



Traditional Self-Governance
of the CHAKMA NATION
in the Chittagong Hill Tracts

Raja Devasish Roy





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Series Editor
CHRISTIAN ERNI

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SELF-GOVERNANCE AND DEMOCRACY

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Message from
GAM A. SHIMRAY
Secretary-General (2016-2025)
AIPP

This series on “Indigenous Peoples’ Self-Governance and Democracy” is inspired by the collective vision of AIPP to reclaim indigenous sovereignty.

Indigenous governance systems were perhaps the only form of democratic governance systems in Asia before colonization. These were different from the liberal form of democracy. They were, in fact, highly functional governance systems due to the complementary nature of the community – which were based on principles of equity, equality, reciprocity, and reconciliation.

Indigenous governance systems were a reality and were of the most rooted kind because they were organic in conception and practice. It represents systems that emerged from layers of our civilization, founded on the spirituality and values of the society, to give harmony to our social, economic, and political problems.

However, indigenous governance systems are waning because indigenous children are forced into schools where none of our languages, knowledge and values are taught. And we are all forced to live under governments where our own forms of leadership and decision-making are not recognized. We continue to experience prejudices and discrimination, forced occupation of our territories, dispossession, and disempowerment. In other words, the more the state grows, the more our societies shrink.

While this series was conceived as a resource material for the course on “Indigenous Peoples’ Self-Government and Democracy,” its main objective is to catalyse the uncovering and recovery process of indigenous values and governance systems. Hopefully, it will bring more clarity and meaning to them as we





adapt to the changing context to find meaningful ways of co-existence in the encapsulated state system.

I believe that as we build our capacity to re-build our communities and negotiate with the state and society for creating our genuine political space, the richness of indigenous governance systems will also offer new insights for addressing both the institutional and cultural disharmony of the democratically challenged Asian states.

Therefore, both the publication series and the course are part of the initiative of AIPP to reclaim the Right of Self-Determination of Indigenous Peoples, and for creating a genuine democratic and pluralistic society where our unique way of life and systems of governance are thriving.

Chiangmai, Thailand
August 2025





Message from

CHRISTIAN ERNI

Course Convenor

AIPP Indigenous Self-Governance and
Democracy Project

Part of AIPP's current Strategic Plan is to bring the issue of the Right to Self-Determination back higher on its agenda, with the explicit goal to help revive Indigenous Peoples' customary institutions and re-build their governance systems. In order to help pursue this goal, the project "Indigenous Peoples' Self-governance and Democracy" was initiated in 2018.

A core element of this project is a course on "Realizing Indigenous Peoples' Autonomy and Self-government," which was developed jointly by a group of indigenous leaders and experts, supported by non-indigenous allies.

The course seeks to help indigenous civil society leaders, indigenous leaders and intellectuals to critically reflect on the state-of-affairs regarding self-determination and self-government among their own peoples; to help them comprehend the extent and depth of change, damage or destruction of their customary self-governance systems; to take stock of what is left, above all in terms of values that were guiding the way they used to govern themselves; and to explore options to regain, revitalize and reconstruct self-government among their communities and peoples.

The course has been conceived as a learning cycle of self-reflection, studying new ideas and critical discussions. This publication is the fourth in a series of case studies on self-government among Indigenous Peoples. The case study series hopes to provide course participants as well as other readers an additional source of information, inspiration and encouragement.

Ukhrul, Manipur, India
August 2025





AUTHOR PREFACE

& Acknowledgements

I have been involved with indigenous self-governance in various capacities – as a traditional chief, legal practitioner, human rights activist and researcher - for several decades. Therefore, when AIPP invited me to contribute towards a series of publications on indigenous self-governance in different parts of Asia, I was elated. I wish to clarify, however, that I write in my personal capacity and not as the *Chief of Chakma*. I thank AIPP, in particular, Mr. Gam A. Shimray and Mr. Charu Bikash Tripura, the editor, Dr. Christian Erni and Dr. Colin Nicholas, who is in charge of the design and layout, for this opportunity. I am also grateful to the staff of the Chakma Raja's Office, headed by Mr. Subrata Chakma, and including Ms. Swastika and Ms. Annesha, and the NGO Taungya's Mr. Tejodipto, for their inputs on editing, data and photographs.

Although I have written previously on different aspects of indigenous self-governance in the Chittagong Hill Tracts (CHT) and elsewhere, these have focused on specific subjects, such as land and forest rights, human rights, customary law and the administration of justice. There were no opportunities to elaborately link these matters with indigenous governance in general, let alone directly address the subject of self-governance of the Chakma, as a separate nation or people. I therefore feel privileged to be able to share the experiences of the Chakma Circle administration, which I head, involving nearly 180 Headmen and more than 2,000 sub-chiefs (Karbari), including more than 400 women.

This study is based largely upon my experience as a Circle Chief in the CHT, spanning more than four decades, starting from 1977, when I was only eighteen. Although I started acting as the Chakma Chief since 9 April 1977, I was declared as the Chief already in 1974, through a Gazette Notification, during the





tenure of Prime Minister Bangabandhu Sheikh Mujibur Rahman, founding leader of independent Bangladesh (during whose tenure the ILO Convention No. 107 on Indigenous and Tribal Populations was ratified). At that time, the traditional authorities were the only substantive indigenous units involved in governance, focusing on administration of justice, land and forest management and the collection of land revenue. Semi-autonomous elective indigenous institutions were not to emerge until the late 1980s, which were expanded in 1998, based on the CHT Accord of 1997, which ended a twenty-five-year-old guerrilla war with the state security forces.

However, the non-implementation of the most substantive elements of this agreement still rankles. This has provided both challenges and opportunities to promote people-oriented traditional governance. The challenges include the lack of financial and logistical support from the national government. The opportunities include traditional collective community dynamics, and to some extent, the traditional authorities' expanded role caused by the dysfunctionalities in the regional and district-level indigenous-headed and indigenous-majority councils, due to policy neglect by successive Bangladeshi governments in implementing the 1997 Accord with mindfulness and generosity.

In the aftermath of the replacement of Sheikh Hasina's regime in 2024 by an interim government under Dr. Muhammad Yunus showed little improvement. Its succession, in February 2026, by an elected government under Tarique Rahman, shows challenges, including the election of a non-indigenous MP in the CHT and the appointment of a non-indigenous parliamentarian as a Minister-of-State for the CHT Affairs ministry.

The lingering armed conflict provided an opportunity to me to temporarily leave my station to pursue tertiary level studies





in Law in the United Kingdom and Australia. After joining the Supreme Court Bar of Bangladesh as a legal practitioner in the early 1990s, I also obtained an opportunity to pursue human rights cases and to engage in the United Nations and other international mechanisms and processes dealing with Indigenous Peoples' rights. The aforesaid exposure has facilitated my efforts to bring in reforms to promote the rights of vulnerable segments within indigenous society, including women, children, the elderly and persons with disability.

Turning now to history, before the British colonial advent into the CHT in the mid-19th century, the region consisted of self-governing chiefdoms and chieftaincies with loose tributary relationships with more formalised states in the neighbouring plains (the Mughal empire and the Rakhine kingdom). Until the end of British rule in the sub-continent in 1947, the CHT was ruled indirectly by the colonial Indian government, similarly to other traditional indigenous polities in nearby territories that now comprise Northeast India and north-west Burma (Myanmar). This was reflected in the similarities in the indirect rule administrative apparatuses and evidenced by identical, similar or related special regulations, including the Inner Line Regulation, 1873, the Kachin Hills Regulation, 1895, the Chin Hills Regulation, 1896 and the Chittagong Hill Tracts Regulation, 1900, some of which continue to be valid today.

The aftermath of independence, for India and Pakistan in 1947, and Burma in 1948, drastically diluted the autonomous status of most of these territories that are currently within Bangladesh and Burma. In contrast, most of the indigenous-inhabited territories in Northeast India managed to cling on to higher levels of self-government than in Bangladesh and Burma. Therefore, some comparisons are made with the self-governance exercised by Chakmas in neighbouring north-eastern Indian states, although broader comparisons were not possible, for reasons of space and time. Such gaps will hopefully be filled through future studies by competent researchers.

Rangamati, Chittagong Hill Tracts
March 2026





ACRONYMS

ADC	Autonomous District Council
CADC	Chakma Autonomous District Council (Mizoram, India)
CHT	Chittagong Hill Tracts
DC	Deputy Commissioner; a senior bureaucrat at district level
HDC	Hill District Council
JSS/PCJSS	Parbotto Chattogram Jana Samhati Samiti; an Indigenous Peoples' political party in the CHT
TTAADC	Tripura Tribal Areas Autonomous District Council (Tripura state, India)



GLOSSARY

Adibashi/Adivasi

Bengali, Hindi and Nepali language equivalent of ‘indigenous’ in English

Bohmong Circle

The southernmost traditional Chief’s territory in the CHT headed by the Bohmong Raja or Chief

Chakma Circle

The central traditional Chief’s territory in the CHT headed by the Chakma Raja or Chief

Chittagong

Name of city, district and division in Bangladesh, recently renamed as Chattogram, not to be confused with the Chittagong Hill Tracts

Circle Chief

The head of the administrative and revenue unit known as a Circle. Also known as *Raja*

Headman

The head of a cluster of villages in a territorial and revenue unit known as a *Mauza*

Jum

Swidden cultivation; also known as shifting cultivation

JSS/PCJSS

Indigenous Peoples’ political party in the CHT led by J. B. Larma, which waged a guerrilla war and made peace with the Government of Bangladesh through a truce on 2 December 1997

Jumma/Jummo

Generic name for the collective entity of the Indigenous Peoples of the CHT

Karbari

Village chief or elder; a traditional office among the Chakma, but now also for the other Indigenous Peoples of the CHT

Maleya

An ancient custom of mutual help among members of Chakma communities

Mauza

A territorial unit for administrative and revenue purposes

Mong Circle

The northern traditional Chief’s territory in the CHT headed by the Mong Raja or Chief

Pahari

Hill people; used interchangeably with Jumma



Introduction

1

The Chittagong Hill Tracts region on the Indo-Burmese frontier

Forming part of the Indo-Burma Biodiversity hotspot, but now bereft of much of its rich flora and fauna, the Chittagong Hill Tracts (CHT) region in Bangladesh, situated between 21°25'N to 23°45'N latitude and 91°54'E to 92°50'E longitude, stands out from the rest of the largely deltaic Bangladesh. The hilly region's extensive and varied pre-colonial cross-frontier interactions were thus described by academics (Jhala 2019, p. xix, citing Chatterjee 2013, pp. 22-23):

Originally a remote hinterland of the colonial province of Bengal, the [Chittagong Hill Tracts] was a fertile meeting ground for Indo-Persian tradition, indigenous tribal cultures, and European influence, belonging to a larger geography that stretched across Assam, Tibet, Kashmir, Nepal, Burma and western and southern China.

On account of its hilly terrain, the country to the east of the coastal Chittagong plains and the port city of Chittagong, bordering similar topographical areas to its north, east and southeast, was named the Chittagong Hill Tracts. It is distinct from, albeit adjacent to, the aforesaid Chittagong plains (*Chatigam* in Portuguese historical records), and includes parts of the Chakma-inhabited territory known as *Chacomias* in Portuguese records of the 16th century. The appellation of 'Chittagong Hill Tracts', through the addition of the place name of 'Chittagong' before the topographical description of 'Hill Tracts', is therefore a misnomer. It also tends to confuse the two names depicting the two neighbouring hill and plains regions, but nevertheless remains in official records and in daily practice.

What is presently the district of Chittagong on the sea coast - recently renamed as 'Chattogram', thereby ignoring the vernacular





Map 1a. Map of Bengal, Chacomas, Tipora and Rakhine (Arakan) (circa 1550) Copy 1 (Original). Source: de Barros, Joao (1973). *Da Asia de Joao de Barros, Decada Quarta, Parte Secunda*, Lisboa. Available at: <https://mappingbengal.com/the-de-barros-map> (Accessed, 15 January 2022)





origins of the place name - was recorded as *Chatigam* in the maps of Portuguese cartographers of the 16th and 17th centuries (de Barros, 1973). On the other hand, the southwestern portion of the present-day Chittagong Hill Tracts and the adjoining parts of plains Chittagong district coincide with a place known as *Chacomas*, the then heartland of the territory inhabited by the Chakmas (Rizvi 1970, p. 75). The King of Arakan was known to refer to himself, in letters patent granted to Portuguese fathers as “the highest and the most powerful king of Arakan, of Tippera, of Chacomas and of Bengal” (Ibid.). Throughout this study, the Chittagong Hill Tracts region will also be referred to in shortened form, as ‘Hill Tracts’ or ‘CHT’. Maps 1a and 1b below show the historical *Chacomas* and neighbouring territories of Bengal, Tripura and Rakhine (Arakan/Arrakam).

The Chittagong Hill Tracts is perhaps the only British-named territory in this part of the Indo-Bangla-Burma region that still contains the epithet of ‘Hill Tracts’. However, at least two other places were also known as ‘Hill Tracts’ from the 19th to the early 20th centuries. These were the *Kachin Hill Tracts* (also Tangte Hill Tracts) – now *Kachin State* - and *Arakan Hill Tracts* (See, Hughes, 1881) – now forming part of Chin State (and perhaps also a small part of Rakhine State and Magwe Division), in Burma (Myanmar). These three Hill Tracts territories also together shared similar legislative arrangements during British colonial rule, with the latter-day statutes borrowing ideas from the earlier ones. Thus, while the CHT was, and still is, administered, according to a special law known as the Chittagong Hill Tracts Regulation 1900 (Regulation I of 1900), the Chin and Kachin territories were administered, respectively, by the Kachin Hill-Tribe Regulation 1895 (Regulation I of 1895) and the Chin Hills Regulation 1896 (Regulation V of 1896), among others. The Chin Hills Regulation in its amended form still applies in many states of nearby Northeast India, including Mizoram, Nagaland and Arunachal Pradesh. In particular, the latter Regulation of 1896 allowed the district administrator to expel a non-native from the concerned area if her/his presence therein was injurious to the “peace or good administration” of the area.¹

¹ Rule 51 of the CHT Regulation [held unconstitutional vide *Mustafa Ansari v. DC, CHT & Another* (7 DLR, 1965, 553)], similarly referred to “peace or good administration of the district”.





Map 1b. Map of Bengal, Chacommas, Tipora and Arakan (circa 1550)
Copy 2 (annotated to indicate place names). Source: de Barros 1973.

The anomaly of the indigenous-inhabited Chittagong Hill Tracts within plains Bangladesh

The contrast between the Chittagong Hill Tracts (CHT) region – tucked away in the south-eastern international border areas – with the rest of the country, barring some notable exceptions, could hardly be more striking. As its name suggests, the Hill Tracts is composed largely of hills and low mountain ridges, whilst the other parts of Bangladesh are mostly composed of deltaic flood plains created by centuries of silt from the mighty rivers that flow from the snow-fed Himalayas to the warm north-eastern part of the Indian Ocean to the south.² The Bay of Bengal – infamous for wreaking havoc through its cyclonic storms and tidal waves – links Bangladesh’s mangrove coastline with

² The “plains” include the Sal forests in the north, the low hills in the northeast, the coastal areas in the south and southeast, and the semi-arid tract in the northwest.



India's eastern coastal plains and Eastern Ghats to the west and Burma's (Myanmar's) long mangrove coastline in Rakhine State, which borders the Malay peninsula part of Thailand, close to the northern states of Malaysia.

Not surprisingly, in common parlance, Bangladeshis refer to the CHT as the 'hills', in contradistinction to the rest of the country, which is known as 'the plains'. Bangladesh has an area of 147,570 square kilometres (56,977 square miles), being roughly the size of England, within the United Kingdom.³ The CHT – with 13,191 square kilometres (5,093 square miles) – is about one-tenth of the country (Ishaq 1971, p. 40) – with an area similar to that of Ulster, Northern Ireland, within the UK.⁴ A trio of internationally prominent researchers on the CHT (van Schendel, Mey and Dewan 2000, p. 1) hence described the geographical and cultural differences of the two most distinctive parts of Bangladesh in this way:

The boundary between plain and hills is much more than a geographical divide. It also marks an old and deeply-felt cultural division. The plain, inhabited by Bengalis, can be seen as the easternmost extension of the South Asian cultural realm, and the hills, inhabited by various non-Bengali groups, as the western cultural frontier of Southeast Asia.

The Chittagong Hill Tracts in relation to neighbouring Burma and Northeast India

It is important to understand the historical and current links between the CHT and its peoples with regions, countries and peoples across the border in Burma (Myanmar) and Northeast India. The Indigenous Peoples of this strategic meeting point of the south and southeast Asian sub-continent share similar terrain, flora and fauna, and a common heritage of swiddening ("shifting cultivation"), which is the traditional occupation of most of these frontier peoples in all three countries.⁵

Occasionally, they shared or even fought over human and natural resources across contested frontiers and regimes. There were and still are, commonalities of language, religion and spirituality, social norms, etc. and shared historical and current

³ <https://www.bdhcottawa.ca/about-bangladesh/basic-facts> (Consulted, 09/11/2022).

⁴ According to a British Superintendent of the CHT of the 1860s, the total area of the CHT was estimated at 6,796 square miles (Lewin, T.H., 2011, p. 12).

⁵ Throughout this publication, the term 'indigenous' will be used with preference, along with 'aboriginal'. The term 'tribal' and its vernacular equivalents are used for convenience rather than choice.





migration and trading routes and hubs. These affinities also stretch north-westwards to Nepal, Tibet and China, and south-eastwards to the Mekong region. This part of the frontier between South and Southeast Asia aptly fits into the concept of ‘Zomia’, coined by the historian Willem van Schendel, “... to describe a geography that could not be simplistically bounded by a specific place or area” (Jhala 2019, p. xlviii) (Scott 2009 and van Schendel 2002, as cited in Jhala 2019, pp. xlviii-xlix).

The four maps below (Maps 2, 3, 4 and 5) show the location of the CHT within Bangladesh and in relation to the neighbouring regions and countries mentioned above.



Map 2. Location of Bangladesh and neighbouring countries.





Map 3. Map of administrative divisions of Bangladesh.





Map 4. Location of the Chittagong Hill Tracts within Bangladesh.



Map 5. Districts of the Chittagong Hill Tracts.





Terminology: ‘indigenous’, ‘aboriginal’, ‘adivasi’ versus ‘tribes’, ‘minor races’, ‘sects’ and ‘communities’

The English terms ‘indigenous’ and ‘aboriginal’, in reference to specific population groups in Bangladesh, feature in two statutes that are currently valid in the country, and which have colonial-period roots, namely, the East Bengal State Acquisition and Tenancy Act, 1950 (East Bengal Act XXVIII of 1950; at section 97) and the Chittagong Hill Tracts Regulation, 1900 (Bengal Act I of 1900; at Rules 4, 52 and the Schedule). The Bengali equivalent of indigenous and aboriginal, namely ‘adibashi’, features in the Small Ethnic Groups Cultural Institutions Act, 2010 [Act XX of 2010; Section 2(2)].⁶

The Government of Bangladesh, however, has in recent years preferred terms other than indigenous, including ‘tribe’ and ‘small ethnic groups’. From the 2010s to August, 2024, when the Awami League party-led government was overthrown by a student-led uprising, it was vociferously opposed to the use of the term, ‘indigenous’, along with its synonyms, as regards their application to a section of its citizens.⁷ In the official national language, Bengali, government officials and political leaders have over the same period tended to favour ‘*upajati*’ (similar to tribe, and literally meaning ‘sub-nation’) or ‘*khudro nrigoshthi*’ (small ethnic groups), which, however, have pejorative connotations (O’Brien, 2021). They have tended to reject the use of the terms ‘*adibashi*’ (equivalent to indigenous or aboriginal) and ‘indigenous’ to Bangladeshi citizens.⁸ This writer has written elsewhere (Roy 2022) that the “racist and discriminatory underpinnings of these terms continue to bewilder jurists, human rights practitioners, anthropologists and those so named”.

