah Alam to collect revenue from Bengal, Bihar and Orissa. Although the company did not initially disturb the system of revenue collection prevalent in the country, it eventually started to firm out the right of collection to the highest bidders under quinquennial, annual and decennial settlements, leaving the old zamindars and ijaradars only with the task of the collection of the higher revenue. In 1793, Lord Charles Cornowallis, Governor General of the Company, declared Decennial Settlement that made zamindars and talukdars permanent proprietors of the land under their respective control. As a result, Government revenue agents turned into landowners overnight. Landlords were allowed to own their property subject to regular payment of revenue to the Government, for the default of which their right was liable to be sold in auction. Their right was made both heritable and transferable. In spite of the provision of regulation No.8 of 1793, an increased rent was demanded from them which directed landlords not to increase rent of raiyats paying fixed rent for more than 12 years and to grant patta to other tenants at pargana rates.

Regulation No. 17 of 1793 provided that on the failure of the raiyats to pay increased rent, all their moveables, including standing crops was made liable to attachment and sale by the landlords without the intervention of the court. Revenue-free lands known as Lakhiraj were partly recognised under the *badshahi* and non-badshahi lakhiraj Regulation of 1793. Most such lands were either assessed to revenue or resumed by the Government. The Government reserved the right to settle lands outside the area of permanent settlement that were treated as khas mahal. Refusal of the raiyats to pay increased rent and their organised resistance to attachment and sale compelled the Government to make Regulation No. 7 of 1799 which authorised landlords to arrest recalcitrant raiyats refusing to pay rent and also to attach and

sell their properties. That black law was amended by Regulation No. 5 of 1812, which took away the power of landlords to arrest raiyats. Through regulation No. 11 of 1822 such auction purchasers were prohibited from evicting the class of khudkast raiyats known as *kayemi* (permanent) raiyats but the power of such auction purchasers to evict other kinds of raiyats for arrears of rent continued.

This Regulation (No. 11 of 1822) authorised the Board of Revenue to set aside auction sale of any zamindari for irregularity or any other reasonable ground. Act 12 of 1841 provided for sale of zamindari if the zamindar failed to pay arrears of revenue before the sunset of the day previous to the day fixed for auction in the proclamation for auction sale. The auction purchaser was also debarred from evicting certain types of raiyats having permanent right in their land and from increasing their rent. Act No. 1 of 1845 was enacted by amending and re-enacting the provisions of the aforesaid laws including Act No. 12 of 1841 which was known as the Revenue Sale Law or most recognizingly 'The Sunset Law'.

Because the East India Company had not taken adequate measures for protecting the interest of raiyats, after assuming power, the British Government enacted the Rent Act of 1859 (Act X of 1859) for ameliorating the conditions of the raiyats. This act obliterated the difference between khudkast and paikast raiyats. It provided that a raiyat possessing any land continuously for 12 years or more shall acquire occupancy right in that land and shall not be evicted therefrom if he paid the rent for that land. But that provision was not applicable to annual or *thika* tenants cultivating khas lands of zamindars, talukdars and occupancy raiyats.

Rent Act of 1862 provided for allowing tenants to deposit rent with collectors on the refusal of the landlord to amicably accept the same and empowered the collector to decree compensation up to 25% of the claim of the rent suit against tenants or landlords found to have failed to pay or accept rent without any reasonable cause. Provision was made in the said act allowing landlords to measure and survey the land of tenants. The Rent Act of 1869 reenacted almost identical provisions of the Rent Act of 1859 and for the first time, recognised the limited customary right of occupancy tenants to transfer their lands. The act also empowered civil courts to decide all suits between the landlords and the tenants instead of the collector. The Survey Act of 1875 was enacted to determine the boundary of a village and to prepare a Mouza or village map showing therein every plot of land with its area and to record the name of the tenant and the superior landlord, the nature of tenancy, share, possession, revenue, or rent payable for the same.

The Peasant Revolt of Pabna in 1872 against attempts of zamindars to increase rent of raiyats led to the appointment of the Rent Law Commission in April 1879. The Commission submitted its report in May 1880. After consideration of the report a bill for enacting the Bengal Tenancy Act was placed before the Legislative Council on 2 March 1883. The bill was passed by the Council after amendments. After assent of the Governor General, it became the law on 14 March 1885 and came into operation since 1 November 1885. This law made detailed provisions about the title, rights and liabilities of zamindars, talukdars, rent receivers and *mokarrari* raiyats (raiyats paying fixed rents), occupancy raiyats, settled raiyats, non-occupancy raiyats, and under raiyats.

Amendments made in the Act of 1894 by Act No. 1 of that year substituted the provision regarding preparation of khatiyans by survey operation and assessment of rent. Then by Act No. III of 1898 provisions regarding increase of rent, preparation of khatiyan, and assessment of rent were substantially altered. By Act I of 1907 and Act No. 1 of 1908 the said act was

further amended providing for presuming the entries in the finally published khatiyans to be correct unless the contrary was proved, and to file khatiyan in a court in a suit for recovery of arrears of rent to prove the claim, authorising revenue officers to reduce the rent increased more than that recorded in the khatiyan, and to file certificate cases for realisation of arrears of rent by the landlords to local revenue officers. By Act No. IV of 1928 the said act was drastically amended to allow occupancy raiyats to transfer their land on condition of payment of one fourth of the price as premium; to his superior landlord, exercising the right of preemption of such land by the landlord, not to recognise bargadar as a tenant unless he was so recognised by the landowner under whom he was a bargadar or declared to enjoy occupancy right if he acquired the same under any custom or law; provision for attachment and sale of standing crop and moveable properties of the tenants was abolished.

Occupancy tenants were allowed to plant trees in their lands, enjoy their products, fell the same and use and sell timber, and the occupancy raiyats were allowed and under raiyats to give usufructuary mortgage of their land for fifteen years. By Act No. VI of 1938 the said act was further amended deleting the provision for payment of premiums to landlords by occupancy tenants for transfer of their lands and right of landlords to preempt such land and giving such right of preemption to the other co-sharers of the transferor occupancy raiyats if the transfer was made to a stranger or strangers. Talukdars and under raiyats were allowed to surrender their rights in favour of their superior landlords. Act No. XIII of 1939 amended the provisions of section 52 of the said act and prohibited the court from passing any decree for increasing the rent of the tenant even if on measurement the area of land in possession of the tenant was found to be more than the area settled with him.

Act No. XVIII of 1940 further amended the provisions of section 26 of the said act and provided for treating all mortgages of occupancy lands including mortgage by conditional sale as usufructuary mortgage for fifteen years and for recovery of possession of such land through a court. The amended provisions of the Bengal Tenancy Act restored almost all the rights of the tenants taken away from them by the Permanent Settlement Regulation of 1773. For that reason the Bengal Tenancy Act is termed as the *Magna Carta* of tenant rights in Bengal.

Since a demand for abolition of the zamindari system was raised during the later part of British rule in 1939, the Land Revenue Commission was appointed with Francis Floud as its chairman. It submitted its report in 1940 recommending acquisition by the Government of all rent receiving interests. Its recommendations led to the passage of the East Bengal State Acquisition and Tenancy Act of 1950.

Thus, after 163 years of Permanent Settlement all rent receiving interests were again placed directly under the Government by abolishing the zamindari system. The Act provided for acquisition of all rent receiving interests in land, acquisition of khas lands in excess of 100 bighas from each family, acquisition of *hats*, bazaars, fisheries, minerals and other rights, and payment of compensation for such acquisition, preparation and revision of khatiyans, reassessment of rent of land of tenants including lands held under service tenures. After completion of the above processes and acquisition of all rent receiving and other interests and final publication of khatiyans and compensation assessment rolls, notifications were published bringing into operation provisions of part V of the said act regarding rights and liabilities of tenants at first in Patuakhali district in 1954 and lastly in Faridpur district in 1965.

If the rights and liabilities of the tenants of non-agricultural land were regulated under the provisions of the Non-Agricultural Tenancy Act of 1949 before acquisition of rent receiving interest of such land, such tenants would be regulated by the provisions of that act after acquisition of such interest by the Government unless there was anything contrary to the same in part V. Except assessment of rent, increment and reduction of the same rights and liabilities of other non-agricultural tenants would be regulated by the terms and conditions of the lease deed and provisions of the Transfer of Property Act of 1882.

There was no provision in the Bengal Tenancy Act about the rights and obligations of the non-agricultural tenants who were regulated by the provisions of the Contract Act of 1872 and the Transfer of Property Act of 1882. As a result, non-agricultural tenants could be evicted after the expiry of the period of their lease and landlords could also arbitrarily increase their rents at the time of renewal of the lease. The Non-agricultural Land Rent Assessment Act of 1936, being applicable only in respect of temporarily settled and Government *khas mahal* lands, could not relieve the miseries of a large number of non-agricultural tenants under the private landlords. In 1938, the Non-agricultural Land Enquiry Committee, popularly known as Chandina Committee, was constituted. When landlords started evicting non-agricultural tenants after the formation of this committee, the Bengal Non-agricultural Tenancy (Temporary Provision) Act 1940 was enacted by the Government as a temporary measure to prevent such evictions. On the basis of the recommendations of this committee, the East Bengal Non-agricultural Tenancy Act 1949 was enacted to give relief to non-agricultural tenants.

Meanwhile the partition of the Indian provinces under two large domains as the ‘Union of India’ and the ‘Dominion of Pakistan’ did take place as the British rulers decided to leave the Indian subcontinent in 1947. The present Bangladesh was classified under the later one. After this partition, according to the ‘East Bengal Non-agricultural Tenancy Act 1949’, any land used for purposes other than agriculture or horticulture was non-agricultural. Non-agricultural tenants were of two classes: tenants and under tenants. Non-agricultural tenants having possession for 12 years or more had rights similar to those of perpetual tenants and could not be evicted. But other tenants and under tenants had no such rights and could be evicted under the provisions of the said act. Rights of non-agricultural tenants or under tenants could be inherited by their heirs after their intestate death and was also transferable by registered instruments and the immediate superior landlords of such tenants or their co-sharers had right of preemption under certain circumstances.

The Government could direct preparation of khatiyans or the published documents and assessment of rents of non-agricultural lands by revenue officers. The rents of non-agricultural tenants could not be increased within 15 years and that of under tenants within 5 years of such assessment, except on the ground of improvement of the land, or increase of the area of the holding. Non-agricultural tenants could deposit rents in court on the refusal of landlords to amicably accept the same. Similarly, landlords could recover arrears of rents by filing suits in civil courts and could sell in auction non-agricultural land of defaulting tenants in execution of a decree for arrears of rent.

Under certain circumstances landlords could evict non-agricultural tenants or under tenants by filing suits in civil courts. Provisions of the act were and still are not applicable in respect of land held by any port, railway or local authority, or land leased out for gathering forest, or mineral products, or for exercise of fishery right, or land acquired by the Government for use by any of its departments, or any Waqf or trust land. In this regard, the detailed knowledge

about the forest areas needed to be sorted out which eventually made the rulers to do a Forrestal survey in CHT. These Forrestal surveys were later adjoined to the khatiyans. Since final publication of khatiyans prepared or revised and compensation assessment rolls and payment of compensation to the rent receivers after acquisition of their interests in non-agricultural land and imposition of prohibition of sub-lease of non-agricultural land and repeal of many provisions of the act by Ordinance No. IX of 1967, the said act has lost its importance.

Box 5: Forrestal Survey

In 1964, the Government of Pakistan engaged a Canadian company, called 'Forestal Forestry and Engineering International Limited'- and Forestal in short- to survey the soil and topography of the land surface of the CHT. The survey found that, because of the steep slopes and other natural conditions, most of the CHT soil was very poor indeed. The Forestal Report estimated that only 3.1% of the CHT land (about 76,466 acres), graded as class "A" land, was suitable for all purpose agriculture. The next graded class "B" lands accounted for about 2.7% of the CHT land (67,871 acres) and were found suitable for terraced agriculture in part and fruit gardening (horticulture) in part. Then came the class "C" lands which accounted for 14.7% or 366,622 acres and were found suitable mostly for horticulture and partly for afforestation. The following grade, "C-D" accounted for 1.3% or 32,024 acres, and was found suitable ideally for afforestation but was said to be satisfactory also for horticulture after terracing the slopes. Finally, there were the class "D" lands which constituted 72.9% of the CHT or 1,816,993 acres which were found suitable only for afforestation. In short, the Forestal experts warned that the area of land available for economically sound uses was very scarce indeed and recommended that the uncultivated hillside lands should be used extensively and in a planned manner for fruit gardening and afforestation.

The Forestal recommendation to start fruit gardening in the CHT on a large scale was earlier supported by another study of the CHT, although the main focus of this study was the effects of the Kaptai Dam rather than the possible modes of land use in the CHT. The East Pakistan Government accepted the major recommendations of the Forestal Report and started the Chittagong Hill Tracts Horticulture Development Project in the late 1960s to encourage fruit gardening. Bereft of their paddy fields, thousands of hillpeople-especially *Chakma* enthusiastically took up horticulture. As far as the gardens were concerned, the growers were initially successful, but due to bad communications, marketing problems and the lack of credit and storage facilities (including canning), fruit gardening has been in decline since the seventies and only since the late eighties has there been a slight slowing of this decline.

In the early 1960s, apart from encouraging and assisting privately-owned fruit gardens, the Government also set up its own plantations by deputing the *jum Control Division* of the Forest Department. The Government plantations never really got beyond the starting stage because of widespread theft of the plants and saplings by the Forest Department personnel themselves. Not long afterwards, the gardens were abandoned altogether and the Government turned to forestry instead, concentrating largely on teak plantations. Recently, a Government notification has purported to declare some of these areas as forest reserves. Far from deriving any benefit from these lands, local residents are quite often prosecuted and imprisoned for doing what they have been doing for decades, and their ancestors had been doing for centuries, such as *jumming* or collecting twigs and branches for domestic use.

Another step that was taken by the Pakistan Government on the basis of the Forestal Report was to reduce the area of land to be settled by the deputy commissioner (DC) of the CHT from 25 acres to 5 acres. This was imposed by an amendment to rule 34 of the CHT Manual in 1971, which also reiterated the earlier provisions restricting settlement of CHT land to outsiders and clearly specifying that non-residents could not be granted settlement without the prior sanction of the Board of Revenue. Looking at the statistics, the ceiling did make some sense. By the early seventies, virtually all the class A lands were already under occupation. Let us now consider that all the class B and half of the class C and CD- lands were available for horticulture, an area of about 370,000 acres. Now if we look at the population of the CHT, which was about 508,199 according to the Census of 1974, we have approximately about 80,000 to 100,000 families. Thus theoretically, each CHT family could have approximately between 3.7 to 4.63 acres, enough perhaps to survive but not to live in comfort, being less than even the government-assessed minimum of 5 acres. Local experience has shown that 5 acres of hillside land per family is barely enough only for subsistence, on an average. In any case, even within this category, a huge area of land would not be available for cultivation because it was already under occupation or was common forest land or was situated too far from motorable roads or navigable waterways to make them feasible for commercial fruit gardening. Thus the lot of the CHT farmers consequently turned from bad to worse.

Source: Roy, 1995.

Land Laws in Bangladesh

After the emergence of Bangladesh as a sovereign state in 1971, the Revenue Department of the provincial Government of East Pakistan was reconstituted into Land Administration and Land Reforms Division under the 'Ministry of Law and Land Reforms'. Subsequently, this division was given the status of a full-fledged ministry. The office of the Board of Revenue,

with its entire establishment, was abolished by an order of the Government, issued under No. IM-10/72/115(5) RI dated 3 March 1973. In this respect, the Board of Revenue constituted in 1786 by the East India Company to manage, supervise, and control land revenue administration was abolished in 1973 by President's Order No. 12. The power of supervision and control of all revenue officers was vested in the Government. The power to hear appeals from the decision of the divisional commissioner was given to the Government in place of the abolished Board of Revenue. Thus the functions of the Board of Revenue were taken over by the ministry itself and were given to the land reforms commissioner and four deputy land reforms commissioners of the four administrative divisions.

The Ministry of Land Administration and Land Reforms was concerned mainly with policy decisions. It was also given the responsibility of administration of Land Acquisition proceedings, management of 'enemy property', and looking into multifarious revenue matters. As a result, revisional settlements, *diara* operations, and land revenue work of various types, including settlement of *khas* land, could not be intensively supervised. Supervision of the work of Land Reform and inter-state boundary demarcation work also suffered a serious setback. The Ministry found itself unable to cope with an ever-increasing volume of tasks, including settlement of quasi-judicial cases. There was no chief revenue authority in the country with adequate revenue background and powers to whom divisional commissioners, land reforms commissioners, director general (land records and surveys) and deputy commissioners could look forward for necessary guidance, instruction, and advice.

A new body, the Board of Land Administration, was established under the Board of Land Administration Act 1980 (Act XIII of 1981). Under section 3(2) of the act, the board was to consist of a chairman and not more than two other members to be appointed by the Government. Section 3 (3) of the act stipulated that the board was to exercise such powers and perform such functions as might be entrusted to it by the Government or by or under any law. Under orders of the ministry dated 3 September 1982, 5 July 1983, and 7 July 1983, the board was entrusted with the functions of deciding all statutory appeals, supervising land administration offices in the field, and advising the Government on policy matters. It was also empowered to deal with collection of land development tax, creation of new tahsil offices, settlement of khas land, control of the internal audit organisation, Court of Wards, management and supervision of vested properties (lands and buildings), management and disposal of abandoned properties, and management and disposal of properties involved in exchange cases by migrants.

The Ministry of Land Administration and Land Reforms was renamed as the Ministry of Land in early 1987. The newly designated ministry concentrated on policymaking, supervision, and monitoring of land reforms. The ministry came to realize that the Board of Land Administration could not do justice to its assigned jobs, the effective supervision of field offices, and quick disposal of quasi-judicial cases. The issue was considered in a meeting of the National Land Reforms Council headed by the President where it was decided that the Board of Land Administration should be abolished and that instead, two new bodies, the Land Appeal Board and the Land Reforms Board should be established. Accordingly, the Land Reforms Board Ordinance (Ordinance I of 1989) and the Land Appeal Board Ordinance (Ordinance II of 1989) were promulgated. Later, the Land Reforms Board Act 1989 (Act XXIII of 1989) and the Land Appeal Board Act 1989 (Act XXIV) were passed and the ordinances were repealed. Under section 4 of the Land Appeal Board Act 1989 (Act XXIV of 1989), the Government constituted a board, namely, the Land Appeal Board. It consists of a chairman and two other members. Under section 8 of this act, the Board of Land

Administration Act 1980 was repealed. Consequently, the Board of Land Administration stood abolished.

The Land Appeal Board has been entrusted with the powers of disposal of appeals preferred against the orders of the divisional commissioners under different laws relating to land administration and land management. It is empowered to advise the Government on any issue relating to land management and land administration referred to it by the Government. The board is also empowered to inspect and evaluate the work of subordinate land courts. Any order passed by the chairman or any member, separately or individually, is deemed to have been passed by the board. The board is authorised to admit petitions for review of its order, in cases where legal and material facts appear not to have been considered. The board has to refer cases not covered by the prevailing laws, rules and Government orders to the Government for necessary instructions. The orders of the board in the cases brought against the orders of the divisional commissioners and in the cases reviewed by it are final. No appeal can be made against the orders of the board. The 'Full Board', consisting of the chairman and the members may dispose off the review cases referred to it by the chairman. Usually cases involving interpretation and application of laws are placed in the meeting of the 'Full Board' and are disposed off after it has heard the parties concerned.

Based on the decision of the National Land Reforms Council, a separate body, namely, the Land Reforms Board, was set up at the national level under the Land Reforms Board Act 1989 (Act XXIII of 1989). The board consists of a chairman and two other members. The posts of the land reforms commissioner and the deputy land reforms commissioners in the Ministry of Land were abolished and the post of a deputy land reforms commissioner was created for each division for supervision of the land reform measures under the Land Reforms Board. Under Section 5 of the Land Reforms Board Act 1989, the board may perform such functions and discharge such duties in respect of land reforms and land management as the Government may entrust to it. The board may also exercise such power and perform such duties as may be entrusted to it by or under any law. The primary function of the board is to supervise the functioning of the field offices and the implementation of land reforms measures. This involves supervision of land administration offices down to the union land office (tahsil office), settlement of agricultural khas land to the landless peasants, assessment of land development tax, management of Court of Wards, creation of new union land offices, establishment of record rooms at the district and Upazila levels, their supervision and inspection, preparation of development. Plans for matters relating to land management, their implementation and supervision, and matters relating to board's establishment, record room and library are some of the functions, entrusted by the Ministry of Land to the Land Reforms Board.

Important conditions for efficient land administration and land management are: (1) mapping of every parcel of land indicating geographical location and identification number; (2) land information regarding ownership or shares of ownership, quantum of land and tax payable; (3) preparation and publication of record of rights Khatiyans as a proof of occupancy rights of the owners; and (4) maintenance of the records of right and incorporation of changes. It is the responsibility of the Directorate of Land Records and Surveys under the Ministry of Land to prepare and publish maps and update record of rights. The director general, Land Records and Surveys, with the assistance of a number of directors, deputy directors, assistant directors, settlement officers, assistant settlement officers and a large number of trained and technical staff, gets the maps and records prepared and revised under the provisions of the East Bengal State Acquisition and Tenancy Act 1950, and hands them over to the collectors

(deputy commissioners). The collectors maintain them and keep them corrected by incorporating the changes due to transfer, inheritance or otherwise.

Though the Government exempted tenants from payment of rent or land revenue up to 25 bighas of land per family, payment of development and relief tax and other taxes including primary education cess was not exempted. The Land Development Tax Ordinance 1976 abolished all the above taxes and imposed graduated rate of land development tax payable annually at the minimum rate of three *paisa* per decimal of agricultural land held by a family holding up to two acres of land subject to the payment of a minimum tax of Tk. 1 and maximum rate of Tk. 1.45 per decimal of agricultural land per family holding land beyond twenty-five acres. Owners of non-agricultural lands in city, or large industrial areas used for commercial or industrial purposes, had to pay land development tax at the rate of Tk. 60 per decimal, and if used for residential or other purposes at the rate of Tk. 12 per decimal annually. Owners of such lands situated at district headquarters or *pourashava* (municipality) area had to pay annually such tax at the rate or Tk. 10 per decimal if used for commercial or industrial purposes, and Tk. 4 per decimal of land if used for residential or other purposes. In 1985, the rate of land development tax for non-agricultural land and in 1987, that for agricultural land was increased. In 1991, the Government exempted agriculturist families holding up to 25 bighas of agricultural land from payment of the said tax with effect from the first day of the Bangalee year 1398. In 1993, the rate of the land development tax was further increased.

After repealing the Land Acquisition Act 1894 and (Emergency) Requisition of Property Act 1948, the Requisition and Acquisition of Immovable Property Ordinance 1982 was promulgated, re-enacting with necessary modifications the provisions of the repealed laws and providing for releasing unused acquired lands to the previous owners or their heirs. To relieve the secretary of the ministry of land from performing the functions of supervision and control of all revenue officers and from hearing appeals and revisions against decisions of the divisional commissioner on behalf of the Government since the abolition of the Board of Revenue, the Land Administration Board was constituted in 1980 with a chairman and at least two members.

The Land Reforms Ordinance 1984 provided for equally sharing cost of seeds, irrigation, manure etc by the owner of the land and the bargadar to equally share the produce of the land cultivated by the labour of the bargadar. Otherwise, it provided for giving two-thirds of the produce to the bargadar if the owner of the land failed to pay his share of such costs. This law also provided for entering into a written contract between the owner of the land and his bargadar and prohibited evicting the bargadar without valid reasons. It also provided for self-cultivation of the land by the owner and also allowed heirs of the deceased bargadar to barga cultivate the land within the barga period of such land. This law fixed the ceiling of acquiring agricultural land per family up to 60 bighas henceforth by purchase, inheritance, gift, or any other manner. This law also prohibited purchasing of agricultural land by any person in *benami* i.e., in the name of another person and provided for treating the apparent transferee of the land as the real owner. This law also debarred the court or any other authority from attaching, forfeiting or selling any homestead land of an agriculturist and from dispossessing or evicting him from such land.

Land Laws in the Chittagong Hill Tracts

Laws, rules and procedures for land acquisition in the plain land districts of Bangladesh have never been applied in the Chittagong Hill Tracts, which now comprise the districts of Rangamati, Khagrachhari and Bandarban. The region has been enjoying a special status since British days. Most areas of the hill tracts belong to the Government either as reserve forests or as unclassified state forests. The sole instrument for the governance and administration of the Hill Districts in the 'Chittagong Hill Tracts Regulation 1900' (Regulation I of 1900), which authorizes the Deputy Commissioner to resume land, although settlements might have been made earlier. But the rules framed under the Regulation provided for payment of compensation. Later, Regulation I of 1958 was promulgated, authorising the deputy commissioner to acquire land which is not resumable under Regulation I of 1900.

Box 6: Jum Cultivation

Jum cultivation is the local name for slash and burn agriculture practiced by the indigenous communities in the Chittagong Hill Tracts (CHT) and parts of Sylhet District. This system is also common among the tribal groups in the north-eastern states of India like Arunachal Pradesh, Meghalaya, Mizoram and Nagaland. The system involves clearing of a piece of land by setting fire or clear felling and using the area for growing crops of agricultural importance such as rice or fruits. After a few cycles, the land loses fertility and a new area is chosen.

Jum cultivation is most practiced on the slopes of hills in thickly forested landscapes typically covered with shrubs and trees of various kinds. The activities regarding jum cultivation are completed in several steps. The jum season starts in December. Usually December-February is the slashing period. Once a piece of land is chosen for jumming, the first step is preparing of the land by clearing the plants and bushes on the hill slopes except for big trees. The cultivators cut the treetops to allow sunlight to reach the land. The chopped vegetation and bushes are left on the land in the sun.

The second step is burning of the vegetation and grasses. Early March–early April is burning time. As the chopped vegetation and grasses on the hill slopes are dried up in the sun, these are set on fire. All the trees and grasses are burnt to obtain clean and fresh soil believing that it helps to fertilize the land. One to two inches of the ground soil is also burnt with the plants. The third step is mixing of the burnt remains with the earth. Unlike in the plain areas, no ploughing or other form of tilling is used for preparing the soil for jum cultivation. The next step, the sowing of seeds, starts immediately after the burning and mixing. After the first rainfalls of the season (usually during the late April), the burnt soil gets soft. Then a broad blade knife, commonly known as *dao*, is used to sow the seeds. Using the left hand, small holes are made throughout the field by dao and a mixture of different crop seeds are placed in them using the right hand. As long as the dao is removed, the seeds get covered with soil. Very little weeding is carried out, except in some cases when it is considered necessary to provide protection against damages caused by wild animals and birds.

The main crops generally grown in jum include rice, maize, millets, sesame, pulses, cucumber, pumpkin, melon, stringbean, cotton, banana, ginger, turmeric, etc. Usually the first crop sowed in jum is chili and commonly followed by paddy. Since these crops grow and mature at different times, the same jum plot yields a stream of crop harvests, which overlap over time to a certain extent. Depending on the variety, the harvesting of jum paddy varies between late August and early October. The last crop to be harvested from jum plots is Banana. Those who grow pigeon pea (*Arhar Dal*) harvest them in February next year. After collecting of all the crops, the jum fields are left fallow for a period of several years. By this time wild vegetation is expected to grow in the fallow land and it would become ready for another jum cycle. In the past jum cultivators widely followed 7-8 years minimum rotation cycle which has now been reduced to just 3-4 years. This is because of population pressure and the reduction of agricultural land due to the Kaptai reservoir and large-scale non-tribal settlements.

Traditionally all the household members (except sick and elderly retired persons) use to work in jum irrespective of sex. The indigenous females perform all the activities in the jum plots as the males do except the burning.

In contrast to the alluvial plains of Bangladesh, where wet-rice cultivation is the norm, most of the CHT contains rugged hills with tropical and sub-tropical flora and fauna, where swidden or 'jum" cultivation was the mainstay of the economy among the year-old permanent inhabitants of that area – the indigenous peoples, until a few decades ago. Indigenous peoples from eleven different ethno-linguistic groups have been living in the region for many centuries. They still form the majority of the population, if only just so[85]. Unlike the rest of Bangladesh, where Bangalee-speaking Muslims form the majority of the

[85] The 1991 Census puts the indigenous (officially "tribal") population of the region at just over 51%. However, many think that this is an underestimate. The official voters' list clearly suggests that this is so. The same census puts the total indigenous population of Bangladesh at 1,205,978, out of which, 501,144 persons were located within the CHT.

population, the indigenous peoples of the CHT are largely Buddhist, Hindu and Christian, sometimes in conjunction with indigenous faiths.

Box 7: The CHT Manual of 1900

Chittagong Hill Tracts Manual is the popularly known name of Chittagong Hill Tracts Regulation, 1900 (Act 1 of 1900). The manual was enacted by the then British Government describing how to administer Chittagong Hill Tracts of present day Bangladesh. It was adopted in place of earlier manuals after the government realised that the act of 1860 would not work satisfactorily. Since the adoption of the manual, the administration of Chittagong Hill Tracts was carried on in accordance with the rules of the manual. The status of the CHT as an autonomously administered district, in British administered India was safeguarded by the Chittagong Hill Tracts Regulation, 1900 which prohibited sale and transfer of land to non-indigenous people.

By the middle of the 19th century the British established their authority over revenue and judicial administration of the CHT by extending the authority of the Collector of Chittagong and its civil courts to the hill region. In 1860, the process of formal annexation was completed by declaring the CHT a district within Bengal through Act XXII of 1860. In 1892, a set of rules were passed to regulate the administration of the region.

The Chittagong Hill Tracts Regulation received the assent of the Governor General on January 6, 1900 and was published in Calcutta Gazette on January 17, 1900. The new regulation became effective from May 1900 and the old designation of Superintendent was restored and the earlier rules were annulled. In 1920, the Superintendent was redesigned as Deputy Commissioner and the responsibility was put in charge of the Governor and his Executive Council after amending the regulation.

One of the basic elements of the 1900 Regulations was the recognition of the Hill Tracts as a homeland of the indigenous peoples of the CHT in which the rights of the indigenous peoples were provided with special safeguards. The Regulations also included basic safeguards against non-indigenous people taking unfair advantage on the ignorance and/or lack f business acumen of the hill people (Chandra Roy, 2000).

CHT Regulation laid down specific rules on rights of entry and residence in the CHT, as well as land settlements and transfers. This Regulation, among others, restricted people from outside to acquire land in the CHT. The Regulation still forms the basis of the civil, revenue and judicial administration of the CHT, although some of these restrictive measures on outsiders were withdrawn even before the end of the British rule. Later, during the succeeding Pakistani and Bangladeshi periods, through a series of legislative amendments and executive orders, the remaining restrictions on outsiders were lifted. In the process, the erstwhile indigenous common land of the tribal people has been converted to state and private property (Adnan, 2004).

Adnan, Shapan (2004). *Migration land Alienation and Ethnic Conflict: Causes of Poverty in the Chittagong Hill Tracts of Bangladesh*, Dhaka, Bangladesh: Research and Advisory Services.

Roy, Rajkumari Chandra Kalindi (2000). *Land rights of the indigenous peoples of the Chittagong Hill Tracts, Bangladesh*. Copenhagen: International Work Group for Indigenous Affairs (IWGIA), (IWGIA document; no. 99)

As its topography and cultural heritage might suggest, the region's political and legal developments too have been quite different from the rest of the country. It is the only region in Bangladesh that had, and still has, a different legal system, drawing significantly upon the British-promulgated CHT Regulation of 1900 (Bengal Act I of 1900). The region has a semi-autonomous administrative set-up that includes elected councils at the district and regional levels with a two-thirds indigenous majority, the traditional system of *rajas* ("chiefs"), *headmen* (chiefs or heads of mouzas)[86] and *karbaries* (village chiefs or elders), and institutions of the national Government. Thus the CHT system poses in some ways a challenge to the formal "unitary" status of the republic. Others claim that this is democratic and institutional pluralism in practice, although constitutional reforms are not unequivocal on this issue.

[86] Mouzas are small administrative and revenue units containing several villages or hamlets. There are about 350 mouzas within the CHT.

Pre-British Chittagong Hill Tracts

The southeastern frontiers of Bangladesh were always the last to be expanded by the external rulers. While other parts of Bangladesh were directly ruled by the Mughals and their governors from Delhi, Murshidabad and Dhaka; Chittagong and the CHT remained outside its direct sphere of influence until the 17th century. The biggest part of Chittagong – which was disputed for long between the rulers of Tripura and Arakan (Rakhaing) - was finally conquered by the Mughals only in 1666[87], but not the CHT. Although the ruling chiefs of the CHT entered into subordinated trade treaties with the Mughals and later the British East India Company, the hill people were regarded as "tributaries" rather than as "subjects" by the aforesaid empires[88], as the latter did not have any direct control or rule over the ethnic tribes[89]. Hill peoples on the tracts bordering the plains resisted British expansionism with guerrilla warfare for almost a decade until they were forced into a treaty of trade in 1785 whereby the Chakma Raja agreed to pay a tribute in cotton to the Company. However, such a state of affairs was not to last very long. The gradual but direct colonization of the CHT was faithfully recorded for posterity by the conscientious British administrators. Finally in 1860, the CHT was annexed to British Bengal as a "district".

As in other parts of the sub-continent, during the early part of British rule, the Government ruled largely in an indirect manner, except in the case of the large expanses of forest areas. They formalized the rule of the most influential chiefs or *rajas* (Chakma, Bohmong and Mong), which in turn eroded into oblivion the chiefs of the numerically small indigenous peoples. The British-appointed *Superintendent of Hill Tribes* kept a watchful eye on the administration of the chiefs, and traditional clan chiefs and other leaders who were re-styled as headmen[90]. Thus British-rule led to centralization of powers such as in the case of the *Chakma* and *Marma*, but to de-centralization as in the case of the *Bawm, Khumi* and *Lushai*[91].

Erosion of Autonomy and Direct Government Rule (1937-1989)

A major amendment to the CHT Regulation in 1937 imposed a much more direct rule of the crown by decreasing the administrative authority of the three formally recognised "chiefs", but retaining their judicial and revenue prerogatives and formally recognizing their advisory prerogatives. The chiefs were no longer "charged with the administration of the CHT", and their direct administrative authority was supplanted with the rule of the district and sub-district officials (amendments to rules 38, 39 CHT Regulation, 1900).

During partition of Indian regions in 1947, the CHT was awarded to the 'Dominion of Pakistan', since it was regarded as the hinterland of Chittagong port, although 97% of its population was non-Muslim[92]. The most vocal CHT leaders who opposed Pakistan migrated permanently to India. During Pakistani rule, the administrative system of the region was not amended except to introduce franchise rights in the CHT. The CHT participated in parliamentary polls in the early 1950s and in the indirect district council elections in the late 1950s. The role of the indigenous legislators and councillors, however, proved to be

[87] Ishaq, 1975
[88] *ibid*
[89] *ibid*
[90] The mouza headmen in the CHT are not to be confused with village headmen in other comparable areas. These headmen are the chiefs of a number of villages and wield significant authority on land, revenue and judicial matters, including powers of detention.
[91] Roy, 2002.
[92] Ziegler, 1985; Collins and Lapierre, 1982

ineffective in preventing erosion of autonomy and safeguarding land and resource rights. A striking example was the construction of the Kaptai Dam in 1960, which displaced more than 100,000 people and inundated the richest two-fifths of the paddy lands of the district[93]. Many refugees of the Dam now live in Arunachal Pradesh, as stateless refugees[94].

Box 8: Kaptai Dam

The most notable dam of the country which has been constructed on the Karnafuli river at Kaptai in Rangamati district, 65 km upstream of Chittagong. It is 670.56m long and 45.7m high. The width at the foundation level is 45.7m and at crest level 7.6m. The crest level is 36m above mean sea level (MSL). The quantity of total excavation was 113,400 cu m (4.05 million cubic ft). Since it is an earthen dam a 16-gated spillway (each 12.2m by 11.3m) with discharge capacity of 625,000 cusec has been constructed on the left side of the main dam. The catchment area of the reservoir is 11,000 sq km. Average annual rainfall is 2,500 mm over the catchment and average annual flow to the reservoir is 12 million ac-ft. The full reservoir level above mean sea level is 33.23m and the reservoir area and capacity at this level are 777 sq km and 5.25 million acr-ft, respectively. The dead storage at 23.16m above MSL is 1.18 million ac-ft. Flood storage capacity is 0.83 million ac-ft.

The generation of hydroelectric power is the main purpose of the lake. Other utilities include navigation, flood control, fishery, recreation and tourism. The present generation capacity of the Karnafuli Hydro Power Station is 230 MW during peak load hours. The downstream flood peak in the Karnafuli river can be reduced by 50% by storing water in the reservoir. Usually all floodwater during May to August is stored. A cargo transfer system with overhead trolleys facilitates transfer of boats, timber logs and other commodities from the reservoir side to the downstream side in the river. The panoramic view and boating facilities of the reservoir upstream of the dam offer a good recreation area and attract many visitors.

The Karnafuli Hydro Power Station was first contemplated in 1906 and a brief reconnaissance was carried out. The study was taken up again in 1923. In 1946, EA Moore submitted a report recommending a dam site at Barkal about 65 km upstream of the present dam site at Kaptai. In 1950, Merz Rendal Vatten, Consulting Engineers, proposed a site for the construction of a dam at Chilardak, about 48 km upstream of Kaptai and in 1951 Government engineers proposed a site at Chitmoram about 11 km downstream of Kaptai. Finally, in 1951 under the guidance of Khawja Azimuddin, then Chief Engineer (Irrigation), the dam site was selected at Kaptai. Preliminary work started in 1951 and the Government engineers did some physical work. The US Government agreed to assist in the implementation of the project and in 1952 the International Engineering Co Inc (IECO) was engaged for a study of the project through the International Cooperation Administration of the USA. On the basis of these studies the project was taken up and IECO was appointed for the engineering services of the project. Utah International Inc was engaged as the construction contractors and started working in October 1957.

In 1962, the initial phase of construction was completed, comprising the dam, spillway, penstock and powerhouse with a generation capacity of 80 MW by means of two units, each with a capacity of 40 MW. The third generating unit with an installed capacity of 50 MW was completed in November 1981. The project was financed by Government, ICA and DLF loan and the total cost including the dam with ancillary structures, Units 1, 2 and part of Unit 3 was Rs 503 million with a foreign exchange component of Rs 171.6 million. The Government and USAID financed the remaining cost of the third unit. The total cost was Tk 274 million with a foreign exchange component of Tk 156 million. In October 1988 construction of the 4th and 5th units of the Kaptai station was completed raising the total generation capacity to 230 MW. The total cost of the extension work was Tk 1,900 million, which included a foreign exchange component of Tk 1,080 million.

Although the Kaptai dam has provided increased economic opportunities which include flood control and power generation, many local inhabitants have lost their homes and means of livelihood owing to inundation, making way for a storage reservoir. There has also been a general destruction of wilderness and open spaces, and an accompanying loss of wildlife and wildlife habitats.

Source: Banglapedia

The independence movement for Bangladesh in 1971 caught the CHT people on both sides of the war. The 6-point autonomy movement of East Pakistan – ultimately culminating in the struggle for independence – had no explicit provisions for the CHT or its indigenous people. Therefore, although widespread sympathies lay with the Bangalee-speaking people of the province, most of the senior CHT leaders, including the chiefs and the members of the legislature, were not actively involved in the movement[95]. Some of the leaders were forced to collaborate with the occupation forces. Consequently, after independence was achieved, the hill people of the CHT were looked upon as traitors by Bangalee politicians. However, a section of the hill people, including ex-members of the Bangladesh freedom fighters, were encouraged by the Bangladesh struggle and started an armed movement for self-

[93] Ishaq, 1975:42
[94] Bhaumik et al, 1997:139-166 as cited in Roy, 2002.
[95] The singular exception was the Mong Raja Mom Prue Sain.

determination in 1973, after demands for constitutional safeguards and autonomy were summarily rejected in 1972. This fateful year also saw the rejection of the special administrative status of the CHT in the first constitution of the new republic. The armed struggle was to continue for more than two decades, when it finally came to an end on 2 December, 1997 with the signing of a "peace" accord between the indigenous people's party, the JSS, and the Government of Bangladesh[96].

However, it would be incomplete to refrain from mentioning the untold miseries that were suffered by the CHT people, including large scale massacres, torture, rape, arson, arbitrary detention and other human rights abuses that have been amply documented by reputable human rights organizations, including Amnesty International. As with human rights, there were huge social disruptions caused by involuntary relocation and environmental degradation due to deforestation through "jungle-clearing" and mono-cultivation projects[97]. These issues are not mentioned in the CHT Accord of 1997. Similarly, the question of gender equity and the special needs of the numerically small and politically and economically marginalized indigenous peoples have not been addressed in a substantial manner[98].

The Denial of Land Rights & Transmigration of Bangalee Settlers

Apart from the erosion of autonomy, another impact of colonization and the colonialist land and forestry policies of the successor Pakistani and Bangladeshi administrations was the violation of the land and resource rights of the CHT people. The *first* of such major events was the appropriation of the forest commons of the indigenous peoples by the colonial Forest Department in the 1870s. These lands still remain vested in the National Forest Department. The *second* was the construction of the Kaptai Dam of 1960, to which already have been referred. The *third* was the migration into the CHT of an estimated 200,000 to 400,000 landless Bangalee farmers from several districts outside the CHT in 1979 and the early 80s; a Government-sponsored programme that was planned and executed in secret without any involvement of indigenous leaders[99]. This population transfer programme worsened the situation rather than stopping the insurgency, and moreover, it made the situation more volatile by artificially adding an 'ethnic' overtone to the CHT problem by 'civilianizing' the conflict. Furthermore, the settlement process drastically altered the demographic make-up of the region by reducing the indigenous people to a near-minority in their ancestral homeland. Most importantly, it led to the dispossession of thousands of acres of lands belonging to indigenous people, which they are yet to recover. In accordance with the 1997 Accord and subsequent legislation a Commission on Land has been formed to resolve disputes over land, but is yet to start its work[100].

[96] Roy, 2002
[97] Loffler, 1991
[98] Roy, 2002
[99] For details of the settlement programme of 1979-80s, see Burger, 1984, Roy, 1997.
[100] Roy, 2002

Box 9: CHT Land Reform Commission

Disputes over land are the root cause of the crises in Chittagong Hill Tracts. One of the major changes proposed in the 1997 Peace Accord was formation of a commission on land for the settlement of land-related disputes in the CHT (Roy, June 2004). As per Clause 4, Part D of the Accord the Commission will be empowered to *"... provide remedies on cases of land-related disputes, including the authority to declare that those cases which involved illegal settlements and dispossessions are void under the law"* (Roy, June 2004).

The Accord provides further that the commission will be headed by a retired judge of the Supreme Court of Bangladesh and will include the concerned circle chief, the chairperson of the CHT Regional Council (or her/his representative), the Divisional Commissioner/Additional Divisional Commissioner and the concerned chairperson of the hill district council. The commission is to function for three years, but its term of office may be extended in consultation with the regional council. The commission will be obliged to carry out its functions by taking into account the *"laws, customs and conventions prevailing in the CHT"* (Clauses 5 and 6, Part D of the Accord) (Roy, June 2004).

As per Clause 4, Part D, of the Accord, the Accord provides further that the decisions of the commission will be final and that no appeals will lie against its decisions (Roy, June 2004).

In 2001, the Government formed the Land Commission as per the CHT peace accord and passed the Chittagong Hill Tracts Land Disputes Resolution Commission (CHTLDRC) Act (Act no. 53 of 2001). As there were inconsistencies between the CHT Accord and the Land Commission's Act, the Land Commission could not function during the former AL and BNP tenures. As a result until 2009 there was no further development with the activities of the commission.

On July 19, 2009 retired Justice Khademul Islam Chowdhury was appointed as chairman of the Land Commission. New office of the commission was set up at Khagrachhari on March 14, 2010. After the first meeting held in August 2009, the chairman of the CHT Land Commission on Settlement of Land Disputes underscored the importance of land survey as the first step to resolution of land disputes (Chakma, March 2010). He declared that land survey would start very soon (The Daily Star, May 21, 2010).

Following this declaration, questions have been raised such as how can land survey help in resolving land disputes and whether the Land Commission have consensus on the standards or criteria to demarcate boundaries for ensuring customary land ownership of indigenous communities etc (Ashok Kumar Chakma, The Daily Star, March 14, 2010). Many indegenous leaders including *Parbatta Chattagram Janasanghati Samity* (PCJSS) chief Santu Larma claimed the announcement of land survey in CHT is against the peace treaty.

The commission issued public notice seeking applications within 60 workings days from March 13, 2010 to resolve land disputes in the three districts of Chittagong Hill Tracts (CHT). Until the middle of May 2010, it has received only 2,178 applications in 48 working days. Most of the petitioners, who submitted applications to settle land disputes, are Bangalee settlers (The Daily Star, May 21, 2010).

Roy, Raja Devasish (June 2004a). '*The Land Question and the Chittagong Hill Tracts Accord'*. Published in Mizanur Rahman Chowdhury (ed.), Land: A Journal of the Practitioners, Development and Research Activists, Vol. 11, No. 7 Association for Land Reform and Development (ALRD) (pp. 43-65)

Chakma, Ashok Kumar (March 14, 2010). *'Land survey for conflict resolution in CHT?'* Published in the Daily Star on March 14, 2010.

The Daily Star (May 21, 2010). *'Poor Show' by CHT Land Dispute Body: Only 2,178 applications submitted in 48 days.* News Published in the Daily Star on May 21, 2010.

Revival of Autonomy and Restoration of Land Rights

A major turning point towards the revival of self-rule in the CHT was the CHT Accord of 1988 that laid down the basis for the creation of three district level councils, with a two-thirds indigenous majority, and with limited authority over small industries, primary education, health, agriculture and some other matters. This devolution package was formalized through Acts 19, 20 and 21 of 1989 (Hill District Local Government Council Acts). This process, however, failed to bring peace in the region. *Firstly,* the process bye-passed the JSS, that was leading the movement for autonomy. *Secondly,* it contained no provisions regarding the repatriation of the CHT refugees that had taken shelter in India. *Thirdly,* the devolution of authority to the district councils was quite insubstantial, with neither administrative nor fiscal autonomy. The internal war was therefore to continue until the ceasefire in the mid-1990s[101].

[101] Roy, 2002

A number of measures related to rehabilitation and devolution of authority to the existing and new units of self-government have been taken, but authority over police, law and order, strengthening of the role of the district councils in fiscal policy-making and related matters, and the transfer of executive authority to the CHT Regional Council is yet to be effectively implemented. In the case of land-related matters, the CHT Accord remains largely unimplemented. The hill district councils have not been transferred authority over land administration, landless hill people have not been given any land grants, commercial leases granted to non-residents have not been cancelled, and the land commission is yet to start its work. The matter on the land commission has been further complicated by the concerned law that has vested almost unfettered powers to the chairman of the commission – a retired judge of the High Court – to overrule opinions of the other members of the commission where there is no consensus[102]. The regional council has rejected the concerned law – the CHT Land Commission Act of 1991 – and has called for amendments to remove the arbitrary powers of the chairman[103].

The Constitutional Ignominy

As in other parts of neighbouring Northeastern India, the constitutional status of the CHT region was regulated in accordance with the Government of India Act, 1919 and the Government of India Act, 1935. The latter served as the provisional constitution of Pakistan until 1956.The CHT was classified firstly as a "backward tract", and later, as a "fully excluded area". The 1956 Constitution of Pakistan retained the *excluded area* status of the CHT and was ruled directly by the central Government, or by the governor of the province (then East Bengal) as the representative of the central Government. The status was changed to that of "tribal" area in the 1962 constitution, but this did not affect the style of administration. Next it was finally repealed in 1964, against the wishes of the people of the CHT and contrary to stipulations in the constitution[104] and the special status of that area was removed. Since then the special administrative status of the CHT has been bereft of constitutional backing[105].

Soon after the independence of Bangladesh in 1971, a delegation of hill leaders met the then Prime Minister and demanded the revival of the special constitutional status of the CHT and the recognition of the cultural identities of the indigenous peoples of the CHT[106]. These demands were, however, summarily rejected. Not long afterwards, the hill rebellions under the label of JSS (PCJSS) or '*Shantibahini*' started an agitation movement for autonomy that was later to culminate into a full-fledged armed struggle in the CHT. The then JSS leader himself met a tragic death in 1985 in an intra-party struggle. His name is still invoked as the first CHT leader to stand up in an organized manner for self-rule and the cultural integrity of the indigenous peoples of the CHT. Demands for the revival of the CHT's special status in the constitution have continued to be made by the indigenous people of the region, including in the Adivasi Declaration of 1997 and the Rangamati Declaration of 1998[107].

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[102] Apart from the chairman, the other members of the commission include the chairman of the CHT Regional Council, the chairmen of the three district councils, the three chiefs or *rajas*, and the Commissioner of the Chittagong administrative division (a civil servant).

[103] Roy, 2002

[104] Roy, 2004b

[105] Roy, 2002

[106] The four demands were: (i) regional autonomy for the CHT with its own legislature; (ii) retention of the CHT Regulation of 1900; (iii) the continuation of the "tribal" chiefs offices; and (iv) constitutional safeguards against the arbitrary amendment of the 1900 Regulation and safeguards against migration of non-indigenous people into the CHT. The demand for the retention of chiefly authority was to be removed from the JSS literature in the 1980s, to be revived again in the mid-1990s. It is believed by many that abolition of chiefship was reconsidered because of the need to maintain indigenous cultural integrity and to prevent further loss of indigenous authority to non-indigenous entities.

[107] Roy, 2002

Box 10: Peace Force (*Shantibahini*)

The ***Shantibahini*** (English Translation:"Peace Force") was the name of the military wing of the Parbatya Chattagram Jana Sanghati Samiti - the United People's Party of the Chittagong Hill Tracts in Bangladesh. Shantibahini was declared to have been formed on 7 January 1973 to preserve the rights of the tribal people in south-eastern Bangladesh, and fought for many years against the central government[1]. It abandoned militancy following the peace accord (widely known as *Shantichukti*) signed by the government and the Shamiti on December 2, 1997.

The circumstances leading to the emergence of *Shantibahini* as an armed organization date back to the colonial and Pakistan period. At the initial stage of the establishment of British colonial rule the Chakmas were engaged in a resistance movement for nearly ten years. The movement was aimed at getting recognition of the Hill Tracts as an autonomous region within the British kingdom. At the end of the nineteenth century, the people of Chittagong Hill Tracts again started armed struggle when their autonomy was interfered with. In pacifying the hill people the Chittagong Hill Tract Ordinance was promulgated in 1900 AD in which the Chittagong Hill Tracts was declared as a special administrative area.

The sufferings of the hill people, consequent upon the construction of the Karnafuli barrage during the Pakistan period, created resentment among the Chakmas, who were the worst sufferers of the project. This resentment continued for a long time, and ultimately gave rise to the formation of a political party of their own to safeguard their interests. This party, styled as Parbatya Chattagram Jana Sanghati Samiti, was founded on 15 February 1972. But the immediate cause of the establishment of this party appears to have been the emergence of Bangladesh on the basis of Bangali nationalism. The hilly people called themselves Jumya and not Bangalis, They demanded autonomy and placed before the Awami League government the following 4-point demands in this regard: (i) declare Chittagong Hill Tracts as an autonomous zone with an Assembly of its own; (ii) incorporate provisions in the Constitution of Bangladesh similar to the Chittagong Hill Tracts Ordinance of 1900 AD; (iii) recognise and maintain the offices of the tribal kings, and (iv) incorporate provisions in the Constitution for safeguarding the autonomy of the Chittagong Hill Tracts.

In the light of these demands, Manabendra Narayan Larma MP placed a demand in writing to the government to grant special administrative status to Chittagong Hill Tracts. But the Constitution did not provide any special political and administrative status to the Chittagong Hill Tracts. After having lost patience with constitutional methods, Jana-Samhati Samiti under the leadership of Manabendra Narayan Larma, resolved to solve the problem through armed struggle.

(Source: Banglapedia)

The negative implications of the absence of constitutional recognition of the CHT and its indigenous peoples have been amply demonstrated in the case of *Mustafa Ansari vs. Deputy Commissioner, Chittagong Hill Tracts and Another (17 DLR, 1965:553)*, when the then High Court of Dhaka struck down as unconstitutional rule 51 of the CHT Regulation of 1900, which empowered the deputy commissioner (district officer) to expel a non-native from the concerned district or to prevent her/his entry into the district if her/his presence was considered as a threat to the peace and good administration of the district[108]. In the aftermath of the 1997 Accord, some feeble attempts were made to challenge the constitutionality of the CHT Regional Council Act of 1998, but they were not followed through with much seriousness. It remains to be seen how various matters recognizing the primacy of indigenous people's rights in the CHT will be dealt with, if challenged in the future as *ultra vires* to the Constitution of Bangladesh[109].

Demographic Changes & Implications on Self Rule and Land Rights

The situation of the land and self-government rights of the indigenous peoples of the CHT, especially the implementation of some of the major provisions of the CHT Accord of 1997, had run into severe difficulties even during the rule of the then Government that was a signatory to the Accord. The situation has become far more precarious with the advancement of the other latterly elected Governments and has announced its intention to amend the concerned laws to safeguard the rights of all groups, by initiating a euphemism in

[108] A related law – Rule 52 of the CHT Regulation, 1900 – forbade the entry of non-natives into the CHT without a written permit issued by the deputy commissioner. The system was quite similar to that of the *Inner Line Regulation* that still prevails in Arunachal Pradesh, Mizoram and Nagaland in Northeast India. Rule 52 was repealed in 1930.

[109] Roy, 2002

strengthening the rights of the Bangalee inhabitants of the CHT. The population of Bangalee people in the region has grown from a minuscule 2% in 1872 to an estimated 49% in 1991. This has direct implications on political representation and the protection of the land rights of the indigenous peoples. The artificially engineered demographic change saw a Bangalee candidate from Khagrachari district being elected to parliament in the 1991 elections. Later his appointment as the chairman of the CHT Development Board has been condemned by the JSS as a violation of the 1997 Accord, which provides that priority shall be given to "tribals" in the appointment of the Board's chairman[110].

Box 11: Settlement of Bangalees

The early Bangalee settlement in the CHT took place during the seventeenth, eighteenth, nineteenth, and the first half of the twentieth centuries for various reasons. Settlers were basically farm laborers, small businessmen, fishermen, etc. However, subsequent settlement of Bangalees during the Pakistan and Bangladesh periods was large enough to give rise to resentment and hostility. During the mid-eighteenth century, Bangalee cultivators were settled in the region to work on the rajah's land and to teach lowland farming to the Chakmas in general (Chowdhury 2002).

During the British period, the CHT Regulation of 1900 designated the CHT as "excluded area" and left the tribal people to themselves to help preserve minority tribal culture and heritage. As a result there was virtually a prohibition of settlement of Bangalis in the CHT (Chowdhury 2002).

During the nineteenth century only tribal chiefs were permitted to own land and the Bangalee immigrants became sharecroppers (Hutchinson, 1978). It was only later that some of the immigrants purchased land. Nevertheless, the Bangalee population in the CHT remained small, and at the time of the partition of India and Pakistan in 1947, it amounted to only about 2 percent.

After partition, the constitution of Pakistan changed the status of the CHT from excluded area to tribal area. Since then the Bangalees started to settle in the CHT region and began to rise. Since the independence of Bangladesh in 1971, Bangalee settlement increased rapidly. The main reason was migration of an estimated 200,000 to 400,000 landless Bangalee farmers from several districts outside the CHT in 1979 and the early 80s into the CHT who settled down often on land belonging to indigenous people. This State-sponsored population transfer programme was planned and executed in secret without any involvement of indigenous leaders (Roy, 2002). The settlement process drastically altered the demographic make-up of the region by reducing the indigenous people to a near-minority in their ancestral homeland.

The Bangalees now account for nearly half of the CHT population. This has given rise to allegations of displacement and usurpation of land.The following table indicates the demographic composition of the Hill Tracts from 1872 to 1991.

Year	Indigenous	%	Non-Indigenous	%	Total (CHT)
1872	61,957	98.26	1,097	1.74	63,054
1901	116,000	92.63	8,762	7.37	124,762
1951	261,538	90.92	26,150	9.08	287,688
1974	372,526	73.71	135,673	26.29	508,199
1981	441,774	59.16	304,873	40.93	746,647
1991	501,144	51.42	437,301	48.67	974,445

(Source: Roy,R.C.K. 2000)

Chowdhury, Bushra Hasina (2002) *'Building Lasting Peace: Issues of the Implementation of the Chittagong Hill Tracts Accord'*. Research of the Program in Arms Control, Disarmament, and International Security, Program in Arms Control, Disarmament, and International Security, University of Illinois at Urbana-Champaign, August 2002. Online: http://www.sdnpbd.org/sdi/international_days/Indigenous-people/2004/indigenous_people_bd/document/Chowdhury%20Occasional%20Paper_1.htm visited on 30 August, 2010.

Hutchinson, R. H. Sneyd. (1978) *Chittagong Hill Tract.s.* Vivek Publishing Company, Delhi, India.

Roy, Rajkumari Chandra Kalindi (2000). *Land rights of the indigenous peoples of the Chittagong Hill Tracts, Bangladesh*. Copenhagen: International Work Group for Indigenous Affairs (IWGIA), (IWGIA document; no. 99)

Roy, Raja Devashish (11-13 March 2002). "Indigenous Rights in Bangladesh: Land Rights and Self-Government in the Chittagong Hill Tracts"—Paper submitted at Indigenous Rights in the Commonwealth Project, South & South East Asia Regional Expert Meeting; Indian Confederation of Indigenous and Tribal Peoples (ICITP),India; India International Centre, New Delhi, India.

[110] Roy, 2002

Demography, State Subsidies & Land Disputes

The growing strength of the Bangalee-speaking voters of the CHT also had several implications with regard to the workings of the future commission on land. It was quite impossible for the commission to deal with potentially thousands of cases of alleged cases of land dispossession by settlers who have lived in the CHT since 1979 or the early 80s[111]. Their land titles were not recognized by the commission. The fate of the dispossessed indigenous people of the CHT depended on the solutions of the mentioned problems. Meanwhile, the Government-sponsored Bangalee settlers continue to receive regular food grains from the Government, a clear sign that their continued presence in the CHT requires to be financially subsidized. In other words, if the rations were to be stopped, it is quite likely that a large section of the settlers would leave the CHT. That, however, is perhaps not what the Government wishes to happen as the settlers are invariably seen by many Government leaders and functionaries as "loyal citizens" amidst "revolutionary" minorities. Some indigenous people have complained that this is contrary to the equal rights clauses of the national constitution (especially articles 27 and 28)[112] which forbids the state from negatively discriminating against any person on the grounds of race, religion or place of birth. However, none have challenged the legality of food grants to the settlers, perhaps because of legal, evidential and political complications[113].

Without effective devolution of powers to the regional and district councils, especially on fiscal, land and policy matters, the early years of this century may well take the CHT back to the trend before 1989, which saw the gradual erosion of the land and self-government rights of the indigenous peoples of the region. The situation is further exacerbated by an intra-indigenous conflict that pits the party to the 1997 Accord – the JSS – against the UPDF, which calls for "greater autonomy."

[111] Roy, 2002
[112] *ibid*
[113] *ibid*

Box 12: 1997 Peace Accord

At the backdrop of two decades of insurgency in the Chittagong Hill Tracts (CHT), it was realized that violent military interventions cannot be a solution to the unrest in the area. To end the long term problem and violation in the Chittagong Hill Tracts in a peaceful way, the Government of Bangladesh formed a National Committee on Chittagong Hill Tracts Affairs in 1997; and this Committee went through several negotiation meetings throughout the year with PCJSS. As a consequence, on 2 December 1997, an agreement generally known as the "Peace Accord" was signed between the National Committee on Chittagong Hill Tracts and the *Parbatta Chattagram Janasanghati Samity* (PCJSS), the political wing of the separatist rebels better known as *Shatibahini* (Peace Force) in the presence of highest government authorities in Bangladesh. The official name of this accord is "The Chittagong Hill Tracts Accord 1997", but it has been popularly known as *Shanti Chukti* (Peace Accord) which crystallizes the deep aspirations and desires of both Indigenous Peoples and Bangalees of CHT and the citizens at large of Bangladesh as a whole. As a consequence of this accord, a 20-year insurgency has come to an end, a large number of members of PCJSS military wing (*Shantibahini)* surrendered their arms, and about 65,000 refugees returned home from India.

Under this accord, Hill District Council (HDC), Chittagong Hill Tracts Regional Council (CHTRC), Chittagong Hill Tracts Development Board (CHTDB) and the Ministry for Chittagong Hill Tracts Affairs (MoCHTA) have been set up. However, this accord is merely an agreement and not protected by constitutional safeguards and is also open to amendment or revocation at anytime.

The most salient feature of the Accord is the establishment of the Chittagong Hill Tracts Regional Council "comprising the Local Government Councils of the three Hill Districts".
Other provisions are:

- Tribal Law and Community adjudication shall be within the jurisdiction of the Regional Council.
- Any new law in connection with the Chittagong Hill Tracts will be enacted in consultation and on advice of the Regional Council.
- Provisions relating to rehabilitation of tribal refugees and internally displaced tribals,
- Provisions for land survey in consultation with the Regional Council to finally determine land ownership of the tribal people through settling the land-disputes on proper verification and shall record their lands and ensure their rights thereto.
- Disputes will be settled by a Land Commission with a minimum tenure of three years and in consonance with the law, custom and practice in force in the Chittagong Hill Tracts.
- It commits the government to take back in phases all temporary camps of the army and the Village Defence Force after the return of PCJSS members "to normal life".
- All job vacancies are to be filled by the permanent dwellers of the Chittagong Hill Tracts with priority given to the tribals.
- A Ministry for the Chittagong Hill Tracts is established with a minister appointed from the tribal people.

The peace accord is facing a number of difficulties regarding implementation which require urgent and continued attention.

- Accord is not recognized by the main opposition party at that time (now ruling party BNP). Sadly, the peace accord has like many other important issues in the country been caught in the cross confrontation of Bangladesh party politics.
- the withdrawal of the army from certain camps which, despite the provisions of the accord, has been only partially implemented;
- the possession of land which continues to remain unresolved;
- Tribal authorities have complained that the decisions of the Implementation Committee which met four times between March and November 1998 were not implemented and the process has been further confused by the fact that the committee did not record the minutes of its proceedings.

The present situation of 'Land Rights' and 'Land Uses' among the CHT Peoples: In the light of previously enacted 'land laws'

From the very dawn of the human civilizations that took place spanning all over the whole world, 'land' was always a material base for survival. In this context, by observing the whole historical viewpoints from the past to the Bengal regions and later the present Bangladesh, the special concentration automatically points out the land laws subsisted in the CHT. With slight changes into the amendments, these laws still are prevailing for CHT in response to 'land'. As law or the legalized frameworks is the ultimate custodian and initiator of any rights for any nation; so the 'land laws' was said to be the supporter for the indigenous peoples of CHT in association with their ancestral lands. But that did not happen in CHT for the people at any time.

People's right over land and other movable assets was almost same in the plain and in CHT in the ancient time. However, the ownership laws in the plain were changed or highly influenced by the external rulers such as the Mughal and the British over the last five hundred years. So all the laws, starting from the invasions of the Mughals and then the British rules being followed by the Pakistani rules and later the Independent Bangladesh; has malfunctioned over the patterns of 'land rights' and 'land use' of the indigenous peoples of CHT through out the centuries. It is necessary to note that only with some exceptions people in the plain accepted the changes as they (the laws) did not drastically violate their (the people's) customary laws and rights over the land.

Thus different customs, practices and laws regarding land ownership, land records, surveys and management, land tenure and land reforms etc were given a formal shape in the plains and people have become introduced with ownership documents or deeds—the formal proof of ownership and claim. On the other hand, the external rulers, who were very much successful in the plains in establishing their dynasty, could not penetrate the Chittagong Hill Tracts even until the latter part of their succession. As a result the land ownership pattern in the CHT remained customary until recently and private ownership of land was also unessential considering their activities with land (for example jum cultivation). All their socio-economic and cultural lives were encircled on jum or swidden cultivation which indicated their social ownership on land. Therefore, proof of ownership documents or deeds were also unnecessary for them although this has already become the basis of land ownership in the plain districts of Bangladesh. At this backdrop, the British rulers declared most areas of the hill tracts either as reserve forests or as unclassified state forests. Such declarations ignored the customary rights of the hill peoples over the land they had been living or cultivating for centuries. Moreover, when the people from the plains migrated (or were settled) they also found the land as state forest as the hill people did not have any deeds against the land to prove their ownership. Gradually these occurrences made an end to their social ownership of their ancestral lands and violated their rights all through the past years.

The indigenous groups of CHT were always treated as excluded and so their rights over their 'lands' were denied and their patterns of using those lands were barred in many ways. Ultimately these incidents made obstacles in attaining the 'land rights' through the independent and smoother 'land use' formations among the ethnic groups in CHT. Their lives were thrown before constant chaos and conflicts in the name of development in an independent country like Bangladesh. The 'construction of a hydro-electric project' and the 'demographic engineering by the consecutive Governments', all have opposed the CHT peoples in being free and happy. Once the 'social ownership on land' had declined by the curse of time and the more of this declination happened, the less were the numbers of land remained for the hill peoples. But the CHT peoples know about their rights and they have raised voices over the past years to achieve their rights over their lands including their autonomy in CHT. Though the CHT accord of 1997 was endorsed in favor of the CHT peoples, nevertheless; the outburst is still continuing in which achieving the 'land right' and 'land use practices' through formations of 'land laws' are the most demanded.

Chapter 4
Land Use and Land Rights in CHT: Status and Dynamics

Land Use in Chittagong Hill Tracts at a Glance: Findings from Research Survey

During last thirty years (between 1978 and 2009), land under use/control of paras in Chittagong Hill Tracts has been decreased by almost 51%. As this reduction has not been taken place equally in all types of land, pattern of land use has changed as well during the last thirty years. Moreover, some other factors like changes in land ownership, popularity of plough cultivation, emergence of tobacco cultivation etc. also have played pivotal role in changing the pattern of land use in CHT.

Box 13: Survey Area

To assess the overall status and dynamics of land use and rights in CHT, the survey has been carried out in all three districts i.e., Bandarban, Khagrachhari and Rangamati of Chittagong Hill Tracts. According to the Population Census 2001, total number of mouza in 25 Upazilas of CHT is 379. A 15 mouzas from 14 Upazilas of CHT (5 mouzas from each district) were selected as sample mouza to assess the overall status and dynamics of land use and land rights. In the process, 4/6 sample paras were selected from each of the sample mouzas. Then the survey was carried out in 83 sample paras of the sample mouzas. The sample mouzas of Chittagong Hill Tracts for this study were: 1) Betchhara, 2) Fasyakhali, 3) Renikhyong, 4) Naikhongchhari, 5) Balaghata, 6) Gumati, 7) Perachhara, 8) Maischhari, 9) Alutila, 10) Kabakhali, 11) Dhanu Chhara, 12) Kukya Chhari, 13) Petanya Lamar Chhara, 14) Ballal Chhara, and 15) Ulta Chhari.

On the basis of land use, land under use/control of paras in CHT can be divided into following seven broad categories:

1. Plough land
2. Hills (used for jum and garden)
3. Village Common Forest (VCF)
4. Homestead
5. Infrastructure
6. Water Bodies
7. Others.

Box 14: Area under Control of Paras

The concept of "village" as applicable in other parts of Bangladesh is not applicable in CHT, rather the concept "para" is used as synonymous to "village" in CHT. A Karbari is a formal head of each of the paras, while Headman is the head of each mouza. As land in CHT is socially owned and no legal paper delineates the exact amount of land under each para, exact demarcation can not be drawn among paras in terms of para's possessed land. Hence, in the survey, total reported (by karbarie, headman and other knowledgeable people of the para) accessible land to paras has been used as a basis to measure the land status and dynamics in CHT. However, in this regard, the amount of reported land under use/control of paras may not be 100% accurate. In spite of that, overall trend of land use and land rights in CHT as depicted by the reported information is valid as the sample paras were selected following proper method of representation.

Box 15: Methodology for Estimation of Land Use and Land Ownership in CHT

There are 4,426 paras in CHT, the distribution of paras among 3 CHT districts are – 34% para in Bandarban, 36% para in Khagrachhari, and 30% para in Rangamati. From a representative sample, the percentage of various type of land by use and ownership among 3 districts has been estimated. A hypothetical example will clear the calculation procedure. Suppose, the percentages of registered land are – 20% land in Bandarban, 15% land in Khagrachhari, and 14% land in Rangamati. Therefore, to estimate an overall scenario of registered land in CHT, weighted average is needed. Weighted average takes into account the relevance of each district, rather than treating each district equally. The following formula is used to estimate the registered land in CHT.

$$\text{Registered land in CHT} = \frac{\sum_{i=1}^{3} X_i W_i}{\sum_{i=1}^{3} W_i},$$

Where,

X_i = Proportion of land in i^{th} district

W_i = Weight Factor (Proportion of paras in 3 districts)

Hence, the estimated registered land in CHT is 16.4%.

The survey findings reveal that the proportion of plough land to total land in CHT has been increased remarkably in the last thirty years, while the proportion of jum cultivation has been reduced significantly. Though proportion of hill land in CHT is still predominant (48% of the total land under control of paras), over the last three decade share of hill land has been reduced by 24.57 percentage points. However, decrease in the share of hill land under use/control of paras is not the same in all three districts. The maximum decrease in the share of hill land has taken place in Khagrachhari district which accounts 39.38 percentage points, while reduction of hill land under use/control paras is least in Bandarban district (6.2 percentage points). In this regard, it is noteworthy that the use of hills for jum cultivation has been reduced significantly in last thirty years, though the use of the hills as gardens has been increased.

Figure 1: Distribution of land use/control under paras in CHT in % (1978)

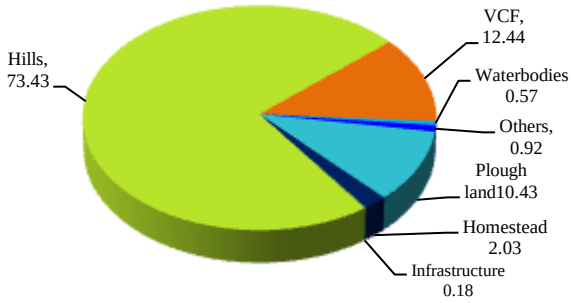
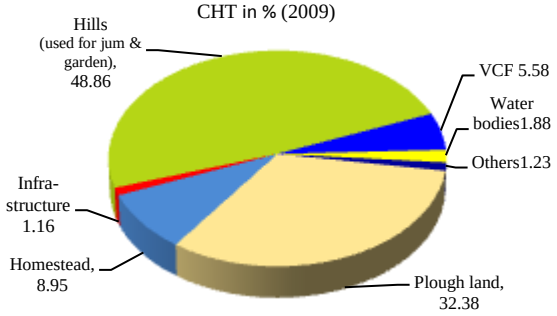
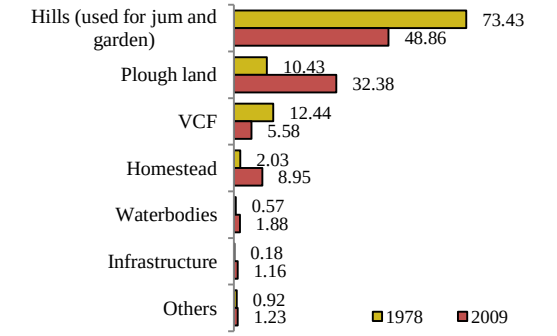


Figure 2: Distribution of land use/control under paras in CHT in % (2009)



In contrast to the decreasing proportion of hill land, proportion of plough land has been increased remarkably between 1978 and 2009. In 1978 where the proportion of plough land in CHT was 10.43% of the total land under use/control of paras, in 2009 share of plough land in total land under use/control of paras has been increased to 32.38%. While the maximum level of increment has been taken place in Khagrachhari district, the minimum increment has been taken place in Bandarban district.

Figure 3: Distribution of land use/control under paras in CHT in % (1978 and 2009)



In all of the districts of CHT, the proportion of land used as homestead and infrastructure has been increased quite notably. While in 1978 around 2% of the land under control of paras was used for homestead purpose, in 2009 the share of homestead has been increased to 8.95% of the total land use/control of paras. Moreover, during this time share of infrastructure also has been increased by more than 6 times. Major reasons behind this changing trend are: natural development process, population increment, and the state sponsored population transfer programme.

Though proportion of water bodies in Khagrachhari district has been decreased slightly, in Bandarban and Rangamati district proportion of water bodies has been increased mentionable. In some part of these two districts water bodies has been created artificially by

constructing *Badh* (water dam). Hence, in CHT, over the last thirty years the proportion of water bodies has been increased from 0.57% to 1.88%.

The decline of the proportion of VCF (Village Common Forest) is another important aspect of the changing pattern of land use in Chittagong Hill Tracts. In all of the districts of CHT share of VCF has been declined quite remarkably. In 1978 the proportion of VCF in total land under use/control of paras in three districts of CHT varied between 9.03% (Khagrachhari) and 15.20% (Bandarban). In 1978 on average 12.44% of the land under control of paras in CHT was used for VCF, while in 2009 the share of VCF has been reduced to 5.58% of the land under use/control of paras.

There are some common and particular factors that actually led this changing pattern of land use in CHT. As delineated in this report, declining jum cultivation is the major aspect of changing pattern of land use in CHT. One of the main reasons behind this reduction of jum cultivation is that most of the migrated Bangalee settlers are accustomed to plough cultivation or gardening rather than jum cultivation. As over the last thirty years significant portion of paras and adjacent land has been went under the control of Bangalee settlers, practice of jum cultivation has been reduced dramatically. Moreover, popularity of plough land cultivation among the indigenous population has been increased over the last thirty years due to its higher productivity in compare with the productivity of jum cultivation. Besides, local indigenous people of some part of Khagrachhari district also prefer to use hill land for profitable gardening.

Land of Khagrachhari district is relatively plain and fertile land. Hence, the pressure of Bangalee settlers in the form of land grabbing in Khagrachhari district is relatively higher than that of other district of CHT. Most of the Bangalee settlers are more accustomed to do plough cultivation in that fertile land. While in Khagrachhari district extensive land grabbing by the Bangalee settlers has been played the major role in changing the land use pattern, in Rangamati it is the extensive land acquisition by the Forest Department that has shaped the current (in 2009) land use pattern of this district. About 40% of the land under use/control of paras in Rangamati district has been acquired by the Forest Department. Most of that acquired lands are hills and was previously used for jum cultivation. Because of the land acquisition by the Forest Department, which made large portion of land inaccessible for the local indigenous population, the practice of jum cultivation has been sharply decreased in this district.

In Bandarban district, the hills which were previously used as jum land by the indigenous people are being leased out by Government in last few years. The leased out jum lands is mostly controlled by the Bangalees and in many cases this leased land is kept as unused or used in other forms like commercial gardening. Hence, a large potion of hill land, which was used for jum cultivation previously, has become inaccessible to the indigenous people. Moreover, the Forest Departments afforestation project also has acquired huge amount of hill land of this district. However, in very few paras of some mouzas, it has been reported that local people manage to cultivate some insignificant portion of acquired land by bribing or negotiating with the staff of Forest Department.

However, though extent of jum cultivation has been on a declining swing, commercial garden in the hills have been popularizing these days. The proportion of natural forest has also been decreased over the last thirty years as commercial garden has taken the place of natural forest. Moreover, cultivation of tobacco and rubber are becoming dominant in significant part of

CHT. As the tobacco cultivation incur more profit to cultivator and as in some extent multinational cigarette company is providing payment to cultivator in advance as an incentive, extent of tobacco cultivation is becoming extensive in CHT. However, in most of the group discussion session conducted during the survey, it has been acknowledged by the local people that though the tobacco cultivation is more profitable than other form of cultivation, tobacco cultivation actually degrades the soil fertility and needs more investment in the form of fertilizer and pesticide.

As the land structure, fertility of land and tradition of different communities vary sharply among place to place in Chittagong Hill Tracts, very little similarity can be found when various types of lands of CHT are analyzed by crops and trees. Because of the more commercial orientation, prevalence of Bangalee settlers, land acquisition (by the Forest Department) and leasing practice in CHT, varieties of crops and trees have been changed over the last thirty years in CHT.

While in plough land of Khagrachhari district varieties of crops have become more diversified over the last thirty years, in Bandarban and Rangamati districts varieties have been remained the same or reduced slightly over the years. However, rice is the major variety which has been cultivated extensively in plough land of CHT. Besides rice, in some part of CHT some other crops like vegetables, kaun, potato, arum, papaya, sugarcane, and chili are also grown. Over the last thirty years, types of crops in jum land have been less diversified in most part of CHT. At present, the major crops in jum land is rice, while thirty years back in addition chili, binni rice, ginger, turmeric were also grown in jum land of CHT. However, in some areas of CHT some new varieties like mango, jackfruit, lichi, chili, and vegetables are grown in jum land. Moreover, tobacco and rubber plantation has become popular in various parts of CHT in last two decades.

As the area under natural forest has been under shrinkage over the last thirty years, the number and varieties of trees in the natural forest also have been reduced significantly in CHT. In the natural forest of CHT common trees currently found are: koroi (*Albizzia procera*[114]), shegun (*Tectona grandis*[115]), gamari (*Gmelina arborea*[116]), garjon (*Dipterocarpus alatus*[117]). Among the other varieties, shegun and gamari are relatively new varieties in most of the part of CHT. In some parts of CHT, chapalish (*Artocarpus chaplasha*[118]), kanak, mango, blackberry, and jackfruit are also found in natural forest. However, during last thirty years trees like chapalish (*Artocarpus chaplasha*), jarul, guda (*Vitex peduncularis*[119]), champa (*Plumeria*[120]), batna (*Quercus gomeziana A. Camus*[121]), chakua *(Albizzia chinensis*[122]), horina (*Vitex peduncularis*[123]), jarul and olive have become almost extinct in major natural forest of CHT.

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[114] Government of Bangladesh (July 2010). Fourth National Report to the Convention on Biological Diversity, Department of Environment, Ministry of Environment and Forests, Dhaka [http://69.90.183.227/doc/world/bd/bd-nr-04-p1-en.pdf ; visited on August 01, 2010]

[115] Government of Bangladesh (July 2010).

[116] Banglapedia: http://www.banglapedia.org/httpdocs/HT/T_0168.HTM; visited on August 01, 2010

[117] Banglapedia.

[118] Banglapedia.

[119] Banglapedia.

[120] Wikipedia: http://en.wikipedia.org/wiki/Plumeria; visited on August 01, 2010

[121] Khaled Misbahuzzaman and Mohammad Jahangir Alam (2006). Ecological Restoration of Rainforest Through Aided Natural Regeneration in the Denuded Hills of Sitakunda, Chittagong, Bangladesh. International Journal ff Agriculture & Biology. Vol. 8, No. 6 [http://www.fspublishers.org/ijab/past-issues/IJABVOL_8_NO_6/15.pdf; visited on August 02, 2010]

[122] Khaled Misbahuzzaman and Mohammad Jahangir Alam (2006).

[123] Md. Munir Hossain, Md. Abul Hassan, and Mohammad Zashim Uddin (2005). A Checklist of Angiospermic Flora of Lalmai Hills, Comilla, Bangladesh. *Department of Botany, University of Dhaka, Dhaka-1000, Bangladesh.* Bangladesh J. Plant Taxon. 12(2): 85-96, 2005 (December) [http://www.banglajol.info/index.php/BJPT/article/viewFile/605/1014; visited on August 02, 2010]

Koroi, kanak, shegun, garjon, and mango are the most dominant varieties found in the hill forest of the districts of CHT. Thirty years back, in addition to these above mention trees, gamari, chapalish, jarul trees were also found in plenty in CHT.

Currently (2009) mango, myrobalan, jackfruit, and banana are being cultivated in the gardens of CHT, while thirty years back types of trees and crops in garden were less diversified. The gardening of timber trees has been on an increasing trend in last thirty years in all part of CHT. Especially in Bandarban, trees like gamari, shegun, mehogoni (*Swietenia mahagoni*[124]), akashi (*Acacia auriculiformis*[125]) are widely planted for commercial purpose.

Land Rights in Chittagong Hill Tracts at a Glance: Findings from Research Survey

The traditional or social land ownership pattern in Chittagong Hill Tracts of Bangladesh has never been formally recognized in an operational manner. No proactive actions has ever been taken also so that the mainstream land ownnership pattern in other parts of Bangladesh can be syncronized with the different land ownership pattern in CHT. Rather, using the traditional land ownership system in CHT and marginalized state of the indigenous people, state sponsored land grabbing and forced migration have been a regular phenomenon. In this consequence- huge amount of land dsipossession has taken place in CHT and inaccessibility to land has increased significantly.

During the last thirty years (Between 1978 and 2009), the pattern of land rights in the form of land ownership has been changed in a visible manner. The major visible change is that the land ownership has been transforming towards personal ownership from social ownership in an increasing manner. In the process of this transformation, land rights have been violated in CHT through various ways of land dispossession. Because of the land dispossession, land under use/control of paras in CHT has been reduced to almost half during the last thirty years. Thirty years back (1978), a significant part of this dispossessed land was under social ownership. Hence, the reduction of socially owned land has played the major role in disturbing the traditional pattern of livelihood of the indigenous people.

Figure 4: Land ownership pattern in CHTin % (2009)

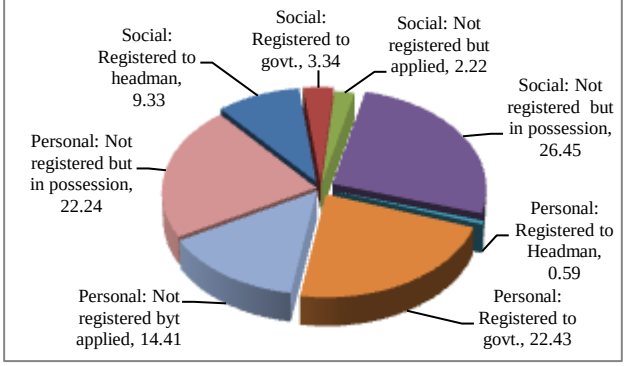
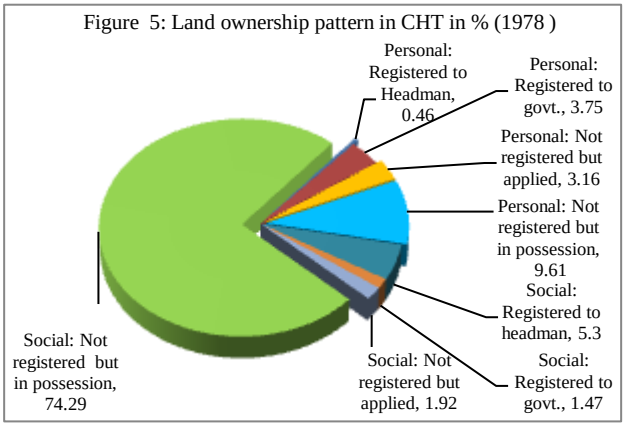


Figure 5: Land ownership pattern in CHT in % (1978)



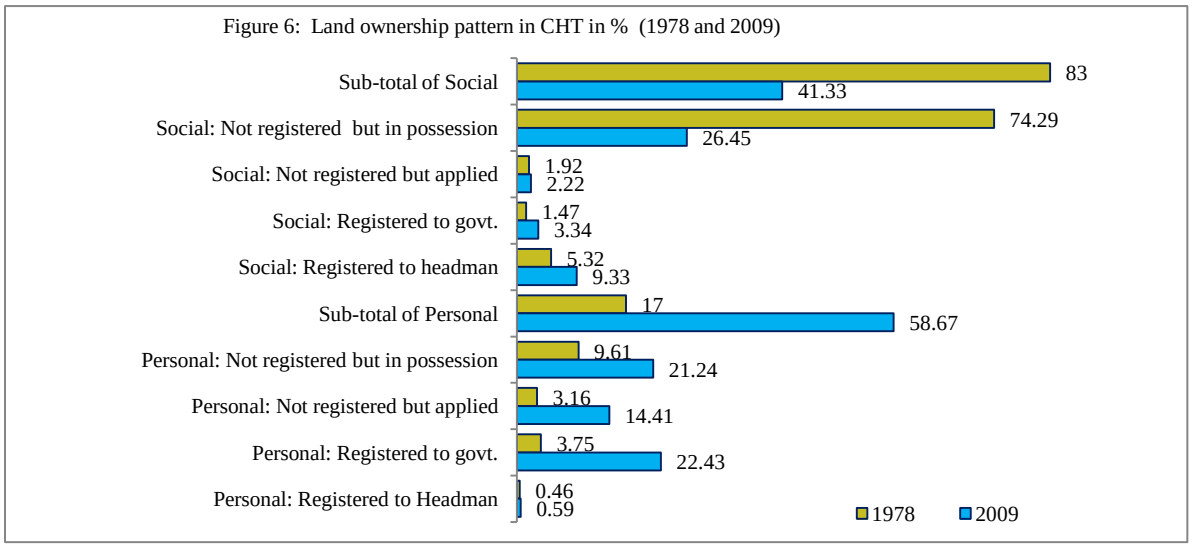
During the last thirty years, the proportion of socially owned land has been declined from 83% (in 1978) to 41.33% (in 2009). In contrast, the proportion of personally owned land has been increased to 58.67% from 17%

[124] Md. Munir Hossain, Md. Abul Hassan, and Mohammad Zashim Uddin (2005).
[125] Banglapedia: http://www.banglapedia.org/httpdocs/HT/M_0028.HTM; visited on August 02, 2010

during that time span. However, this overall trend of change in land ownership pattern varies among the districts of CHT. The most dramatic shift in land ownership pattern has been taken place in Khagrachhari district, where the share of socially owned land has decreased by more than 60 percentage points.

Within the broad categories of socially owned land- considering sub-categories- it is observed that the sharp reduction of socially owned land under sub-category 'not registered but in possession' has contributed much in the overall reduction of the proportion of socially owned land in CHT. During the last thirty years, the proportion of this category of land has been decreased by 47.84 percentage points. Among the socially owned land of CHT, the overall proportion of registered land (to Government or Headman) and tendency of registration (in the form of 'applied') have been increased during the last thirty years in CHT. In 1978 where 5.32% of the land under paras in CHT was registered to Headman, which is now (2009) increased to 9.33% of the total land under use/control of paras. The main reason behind this overall increase of land under these sub-categories is that in Bandarban district the proportion of land under these sub-categories has been increased significantly. Due to the extensive leasing arrangement in Bandarban district, local indigenous people have become afraid of losing their land. Hence, the tendency of registration among the indigenous people of Bandarban district has been increased over the years. However, this trend has been less pronounced in Khagrachhari and Rangamati districts. In this two districts, the proportion of socially owned land under categories 'not registered but applied' and 'registered to headman' has been decreased notably.

Figure 6: Land ownership pattern in CHT in % (1978 and 2009)



In CHT, during last thirty years, the proportion of personally owned under all sub-categories have been increased quite significantly. While in 1978 proportion of land under sub-category 'not registered but in possession' was 9.61% of the total land under use/control of paras, in 2009 it has increased to 21.24%. Between 1978 and 2009, registered to Government land (under personal ownership) has been increased by 18.68 percentage points. This trend of change in personal ownership of land is more or less similar in all three districts of CHT.

It is always difficult to generalize the changing pattern of traditional land rights practice in CHT. In spite of that, during the survey it has been found that not only the sources of conflict and violation of land right are more or less similar in all districts of CHT, but also the extent and pattern of conflict are more or less similar in most areas of CHT. However, some variations have been found among the districts of CHT in terms of the severity of particular

pattern of conflict. Khagrachhari district has relatively more fertile plain land as compared with other two districts of CHT. Hence, the conflict in Khagrachhari district mostly revolves around controlling that plain fertile land. On the other hand, as the land related arms movement was less in severity in Bandarban district and this stability was conducive for outsider to own leased land, the extent of land leasing is enormous in Bandarban district. During the survey it has been found that the extent of land acquisition by the Forest Department is extensive in Rangamati district. In this land acquisition process, land rights have been violated severely over the last thirty years. Through this process the traditional land rights practiced by the indigenous communities of CHT have been violated in many forms in last thirty years.

As various actors like Forest Department, Bangladesh Army, different Government institutions, Bangalee settlers, Rohingyas, shantibahini have significant role in the dynamics of land right, hence land rights related complexities in CHT are quite multidimensional. The major source of the land related complexities in CHT has been emerged from the extensive dispossession of land under control of paras.

One of the major sources of violation of land rights in CHT is the forceful land grabbing by the Bangalee settlers (who came here through Government settlement process). During the survey it has been reported that Bangalee settlers not only illegally grabbed the land of indigenous people having the assistance from security forces but also forced the indigenous people to sell their land at nominal price. Amidst the intense clash between shantibahini and Bangladesh Army, it is the indigenous people who have suffered the most over the last thirty years (between 1978 and 2009). During or after each clash, fearing of persecution local indigenous people migrated elsewhere (within or outside Bangladesh), and hence lost their land to settlers Bangalees. In most cases, those migrated people could not recover their cultivable land and homestead after returning to their home. Bangalee settlers also have taken control of indigenous people owned land by using forged document. Especially during fire outbreak (in March, 1991) in Khagrachhari DC office, all land record documents were destroyed and following that by bribing Officials of the Upazila Land Office of Khagrachhari district Bangalees made forged land document to take control of indigenous people owned land. In some areas of Bandarban district, illegal land grabbing by Rohingyas has also been reported by the local inhabitants. In this process of land dispossession either indigenous people inhabited paras were totally wiped out by the Bangalee settlers or once majority indigenous population has become marginal minority in their own paras. In this regard, it is noteworthy that indigenous people do not have any major land related conflict with adi Bangalees. In some instances adi Bangalees have also been suffered by the illegal land grabbing of settlers Bangalees.