In the early part of its rule in the latter half of 2024, the interim government’s head and a few other cabinet colleagues expressed some sympathy for indigenous identity and rights. However, after parochial right-of-centre political activists objected to the reference to ‘Adivasi’ (meaning indigenous) identity and their rights through violent and militant ways, the government capitulated. The run up to elections therefore does not appear to favour indigenous rights, including self-government.

⁶ The same term, with somewhat different spelling (*adivasi*) is also used in Nepali and Hindi in legal and other formal documents, to refer to Indigenous Peoples of those countries.

⁷ The Awami League-led rule of Prime Minister Hasina ended in August 2024 through a student-led uprising. An interim government led by Nobel laureate Dr. Muhammad Yunus is now in power.

⁸ A “secret” letter from the Ministry of CHT Affairs, dated 28 January 2010, instructed District Officers in the CHT to not use the word ‘adibashi’ (the Bengali equivalent of indigenous).





Legal and policy documents of the government, and official correspondences, use a plethora of terms, including: (i) ‘indigenous’⁹; (ii) ‘aboriginal’¹⁰; (iii) ‘adibashi’ (*adivasi*)¹¹; (iv) ‘ethnic minority’¹²; (v) ‘hillmen/hill people’¹³; and (vi) ‘upajati’ (sub-nation/tribe/tribal)¹⁴. In his monumental study *on Discrimination against Indigenous Populations* in the 1980s, UN Special Rapporteur Jose R. Martinez Cobo (1982, at para 253) stated that the Government of Bangladesh informed him of the existence of Indigenous Peoples who “lived in the Chittagong Hills south of the Karnaphuli since ancient times”. The English version of the Constitution of Bangladesh, since 2011, uses the terms “tribes, minor races, ethnic sects and communities”, which were inserted into it through an amendment in 2011.¹⁵ Incidentally, in Hindi and Nepali, the vernacular equivalent of ‘tribal’ is often regarded as ‘*janajati*’, and the word ‘*upajati*’ (literally ‘sub-nation’), which occurs in Bengali, does not feature in either of the former languages.

Vocal members of Indigenous Peoples, in contrast, prefer the term ‘indigenous’ in English, and ‘*adibashi*’ in Bengali, often supported by progressive sections of the Bengali-speaking Bangladeshi citizens. The former do not wish to be identified as ‘*upajati*’ (sub-nation) or even ‘tribe’, both of which are considered by many to be disparaging, because of associated connotations of backwardness and primitiveness, among others (Roy 2009, pp. 9, 10).¹⁶ Other terms acceptable to a large section of the indigenous population in the CHT include *Jumma* (from the common heritage of *jum* or swidden cultivation in the CHT) and *Pahari* (hill people).¹⁷

In the early 1980s, the Government of Bangladesh actively supported the ongoing research of Special Rapporteur Cobo for his abovenamed study on discrimination against Indigenous Peoples. Cobo wrote in his report (1982, para 61), referring to communications received from the Bangladeshi Government, as follows:

In Bangladesh, the Government states that members of Tribal or Semi-tribal populations are regarded as indigenous “on

⁹ CHT Regulation, 1900, Finance Act, 1995; PRSP-II (2009) and correspondences of the National Board of Revenue.

¹⁰ East Bengal State Acquisition and Tenancy Act, 1950 (Act XXVIII of 1950; at section 97).

¹¹ PRSP-II (2009).

¹² PRSP-I (2005).

¹³ CHT Regulation, 1900 (Act I of 1900).

¹⁴ CHT Regional Council Act, 1998 (Act XII of 1998).

¹⁵ Article 23A, Constitution of Bangladesh, inserted by the Constitution (Fifteenth Amendment) Act, 2011 (Act XIV of 2011), section 14. The Bengali version of the constitution prevails over the English version.

¹⁶ It may be noted that the Bengali translations of the provisions of the ILO Conventions No. 107 and 169 retain the term ‘tribal’ in its English form and do not translate them as ‘upajati’.

¹⁷ For the development of the Jumma identity as a political construct, see van Schendel 1995.





¹⁸ These Heads-of-Government were Prime Minister Sheikh Hasina (2000 and 2009), Prime Minister Khaleda Zia (2003) and Chief Adviser Fakhruddin Ahmed (2008), as published in a commemorative journal (see narrative above).

¹⁹ In South Asia, Bangladesh, Pakistan and India have ratified Convention No. 107. Nepal ratified the more progressive Convention No. 169 and recognizes treaty law's status as higher than national law.

²⁰ The English version of this amendment refers to "minor races". Members of the watchdog body, Chittagong Hill Tracts Commission, including Dr. Tone Bleie, have expressed concern over the term "race".

²¹ The current head-of-government, Dr. Muhammad Yunus, has at least once used the term 'Adibashi', whilst other cabinet colleagues have followed likewise, as well as use other terms.

²² Memo dated 19/07/2022 from the Ministry of Information & Broadcasting to the Director General, Bangladesh Television and others (see Annexe 1 series).

²³ Ministry of CHT Affairs' memos dated 23/10/2017, 21/11/2017 and 11/10/2020 and the Chakma Circle's memos dated 08/11/2017, 11/12/2017 and 05/11/2022 (Chakma Raja's Archives, Rangamati).

²⁴ Ministry of CHT Affairs' memo dated 23/10/2017 and the Chakma Circle's memo dated 08/11/2017, on the use of the term 'indigenous' by the Chakma Chief (Chakma Raja's Archives, Rangamati).

account of their descent from the populations which are settled in specific geographical areas of the country" (emphasis added by the Special Rapporteur).

Prior to 2010, at least three heads of government in Bangladesh sent formal greetings to the Indigenous Peoples of Bangladesh on 9 August, in different years, on the occasion of the International Day of the World's Indigenous Peoples, and addressed them as 'Adibashi' (meaning Indigenous) (Drong 2000, Drong 2009, Drong 2003 and Drong 2008).¹⁸ Earlier, when Bangladesh ratified the ILO Convention No. 107 on Indigenous and Tribal Populations in 1972, and yet earlier, in 1960, when Pakistan ratified ILO Convention No. 107, neither governments made any public statements regarding the difference between 'indigenous' and 'tribal' or of these terms' applicability to their country, unlike their successors from the 1990s to the 2010s.¹⁹

A major turn-around of the Government of Bangladesh started in 2010, and entrenched itself in the constitutional amendments of 2011 mentioned above.²⁰ The stand of the present interim administration, which assumed office in August 2024, is as yet fluid and varied.²¹ The vehemence of the anti-indigenous stand of the Bangladeshi government in the post-2010 period has been manifested in highly visible and hysterical outpourings of injunctions in official correspondences against the use of the term 'indigenous', such as on national television,²² and in certificates issued by traditional indigenous Circle Chiefs in the CHT.²³ This author was dragged into a long drawn-out debate, through official correspondences, between October, 2017 and November, 2020, over his use of the term 'indigenous' in Permanent Resident certificates issued by him in his capacity as the Chakma Circle Chief. However, just as government agencies – particularly from the security forces, the Ministry of Foreign Affairs, the Ministry of CHT Affairs and the Ministry of Information – have been doggedly pursuing their anti-indigenous propaganda, the progressive section of the Chakma people, along with that from most other Indigenous Peoples in Bangladesh, appears to be equally stubborn in resisting the denial of their indigenous status.²⁴





After the fall of the Hasina-led administration in August 2024, an interim government under Dr. Muhammad Yunus ruled the country for eighteen months. But signs of accommodation of indigenous identity and rights were feeble at best, and at times, equivocal. The influence of political parties (except the Awami League), student leaders, security forces, the civil bureaucracy and foreign actors perhaps caused such ambivalence. The parliamentary elections and referendum held on 12 February 2026, brought in the centre-right BNP to power, followed by the rightist Bangladesh Jamaat-e-Islami, forming the major opposition party. Election of a non-indigenous MP in one of the three seats of the CHT, the appointment of another non-indigenous MP as the Minister-of-State for CHT Affairs (the cabinet minister is a Chakma parliamentarian), and recent statements of the Home Ministry on human rights issues are causes for concern.

The current Chakma heartland and origins of the Chakma nation in legend and history

The territory now comprising the Chittagong Hill Tracts, along with the terrain of low hills and hillocks hugging the Hill Tracts' borders with plains Chittagong and Cox's Bazar districts within Bangladesh, has, beyond doubt, been the heartland of the Chakma population for half a millennium to six centuries at least. However, emigration of Chakmas and other Indigenous Peoples from this territory to neighbouring territories in Burma (Myanmar) and India, and conversely, immigration of Chakmas and other Indigenous Peoples to the Chakma heartland and neighbouring areas from the latter places, has been a regular phenomenon for at least the last six centuries or so (see, e.g.; Ishaq 1971, pp. 25-38; Brauns & Löffler 1990, pp. 26-30; Chakma, L. B. 2022, pp. 312-313).

This frequent immigration and emigration of Indigenous Peoples to and from these territories was aptly captured in the legal definition of indigeneity of the Tracts. Rule 52 of the Regulation thus declares that: "... no person other than a Chakma, Mogh [sic!] or a member of any hill tribe indigenous to the Chittagong Hill Tracts, the Lushai Hills, Arakan Hill Tracts, or





the State of Tripura shall enter or reside within the Chittagong Hill Tracts unless he is in possession of a permit granted by the Deputy Commissioner ...".²⁵

As in the case of several states of Northeast India, namely, Mizoram, Nagaland and Arunachal Pradesh, in the CHT too, until the mid 1930s, non-natives could not immigrate into the region nor become a landowner therein. In the early part of the 1900s, the Inner Line Regulation, 1873 applied to the CHT too, as in the Northeast Indian states mentioned above. Later the application of the 1873 Regulation to the Hill Tracts was withdrawn with the introduction of Rule 52 under the 1900 Regulation on the CHT. In the 1930s, based on local demands, the re-application of the 1873 Regulation was being actively considered by the then (colonial) government, whereupon the operation of Rule 52 was temporarily "suspended".²⁶ A copy of the concerned letter of 11 March 1935 as copied to the Chakma Chief on 28 March 1935 is preserved in the Chakma Raja's Archives at Rangamati.²⁷ Ironically, the suspension order was never revoked, nor the 1873 Regulation re-applied.

According to Chakma legend, as orally handed down in the epical ballads of traditional minstrels known as *Gengkhuli*, the Chakma are descended from the Sakya Kshatriya clan of the historical Gautama Buddha of Nepal (Ishaq 1971, p. 33; Roy, R T 2003, p. 28). To what extent this is true or not has not been corroborated to this day in methodologically sound research. Another account claims that the Chakma are originally from Burma (Myanmar) (Talukder 2020). According to Burmese chronicles, the Chakma had a large kingdom within Burma in ancient times (Brauns and Löffler 1990, p. 27; Talukder 2020, pp. 38-42, 99-101). Although the presence of Chakmas in Burma, both today and historically, is irrefutable, where and when such settlements existed, apart from those in Rakhine State today, is difficult to tell. It is hoped that the research on the historical connection to Burma is not confined merely to the Rakhine and Bamar peoples, but spreads beyond to other Theravada Buddhism-practicing peoples of Southeast Asia, like the Shan and the Thai, and beyond, northward, to other greater Tai peoples, including in Yunnan and other parts of China.

²⁵ Lushai Hills is now Mizoram State, India. Arakan Hill Tracts probably includes parts of Chin State, Rakhine State and other parts of Burma. "Mogh" (a misnomer) denotes the Marma people.

²⁶ Letter No. 3837-E.A., dated 11 March, 1935 from the Secretary to the Governor of Bengal to the Divisional Commissioner, copied in turn by the Deputy Commissioner to the Chakma Chief.

²⁷ The aforesaid letter was copied to the Chakma Chief, "for information" through the Deputy Commissioner, Chittagong Hill Tracts' Memo No. 1352-14 G/VII-4, dated 28 March 1935 (see Annexe 2 series).





All considered, it may not be ruled out that there are elements of truth in both of the aforesaid accounts (Talukder 2020, p. 99). This writer suggests that elements of truth of any one of these seemingly conflictive accounts does not necessarily negate the other(s). The history of movements of humankind in most continents shows that they can be multilinear or even circular and inter-marriage with other peoples has not been uncommon.

Here is an actual example of an indigenous family's departure from the Chakma Circle in the 1980s and a circuitous return to it a decade later, soon after the signing of the CHT Accord in December 1997. The family was displaced by the ongoing conflict and took refuge in neighbouring Rakhine State in Burma (Myanmar) as unacknowledged refugees. It eventually repatriated itself in a new settlement within the same Circle, but far from its earlier home. Upon further enquiry, this author found out that the family's ancestors had also moved, both to and from Burma, some generations earlier! Therefore, the author will not venture to make any definitive comments about the aforesaid accounts of movements. He will rather patiently await the conclusion of his own research and that of wiser and more qualified researchers before attempting to answer the many unanswered questions on the origin of Chakmas, or comment on the apparent contradictions of the aforesaid and other currently discussed theories and hypotheses.

The Chakmas' own traditions from the epical ballads say that they conquered the place known as Teknaf, within present-day Cox's Bazar district near the border with Rakhine State, Burma, at one time, under the legendary General Radhamohn, the commander of King Bijoygiri's forces. Apart from his military exploits, the legendary romance between Radhamohn and his sweetheart, Dhonpudi, is also elaborately covered in the Chakma epical ballad, *Radhamohn-Dhonpudi*, as sung by minstrels known as *Gengkhuli* (Ishaq 1971, pp. 211-214; Chakma, L. B. 2022, pp. 275-281). The other major Chakma epical ballad is *Sadigaang Sara* (Exodus from Sadigaang/Chittagong), which is never sung within the boundaries of a settlement, lest it bring bad luck and cause another exodus like the earlier one (Dewan 2005, p. 201; Roy, R. T. 2003, p. 26).





²⁸ *Chakmarkul* is a union (local government unit), within Ramu sub-district of Cox's Bazar district. Literally, it means "the banks of the Chakma", "land of the Chakma" or "Chakma dynasty".

²⁹ 'Alikwadang' (British period spelling) or 'Aleykhwadang' (Marma phonetics) in the Marma language means the home of the wild pigeon (according to Prof. Mong Shanoo Chowdhury as interviewed in November, 2024).

³⁰ Information gathered by Mr. Uting Marma of the Chakma Raj Office, Rangamati, under advice from the Office of the Bohmong Raja, Bandarban, 15 January 2023.

Now to return to the actual event of the exodus, it is beyond doubt that Chakmas moved northward from Teknaf, perhaps via today's Chakmarkul of Ramu, Cox's Bazar district,²⁸ to the banks of the Matamuhri river, near today's Alikwadang (Aleykhwadang) in the southern Bandarban district of the CHT, where they remained, up to the 1600s (Brauns and Löffler 1990, p. 28).

According to historical accounts of the Chittagong administration, the Chakmas created a settlement in Alikwadang in 1418 (Rizvi 1970, p. 62) [the Marma place name of *Alikwadang* (Aleykhwadang) has been mistakenly rendered in a Bengalized form as *Olikadam* (Ibid.) or *Ali Kadam* (Ishaq 1971, p. 25)].²⁹ A large pond or tank, once used by the Chakma royal family, is now situated within Alikwadang Cantonment under the Bangladesh Army, which this writer visited himself, thanks to the courtesy of the then commander of the garrison. Earlier, ruins of an old edifice, known to have been used by the Chakma royal family, were found there (Ghose 2010, pp. 18, 26), as were coins of the Chakma kings (Roy, R. T. 2003, p. 37). At that time, the southern Bohmong chiefdom had not come into its own, as the first Bohmong Raja is known to have started his rule in the area only as early as 1614 (there are no known instances of any war or conflict between the Bohmong and Chakma Rajas).³⁰ However, it ought not to be concluded, therefore, that the entire Chakma nation had moved northward at one single instance, because some Chakma communities may have lived in today's Burma (Myanmar) even at the time of the conquest of Teknaf by the Chakmas and the Chakmas' inhabitation in Ramu and the surrounding areas. Nor can it be definitively said that Chakma settlements, such as in Ramu, Sitakund and other parts of the Chittagong plains and CHT did not pre-date the Alikwadang settlements.

Chakma legends and ballads mention longstanding conflicts with the Rakhine people, and the Chakma king is also reported to have had a tributary relationship with the Rakhine king at other times (Serajuddin, 1968, p. 52; Dewan, 2005, p. 98). In any case, such conflicts are believed to have been the most ultimate, if not the immediate or only cause, of the northerly movement of the





Photo 1. Part of the present ruins of the Chakma Raja's residence at Rajanagar, Rangunia, Chittagong district, outside the CHT, but once the capital of the Chakma kingdom; circa 1600-1700s. [SC1]

Chakmas from Alikwadang, Ramu, etc. to settlements near the Karnaphuli River (*Bawr Gaang* or 'Big River' to the Chakmas) (Roy, R.B.M. 1909, in Ishaq 1971, pp. 33, 34), at first on its southern banks and later to the north across the same river on the banks of its tributary, the River Ichhamati.

After Alikawadang/Aleykhwadang, the Chakma capital was moved to Sukbilash on the banks of the Silok river, at Padua, on the southern banks of the river Karnaphuli, by the 1600s (Dewan 2005, p. 114). From Padua, the Chakma Raja moved north across the Karnaphuli and set up his capital in Rajanagar, Rangunia, now within plains Chittagong district, and outside the present territory of the Chakma Circle. The part of Rajanagar that still contains Buddhist pagodas and a functional monastery, shrines, the ruins





³¹ Rajanagar also contains shrines of the Chakma royal family (Maharaja Dharam Bux Khan and Rajrani Kalindi), a *Bhikkhu Sima* (where monks are ordained) and the ruins of a two-storey mansion.

³² Chakmas refer to the banks of a river, i.e., left or right, while facing its source and not the confluence, unlike many other people. See, Roy, R.T. 2003.

³³ For the Mongol title, *Khan*, among the Chakma, see Roy, R. T. 2003, p. 31 and Roy R. C. K. 2000, pp. 45, 212.

³⁴ Raja Tridiv Roy (1933-2011), a parliamentarian, left CHT for Pakistan in 1971. He held ministerial and ambassadorial office in Pakistan, and was awarded the Buddhist title, *Saddhammajotikadhaja*, in Burma.

of a centuries-old mansion, ponds and paddylands, is still owned and managed by the Chakma Raj family, which was once an integral part of the Chakma kingdom's domains.³¹

It is quite settled now that the Chakma royal family moved from Alikwadang to Padua, and then further northward across the River Karnaphuli to Rajanagar, with many if not all of its followers, at the same time, or slightly before and afterwards. However, what is not exactly known is the route that this exodus took, nor the exact period of the movement. There are several unanswered questions such as whether this route involved intermediary settlements in Chakmarkul, Ramu, or whether the Chakmarkul-Ramu settlements pre-dated (or post-dated) the exodus from Alikwadang. A strong clue may be the network of rivers and streams, because the daily activities of Chakmas involve use of running water bodies.³² There are related questions about the most immediate factors that propelled this movement, such as whether the Rakhine had attacked the Chakmas, for example, the role of the Marmas and Bengalis in this conflict, if at all, etc. More research is needed to uncover the history of this movement and its ancillary events and consequential developments, which may have spanned several years or decades or more, along with similar other population movements, before and since.

To return to the Chakma movement northward, in the late 1800s, the Chakma Chief, Raja Harish Chandra Rai Bahadur, moved his capital or headquarters further eastwards to Rangamati. He was the great-great grandson of Ronu Khan Dewan and the great-great grandfather of this author. Ronu Khan was the commander of the Chakma forces under Raja Sher Daulat Khan and, later, Raja Jan Bux Khan, who fought with the British East India Company's forces in the 1770s-80s (Serajuddin 1971, van Schendel 1992, Qanungo 1998, p. 22; Roy, R.T. 2003, p. 30; Chakma, L.B. 2022, pp. 44, 45).³⁴

After this, the author's father, Raja Tridiv Roy (Harish Chandra's great grandson), moved his headquarters from lowland valley Rangamati to the present Rajbari Island, in the new town of upland peninsular Rangamati in 1960, the year in which the Kaptai Hydro-electric dam was commissioned. The mansion built





by Raja Tridiv was destroyed in a mysterious fire in 2009, and his son and heir (this author) is currently building a new mansion on the same site.