Besides land grabbing by the Bangalee settlers, extensive land acquisition by the Forest Department has contributed significantly in changing the land right status in CHT. Almost in all of the districts of CHT, Forest Department has acquired a large amount of land through Government procedure for afforestation project. In Rangamati district land acquisition by the Forest Department is so extensive that in 19 out of 23 sample paras of this district, land acquisition by the Forest Department is the major source of land related complicacy. Through the process of land acquisition the Forest Department has not only grabbed the jum land of indigenous people but also evicted those people from their homestead. Hence, losing control over their only means of sustenance, local indigenous people has been became refugee in their own land. Though this afforestation process was supposed to be carried out outside human habitant, in most cases the Forest Department has not been abided by its own law. In some areas of CHT, persistent persecution and litigation against indigenous people by the

Forest Department also have been reported during the survey. As in those areas majority of the land was acquired by the Forest Department, local indigenous peoples are now forced to encroach in Forest Department acquired land for their sustenance and hence fall in wrath of the Forest Department.

In CHT, cultivable land has been acquired not only by the Forest Department but also by the different Government institutions. Various Government offices land projects have been established in that acquired area. Though in the acquisition process victims of land acquisition were supposed to be properly compensated, in most cases they were not compensated at all or compensated partially.

Another important aspect of status and dynamics of land rights in CHT is the land leasing process. Because of this leasing practice under direct patronization of the State, a significant portion of indigenous population has been evicted from their land. During the survey, the local and district land office has been accused for playing major role in leasing out lands where people were living for generations. However, most of the leased out land has been kept unused in last few years. A significant portion of the lease holders has allowed some Bangalees to live in those leased land as caretaker. As a consequence of this process, serious conflicts between those Bangalee caretaker and indigenous people, who lost their accessibility to that leased land, have taken place in some part of Bandarban district of CHT.

During the field survey it has been reported that security forces had significant role in the majority of land dispossession related incident. Security personnel were not only involved in evicting local people from their land but also in many cases they had unholy alliance with the Bangalee land grabbers. It has been reported that in most of these eviction process undertaken by Bangalees, security forces took the side of Bangalee settlers. In some area of CHT, security forces also have acquired a large portion of land for constructing army camp, bazaar and other infrastructure. However, in some areas of CHT, shantibahini protested and impeded the land arrangement initiative thinking that Bangalees would take the illegal advantages of this process. During the land arrangement process Bangalee settlers arranged some of the indigenous peoples' land secretly, while because of the anxiety instigated by shantibahini, indigenous people could not retain their land through this process.

As reported by the local knowledgeable persons of CHT, for the better resolution of land related complication no assistance was found from any Governments institutions. Moreover, no NGOs have provided them any significant assistance to settle the land right related issues. In very few areas of CHT, some sort of negotiation was organized by various Government institutions and NGOs to deal with land related complexities. In fact, outcomes of those meeting or negotiation were not fruitful in long run. In most part of CHT, local indigenous people have reported that they are not aware about their land rights. They also do not have significant idea about land related rules and regulations. In some areas local people attributed this minimum idea about land related rules and regulation to their illiteracy.

However, in some part of CHT, local knowledgeable people reported that before 1979 very few people of this district knew about land related laws and regulation as land related complicacy was minimal. However, as after 1979 the indigenous people have been facing conflict with Bangalee settlers, they are acquiring some knowledge of land related laws and regulation. In fact, that minimum knowledge of the local indigenous people is not enough for them to retain their land.

DISTRICT WISE STATUS AND DYNAMICS OF LAND USE AND LAND RIGHTS IN CHITTAGONG HILL TRACTS

Bandarban: Status and Dynamics of Land Use and Land Rights

Bandarban at a Glance

Bandarban is a district in South-Eastern Bangladesh, and a part of the Chittagong Division and Chittagong Hill Tracts. Bandarban (meaning *the dam of monkeys*), or in Marma or Arakanese language as "Rwa-daw Mro" is also known as Arvumi or the Bohmong Circle (of the rest of the three hill districts Rangamati is the Chakma Circle and Khagrachhari is the Mong Circle.[126]. Bandarban town is the home town of the Bohmong Chief (currently King, or Raja, Aung Shwe Prue Chowdhury) who is the head of the Marma population from 1911[127].

Bandarban was originally a sub-division of Chittagong Hill Tracts districts and was upgraded to a district in the year of 1981. In the British regime, in 1860, through the Frontier Tribes Act a separate district was created, called- Chittagong Hill Tracts district. Through the Chittagong Hill Tracts Regulation Act-1900, Deputy Commissioner was assigned as the administrative chief and the then district was divided into three circles. The current Bandarban district was within the thanas of *Bandarban, Naikhongchhari, and Lamas in* British period. The thanas- Bandarban and Lama were upgraded to mahkuma in 1948 and 1971 respectively. In 18 April of 1981 including Bandarban mahkuma and Lama mahkuma Bandarban district was established[128].

Bandarban district is bounded by Rangamati district on the north, Arakan (Myanmar) and *Naf* river on the South, Arakan and Rangamati on the East and Chittagong and Cox's Bazar on the west. The district lies between $21^0$11' and $22^0$22' north latitudes and between $92^0$04' and $92^0$41' east longitudes (Population Census 2001). In this forest and hill based district of Bangladesh, the major rivers are: *Bakkhali, Matamuhuri* and *Sangu*. The four major mountain ranges of the district are the *Meranja, Wailatong, Tambang* and *Politai*[129]. The highest peak of Bangladesh- Tahjindong (1,003 metre) and the second highest peak of Bangladesh Keokradong (883 metre) is situated in this district[130].

According to Population Census 2001, the total area under this district is 4,479.03 sq. km. (1,729.36 sq. miles). There are 7 upazilas (with 29 unions and 1,501 villages/paras), 1 municipality (i.e., Bandarban Paurashava) consisting of 9 wards and 61 *mahallahs.* The upazilas are: *Alikadam, Bandarban Sadar, Lama, Naikhongchhari, Rowanchhari, Ruma,* and *Thanchi.* It is to note that according to Banglapedia there are 7 upazilas (with 32 unions and 1,482 villages/paras), 1 municipality (with 10 wards and 62 *mahallahs*)[131].

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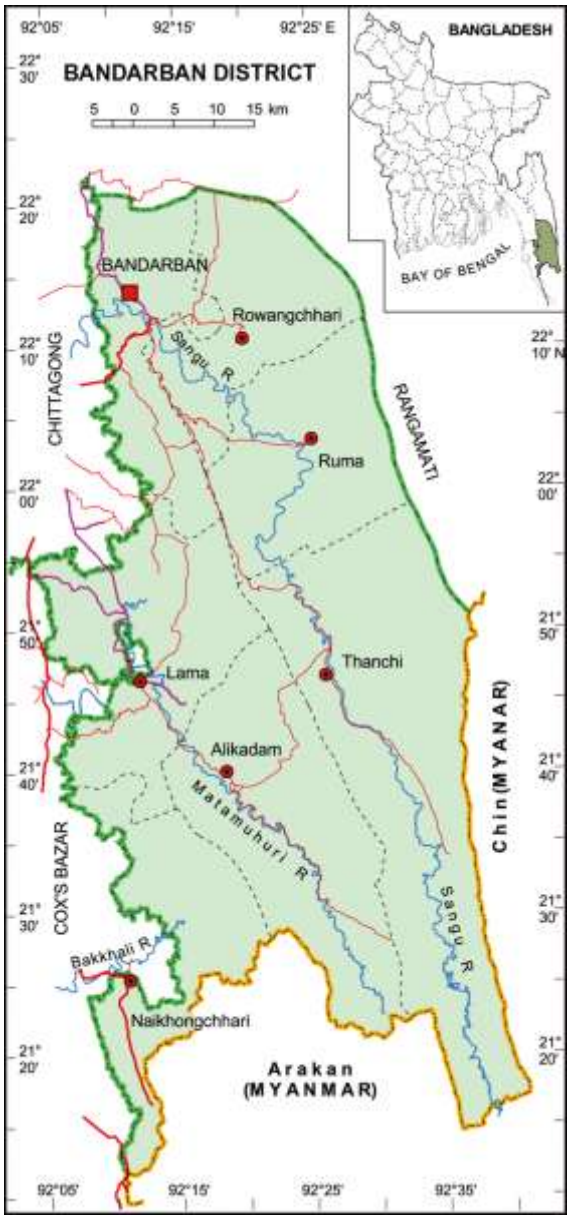
[126] Wikipedia: http://en.wikipedia.org/wiki/Bandarban_District; visited on July 31, 2010
[127] District Web Portal: http://www.dcbandarban.gov.bd/index.php?option=com_content&view=article&id=73&Itemid=84; visited on July 31, 2010
[128] District Web Portal: http://www.dcbandarban.gov.bd/index.php?option=com_content&view=article&id=72&Itemid=83; visited on July 31, 2010
[129] Banglapedia: http://www.banglapedia.org/httpdocs/HT/B_0101.HTM; visited on July 31, 2010
[130] District Web Portal: http://www.dcbandarban.gov.bd/; visited on July 31, 2010
[131] Banglapedia: Bandarban district.

Map 2: Bandarban District



Map Source: Banglapedia: http://www.banglapedia.org/httpdocs/HT/B_0101.HTM; visited on July 31, 2010

Overall Status and Dynamics of Land Use in Bandarban

In the last thirty years, the total land area under use/control of the paras in Bandarban has been reduced to 441,043 decimals from 1,226,898 decimals. That means currently only 35.9% land of total land under use/control of paras in 1978 are under use and/or control of the paras of Bandarban.

Box 16: Sample Mouzas of Bandarban

A 5 mouzas of Bandarban with different criteria were selected as sample mouza to assess the overall status and dynamics of land use and land rights. Then in each of the mouzas using different criteria sample paras were selected. From samples paras detailed information was collected through social mapping (using original mouza map), in-depth interviews and group discussions. In addition, the information on overall status of the land of the mouzas was collected. The sample mouzas of Bandarban for this study were: 1) Betchhara, 2) Fasyakhali, 3) Renikhyong, 4) Naikhongchhari, and 5) Balaghata. Detail about mouza and para selection is shown in detail in methodology section in Chapter 2.

The use of the landed area of Bandarban can be divided into following seven broad categories:

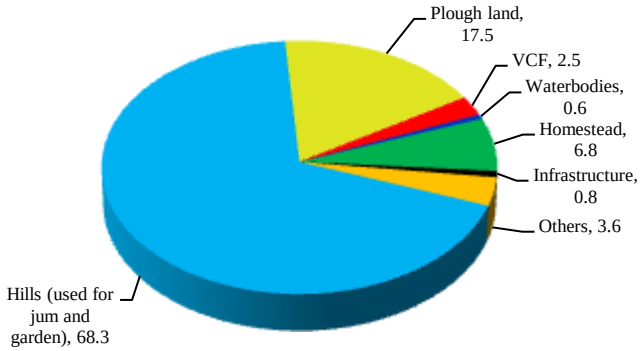
1. Plough land
2. Hills (used for jum and garden)
3. Village Common Forest (VCF)
4. Homestead
5. Infrastructure
6. Water Bodies
7. Others.

Box 17: Land use in Bandarban: Methodological Note

A 5 mouzas of Bandarban were selected in such a manner so that based on the information a representative picture of Bandarban about the land use status and dynamics can be stated. According to Population Census 2001, the total area of Bandarban district 4,479.03 sq. km. (i.e., 1,106,786.23 acres). There are 97 mouzas in this district (95 according to Population Census 1991). The survey based information on the land area under sample paras of sample mouzas has not been used to extrapolate for the total area of Bandarban (in acres), but the proportion in percentage (by use of land) has been used to portray the overall Bandarban (mainly the rural area). Thus the land use pattern under use/control of sample paras in the sample mouzas has been used to portray the overall land use pattern of Bandarban. For this, different types of lands (by use) of the sample mouzas (in sample paras) have been added for two time periods (2009 and 1978). Then the percentage distribution of the lands (by use) of the sample mouzas has been used for the Bandarban district. It is to note that due to some special characteristics of Renikhyong mouza, the aggregated data on land use of Bandarban district do not include the relevant data of Renikhyong to avoid possible ambiguity.

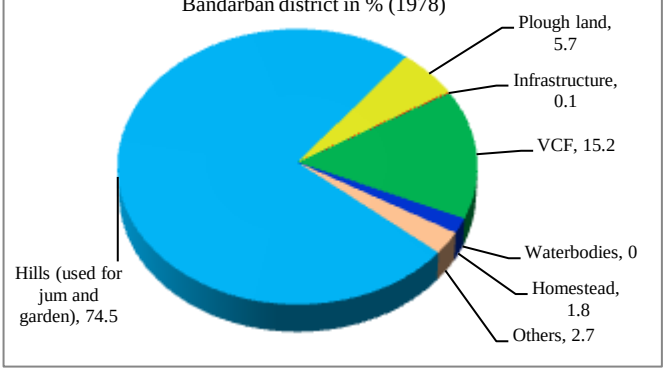
The study findings reveal that, the pattern of land use under the use and/or control of the paras of Bandarban has been changed significantly in the last thirty years (1978-2009). The proportion of plough land to total land in Bandarban has been increased remarkably in last thirty years. Village Common Forest has been reduced significantly in this time period. The use of hills for jum cultivation has been reduced significantly in the last thirty years, though the use of the hills as gardens has been increased. But overall the proportion of hills (used for jum and garden) to total land in Bandarban has been decreased in last three decades. The proportion of land used as homestead and infrastructure has been increased significantly; in addition to over the natural development process and population increment, the state sponsored population transfer programme by the then Government has played a significant role for this increment. To the total land the proportion of water bodies has always been insignificant over the last thirty years.

Figure 7: Distribution of land use/controll under paras in Bandarban district in % (2009)



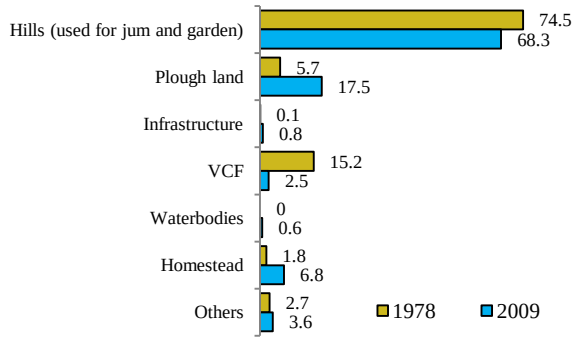
Currently in lands under use/control of paras of Bandarban 68.3% are used for jum and garden (in the hills)- of this the significant portion is garden. A 17.5% of the lands are used as plough land. Only 2.5% of the lands are used as Village Common Forest. Around one-tenth of the land under use/control of paras in Bandarban is used for homestead and infrastructure. Thirty years back 74.5% of the land were used for jum and

Figure 8: Distribution of land use/control under paras in Bandarban district in % (1978)



garden (in the hills)- where jum was pre-dominant. A 15.2% of the lands were used as Village Common Forest (which is around 13 percentage points lower in 2009 (only 2.5%). A 5.7% of the lands were used as plough land in 1978 which has been increased by around 12 percentage points in 2009 (17.5%). Only around two percent of the land was used for homestead and infrastructure, which has been increased by around 8 percentage points (around 10%) in 2009.

Figure 9: Distribution of land use/control under paras in Bandarban district in % (2009 and 1978)



In Bandarban district, the use of different types of land varies from mouza to mouza. In spite the variations, some trends and similarities have been identified. Extent of jum cultivation has been on a declining swing while commercial garden in the hills have been popularizing these days. The hills previously used as jum land by the indigenous peoples are being leased out by Government in the last few years. In many instances the leased out lands are not being used by the contract rather kept as unused or used in other forms. This has been a major reason behind the decreasing access of indigenous peoples to the hills for jum- which is, in-fact their main source of livelihood. A large portion of the hills (previously used as jum land) has become inaccessible to the indigenous peoples due to afforestation project implemented by the Forest Department of Government. The leased out jum land in some cases, are being used as commercial gardens, mostly controlled by the Bangalees; in many cases, who are not local rather influential peoples from capital city. The gardening of timber trees has been on an increasing trend in the last thirty years. Once existed natural forest was chopped down, later on fruit and forest gardens have been raised in that place. In recent past cultivators have been encouraged to cultivate tobacco as they were provided with cash in advance by British American Tobacco company. But as tobacco cultivation requires a huge amount of fertilizer and pesticide- this has been destroying the fertility of land and hampering natural fish breeding[132]. Social afforestation progrmmes is also seen some parts of this district. Rubber plantation has been on an upward swing in this district in the last ten years. The trees in the hills are being reduced in number due to illegal deforestation. The proportion of land used as plough land has been increased significantly in the last thirty years. The major portion of the plough lands are being cultivated by the Bangalees.

If various types of land are analyzed by crops and trees, then variation is found from mouza to mouza in Bandarban. However, some similarities can be found to portray the overall scenario of Bandarban. The first observation is that, the number and varieties of trees in the natural forest and hills have been reduced in the last thirty years in Bandarban. In the natural

[132] Tobacco cultivation lowers soil fertility and deposits harmful ingredients in soil. Tobacco depletes soil nutrients at a heavy rate, as it requires regular inputs of chemical fertilizers. Apart from depleting soil nutrients, cultivation of tobacco involves extensive use of pesticides which have negative impact on cultivation of crops in the neighboring land and poison farm-workers and cause chronic health problems. Use of pesticides also pollutes waterways and ecological systems and poison livestock and food-crops. It has been reported that the land has lost its natural level of fertility in the northwestern region of the country where tobacco has been cultivating since long. The current level of acidity of those lands is higher than natural required level. Deforestation is considered one of the most severe environmental problems associated with the cultivation and production of tobacco. Substantial amounts of wood are used for fuel in tobacco curing. Bangladesh has been ranked as a *"Serious Impact"* country and ranked as the third in order in terms of severity of the tobacco related deforestation in the World. It has been reported that tobacco is responsible for 30 percent of annual deforestation of Bangladesh. [*Source: Barkat, Abul, Md. Shahnewaz Khan, Murtaza Majid, Ananda Kumar Pk., and Golam Mahiyuddin (2009). Contract Farming in Bangladesh: Political Economy of Tobacco Cultivation and Processing*]

forest and hills the common trees currently found are: koroi (*Albizzia procera*), chapalish (*Artocarpus chaplasha*), gamari (*Gmelina arborea), garjon (Dipterocarpus alatus),* and *shegun (Tectona grandis).* Thirty years back, in addition to these trees Guda (Vitex peduncularis), Champa *(Plumeria*), Batna *(Quercus gomeziana A. Camus*), Chakua (*Albizzia chinensis*), and horina (*Vitex peduncularis***)**, trees were also found in plenty. The decrease of varieties of crops is also true for jum as well as plough land. Now the jum and plough land is mostly dominated by rice. However, cultivation of vegetables has been on an increasing swing in both jum and plough land. The gardening of timber trees has been on an increasing trend in the last thirty years. Moreover, compared to thirty years back, more varieties of trees are being introduced in the gardens of Bandarban. In the garden, currently- mango, lemon, jackfruit, gamari, shegun, mehogoni (*Swietenia mahagoni*[133]*),* akashi (*Acacia auriculiformis*[134]) are widely planted in Bandarban. The gardening process in Bandarban has been implemented in much large scale in the last three decades. Thus the varieties of trees planted in gardens have remained similar in the last thirty years in Bandarban, though the extent of commercial gardening in Bnadarban has been increasing significantly. Besides, tobacco and rubber plantation has become popular in Bandarban in last two decades.

Sample Mouza Wise Status and Dynamics of Land Use in Bandarban

Betchhara Mouza

According to Population Census 2001, the total area of Betchhara mouza (under Tarachha union of Rowangchhari upazila) is 10,240 acres. In the survey, it has been found that there are 13 paras in this mouza including 9 marma paras. Other four paras are inhabitated by people from Khumi, Bawm, Mro and Bangalee community. However, according to Population Census 2001, the number of paras of this mouza is 18.

Box 18: Group Discussions at Betchhara Mouza

A series of group discussions were arranged in the Betchhara mouza to know the status and dynamics of land ownership and use. The first group discussion was held on October 07, 2009 at Headman para of Betchhara mouza. In that discussion session among other knowledgeable community people (i.e., representative from local government- Union Parishad Chairman, businessman, and farmer), the headman of Betchhara mouza and three karbaries from three paras had participated. The group discussion followed with a number of discussions meetings arranged in each selected sample paras with the respective karbaries and other knowledgeable people of those paras. Information from six sample paras of Betchhara mouza was collected. The sample paras of Betchhara mouza are: 1) Kadam Pru, 2) Merai, 3) Baraitola, 4) Betchhara Headman, 5) Mayfow, and 6) Lanthan.

Jum cropping is the major means of living for most of the communities of this mouza while few are living on plough cultivation. But the extent of jum cultivation has been on a declining trend while naturally the portion of plough land has been increasing. Lease culture is not that much functional in Betchhara mouza. Most of the previous jum cultivated land became extinct because of the afforestation project implemented by the Forest Department of Government. Though this mouza has no exclusive Bangalee para, some influential Bangalees have become the owner of land of this mouza by taking lease from government. The group discussion with the knowledgeable people of the mouza reveals that ninety percent of the land within the control of paras is cultivated by adibashi people, while ten percent of the land is cultivated by Bangalees.

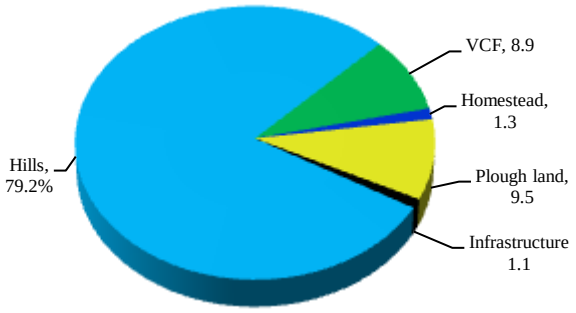
Though in this mouza social afforestation programme and rubber plantation is not operational, tobacco is cultivated in river bank area. Cultivators have become encouraged to

[133] *Barkat, Abul,et. al.,(2009a).*
[134] Banglapedia: http://www.banglapedia.org/httpdocs/HT/M_0028.HTM; visited on August 02, 2010

cultivate tobacco and they are provided with cash in advance by the British American Tobacco Company. For tobacco cultivation huge amount of fertilizer and pesticide is needed, which is destroying the fertility of land and hampering natural fish breeding- according to the participants of the discussion sessions and experts' opinion. Forty acres of land is leased to two persons (15 and 25 acres respectively) for rubber plantation and horticulture purpose. However, it is reported that as these two plots are not utilized for rubber plantation, those lease agreements is now on the process of abolition.

From the information gathered from six sample paras of Betchhara, it has been found that on average land under use/control of one para has been reduced by 50,784 decimals (508 acres) in last thirty years (between 1978 and 2009). The amount of lost land among the sample paras varies between 878 acres (in Kadam Pru para) and 10 acres (in Lanthan para).

Figure 10: Distribution of land use/control under paras in Betachhara mouza in % (2009)



The extent of jum cultivation has been on a declining trend while the portion of plough land has been increasing. In 1978 of all the land under use/control of para in Betchhara mouza 84.2% land was used for jum and now (2009) it has been declined by 5 percentage points (79.2%). In 1978, only 1.2% of the land under para was used as plough land which has been increased by 9 percentage points (9.5%). A 14.4% of the land under paras in Betchhara mouza was used as Village Common Forest (VCF), which has been decreased by 5 percentage points (8.9%). However, it is to note that the existence of VCF is not common in most of the paras of Betchhara for the last thirty years- inclusion of some specific para (i.e., Mayfow para; where in 1978, 93.7% of the land was VCF, which has become 59% in 2009) has made the percentage higher. The area of water bodies in this mouza is very low- almost nil through out the last thirty years. It is also to note that, in spite of the variation in the information by paras, when they are turned into an aggregate form; then it becomes representative for the total Betchhara mouza.

Figure 11: Distribution of land use/control under paras in Betchhara mouza in % (1978)

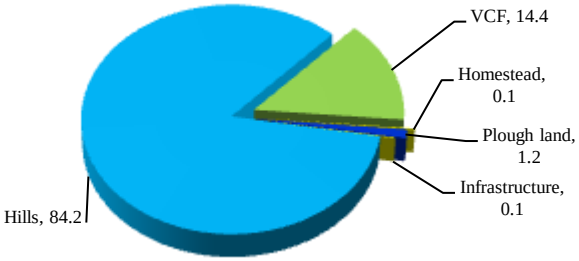
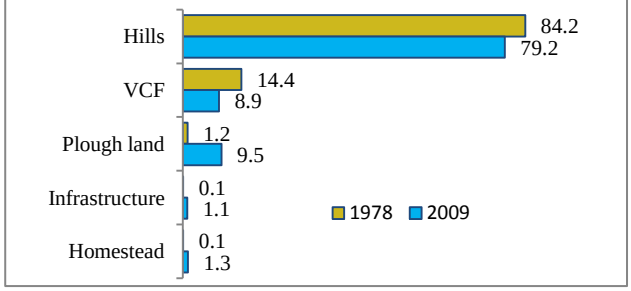


Figure 12: Distribution of land use/control under paras in Betchhara mouza in % (1978 and 2009)



In the jum land currently rice, vegetables, chili, arum, corn, turmeric and banana are cultivated. The pattern of cultivation by item has been remained almost same in this mouza though some especial local varieties of rice are not being cultivated currently rather high yielding varieties are being cultivated. The similar type of agricultural items is being produced in the plough lands in this mouza. In the natural forest the major trees found in this mouza thirty years back were- koroi, chapalish, champa, chakua, and bamboo. These

threes are also found in the natural forest in recent days but due to deforestation the number of this tress are decreasing at an alarming rate. In the hills the major trees found are- koroi, garjon, and gamari. The trees are being reduced in number due to illegal deforestation. In the garden, the farmed trees are- mango, blackberry, lemon, gamari, and shegun. The gardening of timber trees has been on an increasing trend in the last thirty years.

Fasyakhali Mouza

According to the Population Census 2001, total recorded land in Fasyakhali mouza (under Fasyakhali union of Lama upazila) is 17,620 acres (however, according to Headman of that mouza Mong Thui Pru Marma- the total area under is mouza is 17,020.66 acres). According to the Population Census 2001, there are 35 paras in this mouza while from field survey it has been reported that there are 36 paras in this mouza as on end of 2009. It is to note that, among the 36 paras of Fasyakhali mouza only 4 paras are Marma paras and the rest 32 paras are Bangalee para.

Class A, B and C type land are being utilized in this mouza, while at present among that land a total of 2,898.71 acres of land are under cultivation. Only five percent of this land is cultivated by adibashi people, while the rest 95% is cultivated by Bangalees. Total of 7,662.79 acres of land is leased out by the Government in this mouza.

During the last thirty years, a lot of inhabitants of Fasyakhali mouza have migrated to other places. As Bangalees came to this mouza through the settlement process carried out in 1978-1979, adibashi inhabitants of this mouza were forced to migrate elsewhere. Previous Jum cultivated land has been leased to settlers. Currently huge number of rubber plants and horticulture centers are being constructed out there.

Box 19: Group Discussions at Fasyakhali Mouza

A series of group discussions were set in the Betchhara mouza to know the status and dynamics of land ownership and use. The first formal group discussion was held on September 09, 2009 at Saper Gara para of Fasyakhali mouza. In that discussion session among other knowledgeable community people (i.e., businessman, and farmer), the headman of that mouza and one of the better informed karbaries from a para participated. The group discussion followed with a number of discussions meetings arranged in each selected sample paras with the respective karbaries and other knowledgeable people of those paras. Information from six sample paras of Betchhara mouza was collected. The sample paras of Betchhara mouza are: 1) Sapergara Notun Marma, 2) Awlar Jhiri, 3) Khedanoya, 4) Dhaikka Pari, 5) Sapergara, and 6) Hadarnasi.

Figure 13: Distribution of land use/control under paras in Fasyakhali mouza % (2009)

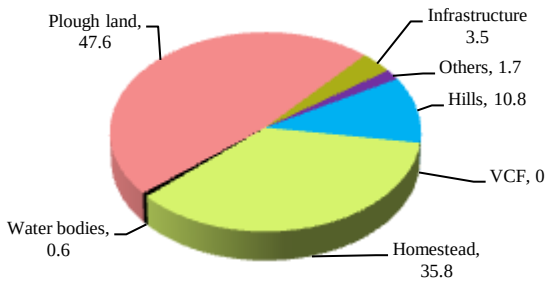
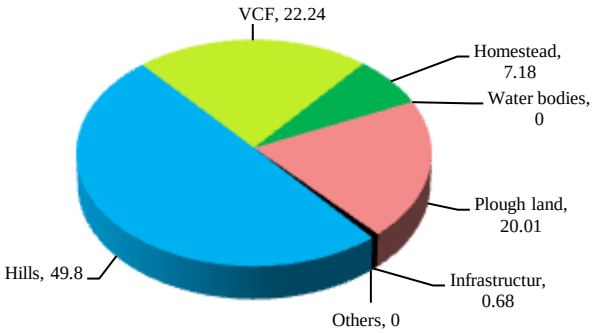
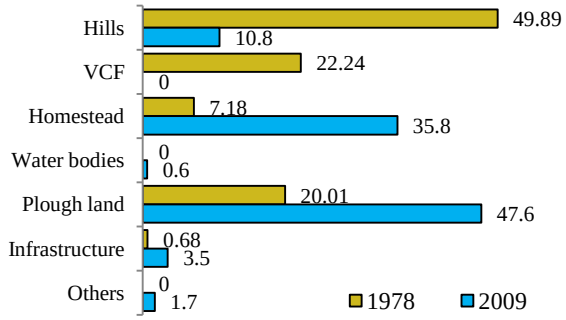


Figure 14: Distribution of land use/control under paras in Fasyakhali mouza in % (1978)



Though in this mouza 7,662.79 acres of land is leased out for rubber plantation and horticulture, in reality only a very little portion of that land is being actually utilized for rubber plantation. It is notable that because of the violation of contract by plot holders and leaseholders, lease of fifty plots are on the process of termination through Government procedure.

Figure 15: Distribution of land use/control under paras in Fasyakhali mouza in % (1978 and 2009)



From the decade of 1980s, the practice of leasing land began in adibashi peoples inhabited area of Chittagong Hill Tracts and this practice is still continuing in that area. Afterwards, this leased land was started to be used for rubber plant. Though the process has some positive impact in terms of improving communication system, it has intense negative impact on the inhabitants. Jum cultivation is now on the process of extinction due to this sort of land uses, hence it is upsetting peace and order of this area.

From the inception of lease culture during the decade of 1980s, in total 7662.79 acres of land has been leased in Fasyakhali mouza. Therefore it can be said that the extent of leasing land in this mouza is extensive. In this process of leasing, 25 acres land in each plot was leased for rubber and horticulture purpose for 40 years.

It has been found that, the area of land under use/control of the sample paras has been decreased by more than 50% in the last thirty years. In 1978 the total areas of land under use/control of the sample paras of Fasyakhali mouza was 674.5 acres, which has been decreased to 331.9 acres in 2009.

The pattern of use of the land in the paras has totally been changed in the last thirty years. Before 1978, the major portion of the land of paras were used for jum (49.9%) followed by Village Common Forest (22.2%) and plough land (20%). Now, in 2009, the major portion of the lands is used as plough land (47.6%), followed by homestead (35.8%) and jum (10.8%). Homestead was only 7.2% in 1978 which has become five times higher in 2009 (35.8%). The Village Common Forest is now almost in extinct which was of significant amount in 1978 (22.2%). However, it is to note that the existence of VCF is not common in most of the paras of Fasyakhali during the last thirty years- inclusion of some specific para has made the percentage higher in 1978 (i.e., Sapergara Para; where before 1978, 51.6% of the land was VCF, which has become almost nil in 2009).

The extent of jum cultivation has been in a declining trend in the last thirty years in this mouza. Majority areas of this mouza do not have jum cultivation since 1978. As the Bangalee settlers who came to this mouza in 1978-79 are the major portion of the population in this mouza, thus they are doing plough cultivation instead of jum. In recent years, mainly rice, vegetables and chili are widely cultivated in the plough land. It has been found that garlic was cultivated in large extent in decade's back, which is almost absent now-a-day. In Village Common Forest (VCF) garjon, batna, horina and guda trees were found in thirty years back which have become rare in recent days due to the extinction of VCF. In the garden mango, jackfruit and garjon were cultivated in this mouza thirty years back and now basically shegun, gamari, and akashmoni are being planted in this mouza. In the hills garjon and batna were found numerously thirty years back, which has become significantly less in number.

Renikhyong Mouza

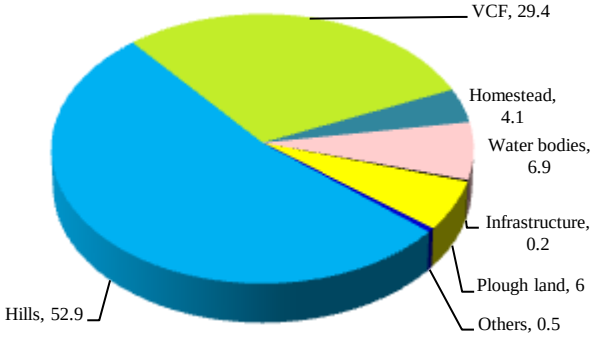
According to the Population Census 2001, the total area of Renikhyong mouza (under Suwalak union of Bandarban Sadar upazila) is 7,680 acres. However, according the headman of this mouza Ranglai Mro- the total area under this mouza is 7,881.2 acres. Among this area, adibashis and Bangalee people are using 2,424.37 acres of land for living purpose[135]. According to Population Census 2001, there was 13 paras in this mouza, while 9 mouzas have been found during survey in 2009. After the eviction of some villages by Government acquisition process, at present 9 paras are existence in this mouza. According to the inhabitants of this mouza, during 1990-91 Bangladesh Army acquired 5,406.83 acres land of this mouza for their Artillery Firing Range. Some land was leased out among high rank army officers and their relatives. The leased out land is now using for fisheries, dairy farm and other purposes.

Box 20: Group Discussions at Renikhyong Mouza

A series of group discussions were set in the Renikhyong mouza to know the status and dynamics of land ownership and use. The first formal group discussion was held on September 23, 2009 at Deba para of Renikhyong mouza. In that discussion session among the headman and other knowledgeable community people (i.e., businessman, doctor, farmer, and health worker) participated. The group discussion followed with a number of discussions meetings arranged in each selected sample paras with the respective karbaries and other knowledgeable people of those paras. Information from six sample paras of Renikhyong mouza was collected. The sample paras of Renikhyong mouza are: 1) Deba, 2) Renikhyong Bagan, 3) Rangli Headman, 4) Dayai Headman, 5) Gayal Mara, and 6) Baburchi.

An adibashi community named Mro inhabited in most of the area of Renikhyong mouza. Thirty years before, major portion of this mouza was used for jum and plough cultivation. Because of the land acquisition, the jum culture is near to the brink of extinction now in this mouza.

Figure 16: Distribution of land use/control under paras in Renikhyong mouza in % (2009)



In Renikhyong mouza, land is not used for social forestry, rubber plant, and tobacco cultivation. However the adibashi people are no longer in a position to use a major portion of the land in this mouza for their livelihood due to the acquisition.

The majority of land under six sample paras are being used for jum cultivation in recent time (53%), followed by Village Common Forest (29.4%)[136].

In Renikhyong mouza, the major crops in jum lands are- rice, chili, maize, ginger, cotton and turmeric. But rice (including binni rice) is the major crop for jum. Significantly smaller amount of plough (compared to jum land) is used for rice cultivation. In the Village Common

[135] Information collected from local Land Office.

[136] The information from this Renikhyong mouza should be considered with much care. The information from these paras and the mouza itself is an extreme case of land dispossession and extinction of paras by force. Five of the six paras are newly built paras- inhabitants of these paras lived in other area and they had to migrate due to push factors of government land acquisition procedure. Now, they are living in relatively small land area. The name of the paras in 2009 follows the previous paras' name. For this reason the use pattern of the sample paras are significantly different from most other mouzas in Bandarban. For this reason, the information of Renikhyong mouza should be considered as an extreme case and should not be used for aggregation and/or extrapolation to assess the overall status of Bandarban. It is also to note that as five of the six samples paras are newly created (much after 1978) except one (i.e., Baburchi para). Thus no comparison of land use or rights between 2009 and 1978 has not been possible to be done for this mouza.

Forest koroi and bamboo are found in large extent. In the garden papaya, mango, jackruit, and lemon are being cultivated in this mouza. In few of the hills of this mouza shegun, gamari, akashi (*Acacia auriculiformis*[137]), and koroi trees are found.

Naikhongchhari Mouza

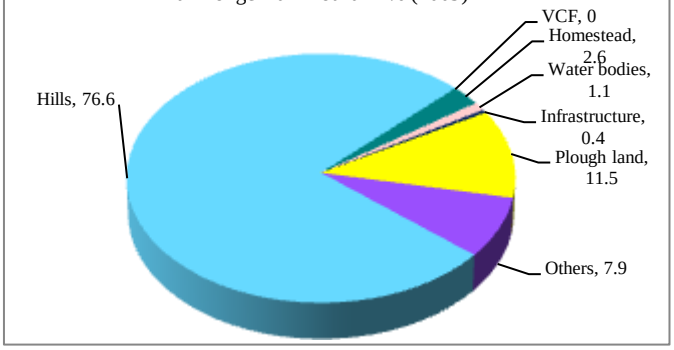
According to Population Census 2001, the total area of Naikhongchhari mouza (under Naikhongchhari union of Naikhongchhari upazila) is 13,440 acres. There were 56 paras in Naikhongchhari mouza according to Population Census 2001. However, in the field survey during September-October 2009, 50 paras have been reported in this mouza. A 39 paras of the 50 paras are Bangalee paras followed by 9 Chak paras and 2 Marma paras.

Box 21: Group Discussions at Naikhongchhari Mouza

A series of group discussions were arranged in the Naikhongchhari mouza to know the status and dynamics of land ownership and use. The first formal group discussion was held on September 19, 2009 at Chak Headman para of Naikhongchhari mouza. In that discussion session the headman of that mouza, one knowledgeable karbari and other knowledgeable community people (i.e., UP Chairman, school teacher, NGO worker, businessman, and farmer) participated. The group discussion followed with a number of discussions meetings arranged in each selected sample paras with the respective karbaries and other knowledgeable people of those paras. Information from six sample paras of Naikhong mouza was collected. The sample paras of Naikhong mouza are: 1) Maddam Chak, 2) Pardan Ziri, 3) Dungri Headman, 4) Chak headman, 5) Ashar Toli, and 6) Notun Chak.

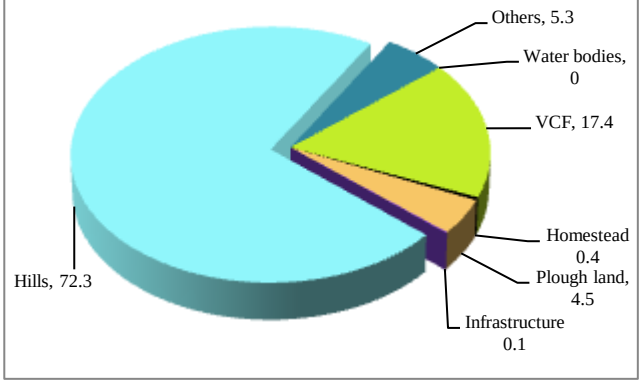
Previously major portion of land was used for jum cultivation in Naikhongchhari. In recent years, a large portion of those jum lands are used for rubber plantation/horticulture and dairy farm. At present, little land is available for cultivation in this mouza. Ten percent of the cultivable land is cultivated by adibashi people, and rest ninety-percent is cultivated by Bangalees.

Figure 17: Distribution of land use/control under paras in Naikhongchhari mouza in % (2009)



In Naikhongchhari, numerous rubber plants have been formed under the leasing arrangement. After the inception of leasing practice by Government in 1981-82, huge amount of de-facto owned land of adibashi people was put under lease jurisdiction. As a consequence adi Bangalees and adibashi people suffered from this initiative. Moreover, extensive leasing culture is almost causing the extinction of jum culture.

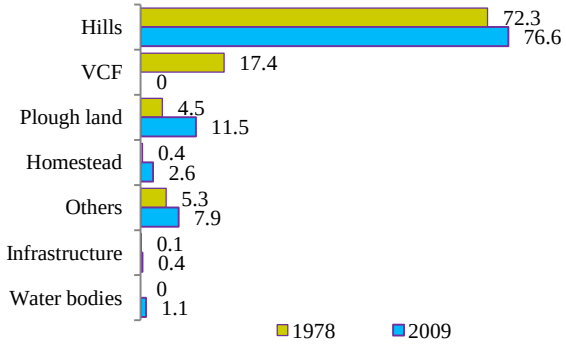
Figure 18: Distribution of land use/control under paras in Naikhongchhari mouza in % (1978)



[137] Banglapedia: http://www.banglapedia.org/httpdocs/HT/M_0028.HTM; visited on August 02, 2010

It has been found that, the area of land under use/control of the sample paras has been decreased by more than three times in last thirty years. In 1978 the total areas of land under use/control of the sample paras of Naikhongchhari mouza was 6,309.4 acres, which has been decreased to only 1,926.7 acres in 2009.

Figure 19: Distribution of land use/control under paras in Naikhongchhari mouza in % (1978)



It is interesting to observe that in Naikhongchhari mouza the composition pattern of the use of land under samples paras have remained significantly same- though the amount of land under control of paras have been declined dramatically. The major change in composition of use pattern is visible in the case of Village Common Forest (VCF)- in 1978, 17.4% of the land were VCF which has become almost nil in 2009 (though it is to note that the percentage of VCF has remained large especially for one specific para- Ashar Toli para, where VCF was 39.3% of its total land). The proportion of plough land in Naikhongchhari mouza has been increased to 11.5% from 4.5% in last thirty years.

In Maddam Chak para rice, vegetables, chili and bananas are mainly cultivated presently in jum land. Thirty years back, in addition to these items maize, brinjal, and pulse were also cultivated frequently. In plough land rice, papaya, vegetables, potato, chili, and bananas are being cultivated. In 1978, more items were being produced in the plough land- in that period, in addition to the recently cultivated agri-items onions, oil seeds, ginger, and turmeric were being cultivated. In the natural forest, Kachua tree was frequently found thirty years back in addition to the currently found koroi, chapalish, and garjon. In the garden shegun and mehogoni has being cultivated through out decades in this para. In the hills garjon and koroi are also found through out the decades. In the Pardan Ziri para of Naikhongchaari mouza the use and dynamics of jum land, plough land, and hills are similar to the above mentioned Maddam Chak para. In natural forest, presently koroi and gamari are found, where thirty years back in addition to these two trees garjon tree was also found plentifully. In the gardens shegun and mehgoni were planted previously, where currently gamari trees has been added to the list. In Dungri Headman para jum cultivation has been almost become extinct where thirty years back rice, vegetables, potato, chili, turmeric were being cultivated in the jum land. In Dungri Headman para in plough land mushroom, vegetables, and brinjal are being cultivated currently in addition to the previously cultivated rice, potato, chili, onion and oil seeds. In Chak Headman para in the jum land currently rice, chili, ginger, cotton, turmeric and banana are being cultivated. In the plough land similar type of agri-products are being cultivated. In the natural forest koroi and gamari trees are being cultivated. In the gardens shegun, gamari, akashi, banana, orange, mango and jackfruits are being produced. In the hills koroi and garjon are found. In last thirty years the pattern of land use (regarding trees) has remained similar in Chak Headman para. In Ashar Toli para vegetables and water melon were cultivated in the jum land thirty years back in addition to the currently cultivated rice, chili, corn and ginger. In plough land in this para no significant change in the pattern of cultivation has been reported- in the plough land rice, tobacco, potato, chili, vegetable, onion, water melon and pulse. Currently the Village Common Forest or the natural forest in this para has become almost extinct, where thirty years garjon, batna, blackberry etc. were found in plenty. In the garden shegun, gamari, akashi, and rubber are being cultivated in last thirty years. As the Notun Chak para is a relatively newly created para, the previous land use pattern of this area

is not been considered. Currently in the jum land of this para rice, vegetables, chilis are cultivated. In the plough land rice, vegetables, potato, chili, ginger, turmeric are being cultivated. The natural forest is consisting of gamari, koroi, and chapalish. mango, jackfruit, and lemon are being cultivated in the gardens of this para. koroi and garjon are found in the hills.

Balaghata Mouza

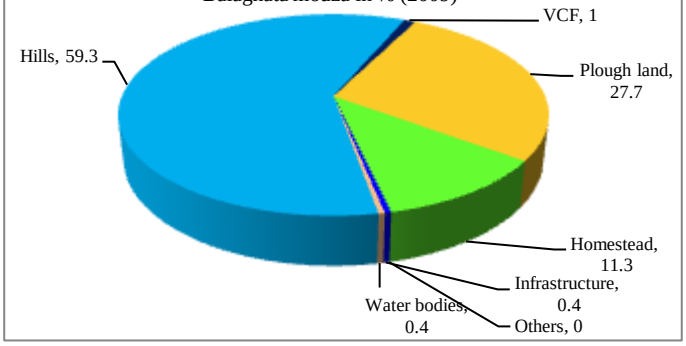
Total area of Balaghata mouza is 5,280 acres according to the headman of this mouza (under Bandarban union of Bandarban Sadar upazila). There are 30 paras in this mouza. Majority of the paras (18 out of 30) are mostly inhibited by Bangalees, followed by 7 Marma para, 4 Tanchangya para, and only 1 Bawm para.

Box 22: Group Discussions at Balaghata Mouza

A series of group discussions were arranged in the Balaghata mouza to know the status and dynamics of land ownership and use. The first formal group discussion was held on September 29, 2009 at Mang Pru para of Balaghata mouza. In that discussion session the headman of that mouza, three knowledgeable karbari and other knowledgeable community people (i.e., businessman, farmer) participated. Both the Bangalees and other community people (Bawm, Marma, and Tanchangya) participated in the group discussion. The group discussion was followed by a number of discussions meetings arranged in each selected sample paras with the respective karbaries and other knowledgeable people of those paras. Information from six sample paras of Balaghata mouza was collected. The sample paras of Balaghata mouza are: 1) Guda, 2) West Balaghata, 3) Habron, 4) Mang Pru, 5) Tang Pru, and 6) Kaniyo Tanchangya.

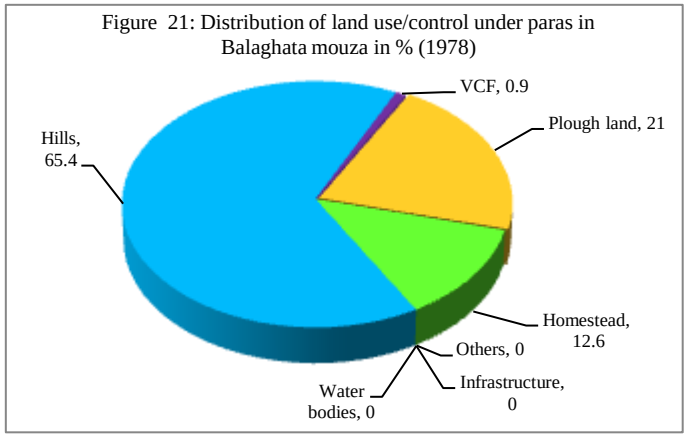
At present, homestead is extensively taking the place of cultivable land and this trend of reducing cultivable land is visible over the last thirty years in this mouza. The remaining land is cultivated both by Bangalees (60% of the land) and indigenous people (40% of the land). The practices of leasing land are not seen in this mouza. However, once existed natural forest was chopped down, and later on fruit and forest garden have been raised in that place.

Figure 20: Distribution of land use/control under paras in Balaghata mouza in % (2009)



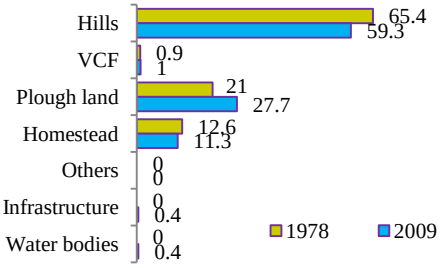
In this mouza, land is not used for social forestry or rubber plant. In some area, land is utilized for tobacco cultivation. Around 15 years back, British Tobacco Company introduced stobacco cultivation in this mouza by promoting incentive to local peasant. Receiving the advance payment from that company, local peasants were encouraged to cultivate tobacco. Tobacco cultivation is extensive in this mouza. The old forest is now near to the extinction because of the encroachment of tobacco cultivation. The discussants reported that as huge quantity of fertilizer and pesticide are needed for tobacco cultivation, land is losing its fertility and environment is severely degraded.

Figure 21: Distribution of land use/control under paras in Balaghata mouza in % (1978)



In 1978 the total areas of land under use/control of the sample paras of Balaghata mouza was 1,110.6 acres, which has been decreased to 1,024.4 acres in 2009 (i.e., 86.2 acres of land has been decreased). Though the figure of the decreased land is seemingly less, however in some para picture is still gloomy. For an example in Guda para of this mouza the Marma people have almost no land to use for their livelihood purpose.

Figure 22: Distribution of land use/control under paras in Balaghata mouza in % (1978 and 2009)



It is to note that in Balaghata mouza the composition pattern of the use of land under samples paras have remained significantly same- though the amount of land under control of paras have been declined. The visible change is that the proportion of plough land has been increased from 21% to 27% in last thirty years. The use of hill has been deceased from 65.4% to 59.3% in last thirty years. But it is to note that currently the hills are more widely used for gardening rather than jum.

In the sample paras the use pattern of different type of lands varies significantly in Balaghata mouza. In the sample paras in the more recently created paras the jum and plough land are recent phenomenon (e.g., Guda para, Kaniyo Tanchangya para). Thus these paras are not applicable to identify the changing pattern of use of jum and plough land. In Guda para and Kaniyo Tanchangya para, the currently cultivated major crops in the jum land are rice, vegetables, and chili; in these paras the use of land as plough land is minimal. Currently in the natural forest of Guda para bamboos are found, where koroi trees were found in plenty thirty years back. In Guda para currently mango and jackfruits are cultivated in the garden which was not practiced thirty years back. In the hills varieties of trees have been reduced significantly in the last thirty years- currently in the hills of Guda para koroi trees are found. In the West Balaghata para, in addition to the mango and jackfruit- papaya and lemon are also cultivated which is also relatively recent phenomenon. In the hills of West Balaghata shegun, gamari, akashi, and koroi trees are found.

Overall Status and Dynamics of Land Rights in Bandarban

In last around thirty years (from 1978 to 2009), not only the land under use/control of paras in Bandarban has been reduced to two-thirds, but also the pattern of land rights in the form of land ownership has been changed in a visible manner.

The major noticeable change is that the land ownership has been transforming towards social from private in an increasing manner. In the process of this transformation the land rights have been violated thorough various ways of land dispossession.

Box 23: Land Rights in Bandarban: Methodological Note

A five mouzas of Bandarban (1. Betchhara, 2. Fasyakhali, 3. Renikhyong, 4. Naikhongchhari, and 5. Balaghata) were selected in such a manner so that based on the information a representative picture of Bandarban about the land rights status and dynamics can be stated. The survey based information on the land area under sample paras of sample paras has not been use to extrapolate for the total area of Bandarban (in acres), but the proportion in percentage (by use of land) has been used to portray the overall Bandarban (mainly the rural area). Thus the land rights pattern under use/control of sample paras in the sample mouzas has been used to portray the overall land rights pattern of Bandarban. For this, different types of lands (by ownership) of the sample mouzas (in sample paras) have been added for two time periods (2009 and 1978). Then the percentage distribution of the lands (by ownership) of the sample mouzas has been used for the Bandarban district. It is to note that due to some special characteristics of Renikhyong mouza, the aggregated data on land ownership of Bandarban district do not include the relevant data of Renikhyong to avoid possible ambiguity. The causes of land dispossession (in any) in Bandarban have also been explored in the survey.

The portion of personally own land has been increased from only 8% (in 1978) to 37.9% (in 2009) with a change of around 30 percentage points increment. On the other hand socially owned or community owned land has been declined from 92% (in 1978) to 62.1% (in 2009). Among the personally owned land if the sub-categories are considered then it is observed that the proportion of registered land and tendency of registration (in the form of 'applied') has been on a sharp increment in last thirty years which, in-fact, has contributed in the increase of portion of personally own land in this time period. In 1978 where only 2.9% of the land under paras in Bandarban was registered to Government, which is now, increased by 23 percentage points to 25.7%. The land which was not registered but applied for registration was only 0.84% in 1978, which is increased to 9.6% in 2009. It is to note that portion of socially owned land which is not registered but in possession has been decreased significantly in last thirty years (from 76% to only 23.4%).

Figure 23: Land ownership pattern in Bandarban district in % (2009)

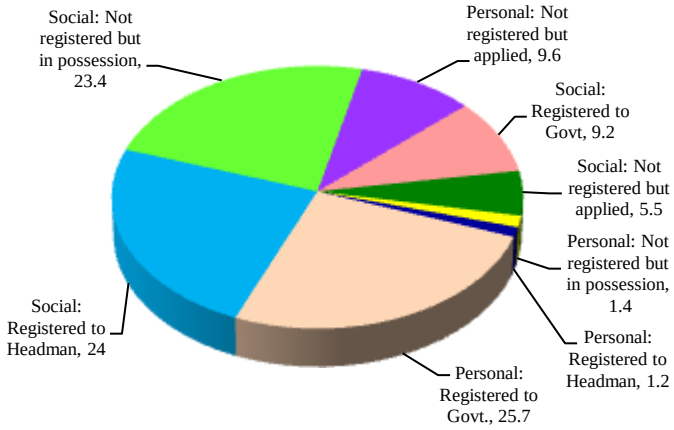


Figure 24: Land ownership pattern in Bandarban district in % (1978)

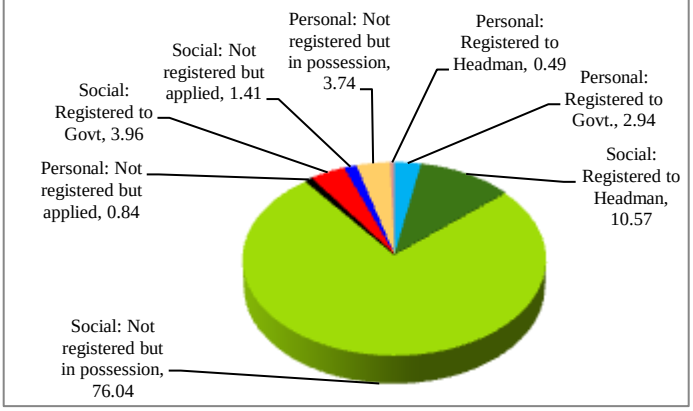
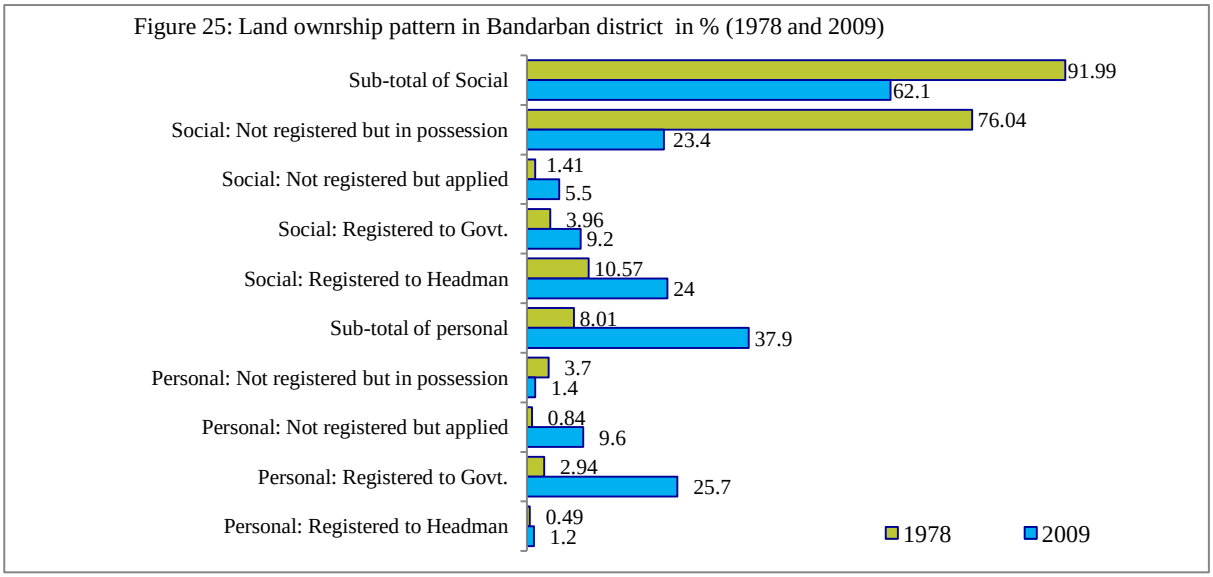


Figure 25: Land ownrship pattern in Bandarban district in % (1978 and 2009)



The traditional land rights practiced by the indigenous communities of Bandarban have been violated in many forms in last thirty years. Even the legal ownership on land has been disrupted by forceful land grabbing. Area wise variations on changing pattern of practice of traditional land rights have been observed in Bandarban. However, some trends and

similarities have been found as the major ones in the Bandarban regarding status and dynamics of land ownership.

One of the major land related complexities in Bandarban is manifested in the conflict between local inhabitant and Government Forest Department. Forest Department has acquired a large amount of land through Government procedure for afforestation project. This initiative brings about negative impact on jum cultivation which is the major means of livelihood of local inhabitants. Besides, lots of inhabitants have lost their homestead because of this land acquisition by Forest Department. In many instances, the afforestation has encroached not only agricultural land but also the homestead, though project was supposed to be implemented outside human settlement area keeping a fixed distance from the locality. It has been found that common people of Bandarban, both indigenous and Bangalees, view the law of Forest Department as parallel to the law of police department- because the Forest Department seem equally capable of give sentence any person to imprisonment. Because of this power of Forest Department, local inhabitants and traditional legal structure did not have the courage to protest against the land acquisition for afforestation project. In this regard, illiteracy and unawareness of the headmans and karbaries were also reported as responsible for this incident to be happened in some extent.

Apart from land acquisition by Forest Department in many of the areas of Bandarban, land grabbing by Bangalee individuals has been reported by the community people. The Bangalees, accused, for such occurrences are not only the settler Bangalees (who came here thrugh Government settlement process), but also the powerful Bangalees- mostly came from capital city Dhaka in the 90s'.

It has been found that in many cases the adi Bnagalees and indigenous communities do not have major ethnic conflicts between them. Rather both the local indigenous people and adi Bangalees are victim of land dispossesion. Migrated settlers are occupying the land of adi Bangalees by force in many areas of Bandarban.

This land leasing process is creating a huge problem for the effort of stabilizing peace and order in many areas of Bandarban. Lots of indigenous people have been reported of evicted from only because this leasing practices under direct patronization of the State. Because of this extensive land leasing in number of paras, local people fear that within next few years almost all the local inhabitants will be evicted from the paras if the process continues with the current pace.

Among the land related complications, complication associated with Government acquisition is the major noticeable problem in many areas of Bandarban. Various Government offices land projects have been established in the acquired area. Land was acquired for these institutions and/or projects by paying nominal compensation to the sufferer. It is noteworthy that most of the acquired land was cultivable.

Security forces are also accused of many land related violence in this district. It has also been reported that many high officials of Government including security personnel are involved in the unholy alliance of land grabbers. Besides, the local and district land office are also accused for playing major role in leasing out lands where people are living for generations.

Land grabbing by Rohingyas have also been reported inhabitants of many areas in Bandarban. In many cases, the Bangalees have been helping the Rohingyas for such activities.

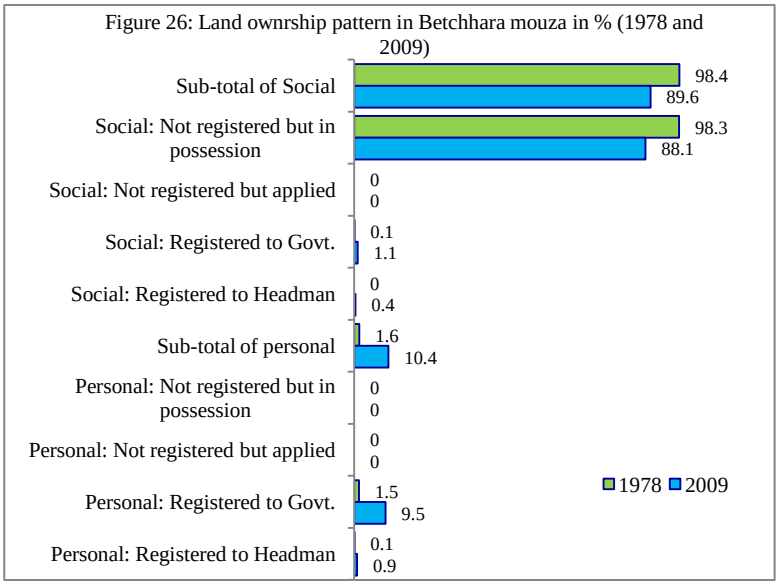
For the resolution of land related complication almost no assistance or proactive involvement from any Governments were reported by the local knowledgeable persons of Bandarban. No significant assistance from any NGOs has also not been found in this regard for the resolution of this problem.

In most cases common people (mostly the indigenous people) are not aware about their rights and what to do when they are violated- they do not have even the minimum idea regarding land related rules and regulations. It is because most of the indigenous people are still illiterate. People of this area do not have least idea about the Land Commission and land survey.

Sample Mouza Wise Status and Dynamics of Land Rights: Bandarban

Betchhara Mouza

Figure 26: Land ownrship pattern in Betchhara mouza in % (1978 and 2009)



Though the actual amount of accessible land under use and or control of paras in Betchhara mouza has been decreased significantly, the pattern of the land ownership in Betchhara mouza has remained similar in last thirty years. Currently 89.6% of the land in paras of Betchhara is under social ownership which was 9 percentage points higher in 1978. Almost all of the socially owned land is within the category of 'not registered but in possession'. In 1978 only 1.6% land of the sample paras was under personal ownership, which has been increased to 10.4% in 2009. It is to note that within the personally owned land the proportion of 'registered to Government' land has been increased significantly (1.5% in 1978 and 9.5% in 2009).

It has been found that the area of land under use/control of the sample paras has been decreased by more than 370% in last thirty years. In 1978, the total areas of land under use/control of the sample paras of Betchhara mouza was 4,174.6 acres, which has been decreased to 1,127.6 acres in 2009.

From the information gathered from six sample paras of Betchhara, it has been found that on average land under use/control of one para has been reduced by 50,784 decimals (508 acres) in last thirty years (between 1978 and 2009). The amount of lost land varies between 878 acres (in Kadam Pru Para) and 10 acres (in Lanthan Para).

The prime land related complexities in Betchhara mouza is manifested in the conflict between local inhabitant and Government Forest Department. According to the knowledgeable people of Betchhara mouza the Forest Department has acquired more than 3,000 acres of land through Government procedure for afforestation project. This initiative brings about negative impact on jum cultivation which is the major means of livelihood of local inhabitants. Besides, lots of inhabitants have lost their homestead because of this land acquisition. In all the sample paras in Betchhara mouza Forest Department's land acquisition related problems have been reported. Because of this land evacuation by the Forest Department, land related complication is extensively visible in Betchhara mouza (see Map 2). After the land survey project of 1970-71, in 1983-84 through a Government gadget notice 3,000 acres land of Betchhara mouza was acquired for Forest Department. The afforestation project was supposed to be implemented outside human settlement area keeping a fixed distance from the locality. During that time Forest Department appealed to Government for making some land arrangement in favor of Forest Department. Upon having the appeal, Government handed over the responsibility of deciding this issue to district administrator. As new land survey was not accomplished, following the old survey report 3,000 acres of land was allotted in behalf of Forest Department without any meaningful planning for the community people. In fact, after the survey of 1971-72 (prior to the gadget), those plots had been assigned to specific person(s) of certain para. The Forest Department also made excuse of the threat of shantibahini in acquering 3000 acres of land by deliberately violating the rules and regulation of Forest Department. In group discussions local people of Betchhara mouza reported that as no circulation was published in public regarding this issue, they were totally unaware about the event. Hence, they could not claim against the notice in due time and lost their land. The community people views the law of Forest Department as parallel to the law of police department- because the Forest Department seem equally capable of give sentence any person to imprisonment. Because of this power of Forest Department, local inhabitants and headman did not have the courage to protest against the land acquisition for afforestation project. In this regard, illiteracy and unawareness of the headman were also responsible for this incident to be happened in some extent.

Case Study 1: Forest Department's afforestation programme leads to human suffering in Betchhara mouza

After the land survey project of 1970-71, in 1983-84 through a government gadget notice 3,000 acres land of Betchhara mouza was acquired for the Forest Department. The Government and respective responsible bureaucrats of that time were involved in this affair and the Forest Department played noticeable role in this land acquisition process. This afforestation project was supposed to be implemented outside human settlement area keeping a fixed distance from the locality. However, this process was not practiced in reality in many cases and adibashi people of the Betchhara mouza have been heavily suffered by the implementation process of this afforestation project. Especially after the event, the practice of jum cultivation in this mouza is under severe threat of extinction. Local inhabitants still come in conflict with the Forest Department whenever they try to cultivate jum land which was previously accessible to them. However, it is possible to cultivate land by bribing Tk. 500 to officials of the Forest Department for per jum land cultivation. Lots of officers and employees of the Forest Department take the advantages of this illegal financial opportunity. The impact of this incident is still visible in the livelihood strategy of the respective local inhabitants. At present, no legal resolution is attained to address this complex issue. Because of the government's antagonistic behavior, the incident of land lose in this Betchhara mouza is increasing gradually. One of the victims of Headman para named Thui Manu Marma (age 58) dispossessed his land in this land acquisition process. As Thui Manu Marma was totally unaware about the event of land acquisition perior to the initiative of Forest Department, he could not claim against the land acquisiton notice in due time. Moreover, according to Thui Manu Marma as Forest Department is capable of giving sentence any person to imprisonment, he had little courage to protest against the land acquisition initiative of the Forest Department. Thui Manu Marma does not know whether any probable solution of this problem is possible or not.

Apart from land acquisition by Forest Department in all the sample paras, land grabbing by two Bangalee individuals in Kadam Pru and Baraitola para has been reported by the community people. Land grabbing by Rohingyas have also been reported by the people of

Baraitola para. It has also been reported that though the number of Bangalees in this mouza is relatively less, some powerful Bangalees have managed to have some land (through leasing and grabbing) and let Rohingyas to live there. This settlement is now provoking problem in those respective areas. Internal conflicts between own community people have also been reported as one of the major reasons of land dispossession by the people of Betchhara Headman para, Mayfow para and Lanthan para.

Box 24: Rohingya: Issue of Humanity and Concern

Rohingyas are Arakanese Muslim ethnic minority who live in northern Rakhine State of western Myanmar. Rohingyas ancestor assumed to be migrated from the Chittagong region and married to Arakanese women. After to the Buddhist Maghs, Muslims Rohingyas are the second largest religious group in Myanmar. Since 1940s, strong racial discrimination and violence against Rohingyas in Myanmar created serious human crisis for Bangladesh again and again. Mass migration of Rohingyas to Bangladesh has become recurrent phenomena over the decades. During 1940s communal tensions between the Arakanese Buddhist Maghs and the Muslim Rohingyas and the General Ne Win's Nagamin Dragon Operation of 1978 led the exodus of a Rohingyas to Chittagong. Only because of the 'Dragon King' operation over 200,000 Rohingyas fled to Banngladesh [1]. Later on, migration of Rohingyas escalated in 1991 when General Sau Maung's army assaulted on Rohingya Muslims of Arakan as they supported Suu Kyi's National League for Democracy in national election of 1990. Following that approximately 250,877 Rohingyas were forced to migrate to Cox's Bazar district of Bangladesh[2]. In 2009 around 28,000 registered Rohingya refugees were living in two government managed camps in the Cox, Bazar district of south eastern Bangladesh, and nearly 400,000 unregistered illegal Rohingya refugees were living in Chittagong region of Bangladesh[3]. Though several bilateral negotiations have taken place between Bangladesh and Myanmar government to address the Rohingya issues, substantial resolution of the problem still unsolved. Full repatriation of Rohingyas has not been successful through these negotiations. These migrated Rohingyas population are not only leading an inhuman life in terms malnutrition, shortage of water, sanitation, proper housing etc. but also causing problem for environment and local population through destabilization law and order situation, humans and arms trafficking, drug smuggling etc. Rohingyas migration to CHT is not a new phenomenon. During 1784 an assault on Arakan Muslims by the Bodaw Paya Buddhist king led a mass scale exodus of people to the nearby territories (Chittagong and CHT districts of today's Bangladesh) of British India[4]. In recent decades as the political unrest were extensive in Myanmar, more Rohingyas were forced to migrate in CHT. Believing in 'The myth of empty land', state some extent allowed those refugees, like Bangalees, to live in CHT. Since cultivable land is limited and population pressure is huge, land related conflict between Rohingyas and adibashis has obviously emerged. As the confusion persist regarding the legal ownership of land in CHT, it becomes easier for Rohingyas to take the opportunity of ensuring livelihood by grabbing that land. There are some serious allegations against Rohingyas like making fake land deeds and dispossessing adibashis from their land. Most of the time it is certain that degree of insecurity leads to a strong sense of solidarity among any migrated population. Hence, Rohingyas who migrated in CHT always have a significant power in dealing with any conflict because of their group solidarity. Moreover, in this tri-party (indigenous, Bangalees, and Rohingyas) conflict, it is alleged that Bangalees take the side of Rohingyas as their interests are the same.

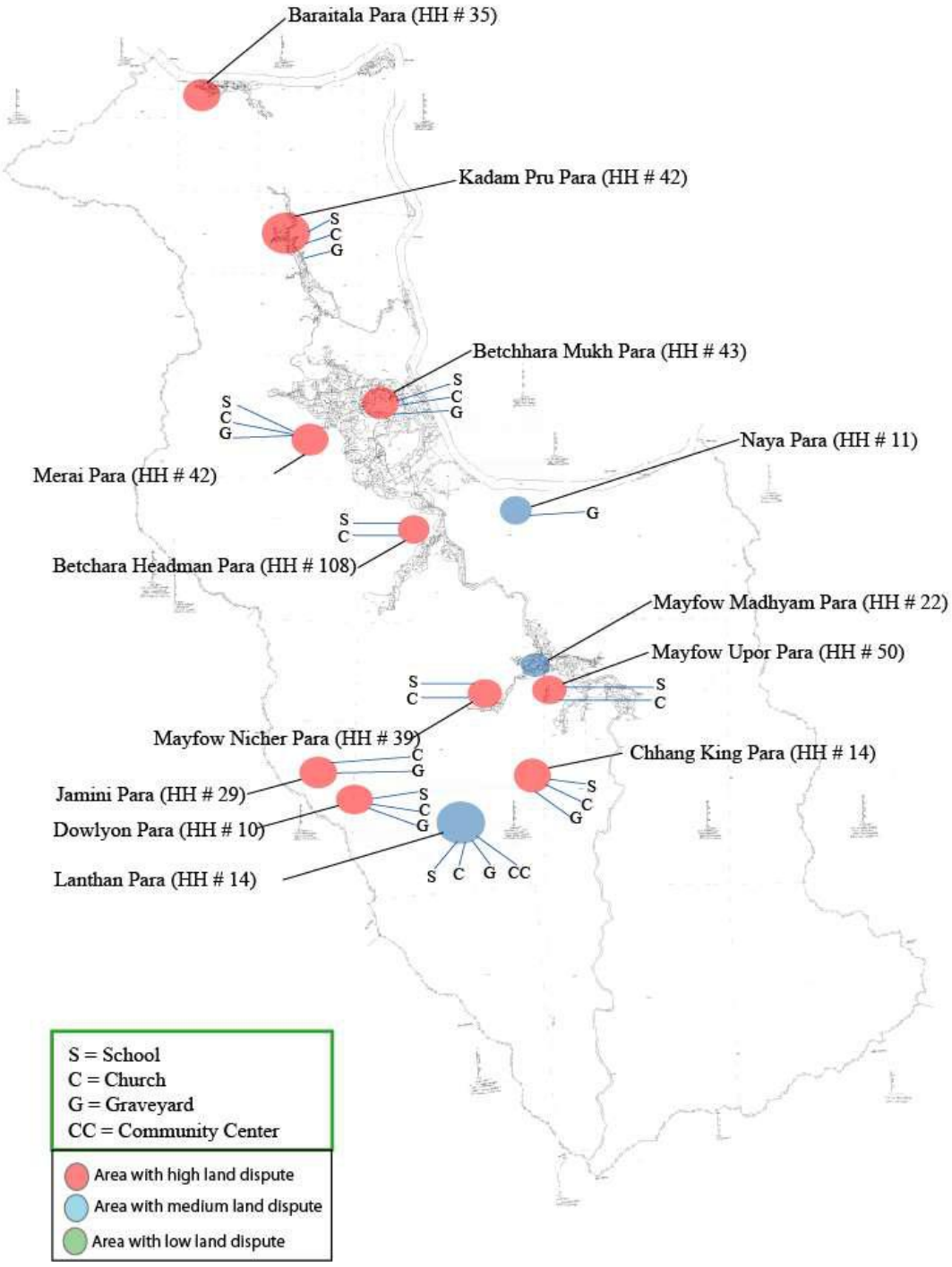
[1]"Myanmar: The Rohingya Minority: Fundamental rights denied". *Amnesty International*. Accessed on 11 August 2010
[2]"Rohingya". *Banglapedia, Asiatic Society of Bangladesh.* Accessed on 11 August 2010
[3] Staff correspondent (10 August, 2009). "400,000 illegal Rohingya refugees a burden on Bangladesh: Dipu Moni". *The Daily Star (Bangladesh)*
[4]"The 'settlers' and 'aborigines' of Chittagong Hill Tracts". Dr. Habib Siddiqi. Availalbe at http://www.rohingyainfo.com/?p=612. Accessed on 12 August 2010

From the mouza map of Betchhara mouza, it is revealed that the southern part of the mouza is less populated. The majority of the paras concentrate in the mid portion of the mouza. The majority of the paras have school church, and graveyard. Some paras have community centre or para center. Almost all the paras are reported as severely affected with land related problems (marked with red color). Only two of the paras are reported as less affected paras in terms of land related problems. No paras have been denoted as the least affected para in Betchhara mouza by the local knowledgeable people. On the basis of information gathered from six sample paras of Betchhara mouza no specific geographic trend could be established among the paras of this mouza regarding land related problems- no specific area has some specific problem in this mouza. However, extent of land acquisition by the Forest Departments is higher in the northern sample paras of this mouza (i.e., Kadam Pru para, Merai para, Baraitala para and Betchhara Headman para). The land acquired by the Forest Department in those paras varies between 300 acres to 877 acres.

For the resolution of land related complication no assistance or proactive involvement from any Governments were reported by the local knowledgeable persons of Betchhara mouza. Any sort of assistance from NGO has also not been found for the resolution of this problem.

However, it has been observed that the common people of Betchhara mouza do not have even the minimum idea regarding land related rules and regulations. It is because most of the indigenous people are still illiterate. Therefore, they do not have any idea about the appropriate step to be taken in response to land related complexities, and in many cases they even do not know that they also possess some legal rights from the State as a citizen. People of this area do not have least idea about the Land Commission and land survey.

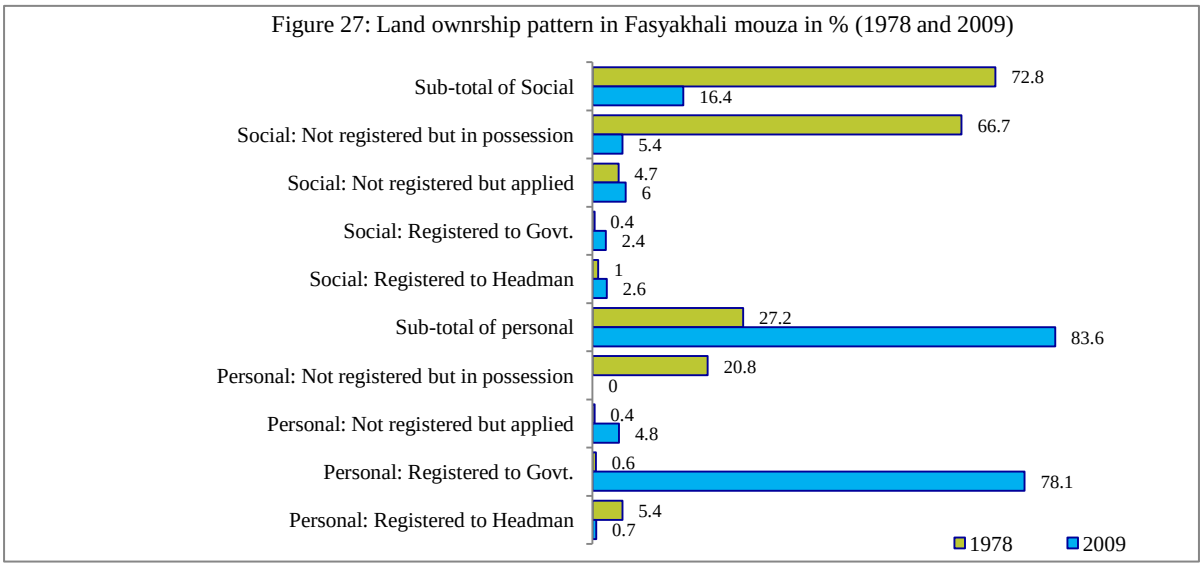
Map 3: Betchhara mouza



Fasyakhali Mouza

It has been found that the area of land under use/control of the sample paras of Fasyakhali mouza has been decreased by more than 50% in last thirty years. (In 1978: 674.5 acres; in 2009: 331.9 acres). In addition to decrease in the total amount of land under the control and/or use of paras in this mouza, the pattern of ownership of the land has been changed significantly in last thirty years. The first thing to notice is that in 1978 where around three-fourths of the land (72.8%) was under social or community ownership, it has now been only 16.4% in 2009. On the opposite land under private ownership has been increased to 83.6% from 27.2% in last thirty years. The major cause of the increase in the privately owned land in this mouza has been the increase of registered land (from 0.6% to 78.1% in last thirty years). Ownership pattern of the other sub-categories of the land under these two broad categories (i.e., social and private) has been changed accordingly.

Figure 27: Land ownrship pattern in Fasyakhali mouza in % (1978 and 2009)



This land leasing process is creating a huge problem for the effort of stabilizing peace and order in this mouza. Lots of indigenous people have been reported of evicted from this area only because this leasing practices under direct patronization of the State. However, in spite of the negative impacts of leasing process reported by the community people, communication system of this mouza has been developed to some extent as an unintended outcome of leasing process. It is to mention that in recent years, in the rubber plants on the leased out land, robbery has become visible in this area. As a result, the dwelling and movement of local people in this area are under threat now, especially women of the area are facing security problem.

Because of this extensive land leasing and land grabbing culture, local inhabitants are being evicted from this area. The situation has been aggravating in such a manner that the local people fear that within next few years almost all the local inhabitants will be evicted from this mouza if the process continues with its current face.

It is to note that as migrated settlers are occupying the land of adi Bangalees by force in this mouza, adi Bangalees are also near to the extinction like the indigenous people.

Case Study 2: Extinction of a para in Fasyakhali mouza

There was a village named Malumma/Boga para in Fasyakhali mouza. Around eight to nine families were dwelling in that para. Later on, the para was extinct by the ruthless torture and land grabbing by the settler Bangalees. Jolimong Marma (85) is one of the victims of this persecution. After the British war, migrating from Moheshkhali he settled in Malumma/Boga para. Through a cruel event taken place in 1977, Jolimong Marma was evicted from that para. After the independence of Bangladesh, especially in 1977, the then Government made arrangement for the settlement of settlers in various places of Chittagong Hills Tracts. In the process of this settlement, settlers were settled in Malumma/Boga para of Fasiakhali Mouza. Majority of this settler Bangalees of these areas are from Barisal and Comilla district. After this resettlement, conflict between indigenous people and Bangalees started severly in this area. Disregarding the traditional customs and land related practice of the inhabitants of CHT, the Bangalees were settled there by the Governement in delibarate preplanned approach. From the early stage of this settlement process, the rehabilitated settlers started to torture indigenous people of Malumma para in various ways and grabbed their land by threatening and forcing them. According to Jolimong Marma, some Ataullah along with his two sons (Zahid and Mainul) and some of their relatives were responsible for such persecution on local adibashis of this para. He informed that ataullah and gong had greed for their land and hence they had tortured indigenous inhabitants of this para. By terrifying the inhabitants of that para, Ataullah and gong continued to occupy adibashis' land by force. Jolimong Marma was the main victim of this violent incident. Thirty two years before inhabitants of the para were enjoying relatively sound economic and social condition. In January 1977, it was a season of jum husking when Jolimong Marma was passing his happy life by cultivating his own land. However, he and other inhabitants of Malumma para could not escape from the conspiracy of Ataullahs. In describing the cruelty of one night Jolimong Marma said, "It was a night of winter. Suddenly Ataullah along his gang appeared in the para. They set fire to the whole para and killed two inhabitant of this para. Later on, they occupied the whole Malumma/Boga para." Afterwards, local indigenous people fled away elsewhere for the sake of their lives and eventually the Malumma para was evicted totally. In this incident Jolimong Marma could not save his minimal three acres of land from those cruel land grabbers. Jolimong Marma went to the respective chairman of Malumghat for having justice. Upon the recommendation of respective chairman, he proceeded as plaintiff against Ataullah and his gang at Bandarban thana. However, because of his insolvency and illiteracy he could not carry on that case properly. On the other hand, by using money as bribe Ataullah and his gang managed to relieve themselves from the allegation. Evicted from Malumma/Boga para, Jolimong Marma has come to Sapergara para. At present, he is maintaining his family from hand to mouth by means of daily wage. After that violent incident the solvency of his family has never been returned. That three acres land of Jolimong Marma is still enlisted in the respective mouza headman's document. Though Ataullah passed away, Ataullah's two sons and relatives are still occupying that land. When Jolimong Marma was asked about the recovering his land, he became frightened and said, "I do not want to reiterate the old incident by being persecuted again". From Jolimong Marma response, it is evident that still today the fear of old violence remains live in his memory. According to Jolimong Marma if State principle is not changed and exemplary punishment of those criminals is not ensured, these sorts of incidents would continue like before.

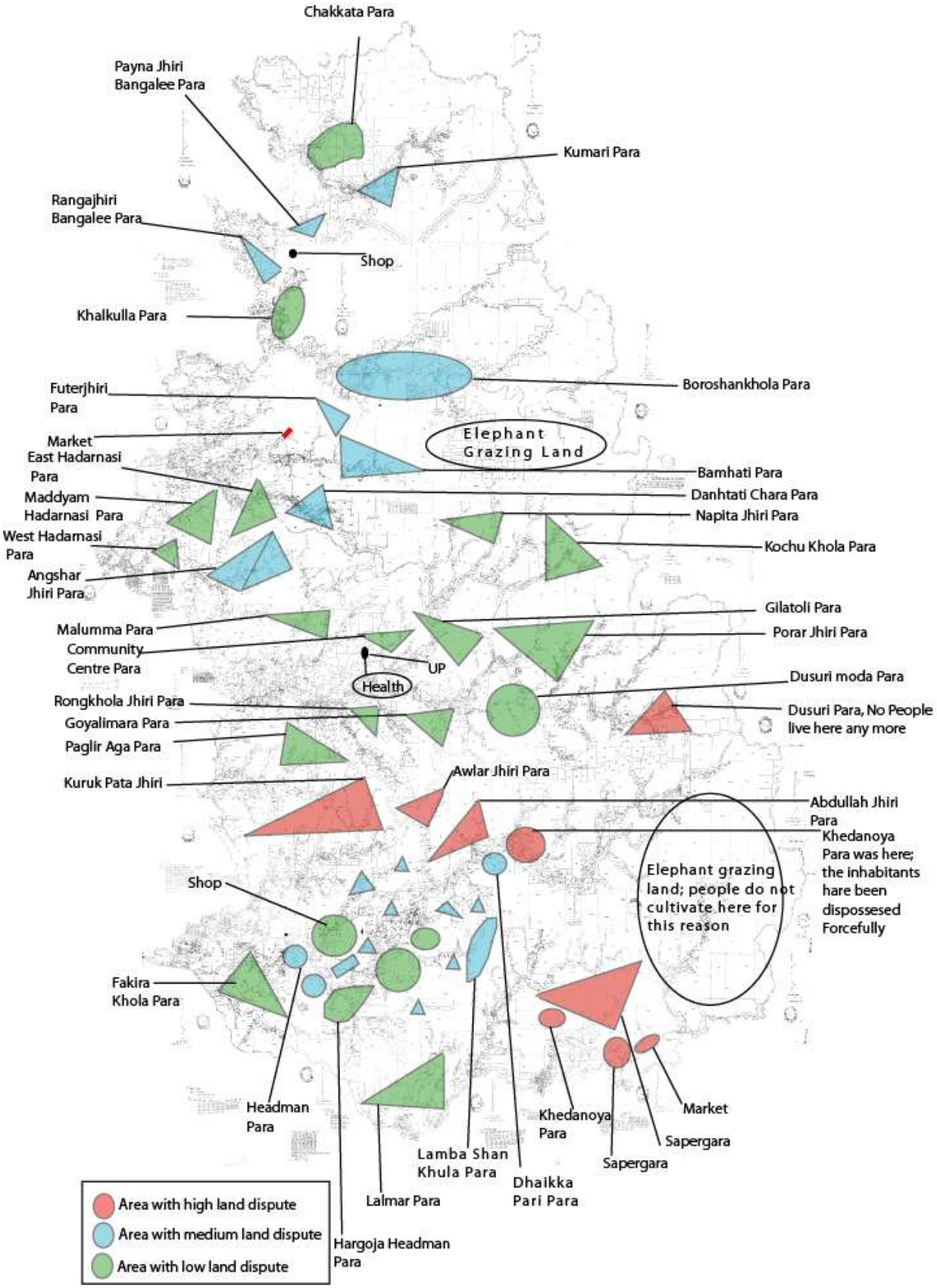
Though in land related complexities cases were filed to Government repeatedly, no assistances from Government were found for the resolution of these complexities. Moreover, any kind of assistance from NGO has not been found for the settlement of the problem.

Inhabitants of Fasyakhali mouza do not have the least idea about the Land Commission and land survey. Even, they do not have any idea about the initiatives that can be taken for the better resolution of land related problem.

It is to note that while observing the Fasyakhali mouza map- it has been found that the most of the paras in this mouza concentrate in the south-western part. The land related problems also concentrate mostly in that region as well. In most of the sample paras, land leasing practice and land grabbing incidents are the major source of land related complexities faces by local inhabitants. Areas where Bangalee concentration is high, it has been viewed that the land related problems do also concentrate there. The mouza map implies that land related complexity is also high in the market areas of Fasyakhali mouza. The eastern part of the mouza is less densely populated, where a significant amount of land is used by the elephants for grazing. The mouza map shows the area of old Khedanoya para and new Khedanoya para in the southern part of the mouza. Due to land leasing and conflicts between Bangalee and Marmas most of the households of old Khedanoya para fled away from this para. In 1978,

while 26 households dwelt in old Khedanoya para, now (in 2009) only one household lives here for agricultural purpose. The new Khedanoya para, which is also associated with land related problem, is formed beside Sapergara para. Same pattern of scenario is also visible in Sapergara para and Sapergara Notun Marma para. Over the last thirty years (between 1978 and 2009) the inhabitants of Sapergara para lost control over 243 acres of land due to land grabbing and land lease. However, unlike the old Khedanoya para, Sapergara para persist today with expanded number of household.

Map 4: Fasyakhali Mouza

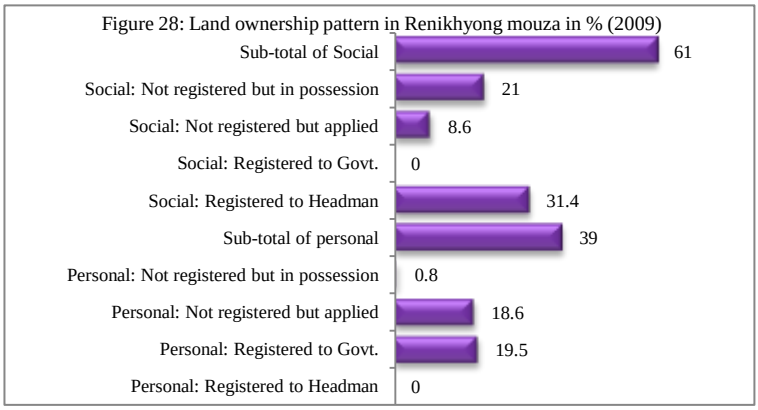


Renikhyong Mouza[138]

Though according the Headman of this mouza Ranglai Mro- the total area under this mouza is 7,881.2 acres, according to Population Census 2001, the total area of Renikhyong mouza (under Suwalak union of Bandarban Sadar upazila) is 7,680 acres. Local indigenous and Bangalee people are using 2,424.37 acres of land out of the 7881 acres land for their living purpose[139].

At present (2009), in Renikhyong mouza 61% of the land is under social or community ownership while the rest (39%) is owned personally. The half of personal land is registered to Government and the rest is not yet registered but has been applied for registration.

Figure 28: Land ownership pattern in Renikhyong mouza in % (2009)



The major land related problem of this mouza is that most of the people of this mouza are evicted and landless. Evicted indigenous people are now living a nomadic life. Majority of the population are maintaining their life by working as a wage labor in other's land. Government land acquisition and additional land acquired by Bangladesh Army are the main reason of the land related problem in this mouza.

In this mouza, the incidents of land dispossession/evacuation from won land/illegal occupation of land are extensive. As a result, the paras of Renikhyong are now under serious threat. It has been reported by the community people of this mouza that long after 1990-91, during the regime of the then Caretaker Government of 2007-2008, Bangladesh Army again evicted 10-12 paras of this mouza. It is also reported that because of the protest, headman of this mouza named Thuilai Mro was accused under false arms litigation and sentenced for 17 years of imprisonment. In the absence of Thuilai Mro, Army conducted eviction of the villagers without any prior notice. Among the eviction suffered para Deba para, Chinni para, Membar para, Gayalmara para are mentionable. Though some of these paras were reformulated again, most of the paras are now totally wiped out. At present, it is hard to find out any relics of those paras.

Though the land related complexities are severe, no assistances were found from Government and non Government organization for resolving the land related problem. As 95% population of these communities of this area is illiterate, they do not have any idea about land related laws and procedures. People of this area do not have least idea about the Land commission and land survey.

[138] The information from this Renikhyong mouza should be considered with much care. The information from these paras and the mouza itself is an extreme case of land dispossession and extinction of paras by force. Five of the six paras are newly built paras- inhabitants of these paras lived in other area and they had to migrate due to push factors of government land acquisition procedure. Now, they are living in relatively small land area. The name of the paras in 2009 follows the previous paras' name. For this reason the use pattern of the sample paras are significantly different from most other mouzas in Bandarban. For this reason, the information of Renikhyong mouza should be considered as an extreme case and should not be used for aggregation and/or extrapolation to assess the overall status of Bandarban. It is also to note that as five of the six samples paras are newly created (much after 1978) except one (i.e., Baburchi para). Thus no comparison of land use or rights between 2009 and 1978 has not been possible to be done for this mouza.

[139] Information collected from local Land Office.

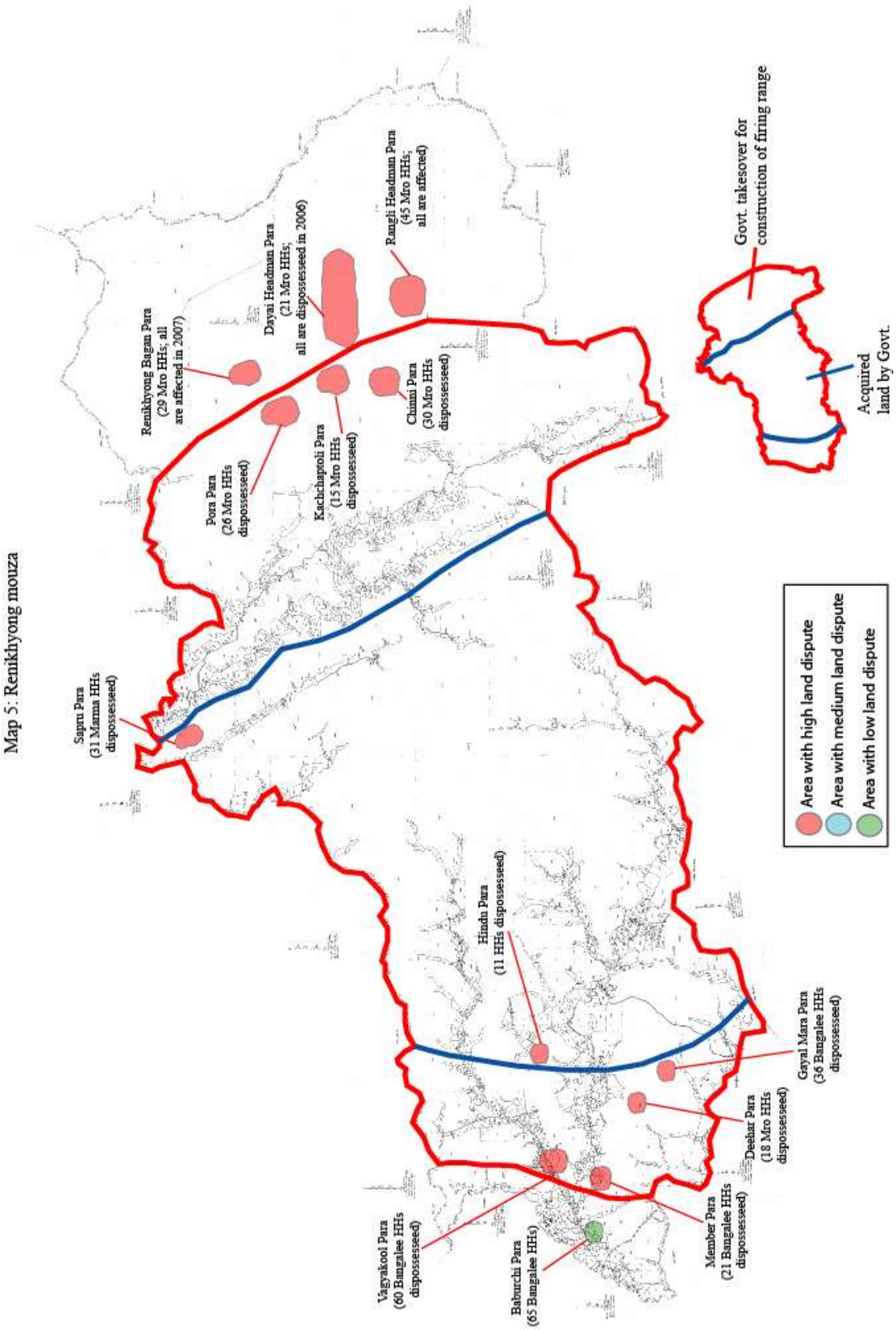
It is to mention that land related conflicts are rare between Adi Bangalees and Bangalees who migrated during last 30 years. Mainly State sponsored activities are the major reasons behind the land related complexities.

Case Study 3: The State sponsored cruel eviction in Renikhyong mouza

In late January 2007, during the regime of the then Caretaker Government, Old Deba para was evicted. This para was included in Suwalak union of Renikhyong mouza. It has been reported that the eviction process was accomplished by Bangladesh Army through State patronization. The incident took place quite unexpectedly. All of a sudden, military people came to the para and ordered the inhabitants to leave the Government acquired land. Inhabitants of Deba para were totally unaware about that land acquirement. Dwellers of Deba para were forced to evacuate their village without any prior notice at around 11 pm of the respective day. In describing the severity of the incident, a victime of that incident named Sing Young Mro said that during that cold night they had to live under the open sky without any food and drinking water. Even they were not allowed to stay at southern side school of Deba para for that night and hence they had to pass the night at nearby lakeside and stayed there for certain days. At that place, the second child of Sing Young Mro took birth in extreme cold weather beneath the open sky. Two more children of other families took birth at the same place in the same condition. Later on, inhabitants of Deba para went to the repective Circle Chief for the solution of the problem. Circle Chief informed them about his incapability. Upon the advice of Circle Chief they went to a Bangalee chairman, who is at present holding a higher position in the Local Government of that area. However, he showed them some khas land to live in. Currently, those evicted people are living in that khas land. Besides the inhabitants of Deba para, inhabitants of adjacent paras like Member para and Goalmara para are also massively suffered by that incident. Moreover, a number of paras of Renikhyong mouza were extinct due to the Government land acquisition initiatives. At present, it has been reported by the community people that a person named Abdul Kader has claimed the area of Deba para, Gayalmara para and Member para as his property without showing any evidence. According to Sing Young Mro, Abdul Kader is taking extortion from them and plotting to evict dwellers by force. It is not known whether Abdul Kader has any legal documents of that area or not. For the proper resolution of the problem, Sing Young Mro and other inhabitants of the respective paras demand to the Government for their legal rehabilitation.

From the mouza map of Renikhyong it is clearly visible that almost all the land area of this mouza do face huge amount of land dispossession of the local people- mostly from indigenous communities. The State itself is responsible for the land dispossession- which, in-turn creates serious threat to the livelihood of the local inhabitants who have been living there for generations. A large part of Renikhyong has been taken over by the Government (shown in an area in the eastern part of Renikhyong mouza) for construction of firing range. In the process of this acquisition, inhabitant of Deba para (delineated in case study) and Renikhyong Bagan para lost their control over 230 acres of land. The mid-section of the mouza (shown with blue outline in the map) has also been acquired by the Government. Because of this land acquisition process (during 2006 and 2007) two sample paras, i.e., Dawai headman para and Gayal Mara para, were totally uprooted and inhabitants of this two sample paras were forced to settle in newly established para (accompanying the same name of extinct paras) outside the periphery of Government acquired land. As the inhabitants of these two sample paras lost control over previously accessible 110 acres of land, they have become landless and now are leading an inhuman life. As shown in the mouza map it is noteworthy that Bangalee inhabitant paras (such as Vagyakool para, Member para, Hindu para) mainly situated in the western part of Renikhyong mouza are also suffered by the Government land acquisition process. The only para which was not affected by the Government land acquisition process is Baburchi para. As the para is situated outside the periphery of acquired land zone (depicted with green circle in the western part of the mouza map), land related complexities are low among the inhabitants (Bangalees) of this para.

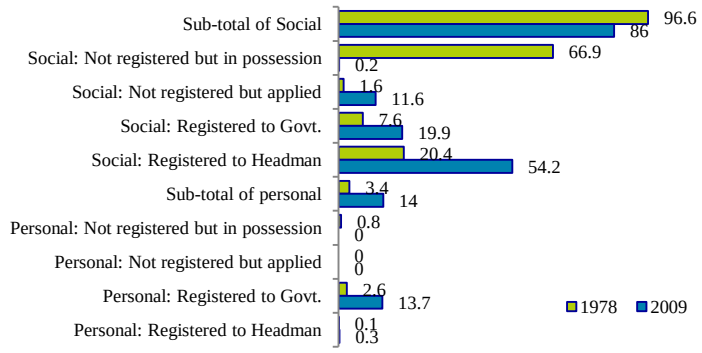
Map 5: Renikhyong mouza



Naikhongchhari Mouza

It has been found that the area of land under use/control of the sample paras has been decreased by more than three times in last thirty years in Naikhongchhari mouza. In 1978, the total areas of land under use/control of the sample paras of Naikhongchhari mouza was 6,309.4 acres, which has been decreased to only 1,926.7 acres in 2009.

Figure 29: Land ownership pattern in Naikhongchhari mouza in % (1978 and 2009)



Though the proportion of personally own land has been increased in Naikhongchhari mouza compared to land under social or community ownership, the pattern has been remain more or less similar. However, within the broad categories (i.e., personal and social) changes within the sub-categories have been taken place in last three decades. In last thirty years the major change in land ownership pattern in this mouza becomes visible while analyzing the portion land registered to headman (increased to 54.2% from 20.4%) and land not registered but under possession (decreased to only 0.2% from 66.9%) under the categories of land under social or community ownership. The portion of personally owned land has been increased by around 10 percentage points in last thirty years in Naikhongchhari mouza. Under personal owned land the portion of registered land has been increased by around 11 percentage points (from 2.6% to 13.7%).

But the actual amount of land under control and/or use of paras has been decreased dramatically in last thirty years in this mouza. The incident of land dispossession is quite often and frequent in this mouza. The extent of leasing out in this mouza is extensive. The local people, especially the indigenous people have strongly argued that the negative impact of leasing out process outweighs the benefits of the few powerful people. Dispossession of jum and garden land due to leasing, leads people to live in extreme poverty. Government acquisition of land is also noticeable in this area. In addition, law and order condition of Naikhongchhari is under threat now mainly because of land related conflicts. Enraged situation continues through out this mouza. Situation becomes aggravated when settlers were brought to for the vigilance of rubber plant.

Among the land right related complexities, conflict between settler Bangalees and local indigenous people is the most noticeable problem in this mouza.

Not only the indigenous peoples, but also the adi Bangalees of this mouza are also near to extinction by the persecution of settlers. Migrated settlers also grabbed the land of adi Bangalees by force.

Case Study 4: Enemy in the disguise of a friend

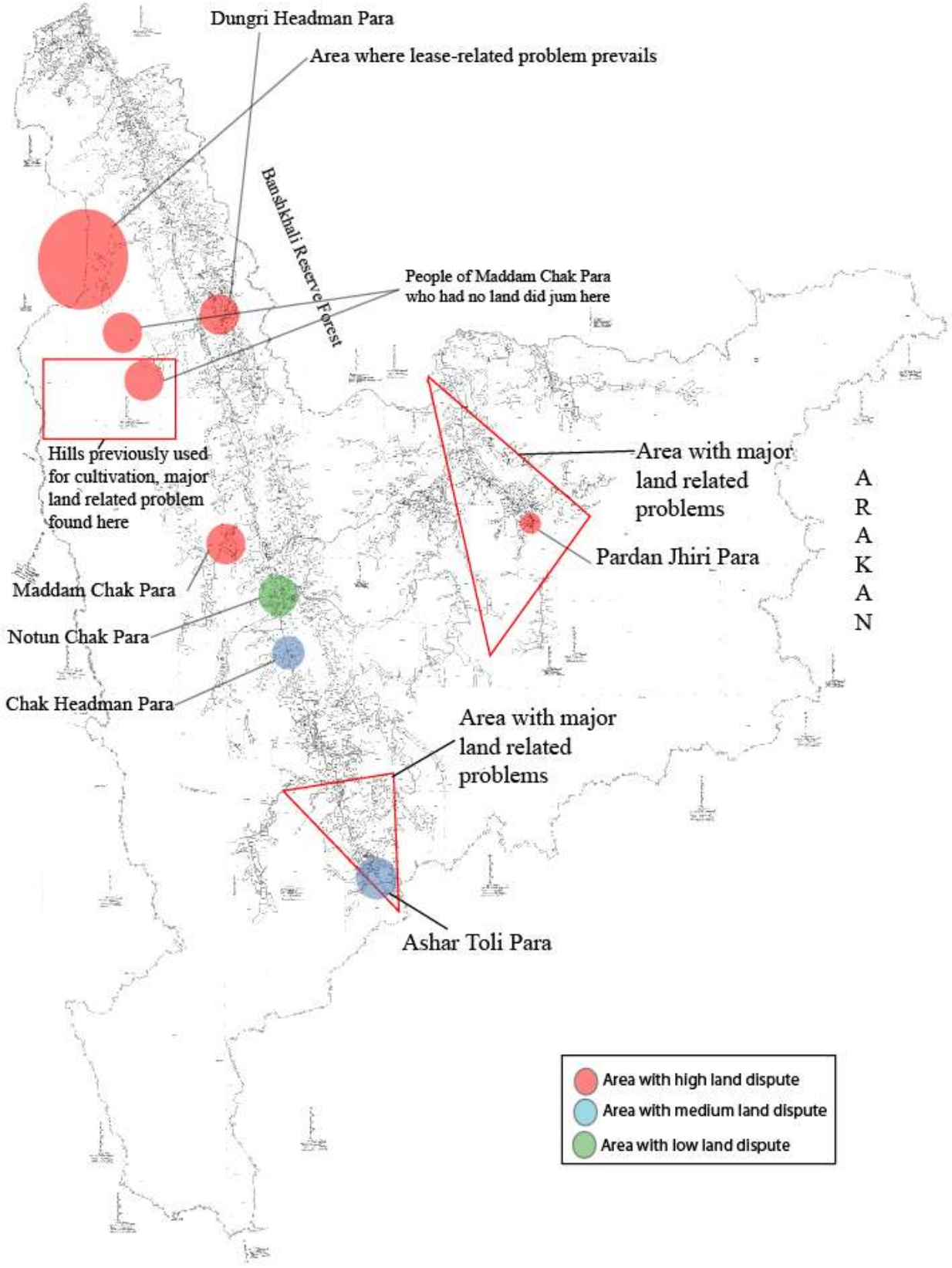
Thoaisa Marma (age 50) of Duhingri headman para was a victim of land dispossession incident. After the death of Thoaisa Marma's father named Basing Ong, Thoaisa Marma along with his five sisters and mother became the owner of Basing Ong'sproperty. Before his death, Basing Ong had 3.35 acre of land (enlisted in headman office with holding no. 85131 and *khatian* no. 138) in his name beside the local BDR camp. Twenty decimals (0.2 acre) of his land were acquired by the Government for B.D.R camp in 1991. It is also reported that in 1962, twenty decimal land (0.2 acre) of Basing Ong was acquired for UP complex. However, late Basing Ong had a friendly relationship with a Rohingya named Fazle Muhammad Because of the friendship, late Basing Ong provided a living arrangement for Fazle Muhammad in his land, having thought that Ahammed would take care of his property. After the death of Basing Ong, Fazle Muhammad forcibly grabbed 120 decimals (1.2 acres) of land by making fake affidavit. Later on, Fazle Muhammad sold some portion of that land to another settler Bangalee named Rahela. At present, Fazle Muhammad and Rahela together has dug two ponds and planted various plants in that land. Thoaisa Marma as a descendant of Basing Ong proceeded a case against Fazle Muhammad at Naikhongchhari thana. In general court Thoaisa Marma got the judgment in favor of him. Meanwhile, Fazle Muhammad entered into litigation at Bandarban district Judge Court which is still under trial. In fact, descendant of late Basing Ong is still paying the tax of that land. Because of his illiteracy, Thoaisa Marma is unable to carry on the case properly.

Case Study 5: Bangalee settlers and Rohingya grabbed land of a Chak para

During 1978-79, the then Government initiated canal digging program in various regions of Bangladesh. Naikhongchhari mouza was also included in the regions of such program and a dam construction work was initiated near Basra para (Chak community based) of Naikhongchhari mouza. After the construction of that dam, Basra para submerged under water as a consequence of that dam. Because of that water clogging, 10 to 15 families of Basra para were forced to migrate elsewhere. Among these families, several families along with the family of Mongkuijai Chak (age 48) migrated to Burma (now, Myanmar). After several years the land reemerged again while some Bangalee Settlers and Rohingyas took the control of that land. After 6/7 years Mongkuijai Chak along with his family came back to his own territory but could not get back his own land. Not only Mongkuijai Chak but also other indigenous families could not recover their land from Bangalee settlers and Rohingyas. When Mongkuijai Chak and other indigenous families took attempt to recover their land, Rohingyas and Bangalee settlers threaten them and drove them away by force. Even though some Chak families have legal papers of land ownership, they have not got back their lawful land. Mongkuijai Chak attributes this losing land to 1976-79's Government planning, encroachment of Bangalee settlers and Rohingyas, and shortsightedness of local mouza Headman. 10 to 15 adibashi families have suffered because of this incident. In contrast, Bangalee settlers and Rohingyas are enjoying the benefit of the canal digging program. Mongkuijai Chak is not sure whether occupier has any legal documents of the land or not. At present, Mongkuijai Chak along with his family is living in new Chak para but could not restore his old comfort. Like family of Mongkuijai Chak, other Chak families of Basra para are living an inhumane life in various Chak para. Mongkuijai Chak could not find any probable solution of the problem, due to the lack of proactive initiative of the respective traditional legal authority.

For the resolution of land related complication number of cases was filed to Government, but there no assistance from Government was found. Any kind of assistance from NGO has not been found for the resolution of the problem. Inhabitants of this area do not have any perception regarding land related rules and regulation. It is because most of the indigenous people are still illiterate. Therefore, they do not have any idea about the appropriate step to be taken in response to land related complexities. People of this area do not have least idea about the land commission and land survey.

Map 6: Naikhongchhari mouza

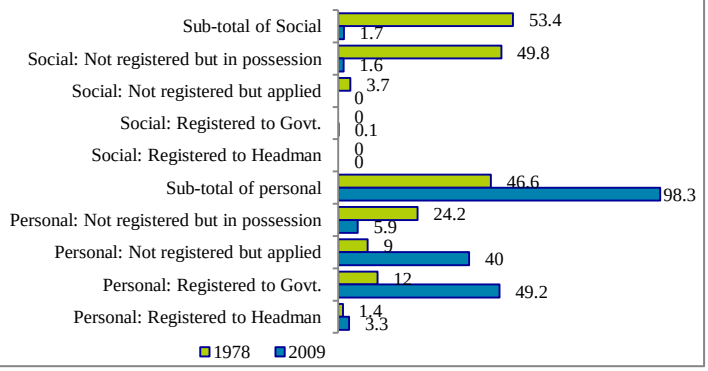


From the mouza map of Naikhongchhari it is visible that the land related problems concentrate in three areas of the mouza: the mid-section, the lower southern part, and in the upper part of north-west part. However, the extent of land related problem is very high in the northern part of this mouza. Over the last thirty years, access to land in numerous areas (especially in Maddam Chak para, Pardan Ziri para, Dungri Headman para) of Naikhongchhari mouza has become limited for the local people of this mouza. During this period, inhabitants of Maddam Chak para have lost their control over the jum land adjacent to Maddam Chak para (demarcate by rectangle in the mouza map). The inhabitants of Maddam Chak para have mainly suffered by land leasing practice which cost them losing control over 250 acres of land. In addition, land related problems in this para are also instigated by influx of refugee from Myanmar, corruption of local power structure and problematic demarcation of land boundaries in the para. Government land acquisition for the establishment of Power Station, Forest Office, UNO Office, school, BDR camp, Bazaar, and intense forced land grabbing of adibashis land by the Bangalees are the main land related problem in Dungri Headman para. Three red encircled areas adjacent to Maddam Chak para and Dungri para in the north-west part of the mouza map depict the area where land leasing and other land related problems are massive. In three sample paras of Naikhongchhari mouza (i.e., Chak Headman para, Ashar Toli para, Notun Chak para), situated mid and southern part of the Naikhongchhari mouza, land related problem are relatively less and mainly revolves around land leasing practice.

Balaghata Mouza

In 1978 the total areas of land under use/control of the sample paras of Balaghata mouza was 1,110.6 acres, which has been decreased to 1,024.4 acres in 2009 (i.e., 86.2 acres of land has been decreased). Though the figure of the decreased land is seemingly less, however in some para picture is still gloomy. For an example in Guda para of this mouza the Marma people have almost no land to use for their livelihood purpose.

Figure 30: Land ownership pattern in Balaghata mouza in % (1978 and 2009)



The pattern of land ownership in Balaghata mouza has been changed dramatically in last thirty years. The ownership of land has been transforming towards personal from social. In 1978, where 46.6% of the land under control/use of paras were personally owned, which has been increased to 98.3%. Now, in 2009, only 1.7% of the land in this Balaghata mouza is under social or community ownership, which was 53.4% in 1978. Among the personally owned land if the sub-categories are considered then it is observed that the proportion of registered land and tendency of registration (in the form of 'applied') has been on a sharp increment in last thirty years which, in-fact, has contributed in the increase of portion of personally own land in this time period. It is to note that portion of socially owned land which is not registered but in possession has been decreased significantly in last thirty years (from 49.8% to only 1.6%).

Among the land related complications, complication associated with Government acquisition is the most noticeable problem in Balaghata mouza. Various Government offices like Cotton Development Centre, Radio Bangladesh, Youth Development Centre, Woman's college, Police lines have been established in the acquired area in this mouza. Land was acquired for these institutions by paying nominal compensation to the sufferer. It is noteworthy that most of the acquired land was cultivable. It has been reported by the community people of this mouza that during last few years, incidents like land dispossession and evacuation from own land are quite noticeable in this mouza. However, community people also report about the headman's conflict with some of the paras in this mouza which has worsened the land rights related problems. It has been found that social afforestation and leasing out of land- are not the cause behind land rights related complexities.

Case Study 6: Documented land, but dispossessed

Milon Kumar Tanchangya, a resident of Balaghata mouza, was one of the victims of forced land dispossession. Milon Kumar Tanchangya is a poor and illiterate person who fled to Myanmar during the liberation war in 1971. Ten to twelve years back after Returning home from Myanmar, he discovered that his land had been occupied by Bangalees. By Analyzing *Matt Khosra* it is found that in Balaghata mouza 2.06 acres and 0.95 acres of land of (total 3.01 acres) belongs to holding no. 1233 and 7 respectively, and this land is recorded under the name of Milon Kumar Tanchangya. The land is occupied by land grabber like Gazi miah, Rohima Khatun, and Abdur Rahman. Milon Kumar Tanchangya was threatened by those land grabbers when he tried to protest against this injustice. According to Milon Kumar Tanchangya, land grabbers occupied the land of Milon Kumar Tanchangya by making various fake documents. They have constructed homesteads and shops on those 3.01 acres of land. Milon Kumar Tanchangya passed away but during his life time he could not attain the legal solution of the problem. At present, his son Anil Chandra Tanchangya has charged litigation as plaintiff at Bandarban Land Commission Office to get back their land.

Communities of this mouza do not have any substantial idea about land related laws. It has been found that in spite of this severe land related complexities, assistances from Government and non Government organizations were not found for the resolution of these problems.

Though land related conflicts were rare between adi Bangalees and indigenous people, in recent years conflicts are arising quite frequently. Inspite of having some idea about the Land Commission and land survey, communities of this area do not have any idea about the appropriate measure that can be taken for the solution of land related problem.

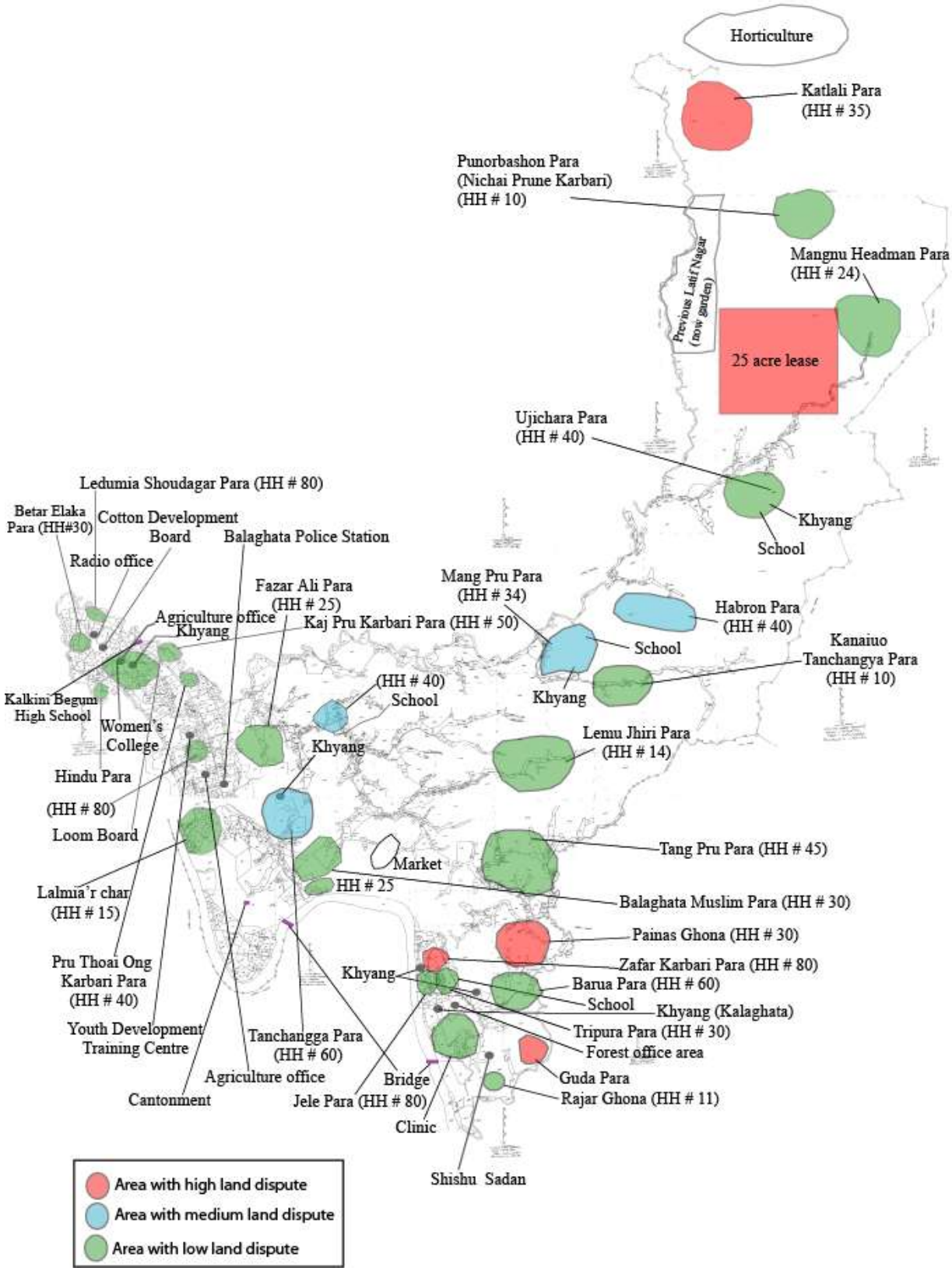
Case Study 7: Illiteracy caused land dispossession

Roti Tanchangya (age 84) is an inhabitant of Balaghata Bazar area for 48 years. Roti Tanchangya had 1.50 acres of cultivable land in this area. However, a former ward commissioner of Bandarban municipality named Jainul Ahmed grabbed this land of Roti Tanchangya by force. The incident commenced around 1988-89 at bazar area of Balaghata mouza. A finger print was taken from Roti Tanchangya for relief payment purpose and following that this document became the matter of ruin for Roti Tanchangya. By using this document Jainul Ahmed registered the land under his name. He showed that he had bought this land from Roti Tanchangya, and thus evicted Roti Tanchangya from that land by means of coercion. Taking the advantages of illiteracy and helplessness of Roti Tanchangya, Jainul Ahmed grabbed the land and made Roti Tanchangya deserted. As Jainul Ahmed was an influential person, Roti Tanchangya got afraid to charge any litigation against Jainul Ahmed for reclaiming his/her lawful property. That decisively grabbed land is now using for dam construction and pisciculture. Roti Tanchangya stated that a number of other people (e.g., Haru Karbari) were also deceived by Jainul Ahmed and lost their land. Adopting this sort of deception, Jainul Ahmed has become the owner of vast land and other property. Roti Tanchangya along with other local inhabitant are urging for exemplary punishment of land grabber like Jainul Ahmed.

The map of Balaghata mouza shows that the portion of paras with high land disputes is relatively less in compare to the total number of paras in this mouza. The major land related problem in this mouza has been seen in the lower southern part and the upper-right corner of the mouza. However, land related complexity in Balaghata mouza is multifaceted and hence is hard to be generalized. As depicted in the mouza map, the main land related problem in West Balaghata para mainly emerged from the Government's land acquisition initiatives for

the different Government institutions like Radio Office, Cotton Development Board and BADC. A total of 49 acres land of this paras has been acquired by the Government for these establishments. Likewise, though land related complexity is relatively less in the paras located in the western part of the Balaghata mouza, the main land related problem manifested by land acquisition initiative of the Government. However, some of the paras like Habron para and Tangpru para (located at the central part of the mouza) are mainly suffered by natural disasters like land slide. Moreover, Government Asrayan Prakalpa (on 25 acres land) and leasing arrangement (25 acres) also have caused land related problem in some of the areas (marked with red color in the mouza map) of Balaghata mouza.

Map 7: Balaghata mouza



Khagrachhari: Status and Dynamics of Land Use and Land Rights

Khagrachhari at a Glance

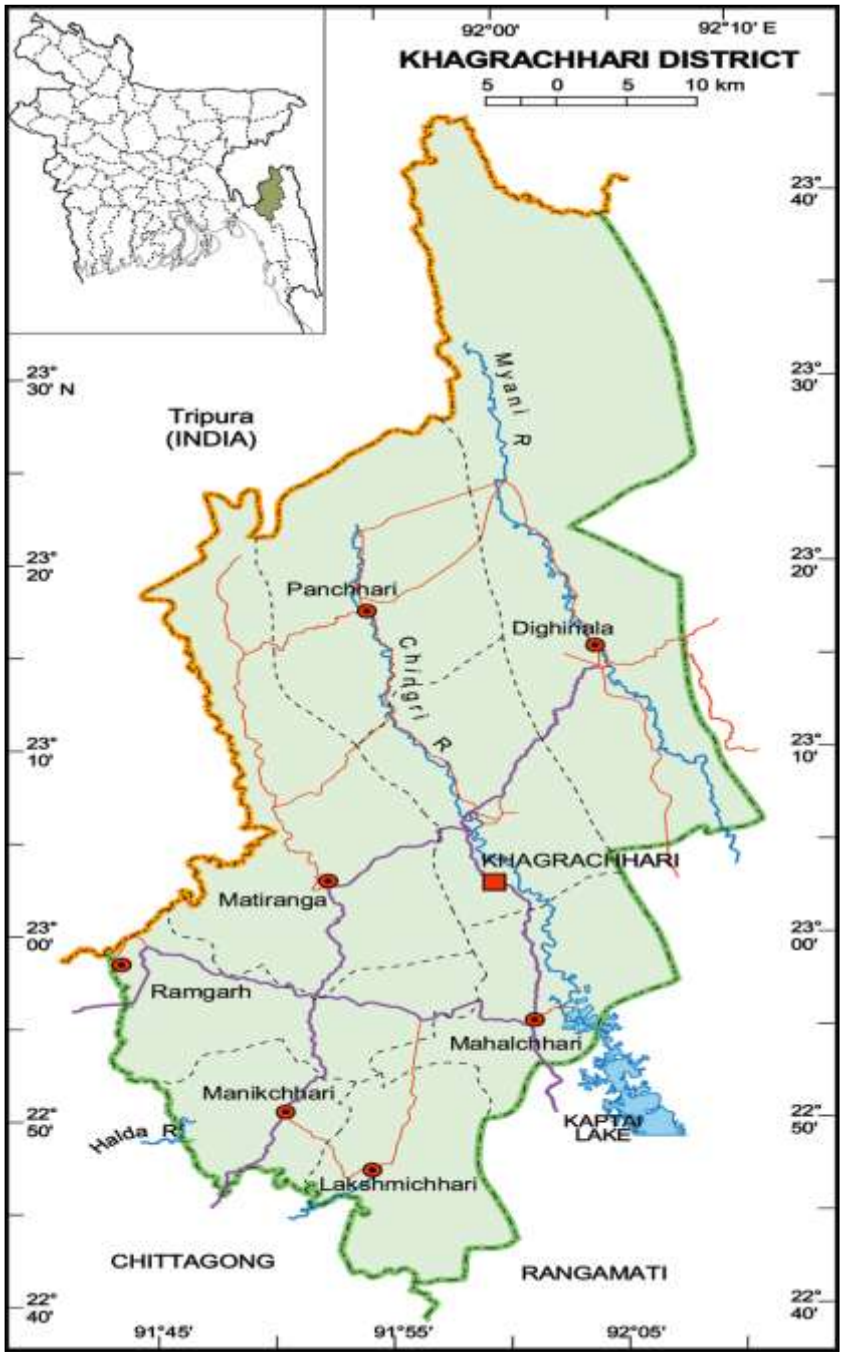
Khagrachhari, a part of Chittagong Hill tracts, is a south-eastern district of Bangladesh. Very little is known about the origin of the name of Khagrachhari. It is said that Chengi stream, bank of which Khagrachhari district head quarter is situated, was full of Catkin plants (means 'Khagra' in local language). Therefore, name of the district may be derived by the local people from that plant's name.[140] This part of Chittagong Division is also referred as "Chengmi" in local term. Khagrachari is also known as the Mong Circle, which was name after the Tripura dialect the 'Mun Circle'. Mong Chief is the head of the Arakanese descendant populations of Mong circle.[141]

Before 1860, internal administration of this Chittagong Hill Tracts region was governed by two kings or chiefs and was a part of greater Chittagong. During the British regime in 1860, by formulating another circle (Present Khagrachhari district) the district of Chittagong Hill Tracts was established under the 'Frontier Tribes Act 22 of 1860'. Later on in 1900, following the Chittagong Hill Tract Regulation Act, Chittagong Hill Tracts was divided into three subdivisions including Khagrachhari. Khagrachhari subdivision was upgraded to a district on 1st November 1983. At present, Khagrachhari district consists of 8 upazilas (with 34 union parishads, 123 mouzas[142], 953 paras/villages), 1 municipality (Khagrachhari Pourashava) consisting of 9 wards and 61 mahallas. The Upazilas are: Dighinala, Khagrachhari Sadar, Lakshmichhari, Mahalchhari, Manikchhari, Matiranga, Panchhari, and Ramgarh.[143]

Khagrachhari District with an area of 2699.55 sq km is bounded on the north by Tripura state of India, on the east by Rangamati district, on the south by Chittagong and Rangamati districts and on the west by India and Chittagong district. The District lies between 22°38' and 23°44' north latitudes and between 91°44' and 92°11' east longitudes (Population Census 2001).[144] In this forest and hill based district of Bangladesh, the major rivers are: *Chingri*, *Maini*, *Feni* and *Hald*. Most of the areas of Khagrachhari district are mainly hills areas which are composed of folded sedimentary rocks. Notable hill ranges of Khagrachhari district are *Alu Tila*, *Bhanga Mura* (416.66 m), *Matai Pukhiri* (213.36m), *Matai Lakho* (274.32 m)[145].

[140] BBS (2005): Khagrachhari district.
[141] Wikipedia: http://en.wikipedia.org/wiki/Khagrachari_District; visited on August 21, 2010
[142] According to the Population Census 2001, the number of mouza in Khagrachhari district was 120.
[143] Banglapedia: http://www.banglapedia.org/httpdocs/HT/K_0146.HTM; visited on August 21, 2010
[144] BBS (2005): Khagrachhari district.
[145] Banglapedia: Khagrachhari district.

Map 8: Khagrachhari District



Map Source: Banglapedia: http://www.banglapedia.org/httpdocs/Maps/MK_0146.GIF; visited on August 21, 2010

Overall Status and Dynamics of Land Use in Khagrachhari

Land under use/control of paras in Khagrachhari district has been reduced at a significant level over the last thirty years (between 1978 and 2009), which had significant impact on the changing pattern of land use in Khagrachhari district. During this time span, land under control/use of the paras has been reduced by almost 41%. Besides this reduction of land under control/use of paras, some other factors also played key role in the changing pattern of land use in Khagrachhari district. The factors include- popularity of plough land cultivation among the indigenous population due to its higher productivity in compare with the with the productivity of jum land cultivation and increase of homestead due to population growth and intense in-migration.

Box 25: Sample Mouzas of Khagrachhari

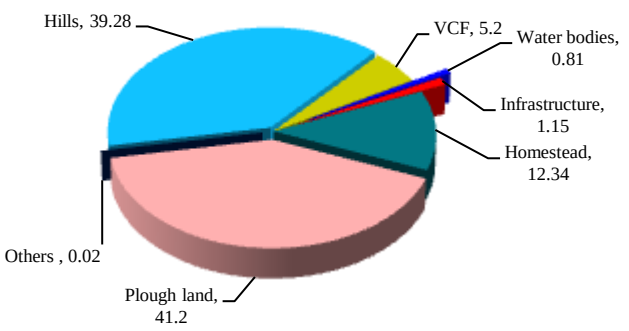
In order to assess the overall status and dynamics of land use and land rights of Khagrachhari district, five mouzas of Khagrachhari district were selected as sample mouza following different criteria. The sample mouzas of Khagrachhari district for this study were: Gumati, Perachhara, Maischhari, Alutila, and Kabakhali. After the selection of sample mouzas, using different criteria sample paras were selected from those sample mouzas. From these sample paras detailed information was collected through social mapping (using original mouza map), group discussion and in-depth interviews. To have better understanding of the overall status of mouza, information on overall status of the land of sample mouzas was collected.

Box 26: Land use in Khagrachhari: Methodological Note

According to the population census of 2001, total number of mouza in Khagrachhari district is 120. Among this mouzas, 5 mouzas were selected in such a manner so that based on the information of this mouzas a representative picture of Khagrachhari district about the land use status and dynamics can be stated. According to the Population Census 2001, total area of Khagrachhari district is 2699.55 sq. km (667073.33 acres). To portray the overall land status in Khagrachhari district, the survey base information of the land area under sample paras of sample mouzas has not been used, rather the proportion in percentage land (by use of land) in sample paras has been used. Thus, the land use pattern under use/control of sample paras in the sample mouzas has been used to depict the overall land use pattern of Khagrachhari district. For this, different types of lands (by use) of the sample mouzas (in sample paras) have been added for two time periods (2009 and 1978). Then the percentage distribution of the lands (by use) of the sample mouzas has been used for the Khagrachhari district.

Like the other districts of CHT, typical land use pattern of Khagrachhari district can be divided in seven broad categories i.e., plough land, hills (used for jum and garden), VCF (Village Common Forest), homestead, infrastructure, water bodies and others. Information gathered in the survey reveals that during the last thirty years (1978-2009) the proportion of hills (used for jum and garden) has been decreased significantly, while plough land has been increased quiet dramatically. While in 1978, around 78% land of the total land use/control of paras of Khagrachhari district was used for jum and gardening purpose, currently (in 2009) the share reduced to around 39%. However, though the proportion of hill land has been reduced over the years, share of hill land used for garden purpose has been increased as compared to the share of hill land used for jum cultivation. The main reason behind this increased share of land used for garden is that, most of the migrated Bangalee settlers are accustomed to gardening rather than jum cultivation. Moreover, at present local indigenous peoples also prefer to use hill land for profitable gardening. In 1978, around 9.18% land of the total land under use/control of the paras was plough; while in 2009, by increasing almost 32 percentage points it has been reached to 41.20%.

Figure 31: Distribution of land use/control under paras in Khagrachari district in % (2009)



During the last thirty years, share of water bodies and land used for other purpose have been remained almost the same. VCF does not have any existence (both in 1978 and 2009) in nearly half of the mouzas. Apart from that in all the rest of mouzas VCF has declined significantly. While thirty years back, 9.03% of the land under use/control of mouzas was used for VCF, at present VCF exists only in 5.20% of the total land under use/control of mouzas. Because of the intense population growth in Khagrachhari district, share of homestead has been increased by almost 7 times. Moreover, share of infrastructure also has been increased (by almost 4 times) over this time span.

Figure 32: Distribution of land use/control under paras in Khagrachhari district in % 1978)

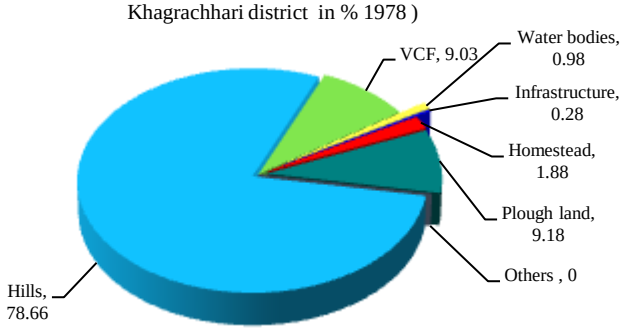
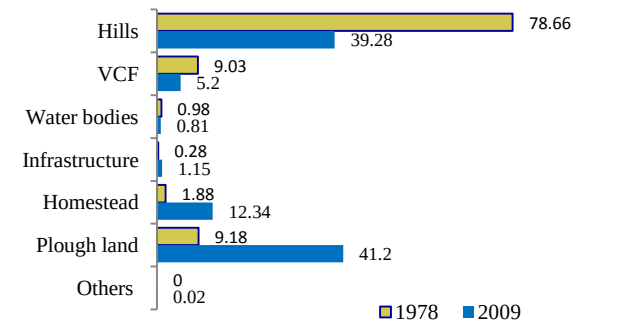


Figure 33: Distribution of land use/control under paras in Khagrachhari district in % (1978 and 2009)



In very few of the paras of Khagrachhari district, land is used for tobacco cultivation and rubber plantation. During the study, it has been reported by the local communities that though these form of land use incurring more profit; this practice actually degrades the soil fertility. However, though extent of land leasing and rubber plantation is comparatively low in Khagrachhari district, land acquisition by the various Government institutions (mainly Forest Department) is very high in this mouza. Hence, pattern of land use also has been changed as most of that land was owned by indigenous peoples and these indigenous peoples are more accustomed to their specific traditional pattern of cultivation.

There is very little similarity that can be found when various types of land in Khagrachhari district are analyzed by crops and trees. As geographic nature and prevalence of Bangalee settlers varies from mouza to mouza, pattern of land cultivation and types of trees also varies among mouzas. In plough land of Khagrachhari district, rice is cultivated extensively. In some of the mouzas, types of plough land crops have become diversified over the years. Besides rice, some other crops like vegetables, kaun, potato, arum, papaya, sugarcane, and chili are also grown in some parts of this district. Moreover, cultivation of tobacco in plough land is also getting popularity in some part of Khagrachhari district. The pattern of jum land cultivation and types of crops and trees in jum land of this district also have been changed significantly over the last thirty years (1978-2009). Though rice cultivation is still predominant in jum land of this district, some other crops like- mango, jackfruit, lichi, chili, vegetables are grown in jum land. However, crops like ginger, turmeric, binni rice, maize were also grown in jum land thirty years back which are no longer visible in recent times. In the natural forest, the common trees currently found are: koroi (*Albizzia procera*), shegun (*Tectona grandis*), kanak, mango, blackberry, and jackfruit. During the last thirty years chapalish (*Artocarpus chaplasha*), garjon (*Dipterocarpus alatus)*, jarul have become almost extinct in this district. Currently (2009) mango, myrobalan, jackfruit, banana are being cultivated in the gardens of Khagrachhari district while thirty years back, types of trees and

crops in garden were less diversified. Koroi and kanak are the most dominant varieties found in the hill forest of this district. Thirty years back, in addition to these trees- gamari, garjon, chapalish, jarul trees were also found in plenty.

Sample Mouza Wise Status and Dynamics of Land Use in Khagrachhari

Gumati Mouza

Box 27: Group Discussions at Gumati Mouza

A number of group discussions were carried out in the Gumati mouza to know about the status and dynamics of land ownership and use. The first formal group discussion was held on October 02, 2009 at Brenda Kesor para of Gumati mouza. In that discussion session representation of diverse segments (based on occupation, power structure etc.) of population was tried to be ensured. Among the other knowledgeable community people (i.e., businessman, Service holder and farmer), the headman of that mouza and three of the better informed karbaries from three paras participated in that group discussion. Information from six sample paras of Gumati mouza was collected. The sample paras of Gumati mouza are: 1) Bali Chandra, 2) Brenda Kesor, 3) Mahabub Member, 4) Kala Pani Monsur Contractor, 5) Sadek Chairman, and 6) Alim Sarkar

Gumati mouza is relatively a plain land. The Population Census of 2001 depicts that, total recorded land of Gumati mouza (under Gumti union of Matiranga upazila) is 3200 acres. According to the Population Census 2001 there are 13 paras in this mouza, while from field survey it has been reported that there are 12 paras in this mouza as on end of 2009. These paras are extensively Bangalees inhabited area, where around in 10 paras Bangalees are the sole resident. Both Tripuras and Bangalees are dwellers of the rest of 2 paras.

Figure 34: Distribution of land use/control under paras in Gumati mouza in % (2009)

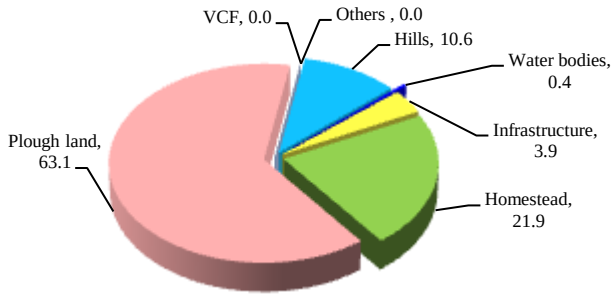
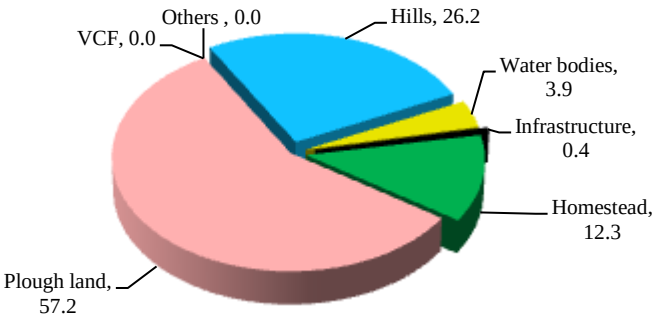


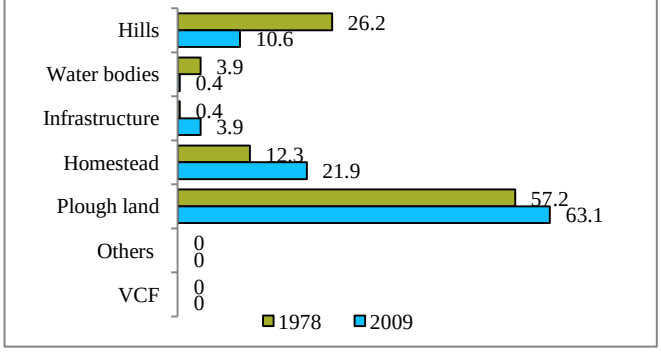
Figure 35: Distribution of land use/control under paras in Gumati mouza in % (1978)



The salient feature of this Gumati mouza is that, over the last thirty years jum cultivation became extinct in this mouza. While in 1978, total hills land used by the inhabitant of this mouza was 138.14 acres, in 2009 it was only about 50.12 acres. Moreover, among this reduced hills land, share of fruit and forest gardening as compared to jum cultivation has been increased significantly. This transformation can be attributed to dramatic increase of Bangalee settlers in this mouza. Hence, major portion of the population in this mouza are now doing plough cultivation instead of jum. Besides, in recent years indigenous peoples have become more accustomed to plough cultivation on plain land and fruit and forest gardening on some small hillocks. In relatively slight higher cultivable land, spring harvest like-potato, aubergine, sugarcane and various vegetables are cultivated. In Gumati mouza, land is not currently utilized under social afforestation project or any leasing arrangement.

Before 1971, very few Bangalee households were available in this mouza and these Bangalees are now considered as indigenous people. After 1971 (especially after 1980-1981) Bangalee settlement in this mouza started to increase at a high pace. Hence, pattern of land use also has been changed. Because of dramatic increase of population (mainly Bangalees) in this mouza, significant portions of land are now used for homestead and infrastructure. While in 1978, only 0.4% and 12.3% of the total land were used for infrastructure and homestead respectively, in 2009 it is around 3.9% and 21.9% respectively.

Figure 36: Distribution of land use/control under Gumtai mouza in % (1978 and 2009)



Another aspect of land use pattern of Gumati mouza is that, though plough land has remained the same over the last thirty years, its share of total used land has reached to 63.1% by increasing six percentage points. This change can be attributed to the reduction of land under the controls of paras of Gumati mouza. It has been found that, in 1978, the total areas of land under use/control of the sample paras of Gumati mouza was 527.47 acres, which has decreased to 472.67 acres in 2009. The area of land under use/control of the sample paras has been decreased by around 10% in the last thirty years. Besides transformation of land ownership from adibashis to Bangalees and theirs' associated land use practice, reduction of paras' control over hill land represents the key land dynamics of this mouza.

In Gumati mouza, plough land is mainly used for rice cultivation and this trend of cultivation has remained the same over the last thirty years. Only in few paras like Bali Chandra Para, Brenda Kesor Para rice, kaun, vegetables, potato, and chili are cultivated in jum land at marginal extent. Thirty years back, in almost all sample paras of Gumati mouza, rice was cultivated in jum land. At present, rice is cultivated only in half of the sample paras. Over the last thirty years varieties of trees in natural forest has remained the same. VCF (Village Common Forest) is not found in this Gumati mouza during the survey. However, in the natural forest of Gumati mouza, koroi and kanak are frequently found. Though thirty years back, some chapalish trees were found in some areas of this mouza, in recent years these trees are no longer visible. Mango, jackfruit, and banana are being cultivated in the gardens of these sample paras. Present pattern of gardening does not differ from the pattern of gardening in 1978. Koroi is the sole varieties which are found in the hills of Gumati mouza.

Perachhara Mouza

According to the Population Census 2001, the total area of Perachhara mouza (under Perachhara union of Khagrachhari Sadar upzila) is 8802 acres. Around 1680 households live in 31 paras of Perachhara mouza. However, in the survey it has been found that total number of paras of this mouza is 25. Majority of the paras are inhabited by Tripura (9 paras) and Chakma (6 paras) communities. Besides those communities, Marmas and Bangalees also live in some paras of this mouza.

Box 28: Group Discussions at Perachhara Mouza

To comprehend the status and dynamics of land ownership and use in Perachhara mouza a series of group discussions were arranged in this mouza. The first group discussion was held on December 22, 2009 at Headman para of Perachhara mouza. Knowledgeable community people (i.e., representative from local government- Union Parishad Chairman, businessman, school teacher and farmer), the headman of Perachhara mouza and four karbaries from four paras participated in that group discussion session. The group discussion followed with a number of discussions meetings arranged in each selected sample paras with the respective karbaries and other knowledgeable people of those paras. Information from six sample paras of Perachhara mouza was collected. The sample paras of Perachhara mouza are: 1) Pratap, 2) Comilla Tila, 3) Kalapani Chhara, 4) 7 Mile, 5) Palukya, and 6) Gula Dana Para.

In Perachhara mouza, jum is still dominant and extensive pattern of cultivation (50.60% of the total land under use/control of paras) due to the nature of land structure of this mouza. Significant portion area of the sample paras is hilly area which is conducive for jum cultivation. However, the proportion of jum land in Perachhara mouza has been decreased to 50.60% from 69.3% in the last thirty years (between 1978 and 2009). This relative reduction of jum land can be explained by several phenomena. First of all, land under the control of sample paras has been reduced over the last thirty years and among the lost land most of the land is hill land. In 1978, the total areas of land under use/control of the sample paras of Perachhara mouza was 2087.06 acres, which has been decreased to 1613.06 acres in 2009. In recent years, jum cultivation is losing its popularity among the adibashis peoples. It is because, according to local adibashi inhabitants, productivity of jum cropping is far lesser than that of plough cultivation. Hence, trend of land use has been changed and more emphasizes are now being giving on plough cultivation, fruit and forest gardening.

Figure 37: Distribution of land use/control under paras in Perachhara mouza in % (2009)

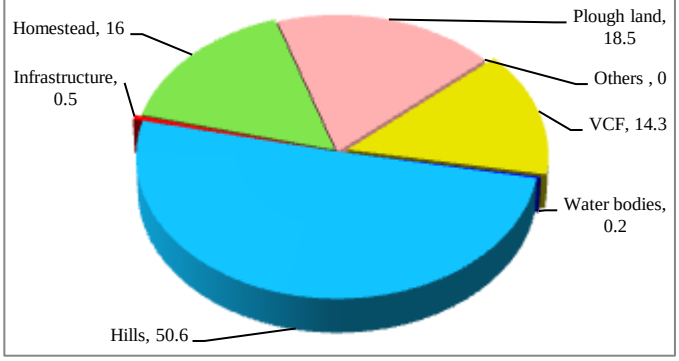


Figure 38: Distribution of land use/control under paras in Perachhara mouza in % (1978)

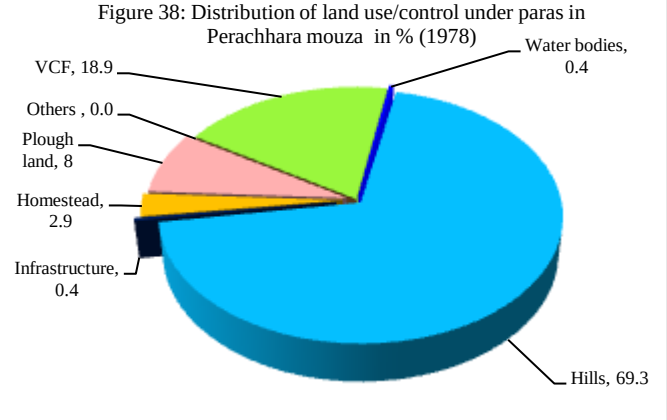
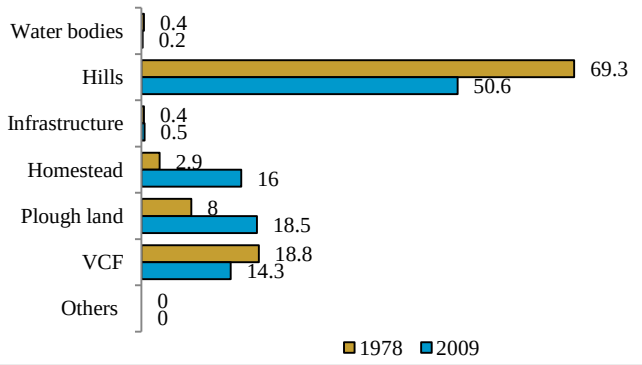


Figure 39: Distribution of land use/control under paras in Perachhara mouza in % (1978 and 2009)



Thirty years back, rice and ginger were the major crops cultivated in jum land. In two paras (Pratap para and Comilla Tila para), cotton was also cultivated besides those crops. At present- mango, jackfruit, lichi are also cultivated in those jum lands besides rice. Among the six paras, in two paras rice is no longer cultivated in jum land. Adibashis are becoming more accustomed to plough cultivation where rice is the sole crop. During the last thirty years, plough cultivation increased to 18.5% from 8% in the six sample paras of this mouza. Practice of ginger cultivation is almost not visible in the sample paras now. In Gula Dana para, *Paner Boroj* is now cultivated on the plain slop of the hills. According to the participant of group discussion rubber plantation has both positive and negative impact. Though rubber plantation has positive impact on local inhabitants' livelihood as they get some extra money by selling rubber *Kosh*, this form of plantation has negative impact on environment. In 7 Mile para of this mouza some rubber plantation are visible.

In this mouza land is not used under social forestry and leasing arrangement. Currently, in the natural forest (mainly in Village Common Forest) and gardens of the sample paras- banana, mango, jackfruits are found, where thirty years back kanak and koroi were found plenty in number. Though in hill forest kanak and koroi trees still can be found in small scale, Chapalish trees has become extinct over the years. Moreover, area under Village Common Forest also has been squeezed significantly in those sample paras. Before 1978, 18.8 % of the land was VCF, while it has been found in 2009 that VCF became 14.3% of the total land. In two paras (Pratap para and Kalapan chhara), considerable portion of land was used for VCF before 1978, while VCF become almost nil in 2009. In only Bangalee inhabited para of this mouza, VCF has dwindled by 66% over the last thirty years.

The area of water bodies in this mouza was relatively very low (only 0.4% of the total land) before 1978 as 4 of the 6 sample paras did not have any water bodies. During the last thirty years, it has been further reduced to 0.2% and this decline can be explained by the large reduction of water bodies in 7 Mile para. Like most of the sample mouzas land use for homestead also has been increased in Perachhara mouza, where the proportion of land used homestead has been increased by 13 percentage points during last thirty years.

Maischhari Mouza

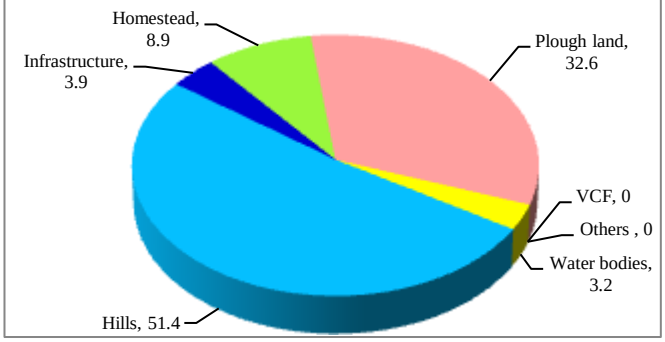
According to the Population Census 2001, the total area of Maischhari mouza (under Maschhari union of Mahalchhari upzila) is 3840 acres. In the survey, it has been found that, total number of paras of this mouza is 21[146]. Chakmas, Marmas and Tripuras are the main inhabitants of the majority paras of Maischhari mouza, while Bangalees are the exclusive inhabitants of three paras.

Box 29: Group Discussions at Maischhari Mouza

A series of group discussion was carried out in Maischhari mouza to comprehend the status and dynamics of land ownership of this mouza. The first group discussion was held on September 19, 2009 at Noa para of Maischhari mouza. Besides the headman of Maischhari mouza and five karbaries from five paras, other knowledgeable community people (Social worker, businessman, and farmer) were participated in that group discussion session. The group discussion followed with a number of discussions meetings arranged in each selected sample paras with the respective karbaries and other knowledgeable people of those paras. Information from six sample paras of Maischhari mouza was collected. The sample paras of Maischhari mouza are: 1) Rabi Chandra Karbari, 2) Khirood Chandra Karbari, 3) Chowdhury, 4) Narendra Karbari, 5) Jibon Dhan, and 6) Bali.

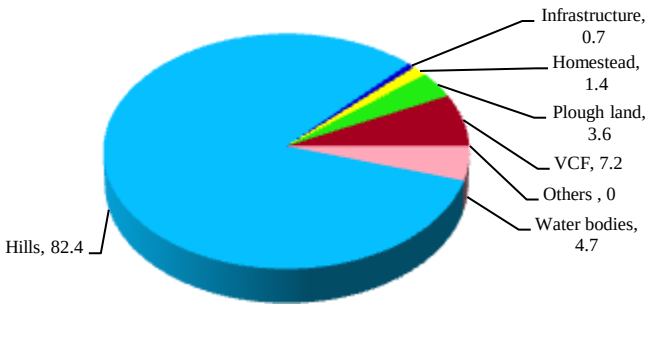
Though the practice of leasing land is not visible in this mouza, some land is used for social afforestation. This social afforestation is mainly carried out by individual initiative. Generally, it takes long time to accrue profit from forestation, while it takes relative short time in case of fruit gardening. Participant of the group discussion held in Rabi Chandra Karbari para informed that, gardening and profit oriented forestation taking the place of jum cultivation. This transformation has taken place as those jum land went into the possession of Bangalee settlers and those Bangalee settlers are accustomed to gardening rather than jum cultivation.

Figure 40: Distribution of land use/control under paras in Maischhari mouza in % (2009)



Fruit gardening and tobacco is also found in this mouza in some extent (in Khirood Karbari para and Chowdhury para). According to the participant of group discussion, in tobacco cultivation-accruing financial benefit is instant but temporary. Moreover, practice of tobacco cultivation degrades the fertility of land in the long run.

Figure 41: Distribution of land use/control under paras in Maischhari mouza in % (1978)

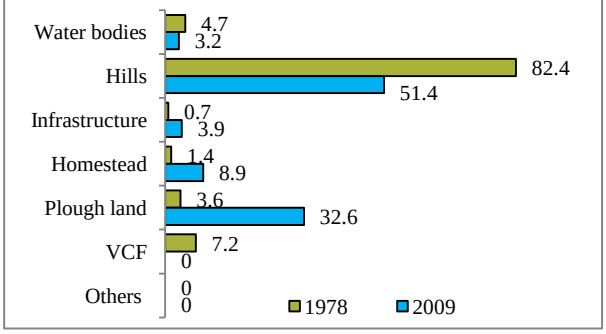


Significant feature of the changing pattern of land use in this mouza is that over the last thirty years Village Common Forest has become extinct. Thirty years back, the existence of VCF was very common in all of the six sample paras of this mouza. During 1978, around 7.2% (54.4 acres) of the total land of the sample paras was used for Village Common Forest, while in 2009 this pattern of land use was almost nil in these respective areas.

[146] According to the population of census 2001, total number of paras of Maischhari mouza was 15.

The extent of jum cultivation has been in a declining trend while the portion of plough land has been increasing dramatically over the years. While in 1978 around 82% of the land under use of paras was used for jum and gardening; at present (2009), by declining 31 percentage points 51.4% of the total land is used for jum and gardening. In the contrast, while previously (1978) only 27 acres (3.6% of the total land) land of these six paras were used for plough cultivation; at present, around 194 acres (32.6% of the total land) of land were used for this pattern of cultivation. This changing pattern of land use is observed not only in Bangalee inhabited paras but also in adibashi inhabited paras. In adibashi inhabited Bali para, use of hill land is almost nil now, while thirty years back 64.1 acres of hill land of this para were used for jum and gardening.

Figure 42: Distribution of land use/control under paras in Maischhari mouza in % (1978 and 2009)



Land use for homestead and infrastructure has also been raised significantly in Maischhari mouza. During 1984, a bazaar was established in Chowdhury para, which now accounts the changing pattern of land use for infrastructure.

At present in the jum land rice, arum, chili and ginger are being cultivated frequently in most of the paras of this mouza. However, in Khirood Chandra Karbari para and Chowdhury para only rice and chili are grown in jum land. During 1978, besides these varieties some other crops especially turmeric, binni rice, kaun were also cultivated in jum land in all of the paras. However, plough land cultivation exhibits the opposite trend, where crops become more diversified over the last thirty years. In 1978 rice, kaun, vegetables and potato were being produced in the plough land. At present, besides these crops, arum, papaya, sugercane, chili and banana are also cultivated in this mouza.

In the natural forest of six sample paras shegun and gamari have taken the place of garjon and jarul trees over the last thirty years. In the garden myrobalan, mango and jackfruit are being produced. Except jackfruit, other two varieties were also common in these sample paras in 1978. Thirty years back in the hills of this mouza, garjon and jarul were found numerously, while at present kanak has been taken the place of those two varities of trees.

Alutila Mouza

The Population Census of 2001 delineates that the total area of Alutila mouza (under Matiranga union of Martiranga upazila) is 5,760 acres. Approximately 70 percent land of this mouza is hill land[147]. According to the census total number of paras of this mouza were 18, while in the survey it has been found that there are 17 paras in this mouza. Among the 17 paras, 6, 3, and 2 paras are exclusively inhabited by Tripura, Bangalee, and Chakma

Box 30: Group Discussions at Alutila Mouza

Among the subsequent group discussion which has been carried out in Alutila mouza, the first group discussion was held on September 04, 2009. The main purpose of these group discussions was to comprehend the status and dynamics of land ownership and land use in Alutila mouza. To understand all aspect of these issues the headman of Alutila mouza and five karbaries from five paras and other knowledgeable community people (businessman, and farmer) were included in that discussion session. The group discussion followed with a number of discussions meetings arranged in each selected sample paras with the respective karbaries and other knowledgeable people of those paras. Information from six sample paras of Alutila mouza was collected. The sample paras of Alutila mouza are: 1) Eishan Moni, 2) Alutila Punorbashon, 3) Bang Mara, 4) Sap Mara, 5) Ashutosh Karabari, and 6) Khela Kumar Karbari.

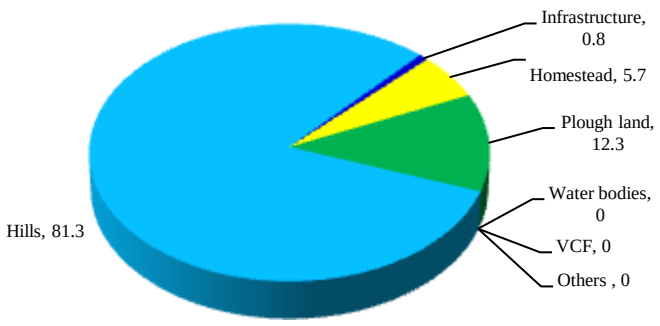
[147] Information provided by the participant of group discussion conducted in this mouza.

communities respectively. In the rest 6 paras Chakmas, Tripuras, Marmas and Bangalees live jointly.

In the survey it has been found that in six sample paras of Alutila mouza on average land under use/control of one para has been reduced by 574 acres in the last thirty years. Therefore, the area of land under control of sample paras has been decreased by around 72%. Maximum portion of this dispossessed land is hill land. This reduction has mainly taken place due to the acquisition of huge hill area by the Forest Department and land grabbing by settler Bangalees. In spite of that, for most of the communities; jum cropping is still the major means of living. In 2009, around 81% land under the control of these sample paras were used for jum and gardening. However, share of jum cropping has been reducing over the years extensively. At present, hill area is extensively using for fruits and forest gardening. Moreover, due to the low productivity of jum cultivation, plough cultivation is getting the preference over jum cultivation. Before 1978, 3.5% land of the sample paras was used for plough cultivation, while in 2009, 12.3% of the total controlled land by paras were used for plough cultivation.

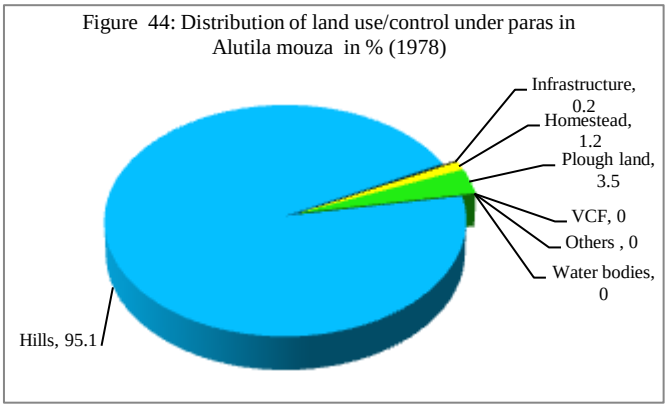
In this mouza no land is used for tobacco or rubber plantation under social afforestation program. Moreover, practice of leasing land is not visible in these six sample paras. Village Common Forest does not have any existence in the survey area of Alutila mouza. In fact, during 1978 Village Common Forest was not visible in these areas. Over the years, the share of homestead has been raised at significant level in the sample paras of Alutila mouza.

Figure 43: Distribution of land use/control under paras in Alutila mouza in % (2009)



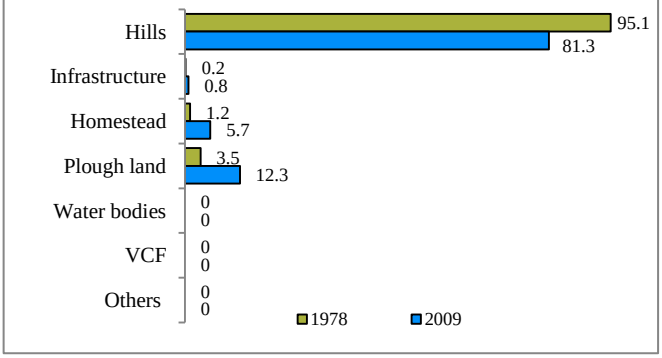
Except Khela kumar Karbari para, in all the sample paras rice, kaun, chili are the major crops cultivated in jum land. These varieties were also cultivated thirty years before in jum land. Besides these, at present, some new varieties like- oil seeds, vegetables and potato are also grown in some of these paras. However, cultivation maize in jum land has become very rare over the years in this mouza. While thirty years back out of six sample paras maize was cultivated in five paras; at present, it can be found only in Alutila Punorbashon para. In plough land, cropping items has remained the same and undiversified over the last thirty years. Only rice is grown in the plough land of the sample paras of Alutila mouza.

Figure 44: Distribution of land use/control under paras in Alutila mouza in % (1978)



Koroi is the only type of trees that remained intact in the natural forest of the sample paras during the last thirty years. Varities like garjon and chapalish are no longer visible in the natural forest, while they were plenty in these areas thirty years back. In fact, new items like- kanak and blackberry have taken the place of those two kinds of trees. In the garden of the sample paras, the farmed trees are- mango, banana, and jackfruit. This pattern of gardening was also performed during 1978 in Alutila mouza. Similar to natural forest, koroi trees is also extensive in hill forest like thirty years before. Thirty years back in the hill forest of most of the sample paras, garjon and chapalish trees were found plenty which have become rare in recent days. In fact, in most paras- kanak and blackberry have taken places of garjon and chapalish in hill areas.

Figure 45: Distribution of land use/control under paras in Maischhari mouza in % (1987 and 2009)



Kabakhali Mouza

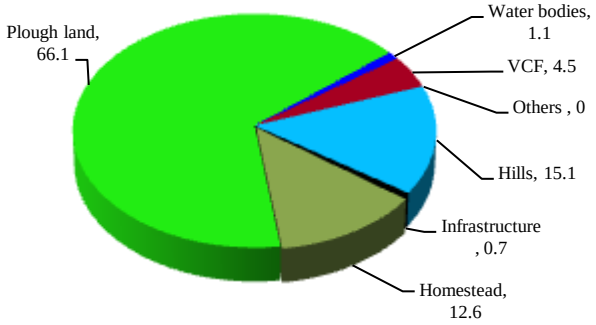
According to the Population Census 2001, total area of Kabakhali mouza (under Kabakhali union no. 3 of Dighinala upazila) is 6400 acres. In the survey, it has been found that there are 15 paras in this Kabakhali mouza[148]. Out of 15 paras of this mouza 10 are exclusively Chakma inhabited paras, while 1 is exclusively Bangalee inhabited para. In the rest of 4 paras both Chakmas and Bangalees live jointly.

Box 31: Group Discussions at Kabakhali Mouza

A number of group discussions were carried out in Kabakhali mouza, among which the first group discussion was held on October, 2009. The main purpose of the group discussion was to comprehend the status and dynamics of land ownership and land use in Kabakhali mouza. Among other knowledgeable community people, Headman and respective Karbaris participated in that group discussion sessions. The group discussion was followed with a number of discussions meetings arranged in each selected sample paras with the respective karbaries and other knowledgeable people of those paras. Information from six sample paras of Kabakhali mouza was collected. The sample paras of Kabakhali mouza are: 1) Daskin Hasinchan pur, 2) Harendralal Karbari, 3) Headman, 4) Joykumar Karbari, 5) Durgha Karbari, and 6) Hajachhara Jora Bridge.

Before 1978, the major portion of lands of the sample paras were used for jum and garden (68.6%) followed by VCF (17.3%) and plough land (20%). At present, the major potion of the lands of these paras are used for plough cultivation (66.1%), followed by jum and garden (15.1%) and homestead (12.6%). Over the years while VCF has been reduced at a significant level in these paras, share of land use for homestead purpose has been increased by almost 16 times. In some of the paras like- Harendralal Karbari para and Joykumar Karbari para VCF is now extinct while this was of significant amount (varied between 7% to 22%) in 1978. In 1978, share of VCF in the sample paras was 17.3%, while in 2009 it is only 4.5% of the total usable land.

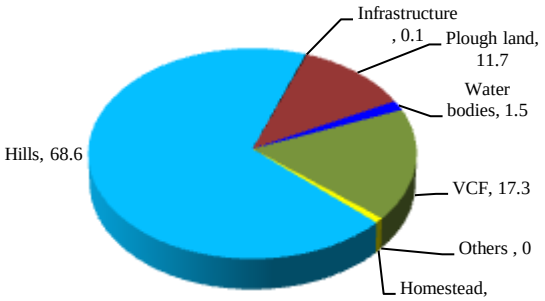
Figure 46: Distribution of land use/control under paras in Kabakhali mouza in % (2009)



[148] According to this Population Census 2001 total number of paras of this mouza was 12

The extent of land leasing in this mouza is small, though some of the paras have some rubber plants. According to the participant of group discussion, though through this rubber plantation local inhabitants are benefitted financially, this practice is degrading the soil fertility. In some of the paras like Headman para and Joykumar karbari para, some land was occupied by Bangladesh Military and Ansar.

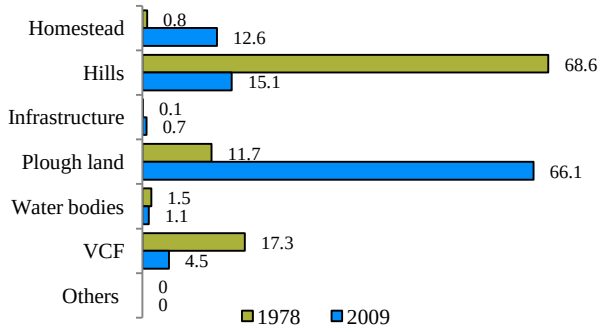
Figure 47: Distribution of land use/control under paras in Kabakhali mouza in % (1978)



In the six sample paras of Kabakhali mouza- rice, arum and vegetables are common items produced in jum land. Besides them, some other varieties are also cultivated in jum land of these sample paras like: potato in Daskin Hasinchan Pur para, ginger, turmeric and cotton in Headman para, Hajachhara Jora Bridge para and Durgha karbari para; kaun, potato and chili in Joykumar karbari para. Thirty years back, most of these items were also cultivated in jum land of these sample paras. However, cultivation of binni rice is almost absent now-a-day. The major changing feature of plough land cultivation of this mouza is the introduction of tobacco cultivation in recent years. Tobacco is now cultivated in half of the samples paras of this mouza. At present, cultivation of rice, papaya, sugercane, pulse, oil seeds, potato, vegetables, chilis in plough are very common in most of the sample paras. However, thirty years back; pineapple, watermelon and binni rice were also cultivated in some of the paras of this mouza, which are almost absent in recent years.

In the natural forest (VCF) the major trees found in Kabakhali mouza thirty years back were- garjan, koroi, and gamari. Except gamari the other two kinds are still found in natural forest though in less extent. Blackberry has taken the place of gamari over the years. However, the gardening has been on an increasing trend in the last thirty years. While thirty years back, only banana and jackfruit were cultivated in the sample paras; at present, besides them- orange, lemon and myrobalan are also cultivated. Thirty years back koroi and gamari were found numerously in the hills. In recent years, gamari trees are no longer found, while garjan has appeared as a new item in the hill areas.

Figure 48: Distribution of land use/control under paras in Kabakhali mouza in % (1978 and 2009)



Overall Status and Dynamics of Land Rights in Khagrachhari

Over the last thirty years (between 1978 and 2009), the land under use/control of paras in Khagrachhari district has been reduced at significant level (almost 41%). In process of this land dispossession land rights also have been violated in Khagrachhari district at considerable level. Moreover, during this period, pattern of land rights in the form of land ownership also has been changed as land ownership has been transforming towards private ownership from social ownership in large scale.

Box 32: Land Rights in Khagrachhari: Methodological Note

To delineate the land rights status and dynamics of Khagrachhari district five mouzas (Gumati, Perachhara, Maischhari, Alutila, and Kabakhali) of Khagrachhari district were selected. These mouzas are selected in such a manner that they can represent the holistic picture of Khagrachhari district in terms of the land rights status and dynamics. To portray the overall land status of Khagrachhari district, the proportion land in percentage (by use of land) under sample paras of sample mouzas has been used. In this regard, the survey base information on the land area under sample paras of sample mouzas has not been used to extrapolate the land status of Khagrachhari district. The land rights pattern under use/control of sample paras in the sample mouzas has been used to portray the overall land rights pattern of Khagrachhari district. For this, different types of lands (by ownership) of the sample mouzas (in sample paras) have been added for two time periods (2009 and 1978). Then percentage distribution of the lands (by ownership) of the sample mouzas has been used for the Khagrachhari district.

Between 1978 and 2009, share of socially owned land has been declined from 76.18% to only 15.66%, while in the contrast share of personally owned land has been increased from 23.82% to 84.34%. This change of almost 61 percentage points in the broad categories (i.e., social ownership and personal ownership) can be better understood if the subcategories within these broad categories are considered. Thirty years back (in 1978), the major portion of the socially owned land was unregistered socially possessed land. By 2009, significant portion of this land has been transferred to personal ownership. Over this thirty years period, the proportions of personally owned registered land, unregistered land and tendency of registration (in the form of applied) have been increased quiet noticeably. While in 1978, around 11.8% the land under paras of Khagrachhari district was personally owned unregistered possessed land; by 2009, it has reached to 38.15% of the land under use/control of paras. Likewise over the years, the proportion of personally owned registered land and personally owned land applied for registration have been increased by almost 19 and 15 percentage points respectively.

Figure 49: Land ownership pattern in Khagrachhari district in % (2009)

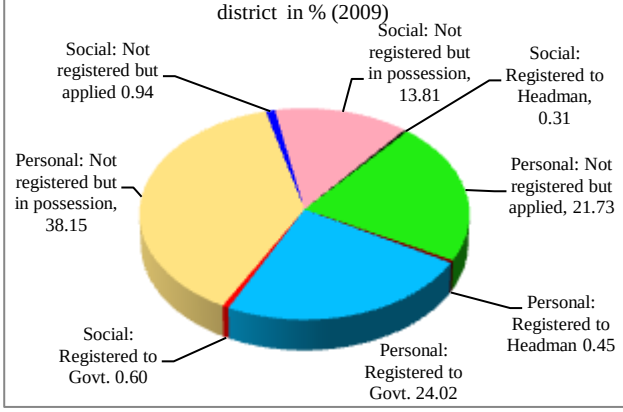


Figure 50: Land ownership pattern in Khagrachhari district in % (1978)

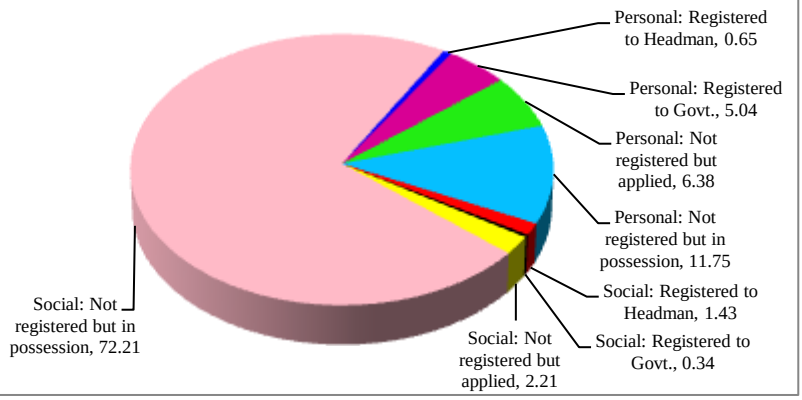
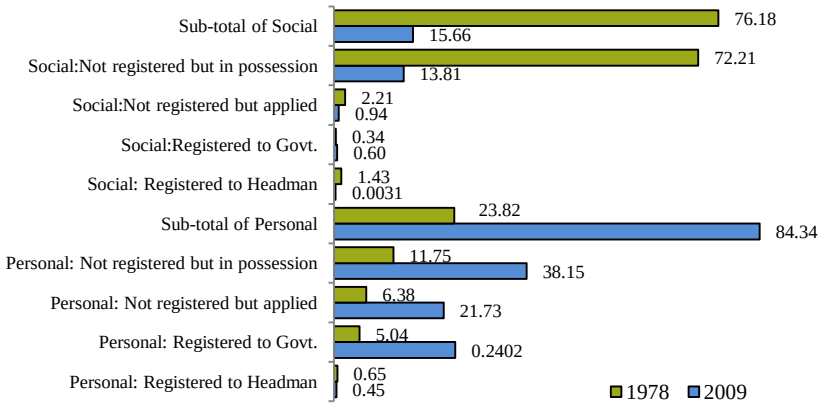


Figure 51: Land ownership pattern in Khagrachhari district in %
(1978 and 2009)



The land right related complexities in Khagrachhari district are in fact multifaceted where various actors like Government institutions (i.e., Forest Department, Army), Bangalee settlers, shantibahini, Chengi river have significant role in it.

The main land right related problem emerged in Khagrachhari district after the unrest of 1981. A significant portion of adibashi peoples were forced to migrate India (especially in Tripura state) and elsewhere within the CHT. When situation calmed down, adibashi people returned home and found that their land had been dispossessed by the Bangalee settlers. In most cases, those migrated people could not retrieve their cultivable and homestead. In this process of land dispossession, either indigenous peoples inhabited paras were totally wiped out by the Bangalee settlers or once majority indigenous population has become marginal minority in their own paras. It has been reported that, in some of the paras of Khagrachhari districts; not only indigenous peoples but also adi Bangalees were the victim of Bangalee settlers' land aggression.

Incident of fire outbreak at DC office of Khagrachhari district (in March 09, 1991) aggravated the land dispossession scenario further. Due to the fire outbreak, all land record documents were destroyed. Settler Bangalees took the opportunity of that event and by bribing Officials of the Upazila Land Office of Khagrachhari district Bangalees made forged land document for grabbing the indigenous peoples' land. In fact, land grabbing by Bangalee individuals still has that momentum in recent years in various forms. Among various forms of land grabbing forced selling is very common in Khagrachhari district. Fear of loosing land without having any payment adibashis peoples are compelled to sell their land at nominal rate.

Land right complicacy related to Government land acquisition is also very high in Khagrachhari district. Especially, in some of the mouzas of Khagrachhari district, land acquisition by Forest Department has violated land rights of local people. It has been reported that, in most occasions sufferers were not compensated adequately. Besides the human intervention, natural calamities like river erosion by Chengi River have also become a cause of land dispossession in some areas of Khagrachhari district.

Bangladesh Army and Shantibahini also have major role in the dynamics and current status of land rights in Khagrachhari district. It is reported that in most of the assault conducted by Bangalees on adibashis, Bangladesh Army supported the Bangalees indirectly. During most

of the clashes among Army, Shantibahini and Bangalees, it was the local indigenous people who fled first because of their vulnerability and eventually lost their land. However, in some areas of Khagrachhari district when land arrangement started, Shantibahini protest and impede the initiative thinking that Bangalees would take the illegal advantages of this process. In fact, while because of their anxiety provoked by Shantibahini, indigenous people failed to retain their land through this arrangement; Bangalee settlers arranged some of the indigenous peoples' land secretly.

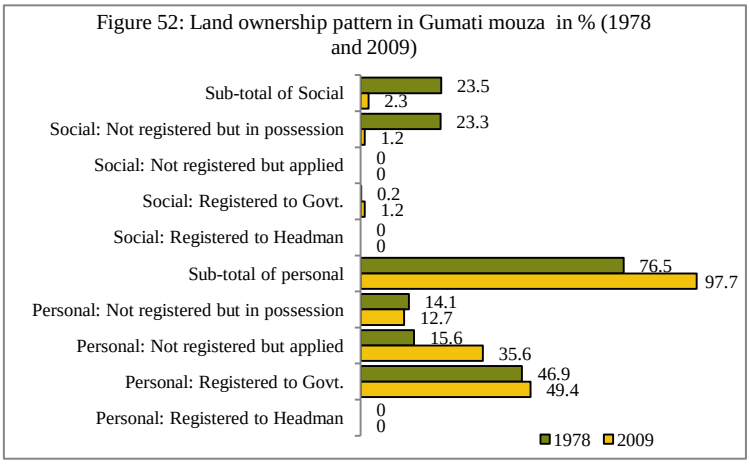
Local knowledgeable people reported that, before 1979, very few people of this district know about land related laws and regulation as land related complicacy was minimal. In recent years indigenous population are having some knowledge of land related laws and regulation as they have to confront the illegal land grabber. However, that minimum knowledge of the local indigenous peoples is not enough for them to retain their land. Moreover, in this regard almost no assistance from Government was found for the resolution of land dispossession issues. In some of the mouzas of Khagrachhari district, local populations have some idea about Land Commission and Land survey. Though they consider these initiatives as critical issues, they want land survey to be conducted. However, all of the indigenous population of Khagrachhari district opined that before conducting land survey, lost land needs to be recovered in first steps otherwise only the Bangalee settlers would be the gainer of these initiatives.

Sample Mouza Wise Status and Dynamics of Land Rights in Khagrachhari

Gumati Mouza

From the information attained from six sample paras of Gumati mouza, it has been found that over the last thirty years the area of land under use/control of the sample paras has not been decreased significantly in compare with the other sample mouzas of Khagrachhari district. The area of land under use/control of the sample paras has been lessened by 10.3% in the last thirty years. This overall change (reduction) turned out due to the change in actual amount of accessible land under control/use of the three paras (Bali Chandra para, Brendra Kesor para and Mahbub Member para) of Gumati mouza. In fact, out of the six sample paras in these three paras extent of land dispute is comparatively high.

Figure 52: Land ownership pattern in Gumati mouza in % (1978 and 2009)



Overall pattern of land ownership in Gumati mouza has changed in the last thirty years. Over the last thirty years, the proportion of land under social ownership in this mouza is lower than that of personal ownership. Moreover, during that time the proportion of land under social ownership has been reduced to 2.30% from 23.50%. This reduction can be attributed to the reduction of socially owned land which is not registered but in possession. In the contrast, the proportion of personally owned land has been increased significantly over this period. Thirty years before 76.50% of the land in paras of Gumati mouza was under personal ownership

which is 97.70% in 2009. The major cause of the increase in the proportion of personally owned land has been the increase of 'not registered but applied' land (from 15.60% to 35.6% in last thirty years). Otherwise, the land ownership pattern in the other sub-categories of the land under personal owned land has not been changed significantly over the years. However, this static nature of the share of land under the sub-categories 'personal: registered to Government' does not delineate the actual scenario of land dynamics of this mouza. In fact, the ownership of this registered land has been changed over the years. While thirty years back significant portion of this registered land was owned by adibashi people, over these years this land is occupied by Bangalees adopting the means of violence.

The main land related problem has emerged in this mouza due to intervention of Bangalee settlers and shantibahini. After the clash and scuffle sparked by Bangalees in 1981, most of the land of indigenous people of this mouza was occupied by Bangalees. During the incident Bangalees set fire to the para and evicted local indigenous people. By losing everything lots of these people migrated to Tripura state of India for the sake of their lives. Few people took shelter in various places of Chittagong Hill Tracts. When the situation calm down, indigenous people returned home and found that their land had been occupied and cultivated by the Bangalee settlers. Settler Bangalees asked them to sell their land to Bangalees at nominal price or to record the land in Bangalees name. Bangalees also threatened them that unable to do so would cause them to lose their land without having any financial return. Because of this intense pressure from Bangalees, some of the indigenous people received money by selling (forced selling) their property. Following that, large amount of land went into the possession of Bangalees.

In fact, the severity of land dispossession in Gumati mouza is more intense than it is appeared to. It is because lots of small paras of this mouza were totally wiped out over the last thirty years time span. Later on, Bangalee settlers made fake document and changed the record of that land with the assistance of officers and employees of Land Office. Especially during a fire outbreak at DC office of Khagrachari district, all land record documents were destroyed. Officials of Upazila Land office took that opportunity and being bribed by some Bangalees they made fake document and recorded that land in the name of those Bangalees. According to the knowledgeable people of these paras, indigenous people of this mouza have very little control over the situation, as in one side Indigenous people are helpless and on the other side Government offices and courts are more or less under the control or influence of Bangalees. As a result land related complicacy has become worsen. Government, NGOs or any person did not provide them any assistant for the resolution of land related complicacy. Previously indigenous people of these areas did not have any idea about khas land. When Government settled Bangalee refugees in the indigenous people's possessed land considering those land as khas land, only then indigenous people came to know about khas land and land arrangement issue. However, knowledge of indigenous people about khas land is still ambiguous. They do not have any knowledge regarding land related laws.