The upheaval of the Kaptai Dam, including the miseries suffered by the Chakma people and others, has been documented to some extent, including in formal publications.³⁵ Some of the historical hardships of the Chakma exodus northward a few centuries ago were expressed in song in the *Saadigang Sara* ballad by traditional Chakma minstrels known as *Gengkhuli* (Roy, R.T. 2003, p. 26; Dewan 2005, p. 201). This ballad is never sung within the boundaries of a settlement, lest it bring bad luck and cause another exodus of the Chakma.³⁶

In the 20th and 21st centuries, harrowing tales of denial of identity and rights, revolt, genocide, arson, incarceration, abduction, rape and exodus, are no fewer (Anti-Slavery Society, 1984, Bangladesh Group Nederland, 1986, Bhaumik et al, 1997, Mey, 1984, Chakma et al, 1995, Mohsin, 1997, Adnan, 2004, IWGIA, 2012, Guhathakurta, 2012).³⁷ Like before, they are told in verse and song, visual arts and drama, as well as in more mundane prose, such as in the literature referred to above.

Recordings of *Gengkhuli Git* (Gengkhuli ballads) by one of the last maestros, Ramani Mohn Gengkhuli, both from the *Saadigang Sara* as well as from the other great epical ballad, the *Radhamon Dhonpudi*, are preserved in the Chakma Raja's Archives in Rangamati, CHT. One hears that one of his sons may continue treading in his father's footsteps. There are only a few other Gengkhuli minstrels remaining in the Hill Tracts (including Randalya Gengkhuli and Dulo Mohn Gengkhuli) and in the Chakma-inhabited areas of Mizoram, India. It is uncertain whether this heritage will continue beyond another decade or so from now. The discontinuance of the practice of transmission of the *Gengkhuli Git* to new disciples is a huge challenge. Thus may end a centuries-old tradition of an incomparable genre of music, lyrics, poetry and oral history, combined together, that has accompanied the Chakma nation for centuries, carrying stories and other narratives of valour, war, gallantry, strife, exodus, livelihood, sport, love, chivalry, romance and ecology. That is,

³⁵ For the sufferings of the Chakmas in the aftermath of the Kaptai Dam of the 1960s, see Sopher 1963; Roy, R T (2003: 174-183); Chakma et al. 1995.

³⁶ Following the traditional beliefs, the late maestro Ramani Mohn Gengkhuli's song recordings, mentioned above, were done on the outskirts of a village.

³⁷ See also, Roy, R. D. 1997, Roy, R. C. K. 2000, Roy, R. T. 2003 and Roy, R. D. 2008.





Photo 2 (left). Ramani Mohn Gengkhuli (20.04.1936 - 09.01.2023), widely regarded as the last *Gengkhuli Git* maestro in the Chakma world. [SC1]

Photo 3 (right). Ramani Mohn Gengkhuli (recently expired) has left a huge void in the Chakma world of historical ballad. [SC2]

unless, innovative manners of transmission to the current and future generations are devised. For example, singers could read the lines from the epics' written forms rather than singing from memory, as long as they retained the essence of the traditional styles and genres of rendition.

The Chakma heartland, Chakma society and culture

A detailed discussion about Chakma society and its culture and history is not possible in a publication of this length, and hence a few brief descriptions are offered instead. The Chakma language,





as spoken now, belongs to the Indo-European family of languages, having similarities with Assamese, Bishnupriya and southeastern Bengali, but words other than of Indo-Aryan origin are still retained in it, hinting at a Tibeto-Burman or other non-Indo-Aryan origin (Roy, R T 2003, pp. 13, 14). In his accounts, Francis Buchanan, the first European known to have visited the CHT, in 1798, writes that the Chakma people have forgotten their original Rakhine language. This, however, has not been corroborated by linguists and other scholars of related disciplines.³⁸ Although Buchanan understood the Rakhine and Bamar languages to some extent, he was not familiar at all with Chakma, and therefore his sweeping generalization has little scientific basis, if any, even more so as words of Rakhine origin are so few in Chakma.

The Chakmas have their own script in which their religious scriptures and medicinal formulae were traditionally written. Their script is said to be related to that of several other peoples of Northeast India, Burma and even Indo-China, originating from the *Brahmi* family of scripts of India, which also includes Devanagari, Gurmukhi, Bengali, Nepali and Tamil. The peoples who have similar scripts include the Rakhine, Bamar (Burman), Shan, Karen, Ahom, Khamti and Khmer (see Map 6, post).³⁹ Nowadays, nearly all Chakmas speak their language, but their script is used extensively, including in schools, only in the Chakma Autonomous District Council (CADC) territory in Mizoram, India, and to a lesser extent, in Tripura State, India (Chakma, L.B. 2022, pp. 79-99; Roy, R.T. 2003, p. 14),⁴⁰ and marginally, in the Chittagong Hill Tracts. In 2019, along with that of the Cherokee nation of North America and the Pular of Africa, the script of the Chakma nation or people, in Unicode form, was given formal recognition by the UN agency, UNESCO (<https://www.facebook.com/watch/?v=561322557767547>; Accessed 5 August, 2023).

A few years ago, the Government of Bangladesh published primary school-level books in the Chakma language and script (along with four other indigenous languages) from the pre-primary level to Class III (Standard 3), but due to the absence of necessary appointments and training of teachers, teaching in these languages at schools, including Chakma, is progressing at

³⁸ van Schendel (ed.) 1992, pp. 104, 108.

³⁹ On the similarities and dissimilarities of the Chakma script with other Brahmi-origin scripts, including Khmer see, e.g., Grierson 1905; Roy, R.T. 2003, pp. 13, 14; Chakma 2020, pp. 59-60.

⁴⁰ See also: <https://chakmalibrary.net/2022/02/09/chakma-language-teaching-in-tripura/> (accessed 19 January, 2022).



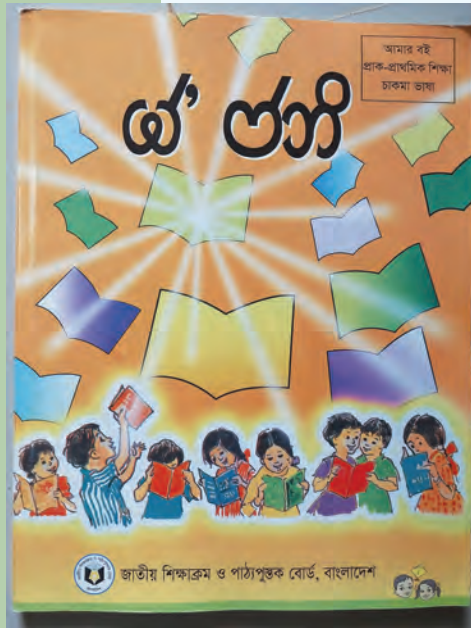


Photo 4 (left). Chakma alphabet book of the Directorate of Primary Education, Government of Bangladesh. [RDR]

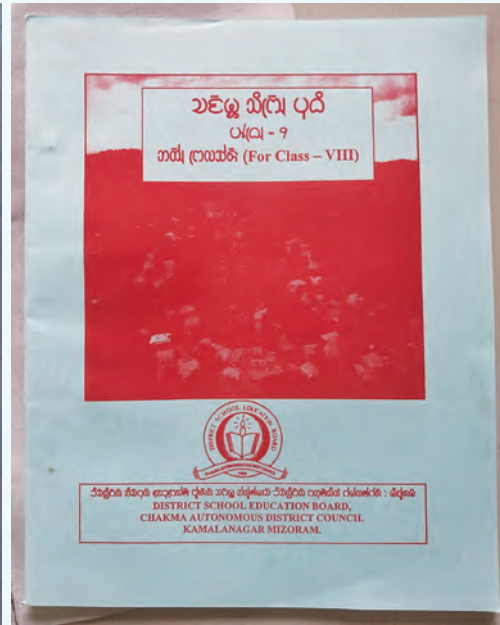
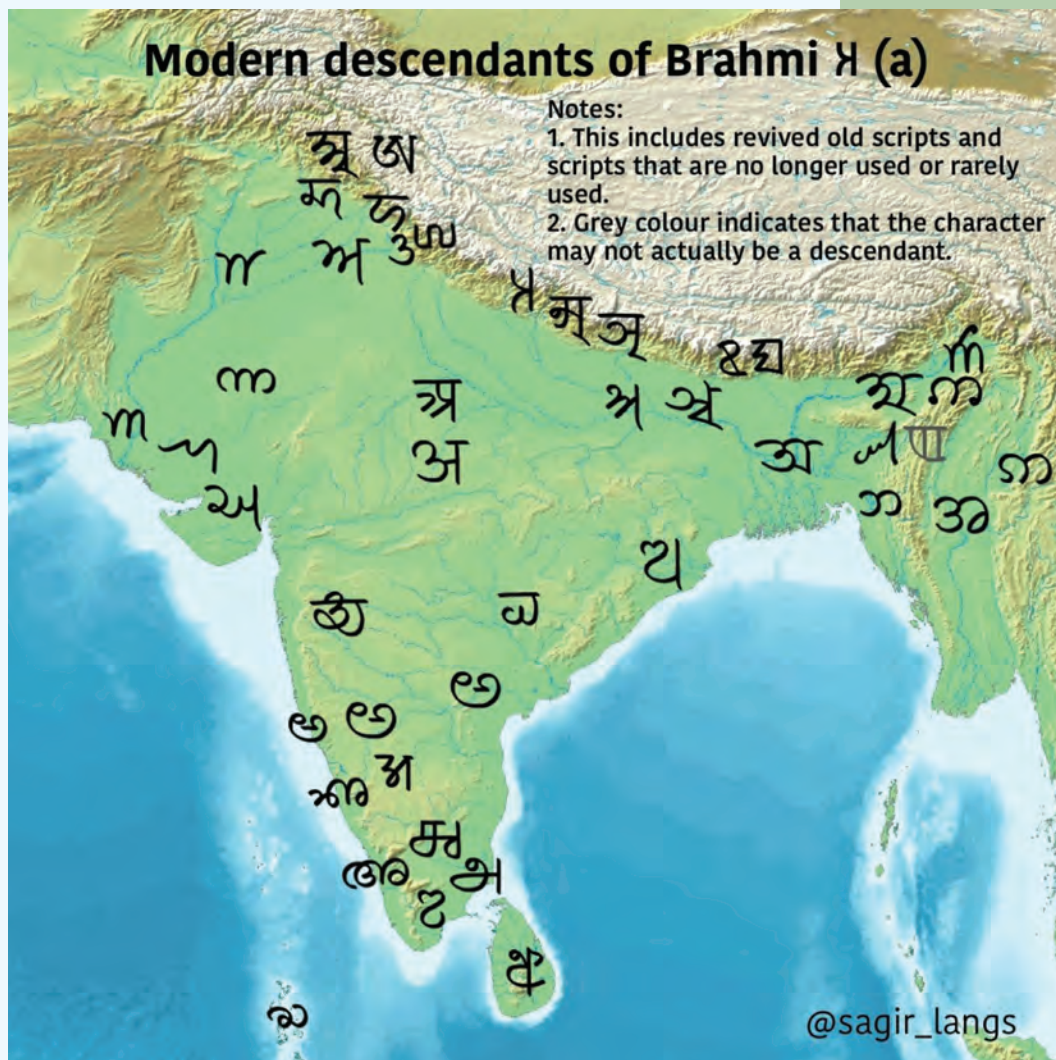


Photo 5 (right). Chakma alphabet book of the District School Education Board, Chakma Autonomous District Council, Kamalanagar, Mizoram. [RDR]

a very feeble pace. However, Chakma civil society groups are trying to fill this gap by running their own schools outside of the formal governmental curriculum. In most other places, Chakmas generally use the script of the dominant majority groups, which is Bengali (in the CHT and Tripura), Bamar (in Burma), Devanagari (Arunachal Pradesh) or English (diaspora in South Asia and elsewhere), including for the Chakma language.

Traditionally, Chakma society was divided into *gawzha* (gozha) or clans, and sub-clans or septs, generally called *gutthi*, with each *gawzha* being under a hereditary clan chief or head, called *dewan*, which used to live in designated areas (Roy, R.T. 2003, pp. 14, 39). However, wars, quest for cultivable lands, economic factors and government programmes, such as the demarcation of Circles



Map 6. The Chakma letter *Pichpuzho Aa* is shown on the location of the Chittagong Hill Tracts to the right of the corresponding Bengali letter and the corresponding Burmese (Bamar) letter (Internet source acknowledged in the References section at the end).





and mauzas, declaration of forest reserves, the establishment of the Kaptai Dam and related developments, among others, broke down the clan system.

There are between 31 and 33 *gawzha* among the Chakma. The total number of *gawzhas* is 31, according to Ghose (2010, pp. 44-48) and 32 according to Chakma (2020, pp. 35, 36). The Chakma Customary Law Bill, 2022, as tabled before the Tripura Tribal Areas Autonomous District Council, Khumulwng, Tripura State, India, on 29 December, 2022, mentions 32 *gawzhas*. According to Lewin (2011, p. 69), there are 33 *gawzhas*.

Generally, *gawzhas* have sub-clans with a decidedly common ancestor, known as *gutthi* (whether or not named after a common ancestor or a totem). However, two among these, namely, the *Borbua* *Gawzha* and the *Kura Kutye* *Gawzha*, have sub-groups that are generally called *Daghi*, which other *gawzhas* do not have, although a few of their sub-groups are also known as *gutthi*, as with other *gawzhas*. The lineages of these *daghi* are also traced back to common ancestors, as in the case of the *gutthi*, but many of them do not appear to go back in antiquity to long periods as in the case of the other *gawzhas*.

The *Borbua* *gawzha*, in particular, was composed of groups from different Chakma *gawzhas*, and even non-Chakma groups, who rallied around the Chakma Raja as an armed guard unit that protected the royal family and the Chakma nation at large, from external attacks, such as from the Lushai (Mizo) marauders from the east, who caused depredations on Chakma and other riverside indigenous communities of the CHT. A letter from the Secretary to the Government of Bengal to the Commissioner of Chittagong Division of 23 April 1884⁴¹ states the following, among others:

It appears that Raja Harish Chandra has a khas mahal in the Hill Tracts, which is said to have originated at a time when the Chakma Chief had charge of keeping the peace in the Hills, and was therefore required to keep up a force for patrolling the country and guarding the villages subject to raid by hostile tribes.

It is reported that for this purpose the Chief obtained from all the Chakma Dewans or village headmen 150 houses of ryots, who

⁴¹ Letter No. 121 P-D, dated 23 April 1884, from the Secretary to the Government of Bengal to the Commissioner of the Chittagong Division, Chakma Raja's Archives, Rangamati.





were formed into a “goza” [gawzha] or clan called the “Borga-goza”, the ryots being styled Rajparias.

A resolution of the Government of Bengal dated 23 February 1888 contains an order instructing the then Dewan of the Borbuo gawzha “to do all that is necessary for the honour of the Chuckma family”, based upon petitions of Ranees Shourindri and Monmohini, widows of the late Raja Harish Chandra. The Ranis (Ranees) asked that they continue to receive the services of the Borbuo gawzha, which would entail exemption from taxes for the gawzha as granted by the British authorities.⁴²

The Chakmas have for centuries practised a form of Buddhism with priests known as *Luri* (*Raoli*, in Bengali), which may be regarded to be a part of the *Mahayana* school (Roy, R.T. 2003, p. 39; Leider 2010, pp. 152, 153). Among the books on Buddhism used by the Luri, the better known are the *Agar Tara*, *Saddheng Giri Tara* and the *Malem Tara* (Ishaq 1971, p. 219). The French and Luxembourgian historian and former diplomat, Jaques P. Leider (2010, p. 153), wrote the following about the Chakma *Luri* (‘*Raoli*’):

[My] recent field trip (April 2006) to the northern Chittagong Hill Tracts (Bangladesh) took off with the astonishing “discovery” of a few Chakma monks who proudly claim a *raoli* ascendancy and wear red-coloured robes that clearly distinguish them from the overall majority of Theravada monks. Evidence of their sacred books, the *Agartara*, written in an alphabet derived from the Arakanese-Burmese script, was first revealed by Heinz Bechert and Gustav Roth who visited Chittagong in 1967 to study the local Buddhist tradition, but the German Buddhologists failed to address the question of the continuity of a *raoli* lineage.

According to a government publication (Ishaq, 1971, p. 219), “[the] Chakmas have got seventeen principle books of which sixteen of them in [the] Pali language and one in [the] Chakma alphabet.” However, according to Dewan (2005, p. 216), these books, known as *Tara* in Chakma, or as *Agartara*, number twenty-eight in total. He holds (ibid., p. 218) that these are based on Pali language discourses from the Tipitaka dating back to the time of the Gautama Buddha, which were probably adopted and adapted

⁴² Resolution of the Government of Bengal dated 23 February 1888, Chakma Raja’s Archives, Rangamati.





by the Chakma during the 14th century. Dewan (2005)'s views are supported by other leading Chakma scholars of recent times, including Sugata Chakma (Chakma, Sugata, 2006, pp. 69-73) and Susamoy Chakma (Chakma, Susamoy, 2006, p. 57).

The abovementioned studies of Chakma scholars clarify the confusion contained in the non-Chakma sources, including the government publication on the language and alphabet used for the *Taras*, which drew upon both Pakistani and British period bureaucratic sources (such as Ishaq, 1971), among others. It is now confirmed that while the *language* of the *Taras* is Pali, or a heterogenous admixture of Pali and Chakma, the script or alphabet is decidedly Chakma (which Leider, cited above, refers to as “alphabet derived from Arakanese-Burmese script”). Pali, the language of the Theravada Buddhist treatises, is believed to have been the vernacular language of the Indo-Nepalese border areas of Terai-Bihar, where the Buddha lived and taught, and which is today recorded in Sinhala, Burmese, Thai, Lao, Khmer, Chakma, Bengali and Roman scripts, among others.

The different *Taras* are recited for different occasions such as royal weddings (Silmoagol Tara), cremation (Sadengiri Tara), funereal gatherings (Oniza Tara), royal funereal gatherings (Orindomo Tara), donation of merit by a clan to the departed (Bhadyya; Jiyon Dharon Tara), etc. (Dewan, 2005, pp. 218-219).

These beliefs and practices, including the teachings of the *Luris* (Raolis), who follow the *Taras*, survive today as minor strains of heterogenous Buddhist practices, both in the CHT and elsewhere in the Chakma world (Chakma, L. B. 2022, pp. 94-96; Lewin 2011, p. 70).

However, consequent upon the reforms in the 1860s, initiated under the leadership of the Chakma regnant queen, Rani Kalindi, most of the Chakmas gradually joined the *Theravada* school of Buddhism, but *Luri-led* and other spiritual traditions nevertheless continued, although with far less vigour than before (Roy, R.T. 2003, pp. 39, 40; Leider, 2010 in Alves, 2010, p. 152), and still continue.⁴³ Some deities from the Hindu pantheon also continued to be worshipped, both before and after these reforms, as were indigenous gods and spirits, before and since, with

⁴³ See also Chakma, L.B. 2022, p. 95 and Barua 2019.