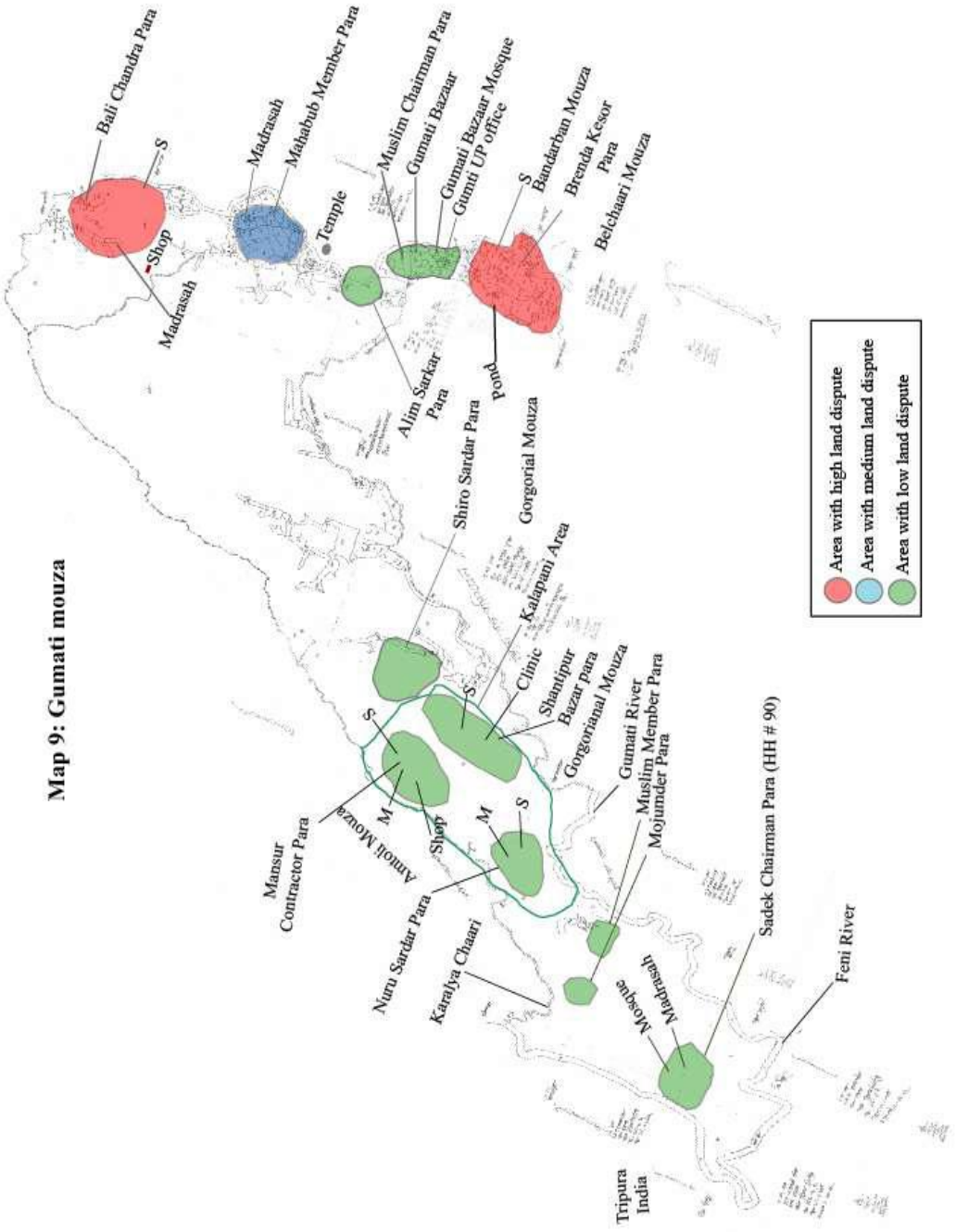
People of the Gumati mouza have already heard about Government initiative for activating the land commission. Participant of group discussion opined that for activating and empowering land commission a committee could be formed and this committee would be composed of people who are experienced in land related laws and regulation. The function of this committee would be to assist that land commission. According to Knowledgeable persons of this mouza, they only know that they have lost their land unfairly and the resolution of land related complicacy is only viable through returning their rightful land. Hence, the initial function of the land commission should be return indigenous people their

lost land and then conduct a land survey. Otherwise, settlement of the problem can not be attained.

Case Study 8: Persecution by Bangalees

Some Bangalees patronized by the Government, as reported by local adibashi people, attacked and massacred in Brenda Kesor para of Gumati mouza. In a preplanned way those intruder suddenly entered in the mouza and burnt houses of indigenous people. A significant number of Tripura and Chakma people (approximately 130) were killed during that incident. During that massacre, an honorable rich person name Nobin Kumar (Tripura) and a well known headman of that time of this mouza named Ashutosh Roaja were killed by those intruders. Those assaulters stopped not only by killing or burning houses of this para but also taking away local peoples' farm animals like cow, buffalo and goat. By losing everything lots of people took shelter in Tripura State of India. Some people took shelter elsewhere within the country. After some days when the situation calm down, an honorable person of Khagrachari district named Sapuram Roaja along with administrator of the district subdivision of that time visited the place of occurrence and mass grave (mass grave situated adjacent to the road of Shantipur para). In that mass grave 54 human skulls were found. Sapuram Roaja collected some of the skulls and filled a case at Khagrachhari police station. However, because of this mass escape the whole area became desolate. Following that incident at least three hundred Bangalee households took that opportunity and settled in that para. As after the land occupancy no resistance or protest were exhibited and situation became normal, Bangalees consolidated their hold on those land. It is noteworthy that prior to that incident, especially before the independence of Bangladesh, only ten to twelve Bangalee households dwelt in that para. These Bangalees are known to indigenous people as Bangalee indigenous. After several months indigenous people returned from India and other places and found that their land had been occupied and cultivated by Bangalee settlers. Those Bangalee settlers asked indigenous people to legally transfer that land to Bangalee settlers by having some money and making land deeds on white paper. Indigenous people were threatened that noncompliance would cause them get nothing.

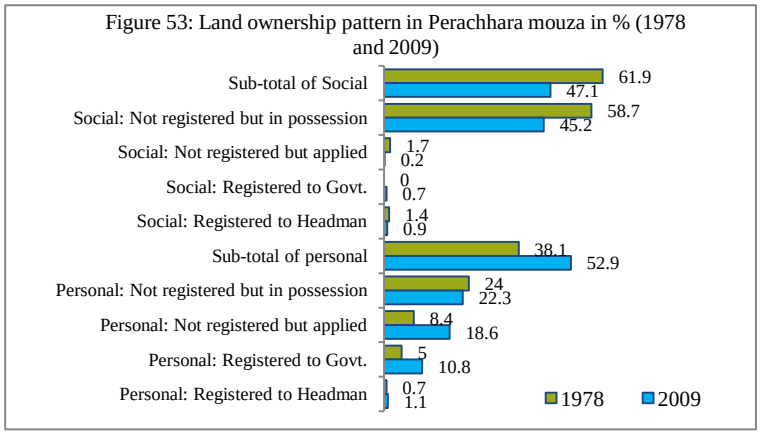
The mouza map shows that the paras with high land dispute are less in number in this Gumati mouza. Only in the eastern side the mouza in a couple of paras- land related problems have been found. It is also visible from the mouza map that the land related problems is relatively high where there in Bangalee concentration. Mouza map reveals that all of the three sample paras with more or less land related problem are situated around Gumti Union Parishad office and Gumati main bazaar area. Moreover, all of these three paras are located very close to the Gumati River. Hence, it is obvious that to Bangalees land of these three sample paras is comparatively more demandable than the land of other paras of this mouza. Only in Bali Chandra para, where land grabbing by Bangalee settlers is extensive, number of household has increased by 7 times over the last three decades. Due to river erosion (by Gumati river) and violence against indigenous people by Bangalee settlers, the once majority Tripura community has became the minority in Breda Kesor para. The mouza map also depicts that Gumati mouza is located adjacent to the Indian (Tripura) border. Therefore, whenever any push factor like aggression of Bangalee settlers sets in motion, it becomes favorable for indigenous people of this mouza to migrate India for the sake of their lives.


Map 9: Gumati mouza
Area with high land dispute
Area with medium land dispute
Area with low land dispute
Bali Chandra Para
Madrasah
Mahabub Member Para
Muslim Chairman Para
Gumati Bazaar
Gumati Bazaar Mosque
Gumti UP office
Bandarban Mouza
Brenda Kesor Para
Belchaari Mouza
Temple
Shop
Madrasah
Alim Sarkar Para
Pond
Gorgorial Mouza
Shiro Sardar Para
Kalapani Area
Clinic
Shantipur Bazar para
Gorgorianal Mouza
Gunati River
Muslim Member Para
Mojumder Para
Sadek Chairman Para (HH # 90)
Feni River
Mosque
Madrasah
Karaiya Chaari
Nuru Sardar Para
Amuoli Mouza
Mansur Contractor Para
Tripura
India

Perachhara Mouza

In Perachhara mouza, over the last thirty years the area of land under use/control of the sample paras has been decreased by around 23%. While in 1978 the land under use/control of the six sample paras was 2087 acres, in 2009 it was approximately 1613 acres. Hence, the total dispossessed land in these six paras is 474 acres. The main reasons behind this dispossession are illegal occupation of land by outsider Bangalees and land acquisition by Government. In fact, only in Pratap para 362 acres of land has been acquired by the Government.

Figure 53: Land ownership pattern in Perachhara mouza in % (1978 and 2009)



Unlike other sample mouzas of Khagrachhari district where the gap between share of socially owned land and share of personally owned land is high, in Perachhara mouza this gap is minimum (5.8 percentage points gap). However, the pattern of land ownership is Perachhara mouza has been changed gradually. While in 1978 around 62% of the land under control/use of paras was socially owned, in 2009 this share has been decreased to 47.1%. This reduction of socially owned land has been exhibited mainly due to the significant decline of socially owned land under sub-category 'not registered but in possession'. On the other hand, during this period personal owned land under control/use of paras has been increased by almost 15 percentage points (from 38.1% to 52.9%). The cardinal reasons behind this increment in the privately owned land in Perachhara mouza are the increase of land under sub-categories 'registered to Govt.' land and 'not registered but applied' land. Except Pratap para other five sample paras exhibit more or less similar pattern of change in land ownership. In Pratap para, personally owned land has been decreased dramatically over the last thirty years. In fact, socially owned land has been also declined sharply in this para. While in 1978 total area under use/control of this para was 401 acres, in 2009 it is only 39 acres. During last thirty years, this large land dispossession taken place in Pratap para due to the Government led intense land acquisition process. Through this process Government has been acquired 362 acres land of Pratap para for agriculture research purpose.

Land related complexities in Perachhara mouza is relatively less in compare with other sample mouzas of Khagrachhari district. In spite of that, there are some severe land right related complexities which are visible in two sample paras (i.e., Protap para and Comilla Tila para). Among the land right related complexities in Perachhara mouza following land related complexities are the most noticeable:

I. Purchased land is not recorded or enlisted in original owner's name.
II. Households, evicted by Government acquisition process, were not rehabilitated or compensated with new land.
III. Illegal occupation of land by outsider Bangalee settlers.

In some of the paras like Palukya para the main land rights related problem revolve around the non-arrangement/non-allotment of hill land to local inhabitants. Especially when this arrangement started, shantibahini obstruct the initiative thinking that Bangalees would take illegal advantage of the process. Indeed, while Bangalees arranged some the land secretly, adibashis could not do that due to their anxiety.

Government has acquired total 367 acres land of Pratap para and Kalapani Chhara para in 1981-1982, while Bangalee settlers have grabbed around 107 acres land of Comilla Tila para, 7 mile para and Guladana para.

Though victims of Government's land acquisition process were supposed to get compensation Tk. 10,000 per acre, each sufferer of Pratap para were only compensated partially. One sufferer informed that he had got compensation of only one and half acre land out of his seven acres acquired land. In 2006, sufferer of this para consulted with local Lawyer regarding the issues, but no effective step was taken to deal the issue.

In this mouza, 435 households have been rehabilitated in 2718.75 acres land under 9 projects, though land was not arranged for those households. Some Bangalees having the assistance from influential local people are now trying to grab land that has been provided to rehabilitated households of project village no.12. Those rehabilitated households have informed local development board about the incident, but Board could not take any step to resolve the issue. During 1989, each of fifty eight adibashi landless households of 7 mile para were allotted around 6.25 acres of land from Government. Among this land 4.00 acres, 2.00 acres and 0.25 acres of land were given for rubber plantation, horticulture, and homestead respectively to each of these households. In fact, among these 58 households of this para 25 households have not received any land from Government until now.

The major illegal occupation of land by outsider Bangalee settlers is visible in Comilla Tila (details of the incident is described in Case Study-9). Comilla Tila is a Bangalee inhabited area, where among the 270 households of this para, 267 are Bangalee households and rests 3 are Chakma households. Thirty years before number of Bangalees household was only 10/12, while the number of Chakma households was 10. After 1980, Bangalees started to settle in the adibashis occupied land. While some of the land of adibashis illegally occupied by the Bangalees, and most of the land was sold by the adibashis fearing of land dispossession. Moreover, presence of a military camp adjacent to this Para has also instigated fear among local indigenous population. Hence, adibashis were force to handover those land at low price. Besides this land right related conflict between Bangalees and adibashis, this sort of complexities are also rising day by day among Bangalees. As the number of household rises over the years, demand of land rises as well. Hence, clash over limited land also rising accordingly.

There are certain deference between adi Bangalees and Bangalees who came within last thirty years in this mouza. Adibashis do not have any problem with adi Bangalees, while they have serious problem with the Bangalees came within last thirty years.

Few inhabitants of this mouza have adequate perception about land related laws and regulation. People of some of the paras informed that only after 1971, especially when land record were reformed and settlement programme started, inhabitants of these paras got some idea about khas land. Before that they used to think that this land belongs to them for eternity and they can enjoy this land by inheritance. According to them, by denoting the land of

adibashis as khas land, Government is settling plain land Bangalees in CHT and hence is depriving the adibashis from their rightful land. However, inhabitants of this mouza do not have any idea about appropriate step can be taken to resolve land related complicacy.

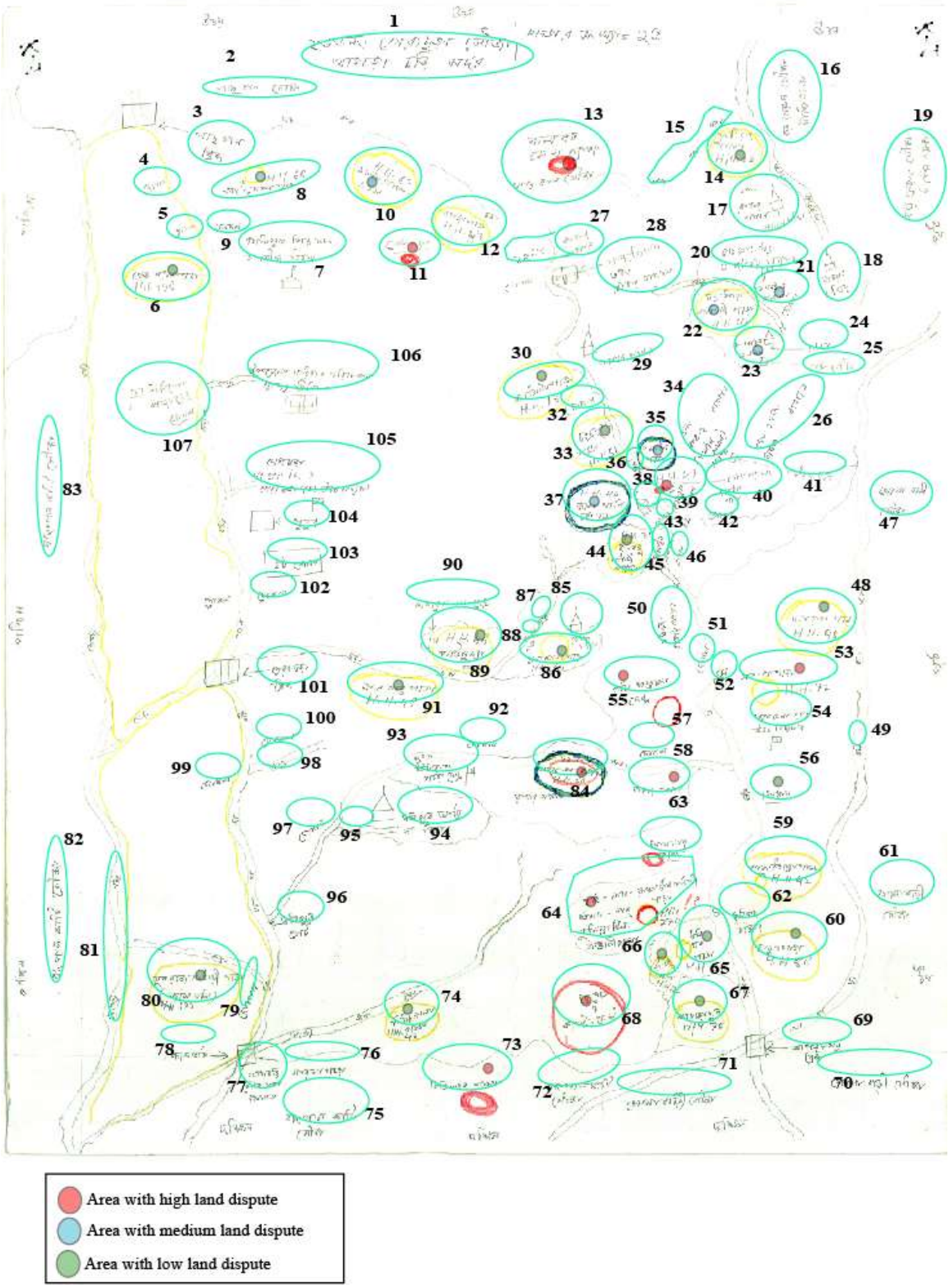
Significant portion of the inhabitants of this mouza have some idea about recent Government initiative of Land Commission or Land Survey. In this regard, they opined that before conducting a land survey, land related discord must be resolved. Otherwise land related problems will be deteriorated further and Bangalees will get maximum benefit out of it.

Case Study 9: When majority becomes the minority

Comilla Tila is a settler Bangalees inhabited para of Perachhara mouza. While thirty years before number of the Chakma household living in Comilla Tila para represented approximately 50% of the total household of this para, at present Chakma household represents only 1% of the total inhabitant households living in this para. During this span of thirty years, number of Chakma household has declined from eleven to only three, while number of Bangalee household has increased from ten to two hundred and sixty seven. This transformation was so massive that the name of this para has been changed. Previously called Ranga Chan Karbari para later on has became Comilla Tila Para. According to the sufferer of Bangalee settlers' intervention, adibashis of this para had a simple and peaceful life prior to the intervention of Bangalees in 1976. One day five/six outsider Bangalees started to clear out agricultural hill land of local inhabitants for grabbing purpose. Though those intruders had left the place facing the protest from local adibashis, they returned after few months with some more Bangalees. This time approximately twenty to twenty five Bangalees started clear out the forest and planted some saplings disregarding the protest from local adibashi inhabitants. Adibashis did not continue the protest due to the fear of massive violence. Later on, those intruders proceeded further and started to construct small cottages around the para. Amidst this critical situation no influential person, officers of Government or Non-Government Organizations did come forward to resolve the problem. As adibashis of this para could not protest or resist the occurrence due to their fear, within few years more Bangalees started to settle in this para. In 1988, amidst a violant clash between Shantibahini and Bangalee settlers five inhabitants were killed. Fearing of the retaliation of Bangalees, adibashis of the para fled away from their homestead. After this incident, Bangladesh Army established a military camp adjacent to the para. In fact, this establishment of military camp encouraged the Bangalees to expand their settlement in this para. After few days local adibashi started to return their houses and found that most of their agricultural land had been occupied by the Bangalee settlers. Hence, most of the adibashis were forced to leave Comilla Tila para and lived in the adjacent paras. Some of the local adibashi inhabitants were forced to sell their land at nominal price. Those three remaining Chakma households of this para have lost their land by this sort of forced selling or illegal land occupation. Some Bangalee settlers are now trying to grab the agricultural land of adibashis by declaring that the land had been sold to them by the adibashis. In fact, those land grabbers could not validated their claim by showing appropriate land deeds. As a result neither the legal owner nor the land grabber could cultivate that land. If this sort of illegal land occupation continues, settler Bangalees may also someday will grab the land of adi Bangalees.

A map was drawn in case of Perachhara mouza in guidance from the Headman and the Karbaries due to inaccessibility of the official mouza map. In the Perachhara mouza it is evident that the land related problem is relatively less in this mouza. There no specific area in this mouza where land related problems concentrates. The Perachhara mouza map reveals some noteworthy facts which are quite consistent with the overall dynamics of land rights as depicted by case studies and group discussion findings. It has been reported that Khagrapur para, Dharma Ghar para, and Comilla Tila paras of the south-eastern part of Perachhara mouza are more or less inhabited by Bangalees. Especially, local indigenous people of Comilla Tila para were heavily suffered by settler Bangalees. The mouza map outlines that three Government's security institutions (i.e., Ansar Camp, Brigade 9 Cantonment, and BDR Camp) are located around those paras. However, two more Army camps are located in the northern part of this mouza where some project villages and rubber gardens are established. The map also demarcates the area of indigenous people owned land (of Pratap para) that has been acquired by the Government for Agriculture Research Center purpose (55).

Map 10: Perachhara mouza



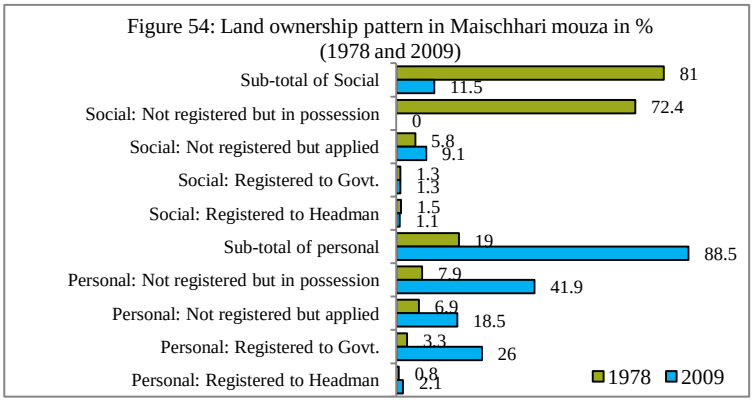
What denotes the numbers in the mouza map of *Perachaara*	
1	266 Perachaara mouza
2	Gaach Baan mouza
3	Gaach Baan Bridge
4	Shop
5	Shop
6	Headman para (HH#195)
7	Giripool child home & Buddhist temple
8	No.1 project village (HH#68)
9	Shop
10	No. 11 project village (HH#63)
11	Military Camp
12	Bogra para (HH#43)
13	Kala Bon Military Camp
14	Fudiray para (HH#22)
15	Gaach Baan Chaara
16	Boro Merun Mouza, Dhighinala
17	No. 1 Rubber Garden Hindu temple
18	Hindu temple
19	Boro Merun mouza, Dhighinala
20	School
21	Egaro mile (11 mile) area
22	Chandra Kiran Karbari Para (HH#47)
23	Aat mile (8 mile) area
24	Hindu Temple
25	Passengers' waiting place
26	No. 4 & 5 rubber garden
27	No. 14 rubber garden
28	No. 3 rubber garden health clinic
29	Hindu temple
30	Kamini Para (HH#18)
31	Shop
32	Shop
33	Chandrakumari Para (HH#51)
34	No. 4 rubber garden (shat mile area)
35	Shat mile Para
36	Road
37	Kalapani Chaara Para (HH#40)
38	Hindu temple
39	Pach mile para (HH#47)
40	Military camp
41	Passengers' waiting place
42	Shop
43	Shop
44	Deenbandhu Karbari Para (HH#31)
45	Aat mile area
46	Canal
47	Golabari Mouza
48	Dayaraam Para (HH#48)
49	Chaara
50	No. 13 rubber garden
51	Shop
52	Pond
53	Pratap Para (HH#72)
54	School
55	Agriculture Research Centre
56	Shop
57	Shop
58	Rubber garden
59	Majung Taklo Para (HH#42)
60	Hadud Para (HH#85)
61	Golabari Mouza
62	Dharma Ghar Bazar
63	Ansar Camp

64	Comilla Tila Karbari Para (HH#233); previous name- Rangachaan Karbari Para
65	Dharma Ghar Para (HH#31)
66	Tung Tak Para (HH#12)
67	Khagrapur Para (HH#75)
68	Brigade 9 Cantonment
69	Khagrapur bridge
70	Golabari Mouza
71	Golabari Mouza
72	Bangalkatee Mouza
73	BDR Camp
74	Shinginala Para (HH#47)
75	Bangalkatee Mouza
76	Marma Para
77	Border of Khagrachaari Pourashava
78	Culvert
79	Shop
80	Juboraaj Karbari Para (Kamtoli) (HH#122)
81	Chengi river
82	Bangalkatee Mouza
83	Bangalkatee Mouza
84	No.12 project village (HH#50)
85	Buddhist temple
86	Gula Dana Para (HH#41)
87	Perachaara
88	School
89	Palukya Para (HH#55)
90	Padakhep Para Centre
91	Nilkanta Para (HH#55)
92	Shop
93	Unicef Para Centre
94	Dharmapur Bhuddist Temple
95	Road
96	Dharmapur gate
97	Shop
98	Road
99	Shop
100	Shop
101	Perachaara bridge
102	Shop
103	Brick field
104	Pond
105	School
106	Upazila Family Planning Office
107	Unicef Para Centre

Maischhari Mouza

In 1978 the total area of land under use/control of the sample paras of Maischhari mouza was 756.6 acres, while in 2009 land under use/control of these paras is approximately 595.3 acres. This reduction (21%) of land under use/control of the sample paras can be attributed to the land grabbing by Bangalee settlers and Government's acquisition of land for the establishment of a Bazaar.

Figure 54: Land ownership pattern in Maischhari mouza in % (1978 and 2009)



Over the last thirty years the pattern of land ownership in Maischhari mouza has been dramatically transformed towards personal ownership from social ownership. While in 1978, 81% of the land of Maischhari mouza was under social ownership; in 2009, it reduced to only 11.5%. On the contrary, share of personally owned land amidst the total land under use/control of the sample paras has been increased by 69.5 percentage points (increased from 19% to 88.5%) during that thirty years time span. If the sub-categories of socially owned land are considered, share of land under 'not registered but in possession' category has been declined dramatically from 72.4% to 0.0%. In fact, reduction of this type of land is the major determinant of reducing the land under social ownership. Major portion of this land went under the personal ownership, and hence, share of land under all sub-categories of personal ownership have been increased accordingly. All of the sample paras of this mouza more or less exhibit similar changing pattern of land ownership in compare with overall scenario of the sample paras. Among these paras Khirood Chandra Karbari para demonstrates the extreme scenario where huge amount of land under socially owned 'not registered but in possession' land disappear completely. While in 1978, total of 256.6 acres land of this para was under the category of 'Social: not registered but in possession', in 2009 there is no land can be found in Maischhari mouza under this category of land.

Land related complexity in some of the paras of this mouza is extensive, especially where intrusion of settler Bangalees and Government's land acquisition is high. Except Jibon Dhan Karbari para and Bali para land rights complicacy is very common in rest of the sample paras of this mouza. The main land related problem faced by this specific two paras is seasonal river erosion by Chengi River. Around 12 acres land of these two paras was lost in last thirty years due to this river erosion.

Because of the illegal land grabbing by the settler Bangalees or rehabilitation of Bangalees by the Government, total of 129 acres of land under control/use of para was dispossessed in Rabi Chandra Karbari para, Khirood Chandra Karbari para and Narendra Karbari para during last thirty years. In these three paras land dispossession varies between 30 acres and 50 acres. It has been reported that adibashis of these paras are having problem with Bangalees regarding the boundaries of their land almost in everyday. In initial stages of illegal land occupation Bangalees made some small cottages in adibashis land to live in and later on they started to grab surrounding land. It is quite often that Bangalees graze their cattle on adibashis reaped land. This process commenced in 1981-82 and since then though local adibashi took several attempts to recover their land, they failed subsequently. Government and other Non-Government organizations have not assisted them in this regard. Prior to these sorts of incidents local adibashi people had no idea about land related laws and regulations. At present they have some knowledge about land related laws and regulation as they have to deal with these land related complexities very frequently.

Though in Chowdhury para land related complexities due to the Bangalee incursion are not visible, the main land related problem emerged during 1984 when Government being assisted by Bangladesh Army evicted 10 adibashi households from their land in order to establish a bazaar. Not only these households were evicted but also their temple was destroyed for the establishment of this bazaar. Government acquired 20 acres of land for this purpose, while in compensation Government promised the suffered households to provide one plot for each victim household. However, practically in course of time those households could not receive or retain their assigned new plot. Most of the shops and plots of this Bazaar ware allotted to preferential candidates i.e., Bangalee settlers. In this regard, local adibashis were more or less excluded from this preference.

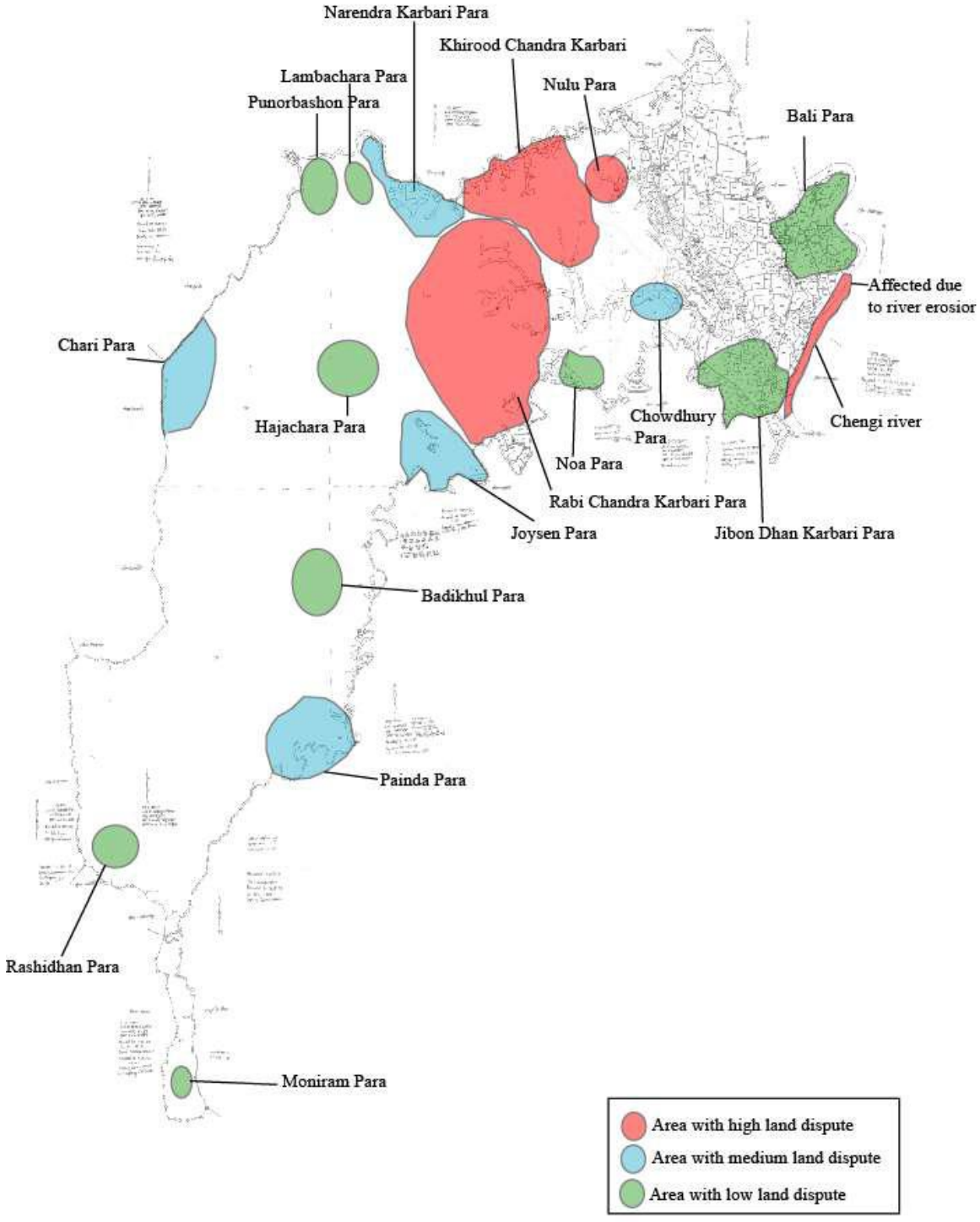
Adibashi people of this mouza do not have any conflict with adi Bangalees while major problems emerged between adibashis and newly migrated Bangalees. Participant of the group discussion do not have sufficient idea about Land Commission. However, they believe that through returning land to its rightful owner, land related problem can be solved.

Case Study 10: Misappropriation of land by sharecropper

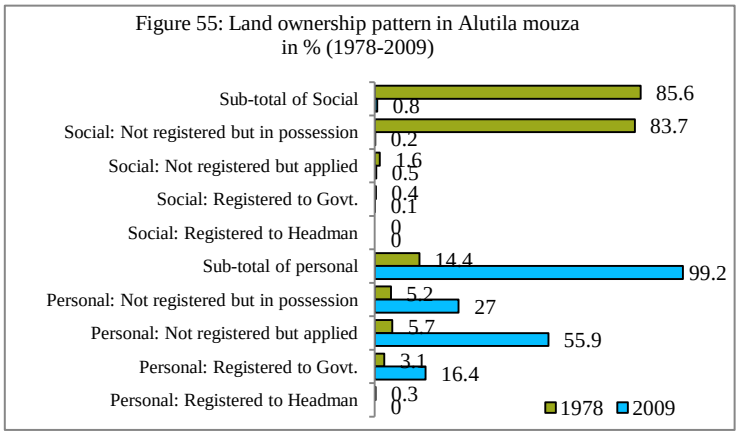
Noa para is a village of Maischhari mouza of Khagrachhari district. During 1980-81, Bangalees started to come in CHT for settlement and started persecute local adibashi inhabitant by grazing their cattle on adibashis crop fields, illegally occupying land of adibashis etc. One of such mastermind of these sorts of incidents is Akbar member (age 50) and one of the victims of such incident is Porosh Khisa (age 32). According to Porosh Khisa, his father Debdatta Khisa (ex-primary school teacher) had possession over 6.4 acres land by inheritance. In his father's lifetime, Akbar member sharecropped their land. According to terms of sharecropping, in time of necessity Debdatta Khisa used to take Tk.100/200 and 100/120 kg rice from Akbar member. Later on, Akbar member claimed that he had bought that land by giving Debdatta Khisa rice and money, according to Porosh Khisa which was in fact the payment of sharecropping. On the basis of that illegal claim, Akbar member illegally occupied that land of Debdatta Khisa. As Akbar member has no legal document of that land, during BNP regime he proposed Debdatta Khisa to legally handover that land by having Tk. 40,000/50,000. Though Debdatta Khisa refused his proposal and has all legal documents of this land, he could not get back his land. Moreover, in British register survey this land was registered in his forefathers' name. After the retirement of his father (Debdatta Khisa), Porosh Khisa has bought 4.30 decimals of land by the pension of his father. It is the only piece of land that Porosh Khisa and his family have now to live on. Porosh Khisa urges to get back his lawful ancestral land and it is the only solution of that land related problem.

The mouza map of Maischhari in Khagrachhari shows that the land related problems do concentrate mainly at the northern part of this mouza. All of the paras with intense land related problem located close by. Number of paras and density of household in those paras are much higher in this part of Maischhari mouza. Moreover, intensity of Bangalee settlement carried out by government rehabilitation scheme also immense at this part. According to local indigenous inhabitants, the old bazaar at Bali para had better aspects than that of the new bazaar on the indigenous community as it was owned by indigenous people and was close to the Chengi river, which is the major means of transportation. The mouza map substantiates their claim in terms of the location of the Bazaar. The old Bazaar was located amidst the indigenous localities with better communication facilities, whereas the newly constructed bazaar has been basically established in Chowdhury para keeping proximity with the surrounding Bangalee settlement. At the upper eastern part of the mouza (Jibon Dhan Para and Bali Para), there is reporting of land loss due to river erosion by Chengi river. However, the map shows that the land related problem in this mouza can be denoted as medium

Map 11: Maischhari mouza



Alutila Mouza



In the six sample paras of Alutila mouza, it has been found that during last thirty years (between 1978 and 2009) the area of land under use/control of these paras has been reduced to almost one-fourth of the land under control/use of sample paras in 1978. Between this span of time total land under control/use of these sample paras reduced to 1349.8 acres from 4795.8 acres. However, not only area of land under control/use of these six sample paras has been changed but also pattern of land ownership also has been changed radically. While in 1978 around 86% of the land was under social or community ownership, by 2009 it has been reduced to only 0.8%. If the sub-categories of social category are considered, it can be observed that sharp decline of the share of socially possessed not registered land explains the overall reduction of socially owned land. During last thirty years, socially possessed not registered land has been decline by 83.5 percentage points. In fact, the ownership of land has been transforming towards personal from social ownership as personally owned land has been increased by 84.8 percentage points and reached to 99.2% (in 2009) of the total land under control/use of six sample paras. Hence, it can be said that land under control/use of sample paras of Alutila mouza is no longer owned by society, rather it is owned by personal. Within broad category of personally owned land changes within sub-categories also have been taken place during this time. Except land registered to headman, the share of land under all sub-categories has been increased significantly.

Most of the area of Alutila mouza is hilly area. Among the total cultivable land of this mouza, 30 percent is plough land and rest 70 percent is hill land. Thirty years before (1978), local adibashis had the sole authority over the whole cultivable land of Alutila mouza. At present (2009), Bangalees cultivate in two third and adibashis cultivate in one third of that 30 percent plain cultivable land. Among the available hill land of this mouza Forest Department occupies three fourth of that land and rest of the hilly area is under the control of settlers Bangalees and adibashis in equal proportion. In fact, information gathered from six sample paras of this mouza more or less delineates the same trend. Because of the acquisition of huge hill area by the Forest Department and land grabbing by settler Bangalees the area of land under control of sample paras has been decreased by around 72%.

Land acquisition by the Forest Department in this mouza is quite phenomenal in comparison with other mouzas of Khagrachhari district. Among the land under control/use of six sample paras of this mouza Forest Department acquired 2245 acres of land of three paras (i.e., Alutila Punorbashon para, Shap Mara para, Khelakumar Karbari para) between 1978 and 2009. 47% of the land under control/use of sample paras in 1978 has been acquired by the FD over that period.

After the establishment of Army camp in Bang Mara para, Army occupied all its nearby area where adibashis used to cultivate Jum and garden. At that time adibashis had not enough

courage to protest those illegal occupations of land. Even at present, fearing of further persecution, they keep quiet regarding those issues.

After the unrest of 1981, Bangalee settlers illegally occupied adibashis' land adjacent to the Bangalee inhabited paras. In Eishan Moni Headman para Bangalee settlers grabbed around 1000 acres of land of indigenous people during last thirty years. Bangalees also attacked the old Laksman Bihari Karbari Para and grabbed the adjacent hill area of this para. At present fruits and forest garden are raised by the Bangalees on that occupied land. Sometimes, it also has been happened that Bangalees threat adibashis to sell their land. Being panic of dispossession of land, adibashis are forced sell their land having negligible payment. On the context of this land related complexities no individual, Government or Non-Government organization come up with assistance for them. Even in the past it also happened that staffs of the local Land Office had involvement in making fake deeds of land. This sort of incidents took place especially when Khagrachhari District Office was consumed by fire. However, this type of corruption by Land Office does not take place in recent years.

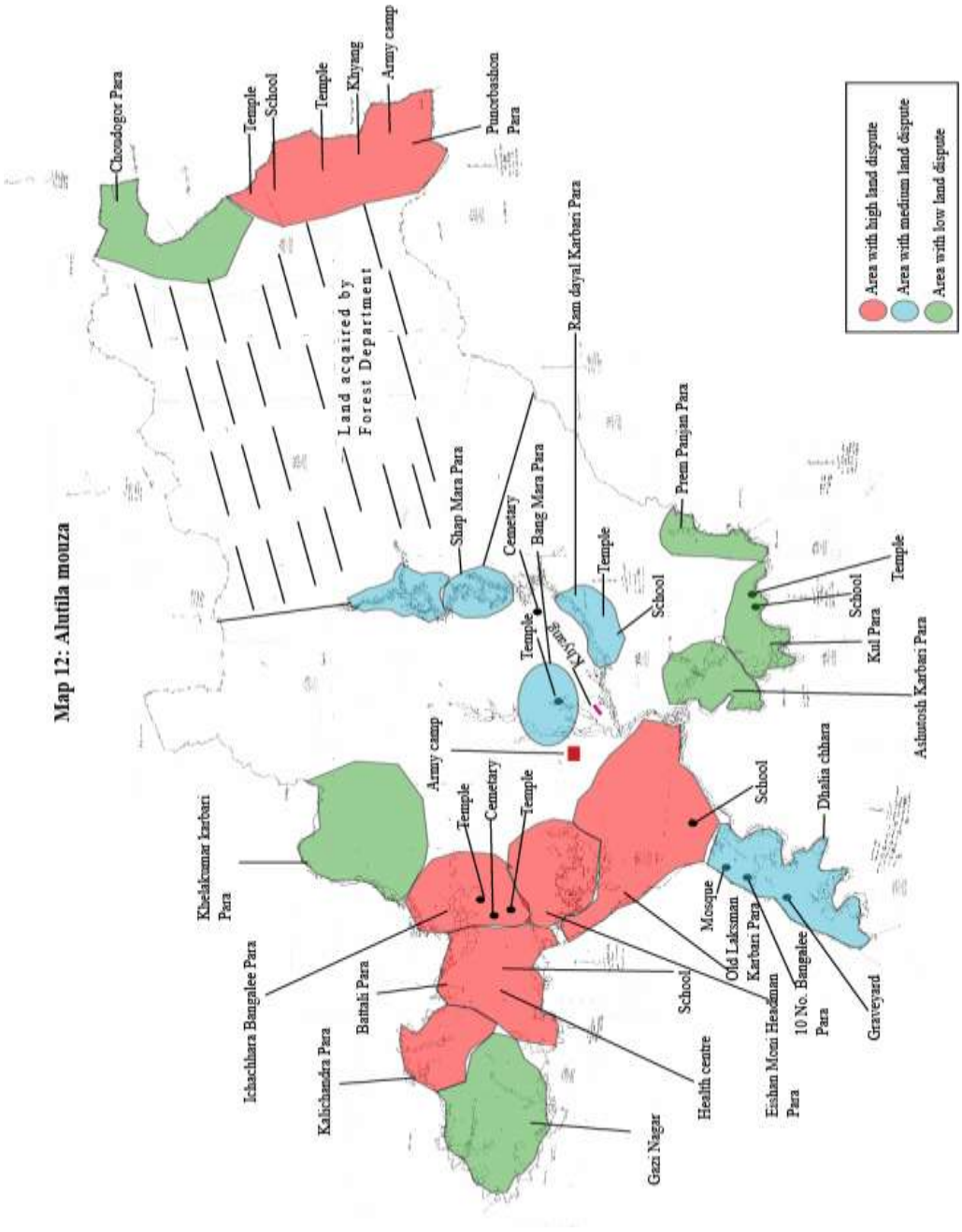
Thirty years before adibashi did not have any land related complicacy. At that time they did not give any importance in land possession. Hence, they did not have any sort of idea about land record and settlement. After 1980-81 when they started to lose their land by Bangalee settlers, they came to know about the concept of khas land, land record and land settlement. Previously they thought that they are entitled to use this land forever by inheritance. However, participant of the group discussion still believe that it is illegal to grab their land by denoting their land as khas land. They also believe that Government referred adibashis land as khas land, so that they could bring refugee Bangalees into that land.

During last thirty years, local adibashis have came to know partially about land related laws and regulations. In fact, they were forced to have knowledge related to land laws and regulations as frequency of land dispossession is very high. In spite of that, adibashis do not have very clear perception about land laws and regulation. Local knowledgeable people believe that for the proper functioning of the Land Commission, commission must include a committee which will represent the adibashi communities of CHT. This committee will embody respectable persons, Headman, member of *Ancholic Parishad*, member of Hill Tracts District Council and Rajas of three circles. According to the participant of group discussion the main task of the commission would be to recover the dispossessed land of adibashis and then to conduct land survey in CHT.

Case Study 11: Extortion on indigenous people by Bangalees and military

During the last week of June 1981, Bangalee refugees of Bot-toli Bangalee para and Icchacharri Bangalee para having the assistance from local security forces suddenly attacked and plunder the inhabitants of Puraton Lakman Bihari Karbari para, Bang Mara para and Sap Mara para. Some days prior to that unrest, a team of Bangladesh Army had come to the house of Toshon Chakma in search for illegal arms and observing the movement of Shantibahini. This incident prompted panic among the local adibashi people and they became afraid of tentative assault of Army and Bangalee settlers. Amidst this tense moment a Bangalee person named Suroj Miah, taking the disguise of religious person, came to the local adibashis and asked for money. He tried to convince the local adibashis that by giving him money they can evade from any kind of probable assault. For the sake of their lives, local adibashis sold their cattle and gave that person several thousand takas. However, in spite of giving him money local adibashis could not avoid that assault. Within very short time some Bangalees of Bot-toli para attacked Puraton Lakman Bihari Karbari para and set fire to houses of this para. During that incident some person wearing black clothe opened fire on local adibashis and killed one Tripura adibashi while injured other two. In the same day, around two hundred refugee Bangalees of Echa Chora Bangalee para attacked on adjacent para and plundered money, food grain, cattle and properties of adibashi people. As a consequence of the attack, people of this para and other adjacent paras started to escape and took shelter in other places and paras, while some adibashi families migrated to the Tripura State of India. After several weeks local administrations established a temporary police camp to evade further unrest. Meanwhile, an initiative to establish an army camp in Bang Mara Camp was taken to tackle this problem. After this incident, Army started to search those escaped adibashi families to return them to their house. Army assured them that this sort of incident would not repeat again. After several months, when situation became stable some people came to their para. During that time they only used to come to their paras in daytime, while fearing of another assault they managed to live outside their paras at night. However, after two months another clash took place between Shantibahini and Bangalee refugee of Bangalee inhabitant paras. During that clash, around 40 to 50 person were killed and Shantibahini set fire to houses of those paras. If the adjacent Army camp did not react quickly to this event, casualties of this incident would had been worst. Because of this massacre, Bangalees could not settle in this para, and hence they had to settle in Cluster Village. Neither Bangalees nor adibashis were benefitted from this attack and counter-attack. According to the victim of this incident, the main gainer of these incidents is Bangladesh Army. Following that incident, Bangladesh Army acquired huge area of the adjacent paras and established an Army camp in that area for security purpose. When situation calmed down, escaped adibashi residents of those para started to come back their houses. Upon returning home, those adibashis got ration and allowance from military. However, at present the number of incident of forced land selling is very high in this para. Bangalees threat local adibashi that if adibashi people do not sell their recorded land in low price, they (adibashi) have to lose their land without having any payment.

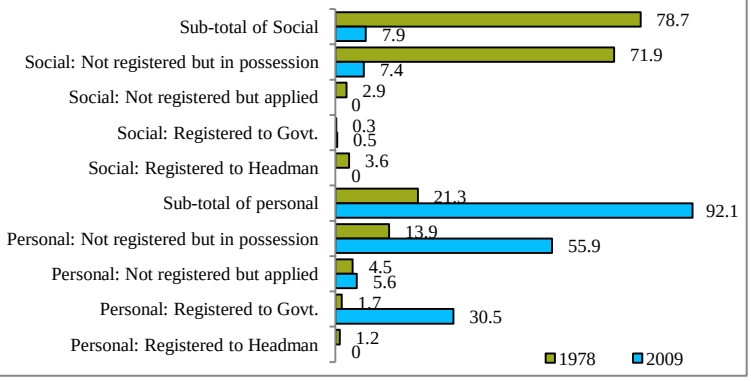
The mouza map of Alutila of Khagrachhari district shows that the land related problems is huge in this area of CHT. A large amount of land at the eastern part of this mouza has been acquired by the Forest Department of Bangladesh Government. The mouza map clearly demarcates the acquired hilly land of the paras of Alutila mouza (i.e., Alutila Punorbashon para, Shap Mara para, and Khelakumar Karbari para). Illegal land grabbing by the Bangalee settlers is intensive in the eastern part of this mouza as marked by red and blue color area in the Alutila mouza map. As stated in case study and depicted in mouza map of Alutila mouza, an Army camp is established keeping close proximaty with the Puraton Lakman Bihari Karbari para and Bang Mara para (details is delineated in case study 11). In the mouza map another Army camp is also visible in the eastern part of the mouza, where the Bangalee rehabilitation para is situated.


Map 12: Alutila mouza
Choodogor Para
Temple
School
Temple
Khyang
Army camp
Punorbashon Para
Land acquired by Forest Department
Ram dayal Karbari Para
Shap Mara Para
Cemetary
Baag Mara Para
Temple
Temple
School
Prem Panjan Para
School
Kuil Para
Temple
Ashutosh Karbari Para
Army camp
Temple
Cemetary
Temple
School
Dhalia chhara
Mosque
Old Laksman Karbari Para
10 No. Bangalee Para
Graveyard
Khelakumar karbari Para
Icharchhara Bangalee Para
Batiali Para
Kalichandra Para
School
Health centre
Gazi Nagar
Eishan Moni Headman Para
Area with high land dispute
Area with medium land dispute
Area with low land dispute

Kabakhali Mouza

In 1978 the total areas of land under use/control of the six sample paras of Kabakhali mouza was around 3460 acres, while in 2009 it has been reduced to 2834.6 acres. Hence, total land under use/control of sample paras has been reduced by 18% during that thirty years.

Figure 56: Land ownership pattern in Kabakhali mouza in % (1978-2009)



During this span of thirty years share of personally owned land has been increased at a significant level (92%, from 21.3) while share of socially owned land reduced to only 7.9%. Like other typical mouza of Khagrachhari district, pattern of land ownership within sub-categories of the two broad categories also has been changed during the last thirty years. While within the socially owned land the proportion of land under sub-category 'not registered but in possession' has been decline significantly (71.9% in 1978, and 7.40% in 2009), within the personally owned land the proportion of 'registered to Government' land and 'not registered but in possession' land has been increased considerably. It can be said that personally possessed not registered land is taking the place of socially owned not registered land. The shift can be attributed to the illegal grabbing of indigenous community owned land by the Bangalee settlers which is very common among the sample paras of Kabakhali mouza.

Main land right related complexities of this para emerge from incidents like forced eviction from land, forced land selling, illegal occupation of land through making fake document, land grabbing by persuasion etc. Comparatively Government land acquisition is less among the sample paras of Kabakhali mouza. In the sample paras, out of the 625 acres of dispossessed land only 1.2 (0.2% of the dispossessed land) acres land has been acquired by Government, while 98.6% of the dispossessed land has been grabbed by Bangalee settlers between 1978 and 2009.

The land grabbing occurrence started in most of the sample paras of this mouza after 1986. In most cases, according to the local inhabitants, Bangalee settlers having the support of Bangladesh Army attacked on local indigenous community. Bangalee settlers would not be successful if Bangladesh Army did not support Bangalees from behind. Amidst this critical situation local inhabitants migrated to Tripura and became refugees. Meanwhile, Bangalee settlers took the possession of those migrated adibashis land and started to live in there permanently. After returning from Tripura, those previously migrated indigenous people could not retrieve their land in spite of initiating several recovery attempts. Though adibashi people filled cases for regaining their land, those initiatives were futile. At present, they do not want to go further in terms of protesting those incidents as it will incur serious threat on their lives. Illegal occupation of land is still taking places in this mouza and in this regard local adibashis are not getting any assistance from Government (DC, UNO) or any other organizations. Moreover, as inhabitants of this mouza do not have adequate knowledge about land related laws and regulation, they have failed to adopt proper steps that can be taken to resolve these land related problem.

Chakma adibashis of this para do not have any conflict with Adi Bangalees. In fact, congenial relationship exists between these two groups. However, the main problem manifests between indigenous people and those Bangalees who migrated within last thirty years. Participant of group discussion have already heard about Land Commission. They have consent about Land Commission and land survey, but they assert that their lost land must be recovered before executing those initiatives.

Case Study 12: Curse of forced migration-1

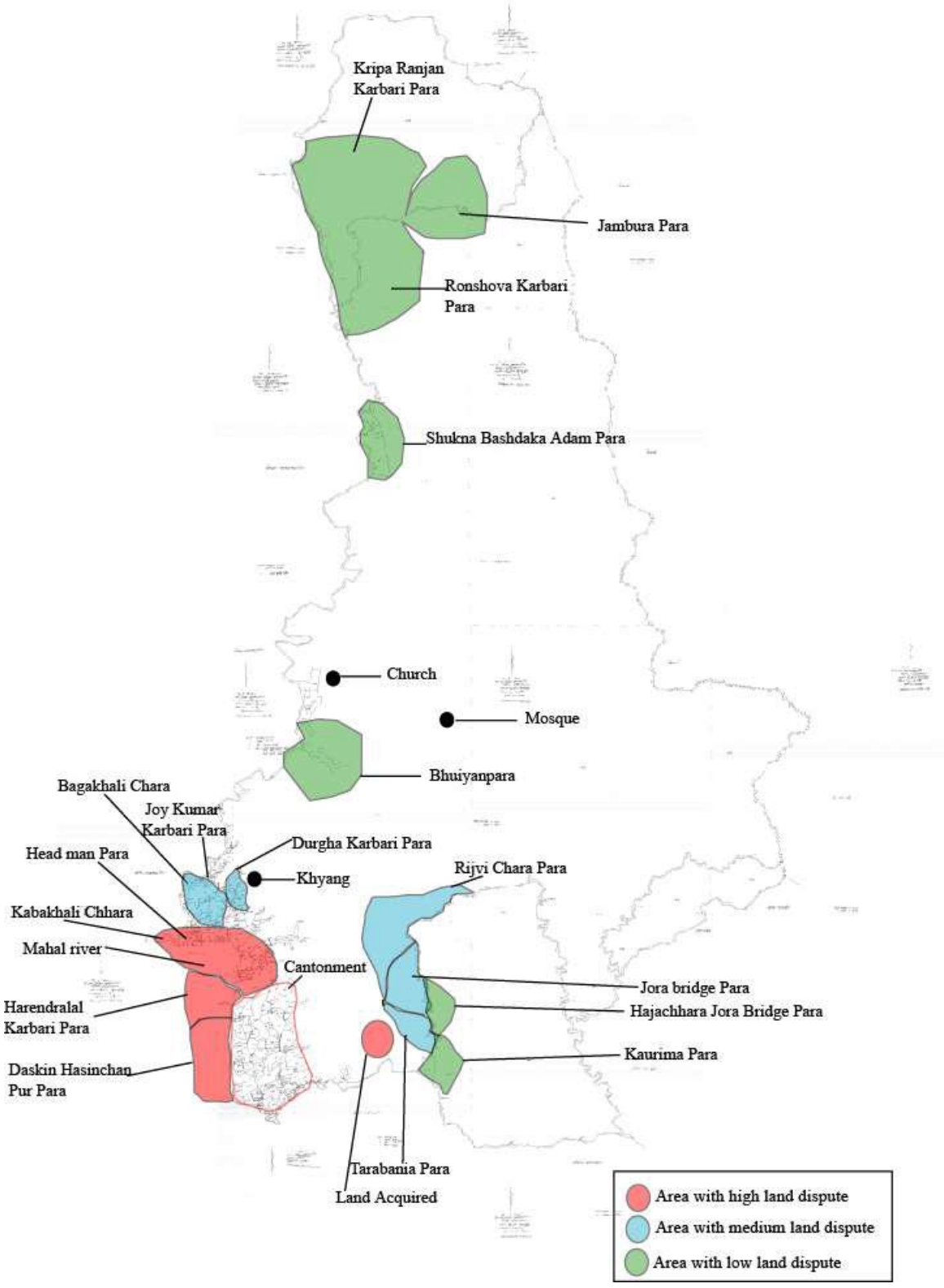
Incident of illegal land occupation in Daskin Hasinchan Pur para started in 1986 when adibashis began to migrate to Tripura state of India as refugee due to the tense situation of CHT. According to local adibashis, some settler Bangalees having the assistance from Army and local Administration led this illegal land occupation process. Sushil Jibon Chakma (age 70) an inhabitant of Daskin Hasinchan Pur para, Kabakhali mouza is one of such refugee who migrated to India and lost control over his land. After coming back from Tripura in 1997, he started to cultivate his land. When the season of harvesting came, a Bangalee settler name Sobur miah harvested the paddy of Sushil Jibon Chakma. Moreover, Sobur miah filled a lawsuit against five persons including Sushil Jibon Chakma for resisting Sobur miah from harvesting paddy. Sobur miah has claimed that he bought that land from Sushil Jibon Chakma, while in contrast Sushil Jibon Chakma claims that all land deeds and document provided by Sobur miah are forged. In the following years (1998), Sushil Jibon Chakma faced the same challenge from Sobur miah during harvesting period. This time Sushil Jibon Chakma complained against Sobur miah in local Thana and thereby Thana authority seized those crops. Later on, a committee was formed of four members including local ward member to settle down the dispute. However, the committee failed to provide Sushil Jibon Chakma fair justice. However, some portion of crops is kept under the custody of a committee member. Sushil Jibon Chakma has been pursuing a lawsuit against Sobur miah since 1999 to get back control over his lawful land. According to Sushil Jibon Chakma lots of his neighbors also lost their land but could not file any lawsuit as it incurs huge financial cost.

Case Study 13: Curse of forced migration-2

Harendra Karbari Para is a para of Kabakhali mouza of Dighinala upazila, Khagrachhari district. At present, around 1200 Bangalee households are living in this para. During 1986, a bloody clash took place between Bangalees and adibashis of this Para. According to local adibashis, Bangladesh Army has provided support to the settler Bangalees in that clash. The main reason behind this aggression was land occupation. The clash was so severe that around 15 Chakma people were killed by that incident. After the incident, fifty households of local Chakma community migrated to India. Meanwhile, Bangalee settlers occupied those adibashi household's land. When those migrated Chakma households returned from India, they found that their land had been occupied by Bangalee settlers. In spite of several attempt for recovering those land, sufferer Chakma households could not retrieve their lost land. At present, those suffered households are living in other paras in scattered manner.

It has been discussed earlier in the report that land related complicacy is very high in Kabakhali mouza. However, the mouza map of Kabakhali does not delineate the actual land dynamics properly as the official mouza map is very old and has not been updated since 1952. Hence, dramatic transformation of ownership of land (i.e., from social ownership to personal ownership) and changes in land use pattern over the last thirty years have not been reflected in the official mouza map. In Harendralal Karbari para and Daskin Hasinchan Pur para, the dramatic decline of hill land under control of paras and the sharp increase of registered to government land along with high population growth have not been properly mirrored by the mouza map. However, the Kabakhali mouza map depicts that paras with high and medium land related problem mainly concentrate at the very left corner (south-west) of the mouza, through where Mahal river is flowing. It is also indicative that at that part of the Kabakhali mouza land was acquired and cantonment was established by the Government. In this regard, establishing cantonment keeping close distance with Harendralal Karbari para and Daskin Hasinchan Pur para can be explained interms of incidents depicte in the above discussed (case studies 12 and 13). However, in the middle part and in the upper portion of the para- there are relatively less land related problems and disputes are noticable.

Map 13: Kabakhali mouza



Rangamati: Status and Dynamics of Land Use and Land Rights

Rangamati at a Glance

Rangamati is a district in the South-eastern Bangladesh. It is a part of the Chittagong Hill Tracts and the Administrative Headquarter of Rangamati Hill District[149]. Area-wise, Rangamati is the largest district of the country. The town is located at 22°37'60N 92°12'0E and has an altitude of 14 metres (49 feet)[150]. It is bounded by the Tripura state of India on the north, Bandarban District on the south, Mizoram State of India and Chin State of Myanmar on the east, and Khagrachhari and Chittagong Districts on the west[151].

From a very ancient time (starting from the Bira period in 590 AD[152] through the reigns of the Sultanate empires, Mughal Empires, the British colonization and the Pakistani rules), this region was very much distinctive for its outstanding geographical features for which the external peoples have many times been allured towards this locale. In the course of time, before the origin of the Chittagong Hill Tracts; this region was previously known as 'Karpas Mahal' from 1715-1860[153]. Later, when the Bandarban and the Khagrachhari were made separately as new districts out of the Chittagong district consecutively in 1981 and in 1983; then as the main part of the Chittagong Hill district, this region was named as – Rangamati hill district.

Rangamati is adorned as the 'Chakma circle' in the system of customary vat scheme and the 'Chief of Chakma circle' who is the orderly 'Chakma King' (currently Raja Barrister Devashis Roy, the titular Chakma king since 1971) is the main controller of this system. He is also the chief-in-charge of this district in accordance with the Bangladesh Government. This 'Chakma circle' is the home for not only the Chakmas but also there are more 11 ethnicities[154] co-exist together in Rangamati. The other groups are - Marma, Tanchangya, Tripura, Pankhua, Lushai, Kheyang, Murang, Rakhain, Chak, Bawm, Khumi including the Bangalees.

Rangamati is a scenic combination of Hills, Lake areas and Plain lands. The area of the district is 6116.13 sq. km of which 1291.5 sq. km is riverine and 4824.63 sq.km.is under forest vegetation and the lake area is about 650 sq. km[155]. It's a travel destination of Bangladesh which is known as "Lake City". The district of Rangamati consists of 10 upazilas, 1 municipality, 9 wards, 35 *mahallas*, 50 union parishads, 162 mouzas and 1347 villages[156]. The upazilas are Baghaichhari, Barkal, Kawkhali, Belaichhari, Kaptai, Juraichhari, Langadu, Naniarchar, Rajasthali and Rangamati sadar.

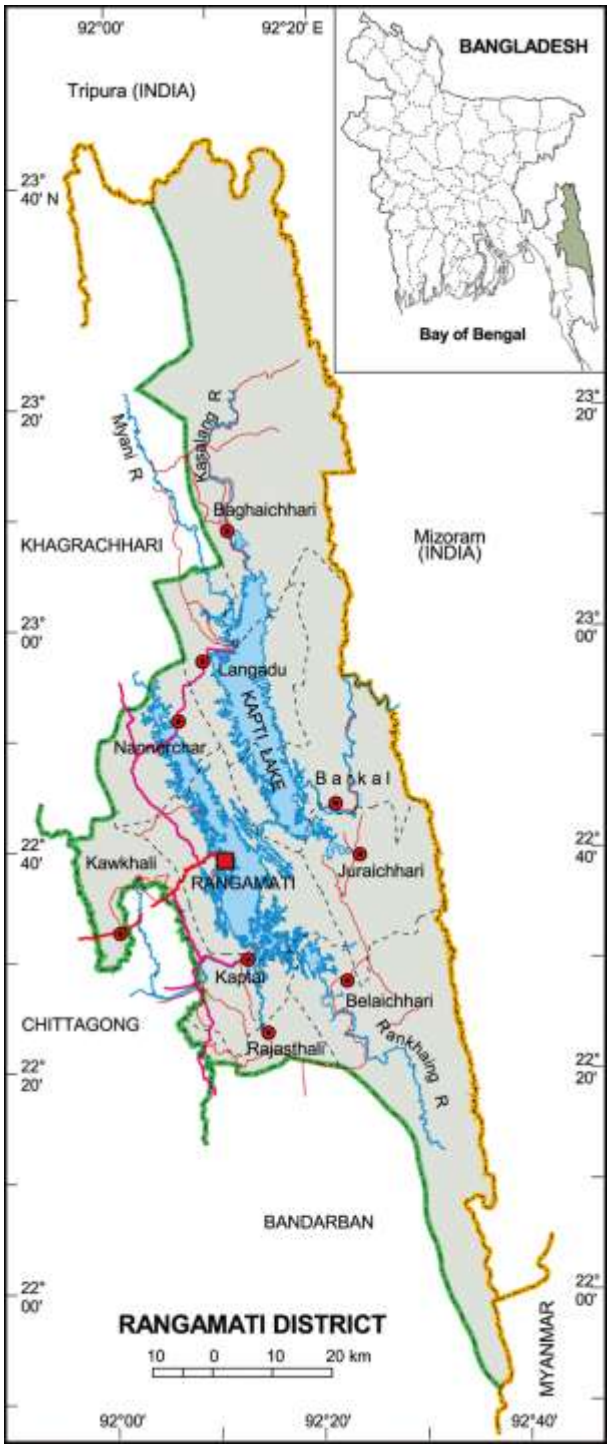
The total population of Rangamati was 5,08,182 according to the National Census of 2001 of which tribal 52% and non-tribal 48%. The density of population is 83 per square kilometer (Census 2001). Rangamati Town is mainly divided into 13 areas, namely Vedvedi, Collegegate, Rajbari, Newmarket, Banarupa, Kathaltoli, Fishery Ghath, Reserve Bazar,

[149] Wikipedia: http://en.wikipedia.org/wiki/Rangamati; accessed on July 31, 2010
[150] Wikipedia
[151] Wikipedia: http://en.wikipedia.org/wiki/Rangamati_Hill_District; accessed on July 31, 2010
[152] District Web portal: http://www.dcrangamati.gov.bd/index.php?option=com_content&view=article&id=73&Itemid=84; accessed on July 31, 2010
[153] District Web portal: http://www.dcrangamati.gov.bd/ accessed; on July 31, 2010
[154] Wikipedia: http://en.wikipedia.org/wiki/Rangamati_Hill_District; accessed on July 31, 2010
[155] Wikipedia
[156] Wikipedia

Launch Ghath, Pathor Ghata, Tabalchori, Mazher Basti, Asam Basti[157]. Besides all these, the Karnaphuli canal, the Parjatan motel, Hanging bridge, the heavy spring of Suvolong, The tribal museum, Kaptai lake and national forest are the main attraction which have enriched Rangamati with its tourism resources[158].

[157] Wikipedia: BBS (2005): Rangamati
[158] District Web portal: http://www.dcrangamati.gov.bd/index.php?option=com_content&view=article&id=57 accessed on July 31, 2010.

Map 14: Rangamati District



Map Source: Banglapedia: http://www.banglapedia.org/httpdocs/HT/R_0112.HTM accesed on July 31, 2010

Overall Status and Dynamics of Land Use in Rangamati

Land acquisition by the Forest Department is the cardinal aspect in changing the pattern of land use in Rangamati district. In the last thirty years (between 1978 and 2009), the total land area under use/control of the paras in Rangamati district has been reduced by 43%. This reduction has been mainly taken place due to the intensive land (mostly hill land) acquisition by the Forest Department.

Box 33: Sample Mouzas of Rangamati

On the basis of different criteria 5 mouzas of Rangamati district were selected as sample mouzas to assess the overall status and dynamics of land use and land rights. Afterwards, from each of the sample mouzas, sample paras were selected following different criteria. From samples paras detail information was collected through social mapping (using original mouza map), in-depth interviews and group discussions. In addition, the information on overall status of the land of the mouzas was collected. The sample mouzas of Rangamati district for this study were: 1) Dhanu Chhara, 2) Kukya Chhari, 3) Petanya Lamar Chhara, 4) Ballal Chhara, 5) Ulta Chhari.

The use of land area of Rangamati district can be divided into the following seven broad categories:

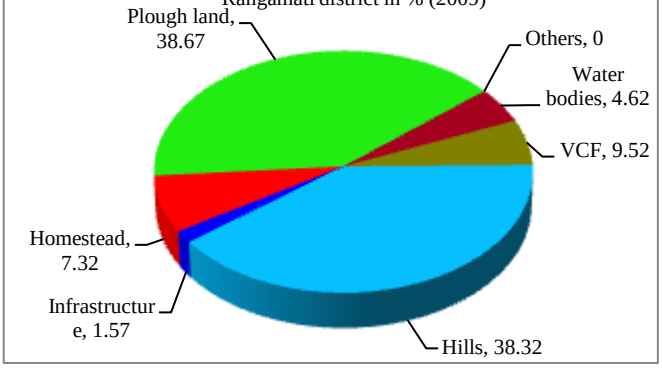
1. Plough land
2. Hills (used for jum and garden)
3. VCF (Village Common Forest)
4. Homestead
5. Infrastructure
6. Water Bodies
7. Others.

Box 34: Land Use in Rangamati: Methodological Note

A 5 mouzas of Rangamati were selected in such a manner so that based on the information a representative picture of Rangamati about the land use status and dynamics can be stated. According to Population Census 2001, the total area of Rangamati district is 6116.13 sq. km. (i.e., 1511328.636 acres). There are 162 mouzas in this district (Population Census 2001). The survey based information on the land area under sample paras of sample paras has not been use to extrapolate for the total area of Rangamati (in acres), but the proportion in percentage (by use of land) has been used to portray the overall Rangamati (mainly the rural area). Thus the land use pattern under use/control of sample paras in the sample mouzas has been used to portray the overall land use pattern of Rangamati. For this, different types of lands (by use) of the sample mouzas (in sample paras) have been added for two time periods (2009 and 1978). Then the percentage distribution of the lands (by use) of the sample mouzas has been used for the Rangamati district. Because of some special characteristics (as a new para) of Uluchhari Mazar para (of Kukya Chhari mouza), data of Uluchhari Mazar para is not included in the aggregated data on land use pattern of the respective mouza and Rangamati district to avoid possible ambiguity.

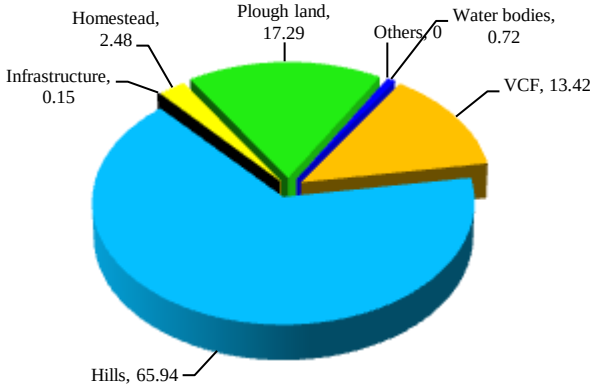
During the last thirty years (1978-2009), the proportion of hills (used for jum and garden) has been declined significantly in Rangamati district. However, within hill land share of garden has been increased in compare with the share jum land. Village Common Forest of this district also has been reduced over this period. On the contrary, the proportion of plough land has been increased noticeably. Like other districts of Chittagong Hill tracts, land used for homestead and infrastructure has also been increased in Rangamati district during the last thirty years. However, unlike other districts of Chittagong Hill Tracts, proportion of water bodies in Rangamati district has been increased quite sharply.

Figure 57: Distribution of land use/control under paras in Rangamati district in % (2009)



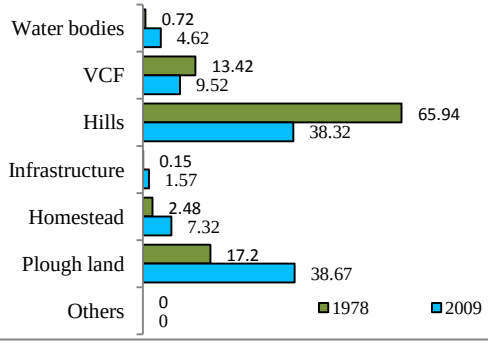
While thirty years back (1978) 65.94% of the land was used for jum and garden purpose, at present (2009) 38.32% of the land under use/control of paras of Rangamati district is used for jum and garden. Almost the same proportion (38.67%) of land under use/control of paras of Rangamati district is now used for plough cultivation. However, in 1978, the proportion of plough land was 17.29% of the total land under use/control of paras in this district. Still considerable portion (9.52%) of land under use/control of paras is Village Common Forest, though in some of the sample mouzas VCF can not be found now. A 2.48% of the land was used for homestead in 1978, which has been increased by around 4.8 percentage points in 2009 and reached to 7.32% of the total land under use/control of paras. During the last thirty years, proportion of water bodies to total land under control of paras has been increased more than four times. Currently (2009) 4.62% of the total land of Rangamati district is water bodies.

Figure 58: Distribution of land use/control under paras in Rangamati district 1978 (in %)



Though practice of leasing in Rangamati district is almost absent, it is the land acquisition by the Forest Department which made large portion of land inaccessible for the local indigenous population. Hence, the practice of jum cultivation in Rangamati district is now at stake. However, in some paras of some mouzas, it has been reported that local people manage to cultivate some portion of acquired land by negotiating with the staff of Forest Department. As the extent of such negotiation is not noteworthy, the land acquisition by the Forest Department has tremendous impact on the land use pattern of Rangamati district. In some areas of Rangamati district, both indigenous and Bangalee communities are involved in tobacco cultivation.

Figure 59: Distribution of land use/control under paras in Rangamati district in % (1978 and 2009)



In terms of varieties of crops and trees, variations among mouzas of Rangamati district are extensive. The pattern of cultivation in plough land by item has been remained the same in the Rangamati district in last thirty years (between 1978 and 2009). At present, rice is cultivated in all of the plough land of this district, while in some of the mouzas binni rice is also grown. However, thirty years back besides rice, chili was also cultivated in some of the plain lands of this district. Over the last thirty years, types of crops in jum land has become less diversified in Rangamati district. At present (2009), in Rangamati district, the major crops in jum land is rice, while thirty years back, chili, binni rice, ginger, turmeric were also grown along with rice in jum land of Rangamati quite extensively. Types of trees in hills of Rangamati district have not been changed significantly over the last thirty years. At present- koroi, chapalish, garjon, mango, shegun, gamari, godha are very common in natural forest. shegun and gamari are relatively new varieties in this district among the other varieties. However, thirty years back, in some of the mouzas of Rangamati district; olive and Jarul were also found frequently. At present, in garden of Rangamati district- banana, mango, and jackfruit are found quite regularly. In some mouzas, other varieties like myrobalan and olive

have also been found in addition to these trees. However, types of trees presently available in garden were not significantly different from types of trees available in 1978 .

Sample Mouza Wise Status and Dynamics of Land Use in Rangamati

Dhanu Chhara Mouza

Box 35: Group Discussions at Dhanu Chhara Mouza

A series of group discussions were arranged in the Dhanu Chhara mouza to know the status and dynamics of land ownership and use. The first group discussion was held on October 24, 2009 at Bara Kuichkha para of Dhanu Chhara mouza. The main purpose of these group discussions was to comprehend the status and dynamics of land ownership and land use in Dhanu Chhara mouza. In that discussion session among other knowledgeable community people representative from local government, businessman, school teacher and people involved in agriculture activities were participated. The group discussion followed with a number of discussions meetings arranged in each selected sample paras with the respective karbaries and other knowledgeable people of those paras. Information from four sample paras of Dhanu Chhara mouza was collected. The sample paras of Dhanu Chhara mouza are: 1) Bara Kuichkha, 2) Shil Chhari, 3) Dhanu Chhari, 4) Madan Karbari.

According to the population Census of 2001, total area of six paras of dhanu chhara mouza (under Ghilachhari Union of Rajasthali Upazila) is 3200 acres. However, in the survey, it has been found that Dhanu Chhara mouza is comprised of 7 paras. Out of this 7 paras, 4 are Khyang paras and 3 are Tanchangya paras. Except Madan Karbari para, Bangalee inhabitants do not dwell in the rest of paras.

Most of the land of Dhanu Chhari Mouza is now under the control of Forest Department. Out of total 1744 acres of land under use/control of four sample paras of this mouza, the Forest Department acquired around 1259 acres land in the last thirty years (1978-2009). Apart from the acquired land, other land is used for jum cultivation and very little land can be denoted as 1st class land in this mouza.

Figure 60: Distribution of land use/control under paras in Dhanu Chhara mouza in % (2009)

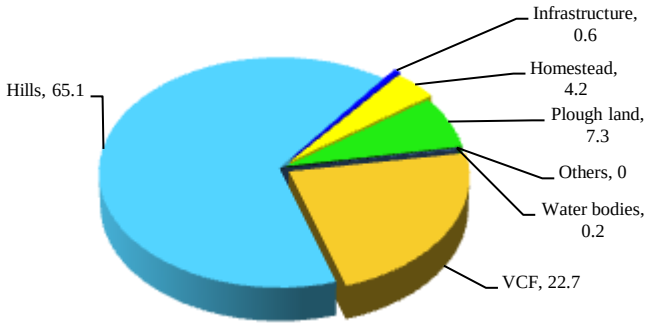
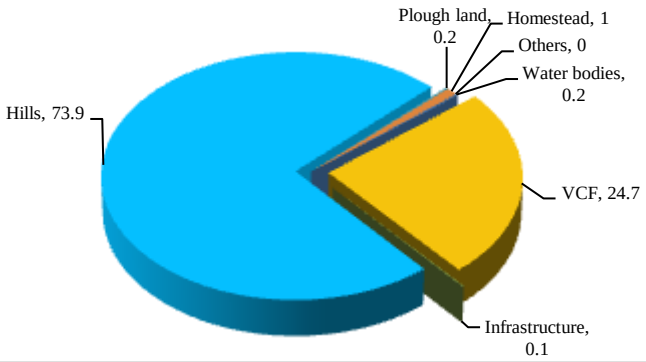


Figure 61: Distribution of land use/control under paras in Dhanu Chhara mouza in % (1978)

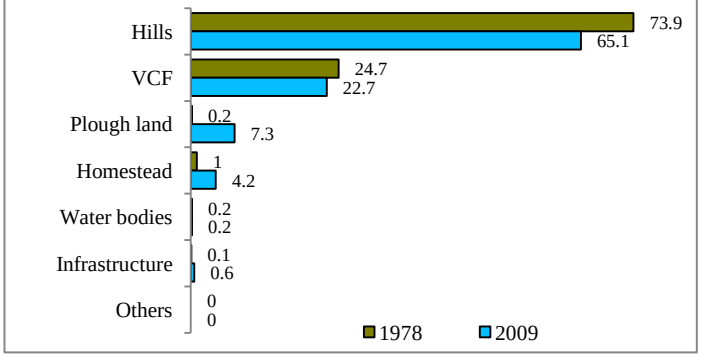


Except the shrinkage of jum land, during the last thirty years (between 1978 and 2009), pattern of land use has not been changed at a significant level in Dhanu Chhari mouza. In spite of that, jum cultivation and VCF (Village Common Forest) have exhibited declining trend over the years. While in 1978, of all the land under use/control of paras in Dhanu Chhara mouza, 73.9% land was used for jum; in 2009, it has been declined by almost 9 percentage points and reached to 65.1% of the total land under paras. A 24.7% of the land under four sample paras of this mouza was used as Village Common Forest in 1978, which has been decreased to 22.7% in 2009. Though this reduction of VCF in proportion with other categories of land may seem insignificant, reduction of VCF in terms of absolute amount is enormous over the last thirty years. Between 1978 and 2009,

land used for VCF has been reduced to 110 acres from 430 acres. During group discussion session, local people of this mouza attributed the shrinkage of jum land and VCF to the extensive land acquisition of Forest Department, which has extremely negative impact on the local indigenous community. In spite of that, households of the communities manage to cultivate jum in the Forest Department land by bribing the Forest Department staff. However, practices of land leasing, rubber plantation and tobacco cultivation are not noticeable in this mouza.

Plough land cultivation and land use for homestead purpose have been increased during the last thirty years in Dhanu Chhari mouza. In 1978, only 1.0% of land under use/control of para was used as plough land; while in 2009, by increasing 6.3 percentage points, share of plough land has been reached to 7.3% of the total land under use/control of sample paras. During this time share of land use for homestead purpose has been increased to over four times.

Figure 62: Distribution of land use/control under paras in Dhanuchhara mouza in % (1978 and 2009)



In Dhanu Chhari mouza, plough land is solely used for rice cultivation. This trend of plough cultivation has not been changed significantly over the years. In the jum land, currently- rice, turmeric and banana are cultivated intensively. Thirty years back, in addition to these items, Binni rice was cultivated in jum land of this mouza. Over the last thirty years, varieties of trees in natural forest and hills have remained almost the same. At present- Koroi, Chapalish, Garjon, Shegun, Gamari, Goda are very common in natural forest and hill area of this mouza. However, Shegun and Gamari are relatively new varieties among the other varieties. In the garden, the major trees found in this mouza thirty years back were banana and mango. In 2009, some other varieties like jackfruit, myrobalan, and olive have also been found in addition to these trees.

Kukya Chhari Mouza

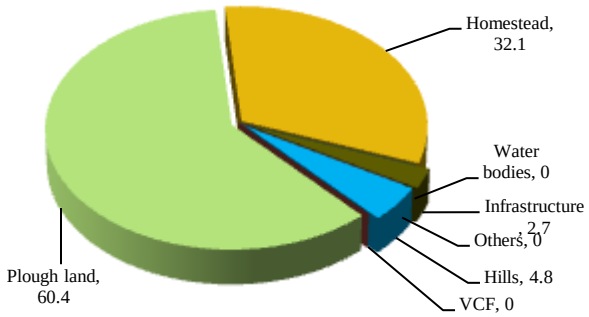
During the field survey it has been reported that there are five paras in Kukya Chhari mouza (under Ghilachhari union of Rajasthali upazila). People of four communities i.e., Khyang, Tanchangya, Marma and Bangalee live in these five paras. However, the population census of 2001 delineates that Kukya Chhari mouza comprises of three paras and a total of 2,454 people live in those three paras. According to the Population Census of 2001 total recorded land in Kukya Chhari mouza is 3840 acres.

Box 36: Group Discussions at Kukya Chhari Mouza

To comprehend the status and dynamics of land ownership and use in Kukya Chhari mouza a series of group discussions were arranged in the Kukya Chhari mouza. Representatives from different segment of population in terms of their occupation were participated in those group discussions. The first group discussion was held on March 24, 2009 at Talukder para of Kukya Chhari mouza. Among the other knowledgeable community people, representative from local government, service holder, people involved in agriculture activities and business, were participated in that discussion session. The group discussion followed with a number of discussions meetings arranged in each selected sample paras with the respective karbaries and other knowledgeable people of those paras. The five sample paras of Kukya Chhari mouza are: 1) Chotakuikka, 2) Saduma, 3) Uluchhari mazar, 4) Noa, 5) Talukder

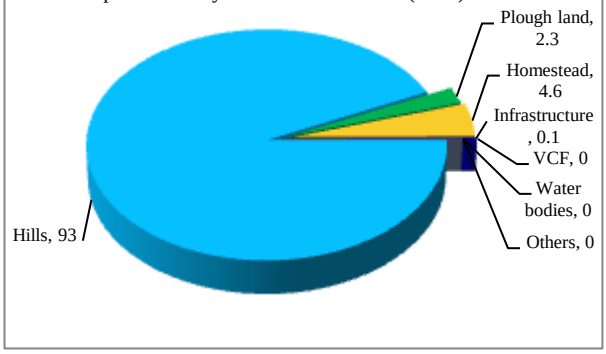
Over the last thirty years, land use pattern in Kukya Chhari mouza has been changed dramatically. The main reason behind this shift in land use pattern is the extensive land acquisition by the Forest Department. In 1978, the total areas of land under use/control of four sample paras[159] of Kukya Chhari mouza was 442.2 acres, which has been decreased to only 41.42 acres in 2009. Hence, during those thirty years, a total of 400.8 acres land of four sample paras was acquired by the Forest Department. As most of this acquired land is hill land, hill (used for jum and garden) land of the sample paras has been reduced radically over these years. The use of hill has been decreased from 93% to 4.8% in the last thirty yeas. Moreover, it has been reported that amidst this hill land, no land is currently used for jum cultivation. In the contrary, the proportion of plough land has been increased from 2.3% to 60.4% during this time. Especially in Bangalee inhabited area, expansions of plough land is far more extensive than that of indigenous peoples inhabited areas.

Figure 63: Distribution of land use/control under paras in Kukya Chhari mouza in % (2009)



During the last thirty years, the number of household in the sample paras has been decline sharply. While in 1978, total number of households of these sample para was 307, in 2009 number of household has been decreased to 92. Like wise, it also has been found, that area of land used for homestead purpose has been decreased significantly over the last thirty years (between 1978 and 2010). Though the share of homestead has been increased by 21 percentage points, total area of homestead under use/control of paras has been declined over the years. In 1978, around 20.5 acres land under use/control of sample paras was used for homestead purpose, while in 2009 homestead has been reduced to 13.30 acres.

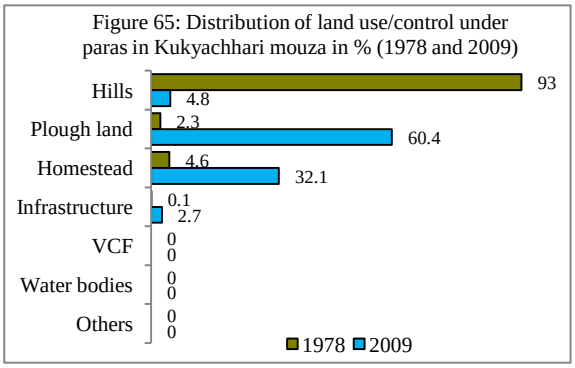
Figure 64: Distribution of land use/control under paras in Kukya Chhari mouza in % (1978)



A few land of this mouza are used for tobacco cultivation and according to the participants of group discussion, this sort of land use has positive impact on their society. However, extent of land leasing is not extensive in this mouza.

In all of the sample paras of Kukya Chhari mouza presently rice, arum and potato are mainly cultivated in plough land. Thirty years back, in addition to these items, chili was also cultivated regularly. In the garden of this mouza, the farmed trees are mango and jackfruit which were also found in 1978. In the hills the major trees found in this mouza thirty years back were- Koroi and Chapalish. Between 1978 and 2009 jarul, gamari and shegun have been taken the place of chapalish in the hills of Kukya Chhari mouza.

Figure 65: Distribution of land use/control under paras in Kukyachhari mouza in % (1978 and 2009)



[159] As the Uluchhari Mazar para is a new para, it has been excluded from the calculation.

Petanya Lamar Chhara Mouza

Petanya Lamar Chhara mouza (under Bagachatar union of Langadu upazila) is comprised of six paras. Half of these paras are Bangalee community inhabited paras and the rest half are inhabited by Chakma community. According to the Population Census 2001, the total area of Petanya Lamar Chhara mouza is 3840 acres.

Box 37: Group Discussions at Petanya Lamar Chhara Mouza

To know the status and dynamics of land ownership and use of Petanya Lamar Chhara mouza a number of group discussions were carried out in that mouza. The first formal group discussion was held on January 1, 2010 at Rangi para of Petanya Lamar Chhara mouza. The group discussion followed with a number of discussions meetings arranged in each selected sample paras with the respective karbaries and other knowledgeable people of those paras. Besides headman and karbaries, other knowledgeable community people i.e., businessman, teacher, farmer, and housewife were participated in those discussion sessions. Information from four sample paras of Petanya Lamar Chhara mouza was collected in that process. The sample paras of Petanya Lamar Chhara mouza are: 1) Mahajan, 2) Petannamachhara, 3) Rangi, and 4) Ranjit.

Status and dynamics of land use in this mouza can be predominantly explained by the extensive land grabbing by the Bangalee settlers. Information gathered from four sample paras of Petanya Lamar Chhara mouza delineates that, land dispossession is very high in the sample paras as out of 1831 acres land under control of sample paras, 1321 acres land were dispossessed by the Bangalees over the last thirty years (between 1978 and 2009). However, land under control of sample paras has not been declined as a result of that dispossession. The main reason behind this scenario is that, in most of those paras, Bangalee settlers have taken the place of indigenous community by force; and hence have control over most of the land under control of paras. As a consequence of this transformation of the control of land, the proportion of plough land cultivation has been increased in the Bangalee inhabited areas. In the contrary, the proportion of hills (used for jum and garden) under use of paras has been on a declining trend in sample paras of this mouza. On 1978, of all the land use/control of para in Petanya Lamar Chhara mouza, 48.9% land was used for jum and now (2009) by declining 13 percentage points it has been reduced to 35.9%. Though in Bangalee settler inhabited paras (half of the sample paras), amount of hill land has been increased; that hill land is no longer used for jum cultivation.

Figure 66: Distribution of land use/control under paras in Petanya Lamar Chhara mouza in % (2009)

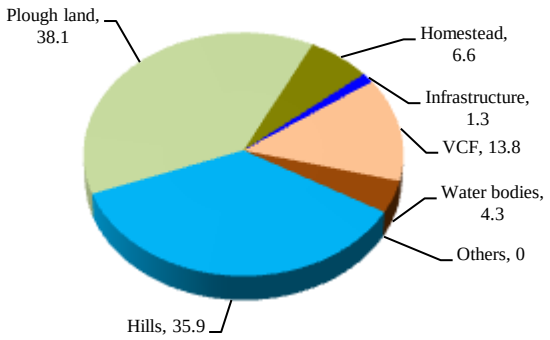
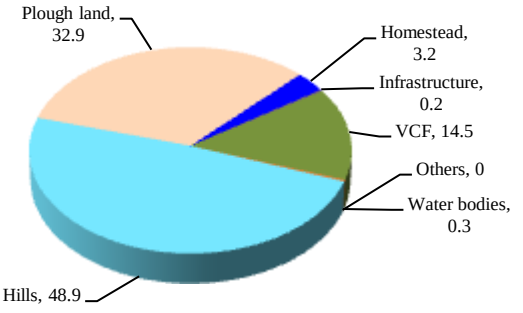


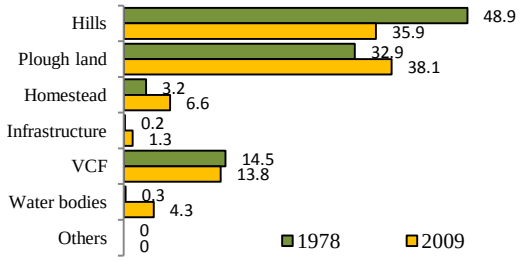
Figure 67: Distribution of land use/control under paras in Petanya Lamar Chhara mouza in % (1978)



Though the practice of leasing land is not visible in Petanya Lamar Chhara mouza, both indigenous peoples and Bangalee settlers are involved in tobacco cultivation. Thirty years back (1978), in two sample paras, Village Common Forest is found extensively. The extent of VCF has been on declining trend in these paras. At present (2009), VCF is found only in Rangi para though in less extent.