Photo 6. The author bowing to the Late Ven'ble Sadhananda Mahathera (Bono Bhante) of Rajvana Vihara, Rangamati, CHT, widely believed to be an enlightened (Arahat) monk following the Forest Meditation and Austerity traditions (08.01.1920 – 30.01.2012). Then Deputy Minister, Ministry of CHT Affairs and Member-of-Parliament, Moni Swapan Dewan, is standing, on the left. [CRC]



Photo 7. The late Ven'ble Rajguru Aggravamsa Mahathera, Aggamahasaddhammajotikadhaja (Title from Burma), Lord Abbot of the Chakma Raj Vihar, Rangamati, a leading Theravada reformist in the CHT (23.11.1913 – 08.01.2008). The incumbent abbot, Ven'ble Shilpal Mahathera, is to his right [CRC]





Photo 8. Mahayana Luri (Raoli) monks from the Meyoni Valley, Chakma Circle, 29 October 2017. [DC]



Photo 9. The author, his spouse (Rani Yan Yan), younger son (Rajkumar Yoddha Devayana) and uncles (paternal and maternal) at the 3rd Death Anniversary of the author's father (Raja Tridiv Roy) on 17 September 2015. [CRC]



Photo 10. Fully ordained Theravada nuns ordained in Sri Lanka and living in the CHT, 25 November 2016. [DC]

varying influence. The first prose writing on Buddhism in the Bengali language, the *Bauddha Ranjika*, was published under the patronage of Chakma Rani Kalindi (Ishaq 1971, pp. 218, 219; Roy, R.T. 2003, pp. 39, 40).

It is this writer's firm belief that allegiance to spirits and deities, whether or not connected to the Theravada or Mahayana Buddhist traditions, and the related practice of taboos, have strongly facilitated the preservation of countless ecologically fragile landscapes and water bodies. For example, the taboo against causing any form of physical disturbance to the precipice of a stream containing mineral salt, known as *Haza* in Chakma and Kokborok, observed to this day, is directly responsible for enabling wild elephant, gaur (Indian Bison; *Bos gaurus*), sambhur (sambar, *Rusa unicolor*) and other species of deer, as well as domesticated cattle, to obtain their much-needed supply





Photo 11. Partially domesticated Indian Bison (*Bos frontalis*; *Bos gaurus* is its wild variant) feeding itself salt from an *Haza* (mineral salt lick) in the Reingkhong Reserved Forest, Chakma Circle, CHT; Circa 2008. [SC1]

of edible salt for several centuries at the least! There are many other comparable practices.

Like most other Indigenous Peoples of the Indo-Bangla-Burma border highlands and uplands, the Chakma too were traditionally swidden or *jum* cultivators. Based on this common tradition of jum cultivation, the Indigenous Peoples of the CHT are generically known as the *Jumma* nation or people, a name coined by the major Indigenous Peoples' political party of the CHT, *Parbotto Chattogram Jana Samhati Samiti* (PCJSS /JSS) in the 1970s.⁴⁴ Between the late 19th to the early 20th centuries, the Chakma, alongside some of the other traditionally riverside dwellers like the Marma, and to a lesser extent, the Tanchangya and the Tripura, took up plough-oriented wet rice agriculture, and then fruit and tree gardening in the 1960s and 70s (along with the Bawm and Pangkhua), and parallelly, service, and lastly, business, commerce and other professions, trades and vocations.⁴⁵

⁴⁴ For the "invention" of the Jumma identity as a political construct, see van Schendel 1995, in Barnes, Gray & Kingsbury 1995, pp. 121-144.

⁴⁵ For a detailed discussion of the changes in occupational patterns among the Indigenous Peoples of the CHT from the 1800s to the 2000s see Roy (2000b), pp. 73-122.





Photo 12. Swidden (*Jum*) rice harvesting in the Bohmong Circle, CHT. [ZS]

Whether, and if at all, the Chakma were plough cultivators prior to their practice of swidden cultivation in the CHT, is not known.

Sizable segments of the Chakma also have permanent settlements in parts of Tripura State and Mizoram State in Northeast India, and in Rakhine State, Burma (Myanmar). Since the early 1960s, Chakma refugees from the Kaptai Hydroelectric Dam have migrated to other more northerly parts of Northeast India, particularly Arunachal Pradesh, on the frontier with China (and Tibet), as well as in a few areas of Karbi Anglong and other parts of Assam State.

The Chakmas of Arunachal Pradesh stand out from the rest of their fellow Chakmas elsewhere on account of the fact that they, or their ancestors, are/were refugees from former East Pakistan as a consequence of the Kaptai Dam. Sadly, the vast majority of them do not have Indian citizenship papers. In contrast, the overwhelming majority of the Chakmas, whether in Bangladesh





Photo 13. Swidden (*Jum*) house gathering in the Bohmong Circle, CHT, in harvest season. [ZS]



Photo 14. Swidden (*Jum*) harvesting in the Bohmong Circle, Bandarban, CHT. [ZS]





Photo 15. Lowland farming by indigenous communities, Solok Valley, Chakma Circle, CHT. [RDR]



Photo 16. Riverside farming by indigenous communities, Solok Valley, Chakma Circle, CHT. [RDR]





Photo 17. (L-R) His elder son, the author, political leader and editor, Sroto Ranjan Khisa, and Chakma littérateur, Niranjan Chakma, during the author's visit to Tripura State, India, for the 28th Tripura State Bizu Celebrations in April 2009. [DC]



Photo 18. The author, speaking during the 28th Tripura State Bizu Celebrations (April 2009), mentioned above, flanked by senior hosts (including poet, Chakma Ashim Roy, to his right). [DC]



Photo 19. The author and his elder son with host Chakma family during their visit to Tripura State, India, in April, 2009. [SC1]



Photo 20. The author, with Dr. Rashik Mohan Chakma, then Chief Executive Member (CEM), Chakma Autonomous District Council (CADC), now a member of the Mizoram Legislative Assembly (to his immediate right), Nirupam Chakma, Scheduled Tribes Commissioner (to the right of the CEM), Pulin Bayan Chakma, prominent litterateur & former CEM (extreme right), Kali Kumar Tanchangya, former CEM (extreme left), and other senior leaders at Kamalanagar, Mizoram, February 2019. [SC1]





Photo 21. (L-R) Artists Rita and Nayan Moni rendering Chakma songs during the author's visit to Kamalanagar, Mizoram, India, February, 2019. [RDR]

or in Mizoram State or Tripura State, or elsewhere in India or Bangladesh, have access to citizenship, and hence are entitled to franchise rights, other basic civil and political rights and welfare measures of the concerned state. At least these entitlements are not contested.

The vast majority of the Chakmas in Arunachal Pradesh remain as stateless refugees, despite the fact that the Supreme Court of India has instructed the Arunachal Pradesh state government, which is run by Indigenous Peoples, to provide Indian citizenship certificates to those among them that were born in India.⁴⁶ In the to-ing and fro-ing between Mizoram and Arunachal Pradesh over the decades, a small section of the Kaptai Dam evacuees chose to settle in Karbi Anglong and nearby areas within Assam State in 1963-64, having faced difficulties of resettlement in Arunachal.⁴⁷ According to the 2011 Census, the number of Chakmas in Karbi Anglong was 2,032.⁴⁸

Lastly, there are the Chakmas of Burma (Myanmar), officially regarded as Tsek, Thek or Daingnet, most of whom live in

⁴⁶ *National Human Rights Commission v. State of Arunachal Pradesh & Another*, AIR, 1996, SCC (1) 742 (9 January, 1996).

⁴⁷ Interview with Mr. Arun Bikash Chakma, Gaon Bura (Village Head) of Langsuli, Diphu, Karbi Anglong, Assam, on 10 January 2022.

⁴⁸ See Table 3 below.





Photo 22. The author with Daingnet-Chakma parishioners, visiting monk, Venerable Paramananda from the CHT and Ven'ble Sandavara Sayadaw, the abbot of Sein Yadana Vihara, in Rangoon (Yangon), 8 November 2014. [CRC]

Rakhine State, although migration to Yangon (Rangoon) is rising. The people known as *Tsek* or *Thek* in Burmese and as *Daingnet* in Rakhine State identify themselves as *Chakma* when speaking in Chakma or in English. The aforesaid peoples are among the 135 officially recognized indigenous 'races' of Burma. Their language is nearly identical to that of several of the septs or clans of the Tanchangya in the CHT, and the Chakma in Cox's Bazar district, who generally self-identify as Tanchangya and Chakma, respectively. The total number of the former is believed to be in the region of 50,000.⁴⁹

The map below (Map 7) shows the major Chakma-inhabited territories in Bangladesh, Burma (Myanmar) and Northeast India. It does not, however, show the relatively lower concentrations of Chakmas in other places, including the non-hill districts of Chittagong and Cox's Bazar in Bangladesh, Karbi Anglong district and other parts of Assam, India, and areas in Mizoram, India, outside the Chakma Autonomous District Council (CADC).

⁴⁹ Interview with Mr. Htun Thar Hla on 14 January 2023. Now he is the President of the Daingnet Association of Myanmar and a refugee in Thailand.

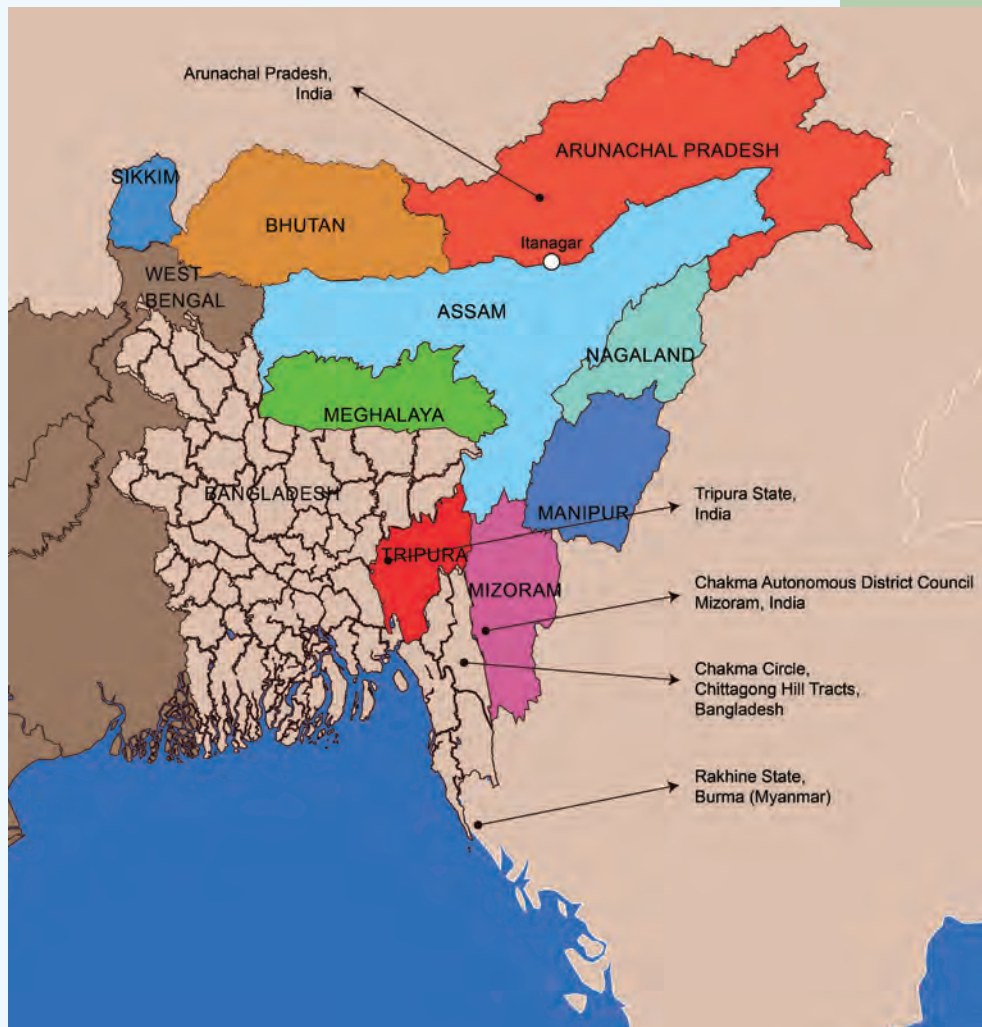




Photo 23. The author with a senior Thek/Daingnet (Chakma) social leader, Subir Chakma (since deceased) and monks, including Venerable Jyotipala, in Burma, 8 November 2014. [CRC]



Photo 24. The author with Burmese and Bangladeshi Chakma monks and lay followers (including social leader Htun Thar Hla), at Sein Yadana Vihara, the largest Thek/Daingnet (Chakma)-managed monastery in Rangoon (Yangon), 15 August 2015. [CRC]



Map 7. Major Chakma-inhabited territories in Bangladesh, Burma (Myanmar) and Northeast India.





Basic data on the Chakma and other Indigenous Peoples of the Chittagong Hill Tracts

The Chakma is the most numerous of the more than fifty Indigenous Peoples of Bangladesh that are officially accounted for in law and policy documents of the government.⁵⁰ These include the premier laws on the administration of the CHT and on Indigenous Peoples' cultural institutions, as already referred to above,⁵¹ and the government's census reports, including the latest one of 2022. The 2022 Census shows the population of the Chakma in Bangladesh as 483,299 [Bangladesh Bureau of Statistics (BBS) 2022, pp. 32, 33]. Using data from the 2022 Census, the following tables (Tables 1 and 2) show the population of the Chakma and other Indigenous Peoples of the CHT, separately, and in comparison to the percentage of the total indigenous population of the plains region, and the total indigenous population of the country as a whole.

The Chakma Circle administration has no formal relationship with Chakma self-government institutions in India and Burma (Myanmar), where they so exist. However, Chakmas in all of these territories do maintain informal social and cultural ties and such interactions can and do have significant impacts on each other's societies, including in the sphere of self-governance. Thus, this writer, in his capacity as the traditional head of Chakma society, is occasionally consulted by formal and informal Chakma or Chakma-led institutions and organizations of these countries with regard to customary law and other socio-cultural, human rights and humanitarian matters. For example, upon invitation, he sent his opinion on a draft Chakma Customary Law Bill from Tripura State, India, in 2018, and again in 2022, and also participated in two state-level *Bizu* festivals in the same state as a Guest of Honour in April, 2009 and May, 2018. Similarly, he has attended formal ceremonies of the Chakma Autonomous District Council (CADC), in Mizoram State, India, twice, as Guest of Honour, a few years later. The author has also attended socio-cultural and religious ceremonies of the native Daingnet-Chakma in Rangoon, Burma, as well as socio-cultural events of the Chakma diaspora in East Asia, Australia, Europe and North America.

⁵⁰ East Bengal State Acquisition and Tenancy Act, 1950 (section 97), Chittagong Hill Tracts Regulation, 1900 (Rules 1 and 52) and Small Ethnic Groups Cultural Institutions Act, 2010 [Section 2(2)].

⁵¹ These laws include the CHT Regulation, 1900, the three Hill District Councils Acts, 1989, the CHT Regional Council Act, 1998 and the Small Ethnic Groups Cultural Institutions Act, 2010.





Table 1
Population of the Chakma
and other Indigenous Peoples
of the Chittagong Hill Tracts
(2022 Census)⁵²

No.	Indigenous Population	
	People	Population
1	Bawm	13,193
2	Chak	3,077
3	Chakma	483,299
4	Gurkha ⁵³	100
5	Khumi	3,780
6	Khiyang	4,826
7	Lushai	380
8	Marma	224,261
9	Mro	52,455
10	Pangkhua	1,857
11	Tanchangya	45,972
12	Tripura	156,578
	Total	989,678

⁵² Bangladesh Bureau of Statistics, Ministry of Planning, Government of the People's Republic of Bangladesh (www.bbs.gov.bd), Census and Household Survey 2022: Primary Report, Table 1.4, pp. 33, 34.

⁵³ The Gurkha in the CHT are descendants of Indigenous Peoples of Nepal (Adivasi-Janajati) who joined the colonial police and administrative services (1860-1947) and stayed on in the region.





Table 2
Population of Different Indigenous Peoples of
the Chittagong Hill Tracts along with the Total
Indigenous Population of the Plains and the Country
(2022 Census)⁵⁴

People	Population	Male	Female	%
Bawm	13,193	6,659	6,534	0.80
Chak	3,077	1,555	1,522	0.19
Chakma	483,299	243,889	239,410	29.29
Gurkha	100	57	43	0.01
Khumi	3,780	1,951	1,829	0.23
Khiyang	4,826	2,459	2,367	0.29
Lushai	380	189	191	0.02
Marma	224,261	111,317	112,944	13.59
Mro	52,455	26,742	25,713	3.18
Pangkhua	1,857	943	914	0.11
Tanchangya	45,972	23,316	22,656	2.79
Tripura	156,578	78,183	78,395	9.49
IPs CHT	989,778	497,260	492,518	59.98
IPs Plains	660,431	327,491	332,890	40.02
IPs National	1,650,159	824,751	825,408	100

⁵⁴ Bangladesh Bureau of Statistics, 2022, op. cit., (www.bbs.gov.bd), Census and Household Survey 2022: Primary Report, Table 1.2 (p. 29) and Table 1.4 (pp. 33, 34) as cited in Roy (2022a).





The Bizu festival of the Chakma commemorates the passing of the old year and the ushering in of a new year. It has the same roots as the *Sanghraing* festival of the Marma (*Thangraing* to the Rakhine), the *Thingyan* festival of the Bamar (Myanmarese) and the *Songkran* festival of the Thai, and the *Sawngkran* festival of the Mro in the CHT. In old Bengali, the Bengali version of the festival was known as *Vishuva Samkranti* (Qanungo 1998, p. iv).

This author attended the final day of the celebrations of the Golden Jubilee of the Chakma Autonomous District Council (CADC), Mizoram State, India, on 20-21 December, 2022, as a Guest of Honour, and earlier, on 23 February, 2019, also as a Guest of Honour of the CADC. He has also visited Chakmas in Burma (Myanmar) and established networking relationships to strengthen Chakma civil society organizations therein. The opportunities of international Chakma cooperation – including between these three countries – will be briefly discussed in Chapter 5.

The Chakma population in India and Burma (Myanmar)

The largest concentration of Chakmas outside of the CHT is in Mizoram State, India, where their population is large enough to enable them to regularly elect two members to the State Legislative Assembly, occasionally with a berth in the state cabinet. The Chakma population in this state was estimated as 96,972 in the 2011 Census, with about half of them living within the territory of the Chakma Autonomous District Council (Chakma 2021a, p. 10). In Tripura State, the same census returned the figures of Chakmas as 79,813 (ibid.). Then come the Chakma refugees from erstwhile East Pakistan of the 1960s, who fled their homeland in the aftermath of the construction of the Kaptai Hydroelectric Dam in 1960, and who were resettled by the Indian government in Arunachal Pradesh. Their number was estimated at 47,073 in 2011 (ibid.). Table 3 below shows the population of the Chakmas in various states in Eastern and North-eastern India as per the last census, that of 2011 (the following census is yet to be conducted).





⁵⁵ This information has been obtained from Mr. Htun Thar Hla, the president of the Daingnet Association of Myanmar, on 14 January 2023.

There are no reliable statistics on the population of the Chakmas in Burma (Myanmar), who are known there as Thet, Tsek and Daingnet. However, the Chakmas are widely believed to number around 50,000 at least, mostly located within Rakhine State, but with a substantive and growing presence in Yangon, and a substantive diaspora in Malaysia and Thailand.⁵⁵

Table 3
Population of Chakmas in
India (2011 Census)

State	Population
Mizoram	95,972
Tripura	79,813
Arunachal Pradesh	47,073
Assam	2,032
West Bengal	466
Meghalaya	106
Total	226,462

Source: Chakma 2021a, p. 10, citing
Census of India, 2011.





Political and constitutional history of the Chittagong Hill Tracts: Snapshots and snippets

2

In order to have a sound understanding of the anomaly of the Hill Tracts administration and that of the evolved and colonially-reconstructed indigenous institution of ‘circles’ within Bangladesh, it is vital that one traces the political and constitutional history of the region. This will help explain the nuanced challenges and opportunities that the Chakma Circle and other indigenous self-government institutions currently face in the CHT.

Prior to the treaty between the British East India Company’s Governor General and the Chakma Raja Jan Bux Khan in 1787, the Chakma kingdom was independent.⁵⁶ Qanungo (1998, p. 18) writes: “The Chakma kingdom was a loose territorial organization of the Chakma people living scattered in a wide area. Though the Chakma kingdom had no fixed boundary, ... the areas where the Chakmas were predominant and where the Chakma administration was effective, may be regarded as the Chakma kingdom”.