In the plough land of sample paras, rice and Binni rice are being cultivated now (2009), while thirty years back, only Binni rice was cultivated in the plain land of this mouza. In Bangalee settler inhabited paras, land is not used for jum cultivation. At present, only rice is being produced in jum land of the indigenous inhabited paras (i.e., Rangi para and Ranjit para), while thirty years back (1978), besides rice, Binni rice was also cultivated in jum land of these paras. In the hills and gardens, varieties of trees have not been changed significantly over the last thirty years (between 1978 and 2009). In the hills of Petanya Lamar Chhara mouza myrobalan, jackfruit, olive and mango are found typically, while thirty years back except olive; all other types of plant were also found frequently. In the garden of Petanya Lamar Chhara mouza banana, jackfruit and mango are found in most of the paras, while myrobalan is found in some of the paras. However, thirty years back major types of trees in garden were the same in this mouza.

Figure 68: Distribution of land use/control under paras in Petanya Lamar Chhara mouza in % (1978 and 2009)



Ballal Chhara Mouza

In 2001, total recorded land of Ballal Chhara mouza (under. Belaichhari union no. 1 of Belaichhari upazila) was 3840 acres (Population Census 2001). Census also stated that, this mouza was comprises of 4 paras. However, in the survey, it has been found there are 7 paras in this mouza of which 4 are Tanchangya paras and the rest of three paras are Marma, Pangkhua and Tripura para. In some of the paras, people of Bangalee and Chakma communities also dwell along with these communities.

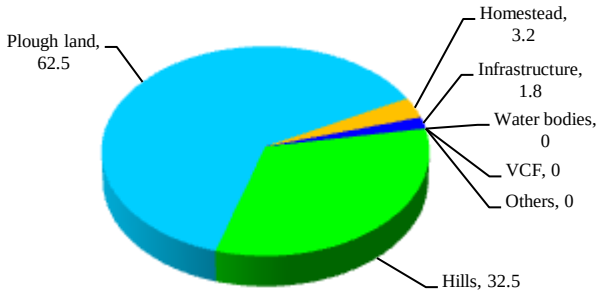
Box 38: Group Discussions at Ballal Chhara Mouza

A number of group discussions were set in the Ballal Chhara mouza to know the status and dynamics of land ownership and use. The first formal group discussion was held on January 17, 2010 at Tinkunia Headman para of Ballal Chhara mouza. In that discussion session among the headman and other knowledgeable community people (i.e., businessman, farmer and health worker) participated. The group discussion followed with a number of discussions meetings arranged in each selected sample paras with the respective karbaries and other knowledgeable people of those paras. Information from four sample paras of Renikhyong mouza was collected. The sample paras of Renikhyong mouza are: 1) Bahultoli, 2) Tinkunia Tripura, 3) Tinkunia Headman, and 4) Chandi Mohon.

Because of the extensive land acquisition by the Forest Department the pattern of land use in Ballal Chhara mouza has been changed significantly over the last three decades (between 1978 and 2009). Out of 690 acres land under use/control of four sample paras of this mouza, the Forest Department acquired around 290 acres of land. As majority of the land is hill land, the extent of jum cultivation reduced dramatically during this period. While in 1978, total of 534.60 acres of land under use/control of the sample paras were used for jum cultivation or hill gardening, in 2009, the amount of land has been reduced to only 130 acres. Hence, between this thirty years, the proportion of hills (used for jum and garden) has been decreased by 45 percentage points and reached to 32.5 % of the total land under use/control of sample paras. In the contrast, the proportion of plough land has been increased almost thrice. The proportion of plough land in Ballal Chhari mouza has been increased to 62.5% from 21.7% in last thirty years.

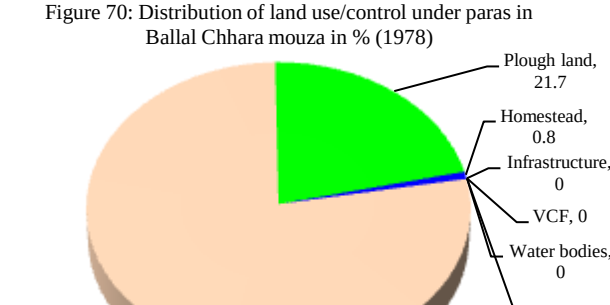
Village Common Forest and practice of land leasing are not visible in Ballal Chhara mouza. As most of the hill land of Ballal Chhara mouza was acquired by the Forest Department, currently indigenous peoples are cultivating fringe land. In that fringe land, jum and tobacco (in few areas) are being cultivated by the local people. However, in some extent having negotiation with the Forest Department, indigenous peoples manage to cultivate some portion of the acquired hill land.

Figure 69: Distribution of land use/control under paras in Ballal Chhara mouza in % (2009)



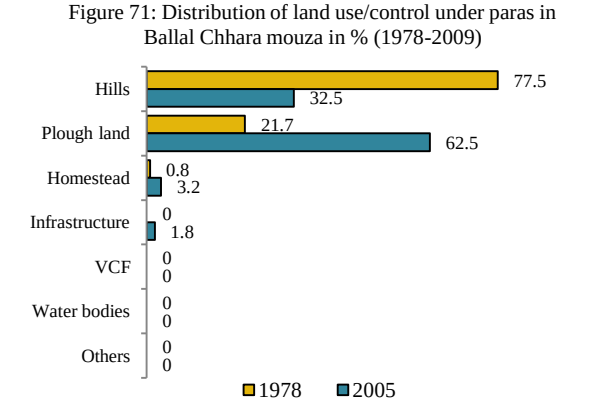
Between 1978 and 2009, land use for infrastructure and homestead purpose has been increased significantly. While in 1978 roughly no land was used for infrastructure purpose in Ballal Chhara mouza, in 2009 the share of land used for infrastructure purpose has been increase to 1.8% (total 7.1 acres) of the total land under use/control of the sample paras.

Figure 70: Distribution of land use/control under paras in Ballal Chhara mouza in % (1978)



Thirty years back (in 1978) rice, Binni rice, vegetables and chili were grown in jum land. In recent years (2009), besides those varieties other verities like ginger, turmeric and mango are also cultivated in jum land of Ballal Chhara mouza. In plough land currently rice and Binni rice are cultivated. The pattern of cultivation in plough land by item has remained the same in this mouza in the last thirty years (between 1978 and 2009). In the garden banana, mango, jackfruit and lemon were found in this mouza thirty years back and now besides those plant myrobalan and olive are also being planted regularly. In the hills, varieties of trees have remained the same over the last thirty years. Koroi, Godha, and Chapalish are the major plants visible in the hills of Ballal Chhara mouza.

Figure 71: Distribution of land use/control under paras in Ballal Chhara mouza in % (1978-2009)



Ulta Chhari Mouza

Total area of Ulta Chhari mouza (under Adrakchhara union of Langadu Upazila) is 7680 acres[160]. In the field survey, it has been reported that 500 acres land of this mouza is presently cultivated by the Bangalee settlers, while 600 acres land is cultivated by indigenous Chakma community. According to the Population Census 2001, there were 5 paras in this mouza, while 16 mouzas have been found during survey in 2009. Among the 16 paras of Ulta Chhari mouza, 10 paras are Chakma para and the rest of 6 paras are Bangalee para.

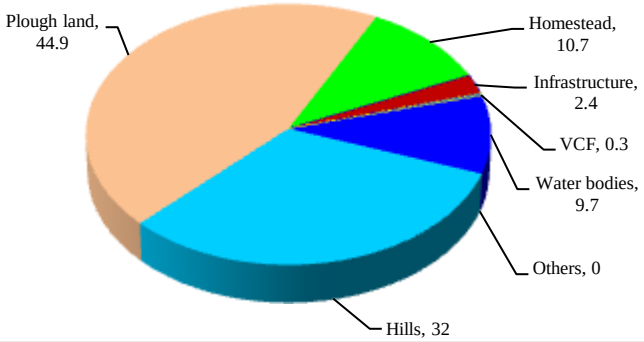
Box 39: Group Discussions at Ulta Chhari Mouza

A number of group discussions were set in the Ulta Chhari mouza to know the status and dynamics of land ownership and use. Through this group discussions Information from six sample paras of Ulta Chhari mouza was collected. The sample paras of Ulta Chhari mouza are: 1) Daksin Ulta Chhari, 2) Uttar Yereng, 3) Sukracharjya, 4) Ratna Mohon, 5) Ulta Chhari Mukh, and 6) Chowdugi Chhara. The first formal group discussion was held on January 4, 2010 at Sukracharjya para of Ulta Chhari mouza. In that discussion session among the headman and other knowledgeable community people (i.e., businessman, service holder, farmer and housewife) participated. The group discussion followed with a number of discussions meetings arranged in each selected sample paras with the respective karbaries and other knowledgeable people of those paras.

Land use pattern in Ulta Chhari mouza has been changed over the last thirty years. Land acquisition by the Forest Department is one of the major causes of this change. Between 1978 and 2009, the Forest Department has been acquired 190 acres of land of the six sample paras of this mouza. As a result, total land under use/control of paras has been dwindled to 913.5 acres from 1103.5 acres. Majority of the acquired land is hill (used for jum and garden) land. During this period of 30 years, hill area under control of the sample paras has been declined by 31.6 percentage points (from 63.6% to 32%). As most of the hill land used for jum cultivation, over the last 30 years extent of jum cultivation in the sample paras has been reduced significantly. Moreover, share of garden in hill land has also been increased during this time. Especially in Bangalee community inhabited paras, this trend of dwindling jum cultivation is far more extensive. Daksin Ulta Chhari para is a Bangalee community inhabited para. In 1978, around 75 acres of land under use/control of this para were hill area, where jum was the major form of cultivation. However, in 2009, only 2 acres hill land have remained under the use/control of this para and this tiny land is now only used for gardening.

Though the extent of jum cultivation has seen on a declining trend, the portion of plough land has been increasing over the last thirty years (between 1978 and 2009). In 1978, while 21.5% of the land under use/control of paras was used as plough land, in 2010 plough land has been increased to 44.9% of the total land under use/control of paras. In all of the six sample paras, this trend of increasing plough land has been reported during the survey.

Figure 72: Distribution of land use/control under paras in Ulta Chhari mouza in % (2009)



[160] Population Census 2001

Another important aspect of the changing pattern of land use in this mouza, is the dramatic reduction of VCF (Village Common Forest). While in 1978, almost in all of the sample paras; VCF was very common which accounts 7.7% of the total land under use/control of sample paras, in 2010 the share of VCF in total land under use/control of paras is only 0.3%. Currently out of the six sample paras of Ulta Chhari mouza only in one sample para VCF can be found.

The proportion of water bodies and homestead also has been increased during the last thirty years in Ulta Chhari mouza. Share of water bodies and homestead in total land under use/control of sample paras has been increased to more than three times during this period. Currently, around one-tenth of the land under use/control of sample paras of Ulta Chhari mouza is used for homestead purpose. Tobacco cultivation is visible in some part of this mouza, where both indigenous peoples and Bangalee settlers are involved in this pattern of cultivation. As this sort of land use incur more profit, participant of the group discussion consider this trend as a positive aspect for them. However, in Ulta Chhari mouza, no land is currently allotted under lease arrangement.

Figure 73: Distribution of land use/control under paras in Ulta Chhari mouza in % (1978)

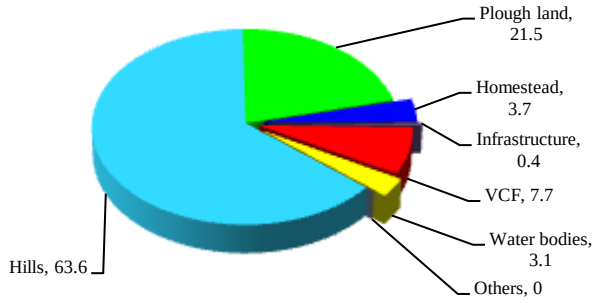
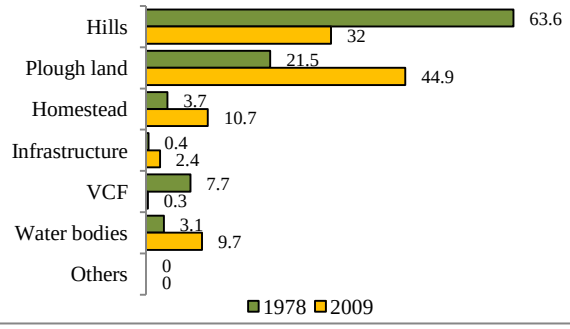


Figure 74: Distribution of land use/control under paras in Ulta Chhari mouza (1978 and 2009)



At present (2009), in Ulta Chhari mouza, the major crops in jum land is rice, while thirty years back in addition to rice, chili was also grown in jum land of this mouza. Major types of crops in plough land have remained the same over the last thirty years. While rice is the dominant variety in the plough land of this mouza, in some sample paras, Binni rice is also being produced besides normal rice. In the hills of Ulta Chhari mouza jarul and koroi were planted previously, where currently Gamari and Shegun trees have been added to this list. In garden, presently- banana, mango, and jackfruit are found, where thirty years back, in addition to these trees Myrobalan were planted in almost all of the paras.

Overall Status and Dynamics of Land Rights in Rangamati

The extent of land acquisition by the Forest Department is phenomenal in Rangamati district. Because of the land acquisition by the Forest Department and land grabbing by Bangalee settlers, not only the land under use/control of paras in Rangamati district has been lessened but also the pattern of land ownership has been changed significantly. In the last thirty years (1978 and 2009), land under use/control of sample paras has been reduced by more than 43%. As majority of the land acquired by the Forest Department and most of the acquired land is socially owned land, the proportion of socially owned land has been declined notably over this period. On the contrast, the proportion of personally owned land has been increased quite sharply. Hence, it can be stated that land ownership has been transforming towards personal from social ownership.

Box 40: Land rights in Rangamati: Methodological Note

A five mouzas of Rangamati district (i.e., 1. Dhanu Chhara, 2. Kukya Chhari, 3. Petanya Lamar Chhara, 4. Ballal Chhara and 5.Ulta Chhari) were selected in such a manner so that based on the information a representative picture of Rangamati district about the land rights status and dynamics can be stated. The survey based information on the land area under sample paras of sample paras has not been use to extrapolate for the total area of Rangamati (in acres), but the proportion in percentage (by use of land) has been used to portray the overall Rangamati (mainly the rural area). Thus the land rights pattern under use/control of sample paras in the sample mouzas has been used to portray the overall land rights pattern of Rangamati. For this, different types of lands (by ownership) of the sample mouzas (in sample paras) have been added for two time periods (2009 and 1978). Then the percentage distribution of the lands (by ownership) of the sample mouzas has been used for the Rangamati district. As Uluchhari Mazar para (Kukya Chhari mouza) is a nes para, information of this para is not included in the aggregated data.

During the last thirty years (1978-2009), the proportion of socially owned land by declining 32.39 percentage-point has been reduced to 48.61%, while the proportion of land under personal ownership has been increased to 51.39% (2009) from 19% (in 1978). Within socially owned land categories, if sub-categories are considered then it is observe that, land under subcategory 'not registered but in possession' has been declined considerable over the last thirty years. This change, in fact, has contributed in the reduction of share of socially owned land. Moreover, the proportion of socially owned land, which is not registered but applied for registration, has been reduced to almost none. Within personally owned land categories, except land under 'registered to headman' categories, land under all categories has been increased in similar proportion.

Figure 75: Land ownership pattern in Rangamati district in % (2009)

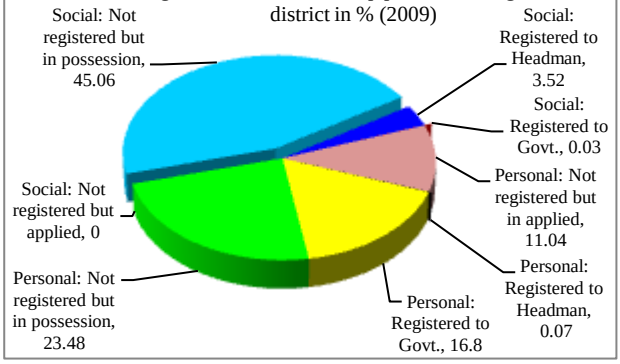


Figure 76: Land ownership pattern in Rangamati district in % (1978)

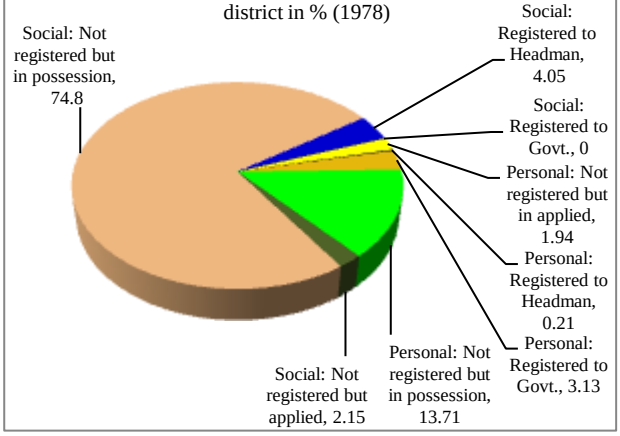
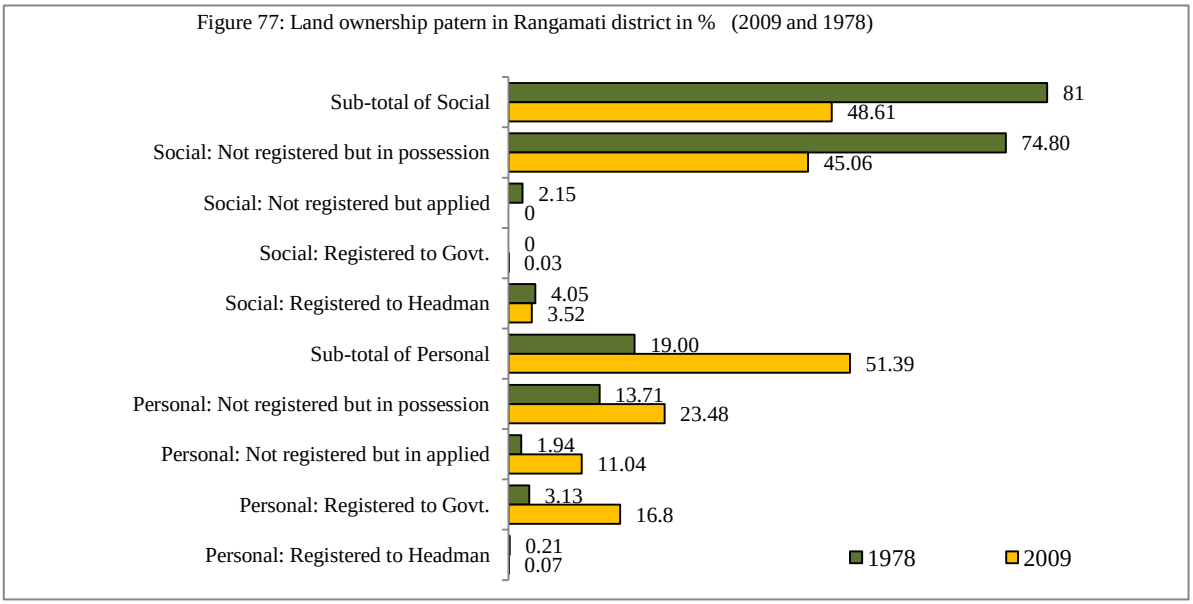


Figure 77: Land ownership patern in Rangamati district in % (2009 and 1978)



In Rangamati district, the main land related complicacy and conflict revolve between indigenous peoples and Forest Department. Besides, in some part of the district, land related conflict between indigenous peoples and settler Bangalees is also severe.

Land acquisition by the Forest Department in Rangamati district is so extensive that out of 23 sample paras of this district in 19 paras, land acquisition by the Forest Department is the major source of land related problem. The worst part of this land acquisition process is that, through this process of land acquisition, local indigenous peoples have lost their accessibility to hill land which is in fact the major means of their livelihood. Moreover, it also has been exhibited in this district that through the process of land acquisition by the Forest Department some of paras were totally wiped out from the sight. As a survival strategies, local indigenous peoples either migrated to elsewhere and live degraded life or by bribing/negotiating with the Forest Department's (FD) staffs are cultivating some portion of the acquired land. Because of the shortages of land and high financial return of tobacco cultivation, indigenous peoples prefer to involve themselves in tobacco cultivation in some of the paras of Rangamati district.

Persistent lawsuit by the Forest Department against local indigenous peoples is another important aspect of the land conflict in Rangamati district. Because of the land acquisition by the Forest Department, local indigenous peoples do not have access to most of the land. Hence, indigenous peoples are forced to encroach in Forest Department acquired land for their sustenance. When those local indigenous poor people are caught by the staff of Forest Department, legal action are taken by the Forest Department against those encroacher. Thus, those people fall in double jeopardy as in one side they have to struggle for their livelihood, on the other side they have to face those lawsuits filled against them by FD.

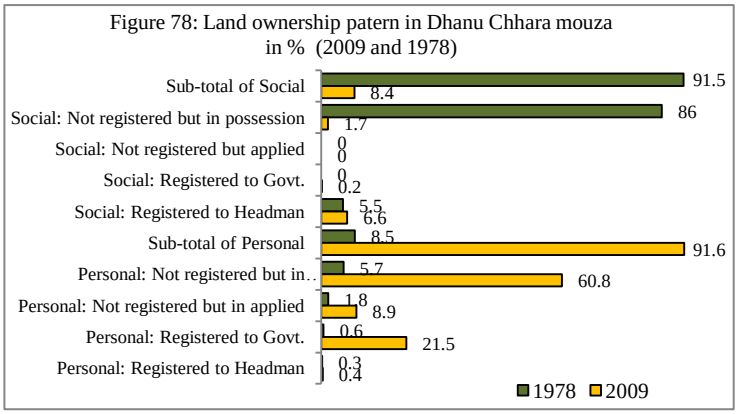
In some of the sample paras of Rangamati district illegal land grabbing by Bangalee settlers is also extensive. Especially in Petanya Lamar Chhara mouza, it has been reported that a number of indigenous inhabitant paras have been replaced by the Bangalee settler paras. During the group discussions, participant also claimed that in that eviction process, Bangladesh Army had overt support behind Bangalee settlers. In some paras like Ranjit para of Petanya Lamar Chhara mouza, Bangalee settlers grabbed significant portion of land under use/control of the para. Moreover, settlers took the control of land which was not under direct control of para. Hence, Bangalee settlers not only grabbed the land under use/control of paras

but also grabbed the accessible potential land which could be used by the indigenous communities to manage their livelihood in future.

A number of meetings and negotiations were organized by various Government institutions and NGOs to mitigate land related complexities in Rangamati district. However, during field survey, it has been reported that those initiatives were totally unsuccessful. Most of the inhabitants of Rangamati district do not have minimum idea about land related rules and regulation. Hence, they fail to take appropriate legal counter measures against the Forest Department's activities.

Sample Mouza Wise Status and Dynamics of Land Rights in Rangamati

Dhanu Chhara Mouza



During the last thirty years (between 1978 and 2009), area of land use/control of sample paras of Dhanu Chhara mouza has been declined by more than 72%. As majority of the land acquired by the Forest Department was socially owned land, land ownership pattern has been changed as well in the sample paras of Dhanu Chhara mouza during that period. In 1978 where 91.5% of the total land (under control of paras) was under social ownership, it has been now only 8.40 % of the total land under control of paras. In the contrast, personal ownership has been increased to 91.60% from 8.50% over this time . If the ownership pattern of the sub-categories of the land under these two broad categories is considered, it is observed that socially owned 'not registered but possessed' land has been decreased dramatically in last thirty years while personally owned not registered but possessed land has been increased significantly during this time. Under personal owned land the portion of register land to Government also has been increased significantly over those three decades.

Because of the eviction of indigenous peoples from their land by the Forest Department, land related complicacy is extensive in this mouza. Some of the Paras of this mouza were totally extinct due to this eviction process. One of such Paras is Chaie Prue Para, where around forty households were evicted by the Forest Department. Persecution of Forest Department on local Indigenous peoples is still ongoing through continuous filling of lawsuit against those indigenous peoples. No Government or Non-Government organizations have provided those indigenous communities any assistance in this regard.

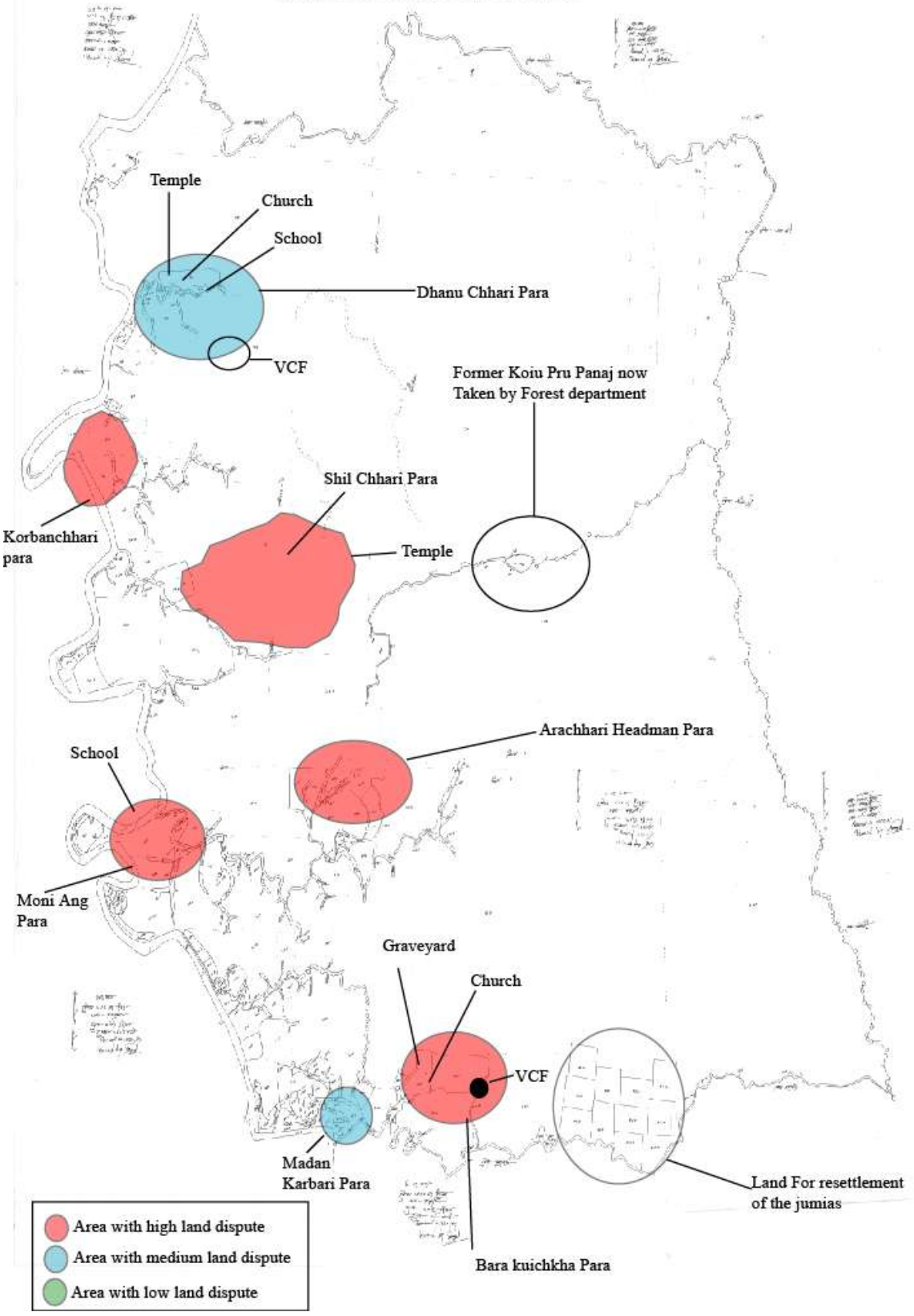
During the group discussion it has been reported that inhabitant of Dhanu Chhara mouza do not have sufficient knowledge about land related laws and regulations. Most of the inhabitants of the sample paras are also not informed about Land Commission and its function. They urge that Government needs to take initiative to recover indigenous peoples' dispossessed land and then carry out fruitful land survey.

Case Study 14: Eviction of a para by the Forest Department

In Dhanu Chhara mouza, there was a para named Chaie Prue Para which had been wiped out by the Forest Department in 1980. Chaie Prue was a very old para where around forty Indigenous households dwelt before that time. Forest Department acquired that land illegally and evicted those forty households from their houses and land. Those households were forced to migrate in Rajshali, Bandarban Sadar, Ruma, and Thanchi permanently. Being evicted the son of local karbaries now lives in Dubacharri Khaing Para of Bandarban Sadar Upazila. In the whole process of this eviction, the main gainer is the Forest Department while sufferers are the evicted indigenous people.

Out of the four sample paras of Dhanu Chhara mouza, in Bara Kuichkha para and Dhanu Chhari para Village Common Forest is still found in some extent. The area under VCF in those two paras, i.e., 100 acres in Bara Kuichkha para and 10 acres in Dhanu Chhari para is demarcated in the mouza map respectively. The map of Dhanu Chhari mouza also shows high level of land related problems and disputes. In the western part of the mouza the major land related problems do concentrate. At the center of mouza map an area is encircled with black color where once an indigenous para (Kolu Pru Panaj para) was located. This para was totally evicted because of the Forest Department's land acquisition process. The adjacent Shil Chhari para also has been suffered severely by this land acquisition process. Because of this land acquisition initiative carried out by the Forest Department, land under control of Shil Chhari para has been reduced to only 34.8 acres from 308 acres over the last thirty years. However, some land was arranged by the Government for the resettlement of adibashis at the southern part of Dhanu Chhari mouza.

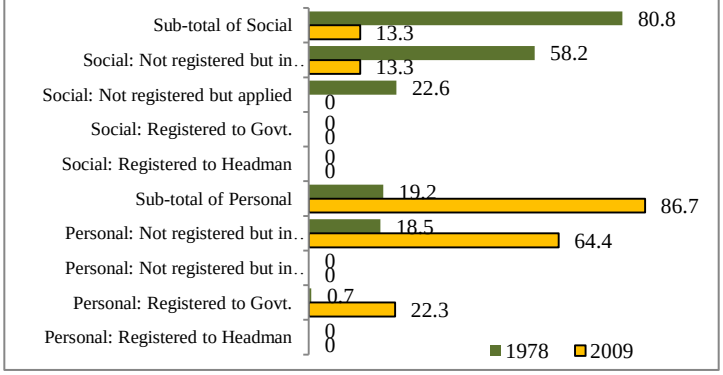
Map 15: Dhanu Chhara mouza



Kukya Chhari Mouza

Information gathered in field survey delineates that over the last thirty years (1978-2009) land under use/control of the sample paras of Kukya Chhari mouza has been decreased by more than 90%[161]. Like Dhanu Chhara mouza, the Forest Department played the cardinal role in changing the pattern of land ownership in this mouza. During last thirty years total accessible land in this mouza has been reduced quite significantly. While in 1978 out of 442.2 acres land under use/control of sample paras 357.2 acres land was owned by society, in 2009 it has been reduced to reduce to only 5.5 acres land due to the land acquisition undertaken by the Forest Department. Hence, over the three decades share of land under social ownership has been reduced to 13.3% from 80.8% of the total land under use/control of sample paras. The major cause of the reduction of land under social owned in Kukya Chhari mouza has been the lessening of unregistered land (society owned). Moreover, proportion of land under the category of 'social: not registered but applied' has been reduced to 0% during this period. Though between 1978 and 2009, amount of land under personal ownership has been reduced, proportion of personally owned land in fact has been increased. During this period proportion of personally owned land under use/control of paras has been increased by 67.5 percentage points (19.2% in 1978 and 86.70% in 2009). Mainly in two subcategories of personally owned land i.e., 'registered to Government land' and 'not registered but possessed land' this increment has taken place noticeably.

Figure 79: Land ownership patern in Kukya Chhari mouza in % (2009 and 1978)



Case Study 15: When inhabitant become refugee

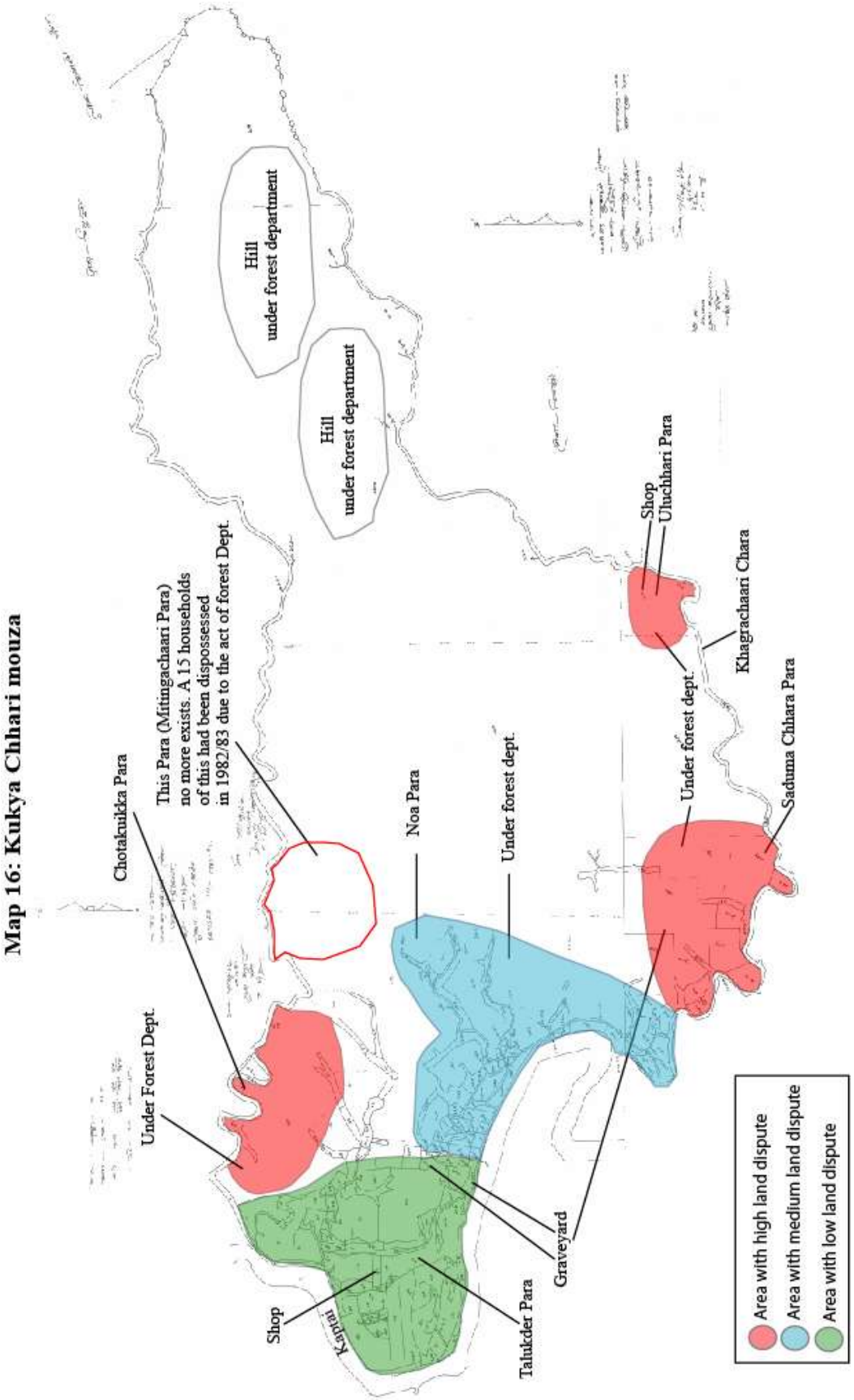
Crachiu Marma (50) was inhabitant of Noa Para, Kukya Chhari mouza. During 1982-1983 the Forest Department acquired a huge area of Noa para. During this process of land acquisition, Forest Department occupied the land of Crachiu Marma by force and hence evicted him from his land. As Crachiu Marma could not recover his land, he became refugee. In this process the ultimate gainer is the Forest Department, while the loser is Crachiu Marma. The problem can be resolve if government investigates the incident and takes appropriate steps to return that land to Crachiu Marma.

As majority of the land of Kukya Chhari mouza has been occupied by the Forest Department, Incident of land loss, land disposition, eviction, and land occupancy is quite noticeable in this mouza and hence land related complexity is extensive in this Mouza. Through the process of land acquisition by the Forest Department a para named Mitinga Chhari became extinct during 1982-83. Dwellers of that para are now living in Ghila Chhari and Dhanu Chhari para. In this regard, DC, UNO, Chairman and officers of Forest Department arranged a meeting for the proper resolution of land related complexities but they could not reach to any consensus in resolve this issue.

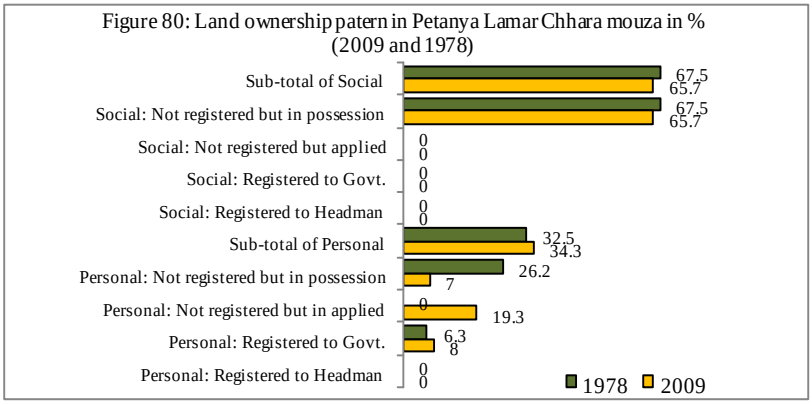
[161] Ulta Chhari para has been excluded from the final aggregation as the para is relatively new one.

During the study it has been found that Inhabitants of this mouza do not have any idea about land related rules and regulations. Participant of Group Discussion also reported that dweller of this mouza were not aware of the programmes undertaken by land related commission. However, they suggested that Government should take appropriate initiatives to recover their grabbed and lost land having proper consultation with local Headman, Karbari, and honorable person of this Mouza. In addition, it would be better for them if a proper land survey were conducted.

The mouza map of Kukya Chhari shows that the land related problems is huge in this mouza in Rangamati district of CHT. A huge amount of land has been acquired by Government in many parts of this mouza which has produced extreme negative impacts of the livelihood of the local people as their access to have been reduced significantly. Eastern hilly area of this mouza, which was previously accessible to inhabitants of different paras of this mouza, has been completely acquired by the Forest Department. Almost all of the paras of this mouza have lost major portion their land because of this extensive land acquisition. As mention ealier above, Matingachaari para has been disappeared during the last thirty years because of this land acquisition by the Forest Department. Among the five paras of these mouza, Bangalee settlers live in Talukder para and Noa para which were denoted as para with less land related complexities (green and blue shaded area in the mouza map) during the group discussion session. Hence, Bangalee settler related land dispute is less extensive in this mouza in compare with the Forest Department created land related problem.


Map 16: Kukya Chhari mouza
Hill under forest department
Hill under forest department
Shop
Uluchhari Para
Khagrachaari Chara
Under forest dept.
Saduma Chhara Para
Chotakukka Para
This Para (Mitingachaari Para) no more exists. A 15 households of this had been dispossessed in 1982/83 due to the act of forest Dept.
Noa Para
Under forest dept.
Under Forest Dept.
Graveyard
Shop
Para
Talukder Para
Area with high land dispute
Area with medium land dispute
Area with low land dispute

Petanya Lamar Chhara Mouza



Over the last thirty years, the pattern of land ownership in Petanya Lamar Chhara has remained similar in terms of the proportion of land under social and personal ownership. Moreover, proportion of land under social ownership is still very high (65.7%). However, this figure actually doesn't reflect the status and dynamics of land rights in this mouza. While in other sample mouzas of Rangamati district land acquisition by the Forest Department played the key role in the changing pattern of land ownership and land rights, in Petanya Lamar Chhara mouza it was extensive land grabbing by the Bangalee settlers which shape the current (2000) overall dynamics of land rights. Hence, in some of the paras it happen that Bangalee settlers evicted the local indigenous peoples and took the control of paras and adjacent land. As a result, it is observed that though in some of the paras total amount of land under use/control of paras has remained the same over the years, the amount of dispossessed land is very high. Moreover, in some of the paras Bangalee settlers has expanded the control of paras over the previously inaccessible land. Therefore, land under control and use of paras has not decreased as much it supposed to be. However, some changes in land ownership pattern can be observed over the last thirty years in this mouza when subcategories within personally owned land are considered. While during the last three decades proportion of registered land and tendency of registration has been increased, proportion of personally owned 'not registered but in possession' land has been decreased significantly (decreased by 19 percentage points).

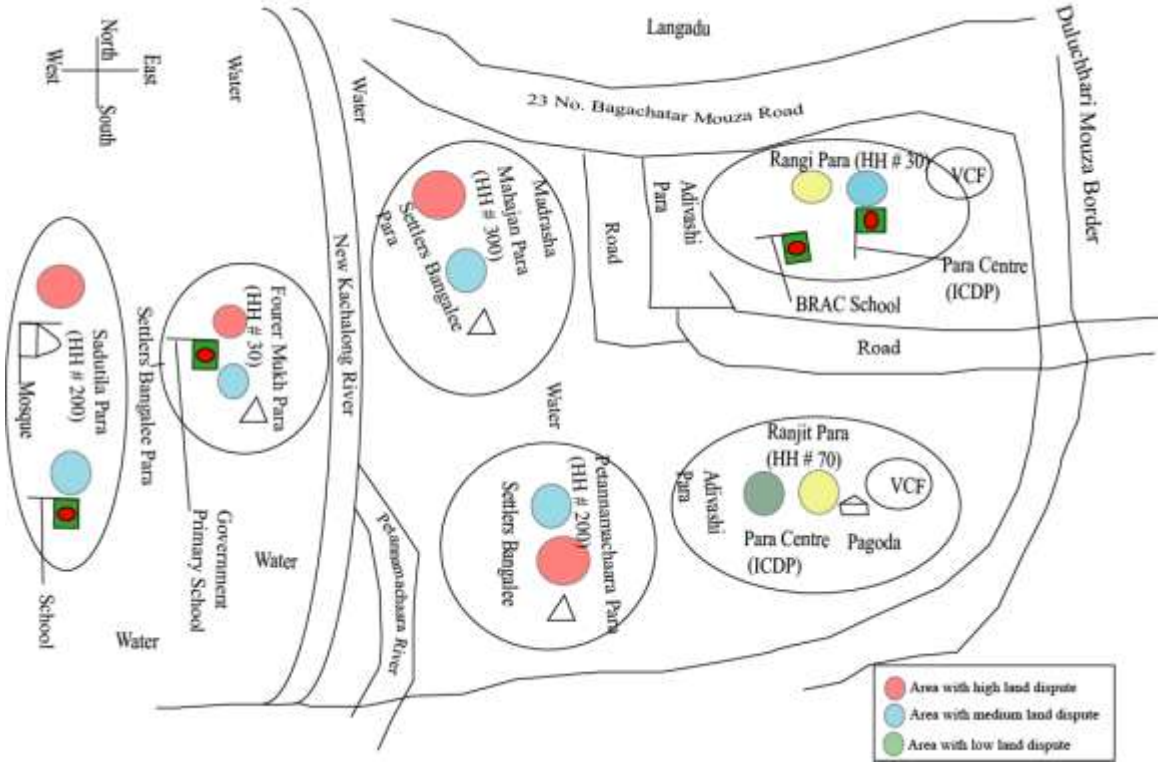
The main land related complicacy in Petanya Lamar Chhara is revolving around illegal land grabbing by the Bangalee settlers. During 1979-80, Bangalee settlers started to occupy the land of indigenous peoples of this mouza by force. Though, in recent years, eviction from land or land dispossession incidents is not so extensive, these sorts of occurrences were very common during 1979-80. However, still those evicted indigenous peoples bear the legacy of the land dispossession. Certain attempts were taken to recover that land, though those attempts were not successful.

Case Study 16: Land grabbing by the Bangalee settlers

Nripen Chakma (60), an inhabitant of Ranjit para, is a victim of illegal land grabbing by the Bangalee settlers and Bangladesh Army. The incident of eviction took place in Mahajan para in 1979-80. According to Nripen, during this incident, local indigenous people of this para were evicted by Bangalee settlers and Bangladesh military. Bangladesh Army and Bangalee settlers adopted extensive violence and force in this eviction process. Later on, Bangalee settlers with the help of military occupied some other paras named Sadhutila, and Petanya Lamar Chhara Para by using coercion. At present, Bangalee settlers are controlling the land of Mahajan para while indigenous people of those grabbed land are now living in Rangi para and Ranjit para. According to the adibashi people of this para, the proper solution of this problem lies within the recovering of dispossessed land of indigenous peoples.

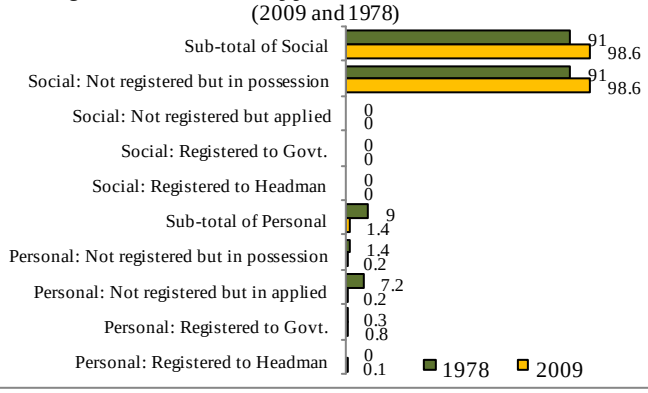
The mouza map of Petanya Lamar Chhara indicates the high intensity of land related problems in the Rangamati district of CHT. The land grabbing by the Bangalee settlers have been found in a very high intensity in this mouza. The map delineates that pressure of Bangalee settlement and associated land grabbing is mainly concentrated in paras located around the New Kachalong river. Hence, major land related complexity mainly concentrate in the centre and western part of Petanya Lamar Chhara mouza. The mouza map depicts that Village Common Forests are only found in the indigenous inhabited para (i.e., Rangi para).

Map 17: Petanya Lamar Chhara



Ballal Chhara Mouza

Figure 81: Land ownership patern in Ballal Chhara mouza in % (2009 and 1978)



Among the other sample mouzas of Rangamati district, Ballal Chhara mouza is some extent different from other mouzas in terms of land ownership pattern. The pattern of land ownership in this mouza has not been changed dramatically in last thirty years (between 1978 and 2009). However, unlike other sample mouzas, the ownership of land has been transforming towards social from personal. In 1978 where 9% of the land under control/use of paras were personally owned, which has been decreased to 1.4% in 2009. On the contrary, proportion of land under social or community ownership has been increased by 7.6 percentage points during this time. If sub-categories are considered then it is observed that change in two sub-categories i.e., 'social; not registered but in possession' land and 'personal: not registered but applied land has contributed in the change of proportion of community owned and personal owned land. While during last three decades proportion of community owned not registered land has been increased to 98.6% from 91%, proportion of personally owned not registered but applied land has been reduced to only 0.2% (reducing by 7 percentage points) of the total land under control of paras. In fact, the main reason behind this decline of personally owned 'not registered but applied' land is that Forest Department has been acquired significant portion of this type of land in Tinkunia Headman para over the last thirty years.

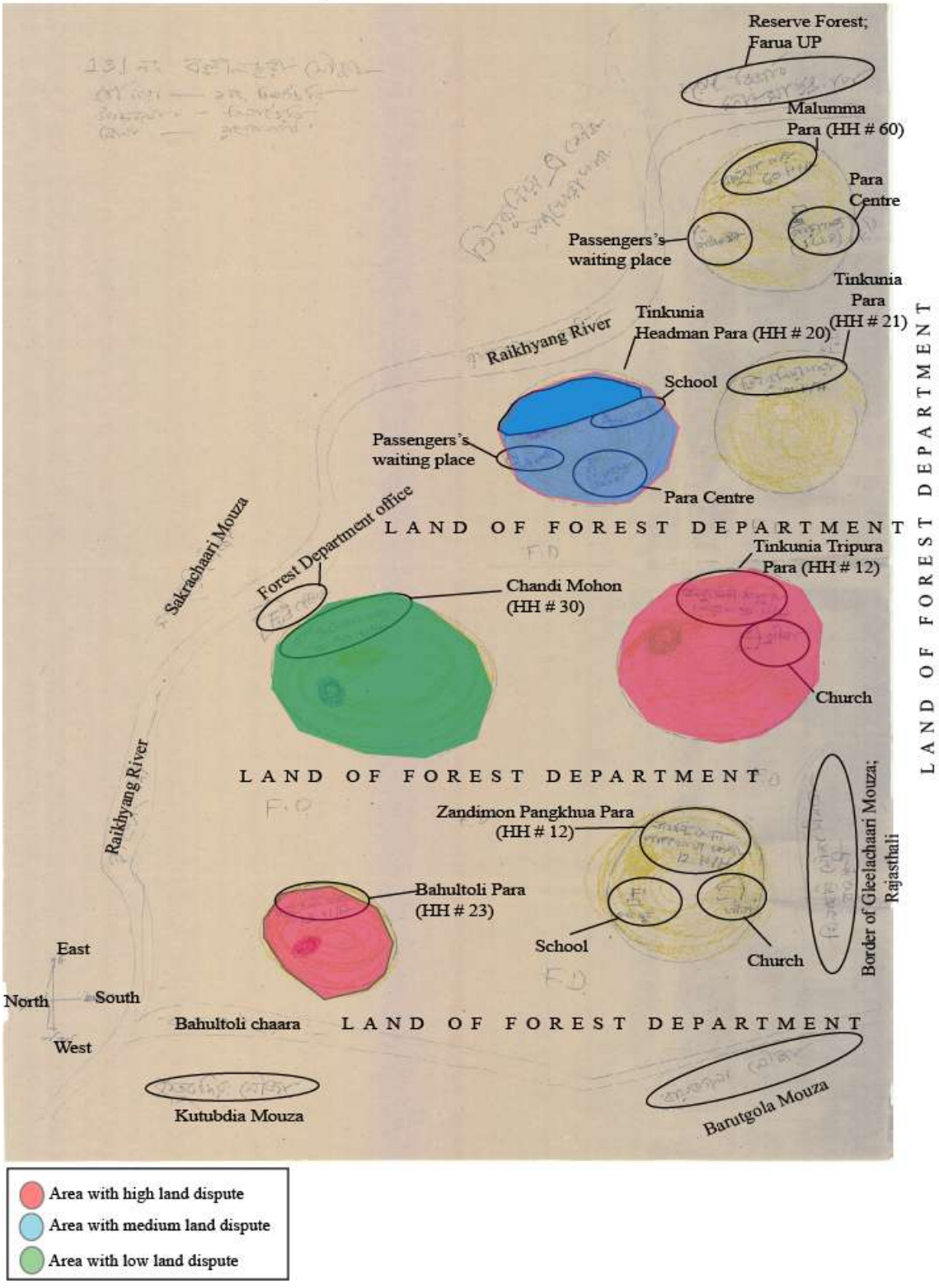
Intensive land acquisition by the Forest Department is the main source of conflict in Ballal Chhara mouza. During last thirty years the Forest Department acquired around 42% land under use/control of sample paras of this mouza. There was a village named Tobcca para which was extinct during 1976-1981 because of the land acquisition by the Forest Department. In some paras of Ballal Chhara mouza by offering jum land, Forest Department tempted and encouraged the local inhabitants to involve in afforestation process. Later on, the land was totally acquired by the Forest Department. Regarding land right related issues local inhabitants inform that as they do not have recorded land, they get in conflict with Forest Department quite frequently. In spite of this severe land related conflict with the Forest Department, local inhabitants of this mouza acknowledge that these conflicts can be mitigated through discussion. Though NGOs are assisting in resolving land complication, their previous initiatives were not fruitful.

Case Study 17: Harassment by the Forest Department

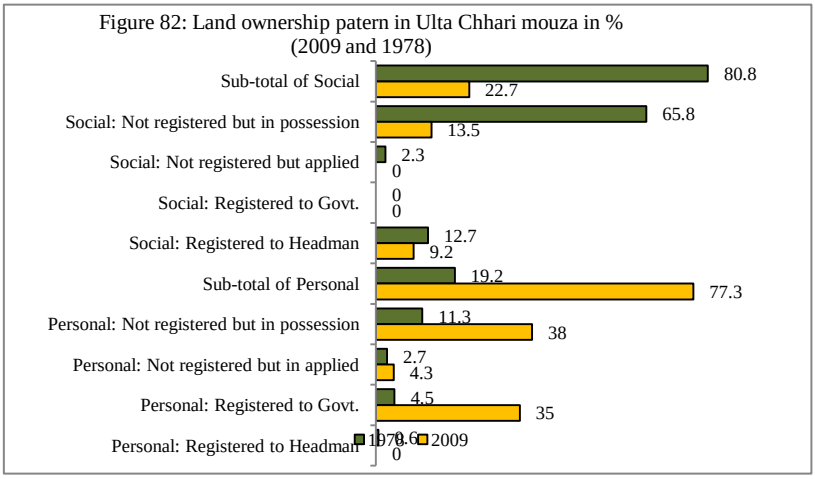
Dibendu Tanchangya (age 46) being the head of his household is the major source of earning of his household. Livelihood of his large family consisting of three sons and three daughters totally depend on him. While it is really burdensome for him to maintain his large household, forest lawsuit against him made his life worse. Forest Department filled around seven cases against him. Dibendu Tanchangya was sentenced to six months of imprisonment because of these lawsuits. Among these seven forest litigations, one lawsuit is still on proceeding which was filed against him by the Forest Department in 1999. When he moved to Chainda village of Darua union for business purpose, Forest Department suspected him and filed a law-suit against him. Dibendu Tanchangya believes that if government considers the case with considerate attitude and discharge the case, it would be helpful for him and his household members.

The mouza map of Ballal Chhara in Rangamati shows medium intensity of land related problems. No specific pattern of land related problem can be detected while considering by areas in the mouza. Land acquisition by the Forest Department is found in this mouza in different areas. The mouza map depicts that surrounding areas of almost all of the paras of Ballal Chhara mouza has been acquired by the Forest Department. Among the sample paras, Bahultoli and Tinkunia Tripura para have been suffered the most by this land acquisition process.

Map 18: Ballal Chhara mouza



Ulta Chhari Mouza



During the survey, it has been found that the area of land under use/control of the sample paras of Ulta Chhari mouza has not been declined as much as it has been declined in other sample mouzas of Rangamati district between 1978 and 2009. In 1978 the land under use/control of the sample paras of Ulta Chhari mouza was 1103 acres, while in 2009 it has been reduced to 913.5 acres. However, in some of the paras of Ulta Chhari mouza like Sukracharjya para and Daksin Ulta Chhari para the proportion of dispossessed land is relatively high.

Over the last thirty years, land ownership pattern of Ulta Chhari mouza has been changed quite significantly. In 1978, where 80.8% of the land was under social ownership, it has been reduced to 22.7% in 2009. Among the personally owned land if the sub-categories are considered it is observed that land under sub-category 'not registered but in possession' has been reduced dramatically over the last thirty years and reduction of this type of land has contributed in the decrease of overall share of socially owned land. In contrast to the proportion of socially owned land, proportion of personally owned land has been increased significantly (decreased by 58.1 percentage points) over this three decade time span. Under the personally owned land category, both registered to Government land and not registered but possessed land have been enhanced notable which, in fact, has contributed in the increase of proportion of personally owned land.

The main land rights related conflict of this Mouza manifests between indigenous and Settler Bangalees or Forest Department. Though certain attempts were taken to recover that land, most of them were not successful. Any Government or Non-Government organizations have not support them in this regard.

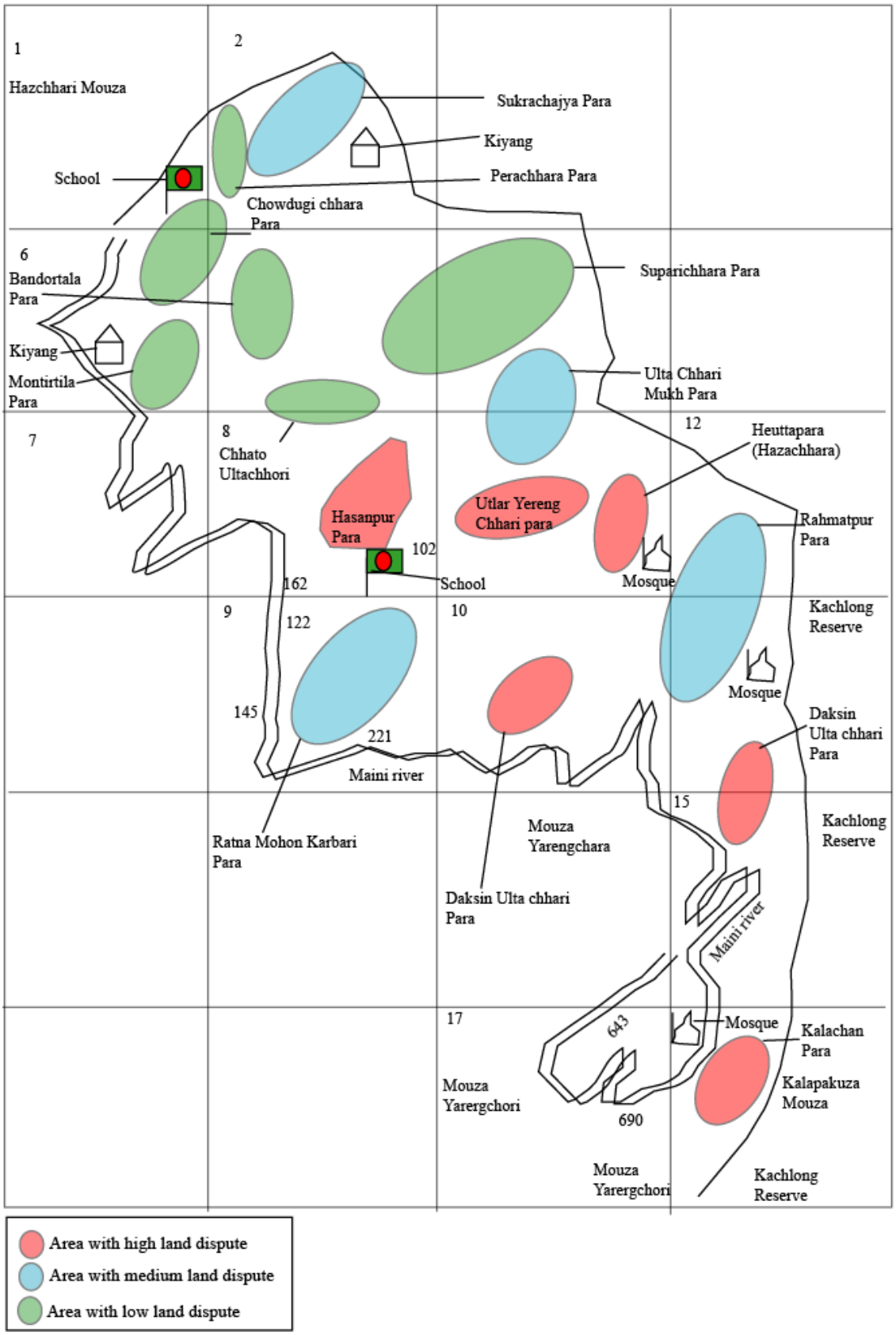
During the survey it has been reported that Inhabitants of this mouza do not have any significant knowledge about land related laws and regulations. They also do not know about current Land Commission issue and land related Government activities. According to the participant of the group discussion Government needs to arrange open discussion between local headman and local administration for the better resolution of the land related complication.

Case Study 18: Eviction of indigenous people from their land

In 1983, all of the Indigenous residents of a para named Jatramura para were evicted from their land and forced to live other adjacent paras. This coercive eviction and act of violence were carried out by settler Bangalees and Bangladesh Army. Since the incident, settler Bangalees have been illegally possessing and using the land of Jatramura para. The probable solution of the problem can be attained by returning the rightful land of Indigenous peoples. This sort of endeavor only can be successful through initiating proper discussion and communication among local headman, Karbari and local administration.

In Ulta Chhari mouza, according to the mouza map (drawn with the help of Headman and Karbaries due to inaccessibility of official mouza map) the land related problems mainly concentrate in the middle portion of the mouza (i.e., Daksin Ulta Chhari para, Uttar Yereng para, Ratna Mohon Karbari para). Major land acuirment by the Forest Deparment mainly concentrates in this segment of the Ulta Chhari mouza. Among these paras, dispossession of land by the Forest Department land acquisition process varies between 30 acres and 60 acres. Ulta Chhari mouza map indicates (with red circle) two entities of Daskin Ulta Chhari para, which have been splited over time. However, land related problem still persist in that para due to the Forest Department's intervention.

Map 19: Ulta Chhari mouza



Chapter 5
Population of Chittagong Hill Tracts: Status and Dynamics

Having been blessed with multi-dimensional assets, including a multifarious population spreading all over the country; Bangladesh is now recognized widely by the whole world. A great number of populations, viz: 143.3 million people are inhabiting the total spaces of Bangladesh. The majority of the population are Bangalees but there are also approximately 2.5 million[162] indigenous peoples or adibashi (original inhabitants) belonging to 45 different ethnic groups. These groups can be observed through out the whole areas of Bangladesh ranging from the plain lands to the remotest places but generally they are concentrated in the north and south-east hilly areas of the country. Like some other places in the plain lands the indigenous peoples are also found in the most 'naturally bestowed' but 'impassable' region – the Chittagong Hill Tracts of Bangladesh.

The population of any country is diversified with different cultures, casts, religions, socio-lingual characteristics, life-styles, social statuses, demographic features, environmental settings and also ethnicities. As the CHT is enriched with different ethnicities including the indigenous peoples as well as Bangalees, they are also speculated to be adorned by all these specialities more or less. The ancestral positioning of the indigenous peoples and the latterly re-habitation of a huge number of Bangalees in the CHT region; all have influenced these features in a great sense through out the previous decades. But the stories that have been depicted time to time about the status and dynamics of the CHT populations are mostly the stories of miseries and conflicts of the indigenous peoples over there. Chapter – 3 is a brief discussion about this point.

As the indigenous peoples are there in every corner of the world, every nation has a greater portion of their whole part that has been endowed with those indigenous peoples. This portion of the whole nation enriches the image of that nation to the world with lots of colors, thoughts and heritages of their own. All these project an outstanding picture in front of the eyes of the world. Bangladesh is also such a country that has been blessed with such varieties of indigenous peoples, who are mainly found in the CHT, have glorified the nation to the outer world with their everything. But in return they got nothing in a true sense.

Today, the world is experiencing a rapid decline in cultural diversity and the eradication of indigenous peoples and their life ways[163]. Many of these indigenous peoples, their language, culture, and life ways face a questionable future**.** There are rapid decline being seen in the cultural diversities as well as the scheme of indigenous people's human rights. These incidents make great changes to their self-identity and leave them continuously in a state of being

[162] According to the Bangladesh Government 1991 census, the population size of the Indigenous peoples of CHT was 1.2 million which was 1.13% of the total population of Bangladesh. But according to Rajkumari Chandra Kalindi Roy (2000), as there were no official counting of the indigenous peoples in CHT after 1991; the total size of the Indigenous peoples in CHT was 2.5 million till 2000.

[163] Indigenous Peoples Issues and resources: from http://indigenouspeoplesissues.com/ retrieved on 27 September, 2010.

threatened of abolishing. These changes happens because of the root causes inside the historical relationships - imperialism, colonialism, global economic development, and militarism - as well as cultural beliefs that rationalize or justify actions that have served certain cultures at the cost of others. In many instances, this cost has been disproportionately sustained by indigenous peoples.

Bangladesh is not an exception in this case. The indigenous peoples or the 'Jumma peoples'[164] of the CHT also have experienced the brutal consequences of their lives in the name of global and local development. Like the other indigenous peoples of the world, the Jumma peoples are also facing the consequences of water diversion and hydroelectric energy projects, militarization, global and national events, consolidation of natural resource access[165], and thus all are having an unprecedented impact on their total life ways.

There are approximately 370 million indigenous people spanning 70 countries worldwide[166]. Historically they 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, indigenous peoples are often amongst the most disadvantaged people in the world. Same can be said about the indigenous peoples of CHT in Bangladesh. They are constantly having threat on their lives, their self-identity, human rights, their right on the lands and their demand of constitutional autonomy. That is why it is also a threat to their survival.

Like some certain indigenous societies around the world, the Indigenous peoples of CHT used to survive even though they may no longer inhabit their "traditional" lands, owing to migration, relocation, forced resettlement or having been supplanted by other cultural groups. In many other respects, the transformation of culture of indigenous groups is ongoing, and includes permanent loss of language, loss of lands, encroachment on traditional territories, and disruption in traditional life ways due to contamination and pollution of waters and lands. And everytime the end result is insurgencies and conflicts among the people. So the crying need of the Indigenous peoples is peace and only peace by any means. That is why, the root cause of all these insurgencies must be sought out.

Defining the 'Indigenous Peoples'

The adjective *indigenous* has the common meaning of "from" or "of the original origin". Therefore, in a purely adjectival sense any given people, ethnic group or community may be described as being *indigenous* in reference to some particular region or location[167].

There does not seem to be one definitive definition of indigenous peoples, but generally indigenous peoples are those that have historically belonged to a particular region or country,

[164]Jumma Poeples: "Jumma" is a Chakma word derived from *Jum/Jhum* or shifting cultivation or swidden farming. The 12 ethnicities unify themselves under the banner of Jumma nationalism. *Jum* farming is a traditional way of farming in the mountainous terrain. The Chakmas, other constituent ethnic groups and even the Bangladeshis of Chittagong plain used to identify the indigenous peoples of the CHT as Jummas or the Jumma peoples. To the Jummas the *Jum* cultivation is not only a livelihood, it's the way of life. Majority of the Jummas may no longer depend on *Jum* farming for livelihood, but they are either descendant of the *Jum* farmers or continue to practice *Jum* farming in one way or another.

[165] Indigenous Peoples Issues and Resources: from http://indigenouspeoplesissues.com/ retrieved on 27 September, 2010.

[166] Global Issues: Rights of Indigenous Peoples. From http://www.globalissues.org/article/693/rights-of-indigenous-people accessed on 27 September, 2010.

[167] Indigenous Peoples: from http://en.wikipedia.org/wiki/Indigenous_peoples retrieved on 19 September, 2010.

before its colonization or transformation into a nation state, and may have different—often unique—cultural, linguistic, traditional, and other characteristics to those of the dominant culture of that region or state[168].

Indigenous peoples are people, communities, and nations who claim a historical continuity and cultural affinity with societies endemic to their original territories……These societies therefore consider themselves distinct from societies of the majority culture/s that have contested their cultural sovereignty and self-determination[169].

However, the specific term *indigenous peoples* has a more restrictive interpretation when it is used in the more formalized, legalistic, and academic sense, associated with the collective rights of human populations. In these contexts, the term is used to denote particular peoples and groups around the world who, as well as being native to or associated with some given territory, meet certain other criteria (such as having reached a social and technological plateau thousands of years ago). Indigenous societies range from those who have been significantly exposed to the colonizing or expansionary activities of other societies through to those who as yet remain in comparative isolation from any external influence.

The term "indigenous" has prevailed as a generic term for many years. In some countries, there may be preference for other terms including tribes, first peoples/nations, aboriginals, ethnic groups, *adibashi, janajati*. Occupational and geographical terms like hunter-gatherers, nomads, peasants, hill people, etc., also exist and for all practical purposes can be used interchangeably with "indigenous peoples"[170].

In some parts of the world, there are very few indigenous people, while in other parts; they may number into the hundreds of thousands, even millions. Precise estimates for the total population of the world's Indigenous peoples are very difficult to compile, given the difficulties in identification and the variances and inadequacies of available census data. Recent source estimates range from 300 million to 350 million as of the start of the 21st century. This would equate to just fewer than 6% of the total world population. This includes at least 5000 distinct peoples in over 72 countries[171]. Over the years, many groups of people have been wiped out, either by diseases of colonizing peoples, or through policies of extermination. Those indigenous societies that remain today are predominantly subsistence-based (i.e. farming or hunting for food for immediate use), and non-urbanized, sometimes nomadic[172].

Considering the diversity of indigenous peoples, the UN-system body (in their *United Nations Permanent Forum on Indigenous Issues-UNFPII* factsheet[173]) has developed a modern understanding of this term based on the following:

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[168] Global Issues: Rights of Indigenous Peoples. From http://www.globalissues.org/article/693/rights-of-indigenous-people accessed on 27 September, 2010.
[169] Indigenous Peoples: from http://en.wikipedia.org/wiki/Indigenous_peoples accessed on 19 September 2010
[170] The UNFPII factsheet: from http://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf retrieved on 28 September, 2010.
[171] Indigenous Peoples: wikipedia
[172] Global Issues: Rights of Indigenous Peoples.
[173] The UNFPII factsheet.

- ✓ Self- identification as indigenous peoples at the individual level and accepted by the community as their member.
- ✓ Historical continuity with pre-colonial and/or pre-settler societies
- ✓ Strong link to territories and surrounding natural resources
- ✓ Distinct social, economic or political systems
- ✓ Distinct language, culture and beliefs
- ✓ Form non-dominant groups of society
- ✓ Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities.

The UNFPII further denoted that, the Indigenous peoples around the world have sought recognition of their identities, their ways of life and their right to traditional lands, territories and natural resources; yet throughout history, their rights have been violated. Indigenous peoples are arguably among the most disadvantaged and vulnerable groups of people in the world today. The international community now recognizes that special measures are required to protect the rights of the world's indigenous peoples.

Indigenous people have often found their lands and cultures overridden by more dominant societies. During the era of European colonial expansion and imperialism, it was common for Europeans to think of themselves as more superior over others[174]. That is why they were in the practice of grabbing all the identities and properties of those indigenous peoples by making so many obstacles and even obstacles on achieving their human rights. This same thing is happening now in Bangladesh among the Jumma people in CHT.

It was after World War I and II that movements for indigenous rights started gaining more traction. Witnessing the immense destruction, violence and barbarism of those wars, colonized people began questioning the European claim that their civilizations were superior and peaceful[175]. Weakened European countries could no longer hold on to their colonies, and a wave of anti-colonial and nationalist movements sprung up as people around the world saw their chance to break free. European countries began conceding territories, and for many indigenous groups, accepted that they should have more rights to determine their own destiny. Many laws and regulations were made by the intellectual world; most of which have been adopted and manifested by the United Nations Organization. Their identities and rights were all taken into account for a peaceful living into this world. Under international law, tribal people, for example, do have some recognized rights. The two most important laws about tribal peoples are Conventions 107 and 169 under the International Labor Organization (ILO), part of the UN system[176].

These conventions oblige governments to identify the lands and protect the rights of the indigenous peoples. It ensures recognition of tribal peoples' cultural and social practices, obliges governments to consult with tribal peoples about laws affecting them, guarantees respect for tribal peoples' customs, and calls for protection of their natural resources. The indigenous peoples get their strength for facing the conflicts and make their life easier by those manifested laws and regulations. But the struggle for such rights is still not over. Many countries of the

[174] Global Issues: Rights of Indigenous Peoples. From http://www.globalissues.org/article/693/rights-of-indigenous-people accessed on 27 September, 2010.
[175] *ibid.*
[176] *ibid.*

world routinely violate the rights of indigenous people, which is also true for the Jumma peoples of CHT in Bangladesh.

In this respect, to find out the root cause of the insurgencies among the peoples of CHT in Bangladesh, it is a must to know about the people living over there.

The Demographic and Social Status of the CHT Population

The Chittagong Hill Tracts (CHT) comprises about 13,295 sq km, which is approximately one-tenth of the total area of Bangladesh[177] and borders India (Tripura and Mizoram States) and Myanmar (Burma). It was a single district of Bangladesh until 1984[178]. Since then till now, it is divided into three separate districts: Khagrachhari, Rangamati and Bandarban. Topographically, this is the only hill intensive area of Bangladesh. Geographically, the region contrasts greatly with the alluvial, monsoon-flooded plains of Bangladesh. There exists sharply contrasting differences between the plains and hills and those contrasting features are reflected not only in the elements of economy or demography but also in ethnic characteristics, languages, social customs and culture[179]. It is one of the few remaining abodes of Buddhism in South Asia, including Ladakh, Bhutan and Sri Lanka.

From the time immemorial the CHT have been the home of many of the indigenous ethnic groups. They collectively identify themselves as 'Indigenous' to their home land[180] and also as the 'Jumma people', the first peoples of the CHT. They are perceived by others as indigenous or adibashi (original inhabitant)[181]. There are eleven indigenous groups in the CHT along with the Bangalees. These groups can be identified as – Bawm, Sak[182], Chakma, Khumi, Khyang, Marma, Mru, Lushai, Uchay[183], Pankho, Tanchangya and Tripura (Tipra). Although the influences of national development have not had a uniform impact on the different peoples, they are bound together by a shared history, years of peaceful cohabitation and a common future[184]. The Jumma people are distinct and different from the majority Bangalee population of Bangladesh in respect of race, language, culture, religion and ethnicity.

As there are mainly three districts in CHT namely, Khagrachhari, Rangamati and Bandarban; all these districts have their own demographic and social status of their peoples. According to the Bangladesh Government's national data, the district wise vivid pictures of different categories are given hereafter.

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[177] The Ministry of Chittagong Hill Tracts Affairs, FAQ: from http://www.mochta.gov.bd/faq.php#15 retrieved on 28 September, 2010.
[178] Chittagong Hill Tracts: from http://en.wikipedia.org/wiki/Chittagong_Hill_Tracts accessed on 28 September, 2010.
[179] Barkat and Huda, 1988
[180] Roy R.C.K., 2000.
[181] *ibid.*
[182] Also recognized and pronounced as Chak.
[183] Although Uchay is not recognized or listed by the CHT peoples but Rajkumari Chandra Kalindi Roy (2000) has listed this ethnic group in her writings and also added that they are parallely known as Mrung, Brong and Hill Tripura.
[184] Roy R.C.K., 2000

Table 10: Bandarban District (Census Results at a glance)

SL.	Items	2001	1991
1.	Area (Sq. Km)	4479.03	4479.03
2.	Paras (villages)	1501	1037
3.	Household	60141	45682
4.	Household (Dwelling)	4.9	5.1
5.	Population	298120	230569
6.	Sex ratio	119	120
7.	Literacy (7 years & over)	31.7	23.8
8.	Other geographic units		
	Upazila	7	7
	Union	29	28
	Mouza	97	95
	Pauroshava	1	1
	Ward	9	3
	Mahallah	61	45

Source: Population Census, 1991 and 2001

After Bandarban, the different dynamics of the population in Khagrachhari district are also given hereafter.

Table 11: Khagrachhari District (Census Results at a glance)

SL.	Items	2001	1991
1.	Area (Sq. Km)	2699.55	2699.55
2.	Paras (villages)	1581	953
3.	Household	109190	70891
4.	Household (Dwelling)	4.8	4.8
5.	Population	525664	342488
6.	Sex ratio	112	111
7.	Literacy (7 years & over)	41.8	26.3
8.	Other geographic units		
	Upazila	8	8
	Union	34	35
	Mouza	120	120
	Pauroshava	1	1
	Ward	9	3
	Mahallah	61	22

Source: Population Census, 1991 and 2001

The Rangamati district has also some of its own projections over the CHT populations which are shown below.

Table 12: Rangamati District (Census Results at a glance)

SL.	Items	2001	1991
1.	Area (Sq. Km)	6116.13	6116.13
2.	Paras (villages)	1344	1210
3.	Household	102820	75889
4.	Household (Dwelling)	4.9	5.2
5.	Population	508182	401388
6.	Sex ratio	118	121
7.	Literacy (7 years & over)	43.60	36.48
8.	Other geographic units		
	Upazila	10	10
	Union	48	47
	Mouza	162	162
	Pauroshava	1	1
	Ward	9	3
	Mahallah	36	24

Source: Population Census, 1991 and 2001

After Rangamati, the different dynamics of the population in Bandarban are also given hereafter.

Ethnic minorities in the CHT, constitute 70% of the total tribal population in Bangladesh[185]. The number of population in CHT according to the ethnic groups starting from 1955 till 1980 is given in the table below.

Table 13: Changes in the size of ethnic minorities in the CHT by population (during 1955-1980):

Ethnic Minorities	Population	
	1955 (1)	1980 (2)
Chakma	1,30,000	4,00,000
Marma	1,30,000	1,00,000
Tripuras	35,000	15,000
Mrung	35,000	20,000
Mros	15,000	5,000
Tanchangyas	12,000	80,000
Ryangs	_	_
Khumis	2,000	2,000
Chaks/Saks	2,000	20,000
Khyangs	Several hundred	2,000
Bunjugis	_	_
Pankhus	1,000	2,000
Lushias/Mizo	Several hundred	2,000

[Source: (1) 1955 Figures from Loffler, L.G.: Shifting Cultivation in the Chittagong Hill Trracts, East Pakistan. (2) 1980 figures from Aggavansa mahathero {see 1, p1} – Both are cited in Barkat and Huda, 1988.]

From this table, it is evident that 4,00,000 Chakmas form the largest group among the minorities, and they occupy the central and northern parts of the region including its centre-Rangamati. The Murmas number about 100,000 and live in the southern and north-eastern parts of the tracts. Together these two tribes make up 77% of the hill peoples and unlike the rest of the hillmen, live mainly in the valleys. The other tribes excluding the Tripuras, numbering together about 110,000 live mostly in the south-occupying the forested hill ridges.

[185] BBS, 1979, p.3 as cited in Barkat and Huda, 1988

The population of the tracts increased rapidly since the beginning of the century. In 1901, the population size was 125,000; in 1931 it increased to just over 210,000 and by 1974 it had reached 508,000 and by 1981 it was 746,000[186]. The CHT had a new dimension of its ethnic population distribution through all these years which can be understandable by the table given below.

The population distribution of the different indigenous groups in these three CHT districts is as follows:

Figure 83: Population of the CHT Districts in 1991 by ethnic groups: Population of Bandarban (in %)

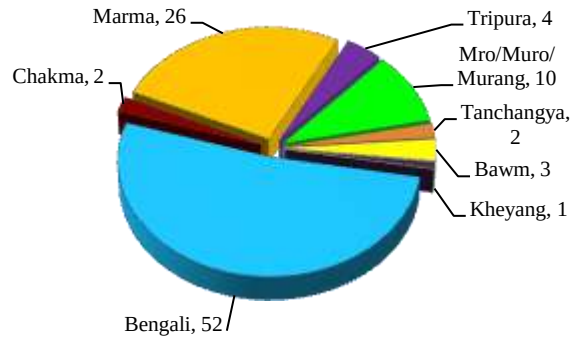
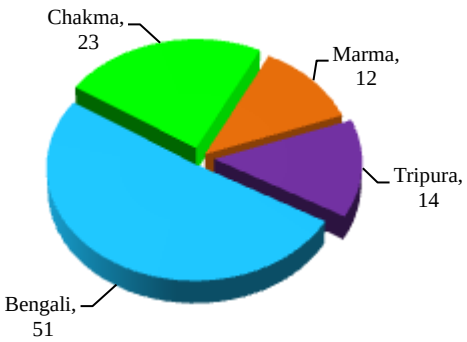
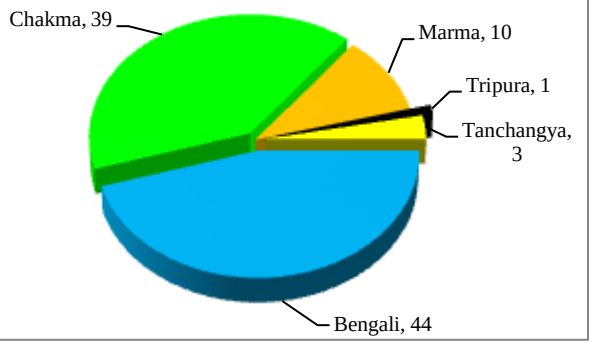


Figure 84: Population of the CHT Districts in 1991 by ethnic groups: Population of Khagrachhari (in %)



The three districts: Khagrachhari, Rangamati and Bandarban are also sectored into small paras and mouzas where all the indigenous peoples live along with the Bangalee peoples. The concept of para is synonymous to the concept of village in the plain land of Bangladesh[187]. According to the Government information in 2001, there are about 4426 paras in total in CHT, where 1581 paras fall under Khagrachhari, 1344 paras under Rangamati and under Bandarban 1501 paras.

Figure 85: Population of the CHT Districts in 1991 by ethnic groups: Population of Rangamati (in %)



Source: Adnan, 2004

There are twelve ethnicities (11 indigenous groups and Bangalees) live in CHT. All these indigenous groups are ethnic multi-lingual minorities who are occupying the major areas in CHT. The Table: 3.5 below show the distribution of the indigenous groups according to their spatial position over there in CHT.

[186] Barkat and Huda, 1988
[187] UNDP Baseline Survey, 2009

Table 14: Who lives where in CHT: by Upazilas and by Ethnicities

Sl. No.	Districts & Upazilas	Ethnicities											
		Bawm	Chak	Chakmas	Khyang	Khumi	Lushai	Marmas	Mro	Pangkhua	Tanchangya	Tripuras	Bangalee
1	**Bandarban**	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**12**
1.1	Alikadam	_	_	√	_	_	_	√	√	_	√	√	√
1.2	Bandarban Sadar	√	√	√	√	_	√	√	√	_	√	√	√
1.3	Lama	_	_	√	√	_	_	√	√	_	√	√	√
1.4	Naikhonchhari	_	√	√	_	_	_	√	√	_	√	_	√
1.5	Rowangchhari	√	_	√	√	√	_	√	√	_	√	√	√
1.6	Ruma	√	_	√	√	√	√	√	√	√	√	√	√
1.7	Thanchi	√	_	√	_	√	_	√	√	_	√	√	√
2	**Khagrachhari**	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**12**
2.1	Dighinala	_	_	√	_	_	_	√	_	_	_	√	√
2.2	Khagrachhari Sadar	_	_	√	_	_	_	√	_	_	_	√	√
2.3	Lakshmichhari	_	_	√	_	_	_	√	_	_	_	√	√
2.4	Mahalchhari	_	_	√	_	_	_	√	_	_	_	√	√
2.5	Manikchhari	_	_	√	_	_	_	√	_	_	_	√	√
2.6	Matiranga	_	_	√	_	_	_	√	_	_	_	√	√
2.7	Panchhari	_	_	√	_	_	_	√	_	_	_	√	√
2.8	Ramgarh	_	_	√	_	_	_	√	_	_	_	√	√
3	**Rangamati**	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**12**
3.1	Baghaichhari	_	_	√	_	_		√	_	√	_	√	√
3.2	Barkal	_	_	√	_	_	_	√	_	√	_	√	√
3.3	Belaichhari	√	_	√	√	_	_	√	_	√	√	√	√
3.4	Juraichhari	√	_	√	_	_	_	√	_	√	√	√	√
3.5	Kaptai	_	_	√	√	_	_	√	_	√	√	√	√
3.6	Kawkhali	_	_	√	_	_	_	√	_	_	√	√	√
3.7	Langadu	_	_	√	_	_	_	√	_	√	_	_	√
3.8	Naniarchar	_	_	√	_	_	_	√	_	_	_	√	√
3.9	Rajasthali	_	_	√	√	_	_	√	_	√	√	√	√
3.10	Rangamati Sadar	_	√	√	_	√	√	√	_	√	√	√	√

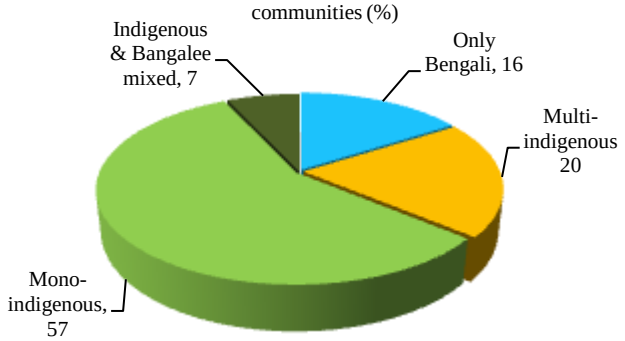
Source: UNDP Baseline Survey, 2009

In the 'UNDP Baseline Survey, 2009' it was found that, the paras in CHT can be grouped into four categories when a community is considered:

1. Para with only one indigenous group (mono-indigenous).
2. Para with only indigenous groups (multi-indigenous groups).
3. Para with only Bangalees.
4. Para with indigenous group(s) and Bangalees.

The majority of the paras in CHT (57%) falls under the category of 'Para with only one indigenous group (mono-indigenous)', followed by paras where only indigenous peoples of different groups live (20%). In these paras, though people of different indigenous communities live, the general trend in these paras is that in one para majority of the population is from only one indigenous group. In 16% paras of CHT there live only Bangalees. In 7% of the paras, people of different indigenous groups and Bangalees live together, where, in most cases, Bangalees are majority in number[188].

Figure 86: Composition of para in accordance with communities (%)



Source: UNDP Baseline Survey, 2009

According to the "UNDP Baseline Survey, 2009" the average household size of the CHT is 5.2 which is marginally higher than the national average (4.8). The average household size of the indigenous is 5.1 and that of the Bangalee is 5.4. The CHT population is comparatively young age-structured which corresponds to the age of the national population. About 58% of the population belongs to below 24 years, and 5% belong to 60 years and above.

The present ethnic composition of the CHT is strikingly different from what it had been around a century earlier. In 1872, the CHT population had been almost entirely pahari (the Hill people) who were 98% of the total population. In comparison the non-paharies (mostly Bangalees) accounted for a minuscule minority which was about 2%[189]. In 1951-56, all the ethnic groups comprised about 90% while in 1991, they declined drastically to around 51.4%[190]. The relative shares of all the ethnic groups in CHT had shrunk even further, as the proportion of Bangalees expanded to nearly half of the CHT population. Gradually they became more in numbers and made obstacles in every sphere of the life of the indigenous peoples of CHT.

The Notion of 'Land and Population Relationship' in CHT

Indigenous peoples confront a diverse range of concerns associated with their status and interaction with other cultural groups, as well as changes in their inhabited environment. Some challenges are specific to particular groups; however, other challenges are commonly experienced. Though the circumstances of indigenous peoples are improving in some places of the world, but their human rights continue to be abused in others. These issues include cultural and linguistic preservation, violation of land rights and uses, ownership and exploitation of natural resources, political determination and autonomy, environmental degradation and incursion, poverty, health, and discrimination in many forms. The CHT people in Bangladesh are also some of the victims of these issues.

The situation of the indigenous peoples of the CHT is mirrored in many other indigenous areas around the world. They too strive to maintain their traditional way of life and to protect their

[188] UNDP Baseline Survey, 2009
[189] Adnan, 2004
[190] *ibid.*

distinct identity as a separate people, with their own languages, customs and traditions[191]. Now the Jumma people of CHT are constantly seen in a situation of chaos and tensions. One of the reasons behind these situations is related with their political history. The Political history of CHTs is the history of political domination, intervention and economic exploitation by the outsider forces who represented higher mode of productions and production relations than the tribal population who represented a backward social and economic system since invasion by the Arakans in Seventh century A.D. till recent events of British interventions in later part of 19th and early 20th century and Pakistani and Bangladeshi exploitation in the later half of this century[192].

Thus the CHT has experienced drastic socio-demographic changes during the twentieth century, such that its social, economic and political landscapes have been qualitatively transformed[193]. These include growth of population size and density, shifts in ethnic and religious composition, as well as redistribution of the population over space, inclusive of shifts between urban and rural areas. Such forms of socio-economic exploitation and political crisis in CHT are multidimensional. The most profound roles in the socio-demographic transformation of the CHT, viz, the Kaptai hydro-electricity project and the transmigration programme formed the crisis situation in CHT.

The reservoir made by the Kaptai Hydro-Electric project submerged an area of about 250 sq. miles which is considered the best agricultural land of the locality and which makes up 40% of the total cultivable land in the tracts[194]. The Kaptai Dam for the tribal people turned into the instrument of alienation from their land and a source of deepest sorrows. Thus the farmlands and homesteads inundated by the Kaptai reservoir were primarily those of the hill peoples. Approximately 100,000 Chakmas were forced off their lands, consisting of around 10,000 ploughing families (with proprietary land rights), and around 8,000 swidden cultivating (jumiyas[195]) families[196].

According to this situation, measures were taken by many of the then concerned Governmental departments to provide alternative lands and monetary compensations to only those households that had lost plough lands, because their rights to land were recognized by the authorities. In contrast, such benefits were denied to swidden cultivators (jumiyas) because their customary rights on common jum lands were not recognized[197]. The Kaptai project is a case of one way switching of surplus from the hillmen without any compensation and benefit to them. Almost all the electricity from the project is supplied to urban centers outside the tracts. Fewer than 10% of the tribal people have access to the benefit of electricity. A survey among the Chakmas have found that, 69% of the Chakmas felt the dam created food and financial problems for them and 93% felt that the economic condition of tribal people had been better before that Kaptai dam was constructed[198]. In this way, the Kaptai Dam evicted the ethnic minorities from their principal means of production and livelihood and their agricultural lands.