Even as late as 1763, the Chakma kingdom’s boundaries extended from the Feni River in the north to the Sangu River in the south, and from the Nizampur [Dhaka Trunk] Road in the west to the hills of “the Kuki Raja” in the east.⁵⁷ The fifth British administrator of the CHT, Captain T. H. Lewin (2011, p. 29) writes: “Up to 1829, we seem to have exercised no direct influence or rule over the hill tribes ... Until the year 1860, it appears we did not directly interfere with the internal economy of the hills”.

As discussed in more detail below, after 1787, the tributary status of the Chakma kingdom was gradually whittled away, and by 1860, it had become an annexe to the British province of Bengal.⁵⁸ van Schendel, Mey & Dewan (2000, p.25) wrote: “In 1860 the British occupied the hills to the east of Chittagong and annexed them to their colonial empire. For the first time in their

⁵⁶ Qanungo 1998, p. 52; Ghose 2010, p. 61; Roy, R.B.M. 1909 in Ishaq 1971, p. 35.

⁵⁷ Qanungo 1998, p. 19; Roy, R.B.M. 1909 in Ishaq, p. 1971, p. 35.

⁵⁸ Raids of the Frontier Tribes Act, 1860 (Act XXII of 1860), 1 August 1860. See also, Chakma, P. 2022, pp. 175-183, for extracts of the 1860 Act and its rules.





⁵⁹ Acts XIX, XX and XXI of 1889, on the hill district councils and Act XII of 1898 on the regional council. See, Roy 2009a for the evolution of the laws.

⁶⁰ Other 'scheduled districts' included the Arakan Hill Tracts (Burma), Jalpaiguri and Darjeeling, Santhal Parganas and Chutia Nagpur (India), among others.

⁶¹ Areas in neighbouring areas recognised as 'backward tracts' included, among others, the Lushai Hills, Naga Hills, Balipara Frontier Tract, and Lakhimpur Frontier Tract, along with some territories in Burma (Myanmar).

⁶² 'Excluded areas' included Lushai Hills (Mizoram State), Naga Hills and Tuensang Frontier Division (Nagaland State), and Balipara Frontier Tract, Sadiya Frontier Tract and Tirap Frontier Tract (Arunachal Pradesh).

⁶³ Partially excluded areas, such as parts of Mymensingh in Bangladesh, United Khasi-Jaintia Hills and Garo Hills in (the then) Assam, now within Meghalaya State.

history, the Chittagong hills were administered from Bengal. Before that time, political power in the hills had been dispersed among many chiefs."

Between 1860 to 1900, the region became more and more integrated into the Bengal administration, and in 1900, a statutory instrument – the CHT Regulation 1900, along with supplementary rules and statutes appended to its schedule - was passed to provide for the administration of the region, based upon the Chin Hills Regulation, 1896 and rules applicable to the indigenous Santhal people in Eastern India (including parts of present-day Chhattisgarh and Jharkhand states) (Roy and Chakma 2010).

The 1900 Regulation still survives as the main legal structure for the administration of the region, although it has been amended time and again over the years, until 2013 (when authority over swidden cultivation was transferred from the Deputy Commissioner to the Chairperson, Hill District Council), as well as being supplemented with new laws, including those made applicable to the region as a consequence of the CHT Accord of 1997 (namely, the laws on the district councils, the regional council and on land acquisition).⁵⁹ The following paragraphs describe the constitutional status of the region as provided in different laws from the early British period to the period under Pakistani rule up to the 1960s.

From the late 1800s to 1964, the CHT enjoyed special constitutional protection as with other comparable tribal areas in Northwest Pakistan, Northeast India and other parts of India, along with Burma. It was a 'scheduled district' under the Scheduled Districts Act, 1874 (Act XIV of 1874).⁶⁰

Under the Government of India Act, 1919, it was a 'backward tract'.⁶¹ Under the Government of India Act, 1935 [supplemented by the Government of India (Excluded and Partially Excluded Areas) Order, 1936], the last constitutional framework in India prior to partition in 1947, the CHT was an 'excluded area'.⁶² Some other parts of the then Bengal and Assam were recognised as 'partially excluded areas'.⁶³

During the presentation of the Government of India (Excluded and Partially Excluded Areas) Order, 1936 in the House of





Lords on 25 February 1936, the Secretary of State for India, the Marquess of Zetland (Lawrence Dundas), referred to the CHT as the prime example of an excluded area and the rationale behind such categorization. Zetland knew the CHT Chiefs personally when he was Governor of Bengal (1917-1922). From that time onwards he had maintained written communications with this author's grandfather, Raja Nalinaksha Roy, for a considerable length of time (some of which are preserved in the Chakma Raja's Archives in Rangamati, CHT). Zetland said:⁶⁴

The number of totally excluded areas is not great. They are to be found chiefly on the border tracts of Assam, but there is one considerable tract in Bengal, known as the Chittagong hill tract, which is also included in the category of wholly excluded areas and about which I might say perhaps a word.

It is a district which is well known to me personally, and I have no doubt it will be well known to my noble friend Lord Lytton. It is inhabited by very primitive peoples, living in heavily wooded and mountainous country. For generations past they have lived and been administered under their hereditary Chiefs, who rejoice in the somewhat picturesque names of the Chakma Chief, the Bomong Chief, and the Mong Chief.

I am quite satisfied from my personal knowledge of this district that, though it is actually part of the Presidency of Bengal, it is essential in the best interests of these primitive peoples that their districts should be declared to be wholly excluded areas.

Perhaps, in support of my contention, I might give your Lordships very briefly the opinion of an Indian whose official duties necessitated that he should reside for a considerable period amongst these peoples in the Chittagong hill tract. He pointed out that, in their simplicity, they are very liable to suffer when they come into contact with the more sophisticated peoples of the plains, and he urged very strongly that measures should be taken to protect them against exploitation by their more sophisticated neighbours.

⁶⁴ HANSARD (House of Lords), 25 February, 1936, Vol. 99 cc734-43, *The Secretary of State for India (The Marquess of Zetland)*; <https://api.parliament.uk/historic-hansard/lords/1936/feb/25/government-of-india-excluded-and> (Accessed, 19 January, 2023).





He described the effect of allowing exploitation by the peoples of the plains. But if I may I will read his own rather picturesque language: The effect of this would almost be akin to that of putting the innocent lamb and the rapacious wolf into one cage.

Then, not quite satisfied, perhaps, with the picturesqueness and impressiveness of that illustration, he went on to produce another, and he said: Perhaps an example better than this would be that of a parasitic creeper which has no root in the soil—referring here, of course, to the people from the plains—but which envelops the foliage of a vigorous tree in a veritable net, flourishes by slowly but surely sapping the life streams of the tree and reducing it in time to dead wood. He went on to express his opinion that the only safeguard for the Chittagong hill tract would lie in turning it permanently into a totally excluded area.

I do not think there is any other totally excluded area upon which it is necessary for me to make any comment, nor do I think there are any of the partially excluded areas which call for particular notice.

The main purpose of the categorization of Scheduled Districts was to exclude the application of general laws to areas inhabited exclusively or predominantly by indigenous (“tribal”) peoples, in which areas, the local government was authorized to declare which enactments would apply therein and in what manner and to what extent (Bose, Manilal 1979, pp. 64-66). It was felt that complex laws suitable for other parts of the then India were not suitable for these predominantly subsistence-oriented micro political economies of indigenous communities (Ibid., p. 153). Bose (1979, p. 153) went further on to explain: “It was realised that the whole or parts of these districts were inhabited by hill tribes who lived unsophisticated lives and were not fit for administration through the regular judicial and administrative set-up; the regulations and laws passed from time to time by the Legislatures of India were too sophisticated for them”.





Photo 25. Lawrence Dundas (1876-1961), 2nd Marquess of Zetland and Secretary of State for India, had a soft spot for the CHT and its Indigenous Peoples and befriended Chakma Raja Nalinaksha Roy during his governorship of Bengal (1917-1922). He believed in special legislative safeguards to protect the integrity of the indigenous peoples of India against assimilation into the neighbouring non-indigenous territories and cultures. [AC]

Explaining the difference between *Excluded Areas* and *Partially Excluded Areas*, a former Governor of Assam, Sir Robert Reid wrote in 1944:⁶⁵

The title “Excluded Areas” which has been given to this paper is, I need hardly say, indicative of nothing forbidden or mysterious, but is a purely official phrase taken from the Indian Constitution Act of 1935. It is the lineal descendent of the older phrase of “Backward Tracts” and means that the areas enumerated as such in the Government of India (Excluded and Partially Excluded Areas) Order 1936 are excluded from the operation of the said Act. They are directly administered by the Governor, and the elected [Ministries] have no jurisdiction over them. Finance however and the staff have to be found by the province as a whole.

⁶⁵ Reid, Robert E. 1944, pp. 18-29 at p. 18.





Photo 26. Chakma Raja Nalinaksha Roy (1902-1951) was a strong proponent of constitutional safeguards for the CHT, including the status of *Excluded Area*, which eventuated in 1936, and subsisted until 1962, but he and other CHT leaders could not prevent the forcible inclusion of the CHT into Pakistan in 1947, despite much lobby and advocacy. [CRC]



Photo 27. Chakma Raja Nalinaksha Roy (1902-1951) (2nd from right, sitting), with his siblings, nephews and nieces. [CRC]





... This term “Partially Excluded” is also a legislative expression, invented for the purposes of the 1935 Act, and means that they have elected representatives in the Legislature, that the Ministry is primarily responsible for the administration, but that the Governor is charged with a special responsibility for their peace and good government, a responsibility which it is far from easy to discharge to one’s own satisfaction.

The Government of India Act, 1935 functioned as the interim constitutions of both Pakistan and India, until these nascent states adopted their own constitutions, which was in 1956 for Pakistan and 1950 for India. The 1956 Constitution of Pakistan retained the provisions on *Excluded Areas* and the CHT continued to fall under this category. In the later Constitution of Pakistan of 1962, the CHT had the status of a *Tribal Area*.⁶⁶

While the details varied, sometimes in nuanced ways but seldom substantively, the areas in which the aforesaid constitutional dispensations applied had the following common features. *Firstly*, a large number of laws that generally applied to the province concerned, or all over the country, were either not applied at all (such as fiscal and tax laws, complex land tenure laws, procedural rules on civil litigation, evidence, etc.), or were applied in modified form to suit the needs of the area concerned (regulations on liquor and gambling, procedures on criminal litigation, penalties for offences, etc.).

Secondly, legislative competence was reserved for the Governor General, or the provincial Governor, if so consented to by the former. Additionally, a few administrative regulations or rules were sparingly applied, and by default, customary laws of the concerned Indigenous Peoples dominated the legal regime.

Thirdly, only a few civil service, serving or retired police and military officials, predominantly of British descent, were sent to supervise the administration of the areas, with the day to day administration being left in the hands of princes, chieftains and other traditional authorities. *Fourthly*, the superior courts of law were generally not given jurisdiction. Instead, mid to high-ranking civil administration officials acted as magistrates and judges for criminal justice matters, while sparingly revising the decisions

⁶⁶ The CHT was the only ‘Tribal Area’ in the then East Pakistan. Among the tribal areas in the then West Pakistan were Dir and Chitral.





of chiefs and headmen in their capacity as appellate civil courts. The Chittagong Hill Tracts is a prime example of such areas, as clearly evidenced by its specific mention during the tabling of the Excluded Areas Order of 1936 in the upper house of the British parliament, as discussed above.⁶⁷

In 1964, through a constitutional amendment as contained in the Constitution (First Amendment) Act, 1963, the reference to the CHT was deleted from the then list of *Tribal Areas* of Pakistan. This was a sudden onslaught through a unilateral legislative coup that violated the provisions of the constitution (Article 223) that obliged the President to ascertain the wishes of the people of the tribal area prior to its derecognition as a tribal area (neither the chiefs nor other tribal leaders were consulted) (Roy, R.C.K. 2000, pp. 46, 47; Roy, R.T. 2003, pp. 191, 195, 196). A non-tribal politician ostensibly represented the Hill Tracts, and while acting as the Speaker of the National Assembly, he presided over proceedings that he had stage-managed (Roy, R.T. 2003, pp. 191, 195, 196). This then left the un-represented hill people reeling, with no avenues of redress until this day. The constitutional safeguards hitherto enjoyed by the CHT were not to be revived until the last days of Pakistan, nor after independence of Bangladesh in 1971, until this day. The national constitution of Bangladesh has remained totally silent about the CHT. The CHT thus stands apart from most of its neighbouring territories in Northeast India, with whom it had shared the same constitutional status during British rule, and which today enjoy constitutional entrenchment of their autonomous status to a significant extent (at least in comparison to the CHT).

The fate of excluded and partially excluded areas in post-independent India, particularly in Northeast India, in contrast, was considerably better, with the constitutional and political mutations and evolutions varying considerably. At the upper end of the scale was statehood with specific constitutional dispensations, such as for Nagaland and Mizoram, and to a lesser extent, Arunachal Pradesh, governed by Articles 371 series of the Constitution of India (Articles 371A, 371G and 371H, respectively, for the states mentioned above).

⁶⁷ For the constitutional history of the CHT, see Roy, R. C. 2000, pp. 38-47; Roy 2000a, pp. 44-46; Roy 2009a, pp. 31-34; and Roy and Chakma 2010, pp. 28-30.





It is noteworthy that the constituent districts of Meghalaya State – the United Khasi-Jaintia Hills and Garo Hills – were partially excluded areas, and yet conjointly, as Meghalaya, these areas attained statehood [Assam Reorganisation (Meghalaya) Act 1969]. Next are the District and Regional Councils in Northeast India under the 6th Schedule to the Constitution of India. As for peninsular India, only Jharkhand, part of former Bihar, obtained statehood (although the extent of indigenous autonomy remains a daunting challenge in practice), whilst other former backward tracts, excluded and partially excluded areas were unable to retain self-government beyond village levels, through modest constitutional stipulations read in tandem with the provisions of the Panchayat (Extension to Scheduled Areas) Act, 1996, widely known by its acronym, ‘PESA’.

The Garo and Hajong-inhabited greater Mymensingh areas in Bangladesh on the border with Meghalaya State, India, also former partially excluded areas as in Meghalaya, lost all semblances of self-government and legislative safeguards by 1962. The CHT was also to lose its *Tribal Area* status, just two years later, in 1964, not to be revived until this day, despite the signing of a political accord three decades later, which rings deeply “discordant” (Roy 2007).

Earlier, in August 1947, against the express wishes of its three Chiefs and political leaders, and in violation of relevant laws and policies, the CHT was included within Pakistan, a nation based on Islamic identity, whereas the CHT leadership had wished to join India, with an autonomous status for the region in confederation with tribal-inhabited parts of Northeast India (Chakma 2021; esp. Ch 7; van Schendel et al 2000, p. 71). Even after partition, the Chakma Chief, Raja Nalinaksha Roy and Mong Chief, Rajkumari Nanoomah, had tried their utmost to reverse the award of the CHT to Pakistan, but to no avail (Chakma 2021b, pp. 153-234).

In a demi-official letter (numbered 463, dated 12 October, 1947), Chakma Chief, Raja Nalinaksha Roy, wrote to Indian Deputy Prime Minister (also Home Minister) Sardar Vallabhbhai Patel,⁶⁸ seeking further hearings on the issue of the illegal award of the CHT to Pakistan in August 1947, citing, among others,

⁶⁸ See: <https://indianculture.gov.in/archives/chittagong-hill-tracts-and-boundary-commissions-award> (Accessed, 7 May, 2024). See also, Chakma, 2021b, p. 153; Hajari 2015, pp. 130, 179, 276; Hodson 1969, p. 349; White-Spunner 2017, pp. 219, 220, 231.





a judgment of the Subordinate Judge, 1st Court, Chittagong in *Prasanna Kanti Saha v. Raja Bhuvan Mohan Roy* (Money Suit No. 22 of 1928), that had declared that the Chakma Chief was a *Ruling Chief* within the meaning of sections 85 and 86 of the Code of Civil Procedure, 1908.⁶⁹ This meant that “[as a] Ruling Chief [the Chakma Chief] has the right to enter into any dominion he chooses, especially when he is supported by his people and I think it can be made a further strong ground in addition to those already put for our joining with the Indian Dominion”.⁷⁰

This author now offers some ‘snapshots’ and ‘snippets’ of historical accounts, starting from the pre-colonial period and tracing the annexation of the Hill Tracts region to Bengal and of its gradual integration into the province. These are in the most part understandings and insights that this writer has gleaned from the writings of historians, administrators and academics, and other writers from several other disciplines, and many of which he has also cited in some of his previous publications.

Colonization and annexation into British Bengal (1785-1860)

While writing about the peace process in the Chittagong Hill Tracts region in the context of the signing of the CHT Accord of 1997, this writer attempted to trace the constitutional and political history of the region from the time of the advent of British annexationists, excerpts from which are reproduced below:

Like many other sub-Himalayan mountain areas on the tri-borders of India, Myanmar (former Burma) and Bangladesh, the Chittagong Hill Tracts was first colonized. not by a kingdom or empire from the neighbouring plains, but by British imperialists ...⁷¹

By the 1780s, the British East India Company had converted the major chiefdoms of the region into British territories.⁷²

Earlier, thr region served as a buffer between British Bengal and the Lushai/Mizo polities to the east. This, however, did not come about before a decade-long war led by the Chakma chief or *raja* was brought to an end through an economic blockade of the land-locked region that cut off the supply of salt, iron,

⁶⁹ The judgment is preserved in the Chakma Raja's Archives, Rangamati.

⁷⁰ A Ruling Prince or Chief cannot be sued in a civil court without the consent of the Governor-General in Council (Sections 85 and 86, Code of Civil Procedure, 1908).

⁷¹ Roy 2008. P. 486, citing Bangladesh Groep Nederlands 1984, p. 23 and Brauns and Löffler 1990, p. 27.

⁷² Roy 2008, p. 486, citing Chakraborty 1977 and Hutchinson 1978.





clay [utensils] and other necessities that were not available in the region, forcing the chief to settle for a truce in 1785.⁷³

Despite the British-Chakma treaty of 1785, formal annexation to British Bengal came almost a century later, in 1860, by the [East India] Company's successor, the British Indian government, which renamed the region as the "Chittagong Hill Tracts".⁷⁴

The Anglo-Chakma war, spanning well over a decade, has been quite extensively documented in British Bengal and British Indian governmental records. The records mention the Chakma General Ranu Khan Dewan, a direct ancestor of this writer, who headed a multi-ethnic force of indigenous warriors to resist British annexation. A publication of a renowned Bangladeshi professor of history from the University of Chittagong, Dr. Suniti Bhushan Qanungo, contains the following, among other, accounts of this anti-colonial war of resistance:⁷⁵

The British subjects entered the forests without the permission of the Chakma government, killed elephants and collected tusks. . .

. . . The cessionary treaty (1760) [between the English and the Mughals] giving up Chittagong to the East India Company does not precisely define the boundary of the [coastal] district of Chittagong. In fact, there was no line of boundary between British held territory and Chakma territory. Taking advantage of the absence of the separating line, the Bengalees residing in the border areas, and encouraged by the Chittagong authorities, took possession of Chakma territory step by step, especially in the Halda basin. This acquired land was officially designated as Noabad land . . .

... In April 1772, Warren Hastings assumed office as President and Governor of Fort William. He gave up the policy of non-interference and began to interfere either by force or the threat of use of force in the domestic affairs of the native states. The hill kingdom of the Chakmas became the target of the expansion policies of the Chittagong authorities At that time, Rangunia ... was a big tract of land ... that belonged to the Chakma Raja .

⁷³ Roy 2008, p. 486, citing Serajuddin 1971, Chakraborty 1977 and Roy, R.B.M 1909 in Ishaq 1971.

⁷⁴ Roy 2008, p. 487.

⁷⁵ Qanungo 1998, pp. 30-27.





... The British policy of dismembering Rangunia ... and its subsequent incorporation with British territory was a clear case of political interference in the affairs of the Chakmas. It was neither lawful nor in accordance [with] ethical standards

... The British policy towards the Chakmas gave organization to the groups of fighters who engaged themselves in sabotage in the occupied area of Rangunia. Their aim was to thwart British occupation and in punishing those [Bengalee] zamindars and officials who collaborated with the British

... The leadership in the resistance fight against the British authorities was taken by the [Chakma] Raja and members of the [Chakma] nobility. The British sources mention [Chakma] Raja Sher Daulat Khan, his son Jan Baksh Khan, Dewan Ranu Khan, Dewan Konno Khan, Bulob, Churi and Tui Thang as the principal leaders of the resistance fight ... Ranu Khan [was] the 'naib of the Chakma king' and 'Dewan of Rangunia'

There are several other governmental records and professional historical accounts on the Chakma resistance of the 1770s and 80s and of the leadership role of Dewan Ranu Khan. The first ever British official to visit the CHT, in 1798, Dr. Francis Buchanan (aka, Buchanan-Hamilton), wrote the following about this leading Dewan and warrior in his travel accounts of the CHT and adjoining districts of Bengal:

About a mile above the chief's house live the two sons of Ronooka [Ranu Khan], whom I mentioned as having been a powerful man among the Chakmas. Two or three years ago, in consequence of having been affronted, he retired to Dua-cherri on the Sunkar, and killed himself by poison. His sons are Chundanka [Chandan Khan] and Ruttunka [Ratan Khan], and on account of their father are much respected among the people.⁷⁶

⁷⁶ Buchanan in van Schendel 1992, p. 110. See also, Chakroborty, Ratan Lal (1977).





Heterogenous chiefdoms, chieftaincies, sub-chieftaincies and other headships

As mentioned above, prior to its annexation to the British-administered province of Bengal in 1860, most of the Hill Tracts was included within the kingdoms or chiefdoms of the Chakma Raja and the Bohmong Raja (Roy 2000, p. 45, citing Hutchinson 1978, p. 12),⁷⁷ “... although a number of other hill chieftains also exercised authority within their smaller spheres of influence” (Roy 2000, pp. 45, 46, citing van Schendel, Mey and Dewan 2000, pp. 25, 29, 32). These indigenous polities were independent of external political control (Serajuddin 1969, p. 57). However, by the last quarter of the nineteenth century, or more precisely, 1881, the political and administrative boundaries of the region

⁷⁷ See also Qanungo 1998.



Photo 28. Chakma Raja Bhuvan Mohan Roy, this author’s great grandfather (reigned 1897-1934). [CRC]





Photo 29. Mong Raja Rajkumari Nanoomah (reigned 1936-1954). [MRC]



Photo 30. Bohmong Raja Mong Shwe Prue Chowdhury (reigned 1959-1996). [BRC]

⁷⁸ See also Qanungo 1998.

were redrawn through arbitrary and haphazard cartographic incisions of colonial administrators, whereby the region was subdivided into “... three chieftaincies in 1881: the Mong circle in the north under the newly crowned Mong raja at Manickchari; the diminished Chakma circle at the centre under the Chakma raja at Rangamati; and the Bohmong circle in the south under the third premier tribal ruler of the CHT, the Bohmong raja, at Bandarban” (Jhala 2019. p. xxxi, citing Mohsin 1997, p. 144, and van Schendel, Mey and Dewan 2000, p.24).⁷⁸

The quote below from a British-origin historical account of the administrative system of the region (Ishaq 1971, p. 28, citing Hutchinson 1978, pp. 8, 9) aptly sums up the gradual evolution of the independent indigenous polities of the CHT into tribute-paying dependencies at first and henceforth into fully annexed sub-colonial administrative units between the 19th to the 20th centuries:

[In] 1829 Mr. Halhead, the Commissioner [of Chittagong] stated that the hill tribes were not British subjects, but merely tributaries, and that he recognised no right on our part to interfere





*with their internal arrangements. The near neighbourhood of a powerful and stable Government naturally brought the Chiefs by degrees under our influence, and by the end of the eighteenth century every leading chief paid to the Chittagong Collector a certain tribute or yearly gift, to purchase the privilege of free trade between the inhabitants of the hills and the men of the plains. These sums were at first fluctuated in amount, but gradually were brought to specified and fixed limits, eventually taking the shape, not of tribute, but of revenue paid to the State.*⁷⁹

The Chakma Raja's wars with the more powerful Rakhine king (king of Arakan) and the treaties with the Muslim ruler of the neighbouring plains of Bengal are mentioned in Chakma chronicles, including one authored by this author's great grandfather, Raja Bhuvan Mohan Roy (Roy 1919, in Ishaq 1971, pp. 33-36). The extent of power of these neighbouring rulers can be gauged from these accounts (Roy 1919, in Ishaq 1971, pp. 34, 35) as also the fickle changes in alliances and conflictual relationships between them. Relations between the Chakma Raja and the Tripura Raja, on the other hand, were known to be sustainably cordial over the last few centuries, with not infrequent exchange of gifts and emissaries, and have remained so to this day (see, e.g., Dewan 2005, p. 97; Jhala 2019, pp. xix-xxviii).

According to Serajuddin (1971, p. 52), the people of the Hill Tracts had earlier entered into a "sort of tributary relationship" with the Mughals in 1715, during the rule of Chakma Raja Jallal Khan. Serajuddin (1971, p. 53) notes that, like the Chakmas, the "tribes of the Garo frontier" (on the north-central border of Bangladesh with Meghalaya, India) paid tribute in cotton to the Mughals. The upland cotton from the indigenous Chakma and Garo (Mandi) peoples' territories, along with that from Tripura State, had thereby become intertwined with the heritage of the plains Bengali people's world-famous *Muslin* and *Khadi* fabrics, although this is not acknowledged in 'mainstream' or even 'subaltern' historical accounts of Bengal and Bangladesh. The plains of Bengal are not known to have grown any cotton, and therefore remained dependent on imports from indigenous territories nearby when imports from the west, e.g., coastal

⁷⁹ See also Lewin 2011, p. 29.





Gujarat, Punjab, Egypt, etc., were yet to reach the concerned areas or were inadequate in relation to their needs.

The Chakma ruler was clearly the most powerful of the CHT chiefs and princes prior to annexation in 1860, not just in the hills but also in the neighbouring coastal plains of Chittagong where he held feudal estates in which non-indigenous Bengali peasants paid him rent (similarly to other indigenous rulers, such as the Rajas of Tripura, Cooch Behar and Jaintia). Therefore, the newly appointed British colonial officials felt it expedient to carve up the Chakma chieftdom and hand the northern part of its territory to an immigrated Rakhine landowner and raise the latter's status to that of a *raja* or Circle Chief (Roy 2000a, p. 46, citing Hutchinson 1978, p. 12; Brauns and Löffler 1990, p. 30; Chakma, P. 2022, pp. 99-109).

On 16 January, 1888, when the then formally-declared Chakma Chief, Kumar Bhuvan Mohan Roy (the great grandfather of the author) was still a minor, leading Chakma Dewans and Headmen petitioned the British Deputy Commissioner, to release reserved forests areas from the Kassalong, Reingkhong and Sitapahar Reserves as well as the Chakma-inhabited parts of the Chengi Valley to the Chakma Circle, to compensate for its loss of territory to the Mong Circle (a newly created chieftdom that was carved out of the north-western fringes of the Chakma chieftdom), but to no avail, at least not in the 19th century.⁸⁰ By this time, from about the first quarter of the 19th century to the following two to three decades, "... the smaller chieftaincies gradually eroded into oblivion" (Roy 2000a, p. 46, citing van Schendel, Mey and Dewan 2000, pp. 29, 32), with just one patent contra development, namely, the elevation of one Marma headman from the Palengsa clan to the authority and status of Circle Chiefship.

In the 1860s, the British only had a nominal presence in the hill region through a British Superintendent with his criminal court and a skeletal staff, including some armed police, mostly of indigenous Nepalese or Assamese origin. This official supervised the administration of the two rajas (three, after the 1890s), and their subordinate officials that were variously styled as *Dewan* and *Khiza* among the Chakma, *Dhabeing* and *Roaza*

⁸⁰ Memorandum from Chakma Dewans and Headmen to L. R. Forbes Esq., Deputy Commissioner, Chittagong Hill Tracts, dated 15 January 1888; Chakma Raja's Archives, Rangamati, Chittagong Hill Tracts.





Photo 31. Headman Jatin Tanchangya welcoming and investing a village elder with the authority of a *Karbari* by tying the ceremonial turban around his head. [RDR]



Photo 32. A few male Headmen at a training of female Headmen and Karbari in Rangamati, along with this author. [CT]

among the Marma, *Roaza*, among the Tripura, *Angu* among the Tanchangya and *Lal*, among the Pangkhua and Lushai (Ishaq 1971, pp. 252-254).

By the 1920s, the multi-tiered administration of indigenous princes, chiefs, sub-chiefs and other headships were finally reduced into the currently subsisting three-tier colonially-reconstructed indigenous administration of Circle Chiefs





(‘Chief’), *Mauza* Headman (‘Headman’) and Village *Karbari* (‘Karbari’), functioning alongside or under the supervision of a British-appointed Superintendent or Deputy Commissioner.

The three circles have their respective traditions and paraphernalia, including the use of ceremonial dress, headgear, swords, guards and aides with uniforms, etc. The Chakma Raj has a flag or standard (see photo 33 below showing the Chakma Circle flag). This flag is flown during the *Punyah Durbar* and other formal occasions of the Circle, along with the national flag, the latter being placed higher than the Chakma standard (Roy, R T, 2003, pp. 73-78). A *Punyah* durbar to celebrate the silver jubilee of the accession of the incumbent Chief (this author) and the investiture of his elder son and heir, the Chakma Yuvaraj (Rajkumar Tribhuvan Aryadev Roy) was held on 16 February 2003, and a commemorative publication (Chakma, Roy and Chakma, 2009) was released at the following *Punyah* Durbar held on 27 December 2009 (the last *Punyah* Durbar, so far).

The Chakma Circle’s flag contains a logo or crest that has “two rampant elephants with a mounted cannon between them, and a pair of crossed swords. The motto in Sanskrit, when translated reads: ‘Fortune smiles upon the lion hearted and the



Photo 33. This is the Chakma Raj flag, which is flown during such occasions as investitures of the Raja or his successor and at *Punyah* (Tax Collection) Durbars, among others. [CRC]





Photo 34. The Coat-of-Arms of the Chakma Raj, originally in the Sanskrit language in the Devanagari script, translated into English, reads: 'Fortune Smiles upon the Lion Hearted and the Diligent'. [CRC]



Photo 35. The Coat-of-Arms of the Chakma Raj, originally in Sanskrit, has since been translated into the Chakma language and script. Literally it means "The Goddess of Wealth leans on those who are brave and diligent". [CRC]



Photo 36.
The incumbent
Chakma Chief
(the author)
immediately
after the Punyah
Durbar of 2003.
[PG]





Photo 37. Along with his heir apparent, Rajkumar Tribhuvan Aryadev (centre), the incumbent Chakma Chief (the author) during the *Punyah Durbar* ceremony and festival of 2009 (27 December 2009). No *Punyah Durbars* have since been held. [PG]



Photo 38. The incumbent Chakma Raja (the author) and the then Deputy Commissioner, Saurendra Nath Chakraborty, with the ceremonial umbrella bearer at the *Punyah Durbar* on 27 December 2009. [SI]





Photo 39. (L-R, Front Row) The author's niece (Priya Sara), the author, his mother (Rani Arati), elder son and heir apparent (Rajkumar Tribhuvan Aryadev), Rajkumari Aradhana Ayetri and the author's younger sister's elder son, Solis Shukdev Khisa. 2nd Row, between the author and his mother is his niece, Ritu Dewan, along with other relatives and staff, after the Punyah Durbar of 27 December 2009. [SI]

diligent'." (Roy, R T, 2003, p. 75). The original motto in Sanskrit was adopted during the time of the author's great grandfather, Raja Bhuvan Mohan Roy. Taking the cue from his ancestors, the author, as the incumbent Chakma Chief, has included both an English version and a Chakma version of the motto, since few today are well-versed in Sanskrit (a language of scriptures and courts of many centuries ago in South Asia). The motto is also used in letterheads for formal correspondences. Photos 33 and 34 below show the original coat-of-arms in Sanskrit in the Devanagari script, as well as their translations in English (Roman script) and Chakma (Chakma script).

The long-dormant indirectly elected district-level councils of the 1960s were revived in 1989, with a different structure and broader mandate.⁸¹ After the signing of the CHT Accord of 1997, the district-level councils were strengthened further in 1998,

⁸¹ For the CHT District Council of the 1960s, see Ishaq 1971, pp. 274-275, 279-280, and the Basic Democracies Order, 1959.



⁸² See Roy, R.T. 2003, pp. 148-150.

Photo 40. Kamini Mohan Dewan, (1890-1976), a Chakma, was elected to the reserved Buddhist seat for the CHT as one of the first CHT representatives to the provincial legislature (1954). [GD]



in which year the CHT Regional Council was also formed. In both types of councils, the 'tribals' were ensured two-thirds membership and the chairpersonship, by law.

The advent of franchise and electoral representation

Franchise rights were introduced in the CHT for the first time in 1954 (Chakma 2021, pp. 95-97, 200-208).⁸² Before then, as a specially administered area, the region was administered by the Circle Chiefs and sub-chiefs under the administrative supervision of provincial bureaucrats, with legislative prerogatives retained by the head of state (Governor General or President), occasionally delegated to the provincial governor. Elections for the provincial





Photo 41. Birendra Kishore Roaza (1913-1958), a Tripura, was elected to the reserved Hindu seat for the CHT, the other of the two first CHT representatives to the provincial legislature (1954). [KP]



Photo 42. Manobendra Narayan Larma, (1939-1983), a Chakma, and founding leader of the JSS, was elected to the northern seat for the CHT in the East Pakistan Provincial Assembly and later, Bangladesh legislature (1970 & 1973). By this time, the separate electorate for religious groups had been done away with. [BK]

legislature (*East Bengal Provincial Assembly* and later, *East Pakistan Provincial Assembly*) were held in the CHT for the first time in 1954, and that for local government units (Union, *Thana*, District, Town and Division) in the early 1960s, followed by elections to the federal legislature (*National Assembly*) in 1963.⁸³ These elected representatives began to play an important role in local development schemes and projects, but their jurisdiction was not extended to the realm of customary law, land, revenue and justice administration, which continued to be vested upon the traditional authorities, in tandem with, or under the supervision of, the state-appointed district and sub-district level bureaucrats, as contextual. More importantly, forming a microscopic minority

⁸³ For the local government councils, see Ishaq 1971, p. 279-281. For parliamentary elections, see Roy, R.T. 2003, pp. 148-150, 197-209.



Photo 43. JSS leader, J. B. Larma (chairperson, CHT Regional Council, 1998 to the present), hands over a rifle to (then) Prime Minister Sheikh Hasina, prior to the signing of the CHT Accord of 1997. [BNJI]



Photo 44. Abul Hasnat Abdulla, head of the National Committee on CHT, representing the Government of Bangladesh and JSS leader, J. B. Larma, sign the CHT Accord of 1997 in Dhaka on 2 December 1997 in the presence of then prime minister, Sheikh Hasina. [PCJSS]





Photo 45. Then Prime Minister Sheikh Hasina watches JSS leader, J. B. Larma and Abul Hasnat Abdulla sign the CHT Accord of 1997 in Dhaka on 2 December 1997. [DT]

in the legislature did not enable the assembly members from the CHT to facilitate, let alone steer, necessary policy changes at the local level either.

Between 1989 and 2000, three more institutions were introduced into the increasingly labyrinthine CHT administrative structure, namely, restructured District Councils for the three administrative districts (the formerly undivided CHT district was trifurcated in the early 1980s), a supervisory Regional Council for the entire CHT, and a ministry in the capital city, with ultimate authority over all sub-ministry entities in the CHT. The two latter institutions were a product of the CHT Accord of 1997, an agreement on peace and self-government that ended twenty years of armed conflict.⁸⁴ All of the aforesaid three institutions are headed by indigenous persons, the former two in accordance with laws based on the accord, and the ministry, following provisions of the accord, now a continuing and uninterrupted practice or convention since 1998.

Tribal-majority councils at district levels were introduced in 1989, as a result of a political agreement of the government with a section of the indigenous leaders, but excluding the then

⁸⁴ See, e.g., Roy 2007; Roy 2008; Roy 2022; Baer 2011; Guhathakurta 2012.



⁸⁵ Acts IX, X and XI of 1998, amending, respectively, Acts XIX, XX and XXI of 1989.

underground Parbatya Chattogram Jana Samhati Samiti (JSS), who later entered into an accord with the government in 1997. These councils' mandates were broadened on the basis of the 1997 Accord through amendments to the councils' laws in 1998.⁸⁵ In the case of the strengthened district-level councils, elections were held only once, in 1989 (which were controversial), and when these councils' term ended, from about the mid-1990s until this day, these councils have been run by government-appointed members. In the case of the CHT Regional Council, it has been run by government-appointed members since its inception in 1998 until this day, being headed by J. B. Larma, the head of the JSS, which led the armed movement in the CHT in the 1970s and 80s, and entered into an agreement with the government on 2 December, 1997 (discussed in Chapter IV, post).

However, as will be discussed in more detail below, the nature and extent of the authority that was devolved upon these institutions did not enable them to reverse the trend of centralization, marginalization and denial of autonomy that had enveloped the region after the 1960s.





Overview of the traditional administration in the Chittagong Hill Tracts

3

This chapter describes the system of administration in the Chittagong Hill Tracts, including the role of the traditional authorities of Circle Chief, Mauza Headman and Village Karbari, who are the focus of this study. In the first sub-chapter, an overview of all the major administrative authorities of the region will be provided. The second sub-chapter will describe, in some detail, the functions of the traditional authorities. Finally, the third sub-chapter will explain the nature of supervision exercised by the national and sub-national governmental authorities upon the traditional institutions, and introduce, but not discuss in depth, the challenges faced by the Chakma Circle and other traditional authorities in exercising self-governance. The substantive discussion on these challenges will be done in a following chapter.

The Chittagong Hill Tracts administration

This author has described elsewhere (Roy 2011, p. 109) the system of administration of the Chittagong Hill Tracts, encompassing legal, administrative and juridical aspects, and including bureaucratic, traditional and elective authorities, in the following manner:

The administrative and legal system in the CHT is unique in Bangladesh on account of both the structures of governance and the laws applicable to the region. The CHT administration includes, in addition to the usual bureaucratic and elected local government system, the traditional self-government institutions of the *rajas* or ‘circle chiefs’, headmen and *Karbaries* (village chiefs), which do not occur [elsewhere in the country] . . . Additionally, there are the three hill district councils and the CHT Regional Council, two-thirds of whose membership, along with their chairpersonship, are reserved, by law, for “tribals”.