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[191] Roy R.C.K., 2000
[192] Barkat and Huda, 1988
[193] Adnan, 2004
[194] Barkat and Huda, 1988
[195] Jumiyas: Those indigenous peoples of CHT who live their livelihood by doing the Jum cultivation or swidden farming.
[196] Mohsin, 1997 as cited in Adnan, 2004
[197] Roy, 1995; Mohsin, 1997 & Roy R.C.K., 1996 as cited in Adnan, 2004
[198] Choudhury et, al, 1979, p.31 as cited in Barkat and Huda, 1988

All these also violated the pre-existing practices concerning land use among the indigenous groups of CHT. Their available accounts indicate that notions of private property rights in land were not only absent, but also unnecessary for their way of life[199]. Their customary practices for allocating and using lands were handed down from one generation to another as part of an oral tradition. Prior to the introduction of the plough, they practiced only jum cultivation which necessarily involved shifting from plot to plot every year, each of which was cleared, cultivated and abandoned as part of a recurring 'fallow cycle'. In earlier times, the CHT had forested lands far in excess of the requirements of its limited population of swidden cultivators. No permanent agricultural fields had been necessary, since the forest itself provided the 'inexhaustible reservoir' of open-access lands from which particular plots were picked every year. In jum cultivation the most important thing was to have an agreed system for year-to-year demarcation and allocation of jum plots among its member households. Such a system of community based management of the allocation of jum lands could also respond flexibly to year-to-tear variations in the needs of a particular family[200].

The customary rules governing the allocation of land for jum cultivation among the hill peoples were primarily concerned with current and temporary rights of use (i.e. operational rights) on common lands. The need for year-to-year shifting between different plots meant that families had no great incentive to develop permanent rights in fixed plots of land. Consequently, jum cultivations, by itself, did not require the emergence of a system of private property in land[201]. Traditionally, the indigenous groups of CHT cultivated jum as part of a community of households, all of whom were interlinked by multiplex ties of kinship, status and authority. There was a social organization of production with agreed rules and sanctions for management of jum cultivation. In addition, the forests of the CHT provided a variety of other resources which were extracted and utilized by the jumma peoples in accordance with their customary socio-economic and cultural needs. Thus all these factors had critically shaped the historic nature of the land use practices among the indigenous groups of CHT. Therefore, among all the other forces, the victimizing of the ethnic peoples by evicting and relocating them in other parts of CHT in order to grab their lands and to construct the Kaptai dam are mentionable.

The Jumma people in CHT were victimized in such ways that they still can not think of a peaceful life. Some times the victimization had happened due to their lack of knowledge of commercial values of land and ignorance of the concept of private property, but for most of the cases it is a result of trickery of the Bangalee entrepreneurs and Government officials. The similar was the situation in case of other large scale industries in the region, for example, out of 6000 workforce of the Karnaphuli Paper Mill only 40 were hillmen. So, neither the industrial nor the infrastructural or the agricultural programmes implemented in the CHT have benefitted the ethnic minorities in the least.

[199] Bessaignet, 1958; Mey 1984 as cited in Mohsin, 1997 and Mey 1991; as cited in Roy R.C.K., 1996 and Roy R.C.K. 1996 as all cited in Adnan, 2004.
[200] Brauns & Loffler, 1990 as cited in Adnan, 2004
[201] Sopher, 1964 as cited in Adnan, 2004

The Issues of Transmigration and the CHT Population

The present socio-economic exploitations and the political crisis in CHT has its definite and unmistakable roots in the process of unsetting of tribals from their ancestral lands and planned in-migration of Bangalee settlers in the last decade of Pakistani rule and in post-liberation period of Bangladesh. However the Bangalees began to migrate in small numbers into the tracts since early 17th century. In the 1850-1860's the Chakma Raja and later his successor, Rani Kalindi brought Bangalee cultivators to work on the Raja's land and train the Chakma about lowland farming[202]. During the 19th century only the tribal chiefs were permitted to own land and the Bangalee immigrants became the share-croppers of that land. But the Bangalee population remained insignificantly small until partition of British India. In 1947, Bangalee inhabitants in Hill tracts region were only 2% of the total population. But after partition of India the Bangalee population began to increase. By 1951, it was 10.4% of the total; by 1960 it became 22.4% and in 1980 it reached 24.5 – 36%. This process of unsettling the tribals from their ancestral land created among them a deep feeling of alienation and a sense of frustration about their future. The process of alienation has been accelerated in 1970s, which is evident from the population growth rates in CHT due to Bangalee settlement. The population growth rate in 1974-81 was 5.6% against 3.2% in 1951-61[203].

The most critical roles in bringing about this socio-demographic transformation have been played by various kinds of migration and forced population movements. These include natural in-migration, state sponsored transmigration, eviction and forced displacement, out-migration under duress, internal displacement and exodus of refugees across the international border. Furthermore, some of these movements were planned operations, constituting elements of the 'demographic engineering' undertaken by the state[204].

During the 1970s and 80s, there were attempts by the Government to resettle the area with Bangalee people providing land grants, cash and rations. The transmigration or 'population transfer' programme was conceived in 1979 by the regime of the then President of Bangladesh and implemented in three major phases over 1980-85[205]. The very scale of the programme required wholesale mobilization of the state machinery, involving the civil administration as much as the military. The laws on entry, residence and land rights in the CHT were suitably amended in 1979 to facilitate the in-migration and acquisition of land rights by Bangalee settlers. Special committees and military officials were set up for its implementation, and millions of taka were earmarked for the costs. However, it is also significant that no public announcements and notifications were made about the transmigration programme. Only a signed gazette in march 1979, of an amendment to Rule 34(1) of the CHT Regulation of 1900 which regulated the procedures of settlements, leases, transfers and mortgages of lands within the CHT. Neither the mass of the Hill peoples, nor the traditional and political leaders were informed or consulted. The whole exercise was planned and executed with the precision and secrecy of a covert military operation.

[202] Barkat and Huda, 1988
[203] BBS, 1983, p-XXIX as cited in Barkat and Huda, 1988
[204] Adnan, 2004
[205] Ali, 1993; Roy R.C.K., 1996 & Mohsin, 1997 as cited in Adnan, 2004

The first phase of population transmigration began in February 1980, the second in August 1980 and the third one was initiated in July 1982. Through all these phases the Bangalee plain land mass peoples were taken to CHT as settlers. By 1981 the Banglees made up nearly one third of the total population of the CHT[206]. While estimates vary, the total number of Bangalee settlers brought into the CHT by the transmigration programme between 1980 and 1985 is unlikely to have been less than 350,000. The probable figure is closer to 400,000 – with 450,000 being the upper limit[207]. Hence the net addition from transmigration to the CHT population is likely to have been in the range of 300,000 to 340,000 peoples (excluding natural growth after entry into the CHT).

Data on population structure in the tracts clearly expresses the trend of forced out-migration of ethnic minorities from their 'own land' and planned in-migration of Bangalee (mostly landless of other districts) settlers[208]. One of the major means of alienation of ethnic minorities from their land is planned settlement of Bangalees into the tracts which started in 1964 after the abolition of special status of CHT. It is evident from the facts that in 1960 Bangalee population in the tracts counted for 23% of the total population of the tract. State sponsored resettlement plans under which about 580,000 Bangalees were expected to be settled in the tracts during 1960-1987 as envisaged by the state authorities were successful. The table given below can clarify this point.

Table 15: Number of expected Bangalee Settlers from the plain to the CHTs according to Government settlement schemes (1960-87)

Year	Number of Bangalees to be settled in CHTs
1960-1969 (Kaptai Dam, Karnaphuli paper Mill etc.)	1,00,000
1979	30,000
1980	1,00,000
1982	2,50,000
1987	1,00,000
Total	5,80,000
% of total population of CHTs (If total population 1 million)	58%

Source: Barkat and Huda, 1988

Since the early 1960s, through all the years of 1970s and 1980s; tribal peoples already had enough reason to conclude that it was official Government policy which outnumbered them on their own land.

In this way, Bangladesh Government migrated a huge number of Bangalee settlers into the CHT in between 1979 to 1985. Since then more plain land masses were migrated even between 1991 and 1996. This trend of sending settlers into the CHT continues to this very day. The Census report of the Bangladeshi Government has also avoided counting correctly the numbers of Bangalee Muslims in the area to possibly avoid any international scrutiny. By 1981 the Bangladeshis made up nearly one third of the total population of the CHT. These statistics above are unlikely to reflect the true number of migrants moving into the CHT, as the Bangladeshi

[206] Background of Jummas and CHT: from http://www.angelfire.com/ab/jumma/bground.html retrieved on 28 September, 2010.
[207] Mohsin, 1997 & Shelley, 1992 as cited in Adnan, 2004
[208] Barkat and Huda, 1988

Government is not willing to note the exact migration numbers due to fear of investigation from International agencies. The true number is likely to be higher than 400,000 between 1984 and 1997. After the peace accord[209], thousands of Bangalee Muslims still enter the CHT every day. As noted in the report after the Peace Accord, 10 to 15,000 people had entered the CHT from different parts of Bangladesh[210].

Given the number of Bangalee settlers brought into the CHT by the transmigration programme, a huge amount of land was needed to fulfill the promise of 'free' land grants by the state to each settler family[211]. However, virtually all the cultivable lands of the region, particularly those suitable for the plough had been already occupied by the early settlers. None of the settlement took place on hilly lands with steep slopes which are so common all around the CHT. The lack of free lands was an opportunity because the authorities forcibly settled the migrants on the private and common lands of the Hill peoples, with little regard for the hill peoples pre-existing land rights. The settlers were settled only in those valley regions which were populated by the indigenous peoples and not in the valley areas inhabited by non-indigenous Bangalee residents of the CHT. No attempts were made by concerned government functionaries to check whether there were prior rights held by the Hill peoples on the lands that were allotted to the settlers. A large number of hill peoples had been displaced and forced to move because of state violence and ethnic conflict, leaving their lands and homesteads unprotected. In many such instances, settlers are reported to have illegally taken over the lands of the ethnic hill peoples in their absence. These situations constituted a grave violation of international laws and conventions on the rights of indigenous peoples. Even the state itself had violated the property regime and the legal or possessory rights of the indigenous groups on their lands. In this way, the CHT peoples had gone through a severe phase of constant exploitations made by the demographic engineering of the state which eventually turned them into rebellions to fight for their own rights and existence.

The 'Push-Pull Factors' of the Transmigration Programme in the CHT

The transmigration programme that took place in the CHT over the last few decades has been referred by many of the CHT concerned personnel as 'demographic engineering'. But if it is referred as 'ethnic cleansing', the incident would take more appropriate meaning in real sense. The reason of why it should be treated as a process of 'ethnic cleansing' is manifold. As this process has been done through a planned policy by the ruling powers of making an 'in-migration' of the Bangalee mass people into the high-lands of the CHT, the planning included several 'push-pull' factors to work in line with the process.

Following this, 'ethnic cleansing' is a 'purposeful policy' and 'is similar to forced deportation or population transfer'.[212] The purpose of ethnic cleansing is to remove competitors. The party implementing this policy sees a risk in a particular ethnic group, and uses many instruments

[209] CHT Peace Accord 1997: On December 2, 1997, the Chittagong Hill Tracts Peace Accord was signed between the Jana Samhati Samity (JSS) [short form of Parbatya Chattagram Jana Samhati Samity (PCJSS)] and the Government of Bangladesh after years of peace talks and ended two decades of civil war. The Peace Accord recognizes CHT as a "tribal inhabited" region, its traditional governance system and the role of its chiefs, and it provides building blocks for indigenous autonomy.

[210] Jyoti, Ven. Pragya. (2006). 'Indigenous Peoples in CHT, Bangladesh'- A paper presented at the Seminar on CHT, held at Flinders University, Adelaide, Australia on 15th and 16th October 2006 from http://www.scribd.com/doc/25262039/Indigenous-Peple-in-CHT accessed on 28 September, 2010.

[211] Adnan, 2004

[212] Ethnic cleansing: retrieved from http://en.wikipedia.org/wiki/Ethnic_cleansing on 04 November, 2010.

about that group to stir up fear, uncertainty and doubt in the general population. Thus the targeted ethnic group is marginalized.[213] In the case of the CHT of Bangladesh, the party that acted as the policy maker of 'ethnic cleansing' in the name of transmigration programme was always the government. This political institution treated the ethnic communities of the CHT out of their fear, uncertainty and doubt as the competitors that can be risky for the occupation of the CHT. Thus to have a clear occupation of the CHT and setting up the so called loyal citizens over there, the government started the transmigration under many phases. Thus the CHT indigenous communities became marginalized and fell under constant exploitation. The instruments by which the government was indulged in the transmigration programme can be treated as the 'push-pull' factors behind the process.

In a first sense, the 'push-pull' factors in an incident of migration indicate the favorable and/or unfavorable living condition of an individual or a group from a particular place to another one. Generally these factors are generated from the situations of lack of socio-economic opportunities, low intensity hostility at all socio-economic levels including the state and greater opportunities across the border that are sorted out separately from each of the level. But in the case of the CHT, when the matter of transmigration programme implemented by the ruling powers is discussed, it means the policy that included both the 'push-pull' factors together under a whole platform of action. Both of the factors influenced each other and they are kind of overlapped by each one. What is a 'push' factor for the CHT indigenous peoples, may be a 'pull' factor that worked for the non-tribal or Banglaees and vice-versa. So, the exact dissections of these factors are quite hard to find out. Besides, all these factors were applied everytime by the government as the transmigration process was the policy by that political power alone. As a result, by being targeted; the ethnic people had to move on forcefully whereas the Bangalees were privileged to be settled down on their departed place.

It has been said earlier that the transmigration policy of the CHT region was more of a category of 'ethnic cleansing'. Generally, the reason given for ethnic cleansing is usually that the targeted community is potentially or actually hostile to the "approved" population.[214] This hostility among the ruling powers of Bangladesh about the 'approved' mass people of the plains against the CHT peoples, came along by the fear of loosing control over that region for which they took the initiative to the policy of transmigration programme. The other strong 'push-pull' factors that worked in this process can be traced back to the incidents of bringing the low land cultivators by the then Chakma Raja in 1860s for ploughing the CHT's untouched land that has been mentioned earlier (see footnote no. 41). But the comparatively more strong point that can firstly be mentioned as one of the 'push-pull' factors of the transmigration process is, the construction of the 'Hydroelectric project' (1959-63) on the Karnaphuli river near Kaptai. The inundation by this project as being a reservoir triggered off a 'chain reaction'[215] of land loss, population displacement, forced migration, impoverishment and social unrest among the ethnic groups. In addition to the material damage of losing the farms and own homes, this dam displaced more than 100,000 indigenous peoples who were forced to evacuate the designated area. Following the settlement in the flat valleys of the central and northern CHT, Chakma and Tripura groups

[213] Ethnic cleansing.
[214] Ethnic cleansing.
[215] Adnan, 2004

moved out to India, while Marma groups migrated to Arakan and lower Burma[216] (presently Myanmar) and during the war of 1971, large streams of pahari (hill people) refugees left the northern CHT.[217] In this respect, because of the loss of their ancestral lands, some 40,000 again Chakmas migrated to Arunachal Pradesh in India, and remain stateless up to this day. [218] Overall, despite belated and piecemeal attempts by the state to provide compensation and rehabilitation to some sections of the affected people, the Kaptai project generated a major shock-wave of population displacements in and around the CHT, the impact of which continued to be felt during the following decades.[219]

The other factors inside the 'push-pull' scheme of the transmigration programme is – building up the large-scale development projects from which the ethnic people were never served any benefit for their well being. They were being constantly evacuated for establishing such projects by which they were again displaced from their own lands. Moreover, after the evacuation of the CHT peoples; the Government had set up a rehabilitation office to facilitate the transition, but the results achieved were poor. Both in terms of quality and quantity the land provided for the displaced families was insufficient. In addition, the measures to provide adequate financial and technical assistance to enable the affected people to seek alternative avenues of employment, or to establish new income-generating ventures were carelessly administered and ineffective.[220]

When considering the 'land allocation' as a 'push-pull' factor of demographic change in the CHT, another picture can be obtained in evaluating the process of transmigration policy. The lands that were allocated to the indigenous families for their resettlement, in most of the cases, those were of inferior quality, i.e. flat lands, which were unsuitable for all purpose agriculture. This matter also signified a reduction in the total crop yield. For these low quality lands and low amount of yielded crops; the ethnic families had to face irregular annual cultivation which in turn used to keep them in the cycle of poverty. Besides, as the Government did not recognize their customary rights to their lands; they had to ultimately loose the ownership from their own lands. On the other hand, their lands were allocated to the Bangalee plain land settlers who could enjoy all of the outputs that those lands can yield. However, the indigenous families did not receive any compensation for the lands they had lost.

The 'inherent cultural and linguistic differences' between the rehabilitation officers, who were mainly from the Bangalees and the displaced indigenous peoples were; some other 'push-pull' factors that provoked the transmigration programme in the CHT. The problems were manifold that contributed to the general inefficiency of the whole programme. There were no translation facilities, and no efforts were made to ensure the displaced farmers' ability to understand the nature of the transaction they were agreeing to, and in many cases formally putting their signature marks to.[221] Moreover, many instances stated that the hill people received only a part of what they were entitled to, and this was paid in small amounts which increased the difficulties in consolidating alternative income generating enterprise/scheme. This situation again bounded them into the ever-growing web of poverty.

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[216] Adnan, 2004
[217] *ibid*
[218] Roy, R.C.K., 2000.
[219] Adnan, 2004
[220] Roy, R.C.K., 2000.
[221] Roy, R.C.K., 2000.

There are also some underlying causes reflected in the assessment of the 'push-pull' factors of the transmigration programme in the CHT. As the indigenous peoples were displaced by the occupation of their customarily owned homes, lands and forest areas; they faced difficulties in building new homes, unable to get the profit of the natural resources outputs, received insufficient compensation attributable to the corruption of government officials, did not have any employment opportunities in the local development projects including the hydroelectric project, had gone through the food and economic crisis and with these problems they also felt that their standard of living and overall situation had deteriorated because of the Kaptai dam. On the contrary, as their lands were given to the plain land masses, they could utilize the potentialities from these natural resources and benefit themselves afterwards.

The 'push-pull' factors had another dimension that is directly related to the population transfer programme in the CHT. And that is the usage of the 'legal instruments' by the government itself as because more drastic extra-legal measures were necessary to displace the paharis (hill people) from their lands and settle Bangalee migrants in the spaces so vacated.[222] These legal apparatuses had been used in such a way that, in one hand, they were 'opportunity finder' for the Bangalees; whereas, on the other, they were just the 'fate destroyer' for the CHT indigenous peoples. There is not much legal documentation of the early history of the CHT that could be sought out. In 1860 – in the 'Transition to a British administered district (Act XXII of 1860)[223]', the recognization and demarcation of the CHT as an indigenous area had come into being where the Non-indigenous settlement was restricted. But long after that in 1964, in the 'Constitutional Amendment (Act No. 1 of 1964)'[224], the special status of the CHT as an indigenous area had been removed which allowed the Non-indigenous peoples to own land on fulfilling certain criteria. After that in 1971, with an 'Amendment to Rule 34 of Regulation 1 of 1900 (a)(1)' the concern for 'the quantity of cultivable or cultivated flat land to be settled for plough cultivation with a single family of hillmen or non-hillmen residents' had been formed where the 'non-hillmen' or the outsiders of the CHT got chance to have potentialities by living over there.

Thus in 1979, the entry and settlement of non-indigenous persons to the Hill tracts was systematically facilitated, with the 'Amendment to Rule 34 (d)(I) of the 1900 Regulations' to expand the criteria for eligibility for land settlement and ownership in the Hill tracts to 'deserving persons' (though there is no explanation or other information provided in the amending legislation specifying the definitional criteria of a deserving person[225]). Thus there were no longer any restrictions on ownership by and residency of the – non-indigenous denoting the Bangalee peoples in the CHT. In order to encourage the plains families to move to the CHT, various incentives in cash and kind were offered. As a result in the late 80s, the in-migration of the Bangalees to the CHT grew in response to the increased income-earning opportunities in the economy resulting from the Kaptai project.[226] An allocation of 60 million takas (the national currency) was earmarked for the programme, and special committees established for its implementation.[227] There was also a fixed allocation of land settlement per family as recorded by

[222] Adnan, 2004
[223] Roy, R.C.K., 2000.
[224] *ibid*
[225] Roy, R.C.K., 2000.
[226] Adnan, 2004
[227] Roy, R.C.K., 2000.

an official document in 'Memo No. 665-C, dated 5 September 1980'[228] from the Commission of Chittagong Division in which the distribution of the scale of the Khas land free of cost for each of the plain land family were mentioned systematically.

In this way, thousands of families from the plains began to arrive in the CHT in many phases from 1979 to 1984 when enormous landless persons were settled over there, often on lands belonging to the indigenous peoples. This process of replacing the people gets worse with the beginning of militarization of the CHT which can be treated as another point of the 'push-pull' factors of the demographic changes in that region. Since the early 1970s with the army commencement of its operation in the Hill tracts started, many of the camps have been there for more than twenty years. Thus the Bangladesh Army has been occupying hundreds, perhaps thousands of acres of indigenous lands, including homes, plantations and farms, without the consent of the owners.[229] The lands were simply taken over, and the indigenous landowners did not receive any financial or any other compensation. The hill peoples viewed the burning of their homesteads, eviction from their lands and farms, and captivity in settlements under military scrutiny, as interrelated elements of an integrated strategy. They clearly felt that the objective of this strategy had been to uproot them from their lands, so that those could be forcibly redistributed to the settlers under the auspices of the state and its security forces.[230] Lands over there have been occupied through the legal procedure of 'land acquisition' under the 'Section 3' and 'Section 4' of the 'Chittagong Hill Tracts (Land Acquisition) Regulation of 1958' and through 'land resumption' under the 'Rule 50 (3)(a) of Regulation of 1900'.[231]

The indigenous peoples of the CHT have undergone much misery due to the transmigration programme implemented everytime by the ruling powers which were mainly done to occupy the vast high-lands of that region. In doing so, they became the sufferers. They have passed through a disaster situation as their life, property and peace have all been made to feel insecure by the lack of security and the 'transmigration' and 'resettlement' policies of the government and military action which forced them to run away from their own land. Large numbers of the Hill peoples had been displaced and forced to move because of state violence and ethnic conflict leaving their lands and homesteads unprotected.[232] Reversely, the plain land mass peoples were given many opportunities by the transmigration policies by which they became able to make their life peaceful and secured as much as they wanted.

Moreover, according to the Government policy of the transmigration programme in the CHT, where the Bangalees were replaced in the places of the indigenous peoples and their homesteads; the process of the migration that had happened over there was mainly an 'in-migration' in nature. Those 'in-migrations' among the tribal people may had happened from one 'para' to another one or from one 'mauza' to the other or alongside from the areas of the 'Kaptai dam' to the other parts of the CHT. It is mentionable that, before the transmigration programme the lives of the indigenous peoples and the 'para' where they used to live – were mainly jum centered under the control of certain Karbaries and Headmen. So the customary rights they used to enjoy on their jum lands were destroyed because of the population transfer policy of the government. They

[228] Roy, R.C.K., 2000.
[229] *ibid*
[230] Adnan, 2004
[231] Roy, R.C.K., 2000.
[232] Adnan, 2004

faced the pressure on their livelihoods by which their existence was threatened and this is the point of their 'in-migrations'. But there is not much record of these 'in-migrations' of the ethnic peoples to switch over their livelihoods totally outside the CHT though very few instances can be found as only a mere number of the tribal women migrated to the Capital city for having jobs in the 'beauty parlors'. Some other few numbers of the tribal peoples may have gone to Chittagong to run their lives.

Another underlying reason for the 'transmigration policy' may have the possibility to be linked to the 'fertility rate' of the tribal peoples. The tribal peoples had a very low 'fertility rate' for which there were very few population in the CHT regions. May be the geographical factors worked behind that situation though that has not been proved. As because it is considered in the discussion of the population numbers of the CHT that; in counting their numbers, the 'National Census Data' had been manipulated by the government to show their low numbers. So, to make a proportion among the total population size of the whole country, the Bangalees were replaced into the CHT. But still the actual number of the CHT population is unclear. In the discussion of the population formations of the CHT, this platform has no major impact on the population number of that region. The main concern is the constant exploitation made to the lives of the indigenous peoples under the veil of transmigration programme implemented by the ruling powers at different times in the CHT.

Considering all these incidents that have occurred in the CHT on the basis of the transmigration programme of the government, it can be summed up that, the indigenous way of life of the CHT peoples had come to an end because of all the exploitations made to them. That is why, all the 'push-pull' factors of the programme of population transfer that have just been discussed, have resulted in transforming the indigenous peoples into landless laborers without a land or resource base for their subsistence activities and thus their socio-economic life has been doomed. In addition, their political and legal rights over their ancestral lands have been shuddered and with that, their religious and cultural identity has been threatened, and the situation is one of ethnic conflicts in the CHT. These attempts of occupying the indigenous peoples' ancestral lands and replacing plain land masses to the high-lands of the CHT have been resisted by the tribal peoples, who, with the latent support of all those sufferers among the CHT ethnic groups; formed a guerilla force called 'Shantibahini'[233]. They started an armed conflict in reply of all those odds. As a result of the tribal resistance movement, successive Governments have again turned the Hill Tracts into a militarized zone. Thus the situations of 'chaos and conflicts' started creating everyday stories of sorrows and miseries among the indigenous peoples of the CHT.

[233] *Shantibahini*: The *Shantibahini* (Peace Force or Corps) was the name of the military wing of the Parbatya Chattagram Jana Sanghati Samiti (PCJSS)- the United People's Party of the Chittagong Hill Tracts in Bangladesh. It was formed in 1972 to preserve the rights of the tribal people in south-eastern Bangladesh, and fought for many years against the government. After its birth, this organization began attacking the state security forces in 1977 which continued till the CHT peace accord in 1997. It abandoned militancy following the peace treaty signed by the government and the Shamiti on December 2, 1997.

The CHT people in the conflicts in the CHT

During the Preceding decades, the CHT has been subject to severe demographic disruptions resulting from the impact of the Kaptai project and subsequent rounds of armed conflict, eviction and forced migration, engineered population movements etc. The consequences of these disruptive events have been superimposed upon on-going demographic processes such as natural growth, self-propelled migration and urban to rural movements. The divergence in the ethnic composition of the tracts is also reflected in the critical dimensions of socio-demographic changes in the CHT because of the transmigration programmes. The cumulative consequences of these varied processes have dramatically altered the socio-demographic landscapes of the CHT during the second half of the twentieth century[234].

The ethnic composition of the CHT has been profoundly transformed during the second half of the twentieth century. Although there are some legislative and administrative measures specifically relating to the indigenous hill people of the CHT, the constitution of Bangladesh does not include any provisions to recognize the special status of the Hill tracts and the rights of its indigenous peoples[235]. And this denial is reflected in every matter that is related to the tribal peoples of CHT. So this reflection is observed in the changes of the ethnic composition of CHT as well. In this respect, while the overall direction and magnitude of this change appears to be incontrovertible, the details of the population sizes are open to question. Much of the data are from official sources, which are alleged to have the tendency of undercounting the indigenous peoples in the CHT[236].

There are approximately 600,000 indigenous peoples in the Hill Tracts although the figures given by the 1991 census are slightly less, indicating a negative population growth among the indigenous peoples[237]. According to the 1991 census, the total population of the CHT is 974,465. Of them 501,145 (i.e. 51%) are Jumma people and the rest 473,300 (i.e. 49%) are Bangalee people[238]. It's notable that 70,000 Jumma refugees who were in Tripura state of India in 1986-1998 were not included in this census. There was sharp increase of the number of the Bangalees since 1971 due to the Government's sponsored migration program, while the Jumma population remained standstill due to persecution and lack of security of their lives and gradually they were decreasing in numbers. This will be evident form the table given below.

Table 16: Indigenous peoples and Bangalee population Statistics (1901-1991)

Census year	1901 (British period)	1951 (Earlier Pakistan period)	1981 (Bangladesh period)	1991 (Bangladesh period)
Indigenous peoples	1,16,000	2,61,538	4,41,776	5,01,144
Bangalee	8,762	26,150	3,04,873	4,73,301
Total	1,24,762	2,87,688	7,46,649	9,74,445
Indigenous peoples (%)	93%	91%	59%	51%
Bangalee (%)	7%	9%	41%	49%

Source: Suhrawardy, B.H. 'Outline of the CHT Economy: An Analysis', in "Vision", Rangamati, 15 June 1995, p.38

[234] Adnan, 2004
[235] Roy R.C.K., 2000
[236] Adnan, 2004
[237] Roy R.C.K., 2000
[238] Background of Jummas and CHT: from http://www.angelfire.com/ab/jumma/bground/people.html visited on 05 Nov., 2010.

According to the 1991 census, there were 974,445 tribal peoples from different communities and from different regions in the CHT. After that, the 2001 census showed that the population size was 1,331,966 persons in the CHT[239]. That means the total size of the population in the CHT has increased to a level of app. 36% which can not be compatible with the actual trend of population growth in CHT. This picture reveals that there were some kinds of improper delivering of information to the mass people. There may be some hypothetical arguments regarding this point which tends towards the possibilities of showing less number through the under counting of the tribal peoples in the CHT by the then Government just to show that the places were not of their own and they (the tribal people) has their origin outside the CHT. And the other side pointed to the spatial originality belongs to the native people of Bangladesh. So this gap reveals a huge missing link between the tribal people and the ruling Government of this country which is the root cause of all the insurgencies in CHT.

Besides all these arguments, the other debates still continues as the righteous counting of the CHT population, specially the indigenous peoples was not done during all through the past periods of time. Many of the peoples were not taken into account and thus a great number of people remained uncounted in the past population censuses. So almost all the censuses after the 70s under-counted the population of CHT and by misinforming the whole nation gave birth of continuous question and insurgencies in the CHT.

Through out the previous decades, the indigenous peoples of CHT have faced many of the brutalities and continuous conflicts in their lives. All these happened because of the massive inflow of Bangalee migrants from the plains resulting in the proliferation of their homesteads and settlement across the CHT landscapes[240]. The drastic nature of all these chaos has ignited the problems of legacy of virtually irresolvable socio-economic and political instabilities in CHT. Foremost among these are the forcible or the illegal takeover of the private and common lands of the hill peoples by the Bangalee settlers and the ethnic conflicts between them.

The continuous abuses and violation of the human rights of the ethnic groups were also diminishing the lives of those peoples. These human rights abuses include massacre, killing, torture, attack with arson, arbitrary arrest and detention, rape, sexual assault, political harassment, religious intolerance, looting, extortion and land-grabbing and also many more. Bangalee settlers and soldiers have been accused of human rights violations against the tribal minorities, including the massacre of civilians, extra-judicial killings, torture, and, more recently, the imprisonment of non-violent activists. The conflict between the ethnic groups and the Bangalees has polarized two sides. Bangalees in collaboration with the Bangladesh defensive and administrative power kept harassing the tribal peoples very frequently. Filing those civil and criminal cases by the tribal peoples substantially increased in the past few years but nevertheless, they received no judicial remedy. Since the judiciary system is dominated by the Bangalee people the ethnic masses could never be hopeful about their success in settling cases by the law courts and it is still going on. Eventually all remain in the state of continued insurgencies.

[239] Population Census, 2001
[240] Adnan, 2004

The socio-demographic disruptions backed by violence have also posed threats to the very existence of the marginalized indigenous peoples of the CHT. The fear of extinction as well as ethnocide continues to haunt the hill peoples of the CHT even today.

All these violations and the continued disturbances throughout the previous years among the CHT peoples do focus on the disconnections of facts and the initiations of fallaciousness of information about them. These things have also become evident in the current study in comparison to the previous national data over the years. That is why; the disorderliness inside the population estimation of the CHT at present has been revealed in the next section in details.

Chittagong Hill Tracts Population Estimation for 2009

According to Population Census 2001, the total population in CHT was 1,331,966 of which 897,977 was in rural area and the rest 433,989 was in the urban area. According to Population Census, from 1991 to 2001- the total population of CHT increased by 1.366 times. If the population growth rate according to census report is considered then the population size would be 1,731,401 in 2009. But, according to the estimation of this accompanying study, the population size in CHT would be 2,492,348- which is 1.439 times higher than the projected population using the census data.

Population scenario in CHT by districts by different time

Districts	Geographic location	Census Population		Projected population in 2009		
		1991	2001	Using census data	Using research Study	Gap from census projection to study projection
Bandarban	Rural	162,047	205,354	248,821	333,700	+84,879
	Urban	68,522	92,766	118,591	150,732	+32,141
	Total	230,569	298,120	367,412	484,432	+117,020
Khagrachhari	Rural	232,778	354,629	500,232	641,879	+141,647
	Urban	109,710	171,035	245,935	309,386	+63,451
	Total	342,488	525,664	746,167	951,265	+205,098
Rangamati	Rural	255,305	337,994	424,549	703,028	+278,479
	Urban	146,083	170,188	193,273	353,623	+160,350
	Total	401,388	508,182	617,822	1,056,651	+438,829
Total CHT	Rural	650,130	897,977	1,173,602	1,678,607	+505,005
	Urban	324,315	433,989	557,799	813,741	+255,942
	Total	974,445	1,331,966	1,731,401	2,492,348	+760,947

A total of 83 paras (30 in Bandarban, 30 in Khagrachhari, and 23 in Rangamati) had been brought under survey in this study. From the sample paras, the number of total households in two periods (i.e., 2009 and 1978) had been collected. The number of household in 1978 has been estimated through reporting from the concerned Karbaries and local knowledgeable elderly people. As the reporting about 1978 para population can have memory recall problem, though collected, emphasis had been given to the current (2009) population which would have minimum level of error. The current number of household in paras has been collected from the information of Karbaries and field checking as and when required. Then the total number of households in each of the sample paras has been multiplied by 5.2 to get the population size in 2009[241].

[241] For estimation, household size for rural areas of CHT (i.e., 5.2) from UNDP Baseline Survey 2009 has been used.

It is to note that in the Population Census 2001 para wise number of household and population size has been shown for the CHT districts. That census report does not report about 26 paras of the 83 sample paras (31.3% of the sample para). It is worth mentioning that this may be an indication of negligence or intentional act to decrease the rural population of Bandarban (which mostly consisted of indigenous people) or both[242]; though, it requires further investigation and information.

However, when only the available paras' (i.e., available in both 2001 census and 2009 study) population information are compiled, then it has been found that between 2001 and 2009, the population has been increased by 1.625 times in Bandarban, 1.81 times in Khagrachhari, and 2.08 times in Rangamati. Using these rates of increment to the rural population (according to Population Census 2001) of the three districts it has been estimated that in 2009 the rural population of CHT would be 1,678,607 (which was 897,977 according to Population Census 2001 and would be 1,173,602 if the census growth rate is considered). This increment is very high, while compare to the projected population of Bangladesh- which shows a 1.189 times increment of population between 2001 and 2009[243]. This very high increment in population size in CHT may indicate possibilities of under-reporting of population size in 2001 Census or in-flux of outsider population or both; which also requires further research.

As the current study has been administered in the para level (i.e., in rural areas of CHT), thus the population information has only been gathered from rural areas of CHT. To estimate the urban population in CHT in 2009 the rural-urban population ratio of Population Census 2001 has been used. In estimation, it has been assumed that the ratio has remained same in the period between 2001 and 2009. Using the rural-urban population ratio reported in Population Census 2001, the urban population for the three districts of CHT has been estimated. Then by adding the rural and urban population the total population for the three districts of CHT has been estimated for 2009.

Population Scenario in Bandarban

According to Population Census 2001, there are 7 upazilas, 29 unions, 97 mouzas and 1,501 paras in Bandarban. In this research study 30 sample paras were drawn from 5 sample mouzas from 5 unions of 4 upazilas.

It has been reported that in 1978, the sample paras of Bandarban, there were 560 households. The population size in those sample paras in 1978 has been estimated to 3,192[244]. The total number of household in 2009 in these sample paras are 2,128, where the population size has been estimated to 11,066[245]. This implies that in last about thirty years, in the sample paras of Bandarban, the number of population has been increased by 3.47 times.

[242] In this case, the possibility of inclusion of new paras has been considered and found in most cases the paras were created significantly before 2001.
[243] According to Statistical Year Book 2008, the projected population size of Bangladesh in 2009 is 147,860,000- which implies only an 18.9% addition with 2001 population, where according to Population Census 2001 the total population size in Bangladesh was 124,355,000.
[244] For estimation, household size for rural areas of Bangladesh (i.e., 5.7) from Population Census 1981 has been used.
[245] For estimation, household size for rural areas of CHT (i.e., 5.2) from UNDP Baseline Survey 2009 has been used.

In Population Census 2001, the para wise number of household and population size has been shown for Bandarban. However, it has been found that the census report does not report about 7 paras of the 30 sample paras (23.3%)[246].

However, if only the available paras' (i.e., available in both 2001 census and 2009 study) information are compiled, then it has been found that the total population size was 6,034 (in 23 paras) in 2001. From those 23 paras the number of household in 2009 has been found as 1,885, where population size would be 9,803 (household size has been considered as 5.2 according to UNDP Baseline Survey 2009 in this case). Thus, in those 23 paras, in last about ten years (from 2001 to 2009), the population size has been increased by 1.625 times (increased by 62.5%), While the projected population growth in Bangladesh between 2001 and 2009 is only 18.9%.

If this increment (62.5%) in population size is applied to project the overall rural population in Bandarban, then the population size in rural Bandarban becomes 333,700 (which was 205,354 according to Population Census 2001). According to Population Census 2001 the rural-urban population ratio in Bandarban was 1: 0.4517. If this ratio is used for estimation of the urban population in Bandarban then the urban population size in Bandarban becomes 150,732.

Thus the total population size of Bandarban in 2009 has been estimated to 484,313 (which was 298,120 according to Population Census 2001).

Number of households and population in sample paras in Bandarban in different time

Mouza	Para	Number of household	Population	
		1978 (Source: Reporting from HDRC Research Survey 2009)	2001 (Source: Population Census 2001)	2009 (Source: HDRC Research Survey 2009)[247]
Betchhara	Kadam Pru	62	140	250
	Merai	25	128	218
	Baraitola	17	249	130
	Betchhara	30	170	562
	Mayfow	21	217	260
	Lanthan	0	0	73
	Total	155	904	1,492
Fasyakhali	Sapergara Notun Marma	0	na	114
	Awlar Jhiri	6	na	88
	Khedanoya	26	na	5
	Dhaikka Pari	7	na	120
	Sapergara	60	695	1019
	Hadernasi	20	2,099	3120
	Total	119	na	4,467
Renikhyong	Deba	0	96	99
	Renikhyong Bagan	0	na	151
	Rangli Headman	0	110	234
	Dayai Headman	0	157	125
	Gayal Mara	0	158	187
	Baburchi	20	110	338
	Total	20	na	1,134

[246] In this case, the possibility of inclusion of new paras has been considered and found as created before 2001.

[247] Number of household is multiplied with average household size in CHT (i.e., 5.2) to estimate the population size (The figure for household size in CHT has been taken from UNDP Baseline Survey 2009).

Naikhangchaari	Maddam Chak	35	73	291
	Pardan Ziri	3	346	520
	Dungri Headman	40	412	546
	Chak Headman	40	234	234
	Ashar Toli	70	86	832
	Notun Chak	7	150	156
	Total	195	1,301	2,579
Balaghata	Guda	2	na	161
	West Balaghata	25	na	624
	Habron	0	172	146
	Mang Pru	24	65	177
	Tangpru	17	136	234
	Kanaiuo Tanchangya	3	31	52
	Total	71	na	1,394

na = not available

Population Scenario in Khagrachhari

There are 8 upazilas, 34 unions, 120 mouzas and 1,581 paras in Khagrachhari (Population Census 2001). A 30 sample paras were drawn from 5 sample mouzas from 5 unions of 4 upazilas of Khagrachhari for this study.

Number of households and population in sample paras in Khagrachhari in different time				
Mouza	Para	Number of household	Population	
		1978 (Source: Reporting from HDRC Research Survey 2009)	2001 (Source: Population Census 2001)	2009 (Source: HDRC Research Survey 2009)[248]
Gumati	Bali Chandra	15	252	546
	Brenda Kesor	25	214	338
	Mahabub Member	15	196	322
	Kala Pani Monsur Contractor	38	300	728
	Sadek Chairman	40	371	468
	Alim Sarkar	50	337	442
	Total	183	1,670	2,844
Perachhara	Pratap	34	228	374
	Comilla Tila	22	960	1212
	Kalapani Chhara	25	160	208
	7 Mile	10	159	276
	Palukya	13	248	286
	Guladana	5	210	213
	Total	109	1,965	2,569
Maischhari	Rabi Chandra Karbari	22	na	317
	Khirood Chandra Karbari	15	188	338
	Chowdhury	17	329	400
	Narendra Karbari	16	92	156
	Jibon Dhan Karbari	18	na	151
	Bali	7	231	286
	Total	95	na	1,648
Alutila	Eishan Moni Headman	60	160	192
	Alutila Punorbashon	82	na	426
	Bang Mara	60	400	390
	Shap Mara	60	192	166
	Ashutosh Karabri	20	na	104

[248] Number of household is multiplied with average household size in CHT (i.e., 5.2) to estimate the population size (The figure for household size in CHT has been taken from UNDP Baseline Survey 2009).

	Khelakumar Karbari	40	na	135
	Total	322	na	1,414
Kabakhali	Daskin Hasinchan Pur	50	968	1196
	Harendralal Karbari	150	1,405	6240
	Headman	25	653	598
	Joykumar Karbari	25	532	572
	Durgha Karbari	30	186	302
	Hajachhara Jora Bridge	50	na	447
	Total	330	na	9,355

na = not available

According to the reporting of the local knowledgeable people in the sample paras of Khagrachhari in 1978 there were 1,039 households- which implies a population of 5,922 in those 30 sample paras[249]. The total number of household in 2009 in these sample paras are 3,429 and the population size is 17,830[250]. This implies a 3.01 times rise of population in the sample paras of Khagrachhari in last thirty years.

It is to note that the Census Report 2001 does not report about 6 sample paras from the 30 paras (20%) of the sample mouzas.

If only the available paras' information (i.e., available in both 2001 census and 2009 study) are compiled, then it has been found that the total population size was 8,971 (in 24 paras) in 2001. From those 24 paras the population size is 16,249[251] in 2009. Thus, in those 24 paras, in last about ten years (from 2001 to 2010), the population size has been increased by 1.81 times (increased by 81.1%), where the population size growth for Bangladesh is only 18.9% in this period.

If this increment (81.1%) in population size is used to project the overall rural population in Khagrachhari, then the population size in rural Khagrachhari becomes 641,879 (which was 354,629 according to Population Census 2001). According to Population Census 2001, the rural-urban population ratio in Khagrachhari was 1: 0.482. If this ratio is used for estimation of the urban population in Khagrachhari- then the urban population size in Khagrachhari becomes 309,386.

Thus, the total population size of Khagrachhari in 2009 has been estimated to 951,265 (which was 525,664 according to Population Census 2001).

Population Scenario in Rangamati

There are 10 upazilas, 48 unions, 162 mouzas and 1,344 paras in Rangamati (Population Census 2001). In this study, 23 sample paras were drawn from 5 sample mouzas from 4 unions of 3 upazilas of Rangamati.

It has been reported that, in 1978, in the sample paras of Rangamati there were 1,210 households and the population size has been estimated at 6,897 (using the household size of rural

[249] For estimation, household size for rural areas of Bangladesh (i.e., 5.7) from Population Census 1981 has been used.
[250] For estimation, household size for rural areas of CHT (i.e., 5.2) from UNDP Baseline Survey 2009 has been used.
[251] For estimation, household size for rural areas of CHT (i.e., 5.2) from UNDP Baseline Survey 2009 has been used.

Bangladesh- 5.7, according to Population Census 1981). The total number of household in 2009 in these sample paras are 1,565 and the population size has been estimated at 8,138 (using the household size of rural CHT- 5.2, according to UNDP Baseline Survey 2009). This shows that in last thirty years, in the sample paras of Rangamati, population size has been increased by 1.18 times.

It has been found that the Census Report does not report about 13 sample paras out of the 23 paras (56.5%) of sample mouzas of Rangamati.

However, if only the available paras' (i.e., available in both 2001 census and 2009 study) information are compiled, then the total population size comes to 2,246 (in 10 paras) in 2001. In the 10 paras in population census, the population size would be 4,679 in 2009[252]. Thus, in those 10 paras, in last about ten years (from 2001 to 2010), the population size has been increased by 2.08 times (increased by 108.3%). This is indeed a very high increment where during the period between 2001 and 2009, the growth of population size of Bangladesh has been estimated to only 18.9%.

If this increment (108.3%) in population size is used to project the overall rural population in Rangamati, then the population size in rural Rangamati becomes 703,028 (which was 337,994 according to Population Census 2001). According to Population Census 2001 the rural-urban population ratio in Rangamati was 1: 0.503. If this ratio is used for estimation of the urban population in Rangamati then the urban population size in Rangamati becomes 353,623.

Thus, the estimated total population size of Rangamati in 2009 comes to 1,056,651 (which was 508,182 according to Population Census 2001).

Number of households and population in sample paras in Rangamati in different time

Mouza	Para	Number of household	Population	
		1978 (Source: Reporting from HDRC Research Survey 2009)	2001 (Source: Population Census 2001)	2009 (Source: HDRC Research Survey 2009)[253]
Dhanu Chhara	Bara Kuichkha	60	137	270
	Shil Chhari	100	na	73
	Dhanu Chhari	60	164	218
	Madan Karbari	55	99	224
	Total	275	na	7,85
Kukya Chhari	Chotakuikka	100	14	57
	Saduma Chhara	50	na	31
	Uluchhari Mazar	0	na	36
	Noa	80	182	187
	Talukder	70	116	203
	Total	300	na	5,15
Petanya Lamar Chhara	Mahajan	70	168	1560
	Petannamachaara	50	na	156
	Rangi	30	na	364
	Ranjit	50	na	1040
	Total	200	na	3,120

[252] In this estimation, household size has been considered as 5.2 according to UNDP Baseline Survey 2009

[253] Number of household is multiplied with average household size in CHT (i.e., 5.2) to estimate the population size (The figure for household size in CHT has been taken from UNDP Baseline Survey 2009).

Ballal Chhara	Bahultoli	45	na	130
	Tinkunia Tripura	3	na	52
	Tinkunia Headman	30	na	104
	Chandi Mohon	6	na	156
	Total	84	na	442
Ulta Chhari	Daksin Ulta Chhari	40	487	1331
	Uttar Yereng	86	na	322
	Sukracharjya	100	524	182
	Ratna Mohon Karbari	60	na	624
	Ulta Chhari Mukh	45	na	369
	Chowdugi Chhara	20	355	447
	Total	351	na	3,276

na = not available

A Caveat

In today's world of geo-political dynamics, most states are multi-ethnic in composition. Along with other components, it is essential that indigenous peoples are not marginalized from national policies and programmes. They have the inalienable right to participate in all such processes, particularly as the recipients of derived benefits, and not exclusively as those who bear the costs, which has been the practice so far[254]. For a cohesive national identity within any country, it is necessary to recognize and accommodate the rights of the indigenous peoples living within that nation-state. They should also have the right to determine their own future, on an equal basis with the whole nation. And this is also true in the case of their land rights.

Beginning from a recent past time, the still continued present ethnic conflicts in CHT between the "tribal" minorities and the Bangalee settlers has arisen out of the necessity of domination. This domination took place in the form of population transfer along with the wrong treatment with the rights of the indigenous peoples' on their lands. Therefore, the conflicts of CHT is a conflict between landless and near landless impoverished categories of population on one hand and those who have the ownership and command over the economic resources and power, on the other[255].

The land provides the material base for the enjoyment of the cultural rights of the indigenous peoples of CHT and their right to a separate identity as a distinct people. Indigenous land rights are conceptualized within the framework of a separate legal regime, distinct from that of the rest of the country. It is inherent and inalienable, and is conceptualized within the framework of customary rights. Rights and interests in land are regulated and administered by indigenous institutions according to customary law and include provisions for the control, use and management of the land and its resources[256].

The state policy of resettling the 'Plain land mass people' into the CHT is one main reason that has switched on the problems of the land rights of the ethnic minorities in those areas. The 'demographic engineering' initiated by the state has increased the Bangalees in the population of the CHT. The reason behind this action was to use the force to evict and relocate the ethnic peoples from their lands with the planning of the transmigration of a huge number of Bangalee

[254] Roy R.C.K., 2000
[255] Barkat and Huda, 1988
[256] Roy R.C.K, 2000

settlers into those lands. The political objective of the demographic engineering was to accelerate the settlement of a sizable Bangalee population in the CHT that could be counted upon to be loyal to the Bangladeshi state[257]. The situation got worsened further due to the absence of constitutional recognition of indigenous peoples' identity and rights, lack of effective policy, non implementation of the CHT treaty and non-functioning of the CHT land commission. For this reason, local tribal peoples' existence has been violated by the imposition of power for the extraction of the land and natural resources.

Therefore, problems related to the 'land rights' of the indigenous peoples of CHT is one of the most serious impediments to peace in the CHT. This problem is still making hindrances by chaos and conflicts among the ethnic peoples. So the crisis in the CHT is not a conflict between ordinary Bangalees and the tribal peoples. It is a problem created by the ruling classes that had ruled over the previous 'Bengal' regions and the current Bangladesh. So, the state should change its 'mind set' to see each and every person equally and must take initiatives to create an effective unity between the ethnic minorities and the Bangalee settlers in CHT.

All these above statements make a highlight about the huge discontinuation of information and action in regard to the indigenous peoples of CHT. Even the data gathered in the current study and the data projected from the previous censuses by the Governments do not acquire the quality of a matchable unity. The projection of the population number by the censuses depicts a lot more different picture with the compatibilities with the population status and dynamics of CHT. The impact of this incident is thus reflected on the lives of the indigenous peoples over there which must be addressed to resolve with the help of the proper utilization of laws and regulations and the initiation of harmony among the CHT peoples.

[257] Adnan, 2004

Chapter 6
Key Learning

Set apart from the rest of the South-Asia by diverse landscapes, today Bangladesh is a well-recognized country throughout the whole world. Every aspect of the country presents itself on a massive and exaggerated scale, worthy in comparison only to the superlative qualities that have augmented the nation in return. Now this country can be organized along with the compass points where the CHT is identified most prominently with its own extraordinary land formations and exceptional population dynamics.

One of the remotest parts of the country – the CHT – is the home for different indigenous peoples who are tied strongly with each other for keeping a special socio-economic life-style within themselves. They have fought continuously for their political stances for legal rights and have enriched the nation's essence of cultural dignity as a whole. Nowhere on Earth does humanity present itself with such platforms of socio-economic dimensions, political insights, cravings for the legal uprightness, strong religious faiths and deep cultural continuities. That is why, it is impossible not to be astonished by the CHT and its peoples.

The Chittagong Hill Tracts (CHT) is comprised of three hill districts Bandarban, Khagrachari, and Rangamati. It is situated in the southeastern corner of Bangladesh that has a total land area of about 13,294 square km, which is about 10% of the land area in Bangladesh.

The region remains as one of the major crucial political and development discourse. Issues related to ownership and use, access, possession and dispossession of land, and relevant rights are the most complex ones in the CHT. Indigenous peoples in the CHT are some of the most socio-economically disadvantaged and politically marginalized peoples in Bangladesh. One of the key aspects of this marginalization is gradual dispossession of their land. Besides ownership, the changing dynamics of use of land has also been acting adversely on the livelihood of indigenous communities in the CHT.

The study has been conceived and undertaken in this context in order to get comprehensive idea about the present status and dynamics of land ownership, land use and population in the CHT, including the extent of and reasons for the dispossession of and alienation from their land and forests.

A methodology- unorthodox but strong in logical manner- has been designed and used for this study. Both primary and secondary data and information has been collected. Sample mouzas were taken to represent the overall land scenario of the CHT. In selection of the sample mouzas different level of intensity of land related problems has been taken into consideration applying participatory method to capture a representative scenario of the CHT. Mouza maps were collected in this regard. The exercise of sample para selection within the mouza was done at mouza level through a long group discussion session with the concerned headman, knowledgeable karbaries and other informed people. Then, at the sample paras, separate group discussion sessions with active participation of karbari and other informed people were arranged to obtain information on land use, land rights, and population in two time periods (i.e., 2009 and 1978).

The survey has been carried out in all three districts. An 83 paras from15 mouzas (5 mouzas from each district) from 14 Upazilas of the CHT were selected as sample. The sample mouzas of Chittagong Hill Tracts for this study were: 1) Betchhara, 2) Fasyakhali, 3) Renikhyong, 4) Naikhongchhari, 5) Balaghata, 6) Gumti, 7) Perachhara, 8) Maischhari, 9) Alutila, 10) Kabakhali, 11) Dhanu Chhara, 12) Kukya Chhari, 13) Petanya Lamar Chhara, 14) Ballal Chhara, and 15) Ulta Chhari

During the last – about thirty years (between 1978 and 2009), land under use/control of paras in the Chittagong Hill Tracts has been reduced by almost 51%. The survey findings have revealed that the proportion of plough land to total land in the CHT has been increased remarkably in the last thirty years, while the proportion of jum cultivation has been reduced significantly. Though the proportion of hill land in the CHT is still predominant (48% of the total land under control of paras), over the last three decades, the share of hill land has been reduced by 24.57 percentage-points. The decrease in the share of hill land under use/control of paras is not the same in all three districts. The maximum decrease in the share of hill land has been taken place in Khagrachhari district which accounts 39.38 percentage-points, while such decline is least pronounced in Bandarban district (6.2 percentage-points). Though the use of hills for jum cultivation has been reduced significantly in the last thirty years, the use and proportion of the hills as gardens and plough lands have been increased remarkably between 1978 and 2009. In 1978, where the proportion of plough lands in the CHT was 10.43% of the total lands under use/control of paras; in 2009 this share has been increased to 32.38%. While the maximum level of increment has been taken place in Khagrachhari district, the minimum in Bandarban. The decline of the proportion of VCF (Village Common Forest) is another important aspect of the changing pattern of land use in Chittagong Hill Tracts. In all of the districts of the CHT, the share of VCF has been declined quite remarkably. In 1978, on average, 12.44% of the land under control of paras in the CHT was used for VCF; while in 2009 the share of VCF has been reduced to 5.58%.

There are some common and particular factors that actually led this changing pattern of land use in the CHT. As delineated in this report, declining jum cultivation is the major aspect of changing pattern of land use in the CHT. One of the main reasons behind this decline in jum cultivation is that, most of the migrated Bangalee settlers are accustomed to plough cultivation or gardening rather than jum cultivation. As over the last thirty years significant portion of paras and adjacent land has been went under the control of Bangalee settlers, practice of jum cultivation has been reduced dramatically. Moreover, popularity of plough land cultivation among the indigenous population has been increased over the last thirty years due to its higher productivity compared to jum land cultivation. Land of Khagrachhari district is relatively plain and fertile. Hence, the pressure of Bangalee settlers in the form of land grabbing in Khagrachhari district is relatively higher. Most of the Bangalee settlers are more accustomed to do plough cultivation in that fertile land. While in Khagrachhari district extensive land grabbing by the Bangalee settlers has played the major role in changing land use pattern, in Rangamati it is the extensive land acquisition by the Forest Department that has shaped the current land use pattern of this district. In Bandarban district, the hills which were previously used as jum land by the indigenous people are being leased out by government in the last few years. The leased out jum lands is mostly controlled by the Bangalees and in many cases this leased land is kept as unused or used in other forms like commercial gardening. Hence, a large potion of hill land, which was

used for jum cultivation previously, has become inaccessible to the indigenous peoples. Moreover, the Forest Departments afforestation project has also acquired huge amount of hill lands of this district. Though extent of jum cultivation has been on a declining swing, commercial garden in the hills have been popularizing these days. The proportion of natural forest has also been decreased over the last thirty years as commercial garden has taken the place of natural forest. Moreover, cultivation of tobacco and rubber are becoming dominant in some of the significant parts of the CHT. As the area under natural forest has been under shrinkage over the last thirty years, the number and varieties of trees in the natural forest have also been reduced significantly in CHT.

The traditional or social land ownership pattern in the Chittagong Hill Tracts of Bangladesh has never been formally recognized in an operational manner. No proactive actions has been taken so that the mainstream land ownnership pattern in other parts of Bangladesh can be syncronized with the different land ownership pattern in the CHT. Rather, using the traditional land ownership system in the CHT and marginalized situation of the indigenous peoples; state sponsored land grabbing and forced migration have been a regular phenomenon. In this consequence, huge amount of land dsipossession has taken place in the CHT and inaccessibility to land has increased significantly.

During the last, about thirty years (between 1978 and 2009), the pattern of land rights in the form of land ownership has been changed in a visible manner. The major visible change is that, the land ownership has been transforming towards personal ownership from social ownership in an increasing manner. In the process of this transformation, land rights have been violated in the CHT through various ways of land dispossession. In the last thirty years, the proportion of socially owned land has been declined from 83% (in 1978) to 41.33% (in 2009). In contrast, proportion of personally owned land has been increased to 58.67% from 17% during that time span. The most dramatic shift in land ownership pattern has been taken place in Khagrachhari district, where portion of socially owned land has decreased by more than 60 percentage-points.

It has been found that not only the sources of conflict and violation of land rights are more or less similar in all districts of the CHT; but also, the extent and pattern of conflict are more or less similar in most areas of the CHT. However, some variations have been found among the districts of the CHT in terms of pattern of conflict. Khagrachhari has relatively more fertile plain land as compared with the two other districts of the CHT. Hence, the conflict in Khagrachhari district mostly revolves around controlling that plain land. On the other hand, as the land related arms movement was less in severity in Bandarban district, the extent of land leasing is enormous in this district. It has been found that the extent of land acquisition by the Forest Department is extensive in Rangamati district. In this land acquisition process, land rights have been violated severely over the last thirty years.

Along with the Forest Department, the other sectors that have played significant role in the dynamics of the Indigenous land rights are – Bangladesh Army, different Government institutions, Bangalee settlers and Rohingyas. The land right related complexities in the CHT are quite many-sided.

One of the major sources of violation of land rights in the CHT is the forceful land grabbing by the Bangalee settlers who came here through government settlement process. During the survey; it has been reported that, Bangalee settlers not only illegally grabbed the land of indigenous peoples having the assistance from security forces but also forced the indigenous people to sell their land at nominal price. Bangalee settlers also have taken control of indigenous peoples owned land by formulating forged document. Especially during fire outbreak (in March, 1991) in Khagrachhari DC office, all land record documents were destroyed and by bribing Officials of the Upazila Land Office of Khagrachhari district, Bangalees made forged land document to take control of indigenous peoples owned land. In some areas of Bandarban district the illegal land grabbing by Rohingyas have also been reported by the local inhabitants. It is noteworthy that, indigenous peoples do not have any major land related conflict with *adi* Bangalees. In some instances, the *adi* Bangalees have also been suffered by the illegal land grabbing of settler Bangalees.

In the CHT, the cultivable land has been acquired not only by the Forest Department but also by different Government institutions. In the acquisition process, victims of land acquisition were supposed to be properly compensated, however, in most cases they were not compensated at all.

Another important aspect of the status and dynamics of land rights in the CHT is the land leasing process. Attributable to these leasing practices under direct patronization of the State – a significant portion of indigenous population has been evicted from land. During the survey, the local and district land office has been accused for playing major role in leasing out lands where people are living for generations.

It has been reported in the survey that, security forces had played significant role in the majority of land dispossession related incidents. Security personnel were not only involved in evicting local people from their land but also, in many cases, had unholy alliance with the Bangalee land grabbers.

The CHT has experienced so much drastic socio-demographic changes. The most critical roles in bringing about these socio-demographic transformations have been played by various kinds of migration and forced population movements. These include normal in-migration, state supported transmigration, deportation and forced displacement, out-migration under threat, domestic displacement and evacuation of refugees across the international border. Furthermore, some of these movements were planned operations, constituting elements of the 'demographic engineering' undertaken by the State. During the 1970s and 80s, there were attempts by the Government to resettle the area with Bangalee people providing land grants, cash and rations. The transmigration or 'population transfer' programme was conceived in 1979 by the regime of the then President of Bangladesh and implemented in three major phases over 1980-85.

According to Population Census 2001, the total population in the CHT was 1,331,966 with 897,977 in rural and 433,989 in urban area. According to Population Census, from 1991 to 2001-the total population of the CHT has increased by 1.366 times. If the population growth rate according to census report is considered then the population size would be 1,731,401 in 2009. But, according to the estimation of this accompanying study, the population size in the CHT would be 2,492,348 – which is 1.439 times higher than the projected population using the census data.

It is to note that, in the Population Census 2001, the para wise number of household and population size has been shown for the CHT districts. That Census Report does not report about 26 paras of the 83 sample paras (31.3% of the sample para). It is worth mentioning that this may be an indication of negligence or intentional act to show less than actual size of the rural population of the CHT (which mostly consisted of indigenous peoples) or both. In this case, the possibility of inclusion of new paras has been considered and found. In most cases the paras were created significantly before 2001, though it requires further investigation and information.

When only the available paras' (i.e., available in both 2001 Census and 2009 Study) population information has been compiled, it has been found that between 2001 and 2009, the population has been increased by 1.625 times in Bandarban, 1.81 times in Khagrachhari, and 2.08 times in Rangamati. Using these rates of increment to the rural population (according to Population Census 2001) of the three districts, it has been estimated that, in 2009 the rural population of the CHT would be 1,678,607 (which was 897,977 according to Population Census 2001 and would be 1,173,602 if the census growth rate is considered). This increment is very high, while compared to the projected population of Bangladesh – which shows a 1.189 times increment of population between 2001 and 2009 (while according to Statistical Year Book 2008, the projected population size of Bangladesh in 2009 is 147,860,000 – which implies only an 18.9% addition with 2001 population, where according to Population Census 2001 the total population size in Bangladesh was 124,355,000). This very high increment in population size in the CHT may indicate possibilities of under-reporting of population size in 2001 Census and/or in-flux of outsider population. Ascertaining the reality of population dynamics in CHT requires further research.

From the above discussions, the key learning of this research study can be sought out in a unique manner. Firstly, the CHT peoples are always on the pin-point debate of holding their customary rights ands resource inheritances related to their surrounding lands and forest areas. They were and still are – in a regular demand of their rights on their ancestral land because, like the other nations of the world, 'land' is an important asset as well as symbol of their existence to them. Secondly, for this demand, they became the rival to the ruling classes which made the later group to implement a policy-package to subjugate the indigenous peoples in their own area. Thirdly, that policy-package implemented by the government at different stages, came in the form of building large development projects and making colossal demographic transmigration from the plains to the hilly areas of the CHT. Fourthly, all these made the indigenous peoples isolated, exploited and marginalized and even the law was also against them. Finally, for these actions of the ruling powers, the CHT ethnic peoples started their fight to bring back their rights and existence on their lands and gone through an armed conflict with the national security forces. After all these incidents, the armed conflict came to an end by the initiation of the 1997 'Peace Accord' made by the then government in accordance with the CHT eminent group PCJSS.

The armed conflict may be over, but the conflict inside the minds of the indigenous peoples of the CHT is not over yet. They are still struggling for their autonomous rule and constitutional recognition of their customary rights and resource inheritance which is the ultimate base of their identity since a long span of time. So to assist the CHT ethnic communities in re-achieving their rights, there are some points that can be highlighted. When mentioning the 'Peace Accord', the proper execution of the Accord may help to repair the reliance of the Hill peoples in the

legitimacy of a social and political array which has been badly damaged by decades of domination, exploitation and injustice. The other general consideration may indicate to the forms of development that are justified to the cultural sensitivity of the Indigenous peoples while also letting them to have the opportunities and authorities to make their own selections under extensive constraints. In relation to this, as the past cases do refer to the use of the decisions made unilaterally by the external groups; this part should be done through the procedures of consultation with the ethnic groups about the kind of development that is acceptable to them.

Following these, the platform of bridging the gap between the indigenous communities of the CHT and the ruling power as well as the plain land mass peoples of the rest of the country is manifold which indicates some of the special measures that need to be taken in the CHT. Of them, the first initiative that can speed up the spirit of the ethnic peoples about their ancestral rights in real sense is the securing of their land and forest areas. An absolute legal cessation on the land acquisition, affirmation and establishment of the legal rights of the tribal peoples to land, restoration of the illegally occupied lands, prohibition on land grabbing for reserve forests, reformation of the Land Commission and inaction of the 'Land Commission Act' with profound amendments in proper and legal way, recognition of the customary rights and resource inheritances of the indigenous peoples and postponement of the existing leases for external commercial uses – can be some of the measures that can be useful on resolving all the chaos and confusion among the ethnic communities in the CHT.

To ease the social tensions and political cataclysms among the CHT ethnic communities, the other measures that can well accompany to the resolution of the problems also reflect an in-depth image. Renovation of the agricultural production system of the indigenous peoples by encouraging them to jum cultivation along with new intervention of using water bodies and horticulture, removal of the limited practices of markets and reconstruction of the transportation systems, assimilation of new guidelines to prevent the environmental degradation along with the protection of land and forest areas, proper extraction of the mineral resources and improvement of the productive development projects towards economic expansion are some of the direct measures that can help the resolution to take place in the CHT.

In assisting to these measures, there are also some other underlying schemes that can again facilitate the resolution process of the CHT in which – the regulation of the money-lending activities by the government through the Hill District Councils and solid monitoring of the donor agencies in the development projects, establishing the democratic organizational structure inside the CHTDB, coordination among the NGOs and the ethnic peoples, promoting leadership from among the indigenous communities, watching the 'privatization' process for a balanced activity, mobilizing the ethnic masses to defend against the socio-economic and environmental impacts of globalization, providing opportunities for education and raising consciousness among the tribal peoples to combat every challenges, supplying adequate sources for food security along with improved shelters and employments including health facilities with sufficient medical personnel, establishment of the supports for the satisfactory information system about the CHT and advocacy campaigns to guide the ethnic inhabitants are some of the most mentionable points.

By observing all these facts, it can be mounted that, the problems derived among the indigenous communities in the CHT are from multi-dimensional sources and all these need to be solved. But there is no way of easy-solution. There is no short-cut method to overcome all these hindrances. The Government personnel, the scholars, the policy-makers, all the CHT concerned persons and intellectuals should come forward in realizing the 'land' related problems of the CHT. But they need the constant cooperation from the ethnic peoples to help them in making the way and the logical frame for the resolution process, because, only they can give the idea of a perfect solution who face the problems most seriously. So, when they will be incorporated with the resolution scheme of the "status and dynamics of the 'land rights', 'land-use' and population" related problems of the CHT, only then all the hindrances will be concluded in a constructive way. Only then, the 'peace' can embrace the CHT with full unity.

Annex 1

Survey-based Data Tables

Note to reader: Tables presented in this annex represents the data set in an organized manner, which has been used to analyze the data in this book. Data collected by field survey were checked, edited, cleaned and then used. Throughout the book, these tables have been used for analysis. The main purpose of presenting the tables in this book is to provide the readers with detail information which was required in the study. The secondary purpose of presenting table plans is to ease the work on the relevant subject by the relevant researchers in present and future. It is to note that tables presented here are the major tables used in the accompanying research work; besides, a number of tables were prepared in the process of analysis based on these table are not presented here.

Table B1: Distribution of land by sample paras in sample upazilas by use/control under paras: Bandarban

Mouza	Para		2009								1978 (or after, in case of newly established paras)								Dispossessed land (decimal)	Extent of and dispute in para
			Plough land	Homestead	Infrastructure	Hills (used for jum and garden)	VCF	Water bodies	Others	Total	Plough land	Homestead	Infrastructure	Hills	VCF	Water bodies	Others	Total		
Betchhaara	Kadam Pru	Decimal	1,400	300	60	22,000	0	0	0	23,760	1,400	100	40	110,000	0	0	0	111,540	87,780	High
		Percentage	5.9%	1.3%	0.3%	92.6%	0.0%	0.0%	0.0%	100.0%	1.3%	0.1%	0.0%	98.6%	0.0%	0.0%	0.0%	100.0%		
	Merai	Decimal	1,200	250	100	18,000	0	0	0	19,550	400	0	0	88,000	0	0	0	88,400	68,850	High
		Percentage	6.1%	1.3%	0.5%	92.1%	0.0%	0.0%	0.0%	100.0%	0.5%	0.0%	0.0%	99.5%	0.0%	0.0%	0.0%	100.0%		
	Baraitola	Decimal	2,500	150	204	8,500	0	0	0	11,354	800	100	200	40,254	0	0	0	41,354	30,000	High
		Percentage	22%	1%	2%	75%	0%	0%	0%	100%	1.9%	0.2%	0.5%	97.3%	0.0%	0.0%	0.0%	100.0%		
	Betchhara Headman	Decimal	4,000	500	700	31,000	0	0	0	36,200	1,600	150	200	104,250	0	0	0	106,200	70,000	High
		Percentage	11.0%	1.4%	1.9%	85.6%	0.0%	0.0%	0.0%	100.0%	1.5%	0.1%	0.2%	98.2%	0.0%	0.0%	0.0%	100.0%		
	Mayfow	Decimal	1,600	200	150	5,000	10,000	0	0	16,950	800	80	141	3,000	60,000	0	0	64,021	47,071	Medium
		Percentage	9.4%	1.2%	0.9%	29.5%	59.0%	0.0%	0.0%	100.0%	1.2%	0.1%	0.2%	4.7%	93.7%	0.0%	0.0%	100.0%		
	Lanthan	Decimal	0	100	41	4,800	0	0	0	4,941	0	0	0	5,941	0	0	0	5,941	1,000	Medium
		Percentage	0.0%	2.0%	0.8%	97.1%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	100%	0.0%	0.0%	0.0%	100%		
	Total	Decimal	10,700	1,500	1,255	89,300	10,000	0	0	112,755	5,000	430	581	351,445	60,000	0	0	417,456	304,701	
		Percentage	9.5%	1.3%	1.1%	79.2%	8.9%	0.0%	0.0%	100.0%	1.2%	0.1%	0.1%	84.2%	14.4%	0.0%	0.0%	100.0%		
Fasyakhali	Sapergara Notun Marma	Decimal	500	50	0	0	0	0	550	1,100	0	0	0	1,800	0	0	0	1,800	700	High
		Percentage	45.5%	4.5%	0.0%	0.0%	0.0%	0.0%	50.0%	100.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	100.0%		
	Awlar Jhiri	Decimal	800	1,180	320	0	0	0	0	2,300	400	300	0	3,600	0	0	0	4,300	2,000	High
		Percentage	34.8%	51.3%	13.9%	0.0%	0.0%	0.0%	0.0%	100.0%	9.3%	7.0%	0.0%	83.7%	0.0%	0.0%	0.0%	100.0%		
	Khedanoya	Decimal	5,200	5	0	0	0	0	0	5,205	5,600	900	0	5,000	0	0	0	11,500	6,295	High
		Percentage	99.9%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	48.7%	7.8%	0.0%	43.5%	0.0%	0.0%	0.0%	100.0%		
	Dhaikka Pari	Decimal	2,200	400	40	2,000	0	0	0	4,640	1,500	400	40	3,170	0	0	0	5,110	470	Medium
		Percentage	47.4%	8.6%	0.9%	43.1%	0.0%	0.0%	0.0%	100.0%	29.4%	7.8%	0.8%	62.0%	0.0%	0.0%	0.0%	100.0%		
	Sapergara	Decimal	2,600	240	320	1,600	0	0	0	4,760	1,500	240	320	12,000	15,000	0	0	29,060	24,300	Medium
		Percentage	54.6%	5.0%	6.7%	33.6%	0.0%	0.0%	0.0%	100.0%	5.2%	0.8%	1.1%	41.3%	51.6%	0.0%	0.0%	100.0%		
	Hadarnasi	Decimal	4,500	10,000	480	0	0	200	0	15,180	4,500	3,000	100	8,080	0	0	0	15,680	500	Low
		Percentage	29.6%	65.9%	3.2%	0.0%	0.0%	1.3%	0.0%	100.0%	28.7%	19.1%	0.6%	51.5%	0.0%	0.0%	0.0%	100.0%		
	Total	Decimal	15,800	11,875	1,160	3,600	0	200	550	33,185	13,500	4,840	460	33,650	15,000	0	0	67,450	34,265	
		Percentage	47.6%	35.8%	3.5%	10.8%	0.0%	0.6%	1.7%	100.0%	20.01%	7.18%	0.68%	49.89%	22.24%	0.00%	0.00%	100.00%		
Renikhyong	Deba[1]	Decimal	3,000	100	0	600	0	0	0	3,700	-	-	-	-	-	-	-	-	-	High
		Percentage	81.1%	2.7%	0.0%	16.2%	0.0%	0.0%	0.0%	100.0%	-	-	-	-	-	-	-	-		
	Renikhyong Bagan[2]	Decimal	0	500	20	12,500	8,000	4,000	250	25,270	-	-	-	-	-	-	-	-	-	High
		Percentage	0.0%	2.0%	0.1%	49.5%	31.7%	15.8%	1.0%	100.0%	-	-	-	-	-	-	-	-		
	Rangli Headman[3]	Decimal	0	500	80	17,540	5,000	0	40	23,160	-	-	-	-	-	-	-	-	-	High
		Percentage	0.0%	2.2%	0.3%	75.7%	21.6%	0.0%	0.2%	100.0%	-	-	-	-	-	-	-	-		
	Dayai Headman[4]	Decimal	0	100	10	0	4,000	0	0	4,110	-	-	-	-	-	-	-	-	-	High

[1] This para was built after 1978. After then, the Government, by-force occupied the land area of this para for construction of artillery firing range. The inhabitants were forced to migrate in another area. The place, where the migrated people are now living, is now-a-days, also known as Deba Para. However, 3,000 decimals of land has been reported as dispossessed due to Govt. acquisition from the then Deva para

[2] This para was built after 1978. After then, the Government, by-force occupied the land area of this para for construction of artillery firing range. The inhabitants were forced to migrate in another area. The actual area acquired is not known to the people of this para- however a 20,000 decimals of land has been reported as dispossessed. .

[3] This para is new also; however, a 500 decimals of land has been reported as dispossessed.

Mouza	Para		2009								1978 (or after, in case of newly established paras)								Dispossessed land (decimal)	Extent of and dispute in para
			Plough land	Homestead	Infrastructure	Hills (used for jum and garden)	VCF	Water bodies	Others	Total	Plough land	Homestead	Infrastructure	Hills	VCF	Water bodies	Others	Total		
		Percentage	0.0%	2.4%	0.2%	0.0%	97.3%	0.0%	0.0%	100.0%	-	-	-	-	-	-	-	-		
	Gayal Mara[5]	Decimal	0	360	0	0	0	0	0	360	-	-	-	-	-	-	-	-	-	High
		Percentage	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	-	-	-	-	-	-	-	-		
	Baburchi[6]	Decimal	500	800	0	0	0	0	0	1,300	900	500	0	0	0	0	0	1,400	100	Low
		Percentage	38.5%	61.5%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	900	500	0	0	0	0	0	1,400		
	Total	Decimal	3,500	2,360	110	30,640	17,000	4,000	290	57,900	-	-	-	-	-	-	-	-	-	
		Percentage	6.0%	4.1%	0.2%	52.9%	29.4%	6.9%	0.5%	100.0%	-	-	-	-	-	-	-	-		
Naikhangchaari	Maddam Chak	Decimal	5,000	560	107	23,000	0	0	15,000	43,667	5,000	560	107	35,000	0	0	33,000	73,667	30,000	High
		Percentage	11.5%	1.3%	0.2%	52.7%	0.0%	0.0%	34.4%	100.0%	6.8%	0.8%	0.1%	47.5%	0.0%	0.0%	44.8%	100.0%		
	Pardan Ziri	Decimal	3,000	300	200	50,000	0	0	0	53,500	1,000	100	50	212,350	10,000	0	0	223,500	170,000	High
		Percentage	5.6%	0.6%	0.4%	93.5%	0.0%	0.0%	0.0%	100.0%	0.4%	0.0%	0.0%	95.0%	4.5%	0.0%	0.0%	100.0%		
	Dungri Headman	Decimal	1,500	324	0	2,500	0	0	0	4,324	15,000	324	0	12,400	0	0	0	27,724	23,400	High
		Percentage	34.7%	7.5%	0.0%	57.8%	0.0%	0.0%	0.0%	100.0%	54.1%	1.2%	0.0%	44.7%	0.0%	0.0%	0.0%	100.0%		
	Chak Headman	Decimal	4,000	500	150	10,000	0	150	0	14,800	3,120	300	150	13,500	0	50	0	17,120	3,000	Medium
		Percentage	27.0%	3.4%	1.0%	67.6%	0.0%	1.0%	0.0%	100.0%	18.2%	1.8%	0.9%	78.9%	0.0%	0.3%	0.0%	100.0%		
	Ashar Toli	Decimal	7,000	3,200	300	32,000	0	2,000	0	44,500	3,000	1,400	150	150,000	100,000	0	0	254,550	210,050	Medium
		Percentage	15.7%	7.2%	0.7%	71.9%	0.0%	4.5%	0.0%	100.0%	1.2%	0.5%	0.1%	58.9%	39.3%	0.0%	0.0%	100.0%		
	Notun Chak	Decimal	1,600	60	15	30,000	0	0	200	31,875	1,280	14	0	32,882	0	0	200	34,376	2,501	Low
		Percentage	5.0%	0.2%	0.0%	94.1%	0.0%	0.0%	0.6%	100.0%	3.7%	0.0%	0.0%	95.7%	0.0%	0.0%	0.6%	100.0%		
	Total	Decimal	22,100	4,944	772	147,500	0	2,150	15,200	192,666	28,400	2,698	457	456,132	110,000	50	33,200	630,937	438,271	
		Percentage	11.5%	2.6%	0.4%	76.6%	0.0%	1.1%	7.9%	100.0%	4.5%	0.4%	0.1%	72.3%	17.4%	0.0%	5.3%	100.0%		
Balaghata	Guda	Decimal	0	80	2	0	0	200	0	282	0	0	0	0	0	0	0	0	0	High
		Percentage	0.0%	28.4%	0.7%	0.0%	0.0%	70.9%	0.0%	100.0%	0.0%	0.0%		0.0%	0.0%	0.0%	0.0%	0.0%		
	West Balaghata	Decimal	8,000	10,000	100	0	0	0	0	18,100	10,000	13,000	0	0	0	0	0	23,000	4,900	Medium
		Percentage	44.2%	55.2%	0.6%	0.0%	0.0%	0.0%	0.0%	100.0%	43.5%	56.5%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
	Habron	Decimal	250	200	110	12,220	1,000	0	0	13,780	200	100	50	12,730	1,000	0	0	14,080	300	Medium
		Percentage	1.8%	1.5%	0.8%	88.7%	7.3%	0.0%	0.0%	100.0%	1.4%	0.7%	0.4%	90.4%	7.1%	0.0%	0.0%	100.0%		
	Mang Pru	Decimal	120	250	150	8,500	0	0	0	9,020	120	200	0	9,700	0	0	0	10,020	1,000	Medium
		Percentage	1.3%	2.8%	1.7%	94.2%	0.0%	0.0%	0.0%	100.0%	1.2%	2.0%	0.0%	96.8%	0.0%	0.0%	0.0%	100.0%		
	Tangpru	Decimal	10,000	500	55	20,000	0	200	0	30,755	3,000	200	0	30,255	0	0	0	33,455	2,700	Low
		Percentage	32.5%	1.6%	0.2%	65.0%	0.0%	0.7%	0.0%	100.0%	9.0%	0.6%	0.0%	90.4%	0.0%	0.0%	0.0%	100.0%		
	Kanaiuo Tanchangya	Decimal	10,000	500	0	20,000	0	0	0	30,500	10,000	500	0	20,000	0	0	0	30,500	0	Low
		Percentage	32.8%	1.6%	0.0%	65.6%	0.0%	0.0%	0.0%	100.0%	32.8%	1.6%	0.0%	65.6%	0.0%	0.0%	0.0%	100.0%		
	Total	Decimal	28,370	11,530	417	60,720	1,000	400	0	102,437	23,320	14,000	50	72,685	1,000	0	0	111,055	8,900	
		Percentage	27.7%	11.3%	0.4%	59.3%	1.0%	0.4%	0.0%	100.0%	21.0%	12.6%	0.0%	65.4%	0.9%	0.0%	0.0%	100.0%		

[4] This para was totally dispossessed in 2006. The inhabitants were forced to migrate in another area. The place, where the migrated people are now living, is now-a-days, also known as Dewai Headman Para. The inhabitants of this para are now landless; however, a 3,000 decimals of land has been reported as dispossessed from the then para.

[5] This para was totally dispossessed in 2007. The inhabitants were forced to migrate in another area. The place, where the migrated people are now living, is now-a-days, also known as Goyalmari Para. The inhabitants of this para are now landless. No rehabilitation

[6] This para is new also; however, a 100 decimals of land has been reported as dispossessed.

Table B2: Distribution of land by sample mouzas by use/control under paras: Bandarban

Mouza		2009								1978 (or after, in case of newly established paras)							
		Plough land	Homestead	Infrastructure	Hills (used for jum and gardfen)	VCF	Water bodies	Others	Total	Plough land	Homestead	Infrastructure	Hills	VCF	Water bodies	Others	Total
Betchhara	Decimal	10,700	1,500	1,255	89,300	10,000	0	0	112,755	5,000	430	581	351,445	60,000	0	0	417,456
	Percentage	9.5%	1.3%	1.1%	79.2%	8.9%	0.0%	0.0%	100.0%	1.2%	0.1%	0.1%	84.2%	14.4%	0.0%	0.0%	100.0%
Fasyakhali	Decimal	15,800	11,875	1,160	3,600	0	200	550	33,185	13,500	4,840	460	33,650	15,000	0	0	67,450
	Percentage	47.6%	35.8%	3.5%	10.8%	0.0%	0.6%	1.7%	100.0%	20.01%	7.18%	0.68%	49.89%	22.24%	0.00%	0.00%	100.00%
Naikhongchhari	Decimal	22,100	4,944	772	147,500	0	2,150	15,200	192,666	28,400	2,698	457	456,132	110,000	50	33,200	630,937
	Percentage	11.5%	2.6%	0.4%	76.6%	0.0%	1.1%	7.9%	100.0%	4.5%	0.4%	0.1%	72.3%	17.4%	0.0%	5.3%	100.0%
Balaghata	Decimal	28,370	11,530	417	60,720	1,000	400	0	102,437	23,320	14,000	50	72,685	1,000	0	0	111,055
	Percentage	27.7%	11.3%	0.4%	59.3%	1.0%	0.4%	0.0%	100.0%	21.0%	12.6%	0.0%	65.4%	0.9%	0.0%	0.0%	100.0%
Total	Decimal	76,970	29,849	3,604	301,120	11,000	2,750	15,750	441,043	70,220	21,968	1,548	913,912	186,000	50	33,200	1,226,898
	Percentage	17.5%	6.8%	0.8%	68.3%	2.5%	0.6%	3.6%	100.0%	5.7%	1.8%	0.1%	74.5%	15.2%	0.0%	2.7%	100.0%

Table B3: Distribution of land by sample paras by rights/ownership: Bandarban

Mouza	Para		2009											1978 (or after, in case of newly established Paras)										
			Personal					Social					TOTAL	Personal					Social					TOTAL
			Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	Sub-total of Personal	Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	Sub-total of Social		Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	Sub-total of Personal	Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	Sub-total of Social	
Betchhara	Kadam Pru		300	1,400	0	0	1,700	0	60	0	22,060	22,120	23,760	200	1,400	0	0	1,600	0	20	0	109,920	109,940	111,540
	Merai		250	1,200	0	0	1,450	0	100	0	18,000	18,100	19,550	0	400	0	0	400	0	0	0	88,000	88,000	88,400
	Baraitala		0	2,500	0	0	2,500	150	204	0	8,500	8,854	11,354	0	800	0	0	800	100	0	0	40,454	40,554	41,354
	Betchhara		500	4,000	0	0	4,500	0	700	0	31,000	31,700	36,200	150	2,800	0	0	2,950	0	200	0	103,050	103,250	106,200
	Mayfow		0	1,600	0	0	1,600	200	150	0	15,000	15,350	16,950	0	800	0	0	800	80	0	0	63,141	63,221	64,021
	Lanthan		0	0	0	0	0	141	0	0	4,800	4,941	4,941	0	0	0	0	0	0	0	0	5,941	5,941	5,941
	Total	Decimal	1,050	10,700	0	0	11,750	491	1,214	0	99,360	101,065	112,755	350	6,200	0	0	6,550	180	220	0	410,506	410,906	417,456
		Percentage	0.9%	9.5%	0.0%	0.0%	10.4%	0.4%	1.1%	0.0%	88.1%	89.6%	100.0%	0.1%	1.5%	0.0%	0.0%	1.6%	0.0%	0.1%	0.0%	98.3%	98.4%	100.0%
Fasyakhali	Sapergara Notun Marma		0	0	0	0	0	500	0	0	600	1,100	1,100	0	0	300	0	300	300	300	0	900	1,500	1,800
	Awlar Jhiri		0	800	0	0	800	0	320	0	1,180	1,500	2,300	0	400	0	0	400	0	0	0	3,900	3,900	4,300
	Khedanoya		0	5,205	0	0	5,205	0	0	0	0	0	5,205	0	0	0	6,500	6,500	0	0	0	5,000	5,000	11,500
	Dhaikka Pari		0	2,600	0	0	2,600	40	0	2,000	0	2,040	4,640	1,900	0	0	0	1,900	40	0	3,170	0	3,210	5,110
	Sapergara		240	2,600	1,600	0	4,440	320	0	0	0	320	4,760	1,740	0	0	0	1,740	320	0	0	27,000	27,320	29,060
	Hadarnasi		0	14,700	0	0	14,700	0	480	0	0	480	15,180	0	0	0	7,500	7,500	0	0	0	8,180	8,180	15,680
	Total	Decimal	240	25,905	1,600	0	27,745	860	800	2,000	1,780	5,440	33,185	3,640	400	300	14,000	18,340	660	300	3,170	44,980	49,110	67,450
		Percentage	0.7%	78.1%	4.8%	0.0%	83.6%	2.6%	2.4%	6.0%	5.4%	16.4%	100.0%	5.4%	0.6%	0.4%	20.8%	27.2%	1.0%	0.4%	4.7%	66.7%	72.8%	100.0%
Renikhyong	Deba		0	3,000	0	100	3,100	600	0	0	0	600	3,700	0	0	0	0	0	0	0	0	0	0	0
	Renikhyong Bagan		0	0	250	0	250	13,000	0	0	12,020	25,020	25,270	0	0	0	0	0	0	0	0	0	0	0
	Rangli Headman		0	7,000	10,540	0	17,540	500	0	5,000	120	5,620	23,160	0	0	0	0	0	0	0	0	0	0	0
	Dayai Headman		0	0	0	0	0	4,100	0	0	0	4,100	4,100	0	0	0	0	0	0	0	0	0	0	0
	Gayal Mara		0	0	0	360	360	0	0	0	0	0	360	0	0	0	0	0	0	0	0	0	0	0
	Baburchi		0	1,300	0	0	1,300	0	0	0	0	0	1,300	0	1,400	0	0	1,400	0	0	0	0	0	1,400
	Total	Decimal	0	11,300	10,790	460	22,550	18,200	0	5,000	12,140	35,340	57,890	0	1,400	0	0	1,400	0	0	0	0	0	1,400
		Percentage	0%	19.5%	18.6%	0.8%	39.0%	31.4%	0%	8.6%	21.0%	61.0%	100.0%	-	-	-	-	-	-	-	-	-	-	-
Naikhangchaari	Maddam Chak		560	5,000	0	0	5,560	0	38,000	0	107	38,107	43,667	560	5,000	0	0	5,560	0	48,107	0	20,000	68,107	73,667
	Pardan Ziri		0	3,300	0	0	3,300	30,000	0	20,000	200	50,200	53,500	0	2,000	0	5,000	7,000	80,000	0	5,000	131,500	216,500	223,500
	Dungri Headman		0	1,824	0	0	1,824	2,500	0	0	0	2,500	4,324	0	0	0	0	0	2,500	0	5,000	20,224	27,724	27,724
	Chak Headman		0	4,500	0	0	4,500	10,000	0	150	150	10,300	14,800	0	3,420	0	0	3,420	13,500	0	50	150	13,700	17,120
	Ashar Toli		0	10,200	0	0	10,200	32,000	300	2,000	0	34,300	44,500	0	4,400	0	0	4,400	0	0	0	250,150	250,150	254,550
	Notun Chak		0	1,660	0	0	1,660	30,000	0	200	15	30,215	31,875	0	1,294	0	0	1,294	32,882	0	0	200	33,082	34,376
	Total	Decimal	560	26,484	-	-	27,044	104,500	38,300	22,350	472	165,622	192,666	560	16,114	-	5,000	21,674	128,882	48,107	10,050	422,224	609,263	630,937
		Percentage	0.3%	13.7%	0.0%	0.0%	14.0%	54.2%	19.9%	11.6%	0.2%	86.0%	100.0%	0.1%	2.6%	0.0%	0.8%	3.4%	20.4%	7.6%	1.6%	66.9%	96.6%	100.0%
Balaghata	Guda		0	282	0	0	282	0	0	0	0	0	282	0	0	0	0	0	0	0	0	0	0	0
	West Balaghata		0	18,000	0	0	18,000	0	0	0	100	100	18,100	1,000	4,000	0	0	5,000	0	0	0	18,000	18,000	23,000
	Habron		0	1,250	10,950	0	12,200	0	0	0	1,580	1,580	13,780	0	0	5,000	0	5,000	0	0	4,080	5,000	9,080	14,080
	Mang Pru		2,900	120	0	6,000	9,020	0	0	0	0	0	9,020	0	120	0	9,900	10,020	0	0	0	0	0	10,020
	Tangpru		0	20,700	10,000	0	30,700	0	55	0	0	55	30,755	0	8,200	0	15,000	23,200	0	0	0	10,255	10,255	33,455
	Kanaiuo Tanchangya		500	10,000	20,000	0	30,500	0	0	0	0	0	30,500	500	1,000	5,000	2,000	8,500	0	0	0	22,000	22,000	30,500
	Total	Decimal	3,400	50,352	40,950	6,000	100,702	-	55	-	1,680	1,735	102,437	1,500	13,320	10,000	26,900	51,720	-	-	4,080	55,255	59,335	111,055
		Percentage	3.3%	49.2%	40.0%	5.9%	98.3%	0.0%	0.1%	0.0%	1.6%	1.7%	100.0%	1.4%	12.0%	9.0%	24.2%	46.6%	0.0%	0.0%	3.7%	49.8%	53.4%	100.0%

Table B4: Distribution of land by sample mouzas by rights/ownership: Bandarban

Mouza		2009											1978 (or after, in case of newly established Paras)										
		Personal					Social						Personal					Social					
		Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	Sub-total of Personal	Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	Sub-total of Social	TOTAL	Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	Sub-total of Personal	Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	Sub-total of Social	TOTAL
Betchhara		1,050	10,700	0	0	11,750	491	1,214	0	99,360	101,065	112,755	350	6,200	0	0	6,550	180	220	0	410,506	410,906	417,456
Fasyakhali		240	25,905	1,600	0	27,745	860	800	2,000	1,780	5,440	33,185	3,640	400	300	14,000	18,340	660	300	3,170	44,980	49,110	67,450
Naikhongchhari		560	26,484	0	0	27,044	104,500	38,300	22,350	472	165,622	192,666	560	16,114	0	5,000	21,674	128,882	48,107	10,050	422,224	609,263	630,937
Balaghata		3,400	50,352	40,950	6,000	100,702	0	55	0	1,680	1,735	102,437	1,500	13,320	10,000	26,900	51,720	0	0	4,080	55,255	59,335	111,055
Total	Decimal	5,250	113,441	42,550	6,000	167,241	105,851	40,369	24,350	103,292	273,862	441,043	6,050	36,034	10,300	45,900	98,284	129,722	48,627	17,300	932,965	1,128,614	1,226,898
	Percentage	1.2%	25.7%	9.6%	1.4%	37.9%	24.0%	9.2%	5.5%	23.4%	62.1%	100.0%	0.49%	2.94%	0.84%	3.74%	8.01%	10.57%	3.96%	1.41%	76.04%	91.99%	100.00%

Table B5: Kadam Pru para: Betchhara mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)*		Major trees by type		
						Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
		2009	1978				2009	1978			2009	1978				2009	1978
Kadam Pru	Marma	48	62	High	21	Plough land	1,400	1,400	Personal	Registered to Headman	300	200	Land slide	20	Jum	Rice Binni Rice Vegetables Chili Arum Corn Turmeric Banana	Rice, Binni Rice Vegetables Chili Arum Corn Turmeric Banana
													Govt. Acquisition (by Forest Department)	87,760			
						Homestead land	300	100		Registered to Govt.	1,400	1,400			Plough	Rice Papaya Vegetables Potato Chili Corn	Rice Papaya Vegetables Potato Chili Corn
						Infrastructures	60	40		Not registered but applied	0	0			Natural forest (Mainly VCF)	Koroi Bamboo Chakua Chapalish Champa	Koroi Bamboo Chakua Chapalish Champa
						Hills (used for jum and garden)	22,000	110,000		Not registered but in possession	0	0			Garden	Shegun Gamari Mango Blackberry Jackfruit Lemon	Shegun Gamari Mango Blackberry Jackfruit Lemon
						VCF	0	0	Social	Registered to Headman	0	0			Hill	Gorjon Shilkoroi Gamari	Gorjon Shilkoroi Gamari
						Water bodies	0	0		Registered to Govt.	60	20					
						Others (Mathakhila, Guna)	0	0									
						Total				Not registered but applied	0	0					
										Not registered but in possession	22,060	109,920					
							23,760	111,540	Total		23,760	111,540	Total	87,780			

* Land acquisition by Govt. by Forest Department; Claiming of 50 acres of land by two persons- Shahdat Hossain and Maruful.