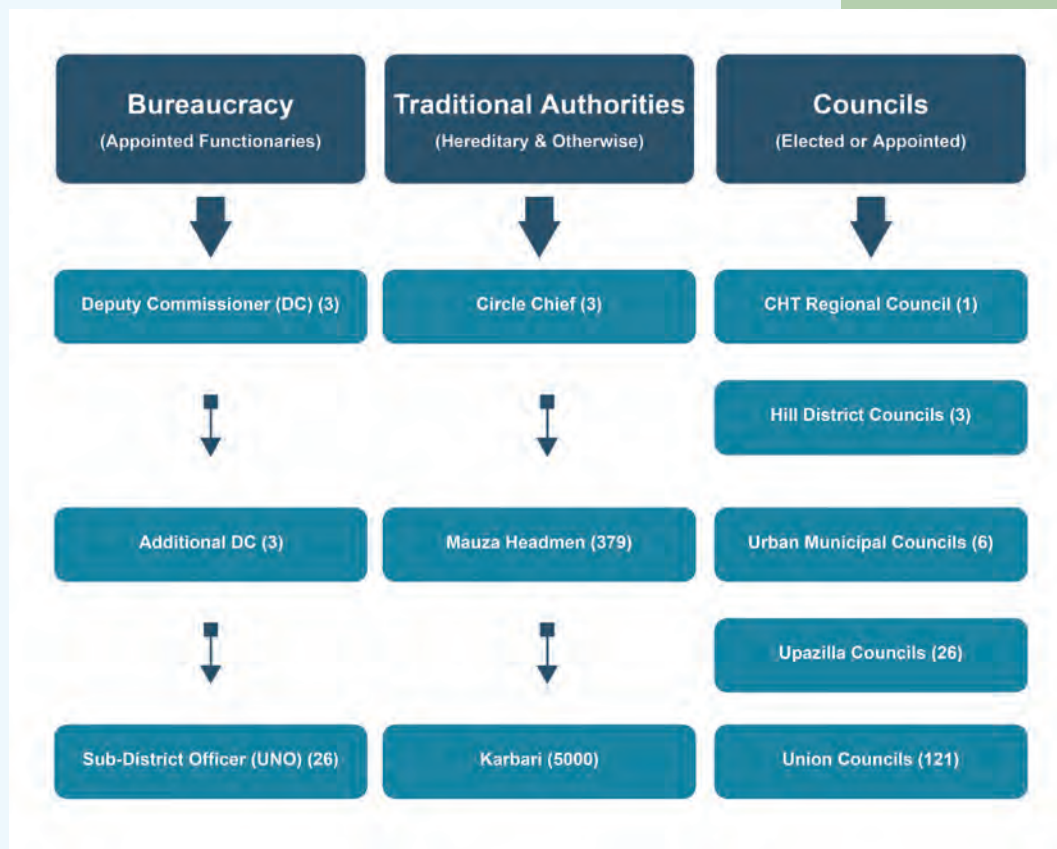
In another publication by the same writer (Roy 2009b, in Chakma et al. 2009, pp. 79, 80), the traditional system of administration in the CHT has been described thus:

The traditional administration in the Chittagong Hill Tracts (CHT) consists of three tiers of institutions or authorities, namely, the *karbaries* at the village level, the *headmen* at the level of the *mauza* (a mauza includes several villages or hamlets) and the *Circle Chief* or *raja*, at the level of the circle (consisting of several mauzas). The three 'circles' are the Chakma Circle (179 mauzas; 2,241 square miles, including 763 square miles of reserved forests), the Bohmong Circle (97 mauzas; 2,064 square miles, including 620 square miles of reserved forests) and the Mong Circle (100 mauzas; 653 square miles, with no reserved forests).

Essentially, there are three types of authorities, (i) *traditional*: largely hereditary princes, chiefs, sub-chiefs and heads of a three-tiered system; (ii) *bureaucratic*: from the national civil service (basically of two tiers, at district and sub-district levels); and (iii) *elective*: (a) at the level of local government councils (of several tiers and sub-tiers); (b) at the level of the district (three in number); and (c) at the level of the CHT region (the apex body of the region headed by a chairperson with the status of a minister-of-state). The institutions mentioned in (i) and (iii)(a) above occur all over the country, including the CHT. The institutions mentioned in (ii), (iii)(b) and (iii)(c), however, are unique to the hill region.

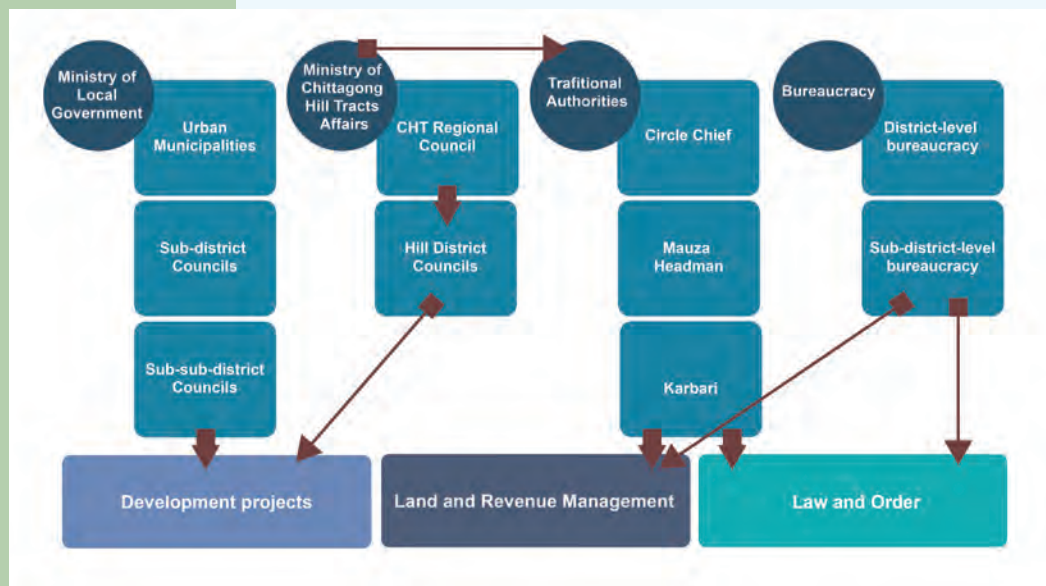
The following two graphs (Graphs 1 and 2) below show the three major types of government authorities or institutions in the CHT, including how the three types of institutions have different functions, including concurrent ones and their interrelationships.





Graph 1. The three major types of governance institutions in the Chittagong Hill Tracts

Graph 1 above shows the three major types of governance institutions of the CHT: the bureaucracy at district and sub-district levels, the traditional authorities from territorial (Circle) level to village levels and the councils from regional level to union (sub-sub-district) levels. The figures in brackets after the name of the functionary or institution concerned denote their total number. Thus, in the case of the traditional authorities within the entire hill region, we see that the number of Circle Chiefs is three, the number of Mauza Headmen is 379 and the number of Village Karbaries is approximately 5,000.



Graph 2. The major governance institutions of the CHT, their roles and interrelationships

Graph 2 above shows, to the right side, the traditional authorities having roles in land and revenue administration and management, and law and order, also indicating that the Ministry of CHT Affairs has supervisory jurisdiction over them. On the left side, the elected local government councils are shown, whose major area of jurisdiction involves the management of development projects and programmes, under the supervision of the Ministry of Local Government, Rural Development and Cooperatives. These functions are independent from the traditional authorities. In the centre are shown the bureaucrats at sub-district and district level, the Hill District Councils and the CHT Regional Council, having roles in development, land and revenue administration and the maintenance of law and order, as applicable to the institution concerned. The traditional authorities work more closely with the bureaucrats than with the councils, and the structured dimensions of the former's functional relationship with the Regional Council and the District Councils are yet to take concrete shape and form.



The traditional authorities

In a leading publication on land rights of the Indigenous Peoples of the CHT (Roy, R.C.K. 2000, pp. 31, 32), the administrative structure of the traditional authorities has been described as follows:

1. *Village level*: The basic administrative unit is a village. Each village has a Karbari as its leader (head), appointed from among the villagers by the Raja directly or on the recommendation of the *mauza* headman. The *Karbari* is responsible for all matters relating to that village;
2. *Mauza level*: A number of villages are grouped together to form a territorial unit of jurisdiction called a *mauza*, of which there are more than 350 in the entire CHT. Each mauza has a headman/woman, who is responsible for collection of revenue, preservation of peace, allocation of agricultural lands including the *jums*, conservation of the natural resources of the *mauza*, administration of customary law etc.;
3. *Territorial level*: At the highest level it is the Raja who has authority over his/her Territory. The internal matters of each village community are decided by its members, including a council of elders under the leadership of the *Karbaris*. Most matters are resolved by consensus; if there are any disputes, the *Karbari* has the decisive voice. Any matters that cannot be resolved satisfactorily, or involve members of other villages, are placed before the relevant *mauza* headman for decision. If required, matters are taken to the Raja, and can be filed as a court case if necessary.

The British introduced the present system of dyarchy in the Hill Tracts. Parallel to the three chiefs there is a state-operated administrative structure with the Deputy Commissioner as the chief executive. The gradually expanding role of the state apparatus has been at the expense of the indigenous system. The





power and authority of the Rajas and their headmen and *Karbaris* gradually diminished with each successive administration. And, at present, although they retain certain judicial and revenue powers (including land administration), and in matters relating to personal law, their authority has been increasingly undermined by the concentration of more and more power in the hands of government officials.⁸⁶

An international capacity building expert commissioned by the UN agency, UNDP, to conduct an in-depth study of the CHT institutions of governance, including the traditional institutions of Circle Chief, Mauza Headman and Village Karbari, summarized the role of the latter two institutions in the following manner (Martin 2004, p. 77):

Headmen and Karbari still play a pivotal role at community levels in terms of administration (land and revenue) and issues of social law . . . this perhaps being a reflection of the CHT's very limited exposure to the development agents. Headmen and Karbari, although receiving their status through inheritance are commonly looked upon as the "*learned person*" and therefore command community respect especially within the social sphere. This type of respect is perhaps even "*stronger*" in terms of social values and development practice (community governance) in the more disadvantaged and isolated areas and communities found in the interiors of Bandarban and Rangamati.

The official District Gazetteer of the Chittagong Hill Tracts described the Chakma Circle administration during the early British period, before the discontinuance of the Dewan system (in 1920), in the following way (Ishaq 1971, p. 253):

Under the Chakma Chief, the village subordinate consisted, in each clan, of a headman (called *Ahun or Dewan*), and in the case of large clans, of additional officers subordinate to the Dewan . . . known as [Khizas].

The *Dewans* ... have many civil and general administrative duties to fulfil besides the collection of revenue. They also decide petty cases and disputes among their own people . . . The

⁸⁶ For a detailed description of the evolution of the traditional institutions of the CHT, see Roy 2009b, in Chakma et al. 2009, pp. 79-107.





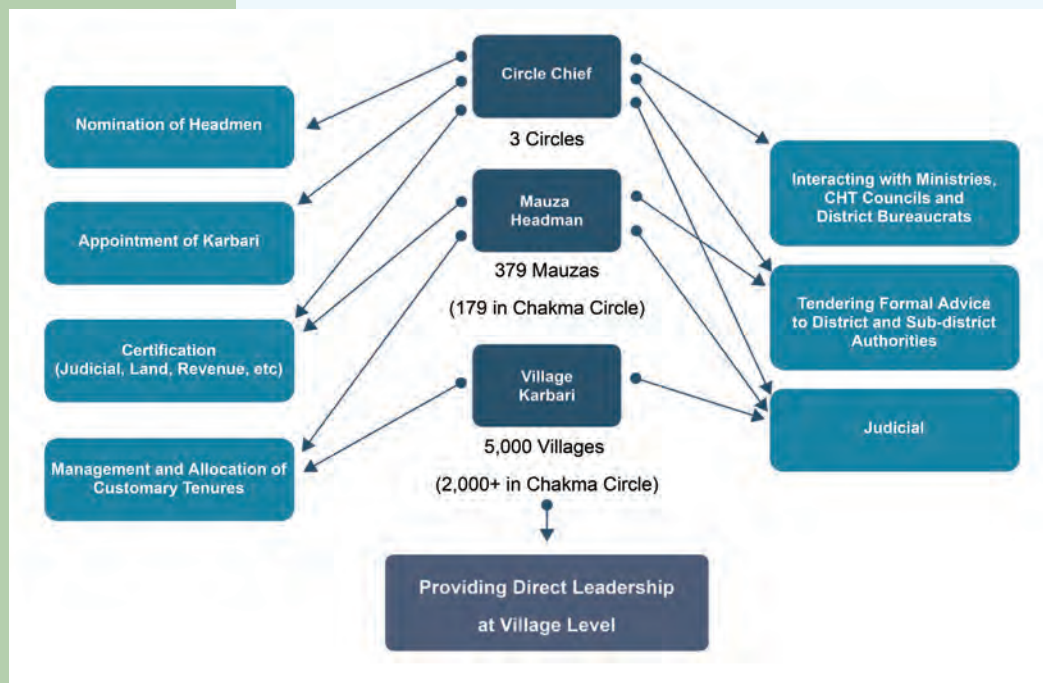
Dewans all along exercised full criminal and civil powers, death sentences alone being referred to the Chief for confirmation.

The following two graphs (Graphs 3 and 4), attempt to graphically describe the functions of the traditional authorities, along with their functional co-existence with the other two types, i.e., the bureaucratic institutions and the (to-be-elected) councils, separately and together (see more on the concurrent jurisdiction of traditional authorities and bureaucratic institutions in the subsequent sub-chapter). These are, however, the typology of institutions of the three major categories, and therefore, the exact number of functionaries of the different types at different tiers is many times more, except for the Regional Council, as will be explained in more detail later on. The basic functions of these institutions will be mentioned in a broad manner, and where possible, their functional relationship, where this intersects directly with that of the others.

Graph 3 shows, among others, the similarities and differences between the functions of the three types of traditional authorities and their convergence and collaboration (the conflicts are not shown here). It is seen, for example, that all three tiers of the traditional institutions exercise judicial authority; to adjudicate, arbitrate and mediate in disputes, particularly those involving indigenous people and their customary laws. Where it involves the granting of documentary certification in several contexts, and in maintaining formal relationships with state bureaucratic functionaries, this responsibility is borne, contextually, by the Chiefs and Headmen, to the exclusion of the Karbari. However, it will be seen that where direct, frequent and interactive relations with their constituents are concerned, it is the Karbari at the village level, who fulfils that role, with the Headman playing a supervisory role, except in cases of disputes and documentary certification, with the Chief's direct interactions being largely limited to acting as an appellate authority, except where he/she happens to be present because he/she is on tour, or attending festivals and ceremonies physically, or on other such special occasions.⁸⁷

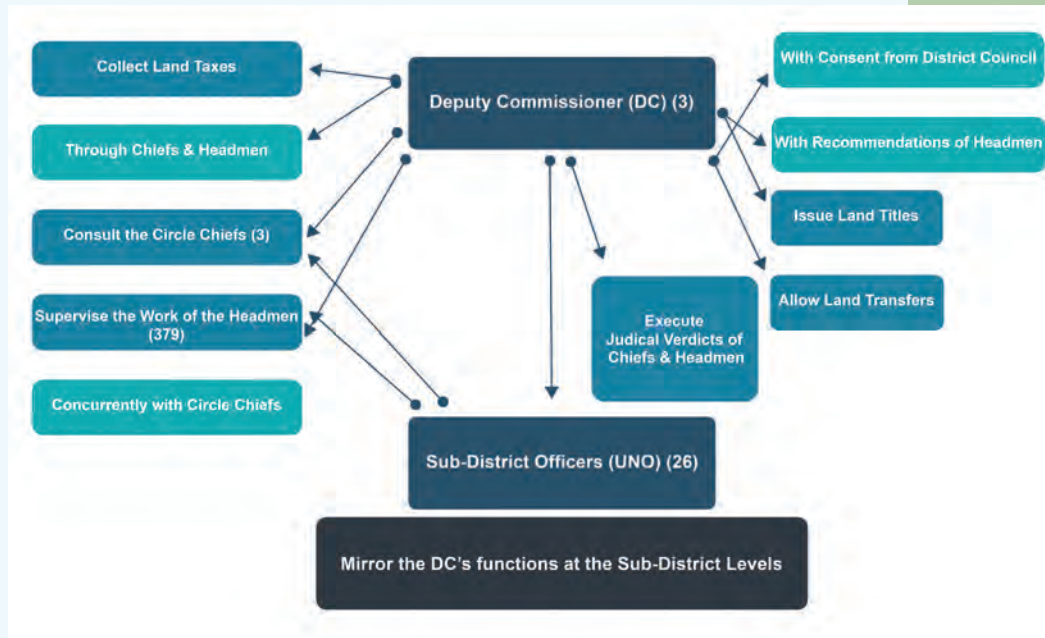
⁸⁷ In neighbouring Tripura State, India, the Chakma indigenous people's justice administering system includes Karbari of four tiers, from the village level to the state level. See, Chapter 6.1., post.





Graph 3. The traditional authorities of the Chittagong Hill Tracts

Despite the differences in the extent of the domains of the three-tiered traditional institutions, and consequently the *quantum* of authority that they respectively wield, the *nature* of their functions is essentially similar: to lead their constituents as the “learned person”, in times of calamities and other exigencies, to uphold the heritage of their peoples and communities, and to defend their identity, values and integrity. Although these offices have come to be hereditary to a large extent, except in the case of the Circle Chief, it need not necessarily be so, following statutory law and oral custom. According to an old Chakma saying, a Karbari is said to be “raised” by the people, suggesting a process of nomination or election by the concerned villagers (like the “elevation” of a member of a lawyer’s ‘bar’ to the judiciary).



Graph 4. The bureaucratic institutions of the Chittagong Hill Tracts

Even in the case of the Raja or Circle Chief, there are historical instances of consensually chosen persons assuming the office.⁸⁸

Another similarity is the homage or other public honour that is bestowed upon the traditional authorities by their people. During the annual tax collection *Durbar* ('Punyah') and during the investiture of a Raja or the Yuvaraj (Crown Prince), the Headmen would ceremonially show fealty by offering a sword held horizontally, which the Chief or heir would touch lightly. Today it is only the Headmen and Chiefs who receive a part of the land and swidden taxes levied upon their people. However, the Karbari is also entitled to certain customary presents from his/her people, especially in the exercise of his/her judicial functions: roosters, rice liquor, first fruits, etc. For judicial functions, the

⁸⁸ According to Serajuddin (1971, p. 52) Chandan Khan was "elected as the first Raja by the suffrages of the hill people", which was "confirmed by the King of Arakan" (Ibid).



Headmen and Chiefs too received the same or similar customary gifts. In addition, the Chief was entitled to a *Nazar* – cash or kind – along with *Khuobhangoni*, literally a fee for “clearing the mist”, through his adjudication. Earlier, the haunch of big game – bison, sambhur, other deer, wild boar, etc. – would also be the due of the Raja and a few specifically acknowledged Dewan or Headmen (Roy, R T 2003, p. 77). Generally, villagers would provide community labour to help the traditional leaders when the latter needed it urgently, on a voluntary basis (Ibid.). However, the concerned law specified that dues to the chiefs known as ‘Nazar’ (Nazrana) must not “cause discontent” and must be “customary” [Rule 42(11), CHT Regulation, 1900].

Major services provided by the traditional authorities

Perhaps among the simplest ways to describe the current role of the three-tier traditional institutions of Chief, Headman and Karbari is simply to ask: what are the services that they provide to their constituents?

Substantively, these three tiers of traditional authorities deal with the following: (a) the resolution of disputes or administration of justice (including certification on inheritance, marriages, etc.); (b) land administration (management of community lands, certification on land titling and transfer); (c) collection of land taxes; (d) upholding the heritage and culture of their peoples, clans and other communities; and (e) limited developmental responsibilities (education, livelihood, etc.). As in the case of the Autonomous District Councils (ADCs) of Northeast India, including in Tripura State and Mizoram State, the Chiefs and Headmen in the CHT also exercise authority in the nature of that exercised by magistrates, including to detain people, if so required.⁸⁹

The following graph (Graph 5) describes some of the more important of these functions in a simple and essentialist manner. They have been divided into the three broad headings of (i) judicial; (ii) land and revenue; and (iii) culture, development, etc. It mentions the major services provided by the traditional authorities of Chief, Headman and Karbari. In other words,

⁸⁹ See Rule 40, CHT Regulation, 1900. However, the jurisdiction of the district council courts as regards criminal justice is in many cases wider than that of the CHT traditional authorities.





Photo 46. Rajkumar Tribhuvan Aryadev Roy, the heir apparent, during his Investiture as the Chakma Yuvaraj (Crown Prince) in 2003. [PG]

it describes their major role and functions within the CHT administrative system.