Table B6: Merai para: Betchaara mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Merai	Marma	42	25	High	19	Plough land	1,200	400	Personal	Registered to Headman	250	0	Govt. acquisition by Forest Department	68,850	Jum	Rice Binni Rice Vegetables Chili Arum Corn Turmeric Banana	Rice, Binni Rice Vegetables Chili Arum Corn Turmeric Banana
						Homestead land	250	0		Registered to Govt.	1,200	400			Plough	Rice Papaya Vegetables Potato Chili Corn	Rice Papaya Vegetables Potato Chili Corn
						Infrastructures	100	0		Not registered but applied	0	0			Natural forest (Mainly VCF)	Koroi Bamboo Chakua Chapalish Champa	Koroi Bamboo Chakua Chapalish Champa
						Hills (used for jum and garden)	18,000	88,000		Not registered but in possession	0	0			Garden	Shegun Gamari Mango Blackberry Jackfruit Lemon	Shegun Gamari Mango Blackberry Jackfruit Lemon
						VCF	0	0	Social	Registered to Headman	0	0			Hill	Gorjon Shilkoroi Gamari	Gorjon Shilkoroi Gamari
						Water bodies	0	0		Registered to Govt.	100	0					
						Others	0	0		Not registered but applied		0					
						Total	19,550	88,400		Not registered but in possession	18,000	88,000					
										Total	19,550	88,400	Total	68,850			

Table B7: Baraitala para: Betchhara mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)*		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Baraitala	Marma	35	17	High	20	Plough land	2,500	800	Personal	Registered to Headman	0	0	Govt. acquisition by Forest Department	30,000	Jum	Rice Binni Rice Vegetables Chili Arum Corn Turmeric Banana	Rice, Binni Rice Vegetables Chili Arum Corn Turmeric Banana
						Homestead land	150	100		Registered to Govt.	2,500	800			Plough	Rice Papaya Vegetables Potato Chili Corn	Rice Papaya Vegetables Potato Chili Corn
						Infrastructures	204	200		Not registered but applied	0	0			Natural forest (Mainly VCF)	Koroi Bamboo Chakua Chapalish Champa	Koroi Bamboo Chakua Chapalish Champa
						Hills (used for jum and garden)	8,500	40,254		Not registered but in possession	0	0			Garden	Shegun Gamari Mango Blackberry Jackfruit Lemon	Shegun Gamari Mango Blackberry Jackfruit Lemon
						VCF	0	0	Social	Registered to Headman	150	100			Hill	Gorjon Shilkoroi Gamari	Gorjon Shilkoroi Gamari
						Water bodies	0	0		Registered to Govt.	204	0					
						Others	0	0		Not registered but applied	0	0					
						Total	11,354	41,354		Not registered but in possession	8,500	40,454					
										Total	11,354	41,354	Total	30,000			

*Influential Bangalees of this para are taking land on lease and bringing-in other Bangalee outsiders into new settlements in that land; land grabbing by Rohingya.

Table B8: Betchhara Headman para: Betchhara mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern*				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Betchhara Headman	Marma	108	30	High	100	Plough land	4,000	1,600	Personal	Registered to Headman	500	150	Govt. acquisition by Forest Department	70,000	Jum	Rice Binni Rice Vegetables Chili Arum Corn Turmeric Banana	Rice, Binni Rice Vegetables Chili Arum Corn Turmeric Banana
						Homestead land	500	150		Registered to Govt.	4,000	2,800			Plough	Rice Papaya Vegetables Potato Chili Corn	Rice Papaya Vegetables Potato Chili Corn
						Infrastructures	700	200		Not registered but applied	0	0			Natural forest (Mainly VCF)	Koroi Bamboo Chakua Chapalish Champa	Koroi Bamboo Chakua Chapalish Champa
						Hills (used for jum and garden)	31,000	104,250		Not registered but in possession	0	0			Garden	Shegun Gamari Mango Blackberry Jackfruit Lemon	Shegun Gamari Mango Blackberry Jackfruit Lemon
						VCF	0	0	Social	Registered to Headman	0	0			Hill	Gorjon Shilkoroi Gamari	Gorjon Shilkoroi Gamari
						Water bodies	0	0		Registered to Govt.	700	200					
						Others	0	0		Not registered but applied	0	0					
						Total	36,200	106,200		Not registered but in possession	31,000	103,050					
										Total	36,200	106,200	Total	70,000			

* A 5 acres of land has been allotted for a school. In this para 3,000 acres of land has been registered by Government; land grabbing by Rohingya.

Table B9: Mayfow para: Betchhara mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)*		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Mayfow	Marma	50	21	Medium	13	Plough land	1,600	800	Personal	Registered to Headman	0	0	Land slide	100	Jum	Rice Binni Rice Vegetables Chili Arum Corn Turmeric Banana	Rice, Binni Rice Vegetables Chili Arum Corn Turmeric Banana
													Govt. acquisition by Forest Department	1,000			
													Internal conflict	45,971			
						Homestead land	200	80		Registered to Govt.	1,600	800			Plough	Rice Papaya Vegetables Potato Chili Corn	Rice Papaya Vegetables Potato Chili Corn
						Infrastructures	150	141		Not registered but applied	0	0			Natural forest (Mainly VCF)	Koroi Bamboo Chakua Chapalish Champa	Koroi Bamboo Chakua Chapalish Champa
						Hills (used for jum and garden)	5,000	3,000		Not registered but in possession	0	0			Garden	Shegun Gamari Mango Blackberry Jackfruit Lemon	Shegun Gamari Mango Blackberry Jackfruit Lemon
						VCF	10,000	60,000	Social	Registered to Headman	200	80			Hill	Gorjon Shilkoroi Gamari	Gorjon Shilkoroi Gamari
						Water bodies	0	0		Registered to Govt.	150	0					
						Others	0	0		Not registered but applied	0	0					
						Total	16,950	64,021		Not registered but in possession	15,000	63,141					
										Total	16,950	64,021	Total	1,100			

* Internal conflict have been reported as one of the major causes of land disputes

Table B 10: Lanthan para: Betchhara mouza

Name of para	Ethnic group	HH#		Extent of land related problem*	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Lanthan	Bawm Khumi	14	-	Medium	3	Plough land	0	0	Personal	Registered to Headman	0	0	Govt. acquisition by Forest Department	1,000	Jum	Rice Binni Rice Vegetables Chili Arum Corn Turmeric Banana	Rice, Binni Rice Vegetables Chili Arum Corn Turmeric Banana
						Homestead land	100	0		Registered to Govt.	0	0			Plough	Rice Papaya Vegetables Potato Chili Corn	Rice Papaya Vegetables Potato Chili Corn
						Infrastructures	41	0		Not registered but applied	0	0			Natural forest (Mainly VCF)	Koroi Bamboo Chakua Chapalish Champa	Koroi Bamboo Chakua Chapalish Champa
						Hills (used for jum and garden)	4,800	5,941		Not registered but in possession	0	0			Garden	Shegun Gamari Mango Blackberry Jackfruit Lemon	Shegun Gamari Mango Blackberry Jackfruit Lemon
						VCF	0	0	Social	Registered to Headman	141	0			Hill	Gorjon Shilkoroi Gamari	Gorjon Shilkoroi Gamari
						Water bodies	0	0		Registered to Govt.	0	0					
						Badh	0	0		Not registered but applied	0						
						Total	4,941	5,941		Not registered but in possession	4,800	5,941					
										Total	4,941	5,941	Total	1,000			

* Internal conflict have been reported as one of the major causes of land disputes

Table B 11: Deba para: Renikhyong mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Deba	Mro	19	0	High	19	Plough land	3,000	-	Personal	Registered to Headman	0	-	Govt. Acquisition (Artillery Firing Range)	3,000	Jum	Rice Binni rice Kaun Chili Maize	-
						Homestead land	100	-		Registered to Govt.	3.000	-			Plough	Rice	-
						Infrastructures	0	-		Not registered but applied	0	-			Natural forest (Mainly VCF)	-	-
						Hills (used for jum and garden)	600			Not registered but in possession	100	-			Garden	Akashi Maloria	-
						VCF	0	-	Social	Registered to Headman	600	-			Hill	-	-
						Water bodies	0	-		Registered to Govt.	0	-					
						Others (Mathakhila, Guna)	0	-									
						Total	3,700	- *		Not registered but applied	0	-					
										Not registered but in possession	0	-					
									Total		3,700	-	Total	3,000			

* This para was built after 1978. After then, the Governmnet, by-force occupied the land area of this para for construction of artillery firing range. The inhabitants were forced to migrate in another area. The place, where the migrated people are now living, is now-a-days, also known as Deba Para.

Table B 12: Renikhyong Bagan para: Renikhyong mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Renikhyong Bagan Para	Mro	29	0	High	29	Plough land	0	-	Personal	Registered to Headman	0	-	Govt. Acquisition (Artillery Firing Range)*	Assumption: 20,000	Jum	Rice Binni rice Chili Maize Ginger Cotton Turmeric	-
						Homestead land	500	-		Registered to Govt.	0	-			Plough	-	-
						Infrastructures	20	-		Not registered but applied	250	-			Natural forest (Mainly VCF)	Koroi Bamboo	-
						Hills (used for jum and garden)	20,500	-		Not registered but in possession	0	-			Garden	Papaya Mango Jackfruit Lemon	-
						VCF	4,000	-	Social	Registered to Headman	13,000	-			Hill	Shegun Gamari Akashi Koroi	-
						Water bodies	250	-		Registered to Govt.	0	-					
						Others	0	-		Not registered but applied	0	-					
						Total	25,270	-		Not registered but in possession	12,020	-					
										Total	25,270	-	Total	20,000			

* This para was built after 1978. After then, the Government, by-force occupied the land area of this para for construction of artillery firing range. The inhabitants were forced to migrate in another area. The actual area acquired is not known to the people of this para- this area is assumed by the knowledgeable people of the para.

Table B 13: Rangli Headman para: Renikhyong mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Rangli Headman	Marma	45	-	High	45	Plough land	0	-	Personal	Registered to Headman	0	-	Using fear factor	500	Jum	Rice Binni rice Chili Maize Ginger Cotton Turmeric	-
													Govt. Acquisition (Artillery Firing Range)*				
						Homestead land	500	-		Registered to Govt.	7,000	-			Plough	-	-
						Infrastructures	80	-		Not registered but applied	10,540	-			Natural forest (Mainly VCF)	Koroi Bamboo	-
						Hills (used for jum and garden)	17,540	-		Not registered but in possession	0	-			Garden	Papaya Mango Jackfruit Lemon	
						VCF	5,000	-	Social	Registered to Headman	500	-			Hill	Shegun Gamari Akashi Koroi	-
						Water bodies	0	-		Registered to Govt.	0	-					
						Others (UNDP Asrat Kendra)	40	-									
						Total	23,160	-		Not registered but applied	5,000	-					
										Not registered but in possession	120	-					
										Total	23,160		Total	500			

* This para was built after 1978. After then, the Government, by-force occupied the land area of this para for construction of artillery firing range. The inhabitants were forced to migrate in another area. The actual area acquired is not known to the people of this para- this area is assumed by the knowledgeable people of the para.

Table B 14: Dayai Headman para: Renikhyong mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Dayai Headman	Mro	24	-	High	24	Plough land	0	-	Personal	Registered to Headman	0	-		*	Jum	Rice Binni rice	-
						Homestead land	100	-		Registered to Govt.	0	-			Plough	-	-
						Infrastructures		-		Not registered but applied	0	-			Natural forest (Mainly VCF)	-	-
						Hills (used for jum and garden)	10 4,000	-		Not registered but in possession	0	-			Garden	-	-
						VCF	0	-	Social	Registered to Headman	4,100	-			Hill	-	-
						Water bodies	0	-		Registered to Govt.	0	-					
						Others	0	-		Not registered but applied	0	-					
						Total	4,110	-		Not registered but in possession	0	-					
										Total	4,100	-	Total	3,000			

* This para was totally dispossessed in 2006. The inhabitants were forced to migrate in another area. The place, where the migrated people are now living, is now-a-days, also known as Dewai Headman Para. The inhabitants of this para are now landless.

Table B 15: Goyalmari para: Renikhyong mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Gayal Mara	Bangalee	36	-	High	36	Plough land	0	-	Personal	Registered to Headman	0	-	Govt. Acquisition in 2007	8,000*	Jum	Rice Binni rice Vegetables	-
						Homestead land	360	-		Registered to Govt.	0	-			Plough	-	-
						Infrastructures	0	-		Not registered but applied	0	-			Natural forest (Mainly VCF)	-	-
						Hills (used for jum and garden)	0	-		Not registered but in possession	360	-			Garden	-	-
						VCF	0	-	Social	Registered to Headman	0	-			Hill	-	-
						Water bodies	0	-		Registered to Govt.	0	-					
						Others	0	-		Not registered but applied	0	-					
						Total	360	-		Not registered but in possession	0	-					
										Total	360	-	Total	8,000			

** This para was totally dispossessed in 2007. The inhabitants were forced to migrate in another area. The place, where the migrated people are now living, is now-a-days, also known as Goyalmari Para. The inhabitants of this para are now landless. No rehabilitation

Table B 16: Baburchi para: Renikhyong mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Baburchi	Bangalee	65	20	Low	4	Plough land	500	900	Personal	Registered to Headman			Govt. Acquisition	100	Jum	-	-
						Homestead land	800	500		Registered to Govt.	1,300	1,400			Plough	Rice Binni rice Ginger	
						Infrastructures	0	0		Not registered but applied					Natural forest (Mainly VCF)	-	-
						Hills (used for jum and garden)	0	0		Not registered but in possession					Garden	-	-
						VCF	0	0	Social	Registered to Headman					Hill	-	-
						Water bodies	0	0		Registered to Govt.							
						Badh	0	0									
						Total	1,300	1,400		Not registered but applied							
										Not registered but in possession							
										Total	1,300	1,400	Total	100			

Table B 17: Sapergara Notun Marma para: Fasyakhali mouza

Name of Para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)*		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Sapergara Notun Marma	Marma	22	-	High	12	Plough land	500	-	Personal	Registered to Headman	0	0	Lease	400	Jum	-	-
						Homestead land	50	-		Registered to Govt.	0	0			Plough	Rice Vegetables Chili	Rice Vegetables Chili Garlic
						Infrastructures	-	-		Not registered but applied	0	300			Natural forest (Mainly VCF)	-	Gorjon Batna Harina Guda
						Hills (used for jum and garden)	-	-		Not registered but in possession	0	0	Land grabbing	300	Garden	Shegun Gamari Akashmoni	Mango Jackfruit Gorjon
						VCF	-	-	Social	Registered to Headman	500	300			Hill		Gorjon Batna
						Water bodies	-	-		Registered to Govt.	0	300					
						Others (Proposed homestead land)	550	-		Not registered but applied	0	0					
						Total	1,100	-			600	900					
										Total	1,100	1,800	Total	700			

* This para was established in 2005. Now many land related problems are occurring due to settlers Bangalees.

Table B 18: Awlar Jhiri para*: Fasyakhali mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Awlar Jhiri	Bangalee	17	6	High	15	Plough land	800	400	Personal	Registered to Headman	0	0	Lease	1,600	Jum	-	-
						Homestead land	1,180	300		Registered to Govt.	800	400	Land grabbing by force	400	Plough	Rice Vegetables Chili	Rice Vegetables Chili Garlic
						Infrastructures	320	0		Not registered but applied	0	0			Natural forest (Mainly VCF)	-	Gorjon Batna Harina Guna
						Hills (used for jum and garden)	0	3,600		Not registered but in possession	0	0			Garden	Shegun Gamari Akashmoni	Mango Jackfruit Gorjon
						VCF	0	0	Social	Registered to Headman	0	0			Hill	-	Gorjon Guda
						Water bodies	0	0		Registered to Govt.	320	0					
						Others	0	0		Not registered but applied	0	0					
						Total	2,300	4,300		Not registered but in possession	1,180	3,900					
										Total	2,300	4,300	Total	2,000			

* This is a village with adi Bangalee; lease; problem with Marma and Bangalee

Table B 19: Khedanoya para: Fasyakhali mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)*		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Khedanoya	Bangalee	1	26	High	20	Plough land	5,200	5,600	Personal	Registered to Headman	0	0	Lease	5,000	Jum	-	-
						Homestead land	5	900		Registered to Govt.	5,205	0	Land grabbing by force	1,295	Plough	Rice Vegetables Chili	Rice Vegetables Chili Garlic
						Infrastructures	0	0		Not registered but applied	0	0			Natural forest (Mainly VCF)	-	Gorjon Batna Harina Guna
						Hills (used for jum and garden)	0	5,000		Not registered but in possession	0	6,500			Garden	Shegun Gamari Akashmoni	Mango Jackfruit Gorjon
						VCF	0	0	Social	Registered to Headman	0	0			Hill	-	Gorjon Guda
						Water bodies	0	0		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	0	0					
						Total	5,205	11,500		Not registered but in possession	0	5,000					
										Total	5,205	11,500	Total	6,295			

* Due to conflicts between Bangalees and Marmas most of the households fled away from this para. Only one family lives here now due to agricultural purpose.

Table B 20: Dhaikka Pari para: Fasyakhali mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Dhaikka Pari	Marma	23	7	Medium	5	Plough land	2,200	1,500	Personal	Registered to Headman	0	1,900	Lease	400	Jum	-	-
						Homestead land	400	400		Registered to Govt.	2,600	0	Land grabbing by force	70	Plough	Rice Vegetables Chili	Rice Vegetables Chili Garlic
						Infrastructures	40	40		Not registered but applied	0	0			Natural forest (Mainly VCF)	-	Gorjon Batna Harina Guna
						Hills (used for jum and garden)	2,000	3,170		Not registered but in possession	0	0			Garden	Shegun Gamari Akashmoni	Mango Jackfruit Gorjon
						VCF	0	0	Social	Registered to Headman	40	40			Hill	-	Gorjon Guda
						Water bodies	0	0		Registered to Govt.	0	0					
						Others	0	0									
						Total	4,640	5,110		Not registered but applied	2,000	3,170					
										Not registered but in possession	0	0					
										Total	4,640	5,110	Total	470			

Table B 21: Shaper Gara para: Fasyakhali mouza

Name of Para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)*		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Sapergara	Marma	196	50	Medium	52	Plough land	2,600	1,500	Personal	Registered to Headman	240	1,740	Lease (80-81; sheet No. 2122 10000	10,000	Jum	-	-
						Homestead land	240	240		Registered to Govt.	2,600	0	Land grabbing	14,300	Plough	Rice Vegetables Chili	Rice Vegetables Chili Garlic
						Infrastructures	320	320		Not registered but applied	1,600	0			Natural forest (Mainly VCF)	-	Gorjon Batna Harina Guna
						Hills (used for jum and garden)	1,600	12,000		Not registered but in possession	0	0			Garden	Shegun Gamari Akashmoni	Mango Jackfruit Gorjon
						VCF	0	15,000	Social	Registered to Headman	320	320			Hill	-	Gorjon Guda
						Water bodies	0	0		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	0	0					
						Total	4,760	29,060		Not registered but in possession	0	2,7000					
									Total		4,760	29,060	Total	24,300			

* Problem with border; lease.

Table B 22: Hadarnasi para: Fasyakhali mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Hadarnasi	Bangalee	600	20	Low	3	Plough land	4,500	4,500	Personal	Registered to Headman	0	0	Land grabbing by force	500	Jum	-	-
						Homestead land	10,000	3,000		Registered to Govt.	14,700	0			Plough	Rice Vegetables Chili	Rice Vegetables Chili Garlic
						Infrastructures	480	100		Not registered but applied	0	0			Natural forest (Mainly VCF)	-	Gorjon Batna Harina Guna
						Hills (used for jum and garden)	0	8,080		Not registered but in possession	0	7,500			Garden	Shegun Gamari Akashmoni	Mango Jackfruit Gorjon
						VCF	0	0	Social	Registered to Headman	0	0			Hill	-	Gorjon Guda
						Water bodies	200	0		Registered to Govt.	480	0					
						Total	15,180	15,680		Not registered but applied	0	0					
										Not registered but in possession	0	8,180					
										Total	15,180	15,680	Total	500			

Table B 23: Maddam Chak para: Naikhongchhari mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type			
						Categories of land	Year		Pattern of ownership		Decimal				Type	Year		
		2009	1978				2009	1978			2009	1978				2009	1978	
Maddam Chak	Chak	56	35	High	25	Plough land	5,000	5,000	Personal	Registered to Headman	560	560	Lease (but using to some extent)	25,000	Jum	Rice Binni rice Kaun Vegetables Chili Banana	Rice Binni rice Kaun Vegetables Chili	Corn Maize Brinjle Til Mashkolai
													R-Kabuliat	5,000				
						Homestead land	560	560		Registered to Govt.	5,000	5,000	Some land is taken by the influx from Myanmar		Plough	Rice Papaya Vegetables Potato Chili Corn Banana	Rice Papaya Oil seed Vegetables Potato Chili	Onion Corn Ginger Turmeric
													Forgery of headman					
						Infrastructures	107	107		Not registered but applied	0	0	Problem in demarcation of boundaries		Natural forest (Mainly VCF)	Koroi Chapalish Gorjon	Koroi Chapalish Gorjon Kachua	
						Hills (used for jum and garden)	23,000	35,000		Not registered but in possession	0	0			Garden	Shegun Mehgoni	Shegun Mehgoni	
						VCF	0	0	Social	Registered to Headman	0	0			Hill	Gorjon Koroi	Gorjon Koroi	
						Water bodies	0	0		Registered to Govt.	0	0						
						Others (Mathakhila, Guna)	15,000	33,000										
						Total	43,667	73,667		Not registered but applied	38,000	48,107						
										Not registered but in possession	107	20,000						
										Total	43,667	73,667	Total	30,000				

Table B 24: Pardan Ziri para: Naikhongchhari mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type			
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year		
							2009	1978			2009	1978				2009	1978	
Pardan Ziri	Bangalee	100	3	High	72	Plough land	3,000	1,000	Personal	Registered to Headman	0	0	Lease	170,000	Jum	Rice Binni rice Kaun Vegetables Chili Corn	Rice Binni rice Kaun Vegetables Chili Corn	Ginger Turmeric Banana
						Homestead land	300	100		Registered to Govt.	3,300	2,000			Plough	Rice Binni rice Kaun Papaya Vegetables	Rice Papaya Oil seed Vegetables Potato Chili Onion Garlic	
						Infrastructures	200	50		Not registered but applied	0	0			Natural forest (Mainly VCF)	Koroi Gmari	Koroi Gmari Gorjon	
						Hills (used for jum and garden)	50,000	212,350		Not registered but in possession	0	5,000			Garden	Shegun Mehgoni Gamari	Shegun Mehgoni	
						VCF	0	10,000	Social	Registered to Headman	30,000	80,000			Hill	Gorjon Koroi	Gorjon Koroi	
						Water bodies	0	0		Registered to Govt.	0	0						
						Others	0	0										
						Total	53,500	223,500		Not registered but applied	20,000	5,000						
										Not registered but in possession	200	131,500						
										Total	53,667	223,500	Total	170,000				

Table B 25: Dungri Headman para: Naikhongchhari mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Dungri Headman	Marma	105	40	High	61	Plough land	1,500	15,000	Personal	Registered to Headman	0	0	Govt. acquisition (Power Station, Forest Office, UNO Office, School, BDR camp, Dairy	3,600	Jum	-	Rice Binni rice Kaun Mushroom Vegetables Potato Sweet Potato Chili Turmeric
													Bazar	212			
													Grabbing by force	19,588			
						Homestead land	324	324		Registered to Govt.	1,824	0			Plough	Rice Binni rice Kaun Mushroom Vegetables Potato Sweet Potato Chili Onion Mustered seed Brinjle	Rice Binni rice Kaun Sweet Potato Chili Onion Corn Mustered seed
						Infrastructures	0	0		Not registered but applied	0	0			Natural forest (Mainly VCF)	Black berry Chapalish	Black berry Chapalish Gorjon
						Hills (used for jum and garden)	2,500	12,400		Not registered but in possession	0	0			Garden	Shegun Gamari Akashi Orange Mango Jackfruit	Shegun Gamari Akashi Orange Mango Jackfruit
						VCF	0	0	Social	Registered to Headman	2,500	2,500			Hill	-	-
						Water bodies	0	0		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	0	5,000					
						Total	4,324	27,724		Not registered but in possession	0	20,224					
										Total	4,324	27,724	Total	23,400			

Table B 26: Chak Headman para: Naikhongchhari mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Chak Headman	Chaak	45	40	Medium	5	Plough land	4,000	3,120	Personal	Registered to Headman	0	0	Land slide	500	Jum	Rice Binni rice Kaun Chili Cprn Ginger Cotton Turmeric Banana	Rice Binni rice Kaun Chili Cprn Ginger Cotton Turmeric Banana
													Lease by Govt.	1,820			
						Homestead land	500	300		Registered to Govt.	4,500	3,420			Plough	Rice Binni rice Ginger Banana Vegetables Potato Chili	Rice Binni rice Vegetables Potato Sweet potato
						Infrastructures	150	150		Not registered but applied	0	0			Natural forest (Mainly VCF)	Koroi Gamari	Koroi Gamari
						Hills (used for jum and garden)	10,000	13,500		Not registered but in possession	0	0			Garden	Shegun Gamari Akashi Banana Orange Mango Jackfruit	Shegun Gamari Akashi Banana Orange Mango Jackfruit
						VCF	0	0	Social	Registered to Headman	10,000	13,500			Hill	Koroi Gorjon	Koroi Gorjon
						Water bodies	150	50		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	150	50					
						Total	14,800	17,120		Not registered but in possession	150	150					
										Total	14,800	17,120	Total	2,320			

Table B 27: Ashar Toli para: Naikhongchhari mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Ashar Toli	Bangalee	160	70	Medium	75	Plough land	7,000	3,000	Personal	Registered to Headman	0	0	Lease	209,850	Jum	Rice Chili Corn Ginger	Rice Binni rice Vegetables Chili Corn Water Melon
													BDR	200			
						Homestead land	3,200	1,400		Registered to Govt.	10,200	4,400			Plough	Rice Tobacco Potato Sweet Potato Chili Vegetables Onion Water Melon Mashkolai dal	Rice Tobacco Potato Sweet Potato Chili Vegetables Onion Water Melon Mashkolai dal
						Infrastructures	300	150		Not registered but applied	0	0			Natural forest (Mainly VCF)	-	Gorjon Black Berry Batna Kachua Puina
						Hills (used for jum and garden)	32,000	150,000		Not registered but in possession	0	0			Garden	Shegun Gamari Akashi Rubber	Shegun Gamari Akashi Rubber
						VCF	0	100,000	Social	Registered to Headman	32,000	0			Hill	Black Berry Gorjon	-
						Water bodies	2,000	0		Registered to Govt.	300	0					
						Others	0	0		Not registered but applied	2,000	0					
						Total	44,500	254,550		Not registered but in possession	0	250,150					
										Total	44,500	254,550	Total	210,050			

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Table B 28: Notun Chak para: Naikhongchhari mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Notun Chak	Chaak	30	7	Low	4	Plough land	1,600	1,280	Personal	Registered to Headman	0	0	Lease	2,000	Jum	Rice Binni rice Kaun Vegetables Corn Chili	
													Land slide	119			
						Homestead land	60	14		Registered to Govt.	1,660	1,294			Plough	Rice Binni rice Kaun Vegetables Potato Chili Ginger Turmeric	
						Infrastructures	15	0		Not registered but applied	0	0			Natural forest (Mainly VCF)	Gamari Koroi Kadam Chapalish	
						Hills (used for jum and garden)	30,000	32,882		Not registered but in possession	0	0			Garden	Mango Jackfruit Lemon	
						VCF	0	0	Social	Registered to Headman	30,000	32,882			Hill	Koroi Gorjon	Koroi Gorjon
						Water bodies	0	0		Registered to Govt.	0	0					
						Badh	200	200		Not registered but applied	200	0					
						Total	31,875	34,376		Not registered but in possession	15	200					
										Total	31,875	34,376	Total	2,119			

Table B 29: Guda para: Balaghata mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
						Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
		2009	1978				2009	1978			2009	1978				2009	1978
Guda	Marma	31	2	High	31	Plough land	0	-	Personal	Registered to Headman	0	-			Jum	Rice, Binni Rice Kaun Vegetables Chili	-
						Homestead land	80	-		Registered to Govt.	282	-			Plough	-	-
						Infrastructures	2	-		Not registered but applied	0	-			Natural forest (Mainly VCF)	Bamboo	Buragach Koroi Bormula
						Hills (used for jum and garden)	0	-		Not registered but in possession	0	-			Garden	Mango Jackfruit	-
						VCF	0	-	Social	Registered to Headman	0	-			Hill	Koroi Gora	Koroi Ronggach Buragach
						Water bodies	200	-		Registered to Govt.	0	-					
						Others (Mathakhila, Guna)	0	-									
						Total	282	-		Not registered but applied	0	-					
										Not registered but in possession	0	-					
										Total	282	-	Total	-			

Table B 30: West Balaghata para: Balaghata mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)*		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
West Balaghata	Chakma	5	0	Medium	2	Plough land	8,000	10,000	Personal	Registered to Headman	0	1,000	Govt. land acquisition for radio	2,500	Jum	Rice Binni rice Chili Maize Ginger Cotton Turmeric	-
	Tripura	2	0										Govt. land acquisition for Cotton Development Board	1,300			
	Tanchangya	7	0										Govt. land acquisition for BADC	1,100			
	Bangalee	106	25			Homestead land	10,000	13,000		Registered to Govt.	18,000	4,000			Plough	-	-
	Total	120	25			Infrastructures	100	0		Not registered but applied	0	0			Natural forest (Mainly VCF)	Koroi Bamboo	-
						Hills (used for jum and garden)	0	0		Not registered but in possession	0	0			Garden	Papaya Mango Jackfruit Lemon	-
						VCF	0	0	Social	Registered to Headman	0	0			Hill	Shegun Gamari Akashi Koroi	-
						Water bodies	0	0		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	100	0					
						Total	18,100	23,000		Not registered but in possession	18,100	18,000	Total	4,900			
										Total	18,100	23,000					

*Govt. acquisition; double holding

Table B 31: Habron para*: Balaghata mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Habron	Bawm	28	-	Medium	4	Plough land	250	200	Personal	Registered to Headman	0	0	Natural disaster	300	Jum	Rice Binni rice Vegetables Maize Papaya Ginger Turmeric Banana	-
						Homestead land	200	100		Registered to Govt.	1,250	0	Forgery by headman	-	Plough	Rice	-
						Infrastructures	110	50		Not registered but applied	10,950	5,000			Natural forest (Mainly VCF)	Koroi Shilkoroi Rang gach Darr Mara Goda Shimul	Koroi Shilkoroi Rang gach Darr Mara Goda Shimul
						Hills (used for jum and garden)	12,220	12,730		Not registered but in possession	0	0			Garden	Jackfruit Mango Pineapple Banana Orange Shegun Gamari Akashia Champa Mehgani	-
						VCF	1,000	1,000	Social	Registered to Headman	0	0			Hill	Koroi	Gorjon Koroi
						Water bodies	0	0		Registered to Govt.	0						
						Others	0	0		Not registered but applied	0	4,080					
						Total	13,780	14,080		Not registered but in possession	1,310	5,000					
										Total	13,780	14,080	Total	300			

* Hebron para was established in 1986.

Table B 32: Mang Pru para: Balaghata mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Mang Pru	Marma	34	25	Medium	1	Plough land	120	120	Personal	Registered to Headman	2,900	0	Forgery by Headman	1,000	Jum	Rice Vegetables Chili Ginger Turmeric	Rice Vegetables Chili Ginger Turmeric
						Homestead land	250	200		Registered to Govt.	120	120			Plough	Rice Vegetables Potato	-
						Infrastructures	150	0		Not registered but applied	0	0			Natural forest (Mainly VCF)	Bamboo Goda Koroi Gurhoitta	Koroi Shilkoroi Rang Gach
						Hills (used for jum and garden)	8,500	9,700		Not registered but in possession	6,000	9,900			Garden	Lemon Banana Mango Jackfruit Shegun Gamari	Banana Mango Jackfruit Shegun Gamari
						VCF	0	0	Social	Registered to Headman	0	0			Hill	Koroi	Koroi Jorgon
						Water bodies	0	0		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	0	0					
						Total	9,020	10,020		Not registered but in possession	0	0					
										Total	9,020	10,020	Total	1,000			

Table B 33: Tangpru para: Balaghata mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Tangpru	Tanchangya	34	11	Low	2	Plough land	10,000	3.000	Personal	Registered to Headman	0	0	Land slide	200	Jum	Rice Binni rice Papaya Pulse Vegetables Potato Chili Maize Cotton Turmeric Banana	Rice Binni rice Papaya Pulse Vegetables Potato Chili Maize Cotton Turmeric Banana
	Bangalee	8	3										Govt. acquisition (Asrayan Prokalpa)	2,500			
	Marma	3	3														
						Homestead land	500	200		Registered to Govt.	20,700	8,200			Plough	Rice Binni rice Papaya Vegetables Potato Chili Maize	Rice Binni rice Papaya Vegetables Potato Chili Maize
						Infrastructures	55	0		Not registered but applied	10,000	0			Natural forest (Mainly VCF)	Shimul Darmara Bohera Goda	Koroi Gamari Jarul Gorjon Chapalish Champa
						Hills (used for jum and garden)	20,000	20,000		Not registered but in possession	0	15,000			Garden	Papaya Mango Jackfruit Banana Lemon Shegun Gamari Mehgoni	Papaya Banana Mango Lemon Shegun Gamari Mehgoni
						VCF	0	0	Social	Registered to Headman	0	0			Hill	Chakua Amlaki Koroi	Gotjon Koroi Chapalish
						Water bodies	200	0		Registered to Govt.	55	0					
						Others	0	0		Not registered but applied	0	0					
						Total	30,755	23,200		Not registered but in possession	0	10,255					
										Total	30,755	33,455	Total	2,700			

Table B 34: Kanaiuo Tanchangya Para: Balaghata mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Kanaiuo Tanchangya	Bangalee	10	3	Low	2	Plough land	10,000	2,000	Personal	Registered to Headman	500	500	-	-	Jum	Rice Binni rice Papaya Chili Ginger Turmeric	-
						Homestead land	500	100		Registered to Govt.	10,000	1,000			Plough	-	-
						Infrastructures	0	0		Not registered but applied	20,000	5,000			Natural forest (Mainly VCF)	Bamboo Goda Koroi Gorhoitta Shimul	Bamboo Goda Koroi Gorhoitta Shimul Bormula Gorjon
						Hills (used for jum and garden)	20,000	26,000		Not registered but in possession	0	2,000			Garden	Papaya Banana Mango Jackfruit Gamari Shegun	-
						VCF	0	2,400	Social	Registered to Headman	0	0			Hill	Koroi Gorjon Gamari Rang Gach	Koroi Gorjon Gamari
						Water bodies	0	0		Registered to Govt.	0	0					
						Badh	0	0		Not registered but applied	0	0					
						Total	30,500	30,500		Not registered but in possession	0	22,000					
										Total	30,500	30,500	Total	0			

Table K1: Distribution of land by sample paras in sample mouzas by use/control under paras: Khagrachhari

Mouza	Para		2009								1978 (or after, in case of newly established paras)								Dispossessed land (decimal)	Extent of and dispute in para
			Plough land	Homestead	Infrastructure	Hills (used for jum and garden)	VCF	Water bodies	Others	Total	Plough land	Homestead	Infrastructure	Hills	VCF	Water bodies	Others	Total		
Gumati	Bali Chandra	Decimal	3,000	2,100	220	3,000	0	200	0	8520	2500	600	0	9200	0	200	0	12500	3980	High
		Percentage	35.2%	24.6%	2.6%	35.2%	0.0%	2.3%	0.0%	100.0%	20%	5%	0%	74%	0%	2%	0%	100%		
	Brenda Kesor	Decimal	3849	1000	200	0	0	0	0	5049	4749	500	0	0	0	1000	0	6249	1200	High
		Percentage	76%	20%	4%	0%	0%	0%	0%	100%	76%	8%	0%	0%	0%	16%	0%	100%		
	Mahabub Member	Decimal	10000	2500	260	0	0	0	0	12760	10000	2000	0	700	0	360	0	13060	300	Medium
		Percentage	78.4%	19.6%	2.0%	0.0%	0.0%	0.0%	0.0%	100	77%	15%	0%	5%	0%	3%	0%	100%		
	Kala Pani Monsur Contractor	Decimal	3500	560	140	1740	0	0	0	5940	3000	300	226	1914	0	500	0	5940	-	Low
		Percentage	58.9%	9.4%	2.4%	29.3%	0.0%	0.0%	0.0%	100.0%	50.5%	5.1%	3.8%	32.2%	0.0%	8.4%	0.0%	100.0%		
	Sadek Chairman	Decimal	3000	2500	1000	0	0	0	0	6500	3000	2000	0	1500	0	0	0	6500	-	Low
		Percentage	46.2%	38.5%	15.4%	0.0%	0.0%	0.0%	0.0%	100.0%	46.2%	30.8%	0.0%	23.1%	0.0%	0.0%	0.0%	100.0%		
	Alim Sarkar	Decimal	6500	1700	26	272	0	0	0	8498	6900	1098	0	500	0	0	0	8498	-	Low
		Percentage	76.5%	20.0%	0.3%	3.2%	0.0%	0.0%	0.0%	100.0%	81.2%	12.9%	0.0%	5.9%	0.0%	0.0%	0.0%	100.0%		
	Total	Decimal	29849	10360	1846	5012	0	200	0	47267	30149	6498	226	13814	0	2060	0	52747	5480	
		Percentage	63.1%	21.9%	3.9%	10.6%	0.0%	0.4%	0.0%	100.0%	57.2%	12.3%	0.4%	26.2%	0.0%	3.9%	0.0%	100.0%		
Perachhara	Pratap	Decimal	3300	500	60	0	0	60	0	3920	1000	300	500	36260	2000	60	0	40120	36200	High
		Percentage	84.2%	12.8%	1.5%	0.0%	0.0%	1.5%	0.0%	2.5%	0.7%	1.2%	90.4%	5.0%	0.1%	0.0%	100.0%	2.5%		
	Comilla Tila	Decimal	1000	3495	360	10000	5000	200	0	20055	0	200	100	15000	14500	255	0	30055	10000	High
		Percentage	5.0%	17.4%	1.8%	49.9%	24.9%	1.0%	0.0%	100.0%	0.0%	0.7%	0.3%	49.9%	48.2%	0.8%	0.0%	100.0%		
	Kalapani Chhara	Decimal	12000	500	40	55000	0	0	0	67540	2000	200	20	60820	5000	0	0	68040	500	Medium
		Percentage	17.8%	0.7%	0.1%	81.4%	0.0%	0.0%	0.0%	100.0%	2.9%	0.3%	0.0%	89.4%	7.3%	0.0%	0.0%	100.0%		
	7 Mile	Decimal	0	1325	60	11600	0	60	6	13051	0	400	20	12631	0	500	0	13551	500	Medium
		Percentage	0.0%	10.2%	0.5%	88.9%	0.0%	0.5%	0.0%	100.0%	0.0%	3.0%	0.1%	93.2%	0.0%	3.7%	0.0%	100.0%		
	Palukya	Decimal	6500	8000	0	2000	10000	0	0	26500	6500	2000	0	8000	10000	0	0	26500	0	Low
		Percentage	24.5%	30.2%	0.0%	7.5%	37.7%	0.0%	0.0%	100.0%	24.5%	7.5%	0.0%	30.2%	37.7%	0.0%	0.0%	100.0%		
	Gula Dana Para	Decimal	7000	12000	240	3000	8000	0	0	30240	7200	3000	240	12000	8000	0	0	30440	200	Low
		Percentage	23.1%	39.7%	0.8%	9.9%	26.5%	0.0%	0.0%	100.0%	23.7%	9.9%	0.8%	39.4%	26.3%	0.0%	0.0%	100.0%		
	Total	Decimal	29800	25820	760	81600	23000	320	6	161306	16700	6100	880	144711	39500	815	0	208706	47400	
		Percentage	18.5%	16.0%	0.5%	50.6%	14.3%	0.2%	0.0%	100.0%	8.0%	2.9%	0.4%	69.3%	18.9%	0.4%	0.0%	100.0%		
Maischhari	Rabi Chandra Karbari	Decimal	2000	910	200	7000	0	60	0	10170	500	300	50	11620	500	200	0	13170	3000	High
		Percentage	19.7%	8.9%	2.0%	68.8%	0.0%	0.6%	0.0%	100.0%	3.8%	2.3%	0.4%	88.2%	3.8%	1.5%	0.0%	100.0%		
	Khirood Chandra Karbari	Decimal	1000	560	0	20000	0	700	0	22260	0	160	0	25000	1000	1000	0	27160	4900	High
		Percentage	4.5%	2.5%	0.0%	89.8%	0.0%	3.1%	0.0%	100.0%	0.0%	0.6%	0.0%	92.0%	3.7%	3.7%	0.0%	100.0%		
	Chowdhury	Decimal	3170	1500	1300	240	0	40	0	6250	500	200	400	6000	950	200	0	8250	2000	Medium
		Percentage	50.7%	24.0%	20.8%	3.8%	0.0%	0.6%	0.0%	100.0%	6.1%	2.4%	4.8%	72.7%	11.5%	2.4%	0.0%	100.0%		
	Narendra Karbari	Decimal	1720	1500	0	3000	0	600	0	6820	200	300	0	9320	1000	1000	0	11820	5000	Medium
		Percentage	25.2%	22.0%	0.0%	44.0%	0.0%	8.8%	0.0%	100.0%	1.7%	2.5%	0.0%	78.8%	8.5%	8.5%	0.0%	100.0%		
	Jibon Dhan	Decimal	5000	103	0	350	0	400	0	5853	1000	30	0	4000	1000	823	0	6853	1000	Low
		Percentage	85.4%	1.8%	0.0%	6.0%	0.0%	6.8%	0.0%	100.0%	14.6%	0.4%	0.0%	58.4%	14.6%	12.0%	0.0%	100.0%		
	Bali	Decimal	6500	730	820	0	0	130	0	8180	500	100	100	6410	1000	300	0	8410	230	Low
		Percentage	79.5%	8.9%	10.0%	0.0%	0.0%	1.6%	0.0%	100.0%	5.9%	1.2%	1.2%	76.2%	11.9%	3.6%	0.0%	100.0%		
	Total	Decimal	19390	5303	2320	30590	0	1930	0	59533	2700	1090	550	62350	5450	3523	0	75663	16130	
		Percentage	32.6%	8.9%	3.9%	51.4%	0.0%	3.2%	0.0%	100.0%	3.6%	1.4%	0.7%	82.4%	7.2%	4.7%	0.0%	100.0%		

Mouza	Para		2009								1978 (or after, in case of newly established paras)								Dispossessed land (decimal)	Extent of and dispute in para
			Plough land	Homestead	Infrastructure	Hills (used for jum and garden)	VCF	Water bodies	Others	Total	Plough land	Homestead	Infrastructure	Hills	VCF	Water bodies	Others	Total		
Alutila	Eishan Moni Headman	Decimal	6100	555	410	1800	0	0	0	8865	6200	555	410	101800	0	0	0	108965	100100	High
		Percentage	69%	6%	5%	20%	0%	0%	0%	100%	5.7%	0.5%	0.4%	93.4%	0.0%	0.0%	0.0%	100.0%		
	Alutila Punorbashon	Decimal	0	4100	100	33400	0	0	0	37600	0	2000	100	200000	0	0	0	202100	164500	High
		Percentage	0.0%	10.9%	0.3%	88.8%	0.0%	0.0%	0.0%	100.0%	0.0%	1.0%	0.0%	99.0%	0.0%	0.0%	0.0%	100.0%		
	Bang Mara	Decimal	4100	1360	0	51000	0	0	0	56460	4100	1360	0	61000	0	0	0	66460	10000	Medium
		Percentage	7.3%	2.4%	0.0%	90.3%	0.0%	0.0%	0.0%	100.0%	6.2%	2.0%	0.0%	91.8%	0.0%	0.0%	0.0%	100.0%		
	Shap Mara	Decimal	3500	500	260	8000	0	0	0	12260	3500	500	260	48000	0	0	0	52260	40000	Medium
		Percentage	28.5%	4.1%	2.1%	65.3%	0.0%	0.0%	0.0%	100.0%	6.7%	1.0%	0.5%	91.8%	0.0%	0.0%	0.0%	100.0%		
	Ashutosh Karbari	Decimal	2155	400	0	5500	0	0	0	8055	2155	400	0	5500	0	0	0	8055	0	Low
		Percentage	26.8%	5.0%	0.0%	68.3%	0.0%	0.0%	0.0%	100.0%	26.8%	5.0%	0.0%	68.3%	0.0%	0.0%	0.0%	100.0%		
	KhelaKumar Karbari	Decimal	700	740	300	10000	0	0	0	11740	700	740	300	40000	0	0	0	41740	30000	Low
		Percentage	6.0%	6.3%	2.6%	85.2%	0.0%	0.0%	0.0%	100.0%	1.7%	1.8%	0.7%	95.8%	0.0%	0.0%	0.0%	100.0%		
	Total	Decimal	16555	7655	1070	109700	0	0	0	134980	16655	5555	1070	456300	0	0	0	479580	344600	
		Percentage	12.3%	5.7%	0.8%	81.3%	0.0%	0.0%	0.0%	100.0%	3.5%	1.2%	0.2%	95.1%	0.0%	0.0%	0.0%	100.0%		
Kabakhali	Daskin Hasinchan Pur	Decimal	20000	5000	130	5000	4500	1600	0	36230	1000	500	0	25000	15760	2000	0	44260	8030	High
		Percentage	55.2%	13.8%	0.4%	13.8%	12.4%	4.4%	0.0%	100.0%	2.3%	1.1%	0.0%	56.5%	35.6%	4.5%	0.0%	100.0%		
	Harendralal Karbari	Decimal	40000	25000	600	0	0	1200	0	66800	2000	1000	100	70000	21000	2700	0	96800	30000	High
		Percentage	59.9%	37.4%	0.9%	0.0%	0.0%	1.8%	0.0%	100.0%	2.1%	1.0%	0.1%	72.3%	21.7%	2.8%	0.0%	100.0%		
	Headman	Decimal	18000	600	260	6040	200	0	100	25200	5000	100	100	20000	10000	0	0	35200	10000	Medium
		Percentage	71.4%	2.4%	1.0%	24.0%	0.8%	0.0%	0.4%	100.0%	14.2%	0.3%	0.3%	56.8%	28.4%	0.0%	0.0%	100.0%		
	Joykumar Karbari	Decimal	7680	600	160	6500	0	200	0	15140	2000	100	50	19000	1547	200	0	22897	7757	Medium
		Percentage	50.7%	4.0%	1.1%	42.9%	0.0%	1.3%	0.0%	100.0%	8.7%	0.4%	0.2%	83.0%	6.8%	0.9%	0.0%	100.0%		
	Durgha Karbari	Decimal	1600	1800	160	3510	8000	0	0	15070	500	400	30	9000	11700	0	0	21630	6560	Medium
		Percentage	10.6%	11.9%	1.1%	23.3%	53.1%	0.0%	0.0%	100.0%	2.3%	1.8%	0.1%	41.6%	54.1%	0.0%	0.0%	100.0%		
	Hajachhara Jora Bridge	Decimal	100000	2580	620	21700	0	120	0	125020	30000	500	200	94400	0	120	0	125220	200	Low
		Percentage	80.0%	2.1%	0.5%	17.4%	0.0%	0.1%	0.0%	100.0%	24.0%	0.4%	0.2%	75.4%	0.0%	0.1%	0.0%	100.0%		
	Total	Decimal	187280	35580	1930	42750	12700	3120	100	283460	40500	2600	480	237400	60007	5020	0	346007	62547	
		Percentage	66.1%	12.6%	0.7%	15.1%	4.5%	1.1%	0.0%	100.0%	11.7%	0.8%	0.1%	68.6%	17.3%	1.5%	0.0%	100.0%		

Table K2: Distribution of land by sample mouzas by use/control under paras: Khagrachhari

Mouza		2009								1978 (or after, in case of newly established paras)							
		Plough land	Homestead	Infrastructure	Hills (used for jum and garden)	VCF	Water bodies	Others	Total	Plough land	Homestead	Infrastructure	Hills	VCF	Water bodies	Others	Total
Gumti	Decimal	29849	10360	1846	5012	0	200	0	47267	30149	6498	226	13814	0	2060	0	52747
	Percentage	63.1%	21.9%	3.9%	10.6%	0.0%	0.4%	0.0%	100.0%	57.2%	12.3%	0.4%	26.2%	0.0%	3.9%	0.0%	100.0%
Perachhara	Decimal	29800	25820	760	81600	23000	320	6	161306	16700	6100	880	144711	39500	815	0	208706
	Percentage	18.5%	16.0%	0.5%	50.6%	14.3%	0.2%	0.0%	100.0%	8.0%	2.9%	0.4%	69.3%	18.9%	0.4%	0.0%	100.0%
Maischhari	Decimal	19390	5303	2320	30590	0	1930	0	59533	2700	1090	550	62350	5450	3523	0	75663
	Percentage	32.6%	8.9%	3.9%	51.4%	0.0%	3.2%	0.0%	100.0%	3.6%	1.4%	0.7%	82.4%	7.2%	4.7%	0.0%	100.0%
Alutila	Decimal	16555	7655	1070	109700	0	0	0	134980	16655	5555	1070	456300	0	0	0	479580
	Percentage	12.3%	5.7%	0.8%	81.3%	0.0%	0.0%	0.0%	100.0%	3.5%	1.2%	0.2%	95.1%	0.0%	0.0%	0.0%	100.0%
Kabakhali	Decimal	187280	35580	1930	42750	12700	3120	100	283460	40500	2600	480	237400	60007	5020	0	346007
	Percentage	66.1%	12.6%	0.7%	15.1%	4.5%	1.1%	0.0%	100.0%	11.7%	0.8%	0.1%	68.6%	17.3%	1.5%	0.0%	100.0%
Total	Decimal	282874	84718	7926	269652	35700	5570	106	686546	106704	21843	3206	914575	104957	11418	0	1162703
	Percentage	41.20%	12.34%	1.15%	39.28%	5.20%	0.81%	0.02%	100.00%	9.18%	1.88%	0.28%	78.66%	9.03%	0.98%	0.00%	100.00%

Table K3: Distribution of land by sample paras by rights/ownership: Khagrachhari

Mouza	Para	2009											1978 (or after, in case of newly established Paras)										
		Personal					Social					TOTAL	Personal					Social					TOTAL
		Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	Sub-total of Personal	Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	Sub-total of Social		Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	Sub-total of Personal	Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	Sub-total of Social	
Gumati	Bali Chandra	0	2280	4000	2020	8300	0	100	0	120	220	8520	0	2280	4000	6120	12400	0	100	0	0	100	12500
	Brenda Kesor	0	4849	0	0	4849	0	100	0	100	200	5049	0	6249	0	0	6249	0	0	0	0	0	6249
	Mahabub Member	0	10000	1500	1000	12500	0	260	0	0	260	12760	0	10000	1500	0	11500	0	0	0	1560	1560	13060
	Kala Pani Monsur Contractor	0	1700	2720	1300	5720	0	0	0	220	220	5940	0	1700	2720	1300	5720	0	0	0	220	220	5940
	Sadek Chairman	0	3000	3000	320	6320	0	100	0	80	180	6500	0	3000	0	0	3000	0	0	0	3500	3500	6500
	Alim Sarkar	0	1500	5600	1374	8474	0	0	0	24	24	8498	0	1500	0	0	1500	0	0	0	6998	6998	8498
	Total Decimal	0	23329	16820	6014	46163	0	560	0	544	1104	47267	0	24729	8220	7420	40369	0	100	0	12278	12378	52747
	Total Percentage	0.0%	49.4%	35.6%	12.7%	97.7%	0.0%	1.2%	0.0%	1.2%	2.3%	100.0%	0.0%	46.9%	15.6%	14.1%	76.5%	0.0%	0.2%	0.0%	23.3%	23.5%	100.0%
Perachhara	Pratap	0	0	0	0	0	1500	0	0	2420	3920	3920	0	2000	0	15000	17000	0	0	3120	20000	23120	40120
	Comilla Tila	800	4000	0	5000	9800	0	1200	0	9055	10255	20055	0	1000	500	5000	6500	3000	0	500	20055	23555	30055
	Kalapani Chhara	1000	0	5000	5000	11000	0	0	100	56440	56540	67540	1500	0	2000	7000	10500	0	0	0	57540	57540	68040
	7 Mile	0	0	0	8000	8000	0	0	0	5051	5051	13051	0	0	0	4000	4000	0	0	0	9551	9551	13551
	Palukya	0	6500	10000	10000	26500	0	0	0	0	0	26500	0	6500	10000	10000	26500	0	0	0	0	0	26500
	Guldana	0	7000	15000	8000	30000	0	0	240	0	240	30240	0	1000	5000	9000	15000	0	0	0	15440	15440	30440

Mouza	Para		2009											1978 (or after, in case of newly established Paras)										
			Personal					Social					TOTAL	Personal					Social					TOTAL
			Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	Sub-total of Personal	Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	Sub-total of Social		Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	Sub-total of Personal	Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	Sub-total of Social	
	Total	Decimal	1800	17500	30000	36000	85300	1500	1200	340	72966	76006	161306	1500	10500	17500	50000	79500	3000	0	3620	122586	129206	208706
		Percentage	1.1%	10.8%	18.6%	22.3%	52.9%	0.9%	0.7%	0.2%	45.2%	47.1%	100.0%	0.7%	5.0%	8.4%	24.0%	38.1%	1.4%	0.0%	1.7%	58.7%	61.9%	100.0%
Maischhari	Rabi Chandra Karbari		120	500	4350	0	4970	0	0	5200	0	5200	10170	0	100	2600	1300	4000	0	0	1300	7870	9170	13170
	Khirood Chandra Karbari		0	2400	200	19660	22260	0	0	0	0	0	22260	0	500	0	1000	1500	0	0	0	25660	25660	27160
	Chowdhury		600	2000	1150	2300	6050	0	0	200	0	200	6250	600	400	500	1000	2500	500	0	0	5250	5750	8250
	Narendra Karbari		0	2820	2000	2000	6820	0	0	0	0	0	6820	0	500	500	1000	2000	0	0	1200	8620	9820	11820
	Jibon Dhan		553	3100	1200	1000	5853	0	0	0	0	0	5853	0	500	850	1200	2550	0	0	1500	2803	4303	6853
	Bali		0	4631	2092	0	6723	650	767	30	10	1457	8180	0	500	800	500	1800	600	1000	400	4610	6610	8410
	Total	Decimal	1273	15451	10992	24960	52676	650	767	5430	10	6857	59533	600	2500	5250	6000	14350	1100	1000	4400	54813	61313	75663
		Percentage	2.1%	26.0%	18.5%	41.9%	88.5%	1.1%	1.3%	9.1%	0.0%	11.5%	100.0%	0.8%	3.3%	6.9%	7.9%	19.0%	1.5%	1.3%	5.8%	72.4%	81.0%	100.0%
Alutial	Eishan Moni Headman		0	6655	1800	0	8455	0	0	410	0	410	8865	0	1000	0	5000	6000	0	200	1500	101265	102965	108965
	Alutila Punorbashon		0	0	30600	6900	37500	0	0	100	0	100	37600	0	0	20000	20000	40000	0	1500	6000	154600	162100	202100
	Bang Mara		0	5460	25500	25500	56460	0	0	0	0	0	56460	0	5400	0	0	5400	0	0	0	61060	61060	66460
	Shap Mara		0	4000	4000	4000	12000	0	100	160	0	260	12260	0	4000	4000	0	8000	0	100	160	44000	44260	52260
	Ashutosh Karabari		0	4555	3500	0	8055	0	0	0	0	0	8055	0	4555	3500	0	8055	0	0	0	0	0	8055
	Khelakumar Karbari		0	1440	10000	0	11440	0	0	0	300	300	11740	1440	0	0	0	1440	0	0	0	40300	40300	41740
	Total	Decimal	0	22110	75400	36400	133910	0	100	670	300	1070	134980	1440	14955	27500	25000	68895	0	1800	7660	401225	410685	479580
		Percentage	0.0%	16.4%	55.9%	27.0%	99.2%	0.0%	0.1%	0.5%	0.2%	0.8%	100.0%	0.3%	3.1%	5.7%	5.2%	14.4%	0.0%	0.4%	1.6%	83.7%	85.6%	100.0%
Kabakhali	Daskin Hasinchan Pur		0	30568	162	5500	36230	0	0	0	0	0	36230	2000	1200	4000	5000	12200	3000	0	2000	27060	32060	44260
	Harendralal Karbari		0	45000	1500	19900	66400	0	400	0	0	400	66800	0	1500	5000	10000	16500	6000	0	5000	69300	80300	96800
	Headman		0	3800	200	0	4000	0	200	0	21000	21200	25200	0	200	0	0	200	2000	1000	1500	30500	35000	35200
	Joykumar Karbari		0	5820	220	9000	15040	0	100	0	0	100	15140	1000	1000	1500	1200	4700	1500	0	1500	15197	18197	22897
	Durgha Karbari		0	0	400	14510	14910	0	160	0	0	160	15070	0	0	200	2000	2200	0	0	0	19430	19430	21630
	Hajachhara Jora Bridge		0	1300	13500	109620	124420	0	600	0	0	600	125020	1000	2000	5000	30000	38000	0	0	0	87220	87220	125220
	Total	Decimal	0	86488	15982	158530	261000	0	1460	0	21000	22460	283460	4000	5900	15700	48200	73800	12500	1000	10000	248707	272207	346007
		Percentage	0.0%	30.5%	5.6%	55.9%	92.1%	0.0%	0.5%	0.0%	7.4%	7.9%	100.0%	1.2%	1.7%	4.5%	13.9%	21.3%	3.6%	0.3%	2.9%	71.9%	78.7%	100.0%

Table K4: Distribution of land by sample mouzas by rights/ownership: Khagrachhari

Mouza		2009											1978 (or after, in case of newly established Paras)										
		Personal					Social					TOTAL	Personal					Social					TOTAL
		Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	Sub-total of Personal	Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	Sub-total of Social		Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	Sub-total of Personal	Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	Sub-total of Social	
Gumati		0	23329	16820	6014	46163	0	560	0	544	1104	47267	0	24729	8220	7420	40369	0	100	0	12278	12378	52747
Perachhara		1800	17500	30000	36000	85300	1500	1200	340	72966	76006	161306	1500	10500	17500	50000	79500	3000	0	3620	122586	129206	208706
Maischhari		1273	15451	10992	24960	52676	650	767	5430	10	6857	59533	600	2500	5250	6000	14350	1100	1000	4400	54813	61313	75663
Alutila		0	22110	75400	36400	133910	0	100	670	300	1070	134980	1440	14955	27500	25000	68895	0	1800	7660	401225	410685	479580
Kabakhali		0	86488	15982	158530	261000	0	1460	0	21000	22460	283460	4000	5900	15700	48200	73800	12500	1000	10000	248707	272207	346007
Total	Decimal	3073	164878	149194	261904	579049	2150	4087	6440	94820	107497	686546	7540	58584	74170	136620	276914	16600	3900	25680	839609	885789	1162703
	Percentage	0.45%	24.02%	21.73%	38.15%	84.34%	0.31%	0.60%	0.94%	13.81%	15.66%	100.00%	0.65%	5.04%	6.38%	11.75%	23.82%	1.43%	0.34%	2.21%	72.21%	76.18%	100.00%

Table K5: Bali Chandra para: Gumati mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Bali Chandra	Tripura Bangalee	105	15	High	15	Plough land	3,000	2,500	Personal	Registered to Headman	0	0	Grabbing by Bangalee settlers	3,980	Jum	Rice Kaun Vegetables Potato Chili	Rice Kaun Vegetables Potato Chili Oil seed Maize
						Homestead land	2100	600		Registered to Govt.	2,280	2,280			Plough	Rice	Rice
						Infrastructures	220	0		Not registered but applied	4,000	4,000			Natural forest (Mainly VCF)	Koroi Kanak	Koroi Kanak Chapalish
						Hills (used for jum and garden)	3,000	9,200		Not registered but in possession	2,020	6,120			Garden	Mango Jackfruit	Mango Jackfruit
						VCF	0	0	Social	Registered to Headman	0	0			Hill	Koroi	Koroi
						Water bodies	200	200		Registered to Govt.	100	100					
						Others	0	0		Not registered but applied	0	0					
						Total	8,520	12,500		Not registered but in possession	120	0					
										Total	8,520	12,500	Total	3,980			

Table K6: Brenda Kesor para: Gumati mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Brenda Kesor	Tripura Bangalee	65	25	High	15	Plough land	3,849	4,749	Personal	Registered to Headman	0	0	Gumti river erosion and violence from	1,200	Jum	Rice Kaun Vegetables	Rice Kaun Vegetables
						Homestead land	1,000	500		Registered to Govt.	4,849	6,249			Plough	Rice	Rice
						Infrastructures	200	0		Not registered but applied	0	0			Natural forest (Mainly VCF)	Koroi Konok	Koroi Konok Chapalish
						Hills (used for jum and garden)	0	0		Not registered but in possession	0	0			Garden	Mango Jackfruit	Mango Jackfruit
						VCF	0	0	Social	Registered to Headman	0	0			Hill	Koroi	Koroi
						Water bodies	0	1,000		Registered to Govt.	100	0					
						Others	0	0		Not registered but applied	0	0					
						Total	5,049	6,249		Not registered but in possession	100						
										Total	5,049	6,249	Total	1,200			

Table K7: Mahabub Member para: Gumati mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Mahabub Member	Bangalee	62	15	Medium	5	Plough land	10,000	10,000	Personal	Registered to Headman	0	0	Gomti river erosion	300	Jum	-	-
						Homestead land	2,500	2,000		Registered to Govt.	10,000	10,000			Plough	Rice	Rice
						Infrastructures	260	0		Not registered but applied	1,500	1,500			Natural forest (Mainly VCF)	Koroi Konok	Koroi Konok
						Hills (used for jum and garden)	0	700		Not registered but in possession	1,000	0			Garden	Banana Mango Jackfruit	Banana Mango Jackfruit
						VCF	0	0	Social	Registered to Headman	0	0			Hill	Koroi	Koroi
						Water bodies	0	360		Registered to Govt.	260	0					
						Others	0	0		Not registered but applied	0	0					
						Total	12,760	13,060		Not registered but in possession	0	1,560					
										Total	12,760	13,060	Total	300			

Table K8: Kala Pani Monsur Contractor para: Gumati mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Kala Pani Monsur Contractor	Bangalee	140	38	Low	0	Plough land	3,500	3,000	Personal	Registered to Headman	0	0	-	-	Jum	Rice	Rice
						Homestead land	560	300		Registered to Govt.	1,700	1,700			Plough	Rice	Rice
						Infrastructures	140	226		Not registered but applied	2,720	2,720			Natural forest (Mainly VCF)	Koroi Konok	Koroi Konok
						Hills (used for jum and garden)	1,740	1,914		Not registered but in possession	1,300	1,300			Garden	Banana Mango Jackfruit	Banana Mango Jackfruit
						VCF	0	0	Social	Registered to Headman	0	0			Hill	Koroi	Koroi
						Water bodies	0	500		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	0	0					
						Total	5,940	5,940		Not registered but in possession	220	220					
										Total	5,940	5,940	Total	0			

Table K9: Sadek Chairman para: Gumati mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Sadek Chairman	Bangalee	90	40	Low	0	Plough land	3,000	3,000	Personal	Registered to Headman	0	0	-	-	Jum	-	Rice
						Homestead land	2,500	2,000		Registered to Govt.	3,000	3,000			Plough	Rice	Rice
						Infrastructures	1,000	0		Not registered but applied	3,000	0			Natural forest (Mainly VCF)	Koroi Konok	Koroi Konok
						Hills (used for jum and garden)	0	1,500		Not registered but in possession	320	0			Garden	Banana Mango Jackfruit	Banana Mango Jackfruit
						VCF	0	0	Social	Registered to Headman	0	0			Hill	Koroi	Koroi
						Water bodies	0	0		Registered to Govt.	100	0					
						Others	0	0		Not registered but applied	0	0					
						Total	6,500	6,500		Not registered but in possession	80	3,500					
										Total	6,500	6,500	Total	0			

Table K10: Alim Sarkar para: Gumati mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Alim Sarkar	Bangalee	85	50	Low	0	Plough land	6,500	6,900	Personal	Registered to Headman	0	0		-	Jum	-	Rice
						Homestead land	1,700	1,098		Registered to Govt.	1,500	1,500			Plough	Rice	Rice
						Infrastructures	26	0		Not registered but applied	5,600	0			Natural forest (Mainly VCF)	Koroi Konok	Koroi Konok
						Hills (used for jum and garden)	272	500		Not registered but in possession	1,374	0			Garden	Banana Mango Jackfruit	Banana Mango Jackfruit
						VCF	0	0	Social	Registered to Headman	0	0			Hill	Koroi	Koroi
						Water bodies	0	0		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	0						
						Total	8,498	8,498		Not registered but in possession	24	6,998					
										Total	8,498	8,498	Total	0			

Table K11: Pratap para: Perachhara mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Pratap	Chakma Tripura	72	34	High	25	Plough land	3,300	1,000	Personal	Registered to Headman	0	0	Acquired by Govt.	36,200	Jum	Mango Jackfruit Lichi	Rice Cotton
						Homestead land	500	300	Personal	Registered to Govt.	0	2,000			Plough	Rice	Rice
						Infrastructures	60	500	Personal	Not registered but applied	0	0			Natural forest (Mainly VCF)	Banana Mango Jackfruit	Kanak Koroi
						Hills (used for jum and garden)	0	36,260	Personal	Not registered but in possession	0	15,000			Garden	Banana Mango Jackfruit	Kanak Koroi
						VCF	0	2,000	Social	Registered to Headman	1,500	0			Hill	Kanak Koroi	Kanak Koroi Chapalish
						Water bodies	60	60	Social	Registered to Govt.	0	0					
						Others (Mathakhila, Guna)	0	0									
						Total	3,920	40,120	Social	Not registered but applied	0	3,120					
									Social	Not registered but in possession	2,420	20,000					
										Total	3,920	40,120	Total	36,200			

Table K12: Comilla Tila para: Perachhara mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Comilla Tila	Bangalee	233	22	High	10	Plough land	1,000	0	Personal	Registered to Headman	800	0	Land grabbing by settlers	10,000	Jum	Mango Jackfruit Lichi	Rice Cotton
						Homestead land	3,495	200	Personal	Registered to Govt.	4,000	1,000			Plough	Rice	Rice
						Infrastructures	360	100	Personal	Not registered but applied	0	500			Natural forest (Mainly VCF)	Banana Mango Jackfruit	Kanak Koroi
						Hills (used for jum and garden)	10,000	15,000	Personal	Not registered but in possession	5,000	5,000			Garden	Banana Mango Jackfruit	Kanak Koroi
						VCF	5,000	14,500	Social	Registered to Headman	0	3,000			Hill	Kanak Koroi	Kanak Koroi Chapalish
						Water bodies	200	255	Social	Registered to Govt.	1,200	0					
						Others	0	0									
						Total	20,055	30,055	Social	Not registered but applied	0	5,00					
									Social	Not registered but in possession	9,055	20,055	Total	10,000			
										Total	20,055	30,055					

Table K 13: Kalapani chhara: Perachhara mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Kalapani Chhara	Tripura	40	25	Medium	5	Plough land	12,000	2,000	Personal	Registered to Headman	1,000	1,500	Land acquisition by Govt.	500	Jum	Rice Cotton Mango Lichi	Rice Ginjer
						Homestead land	500	200		Registered to Govt.	0	0			Plough	Rice	Rice
						Infrastructures	40	20		Not registered but applied	5,000	2,000			Natural forest (Mainly VCF)	Banana Mango Jackfruit	Kanak Koroi
						Hills (used for jum and garden)	55,000	60,820		Not registered but in possession	5,000	7,000			Garden	Banana Mango Jackfruit	Kanak Koroi
						VCF	0	5,000	Social	Registered to Headman	0	0			Hill	Kanak Koroi	Kanak Koroi Chapalish
						Water bodies	0	0		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	100	0					
						Total	67,540	68,040		Not registered but in possession	56,440	57,540					
										Total	67,540	68,040	Total	500			

Table K14: 7 Mile para: Perachhara mouza

Name of Para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
7 Mile Para	Chakma	53	10	Medium	5	Plough land	0	0	Personal	Registered to Headman	0	0	Land distribution to Bangalee settlers	500	Jum	Rice Cotton Mango Lichi	Rice Ginjer
						Homestead land	1,325	400		Registered to Govt.	0	0			Plough	Rice	Rice
						Infrastructures	60	20		Not registered but applied	0	0			Natural forest (Mainly VCF)	Banana Mango Jackfruit	Kanak Koroi
						Hills (used for jum and garden)	11,600	12,631		Not registered but in possession	8,000	4,000			Garden	Banana Mango Jackfruit	Kanak Koroi
						VCF	0	0	Social	Registered to Headman	0	0			Hill	Kanak Koroi	Kanak Koroi Chapalish
						Water bodies	60	500		Registered to Govt.	0	0					
						Others	6	0		Not registered but applied	0	0					
						Total	13,051	13,551		Not registered but in possession	5,051	9,551					
										Total	13,051	13,551	Total	500			

Table K15: Palukya para: Perachhara mouza

Name Of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Palukya	Chakma	55	13	Low	0	Plough land	6,500	6,500	Personal	Registered to Headman	0	0	-	0	Jum	Rice Cotton Mango Lichi	Rice Ginjer
						Homestead land	8,000	2,000		Registered to Govt.	6,500	6,500			Plough	Rice	Rice
						Infrastructures	0	0		Not registered but applied	10,000	10,000			Natural forest (Mainly VCF)	Banana Mango Jackfruit	Kanak Koroi
						Hills (used for jum and garden)	2,000	8,000		Not registered but in possession	10,000	10,000			Garden	Banana Mango Jackfruit	Kanak Koroi
						VCF	10,000	10,000	Social	Registered to Headman	0	0			Hill	Kanak Koroi	Kanak Koroi Chapalish
						Water bodies	0	0		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	0	0					
						Total	26,500	26,500		Not registered but in possession	0	0					
										Total	26,500	26,500	Total	0			

Table K16: Guladana para: Perachhara mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Gula Dana	Chakma Tripura	41	5	Low	2	Plough land	7,000	7,200	Personal	Registered to Headman	0	0	Land grabbing	200	Jum	Rice Cotton Mango Lichi	Rice Ginjer
						Homestead land	12,000	3,000		Registered to Govt.	7,000	1,000			Plough	Rice	Rice
						Infrastructures	240	240		Not registered but applied	15,000	5,000			Natural forest (Mainly VCF)	Banana Mango Jackfruit	Kanak Koroi
						Hills (used for jum and garden)	3,000	12,000		Not registered but in possession	8,000	9,000			Garden	Banana Mango Jackfruit	Kanak Koroi
						VCF	8,000	8,000	Social	Registered to Headman	0	0			Hill	Kanak Koroi	Kanak Koroi Chapalish
						Water bodies	0	0		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	240	0					
						Total	30,240	30,440		Not registered but in possession	0	15,440					
										Total	30,240	30,440	Total	200			

Table K17: Rabi Chandra Karbari para: Maischhari mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
						Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
		2009	1978				2009	1978			2009	1978				2009	1978
Rabi Chandra Karbari	Chakma	61	22	High	16	Plough land	2,000	500	Personal	Registered to Headman	120	0	Rehabilitation of Bangalees	3,000	Jum	Rice Kaun Arum Chili Ginger Marufa	Rice Kaun Kaun Arum Vegetables Chili Turmeric Marufa
						Homestead land	910	300		Registered to Govt.	500	100			Plough	Rice Arum Papaya Sugarcane Vegetables Potato Chili Banana	Rice Kaun Vegetables Potato
						Infrastructures	200	50		Not registered but applied	4,350	2,600			Natural forest (Mainly VCF)	Shegun Gamari	Garjon Jarul
						Hills (used for jum and garden)	7,000	11,620		Not registered but in possession	0	1,300			Garden	Myrobalan Mango Jackfruit	Myrobalan Mango
						VCF	0	500	Social	Registered to Headman	0	0			Hill	Kanak	Garjon Jarul
						Water bodies	60	200		Registered to Govt.	0	0					
						Others	0	0									
						Total	10,170	13,170		Not registered but applied	5,200	1,300					
										Not registered but in possession	0	7,870					
										Total	10,170	13,170	Total	3,000			

Table K18: Khirood Chandra Karbari para: Maischhari mouza

Name of	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Khirood Chandra Karbari	Chakma Marma Tripura	65	15	High	7	Plough land	1,000	0	Personal	Registered to Headman	0	0	Land grabbing by Bangalee settlers	4,900	Jum	Rice Chili	Rice Kaun Kaun Arum Vegetables Chili Turmeric Marufa
						Homestead land	560	160		Registered to Govt.	2,400	500			Plough	Rice Arum Papaya Sugarcane Vegetables Potato Chili Banana	Rice Kaun Vegetables Potato
						Infrastructures	0	0		Not registered but applied	200	0			Natural forest (Mainly VCF)	Shegun Gamari	Garjon Jarul
						Hills (used for jum and garden)	20,000	25,000		Not registered but in possession	19,660	1,000			Garden	Myrobalan Mango Jackfruit	Myrobalan Mango
						VCF	0	1,000	Social	Registered to Headman	0	0			Hill	Kanak	Garjon Jarul
						Water bodies	700	1,000		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	0	0					
						Total	22,260	27,160		Not registered but in possession	0	25,660	Total	4,900			
										Total	22,260	27,160					

Table K19: Chowdhury para: maischhari mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Chowdhury	Marma Chakma Bangalee	77	17	Medium	12	Plough land	3,170	500	Personal	Registered to Headman	600	600	Acquisition for bazar (market)	2,000	Jum	Rice Chili	Rice Kaun Kaun Arum Vegetables Chili Turmeric Marufa
						Homestead land	1,500	200		Registered to Govt.	2,000	400			Plough	Rice Arum Papaya Sugarcane Vegetables Potato Chili Banana	Rice Kaun Vegetables Potato
						Infrastructures	1,300	400		Not registered but applied	1,150	500			Natural forest (Mainly VCF)	Shegun Gamari	Garjon Jarul
						Hills (used for jum and garden)	240	6,000		Not registered but in possession	2,300	1,000			Garden	Myrobalan Mango Jackfruit	Myrobalan Mango
						VCF	0	950	Social	Registered to Headman	0	500			Hill	Kanak	Garjon Jarul
						Water bodies	40	200		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	200	0					
						Total	6,250	8,250		Not registered but in possession	0	5,250					
										Total	6,250	8,250	Total	2,000			

Table K20: Narendra Karbari para: Maischhari mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Narendra Karbari	Tripura Bangalee Marma	30	16	Medium	15	Plough land	1,720	200	Personal	Registered to Headman	0	0	Rehabilitation of Bangalee	5,000	Jum	Rice Chili	Rice Kaun Kaun Arum Vegetables Chili Turmeric Marufa
						Homestead land	1,500	300		Registered to Govt.	2,820	500			Plough	Rice Arum Papaya Sugarcane Vegetables Potato Chili Banana	Rice Kaun Vegetables Potato
						Infrastructures	0	0		Not registered but applied	2,000	500			Natural forest (Mainly VCF)	Shegun Gamari	Garjon Jarul
						Hills (used for jum and garden)	3,000	9,320		Not registered but in possession	2,000	1,000			Garden	Myrobalan Mango Jackfruit	Myrobalan Mango
						VCF	0	1,000	Social	Registered to Headman	0	0			Hill	Kanak	Garjon Jarul
						Water bodies	600	1,000		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	0	1,200					
						Total	6,820	11,820		Not registered but in possession	0	8,620					
										Total	6,820	11,820	Total	500			

Table K21: Jibon Dhan Karbari para: maischhari mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Jibon Dhan Karbari	Chakma	29	18	Low	10	Plough land	5,000	1,000	Personal	Registered to Headman	553	0	Natural disaster	1,000	Jum	Rice Chili Rice Arum Papaya Sugarcane Vegetables Potato Chili Banana	Rice Kaun Kaun Arum Vegetables Chili Turmeric Marufa Rice Kaun Vegetables Potato
						Homestead land	103	30		Registered to Govt.	3,100	500			Plough	Shegun Gamari	Garjon Jarul
						Infrastructures	0	0		Not registered but applied	1,200	850			Natural forest (Mainly VCF)	Myrobalan Mango Jackfruit	Myrobalan Mango
						Hills (used for jum and garden)	350	4,000		Not registered but in possession	1,000	1,200			Garden	Kanak	Garjon Jarul
						VCF	0	1,000	Social	Registered to Headman	0	0			Hill	Kanak	Garjon Jarul
						Water bodies	400	823		Registered to Govt.	0	0					
						Others	0	0									
						Total	5,853	6,853		Not registered but applied	0	1,500					
										Not registered but in possession	0	2,803					
										Total	5,853	6,853	Total	1,000			

Table K22: Bali para: Maischhari mouza

Name of Para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Bali Para	Chakma Marma	55	7	Low	2	Plough land	6,500	500	Personal	Registered to Headman	0	0	Natural calamity	230	Jum	Rice Chili Rice Arum Papaya Sugarcane Vegetables Potato Chili Banana	Rice Kaun Kaun Arum Vegetables Chili Turmeric Marufa Rice Kaun Vegetables Potato
						Homestead land	730	100		Registered to Govt.	4,631	500			Plough		
						Infrastructures	820	100		Not registered but applied	2,092	800			Natural forest (Mainly VCF)	Shegun Gamari	Garjon Jarul
						Hills (used for jum and garden)	0	6,410		Not registered but in possession	0	500			Garden	Myrobalan Mango Jackfruit	Myrobalan Mango
						VCF	0	1,000	Social	Registered to Headman	650	600			Hill	Kanak Kanak	Garjon Jarul Garjon Jarul
						Water bodies	130	300		Registered to Govt.	767	1,000					
						Others	0	0		Not registered but applied	30	400					
						Total	8,180	8,410		Not registered but in possession	10	4,610					
										Total	8,180	8,410	Total	230			

Table K23: Eishan Moni Headman para: Alutila mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Eishan Moni Headman	Tripura	37	60	High	37	Plough land	6,100	6,200	Personal	Registered to Headman	0	0	Land grabbing by Bangalee settlers	100,100	Jum	Rice Kaun Arum Oil seed Vegetables Potato	Rice Kaun Arum Oil seed
						Homestead land	555	555		Registered to Govt.	6,655	1,000			Plough	Rice	Rice
						Infrastructures	410	410		Not registered but applied	1,800	0			Natural forest (Mainly VCF)	Koroi Kanak Blackberry	Koroi Garjon Chapalish
						Hills (used for jum and garden)	1,800	101,800		Not registered but in possession	0	5,000			Garden	Banana Mango Jackfruit	Banana Mango Jackfruit
						VCF	0	0	Social	Registered to Headman	0	0			Hill	Garjon Chapalish	Garjon Chapalish
						Water bodies	0	0		Registered to Govt.	0	200					
						Others	0	0		Not registered but applied	410	1,500					
						Total	8,865	108,965		Not registered but in possession	0	101,265					
										Total	8,865	108,965	Total	100,100			

Table K24: Alutila Punorbashon para: Alutila mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Alutila Punorbashon	Bangalee	82	82	High	82	Plough land	0	0	Personal	Registered to Headman	0	0	Land acquisition by Forest Department	164,500	Jum	Rice Kaun Chili Maize	Rice Kaun Chili Maize
						Homestead land	4,100	2,000		Registered to Govt.	0	0			Plough	-	-
						Infrastructures	100	100		Not registered but applied	30,600	20,000			Natural forest (Mainly VCF)	Koroi Konok Blackberry	Koroi Konok Chapalsh
						Hills (used for jum and garden)	33,400	200,000		Not registered but in possession	6,900	20,000			Garden	Banana Mango Jackfruit	Banana Mango Jackfruit
						VCF	0	0	Social	Registered to Headman	0				Hill	Koroi Konok Chapalish	Garjon Chapalish
						Water bodies	0	0		Registered to Govt.	0	1,500					
						Others	0	0		Not registered but applied	100	6,000					
						Total	376,00	202,100		Not registered but in possession	0	154,600	Total	164,500			
										Total	376,00	202,100					

Table K25: Bang Mara para: Alutila mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Bang Mara	Chakma Tripura	75	60	Medium	25	Plough land	4,100	4,100	Personal	Registered to Headman	0	0	Land grabbing by Bangalee settlers	10,000	Jum	Rice Kaun Arum Chili Maize	Rice Kaun Chili
						Homestead land	1,360	1,360		Registered to Govt.	5,460	5,400			Plough	Rice	Rice
						Infrastructures	0	0		Not registered but applied	25,500	0			Natural forest (Mainly VCF)	Koroi Konok Blackberry	Koroi Garjon Chapalish
						Hills (used for jum and garden)	51,000	61,000		Not registered but in possession	25,500	0			Garden	Banana Mango Jackfruit	Banana Mango Jackfruit
						VCF	0	0	Social	Registered to Headman	0	0			Hill	Koroi Konok Blackberry	Koroi Garjon Chapalish
						Water bodies	0	0		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	0	0					
						Total	56,460	66,460		Not registered but in possession	0	61,060					
										Total	56,460	66,460	Total	10,000			

Table K26: Shap Mara para: Alutila mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Shap Mara	Chakma Tripura	32	60	Medium	28	Plough land	3,500	3,500	Personal	Registered to Headman	0	0	Land acquisition by Forest Department	30,000	Jum	Rice Kaun Arum Chili Maize	Rice Kaun Chili Maize
						Homestead land	500	500		Registered to Govt.	4,000	4,000	Land grabbing by Bangalee settlers	10,000	Plough		
						Infrastructures	260	260		Not registered but applied	4,000	4,000			Natural forest (Mainly VCF)	Rice	Rice
						Hills (used for jum and garden)	8,000	48,000		Not registered but in possession	4,000	0			Garden	Koroi Konok Blackberry	Koroi Garjon Chapalish
						VCF	0	0	Social	Registered to Headman	0	0			Hill	Banana Mango Jackfruit Koroi Konok Blackberry	Banana Mango Jackfruit Koroi Garjon Chapalish
						Water bodies	0	0		Registered to Govt.	100	100					
						Others	0	0		Not registered but applied	160	160					
						Total	12,260	52,260		Not registered but in possession	0	44,000					
										Total	12,260	52,260	Total	40,000			

Table K27: Ashutosh Karabri para: Alutila mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Ashutosh Karbari	Chakma	20	20	Low	0	Plough land	2,155	2,155	Personal	Registered to Headman	0	0		0	Jum	Rice Kaun Arum Oil seed Vegetables Potato	Rice Kaun Chili Maize
						Homestead land	400	400		Registered to Govt.	4,555	4,555			Plough	Rice	Rice
						Infrastructures	0	0		Not registered but applied	3,500	3,500			Natural forest (Mainly VCF)	Koroi Blackberry	Koroi Garjan
						Hills (used for jum and garden)	5,500	5,500		Not registered but in possession	0	0			Garden	Banana Mango Jackfruit	Banana Mango Jackfruit
						VCF	0	0	Social	Registered to Headman	0	0			Hill	Koroi Blackberry	Koroi Blackberry
						Water bodies	0	0		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	0	0					
						Total	8,055	8,055		Not registered but in possession	0	0					
										Total	8,055		Total	0			

Table K28: Khelakumar Karbari para: Alutila mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Khelakumar Karbari	Tripura	26	40	Low	14	Plough land	700	700	Personal	Registered to Headman	0	1,440	Land acquisition by Forest Department	300,00	Jum	Vegetables	Vegetables Chili Maize
						Homestead land	740	740		Registered to Govt.	1,440	0			Plough	Rice	Rice
						Infrastructures	300	300		Not registered but applied	10,000	0			Natural forest (Mainly VCF)	Koroi Konok Blackberry	Koroi Garjon Chapalish
						Hills (used for jum and garden)	10,000	40,000		Not registered but in possession	0	0			Garden	Banana Mango Jackfruit	Banana Mango Jackfruit
						VCF	0	0	Social	Registered to Headman	0	0			Hill	Koroi Konok Blackberry	Koroi Garjon Chapalish
						Water bodies	0	0		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	0	0					
						Total	11,740	41,740		Not registered but in possession	300	40,300					
										Total	11,740	41,740	Total	30,000			

Table K29: Daskin Hasinchan Pur para: Kabakhali mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Daskin Hasinchan Pur	Bangalee Chakma	230	50	High	21	Plough land	20,000	1,000	Personal	Registered to Headman	0	2,000	Grabbing by Bangalee settlers	7,470	Jum	Rice Arum Vegetables Potato	Rice Binni rice Kaun Arum Vegetables Ginger
													Natural disaster	560			
						Homestead land	5,000	500		Registered to Govt.	30,568	1,200			Plough	Rice Papaya Tobacco Sugarcane Pulse Oil seeds Vegetables Potato	Arum Papaya Vegetables Chili
						Infrastructures	130	0		Not registered but applied	162	4,000			Natural forest (Mainly VCF)	Blackberry Garjan Koroi	Garjan Koroi Gamari
						Hills (used for jum and garden)	5,000	25,000		Not registered but in possession	5,500	5,000			Garden	Banana Orange Jackfruit Lemon Myrobalan	Banana Jackfruit
						VCF	4,500	15,760	Social	Registered to Headman	0	3,000			Hill	Garjan Koroi	Koroi Gamari
						Water bodies	1,600	2,000		Registered to Govt.	0	0					
						Others	0	0									
						Total	36,230	44,260		Not registered but applied	0	2,000					
										Not registered but in possession	0	27,060					
										Total	36,230	44,260	Total	8,030			

Table K30: Harendralal Karbari para: Kabakhali mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Harendral al Karbari	Bangalee	1,200	150	High	100	Plough land	40,000	2,000	Personal	Registered to Headman	0	0	Grabbing by Bangalee settlers	30,000	Jum	-	Rice Binni rice Kaun Vegetables Potato Ginger Cotton Turmeric
						Homestead land	25,000	1,000		Registered to Govt.	45,000	1,500			Plough	Rice Arum Papaya Tobacco Sugarcane Chili Onion	Rice Binni rice Kaun Arum Sugarcane Pulse Potato Chili
						Infrastructures	600	100		Not registered but applied	1,500	5,000			Natural forest (Mainly VCF)	Blackberry Garjon Koroi	Garjan Koroi Gamari
						Hills (used for jum and garden)	0	70,000		Not registered but in possession	19,900	10,000			Garden	Banana Orange Jackfruit Lemon Myrobalan	Banana Jackfruit
						VCF	0	21,000	Social	Registered to Headman	0	6,000			Hill	Garjon Koroi	Garjan Koroi Gamari
						Water bodies	1,200	2,700		Registered to Govt.	400	0					
						Others	0	0									
						Total	66,800	96,800		Not registered but applied	0	5,000					
										Not registered but in possession	0	69,300					
										Total	66,800	96,800	Total	30,000			

Table K31: Headman para: Kabakhali mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Headman	Bangalee Chakma	115	25	Medium	15	Plough land	18,000	5,000	Personal	Registered to Headman	0	0	Grabbing by Bangalee settlers	10,000	Jum	Rice Arum Ginger Cotton Turmeric	Rice Binni rice Kaun Arum Vegetables Potato Ginger
						Homestead land	600	100		Registered to Govt.	3,800	200			Plough	Vegetables Potato Nut Corn Water melon	Rice Binni rice Kaun
						Infrastructures	260	100		Not registered but applied	200	0			Natural forest (Mainly VCF)	Blackberry Garjon Koroi	Garjan Koroi Gamari
						Hills (used for jum and garden)	6,040	20,000		Not registered but in possession	0	0			Garden	Banana Orange Jackfruit Lemon Myrobalan	Banana Jackfruit
						VCF	200	10,000	Social	Registered to Headman	0	2,000			Hill	Garjon Koroi	Garjan Koroi Gamari
						Water bodies	0	0		Registered to Govt.	200	1000					
						Others	100	0		Not registered but applied	0	1,500					
						Total	25200	35200		Not registered but in possession	21,000	30,500					
										Total	25200	35200	Total	10,000			

Table K32: Joykumer Karbari para: Kabakhali mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
						Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
		2009	1978				2009	1978			2009	1978				2009	1978
Joykumer Karbari	Bangalee Chakma	110	25	Medium	15	Plough land	7,680	2,000	Personal	Registered to Headman	0	1,000	Grabbing by Bangalee settlers	7,697	Jum	Rice Kaun Arum Vegetables Potato Chili	Rice Binni rice kaun Arum Ginger Cotton Turmeric
													Construction of Ansar camp	60			
						Homestead land	600	100		Registered to Govt.	5,820	1,000			Plough	Rice Papaya Tobacco Sugarcane Pulse Chili Onion	Rice Sugarcane Pulse Oil seeds Vegetables Potato Chili
						Infrastructures	160	50		Not registered but applied	220	1,500			Natural forest (Mainly VCF)	Blackberry Garjon Koroi	Garjan Koroi Gamari
						Hills (used for jum and garden)	6,500	19,000		Not registered but in possession	9,000	1,200			Garden	Banana Orange Jackfruit Lemon Myrobalan	Banana Jackfruit
						VCF	0	1,547	Social	Registered to Headman	0	1,500			Hill	Garjon Koroi	Garjan Koroi Gamari
						Water bodies	200	200		Registered to Govt.	100	0					
						Others	0	0									
						Total	15,140	22,897		Not registered but applied	0	1,500					
										Not registered but in possession	0	15,197					
									Total		15,140	22,897	Total	7,757			

Table K33: Durgha Karbari para: Kabakhali mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Durgha Karbari	Bangalee Chakma	58	30	Medium	3	Plough land	1,600	500	Personal	Registered to Headman	0	0	Grabbing by Bangalee settlers	6,500	Jum	Rice Arum Chili Ginger Cotton Turmeric	Rice Binni rice Kaun Arum Chili Ginger Cotton Turmeric
						Homestead land	1,800	400		Registered to Govt.	0	0	Govt. acquisition	60	Plough	Rice Binni rice Chili Beetle leaf Cotton Turmeric Banana	Rice Papaya Pulse Vegetables Potato Chili Onion Watermelon
						Infrastructures	160	30		Not registered but applied	400	200			Natural forest (Mainly VCF)	Blackberry Garjon Koroi	Garjan Koroi Gamari
						Hills (used for jum and garden)	3,510	9,000		Not registered but in possession	14,510	2,000			Garden	Banana Orange Jackfruit Lemon Myrobalan	Banana Jackfruit
						VCF	8,000	11,700	Social	Registered to Headman	0	0			Hill	Garjon Koroi	Garjan Koroi Gamari
						Water bodies	0	0		Registered to Govt.	160	0					
						Others	0	0		Not registered but applied	0	0					
						Total	15,070	21,630		Not registered but in possession	0	19,430					
										Total	15,070	21,630	Total	6,560			

Table K34: Hajachhara Jora Bridge para: Kabakhali mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Hajachhara Jora Bridge	Chakma	86	50	Low	3	Plough land	100,000	30,000	Personal	Registered to Headman	0	1,000	River erosion	200	Jum	Rice Binni rice Kaun Arum Vegetables Ginger Cotton	Rice Binni rice Kaun Arum Chili Ginger Cotton Turmeric
						Homestead land	2,580	500		Registered to Govt.	1,300	2,000			Plough	Rice Tobacco Sugarcane Vegetables Potato Ginger Turmeric	Rice Sugarcane Vegetables Potato Jackfruit Pineapple Lemon
						Infrastructures	620	200		Not registered but applied	13,500	5,000			Natural forest (Mainly VCF)	Blackberry Garjon Koroi	Garjan Koroi Gamari
						Hills (used for jum and garden)	21,700	94,400		Not registered but in possession	109,620	30,000			Garden	Banana Orange Jackfruit Lemon Myrobalan	Banana Jackfruit
						VCF	0		Social	Registered to Headman	0	0			Hill	Garjon Koroi	Garjan Koroi Gamari
						Water bodies	120	120		Registered to Govt.	600	0					
						Others	0	0		Not registered but applied	0	0					
						Total	125,020	125,220		Not registered but in possession	0	87,220					
										Total	125,020	125,220	Total	200			

Table R1: Distribution of land by sample paras in sample mouzas by use/control under paras: Rangamati

Mouza	Para		2009								1978 (or after, in case of newly established paras)								Dispossessed land (decimal)	Extent of and dispute in para
			Plough land	Homestead	Infrastructure	Hills (used for jum and garden)	VCF	Water bodies	Others	**Total**	Plough land	Homestead	Infrastructure	Hills	VCF	Water bodies	Others	**Total**		
Dhanu Chhara	Bara Kuichkha	Decimal	1,179	1,142	120	9,900	10,000	40	0	22,381	200	500	50	30,000	40,000	200	0	70,950	48,569	High
		Percentage	5.3%	5.1%	0.5%	44.2%	44.7%	0.2%	0.0%	100.0%	0.3%	0.7%	0.1%	42.3%	56.4%	0.3%	0.0%	100.0%		
	Shil Chhari	Decimal	0	100	5	3,380	0	0	0	3,485	0	400	25	30,380	0	0	0	30,805	27,320	High
		Percentage	0.0%	2.9%	0.1%	97.0%	0.0%	0.0%	0.0%	100.0%	0.0%	1.3%	0.1%	98.6%	0.0%	0.0%	0.0%	100.0%		
	Dhanu Chhari	Decimal	1,700	500	100	10,000	1,000	40	0	13,340	200	600	20	35,420	2,000	100	0	38,340	25,000	Medium
		Percentage	12.7%	3.7%	0.7%	75.0%	7.5%	0.3%	0.0%	100.0%	0.5%	1.6%	0.1%	92.4%	5.2%	0.3%	0.0%	100.0%		
	Madan Karbari	Decimal	660	300	50	8,335	0	0	0	9,345	0	300	20	33,025	1,000	0	0	34,345	25,000	Medium
		Percentage	7.1%	3.2%	0.5%	89.2%	0.0%	0.0%	0.0%	100.0%	0.0%	0.9%	0.1%	96.2%	2.9%	0.0%	0.0%	100.0%		
	Total	Decimal	3,539	2,042	275	31,615	11,000	80	0	48,551	400	1,800	115	128,825	43,000	300	0	174,440	125,889	
		Percentage	7.3%	4.2%	0.6%	65.1%	22.7%	0.2%	0.0%	100.0%	0.2%	1.0%	0.1%	73.9%	24.7%	0.2%	0.0%	100.0%		
Kukya Chhari	Chotakuikka	Decimal	200	30	0	200	0	0	0	430	1,000	400	30	19,000	0	0	0	20,430	20,000	High
		Percentage	46.5%	7.0%	0.0%	46.5%	0.0%	0.0%	0.0%	100.0%	4.9%	2.0%	0.1%	93.0%	0.0%	0.0%	0.0%	100.0%		
	Saduma Chhara	Decimal	200	100	20	0	0	0	0	320	0	400	0	5,000	0	0	0	5,400	5,080	High
		Percentage	62.5%	31.3%	6.3%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	7.4%	0.0%	92.6%	0.0%	0.0%	0.0%	100.0%		
	Uluchhari Mazar	Decimal																		High
		Percentage																		
	Noa	Decimal	500	700	10	0	0	0	0	1,210	0	1,000	0	3,210	0	0	0	4,210	3,000	Medium
		Percentage	41.3%	57.9%	0.8%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	23.8%	0.0%	76.2%	0.0%	0.0%	0.0%	100.0%		
	Talukder	Decimal	1,600	500	82	0	0	0	0	2,182	0	250	0	13,932	0	0	0	14,182	12,000	Low
		Percentage	73.3%	22.9%	3.8%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	1.8%	0.0%	98.2%	0.0%	0.0%	0.0%	100.0%		
	Total	Decimal	2500	1330	112	200	0	0	0	4142	1000	2050	30	41142	0	0	0	44222	40,080	
		Percentage	60.4%	32.1%	2.7%	4.8%	0.0%	0.0%	0.0%	100.0%	2.3%	4.6%	0.1%	93.0%	0.0%	0.0%	0.0%	100.0%		
Petanya Lamar Chhara	Mahajan	Decimal	7,120	1,500	500	1,000	0	1,000	0	11,120	6,000	400	300	1,400	1,500	500	0	10,100	10,100	High
		Percentage	64.0%	13.5%	4.5%	9.0%	0.0%	9.0%	0.0%	100.0%	59.4%	4.0%	3.0%	13.9%	14.9%	5.0%	0.0%	100.0%		
	Petannamachaara	Decimal	44,800	2,000	400	4,000	0	3,000	0	54,200	51,200	1,500	0	0	0	0	0	52,700	52,000	High
		Percentage	82.7%	3.7%	0.7%	7.4%	0.0%	5.5%	0.0%	100.0%	97.2%	2.8%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%		
	Rangi	Decimal	1,920	4,000	500	10,500	20,000	200	0	37,120	1,920	3,000	0	8,000	25,000	0	0	37,920	30,000	Medium
		Percentage	5.2%	10.8%	1.3%	28.3%	53.9%	0.5%	0.0%	100.0%	5.1%	7.9%	0.0%	21.1%	65.9%	0.0%	0.0%	100.0%		
	Ranjit	Decimal	1,280	2,100	500	36,500	0	2,000	0	42,380	1,200	1,000	0	80,180	0	0	0	82,380	40,000	Low
		Percentage	3.0%	5.0%	1.2%	86.1%	0.0%	4.7%	0.0%	100.0%	1.5%	1.2%	0.0%	97.3%	0.0%	0.0%	0.0%	100.0%		
	Total	Decimal	55,120	9,600	1,900	52,000	20,000	6,200	0	144,820	60,320	5,900	300	89,580	26,500	500	0	183,100	132,100	
		Percentage	38.1%	6.6%	1.3%	35.9%	13.8%	4.3%	0.0%	100.0%	32.9%	3.2%	0.2%	48.9%	14.5%	0.3%	0.0%	100.0%		
Ballal Chhara	Bahultoli	Decimal	5,000	200	0	2,500	0	0	0	7,700	4,000	250	0	10,950	0	0	0	15,200	7,500	High
		Percentage	64.9%	2.6%	0.0%	32.5%	0.0%	0.0%	0.0%	100.0%	26.3%	1.6%	0.0%	72.0%	0.0%	0.0%	0.0%	100.0%		
	Tinkunia Tripura	Decimal	10,000	100	10	3,000	0	0	0	13,110	5,000	100	0	22,010	0	0	0	27,110	14,000	High
		Percentage	76.3%	0.8%	0.1%	22.9%	0.0%	0.0%	0.0%	100.0%	18.4%	0.4%	0.0%	81.2%	0.0%	0.0%	0.0%	100.0%		
	Tinkunia Headman	Decimal	5,000	200	700	5,000	0	0	0	10,900	4,000	200	0	12,000	0	0	0	16,200	5,300	Medium
		Percentage	45.9%	1.8%	6.4%	45.9%	0.0%	0.0%	0.0%	100.0%	24.7%	1.2%	0.0%	74.1%	0.0%	0.0%	0.0%	100.0%		
	Chandi Mohon	Decimal	5,000	800	0	2,500	0	0	0	8,300	2,000	0	0	8,500	0	0	0	10,500	2,200	Low
		Percentage	60.2%	9.6%	0.0%	30.1%	0.0%	0.0%	0.0%	100.0%	19.0%	0.0%	0.0%	81.0%	0.0%	0.0%	0.0%	100.0%		
	Total	Decimal	25,000	1,300	710	13,000	0	0	0	40,010	15,000	550	0	53,460	0	0	0	69,010	29,000	
		Percentage	62.5%	3.2%	1.8%	32.5%	0.0%	0.0%	0.0%	100.0%	21.7%	0.8%	0.0%	77.5%	0.0%	0.0%	0.0%	100.0%		

Mouza	Para		2009								1978 (or after, in case of newly established paras)								Dispossessed land (decimal)	Extent of and dispute in para
			Plough land	Homestead	Infrastructure	Hills (used for jum and garden)	VCF	Water bodies	Others	**Total**	Plough land	Homestead	Infrastructure	Hills	VCF	Water bodies	Others	**Total**		
Ulta Chhari	Daksin Ulta Chhari	Decimal	5,000	2,000	50	200	0	0	0	7,250	1,000	500	40	7,510	1,000	200	0	10,250	3,000	High
		Percentage	69.0%	27.6%	0.7%	2.8%	0.0%	0.0%	0.0%	100.0%	9.8%	4.9%	0.4%	73.3%	9.8%	2.0%	0.0%	100.0%		
	Uttar Yereng	Decimal	15,000	500	300	3,000	0	300	0	19,100	10,000	400	0	12,500	2,000	200	0	25,100	6,000	High
		Percentage	78.5%	2.6%	1.6%	15.7%	0.0%	1.6%	0.0%	100.0%	39.8%	1.6%	0.0%	49.8%	8.0%	0.8%	0.0%	100.0%		
	Sukracharjya	Decimal	1,000	2,000	500	3,000	0	100	0	6,600	750	1,000	0	7,850	2,000	0	0	11,600	5,000	Medium
		Percentage	15.2%	30.3%	7.6%	45.5%	0.0%	1.5%	0.0%	100.0%	6.5%	8.6%	0.0%	67.7%	17.2%	0.0%	0.0%	100.0%		
	Ratna Mohon Karbari	Decimal	10,000	2,000	500	13,000	0	500	0	26,000	8,000	1,000	100	19,400	1,500	1,000	0	31,000	5,000	Medium
		Percentage	38.5%	7.7%	1.9%	50.0%	0.0%	1.9%	0.0%	100.0%	25.8%	3.2%	0.3%	62.6%	4.8%	3.2%	0.0%	100.0%		
	Ulta Chhari Mukh	Decimal	5,000	300	300	6,000	300	0	0	11,900	2,000	200	100	9,600	0	0	0	11,900	0	Medium
		Percentage	42.0%	2.5%	2.5%	50.4%	2.5%	0.0%	0.0%	100.0%	16.8%	1.7%	0.8%	80.7%	0.0%	0.0%	0.0%	100.0%		
	Chowdugi Chhara	Decimal	5,000	3,000	500	4,000	0	8,000	0	20,500	2,000	1,000	200	13,300	2,000	2,000	0	20,500	0	Low
		Percentage	24.4%	14.6%	2.4%	19.5%	0.0%	39.0%	0.0%	100.0%	9.8%	4.9%	1.0%	64.9%	9.8%	9.8%	0.0%	100.0%		
	Total	Decimal	41,000	9,800	2,150	29,200	300	8,900	0	91,350	23,750	4,100	440	70,160	8,500	3,400	0	110,350	19000	
		Percentage	44.9%	10.7%	2.4%	32.0%	0.3%	9.7%	0.0%	100.0%	21.5%	3.7%	0.4%	63.6%	7.7%	3.1%	0.0%	100.0%		

Table R2: Distribution of land by sample mouzas by use/control under paras: Rangamati

Mouza		2009								1978 (or after, in case of newly established paras)							
		Plough land	Homestead	Infrastructure	Hills (used for jum and garden)	VCF	Water bodies	Others	**Total**	Plough land	Homestead	Infrastructure	Hills	VCF	Water bodies	Others	**Total**
Dhanu Chhara	Decimal	3,539	2,042	275	31,615	11,000	80	0	48,551	400	1,800	115	128,825	43,000	300	0	174,440
	Percentage	7.3%	4.2%	0.6%	65.1%	22.7%	0.2%	0.0%	100.0%	0.2%	1.0%	0.1%	73.9%	24.7%	0.2%	0.0%	100.0%
Kukya Chhari	Decimal	2500	1330	112	200	0	0	0	4142	1000	2050	30	41142	0	0	0	44222
	Percentage	60.4%	32.1%	2.7%	4.8%	0.0%	0.0%	0.0%	100.0%	2.3%	4.6%	0.1%	93.0%	0.0%	0.0%	0.0%	100.0%
Petanya Lamar Chhara	Decimal	55,120	9,600	1,900	52,000	20,000	6,200	0	144,820	60,320	5,900	300	89,580	26,500	500	0	183,100
	Percentage	38.1%	6.6%	1.3%	35.9%	13.8%	4.3%	0.0%	100.0%	32.9%	3.2%	0.2%	48.9%	14.5%	0.3%	0.0%	100.0%
Ballal Chhara	Decimal	25,000	1,300	710	13,000	0	0	0	40,010	15,000	550	0	53,460	0	0	0	69,010
	Percentage	62.5%	3.2%	1.8%	32.5%	0.0%	0.0%	0.0%	100.0%	21.7%	0.8%	0.0%	77.5%	0.0%	0.0%	0.0%	100.0%
Ulta Chhari	Decimal	41,000	9,800	2,150	29,200	300	8,900	0	91,350	23,750	4,100	440	70,160	8,500	3,400	0	110,350
	Percentage	44.9%	10.7%	2.4%	32.0%	0.3%	9.7%	0.0%	100.0%	21.5%	3.7%	0.4%	63.6%	7.7%	3.1%	0.0%	100.0%
Total	Decimal	127,159	24,072	5,147	126,015	31,300	15,180	0	328,873	100,470	14,400	885	383,167	78,000	4,200	0	581,122
	Percentage	38.67%	7.32%	1.57%	38.32%	9.52%	4.62%	0.00%	100.00%	17.29%	2.48%	0.15%	65.94%	13.42%	0.72%	0.00%	100.00%

Table R3: Distribution of land by sample paras by rights/ownership: Rangamati

Mouza	Para		2009											1978 (or after, in case of newly established Paras)										
			Personal					Social						Personal					Social					
			Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	**Sub-total of Personal**	Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	**Sub-total of Social**	**TOTAL**	Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	**Sub-total of Personal**	Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	**Sub-total of Social**	**TOTAL**
Dhanu Chhara	Bara Kuichkha		200	8,500	3,500	8,000	20200	1,581	100	0	500	2181	22381	500	800	1,500	3,000	5800	2,500	0	0	62,650	65150	70950
	Shil Chhari		0	0	0	3,380	3,380	0	0	0	105	105	3,485	0	0	1,500	3,000	4,500	4,000	0	0	22,305	26,305	30,805
	Dhanu Chhari		0	440	800	10,700	11,940	1,300	0	0	100	1,400	13,340	0	0	300	2,000	2,300	3,000	0	0	33,040	36,040	38,340
	Madan Karbari		0	1,480	0	7,460	8,940	300	0	0	105	405	9,345	0	300	0	2,000	2,300	50	0	0	31,995	32,045	34,345
	Total	Decimal	200	10,420	4,300	29,540	44,460	3,181	100	0	810	4,091	48,551	500	1,100	3,300	10,000	14,900	9,550	0	0	149,990	159,540	174,440
		Percentage	0.4%	21.5%	8.9%	60.8%	91.6%	6.6%	0.2%	0.0%	1.7%	8.4%	100.0%	0.3%	0.6%	1.9%	5.7%	8.5%	5.5%	0.0%	0.0%	86.0%	91.5%	100.0%
Kukya Chhari	Chotakuikka		0	200	0		200	0	0	0	230	230	430	0	0	0	0	0	0	0	10,000	10,430	20,430	20,430
	Saduma Chhara		0	0	0	0	0	0	0	0	320	320	320	0	0	0	200	200	0	0	0	5,200	5,200	5,400
	Uluchhari Mazar																							
	Noa		0	90	0	1,120	1,210	0	0	0	0	0	1,210	0	0	0	3,000	3,000	0	0	0	1,210	1,210	4,210
	Talukder		0	633	0	1,549	2,182	0	0	0	0	0	2,182	0	300	0	5,000	5,300	0	0	0	8,882	8,882	14,182
	Total	Decimal	0	923	0	2,669	3,592	0	0	0	550	550	4,142	0	300	0	8,200	8,500	0	0	10,000	25,722	35,722	44,222
		Percentage	0.0%	22.3%	0.0%	64.4%	86.7%	0.0%	0.0%	0.0%	13.3%	13.3%	100.0%	0.0%	0.7%	0.0%	18.5%	19.2%	0.0%	0.0%	22.6%	58.2%	80.8%	100.0%
Petanya Lamar Chhara	Mahajan		0	1,080	0	150	1,230	0	0	0	9,890	9,890	11,120	0	1,080	0	0	1,080	0	0	0	9,020	9,020	10,100
	Petannamachaara		0	2,000	0	2,000	4,000	0	0	0	50,200	50,200	54,200	0	2,000	0	48,000	50,000	0	0	0	2,700	2,700	52,700
	Rangi		0	5,300	3,000	8,000	16,300	0	0	0	20,820	20,820	37,120	0	5,300	0	0	5,300	0	0	0	32,620	32,620	37,920
	Ranjit		0	3,200	25,000	0	28,200	0	0	0	14,180	14,180	42,380	0	3,200	0	0	3,200	0	0	0	79,180	79,180	82,380
	Total	Decimal	0	11,580	28,000	10,150	49,730	0	0	0	95,090	95,090	144,820	0	11,580	0	48,000	59,580	0	0	0	123,520	123,520	183,100
		Percentage	0.0%	8.0%	19.3%	7.0%	34.3%	0.0%	0.0%	0.0%	65.7%	65.7%	100.0%	0.0%	6.3%	0.0%	26.2%	32.5%	0.0%	0.0%	0.0%	67.5%	67.5%	100.0%
Ballal Chhara	Bahultoli		0	85	100	0	185	0	0	0	7,515	7,515	7,700	0	85	0	0	85	0	0	0	15,115	15,115	15,200
	Tinkunia Tripura		0	0	0	100	100	0	0	0	13,010	13,010	13,110	0	0	0	0	0	0	0	0	27,110	27,110	27,110
	Tinkunia Headman		0	100	0	0	100	0	0	0	10,800	10,800	10,900	0	0	5,000	0	5,000	0	0	0	11,200	11,200	16,200
	Chandi Mohon		26	150	0	0	176	0	0	0	8,124	8,124	8,300	26	100	0	1,000	1,126	0	0	0	9,374	9,374	10,500
	Total	Decimal	26	335	100	100	561	0	0	0	39,449	39,449	40,010	26	185	5,000	1,000	6,211	0	0	0	62,799	62,799	69,010
		Percentage	0.1%	0.8%	0.2%	0.2%	1.4%	0.0%	0.0%	0.0%	98.6%	98.6%	100.0%	0.0%	0.3%	7.2%	1.4%	9.0%	0.0%	0.0%	0.0%	91.0%	91.0%	100.0%
Ulta Chhari	Daksin Ulta Chhari		0	3,000	400	3,650	7,050	0	0	0	200	200	7,250	200	500	1,000	500	2,200	0	0	0	8,050	8,050	10,250
	Uttar Yereng		0	5,000	1,500	4,000	10,500	8,400	0	0	200	8,600	19,100	500	1,000	500	3,000	5,000	10,000	0	0	10,100	20,100	25,100
	Sukracharjya		0	3,500	2,000	900	6,400	0	0	0	200	200	6,600	0	500	1,500	500	2,500	1,000	0	500	7,600	9,100	11,600
	Ratna Mohon Karbari		0	10,000	0	15,000	25,000	0	0	0	1,000	1,000	26,000	0	1,000	0	500	1,500	3,000	0	0	26,500	29,500	31,000
	Ulta Chhari Mukh		0	10,500	0	1,200	11,700	0	0	0	200	200	11,900	0	2,000	0	3,000	5,000	0	0	2,000	4,900	6,900	11,900
	Chowdugi Chhara		0	0	0	10,000	10,000	0	0	0	10,500	10,500	20,500	0	0	0	5,000	5,000	0	0	0	15,500	15,500	20,500
	Total	Decimal	0	32,000	3,900	34,750	70,650	8,400	0	0	12,300	20,700	91,350	700	5,000	3,000	12,500	21,200	14,000	0	2,500	72,650	89,150	110,350
		Percentage	0.0%	35.0%	4.3%	38.0%	77.3%	9.2%	0.0%	0.0%	13.5%	22.7%	100.0%	0.6%	4.5%	2.7%	11.3%	19.2%	12.7%	0.0%	2.3%	65.8%	80.8%	100.0%

Table R4: Distribution of land by sample mouzas by rights/ownership: Rangamati

Mouza		2009											1978 (or after, in case of newly established Paras)										
		Personal					Social						Personal					Social					
		Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	**Sub-total of Personal**	Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	**Sub-total of Social**	**TOTAL**	Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	**Sub-total of Personal**	Registered to Headman	Registered to Govt.	Not registered but applied	Not registered but in possession	**Sub-total of Social**	**TOTAL**
Dhanu Chhara		200	10,420	4,300	29,540	44,460	3,181	100	0	810	4,091	48,551	500	1,100	3,300	10,000	14,900	9,550	0	0	149,990	159,540	174,440
Kukya Chhari		0	923	0	2,669	3,592	0	0	0	550	550	4,142	0	300	0	8,200	8,500	0	0	10,000	25,722	35,722	44,222
Petanya Lamar Chhara		0	11,580	28,000	10,150	49,730	0	0	0	95,090	95,090	144,820	0	11,580	0	48,000	59,580	0	0	0	123,520	123,520	183,100
Ballal Chhara		26	335	100	100	561	0	0	0	39,449	39,449	40,010	26	185	5,000	1,000	6,211	0	0	0	62,799	62,799	69,010
Ulta Chhari		0	32,000	3,900	34,750	70,650	8,400	0	0	12,300	20,700	91,350	700	5,000	3,000	12,500	21,200	14,000	0	2,500	72,650	89,150	110,350
Total	Decimal	226	55258	36300	77209	168993	11581	100	0	148199	159880	328873	1226	18165	11300	79700	110391	23550	0	12500	434681	470731	581122
	Percentage	0.07%	16.80%	11.04%	23.48%	51.39%	3.52%	0.03%	0.00%	45.06%	48.61%	100.00%	0.21%	3.13%	1.94%	13.71%	19.00%	4.05%	0.00%	2.15%	74.80%	81.00%	100.00%

Table R 5: Bara Kuichkha Chhari para: Dhanu Chhara mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Bara Kuichkha	Khyang	52	60	High	40	Plough land	1,179	200	Personal	Registered to Headman	200	500	Land acquisition by Forest Department	48,569	Jum	Rice Turmeric Banana	Rice Biini rice Turmeric Banana
						Homestead land	1,142	500		Registered to Govt.	8,500	800			Plough	Rice	Rice
						Infrastructures	120	50		Not registered but applied	3,500	1,500			Natural forest (Mainly VCF)	Koroi Chapalish Garjon Shegun Gamar Goda Bamboo	Goda Koroi Chpalish Garjon Bamboo
						Hills (used for jum and garden)	9,900	30,000		Not registered but in possession	8,000	3,000			Garden	Banana Mango Jackfruit Myrobalan Olive	Banana Mango
						VCF	10,000	40,000	Social	Registered to Headman	1,581	2,500			Hill	Koroi Chapalish Garjon Shegun Gamar Goda Bamboo	Goda Koroi Chpalish Garjon Bamboo
						Water bodies	40	200		Registered to Govt.	100	0					
						Others	0	0		Not registered but applied	0	0					
						Total	22,381	70,950		Not registered but in possession	500	62,650					
									Total		22,381	70,950	Total	48,569			

Table R6: Shil Chhari para: Dhanu Chhara mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Shil Chhari	Khyang	14	100	High	80	Plough land	0	0	Personal	Registered to Headman	0	0	Land acquisition by Forest Department	27,320	Jum	Rice Turmeric Banana	Rice Biini rice Turmeric Banana
						Homestead land	100	400		Registered to Govt.	0	0			Plough	Rice	Rice
						Infrastructures	5	25		Not registered but applied	0	1,500			Natural forest (Mainly VCF)	Koroi Chapalish Garjon Shegun Gamar Goda Bamboo	Goda Koroi Chpalish Garjon Bamboo
						Hills (used for jum and garden)	3,380	30,380		Not registered but in possession	3,380	3,000			Garden	Banana Mango Jackfruit Myrobalan Olive	Banana Mango
						VCF	0	0	Social	Registered to Headman	0	4,000			Hill	Koroi Chapalish Garjon Shegun Gamar Goda Bamboo	Goda Koroi Chpalish Garjon Bamboo
						Water bodies	0	0		Registered to Govt.	0	0					
						Others	0	0									
						Total	3,485	30,805		Not registered but applied	0	0					
										Not registered but in possession	105	22,305					
										Total	3,485	30,805	Total	27,320			

Table R7: Dhanu Chhari para: Dhanu Chhara mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Dhanu Chhari	Khyang	42	60	Medium	20	Plough land	1,700	200	Personal	Registered to Headman	0	0	Land acquisition by Forest Department	25,000	Jum	Rice Turmeric Banana	Rice Biini rice Turmeric Banana
						Homestead land	500	600		Registered to Govt.	440	0			Plough	Rice	Rice
						Infrastructures	100	20		Not registered but applied	800	300			Natural forest (Mainly VCF)	Koroi Chapalish Garjon Shegun Gamar Goda Bamboo	Goda Koroi Chpalish Garjon Bamboo
						Hills (used for jum and garden)	10,000	35,420		Not registered but in possession	10,700	2,000			Garden	Banana Mango Jackfruit Myrobalan Olive	Banana Mango
						VCF	1,000	2,000	Social	Registered to Headman	1,300	3,000			Hill	Koroi Chapalish Garjon Shegun Gamar Goda Bamboo	Goda Koroi Chpalish Garjon Bamboo
						Water bodies	40	100		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	0	0					
						Total	13,340	38,340		Not registered but in possession	100	33,040					
										Total	13,340	38,340	Total	25,000			

Table R8: Madan Karbari para: Dhanu Chhara mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Madan karbari	Khyang Chakma	43	55	Medium	20	Plough land	660	0	Personal	Registered to Headman	0	0	Land acquisition by Forest Department	25,000	Jum	Rice Turmeric Banana	Rice Biini rice Turmeric Banana
						Homestead land	300	300		Registered to Govt.	1,480	300			Plough	Rice	Rice
						Infrastructures	50	20		Not registered but applied	0	0			Natural forest (Mainly VCF)	Koroi Chapalish Garjon Shegun Gamar Goda Bamboo	Goda Koroi Chpalish Garjon Bamboo
						Hills (used for jum and garden)	8,335	33,025		Not registered but in possession	7,460	2,000			Garden	Banana Mango Jackfruit Myrobalan Olive	Banana Mango
						VCF	0	1,000	Social	Registered to Headman	300	50			Hill	Koroi Chapalish Garjon Shegun Gamar Goda Bamboo	Goda Koroi Chpalish Garjon Bamboo
						Water bodies	0	0		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	0	0					
						Total	9,345	34,345		Not registered but in possession	105	31,995					
										Total	9,345	34,345	Total	25,000			

Table R9: Chotakuikka para: Kukya Chhari mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Chota kuikka	Khyang Tanchangya Majority: Khyang	11	100	High	Almost all	Plough land	200	1,000	Personal	Registered to Headman		0	Govt. Acquisition (by Forest Department)	20,000	Jum	-	-
						Homestead land	30	400		Registered to Govt.	200	0			Plough	Rice Arum Potato	Rice Arum Potato Chili
						Infrastructures	0	30		Not registered but applied		0			Natural forest (Mainly VCF)	-	-
						Hills (used for jum and garden)	200	19,000		Not registered but in possession		0			Garden	Mango Jackfruit	Mango Jackfruit
						VCF	0	0	Social	Registered to Headman		0			Hill	Jarul Gamar Khoroi Shegun	Khoroi Chapalish
						Water bodies	0	0		Registered to Govt.		0					
						Others (Mathakhila, Guna)	0	0									
						Total	430	20,430		Not registered but applied		10,000					
										Not registered but in possession	230	10,430					
										Total	430	20,430	Total	20,000			

Table R10: Saduma Chhara para: Kukya Chhari mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Saduma Chhara Para	Marma Tanchangya Majority: Marma	6	50	High	45 (of previous inhabitants)	Plough land	200	0	Personal	Registered to Headman			Govt. Acquisition (by Forest Department)	5,480	Jum	-	-
						Homestead land	100	400		Registered to Govt.					Plough	Rice Arum Potato	Rice Arum Potato Chili
						Infrastructures	20	0		Not registered but applied					Natural forest (Mainly VCF)	-	-
						Hills (used for jum and garden)	0	5,000		Not registered but in possession		200			Garden	Mango Jackfruit	Mango Jackfruit
						VCF	0	0	Social	Registered to Headman					Hill	Jarul Gamar Khoroi Shegun	Khoroi Chapalish
						Water bodies	0	0		Registered to Govt.							
						Others	0	0		Not registered but applied							
						Total	320	5,400		Not registered but in possession	320	5200[7]					
										Total	320	5,400	Total	5,080			

[7] Estimated value based on the information collected during field survey

Table R11: Uluchhari Mazar para[8]: Kukya Chhari mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Uluchhari Mazar	Tanchangya	7	0	High	7	Plough land	0	-	Personal	Registered to Headman	0	-	Govt. Acquisition (by Forest Department)	20,000	Jum	-	-
						Homestead land	100	-		Registered to Govt.	0	-			Plough	Rice Arum Potato	Rice Arum Potato Chili
						Infrastructures	8	-		Not registered but applied	0	-			Natural forest (Mainly VCF)	-	-
						Hills (used for jum and garden)	0	-		Not registered but in possession	8	-			Garden	Mango Jackfruit	Mango Jackfruit
						VCF	0	-	Social	Registered to Headman	0	-			Hill	Jarul Gamar Khoroi Shegun	Khoroi Chapalish
						Water bodies	0	-		Registered to Govt.	0	-					
						Others	0	-		Not registered but applied	0	-					
						Total	108	-		Not registered but in possession	100	-					
										Total	108	-	Total	20,000			

8 As this para is relatively a new para (built after 1978), land use and land ownership related information of this paras is excluded from the final aggregation.

Table R12: Noa Para: Kukya Chhari mouza

Name of Para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Noa Para	Marma Tanchangya Bangalee Majority: Bangalee	36	80	Medium	50	Plough land	500	0	Personal	Registered to Headman	0	0	Govt. Acquisition (by Forest Department)	3,000	Jum	-	-
						Homestead land	700	1,000		Registered to Govt.	90	0			Plough	Rice Arum Potato	Rice Arum Potato Chili
						Infrastructures	10	0		Not registered but applied	0	0			Natural forest (Mainly VCF)	-	-
						Hills (used for jum and garden)	0	3,210		Not registered but in possession	1120	3,000			Garden	Mango Jackfruit	Mango Jackfruit
						VCF	0	0	Social	Registered to Headman	0				Hill	Jarul Gamar Khoroi Shegun	Khoroi Chapalish
						Water bodies	0	0		Registered to Govt.	0						
						Others	0	0		Not registered but applied	0						
						Total	1,210	4,210		Not registered but in possession	0	1,210					
										Total	1,210	4,210	Total	3,000			

Table R13: Talukder para: Kukya Chhari mouza

Name of Para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Talukder Para	Marma Tabchangya Bangalee Majority: Bangalee	39	70	Low	10	Plough land	1,600	0	Personal	Registered to Headman	0	0	Govt. Acquisition (by Forest Department)	12,000	Jum	-	-
						Homestead land	500	250		Registered to Govt.	633	300			Plough	Rice Arum Potato	Rice Arum Potato Chili
						Infrastructures	82	0		Not registered but applied	0				Natural forest (Mainly VCF)	-	-
						Hills (used for jum and garden)	0	13,932		Not registered but in possession	1,549	5,000			Garden	Mango Jackfruit	Mango Jackfruit
						VCF	0	0	Social	Registered to Headman	0	0			Hill	Jarul Gamar Khoroi Shegun	Khoroi Chapalish
						Water bodies	0	0		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	0	0					
						Total	2,182	14,182		Not registered but in possession	0	8,882					
										Total	2,182	14,182	Total	12,000			

Table R14: Mahajan para: Petanya Lamar Chhara mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Mahajan	Bangalee	300	78	High	70	Plough land	7,120	6,000	Personal	Registered to Headman	0	0	Land grabbing by Bangalee settlers	10,100	Jum	-	-
						Homestead land	1,500	400		Registered to Govt.	1,080	1,080			Plough	Rice Binni rice	Binni rice
						Infrastructures	500	300		Not registered but applied	0	0			Natural forest (Mainly VCF)	-	-
						Hills (used for jum and garden)	1,000	1,400		Not registered but in possession	150	0			Garden	Banana Mango Jackfruit	Banana Mango Jackfruit Myrobalan
															Hill	Mango Jackfruit Myrobalan Olive	Mango Jackfruit Myrobalan
						VCF	0	1,500	Social	Registered to Headman	0	0					
						Water bodies	1,000	500		Registered to Govt.	0	0					
						Others	0	0									
						Total	11,120	10,100		Not registered but applied	0	0					
										Not registered but in possession	9,890	9, 020					
										Total	11,120	10,100	Total	10,100			

Table R15: Petannamachaara para: Petanya Lamar Chhara mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Petannama chaara	Bangalee	200	50	High	50	Plough land	44,800	51,200	Personal	Registered to Headman	0	0	Land grabbing by Bangalee settlers	52,000	Jum	-	-
						Homestead land	2,000	1,500		Registered to Govt.	2,000	2,000			Plough	Rice Binni rice	Rice
						Infrastructures	400	0		Not registered but applied	0	0			Natural forest (Mainly VCF)	-	-
						Hills (used for jum and garden)	4,000	0		Not registered but in possession	2,000	48,000			Garden	Banana Mango Jackfruit Myrobalan	Jackfruit Myrobalan Olive
						VCF	0	0	Social	Registered to Headman	0	0			Hill	Mango Jackfruit Myrobalan Olive	Mango Jackfruit Myrobalan
						Water bodies	3,000	0		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	0	0					
						Total	54,200	52,700		Not registered but in possession	50,200	2,700					
										Total	54,200	52,700	Total	52,000			

Table R16: Rangi para: Petanya Lamar Chhara mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Rangi	Chakma	30	50	Medium	20	Plough land	1,920	1,920	Personal	Registered to Headman	0	0	Land grabbing by Bangalee settlers	30,000	Jum	Rice	Rice Binni rice
						Homestead land	4,000	3,000	Personal	Registered to Govt.	5,300	5,300			Plough	Rice Binni rice	Binni rice
						Infrastructures	500	0	Personal	Not registered but applied	3,000	0			Natural forest (Mainly VCF)	-	-
						Hills (used for jum and garden)	10,500	8,000	Personal	Not registered but in possession	8,000	0			Garden	Banana Jackfruit Myrobalan	Banana Myrobalan
						VCF	20,000	25,000	Social	Registered to Headman	0	0			Hill	Mango Jackfruit Myrobalan Olive	Mango Jackfruit Myrobalan
						Water bodies	200	0	Social	Registered to Govt.	0	0					
						Others	0	0	Social	Not registered but applied	0	0					
						Total	37,120	37,920	Social	Not registered but in possession	20,820	32,620					
										Total	37,120	37,920	Total	30,000			

Table R17: Ranjit para: Petanya Lamar chhara mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Ranjit	Chakma	70	30	Low	30	Plough land	1,280	1,200	Personal	Registered to Headman	0	0	Land grabbing by Bangalee settlers	40,000	Jum	Rice	Rice Binni rice
						Homestead land	2,100	1,000		Registered to Govt.	3,200	3,200			Plough	Rice Binni rice	Binni rice
						Infrastructures	500	0		Not registered but applied	25,000	0			Natural forest (Mainly VCF)	-	-
						Hills (used for jum and garden)	36,500	80,180		Not registered but in possession	0	0			Garden	Banana Mango	Banana Mango
						VCF	0	0	Social	Registered to Headman	0	0			Hill	Mango Jackfruit Myrobalan Olive	Mango Jackfruit Myrobalan Olive
						Water bodies	2,000	0		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	0	0					
						Total	42,380	82,380		Not registered but in possession	14,180	79,180					
										Total	42,380	82,380	Total	40,000			

Table R18: Bahultoli para: Ballal Chhara mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Bahultoli	Chakma Marma Tanchangya	25	45	High	20	Plough land	5,000	4,000	Personal	Registered to Headman	0	0	Govt. Acquisition (Forest Department)	7,500	Jum	Rice Binni rice Vegetables Chili Ginjer Turmeric Mango	Rice Binni rice Vegetables Chili
						Homestead land	200	250		Registered to Govt.	85	85			Plough	Rice Binni rice	Rice Binni rice
						Infrastructures	0	0		Not registered but applied	100	0			Natural forest (Mainly VCF)	-	-
						Hills (used for jum and garden)	2,500	10,950		Not registered but in possession	0	0			Garden	Banana Mango jackfruit Lemon Myrobalan Olive	Banana Mango jackfruit Lemon
						VCF	0	0	Social	Registered to Headman	0	0			Hill	Koroi Godha Chapalish	Koroi Godha Chapalish
						Water bodies	0	0		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	0	0					
						Total	7,700	15,200		Not registered but in possession	7,515	15,115					
										Total	7,700	15,200	Total	7,500			

Table R19: Tinkunia Tripura para: Ballal Chhara mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Tinkunia Tripura	Tripura	12	6	High	8	Plough land	10,000	5,000	Personal	Registered to Headman	0	0	Govt. Acquisition (Forest Department)	14,000	Jum	Rice Binni rice Vegetables Chili Ginjer Turmeric Mango	Rice Binni rice Vegetables Chili
						Homestead land	100	100		Registered to Govt.	0	0			Plough	Rice Binni rice	Rice Binni rice
						Infrastructures	10	0		Not registered but applied	0	0			Natural forest (Mainly VCF)	-	-
						Hills (used for jum and garden)	3,000	22,010		Not registered but in possession	100	0			Garden	Banana Mango jackfruit Lemon Myrobalan Olive	Banana Mango jackfruit Lemon
															Hill	Koroi Godha Chapalish	Koroi Godha Chapalish
						VCF	0	0	Social	Registered to Headman	0	0					
						Water bodies	0	0		Registered to Govt.	0	0					
						Others	0	0									
						Total	13,110	27,110		Not registered but applied	0	0					
										Not registered but in possession	13,010	27,110					
										Total	13,110	27,110	Total	14,000			

Table R20: Tinkunia Headman para: Ballal Chhara mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Tinkunia Headman	Chakma Tancha ngya	20	41	Medium	6	Plough land	5,000	4000	Personal	Registered to Headman	0	0	Govt. Acquisition (Forest Department)	5,300	Jum	Rice Binni rice Vegetables Chili Ginjer Turmeric Mango	Rice Binni rice Vegetables Chili
						Homestead land	200	200		Registered to Govt.	100	0			Plough	Rice Binni rice	Rice Binni rice
						Infrastructures	700	0		Not registered but applied	0	5,000			Natural forest (Mainly VCF)	-	-
						Hills (used for jum and garden)	5,000	12,000		Not registered but in possession	0	0			Garden	Banana Mango jackfruit Lemon Myrobalan Olive	Banana Mango jackfruit Lemon
						VCF	0	0	Social	Registered to Headman	0	0			Hill	Koroi Godha Chapalish	Koroi Godha Chapalish
						Water bodies	0	0		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	0	0					
						Total	10,900	16,200		Not registered but in possession	10,800	11,200					
										Total	10,900	16,200	Total	5,300			

Table R21: Chandi Mohon Karbari para: Ballal Chhara mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Chandi Mohon karbari	Chakma Marma Tanchangya Bangalee	30	6	Low	2	Plough land	5,000	2,000	Personal	Registered to Headman	26	26	Govt. Acquisition (Forest Department)	2,200	Jum	Rice Binni rice Vegetables Chili Ginjer Turmeric Mango	Rice Binni rice Vegetables Chili
						Homestead land	800	0		Registered to Govt.	150	100			Plough	Rice Binni rice	Rice Binni rice
						Infrastructures	0	0		Not registered but applied	0	0			Natural forest (Mainly VCF)	-	-
						Hills (used for jum and garden)	2,500	8,500		Not registered but in possession	0	1,000			Garden	Banana Mango jackfruit Lemon Myrobalan Olive	Banana Mango jackfruit Lemon
						VCF	0	0	Social	Registered to Headman	0	0			Hill	Koroi Godha Chapalish	Koroi Godha Chapalish
						Water bodies	0	0		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	0	0					
						Total	8,300	10,500		Not registered but in possession	8,124	9,374					
										Total	8,300	10,500	Total	2,200			

Table R 22: Daksin Ulta Chhari para: Ulta Chhari mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Daksin Ulta Chhari	Bangalee	256	40	High	40	Plough land	5,000	1,000	Personal	Registered to Headman	0	200	Land acquisition by Forest Department	3,000	Jum	-	Rice
						Homestead land	2,000	500		Registered to Govt.	3,000	500			Plough	Rice Binni rice	Rice Binni rice
						Infrastructures	50	40		Not registered but applied	400	1,000			Natural forest (Mainly VCF)	-	-
						Hills (used for jum and garden)	200	7,510		Not registered but in possession	3,650	500			Garden	Banana Mango Jackfruit	Banana Mango Jackfruit Myrobalan
						VCF	0	1,000	Social	Registered to Headman	0	0			Hill	Jarul Shegun Gamar Koroi	Jarul Koroi
						Water bodies	0	200		Registered to Govt.	0	0					
						Others	0	0									
						Total	7,250	10,250		Not registered but applied	0	0					
										Not registered but in possession	200	8,050					
										Total	7,250	10,250	Total	3,000			

Table R23: Uttar Yereng Chhari para: Ulta Chhari mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Uttar Yereng Chhari	Chakma	62	86	High	30	Plough land	1,5000	10,000	Personal	Registered to Headman	0	500	Land acquisition by Forest Department	6,000	Jum	Rice Chili	Rice Bini rice Chili
						Homestead land	500	400		Registered to Govt.	5,000	1,000			Plough	Rice Binni rice	Rice Binni rice
						Infrastructures	300	0		Not registered but applied	1,500	500			Natural forest (Mainly VCF)	-	-
						Hills (used for jum and garden)	3,000	12,500		Not registered but in possession	4,000	3,000			Garden	Banana Mango Jackfruit	Banana Turmeric Mango
						VCF	0	2,000	Social	Registered to Headman	8,400	10,000			Hill	Gamar Shegun Koroi	Gamar Koroi
						Water bodies	300	200		Registered to Govt.	0	0					
						Others	0	0									
						Total	19,100	25,100		Not registered but applied	0	0					
										Not registered but in possession	200	10,100					
										Total	19,100	25,100	Total	6,000			

Table R24: Sukracharjya para: Ulta Chhari mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Sukracharjya Para	Chakma	35	100	Medium	20	Plough land	1,000	750	Personal	Registered to Headman	0	0	Land acquisition by Forest Department	5,000	Jum	Rice	Rice Chili
						Homestead land	2,000	1,000		Registered to Govt.	3,500	500			Plough	Rice	Rice
						Infrastructures	500	0		Not registered but applied	2,000	1,500			Natural forest (Mainly VCF)	-	-
						Hills (used for jum and garden)	3,000	7,850		Not registered but in possession	900	500			Garden	Banana Mango Jackfruit	Banana Mango Jackfruit Myrobalan
						VCF	0	2,000	Social	Registered to Headman	0	1,000			Hill	Jarul Shegun Gamar Koroi	Jarul Koroi
						Water bodies	100	0		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	0	500					
						Total	6,600	11,600		Not registered but in possession	200	7,600					
										Total	6,600	11,600	Total	5,000			

Table R25: Ratna Mohon Karbari para: Ulta Chhari mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Ratna Mohon Karbari	Chakma	120	60	Medium	20	Plough land	10,000	8,000	Personal	Registered to Headman	0	0	Land acquisition by Forest Department	5,000	Jum	Rice Chili	Rice Chili
						Homestead land	2,000	1,000		Registered to Govt.	10,000	1,000			Plough	Rice	Rice
						Infrastructures	500	100		Not registered but applied	0	0			Natural forest (Mainly VCF)	-	-
						Hills (used for jum and garden)	13,000	19,400		Not registered but in possession	15,000	500			Garden	Banana Mango Jackfruit	Banana Mango Jackfruit Myrobalan
						VCF	0	1,500	Social	Registered to Headman	0	3,000			Hill	Jarul Shegun Gamar Koroi	Jarul Koroi
						Water bodies	500	1,000		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	0	0					
						Total	26,000	31,000		Not registered but in possession	1,000	26,500					
										Total	26,000	31,000	Total	5,000			

Table R26: Ulta Chhari Mukh para: Ulta Chhari mouza

Name of Para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Ulta Chhari Mukh	Chakma	71	45	Medium	10	Plough land	5,000	2,000	Personal	Registered to Headman	0	0	-	-	Jum	Rice Chili	Rice Chili
						Homestead land	300	200		Registered to Govt.	10,500	2,000			Plough	Rice	Rice
						Infrastructures	300	100		Not registered but applied	0	0			Natural forest (Mainly VCF)	-	-
						Hills (used for jum and garden)	6,000	9,600		Not registered but in possession	1,200	3,000			Garden	Banana Mango Jackfruit	Banana Mango Jackfruit Myrobalan
						VCF	300	0	Social	Registered to Headman	0	0			Hill	Jarul Shegun Gamar Koroi	Jarul Koroi
						Water bodies	0	0		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	0	2,000					
						Total	11,900	11,900		Not registered but in possession	200	4,900					
										Total	11,900	11,900	Total	0			

Table R27: Chowdugi Chhara para: Ulta Chhari mouza

Name of para	Ethnic group	HH#		Extent of land related problem	Number of affected HH due to land dispute	Land under use/control of para			Land possession pattern				Land dispossession in last 30 years (decimal)		Major trees by type		
		2009	1978			Categories of land	Year		Pattern of ownership		Decimal				Type	Year	
							2009	1978			2009	1978				2009	1978
Chowdugi Chhara	Chakma	86	20	Low	2	Plough land	5,000	2,000	Personal	Registered to Headman	0	0	-	-	Jum	Rice	Rice Chili
						Homestead land	3,000	1,000		Registered to Govt.	0	0			Plough	Rice	Rice
						Infrastructures	500	200		Not registered but applied	0	0			Natural forest (Mainly VCF)	-	-
						Hills (used for jum and garden)	4,000	13,300		Not registered but in possession	10,000	5,000			Garden	Banana Mango Jackfruit	Banana Mango Jackfruit Myrobalan
						VCF	0	2,000	Social	Registered to Headman	0	0			Hill	Jarul Shegun Gamar Koroi	Jarul Koroi
						Water bodies	8,000	2,000		Registered to Govt.	0	0					
						Others	0	0		Not registered but applied	0	0					
						Total	20,500	20,500		Not registered but in possession	10,500	15,500					
										Total	20,500	20,500	Total	0			

Annex 2

Data/Information Collection Instruments

Note to reader: The data collection instruments (DCIs) presented in this annex is the English version of the Bengali instruments which were used in the process of actual field data collection. The main purpose of presenting the data collection instruments in this book is to provide the reader with the information about what was required in the study; what was discussed in the real field situation and with whom. The secondary purpose of presenting field data collection instruments is to ease the work on the relevant subject by the relevant researchers in future.

DCI 1: Group Discussion (GD) Guideline and Issues

Status and Dynamics of Land Rights, Land Use and Population in Chittagong Hill Tracts of Bangladesh

Study Objective: There has always been a lack of adequate and reliable information on use and ownership of land, and population issues of the Chittagong Hill Tracts (CHT). However, accurate, reliable and adequate information on such issues is the prerequisite to depict the present situation, understand the need and then design any programme initiative in response to the needs. This Study has been undertaken to collect accurate and reliable information on the two most crucial issues of the CHT—land and population, with a final objective to make some contributions to the ongoing and future development initiatives by different agencies. The information provided by you would make this Study a fruitful and enriched and at the same time provide us some spheres to work for the betterment of the CHT Communities.

Study conducted for
DANIDA

Identification of participants:

Sl. #	Name	Headman=1 Karbari=2 Others=3	*Adivasi* community (use code)	Age	Sex Male=1 Female=2	Land related problem Yes=1, No=2	Education (Highest class passed)*	Main Occupation
1.					1 2	1 2		
2.					1 2	1 2		
3.					1 2	1 2		
4.					1 2	1 2		
5.					1 2	1 2		
6.					1 2	1 2		
7.					1 2	1 2		
8.					1 2	1 2		
9.					1 2	1 2		
10.					1 2	1 2		

* If respondent can read and write but have no academic education, use code 99.

Categories of People

Bawm=	01	Chak=	02	Chakma=	03	Khyang=	04	Khumi=	05	Lushai=	06
Marma=	07	Mro=	08	Pankhua=	09	Tanchangya=	10	Tripura=	11	Banglaee	12

District:	Upazila:	Union:	Mouza	Para:
Moderator's Name:		Note takers Name:		
Date:	Time:		Place:	

Conducted by

Human Development Research Centre

humane development through research and action

House 5, Road 8, Mohammadia Housing Society,
Mohammadpur, Dhaka-1207, Bangladesh
Phone: (880 2) 811 6972, 815 7621, Fax: (880 2) 815 7620,
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September-October, 2009

Group Discussion (GD) Guideline

In order to know about a particular issue it is necessary to conduct a Group Discussion (GD) with people related to that particular topic. For example, to understand issues related to agriculture GD is required with people related to agriculture, for an understanding of health issues GD with people related to healthcare, etc.

Objective

- To gain full understanding of the topic of discussion (as all the participants are directly related to the topic, the discussion becomes lively and it gives practical outcomes.
- To understand past experiences and making future planning in this regard.

Method:

1. Firstly, the number and identification of those who are familiar with the topic and able to participate in the discussion have to be completed. (Select around 10 people, the selection could be a mix of people of different communities).
2. It needs to be ensured that a part (around 50%) of the participant is the victim of the land problem.
3. The discussion topic, expected time and duration of discussion and the venue have to be decided in discussion with the expected participants.
4. All preparatory measures required at the venue have to be taken prior to the discussion.
5. GD team members will only play the role of facilitators while the discussion is on.
6. All participants will have to be given equal opportunity to express their opinions and the issues raised and opinions expressed will have to be written down.
7. Any decision (s) or opinion (s) has to be reviewed prior to finalizing so that any new opinion could be included even at the end.

Prior Preparation:

1. Determining the topic of discussion and its objectives
2. Preparing set of questions for proper facilitation of the discussion.
3. Arranging stationeries and other items required during the discussion.
4. Deciding on the participants, venue and time of the discussion.
5. Distribution of responsibilities among the team members, such as, discussant(s), facilitators, note-taker, and a coordinator for overall supervision.

The DOs:

1) Making every participant understand the topic and objective(s) before the discussion starts.
2) Creating a healthy, amiable and positive environment for discussion
3) Creating such an environment that every participant gets the opportunity to express their opinion.
4) In case the discussion gets drooping at any stage, the facilitator(s) should steer the discussion and put again it on the right track
5) In case of any debate in the discussion, an opportunity should be created for the participants to resolve the matter among themselves, and no intervention should be made except for any unavoidable reason.
6) If a new issue creeps into the discussion, it should not be instantly resisted. In case the discussion goes on in a different track for a long time, it should be steered back to the right track.

The DONTs:

1) Predetermining the timeframe for discussion
2) Prohibiting the participants from having an appropriate conclusion/closure to the discussion
3) Supporting or nullifying any particular opinion
4) Creating interruption in between a discussion
5) Creating confusion or misunderstanding asking multiple questions together
6) Conversing to someone during the discussion in such a way that it interrupts the flow of discussion.

Group Discussion Issues

1. What is the current pattern of land use at your mouza (amount of land under cultivation, amount of land cultivated by Adivasis, amount of land cultivated by Bangalee, amount of leasing land)? What changes have taken place in last thirty years in land use pattern?
2. What is the extent of using land for social forestry/tobacco cultivation/ rubber plantation at this mouza? Would you please tell us about their beginning and impact (both positive and adverse) in detail?
3. How intensive the rate of leasing land in this mouza? What is the impact of that (positive and negative), please tell us in detail.
4. What are the disputes over land rights/possessions at this mouza? Please tell us in detail.
5. What is the extent of land dispossession/eviction/grabbing/illegal occupation etc at your mouza? (Frequency of such occurrences, if it is frequent, etc).
6. Would you please tell us the process in detail if there had been any incidence of land dispossession/eviction/grabbing/illegal occupation etc at this mouza (dispossession process, time, attempt made to recover, outcome of the attempt, etc)?
7. Did the Government (Union council, DC, MP, Land Office, Forest Officer) or nongovernment organizations (NGO, local organization) provide you any help to minimize land related disputes? If yes, how was the help provided?
8. Is there any *khas* land in this area? What is the pattern of *khas* land in chittagong hill tracts area?
9. How is the level of understanding/knowledge of the people of this area about different laws on land? Do they have clear idea about what they should do in such matters?
10. Is there any land related dispute between the Bangalee people who had been living at this mouza since long and those who have come here over last three years? If so, what are they?
11. What effective steps, according to you, could be taken to minimize land related disputes? Enacting ‘Land Commission’ in the CHT is a much talked issue of the recent times. What is your opinion on this plan? What could be the structure and action plan of the ‘Land Commission’? Can you specify? How effective would be the land survey? What is your opinion about land survey?

Moderator: Please thank the participants for their invaluable time and cooperation. Wish them all the best in life.

DCI 2: Format for Extent of Land Dispossession and Inhabitants in Para

STATUS AND DYNAMICS OF LAND RIGHTS, LAND USE AND POPULATION IN CHITTAGONG HILL TRACTS OF BANGLADESH

Study Objective: There has always been a lack of adequate and reliable information on use and ownership of land, and population issues of the Chittagong Hill Tracts (CHT). However, accurate, reliable and adequate information on such issues is the prerequisite to depict the present situation, understand the need and then design any programme initiative in response to the needs. This Study has been undertaken to collect accurate and reliable information on the two most crucial issues of the CHT—land and population, with a final objective to make some contributions to the ongoing and future development initiatives by different agencies. The information provided by you would make this Study fruitful and enriched and at the same time provide us some spheres to work for the betterment of the CHT Communities.

Instructions to the Interviewer

1) Objective of this study has been explained 2) Respondent has been ensured that her/his identity will be kept confidential 3) Respondent's permission has been sought

Conducted for **DANIDA**	Conducted by **Human Development Research Centre (HDRC)**

Mouza:	Union:	Upazila:	District:
Name of information collector:			

Total number of para in mouza:

Sl. #	Name of Para	Category by inhabitant	Community who live in higher number in the area	Extent of land Dispossession Very high=1 Moderate=2 Very Low=3
1		1 2 3 4 5 6 7 8 9 10 11 12		1 2 3
2		1 2 3 4 5 6 7 8 9 10 11 12		1 2 3
3		1 2 3 4 5 6 7 8 9 10 11 12		1 2 3
4		1 2 3 4 5 6 7 8 9 10 11 12		1 2 3
5		1 2 3 4 5 6 7 8 9 10 11 12		1 2 3
6		1 2 3 4 5 6 7 8 9 10 11 12		1 2 3
7		1 2 3 4 5 6 7 8 9 10 11 12		1 2 3
8		1 2 3 4 5 6 7 8 9 10 11 12		1 2 3
9		1 2 3 4 5 6 7 8 9 10 11 12		1 2 3
10		1 2 3 4 5 6 7 8 9 10 11 12		1 2 3
11		1 2 3 4 5 6 7 8 9 10 11 12		1 2 3
12		1 2 3 4 5 6 7 8 9 10 11 12		1 2 3
13		1 2 3 4 5 6 7 8 9 10 11 12		1 2 3
14		1 2 3 4 5 6 7 8 9 10 11 12		1 2 3
15		1 2 3 4 5 6 7 8 9 10 11 12		1 2 3
16		1 2 3 4 5 6 7 8 9 10 11 12		1 2 3
17		1 2 3 4 5 6 7 8 9 10 11 12		1 2 3
18		1 2 3 4 5 6 7 8 9 10 11 12		1 2 3
19		1 2 3 4 5 6 7 8 9 10 11 12		1 2 3
20		1 2 3 4 5 6 7 8 9 10 11 12		1 2 3

Sample para Selection format

Sl. #	Name of Para	Category by inhabitant Indigenous=1 Bangalee=2 Mixed=3	Extent of land Dispossession Very high=1 Moderate=2 Very Low=3	Reasons for stating the extent of land dispossession in different scale (i.e., very high, moderate, very low)
1		1 2 3	1 2 3	
2		1 2 3	1 2 3	
3		1 2 3	1 2 3	
4		1 2 3	1 2 3	
5		1 2 3	1 2 3	
6		1 2 3	1 2 3	

Bawm=	01	Chak=	02	Chakma=	03	Khyang=	04	Khumi=	05	Lushai=	06
Marma=	07	Mro=	08	Pankhua=	09	Tanchangya=	10	Tripura=	11	Banglaee	12

Moderator: Please thank the participants for their invaluable time and cooperation. Wish them all the best in life.

DCI 3: Format for Sample Para: Land Status and Dynamics

STATUS AND DYNAMICS OF LAND RIGHTS, LAND USE AND POPULATION IN CHITTAGONG HILL TRACTS OF BANGLADESH

Study Objective: There has always been a lack of adequate and reliable information on use and ownership of land, and population issues of the Chittagong Hill Tracts (CHT). However, accurate, reliable and adequate information on such issues is the prerequisite to depict the present situation, understand the need and then design any programme initiative in response to the needs. This Study has been undertaken to collect accurate and reliable information on the two most crucial issues of the CHT—land and population, with a final objective to make some contributions to the ongoing and future development initiatives by different agencies. The information provided by you would make this Study fruitful and enriched and at the same time provide us some spheres to work for the betterment of the CHT Communities.

Instructions to the Interviewer

1) Objective of this study has been explained 2) Respondent has been ensured that her/his identity will be kept confidential 3) Respondent's permission has been sought

Conducted for **DANIDA**	Conducted by **Human Development Research Centre (HDRC)**

Name of Para:			
Mouza:	Union:	Upazila:	District:
Name of information collector:			

101	Type and amount of used land under/controlled by para		
	Type of land	Amount of land (in decimal)	
		Present	30 years before*
1	Plough useabl agricultural land		
2	Homestead land		
3	Hat/shop/school/mosque/temples/ church/ community centre		
4	Hill (Jum, including garden)		
4.1	Hill (only used for jum)		
5	Village common forest		
6	Water bodies		
7	Others (specify…….)		
	Total		

* (-) = amount was lesser than present and (+) = amount was higher than present.

102	Reason wise amount of lost land in last thirty years (from 1978 to present period)	
	Reason for loosing land	Amount of land (in decimal)
1	Natural calamity (land slide etc.)	
2	Lease	
3	Acquired by government	
4	Others (specify)	
4.1		
4.2		
4.3		
	Total	

Note: Sahi kani=120 decimal, Mogha kani= 40 decimal, Kuni/poa = 10 decimal, Gonda= 2 decimal, Acre = 100 decimal, Bigha = 33 decimal, Ari = land amount equal to 10 of paddy plantation

Additional information about para (i.e. writing names of new paras, its household nember, story behind its cration etc. which has been created around the para)

Moderator: Please thank the participants for their invaluable time and cooperation. Wish them all the best in life.

DCI 4: Format for Land Ownership in CHT Mouza: Status and Dynamics

STATUS AND DYNAMICS OF LAND RIGHTS, LAND USE AND POPULATION IN CHITTAGONG HILL TRACTS OF BANGLADESH

Study Objective: There has always been a lack of adequate and reliable information on use and ownership of land, and population issues of the Chittagong Hill Tracts (CHT). However, accurate, reliable and adequate information on such issues is the prerequisite to depict the present situation, understand the need and then design any programme initiative in response to the needs. This Study has been undertaken to collect accurate and reliable information on the two most crucial issues of the CHT—land and population, with a final objective to make some contributions to the ongoing and future development initiatives by different agencies. The information provided by you would make this Study fruitful and enriched and at the same time provide us some spheres to work for the betterment of the CHT Communities.

Instructions to the Interviewer

1) Objective of this study has been explained 2) Respondent has been ensured that her/his identity will be kept confidential 3) Respondent's permission has been sought

Conducted for **DANIDA**	Conducted by **Human Development Research Centre (HDRC)**

Mouza:	Union:	Upazila:	District:
Name of information collector:			

SL#	Name of Para	Year	Categories of landownership							
			Personal				Social			
			Registered		Not registered		Registered		Not registered	
			Headman	Government	Applied	Not applied but in possession	Headman	Government	Applied	Not applied but in possession
1		2009								
		1978								
2		2009								
		1978								
3		2009								
		1978								
4		2009								
		1978								
5		2009								
		1978								
6		2009								
		1978								

Note: Sahi kani=120 decimal, Mogha kani= 40 decimal, Kuni/poa = 10 decimal, Gonda= 2 decimal, Acre = 100 decimal, Bigha = 33 decimal, Ari = land amount equal to 10 of paddy plantation

Additional information about para:

Moderator: Please thank the participants for their invaluable time and cooperation. Wish them all the best in life

DCI 5: Format for Land Use of CHT Mouza: Status and Dynamics

STATUS AND DYNAMICS OF LAND RIGHTS, LAND USE AND POPULATION IN CHITTAGONG HILL TRACTS OF BANGLADESH

Study Objective: There has always been a lack of adequate and reliable information on use and ownership of land, and population issues of the Chittagong Hill Tracts (CHT). However, accurate, reliable and adequate information on such issues is the prerequisite to depict the present situation, understand the need and then design any programme initiative in response to the needs. This Study has been undertaken to collect accurate and reliable information on the two most crucial issues of the CHT—land and population, with a final objective to make some contributions to the ongoing and future development initiatives by different agencies. The information provided by you would make this Study fruitful and enriched and at the same time provide us some spheres to work for the betterment of the CHT Communities.

Instructions to the Interviewer

1) Objective of this study has been explained 2) Respondent has been ensured that her/his identity will be kept confidential 3) Respondent's permission has been sought

Conducted for **DANIDA**	Conducted by **Human Development Research Centre (HDRC)**

Mouza:	Union:	Upazila:	District:
Name of information collector:			

SL#	Name of para	Total land amount of para (in decimal)	Main crops by jum cultivation		Main crops on plough land		Main plants/trees on natural forest (mainly reserved by para/VCF)		Main plants on gardens		Main trees/plants on hill		Main use of water bodies	
1			2009	1978	2009	1978	2009	1978	2009	1978	2009	1978	2009	1978
2														
3														
4														
5														
6														

Note: Sahi kani=120 decimal, Mogha kani= 40 decimal, Kuni/poa = 10 decimal, Gonda= 2 decimal, Acre = 100 decimal, Bigha = 33 decimal, Ari = land amount equal to 10 of paddy plantation

Additional information about para:

Crop code: Paddy=1, Binni rice=2, Kaun=3, Kochu=4, Bamboo Koprock=5, Mushroom=6 , Papaya=7, Tobacco=8, Jute= 9, Sugarcane=10, Pulse=11, Oilseed=12, Summer vegetables=13, Winter vegetables= 14,
Potato=15, Sweet potato=16, Chilly=17, Onion=18, Spices=19, Nut=20, Maize=21, Pan=22, Water melon=23, Ada=24, Cotton=25, Holud=26, Banana=27, Orange=28, Mango=29, Jackfruit=30, Pineapple=31, Lemmon=32 , Roshun=33, Amloki=34, Jolpie=35, Others (specify)…..

Moderator: Please thank the participants for their invaluable time and cooperation. Wish them all the best in life

DCI 6: Format for Land Dispossession Scenario in CHT Mouza in detail

STATUS AND DYNAMICS OF LAND RIGHTS, LAND USE AND POPULATION IN CHITTAGONG HILL TRACTS OF BANGLADESH

Study Objective: There has always been a lack of adequate and reliable information on use and ownership of land, and population issues of the Chittagong Hill Tracts (CHT). However, accurate, reliable and adequate information on such issues is the prerequisite to depict the present situation, understand the need and then design any programme initiative in response to the needs. This Study has been undertaken to collect accurate and reliable information on the two most crucial issues of the CHT—land and population, with a final objective to make some contributions to the ongoing and future development initiatives by different agencies. The information provided by you would make this Study fruitful and enriched and at the same time provide us some spheres to work for the betterment of the CHT Communities.

Instructions to the Interviewer

1) Objective of this study has been explained 2) Respondent has been ensured that her/his identity will be kept confidential 3) Respondent's permission has been sought

Conducted for **DANIDA**	Conducted by **Human Development Research Centre (HDRC)**

Mouza:	Union:	Upazila:	District:
Name of information collector:			

Sl#	Name of para	**Extent of land related problem:** Very high=1 Moderate=2 Very low=3	**Number of Households**		**Number of victim households**
			2009	1978	
1		1 2 3			
2		1 2 3			
3		1 2 3			
4		1 2 3			
5		1 2 3			
6		1 2 3			

Note: Sahi kani=120 decimal, Mogha kani= 40 decimal, Kuni/poa = 10 decimal, Gonda= 2 decimal, Acre = 100 decimal, Bigha = 33 decimal, Ari = land amount equal to 10 of paddy plantation

Additional information about para:

Moderator: Please thank the participants for their invaluable time and cooperation. Wish them all the best in life.

DCI 7: Format for Population Dynamics of CHT Mouza

STATUS AND DYNAMICS OF LAND RIGHTS, LAND USE AND POPULATION IN CHITTAGONG HILL TRACTS OF BANGLADESH

Study Objective: There has always been a lack of adequate and reliable information on use and ownership of land, and population issues of the Chittagong Hill Tracts (CHT). However, accurate, reliable and adequate information on such issues is the prerequisite to depict the present situation, understand the need and then design any programme initiative in response to the needs. This Study has been undertaken to collect accurate and reliable information on the two most crucial issues of the CHT—land and population, with a final objective to make some contributions to the ongoing and future development initiatives by different agencies. The information provided by you would make this Study fruitful and enriched and at the same time provide us some spheres to work for the betterment of the CHT Communities.

Instructions to the Interviewer

1) Objective of this study has been explained 2) Respondent has been ensured that her/his identity will be kept confidential 3) Respondent's permission has been sought

Conducted for **DANIDA**	Conducted by **Human Development Research Centre (HDRC)**

Mouza:	Union:	Upazila:	District:
Name of information collector:			

Sl. #	Name of Para	Year	Number of household by community											
			Bawm	Bangalee	Chak	Chakma	Khyang	Khumi	Lushai	Marma	Mro	Pankhua	Tanchangya	Tripura
1		2009												
		1978												
2		2009												
		1978												
3		2009												
		1978												
4		2009												
		1978												
5		2009												
		1978												
6		2009												
		1978												

Moderator: Please thank the participants for their invaluable time and cooperation. Wish them all the best in life

DCI 8: Land Price Schedule

STATUS AND DYNAMICS OF LAND RIGHTS, LAND USE AND POPULATION IN CHITTAGONG HILL TRACTS OF BANGLADESH

Study Objective: There has always been a lack of adequate and reliable information on use and ownership of land, and population issues of the Chittagong Hill Tracts (CHT). However, accurate, reliable and adequate information on such issues is the prerequisite to depict the present situation, understand the need and then design any programme initiative in response to the needs. This Study has been undertaken to collect accurate and reliable information on the two most crucial issues of the CHT—land and population, with a final objective to make some contributions to the ongoing and future development initiatives by different agencies. The information provided by you would make this Study fruitful and enriched and at the same time provide us some spheres to work for the betterment of the CHT Communities.

Instructions to the Interviewer

1) Objective of this study has been explained 2) Respondent has been ensured that her/his identity will be kept confidential 3) Respondent's permission has been sought

Conducted for **DANIDA**	Conducted by **Human Development Research Centre (HDRC)**

Mouza:	Union:	Upazila:	District:
Name of information collector:			

Please collect the current market price of land from the *para* (Hamlet) (Taka/decimal)

		Current market price (Taka/decimal) by land type								
Sl. #	Name of Para	Homestead land	Pond	Other water body (Ghona/ Deva/ Bandh)	Agricultural land (own): Plough	Agriculture land: *jum*	Timber Forest	Fruit Garden	Fringe land	Other land (Please Specify)
1										
2										
3										
4										
5										
6										

Note: Sahi kani=120 decimal, Mogha kani= 40 decimal, Kuni/poa = 10 decimal, Gonda= 2 decimal, Acre = 100 decimal, Bigha = 33 decimal, Ari = land amount equal to 10 of paddy plantation

Additional information about para:

Moderator: Please thank the participants for their invaluable time and cooperation. Wish them all the best in life.

DCI 9: Focus Group Discussion (FGD) Guideline and Issues

Status and Dynamics of Land Rights, Land Use and Population in Chittagong Hill Tracts of Bangladesh

Study Objective: There has always been a lack of adequate and reliable information on use and ownership of land, and population issues of the Chittagong Hill Tracts (CHT). However, accurate, reliable and adequate information on such issues is the prerequisite to depict the present situation, understand the need and then design any programme initiative in response to the needs. This Study has been undertaken to collect accurate and reliable information on the two most crucial issues of the CHT—land and population, with a final objective to make some contributions to the ongoing and future development initiatives by different agencies. The information provided by you would make this Study a fruitful and enriched and at the same time provide us some spheres to work for the betterment of the CHT Communities.

Name of community (Adivasi/Bangalee):……..

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Identification of participants:

Sl. #	Name	Age	Sex Male=1 Female=2	Education (Highest class passed)*	Main Occupation
1.			1 2		
2.			1 2		
3.			1 2		
4.			1 2		
5.			1 2		
6.			1 2		
7.			1 2		
8.			1 2		
9.			1 2		
10.			1 2		
* If respondent can read and write but have no academic education , use code 99.					

District:	Upazila:	Union:	Mouza	Para:
Moderator's Name:		Note takers Name:		
Date:	Time:		Place:	

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September-October, 2009

Focus Group Discussion (FGD) Guideline

In order to know about a particular issue it is necessary to conduct a Focus Group Discussion (FGD) with people related to that particular topic. For example, to understand issues related to agriculture FGD is required with people related to agriculture, for an understanding of health issues FGD with people related to healthcare, etc.

Objective

- To gain full understanding of the topic of discussion (as all the participants are directly related to the topic, the discussion becomes lively and it gives practical outcomes).
- To understand past experiences and making future planning in this regard.

Method

8. Firstly, the number and identification of those who are familiar with the topic and able to participate in the discussion have to be completed. (Select around 10 people).
9. The discussion topic, expected time and duration of discussion and the venue have to be decided in discussion with the expected participants.
10. All preparatory measures required at the venue have to be taken prior to the discussion.
11. FGD team members will only play the role of facilitators while the discussion is on.
12. All participants will have to be given equal opportunity to express their opinions and the issues raised and opinions expressed will have to be written down.
13. Any decision (s) or opinion (s) has to be reviewed prior to finalizing so that any new opinion could be included even at the end.

Prior Preparation

6. Determining the topic of discussion and its objectives.
7. Preparing set of questions for proper facilitation of the discussion.
8. Arranging stationeries and other items required during the discussion.
9. Deciding on the participants, venue and time of the discussion.
10. Distribution of responsibilities among the team members, such as, discussant(s), facilitators, note-taker, and a coordinator for overall supervision.

The DOs:

7) Making every participant understand the topic and objective(s) before the discussion starts.
8) Creating a healthy, amiable and positive environment for discussion.
9) Creating such an environment that every participant gets the opportunity to express their opinion.
10) In case the discussion gets drooping at any stage, the facilitator(s) should steer the discussion and put again it on the right track
11) In case of any debate in the discussion, an opportunity should be created for the participants to resolve the matter among themselves, and no intervention should be made except for any unavoidable reason.
12) If a new issue creeps into the discussion, it should not be instantly resisted. In case the discussion goes on in a different track for a long time, it should be steered back to the right track.

The DONTs:

7) Predetermining the timeframe for discussion
8) Prohibiting the participants from having an appropriate conclusion/closure to the discussion
9) Supporting or nullifying any particular opinion
10) Creating interruption in between a discussion
11) Creating confusion or misunderstanding asking multiple questions together
12) Conversing to someone during the discussion in such a way that it interrupts the flow of discussion.

FGD Issues

A. Inheritance of Land (Applicable for Adibashi communities only)

1. What is the detailed process of land inheritance in your community?
2. Who does usually inherit family property?
3. Who inherits the paternal assets?
4. Who inherits the maternal assets?
5. At what proportions do family assets get divided among the heirs?
6. If a woman owns a land as an heir, can she sell the land in her own decision?
7. Does the wife have a right of ownership over her husband's assets?
8. Do the sons face any difficulty in having their due shares from the assets that they are heirs to?
9. Do the daughters face any difficulty in having their due shares from the assets that they are heirs to?
10. Who shoulders the responsibility of looking after parents at their old age?
11. Have your community's traditional practices of inheritance undergone changes? If so, what are the changes? What have the changes? Why have they changed?
12. Are both men and women satisfied with your community's current inheritance practices? Do they expect/urge any changes? If yes, what changes? Why?

Moderator: Please thank the participants for their invaluable time and cooperation. Wish them all the best in life.

DCI 10: Key Informant Interview (KII) Schedule

Status and Dynamics of Land Rights, Land Use and Population in Chittagong Hill Tracts of Bangladesh

Study Objective: There has always been a lack of adequate and reliable information on use and ownership of land, and population issues of the Chittagong Hill Tracts (CHT). However, accurate, reliable and adequate information on such issues is the prerequisite to depict the present situation, understand the need and then design any programme initiative in response to the needs. This Study has been undertaken to collect accurate and reliable information on the two most crucial issues of the CHT—land and population, with a final objective to make some contributions to the ongoing and future development initiatives by different agencies. The information provided by you would make this Study a fruitful and enriched and at the same time provide us some spheres to work for the betterment of the CHT Communities.

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Name of Informant: ……..

Name of Community: ……..

Designation/Title: ……..

Organization: ……..

Address: .....

Cell Phone Number: ……

Interviewer's Name:		
Date:	Time:	Place:

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September-October, 2009

KII Questions

1. What is the current pattern of land use at the Chittagong Hill Tracts (CHT) area (amount of land under cultivation, amount of land cultivated by Adivasis, amount of land cultivated by Bangalees, amount of leasing land)? What changes have taken place in last thirty years in land use pattern?
2. Would you please tell us about the beginning and impact (both positive and adverse) of using land for social forestry/tobacco cultivation/ rubber plantation in this area (CHT) in detail?
3. How intensive the rate of leasing land in Chittagong Hill Tracts area? What are the positive /negative sides of leasing land?
4. What are the disputes related to land in the CHT? Please tell us in detail.
5. What is the extent of land dispossession/eviction/grabbing/illegal occupation among the Adivasi communities? (Frequency of such occurrences, if it is frequent, etc).
6. Would you please tell us the process of land dispossession/eviction/grabbing/illegal occupation etc among the Adivasi Communities in detail (dispossession process, time, attempt made to recover, outcome of the attempt, etc)?
7. Do the Government (Union council, DC, MP, Land Office, Forest Officer) or nongovernment organizations (NGO, local organization) provide you any help to minimize land related disputes? If yes, how is the help provided?
8. Are the existing Laws/Acts/Policies to preserve the rights of different communities (Adivasi/Bangalee) adequate? If changes are felt, what are the areas that require changes? How is the form of application of the existing laws/policies in practice?
9. How is the level of understanding/knowledge of the people of the CHT (Adivasi/Bangalee) about different laws on land? Are the general people aware of these issues?
10. Do you think it is necessary to make/form particular law/policy/special court/land commission etc. to preserve the land rights of the people of different communities (Adivasi/Bangalee)? If yes, what would be its/their possible structure?
11. How effective would be the “land survey” to solve land related problems in your area? How?

Interviewer: Please thank the informant for his/her invaluable time and cooperation. Wish him/her all the best in life.

DCI 11: Case Study Issues

Status and Dynamics of Land Rights, Land Use and Population in Chittagong Hill Tracts of Bangladesh

Study Objective: There has always been a lack of adequate and reliable information on use and ownership of land, and population issues of the Chittagong Hill Tracts (CHT). However, accurate, reliable and adequate information on such issues is the prerequisite to depict the present situation, understand the need and then design any programme initiative in response to the needs. This Study has been undertaken to collect accurate and reliable information on the two most crucial issues of the CHT—land and population, with a final objective to make some contributions to the ongoing and future development initiatives by different agencies. The information provided by you would make this Study a fruitful and enriched and at the same time provide us some spheres to work for the betterment of the CHT Communities.

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Identification of Respondent:

1. Name of the Respondents: .....
2. Respondent's Father's Name: .....
3. Respondent's Mother's Name: .....
4. Age of the Respondents: ☐☐
5. Sex: Male=1, Female=2 ☐
6. Ethnicity: Adivasi Community=1, Bangalee=2 [Skip to 8] ☐
7. Ethnic Community:

Bawm=	01	Chak=	02	Chakma=	03	Khyang=	04
Khumi=	05	Lushai=	06	Marma=	07	Mro=	08
Pankhua=	09	Tanchangya=	10	Tripura=	11		

Address:

District…… Upazila:…… Union:…….

Mouza:…… Para:……

Interviewer's Name:		
Date:	Time:	Place:

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September-October, 2009

Case Study Issues

1. When did it happen?
2. Where?
3. Who was/were involved?
4. What happened? (in detail: litigation, forged documents, violence, force etc.)
5. Severity of the case
6. Aftermath of the case
7. Who was/were the losers/gainers?
8. Present status?
9. Possible means of solution

Interviewer: Please thank the informant for his/her invaluable time and cooperation. Wish him/her all the best in life.

DCI 12: Mouza Mapping Exercise Manual

STATUS AND DYNAMICS OF LAND RIGHTS, LAND USE AND POPULATION IN CHITTAGONG HILL TRACTS OF BANGLADESH

Study Objective: There has always been a lack of adequate and reliable information on use and ownership of land, and population issues of the Chittagong Hill Tracts (CHT). However, accurate, reliable and adequate information on such issues is the prerequisite to depict the present situation, understand the need and then design any programme initiative in response to the needs. This Study has been undertaken to collect accurate and reliable information on the two most crucial issues of the CHT—land and population, with a final objective to make some contributions to the ongoing and future development initiatives by different agencies. The information provided by you would make this Study a fruitful and enriched and at the same time provide us some spheres to work for the betterment of the CHT Communities.

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Step 1:

Relevant people of the concerned mouza will have to be informed in advance before going to the area for mouza mapping exercise. If necessary, the Headman and few other relevant/knowledgeable people should be consulted on the previous day of visit discussing the significance of the exercise so that a sense of ownership grows among them. A preliminary orientation sitting could also be arranged there. Then on discussion with the Headman it could be known whose involvement or presence would make the mapping exercise accurate (for example, Karbari, people having adequate knowledge about land related issues, people affected with land related problems etc. could be options). A place for the exercise will have to be chosen at the time fixed by them (attention: the place must be an indoor one where at least 10 to 12 people could sit, a large map could be spread on the floor, should have adequate light and no possibility of rain water getting into the room). It is necessary to mention that a single mapping exercise might require more than one session. Therefore, participants of the first day's session should be entertained with tea etc.

A place for the mapping exercise must be an indoor one where at least 10 to 12 people could sit, a large map could be spread on the floor, should have adequate light and no possibility of rain water getting into the room

Things to be done in the preparatory session:

- ✓ The objective of the Study will have to be explained
- ✓ The activities and procedure (DCIs) have to be mentioned
- ✓ Listing of people whose help would be required
- ✓ Determining the time and place of the mapping session
- ✓ Informing the people about entertainment
- ✓ Informing the people about the possible working days and duration in that area
- ✓ Collecting name and addresses of people affected by land related problems for conducting necessary interview of them at their households.

Step 2:

- ✓ The objective and significance of the Study should be explained again on the day the team starts working formally with the mouza map.

Write all numbers and years on the map in English

- ✓ The map should be spread on the floor in such a manner that the north side of the map should be in the same direction in real.
- ✓ Identifying the directions (north, east, west, south), the para (hamlet) the team is sitting at on the map involving the people and getting them familiar with the map. Writing name of para on the side of the map. In case of new para's creation of the para; write new name of other paras, households of those paras and use (Δ) on the side of writing.
- ✓ Taking note on the area of the mouza.
- ✓ Making list of all paras (hamlets) in the mouza (by community). Identifying all the paras in the mouza (including their names). During this process also putting down the names of the places in the map that identifies the mouza border. Besides, the names of rivers, chharas, and hills etc. should also be written down and mentioning them (river)/ (chaara) within brackets. If the real situation seems/is seen different from the information in the Maath Khashra or Joma Bondi then it should be identified on the map putting numbers [such as (1), (2)] and taking notes of them in note book accordingly.

The border of the paras will be identified in yellow

- ✓ The names of paras, para population/household number etc. should be written down in a separate format (write the present household number in the map). [for listing of paras use other DCIs].

Paras with high level land dispute intensity should be marked in red

Paras with moderate level land dispute intensity should be marked in blue

Paras with low level land dispute intensity should be marked in green

- ✓ In consultation with the people it has to be determined in which particular paras the intensity of land disputes is highest, in which paras it is low and in which paras it is moderate. In case of less number of people's dispossession of huge amount of land then the case may be considered as a high disputed one. Conversely, if the case is that the amount of the disputed land is small but a large number of people are involved over the dispute, it may be considered in the same manner (i.e., case of high dispute)- *above all, the process should be totally participatory in nature*.

Things that might be considered as land disputes (according to the participants)

- ✓ Governmental Acquisition
- ✓ Grabbing by Settlers
- ✓ Grabbing by Local Influential People (not from Own Community)
- ✓ Lease
- ✓ Horticulture
- ✓ Joint farming

e.g.: was used for jum cultivation in the past, now for other purpose

- ✓ Social Forestry (including natural catastrophe/landslide)
- ✓ About *ar-koboliatnama*
- ✓ Forgery during Land Survey (changing plot numbers without informing)
- ✓ Grabbing Land through forged documents
- ✓ Eco-park
- ✓ Land dispute due to communal violence
- ✓ Others……..

- ✓ Sampling should be done among the villages in a para and on average around **6 (six) of the villages will be visited per sample mouza** (50%, as on average a mouza in CHT contains 12 paras). The sample will be distributed by the extent of land related disputes in paras of a mouza.

Suppose, there are 15 paras in X Mouza, among which

Highest level of dispute in 4 paras	= 27% (4 paras among 15 paras)
Lowest level of dispute in 3 paras	= 20% (3 paras among 15 paras)
Moderate level of dispute in 8 paras	= 53% (8 paras among 15 paras)
15 paras = 100%	

Our sample para would be 6. Thus

27% of 6	= 1.6 = 2 (sample size of highest level of dispute)
20% of 6	= 1.2 = 1 (sample size of lowest level of dispute)
53% of 6	= 3.2 = 3 (sample size of moderate level of dispute)
100% of 6	= 6

Now, from list of paras among the 4 paras with highest level of dispute 2 sample para will be chosen by the consensus of the mapping participants. In the same methodology, among the 3 paras with lowest level of dispute 1 will be chosen and among the 8 paras with moderate level of dispute 3 will be chosen.

These sample 6 paras will be visited physically. In the sample paras, following will be done:

- ✓ The names of the paras where land dispute intensity is high should be marked using symbol. Use codes in the map and write explanation/story for the codes in the notebook. Write the chronological explanation/meaning of the term 'earlier' used in the process. Also write the particular reasons for disputes/dispossessions for particular communities.

- ✓ The focus now should be given on the paras with medium/moderate disputes (which could be marked in blue). The mapping process should be the same as used for the high disputed paras. The same exercise should be done for the paras with least disputes clearly mentioning the disputes prevailing there.
- ✓ The land use pattern of the para should also be included in the .
- ✓ **Thus:**
  - ➢ Land under plough cultivation
  - ➢ Land under Jum cultivation
  - ➢ Timber Forest
  - ➢ Fruit Garden
  - ➢ Others

  ✓ Collect information on land use patterns in the past and present (in decimal)
  ✓ Collect information on crop cultivation/other purposes in the past and present
  ✓ Use code in the map and take note accordingly in the notebook.

- ✓ To get a real picture of the para verify the plot numbers in Maath khoshra and Joma Bondi several times so that it could be confirmed that the person being talked to is the actual owner of the land.
- ✓ Besides, try to take notes of the incidents (from the victims) by plot numbers. Efforts should be made to cover highest possible number of plot numbers including their respective incidents. Efforts must be made to collect such things from paras where dispute intensity is high.

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