However, two important contexts are worth noting, among others. *Firstly*, that the services mentioned above are not exhaustive, such as in the sphere of *Culture, Development and Customary Law*, which deserve a little more elaboration, as do several other aspects within the sphere of *Judicial* and *Land and Revenue* matters as well. *Secondly*, it is being emphasized that only *some* of the functions of the traditional authorities are fully or substantively autonomous of the other institutions of the CHT (bureaucratic institutions of Deputy Commissioner and the CHT-specific CHT Regional Council and Hill District Councils) and other sub-district level councils in urban and rural areas. To put it in a different way, some of the traditional leaders' roles – such as governance of customary tenure, including land transfers, and, nowadays, land titling and collection of land revenue, etc. – are



Graph 5. Major services provided by the traditional authorities in the CHT.

exercised *in tandem* with other institutions, including both the bureaucratic functionaries at district and sub-district levels and the indigenous-led interim district and Regional Councils.⁹⁰ It is therefore suggested that the above Graph 5 be read in conjunction with the Graphs 3 and 4 provided earlier and Graphs 6 and 7 provided hereafter. Graphs 6 and 7 attempt to give, respectively, a panoramic view of the traditional institutions' *autonomous* functions, on the one hand, and their *conjunctive* functions, on the other hand, which they exercise in tandem with, or under the supervision of, state bureaucratic authorities.

⁹⁰ The role and functions of the CHT Regional Council (CHTRC) and its three subordinate Hill District Councils (HDCs) have been briefly discussed in Chapter 2 above.



Intersection of the traditional authorities and the bureaucratic functionaries

The bureaucratic functionaries of the national government can and do carry out several functions that do not involve the traditional authorities at all, particularly where it concerns the supervision of the work of lower-level state functionaries, the supervision of the work of elected local government councils, and as executive magistrates, to deal with summary criminal offences, for example. However, in several other spheres, such as the appointment and dismissal of headmen, providing land grants and facilitating land title transfers, collection of land revenue, issuance of succession certificates (for inheritance of land or other moveable or immovable property), grants of extraction permits for timber and so forth, the district and sub-district level bureaucrats carry out their functions through regular consultations with the traditional institutions, the Chiefs at Circle level, and the Headmen at mauza level. Some of these matters have been mentioned in the figures given above, concerning consultation and consent. Some additional examples are offered below.

Land title grants and land title transfers

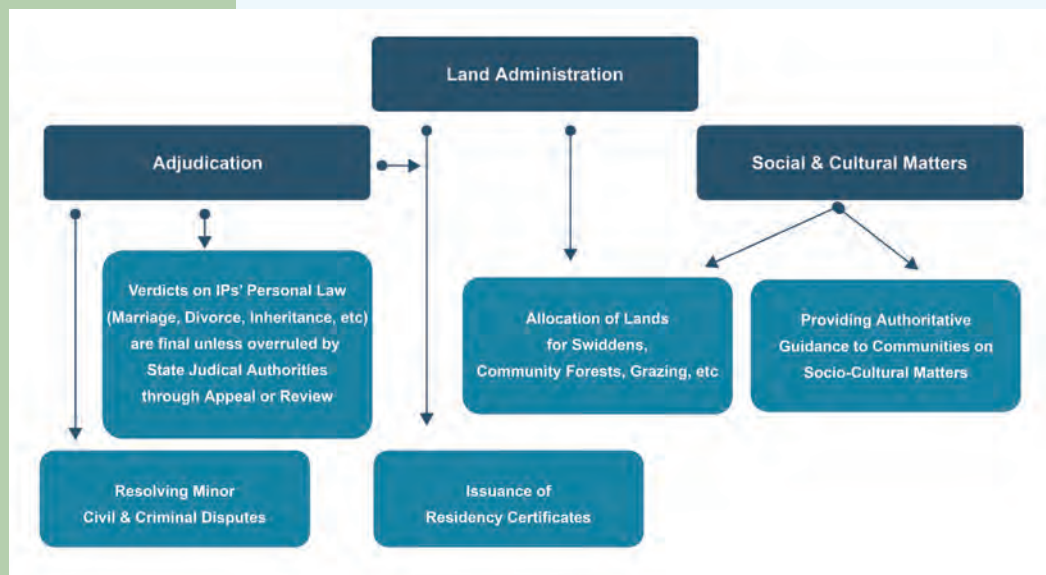
Where it concerns a case of providing a new land title or allowing a land title transfer, although it is the district-level mid-level bureaucrat, the Deputy Commissioner, who officiates over the process, she/he may only do so with the recommendation of the Headman (mandatory in practice, if not by law, in most cases) and the prior consent of the Hill District Council (mandatory by law in all cases).⁹¹ Land title grants other than for a limited category of religious, developmental and educational purposes, have been suspended since 1989, when district level councils were first re-established in the CHT after independence of Bangladesh in 1971. Therefore, the matter of land settlements nowadays includes only a few cases, unlike before 1989.

Land grant processes where Headmen were bypassed

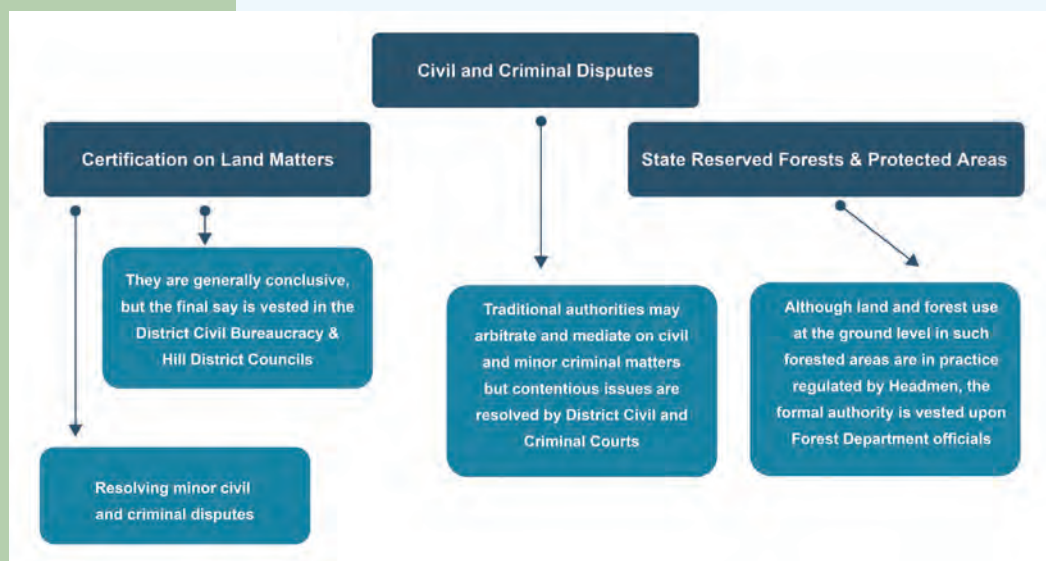
The aforesaid process of consultation is the norm. However, there were two specific contexts in which the Headmen's opinions were

⁹¹ Participation, consultation and consent constitute one of the cornerstones of ILO Convention No. 169 of 1989. See also, Rule 39, CHT Regulation, 1900 and Roy 2009a.





Graph 6. Autonomous functions of traditional authorities in the CHT.



Graph 7. Overlapping and supervised functions of traditional authorities in the CHT.



bypassed. The first was between 1979 and the 1990s, when land settlements and commercial leases were granted to thousands of ethnic Bengali settlers and non-resident individuals and groups, respectively. The settlers' case involved the provision of land grants to tens of thousands of government-sponsored settlers as part of a counter-insurgency offensive by government security forces in all three districts of the CHT between 1979 and 1985, which bypassed the traditional institutions and the indigenous political leaders (Adnan 2004, p. 49).⁹²

The other context was the commercial leases that were given out to individuals, companies and other non-resident entities, who were meant to raise commercial plantations or set up industrial plants in the southern district of Bandarban Hill Tracts, between the 1980s and the 2000s (Adnan 2004, pp. 127, 128).⁹³ In both of these cases, the Chiefs and Headmen were not involved at all (Adnan 2004, p. 49; Chowdhury 2021, pp. 105-176).

However, in all other cases, before and after the aforesaid periods, the Headmen were generally consulted for both land grants and land transfers. In the case of compulsory acquisition of land, the Headmen are not consulted in most cases, but since 1998, the concerned Hill District Council's consent is mandatory due to a legal amendment based on the CHT Accord of 1997.⁹⁴ The 1997 CHT Accord provided a remedy for both the aforesaid contexts of deviation from the norms through the constitution of a Commission on Land, which has the authority of a civil court, includes indigenous leaders, who form the majority of its membership, and has the authority to revoke titles, restore possession and provide other forms of redress, following the "laws, systems and practices" of the concerned district.⁹⁵

Succession certificates

In the case of issuance of succession certificates, wherein the heirs and successors of the estate of a deceased person are identified and their entitlements are declared, the Headmen are always consulted by the Deputy Commissioner. This has been the case since the British period. However, after the independence of Bangladesh, the advice of the head of the local government

⁹² See also Roy 1997, in Bhowmik et al. 1997, pp. 167-208.

⁹³ See also Chowdhury 2021, pp. 105-176.

⁹⁴ Section 64, Acts XIX, XX and XXI of 1989 (as amended by Acts IX, X and XI of 1998).

⁹⁵ See Roy 2014; Roy 2017, pp. 125,134; Chowdhury 2021, pp. 105-176.





council (urban municipal councils and rural union councils) has also been added. In one case, which reached the High Court Division of the Supreme Court of Bangladesh, the court upheld a Headman's opinion on the inheritance law of the Chakma people, overruling the *contra* decision of the Deputy Commissioner, who had acted on the advice of the elected mayor of the town concerned.⁹⁶ In another case - where this author acted as *Pro Bono* legal counsel, along with prominent human rights lawyer, Sara Hossain – the High Court Division instructed the concerned district judge to re-issue succession certificates in consultation with the concerned Chief and Headman, resulting in the inclusion of women from the Indigenous Marma people and successors to an estate.⁹⁷

Timber extraction permits

Where timber extraction permits are given, by both the Deputy Commissioner and the local Forest Department official, the role of the Headman is not expressly mentioned by law, but is nevertheless part and parcel of the cumbersome process of identification of the plot of land, the trees and their owner, the measurement of the trees, marking of the timber/lumber, etc., before their transportation and transit (Roy 2004b, p. 39).

Supervision of the Headmen's functions

The supervision of the work of the Headmen is done, concurrently, by the Deputy Commissioner (DC) and the Circle Chief. Although it is the DC who has the formal authority to appoint and dismiss a Headman, she/he may only do so after consulting the Circle Chief, and in practice, it is the concerned Chief's advice that generally prevails. In the case of this author, the incumbent Chakma Chief since 1977 (nearly 50 years), he has had major differences of opinion with DCs in only two or three out of the 200-plus cases of appointment. In the case of the other two circles, the number of disagreements may have been higher, but on the whole, the chiefs' opinions have prevailed.⁹⁸ A few cases have even reached the Supreme Court. In one case, after an arduous legal battle spanning nearly 13 years, the Court ordered that the

⁹⁶ *Shefalika Khisa v. Land Appeal Board*, 25, BLC (2020), p. 428.

⁹⁷ *Abrechai Mog & Others v. Joint District Judge Khagrachari & Others*, 19, BLC (2014), p. 258

⁹⁸ For a disputed case in the Bohmong Circle, see, *Aung Sa Thowai v. Additional Commissioner*, 4 BLC (AD), (1999), p. 194





person recommended by the Chakma Circle Chief be appointed as a Mauza Headman, as against his opponent, whose case was not recommended by the Chief, and who the Deputy Commissioner had initially appointed.⁹⁹

Tendering of formal advice by traditional authorities to district and sub-district bureaucratic functionaries & judicial institutions

Along with the aforesaid specific functional intersections of the bureaucrats and the traditional institutions, another vital area of conjunctive functions is their advisory role, which is given, depending on the context, formally in writing or verbally, or in other less formal or structured ways, whereby the traditional leaders provide their advice and opinions to the sub-district and district bureaucracy, the District Councils, the CHT Development Board, to the Ministry of CHT Affairs and to courts of law, on relevant matters.

This role of the traditional institutions is highly compatible with the provisions of ILO Convention No. 169 (see Roy 2009a). At the sub-district levels, the Headman advises the sub-district governmental functionary, known in brief as the ‘UNO’, while the Circle Chief advises the district-level bureaucrat, the Deputy Commissioner, on several matters, including on the appointment and dismissal of Headmen, on family law and other customary law matters, on land and revenue matters, and on the maintenance of law and order, among others.¹⁰⁰

The Chiefs commensurately advise the Hill District Councils, when so invited or on their own volition.¹⁰¹ They advise the CHT Development Board, a statutory development agency for the CHT region, established in 1976, as ex-officio members of the Consultative Committee of the board,¹⁰² and they are also members of the Advisory Committee to the Ministry of CHT Affairs, along with the three MPs, three hill district council chairs, the CHT Regional Council chair and three ethnic Bengali members of the committee (nominated by the government).

Another common instance of advice tendered by the Circle Chiefs is with regard to succession or family law matters involving

⁹⁹ *Jagadish Chandra Chakma v. Dewan Zakir Hossain & Others* (Writ Petition No. 4098 of 2009), Supreme Court of Bangladesh (High Court Division), judgment dated 19/03/2013, Chakma Raja's Archives, Rangamati.

¹⁰⁰ Rule 39, CHT Regulation, 1900.

¹⁰¹ Section 26, Acts XIX, XX and XXI of 1989.

¹⁰² Section 11, Chittagong Hill Tracts Development Board Act, 2014 (Act VIII of 2014).





indigenous people of their circles living or working in other parts of Bangladesh outside the concerned circle. Where, e.g., the identity of the spouse of a deceased employee is in issue, as regards provident funds or other superannuation funds, the Chief's authoritative opinion on the validity of the marriage may be crucial to determine the successors. Similarly, a court of law may also seek the concerned Chief's court's opinion on contested issues of marriage, divorce, child custody, inheritance and related matters involving indigenous people in a civil or probate matter before it.

The role of women in the traditional governance system in the CHT

The role of women within the traditional governance system in the CHT, and within the District and Regional Councils too, for that matter, is far from where it should be. In the case of the 25-member Interim CHT Regional Council (CHTRC), there are only two female members. Likewise, in the 15-member Interim Hill District Councils (HDCs), only two of the members are mandatorily women. The extremely low representation of women, including indigenous women, speaks loudly about the marginal role of women in these councils.

In the case of the traditional governance system, on account of patrilineal hereditary principles and other gendered dynamics, women are also severely under-represented. All three of the Circle Chiefs in the CHT are currently male, and the vast majority of the Headmen are male too. However, there have been more than modest gains as regards the appointment of female Karbaries in the Chakma and Mong Circles. Table 11 shows the number of female Headmen and Karbari in the Chakma Circle.

No doubt, the marginal representation of indigenous women, including Chakma women, in the traditional governance system, leads to discrimination against women. These gendered dynamics stand in the way of desired social progress within indigenous society, including Chakma society. However, in addition to the quantitative progress on the appointment of female Karbaries, there has been some qualitative change as





well in the way the traditional system operates, particularly in the sphere of administration of justice. Along with the United Nations Development Programme (UNDP), a number of national-level NGOs, in partnership with women's groups and progressive NGOs, and, contextually, the Chakma and Mong Circles, have been conducting training and outreach activities aimed at women's empowerment and the eradication of gender-based discrimination.

Of course, there is much room for improvement in this sector, and until and unless the organizational capacities of the women's groups, along with the traditional female leaders' groups – such as the CHT Women Headmen-Karbari Network and other such networks and organizations – are strengthened in a substantive way, this will hinder the advancement of indigenous society in the Chakma Circle and elsewhere in the Chittagong Hill Tracts. However, windows of opportunities are also available, however small, and these need to be explored to the fullest.¹⁰³ In Chapter 5, these opportunities are discussed in some detail.

¹⁰³ Joya Tripura, the chairperson of the CHT Women Headman-Karbari Network has recently been appointed as one of the fifteen councillors in the Khagrachari Hill District Council.



Comparing the CHT Accord of 1997 with the Indo-Naga ceasefire of 1997

The Chittagong Hill Tracts Accord of 1997, signed on 2 December, 1997, took place exactly four months after the signing of the Indo-Naga Ceasefire, on 1 August, 1997.¹⁰⁴ Although military-guerrilla conflicts have been largely ended, both truces have shown little promise of substantive progress with regard to self-government, even after the passage of two and a half decades. However, apart from a few seemingly similar contexts, the two processes of conflict and self-governance are quite different, particularly with regard to the low status of autonomy and devolution in the case of the CHT, along with the massive minoritization of the Indigenous Peoples caused by the state-sponsored population transfer of ethnic Bengali settlers. The implementation status of the CHT agreement was so insignificant that it prompted this author to dub it a ‘discordant’ accord prior to its tenth anniversary (Roy, D. 2007). On its 27th anniversary, on 2 December 2024, indigenous leaders and other Bangladeshis lamented the fact of the agreement’s continuing neglect and irrelevance in governance, administration and development.¹⁰⁵

The CHT Accord was substantially about the final cessation of armed hostilities and about indigenous self-government, albeit without constitutional entrenchment and the status of a federal government’s sub-entity, *and* without recognition of the Jumma people’s identity as a separate nation. In contrast, the Naga case was merely about a temporary cessation of hostilities, meant to pave the way for a constitutionally or supra-constitutionally guaranteed self-rule system in which the indigenous Nagas would be able to uphold their separate history, culture and nationhood, beyond the boundaries of present-day Nagaland State.

¹⁰⁴ The Indo-Naga ceasefire of 3 August 1997, was aimed at ending the armed conflict in the Naga-inhabited territories of Northeast India to bring forth sustained peace while recognizing Naga self-determination.

¹⁰⁵ “27 Years of CHT Peace Accord: Key Promises Still Unfulfilled”, The Daily Star, Dhaka, 2 December, 2024 (<https://www.thedailystar.net/news/bangladesh/news/27yrs-cht-peace-accord-key-promises-still-unfulfilled-3766361>, accessed, 3 December 2024).



However, although few Nagas – at least in India, if not in Burma (Myanmar) – would say that the current circumstances bode well for their people’s identity and integrity, at least their struggle does not have to face minoritization, or militarization and marginalization to the degree that the CHT does. Therefore, the full and faithful implementation of the CHT Accord is at a more mundane level of merely being able to hold on to a status quo of bare survival, with limited local autonomy, with far less authority than Autonomous District and Regional Councils in Northeast India under the Sixth Schedule to the Constitution of India,¹⁰⁶ let alone the powers wielded by a sub-federal unit of ‘state’ or province, as in Northeast India, or even the states of Sarawak and Sabah in eastern Malaysia, on Borneo Island.

An essentialist and textualist overview of the CHT Accord of 1997

This chapter will attempt to describe the crucial provisions of the CHT Accord of 1997, particularly as it relates to Chakma self-governance. Table 4 below gives a brief overview of its most crucial provisions in a substantially graphical and headline-oriented manner, using key words and phrases. It will be followed by a short narrative.

¹⁰⁶ The Sixth Schedule, Constitution of India, provides for autonomous district and regional councils in tribal-inhabited areas of Assam, Meghalaya, Tripura and Mizoram.





Table 4

Key-word description of crucial provisions
of the CHT Accord of 1997

Part	Subject	1
Part A General	Declaration of CHT as a 'Tribal-Inhabited Area'	2
	Proposed Legislation based on Provisions of 1997 Accord	3
	Monitoring by Accord Implementation Committee	4
Part B District Council	Legislation to amend the three District Councils' laws to enhance the three Councils' authority	5
Part C CHT Regional Council	Establishment of a CHT Regional Council, with a tribal chairperson and two-thirds tribal majority, to supervise the CHT administration, including the three District Councils	6
Part D Rehabilitation, General Amnesty & Other Matters	Rehabilitation of international Jumma refugees through a special Task Force	7
	Rehabilitation of indigenous fighters through a special Task Force	8
	Rehabilitation of internally displaced tribal persons through a special Task Force	9
	Amnesty from prosecution to fighters, etc.	10
	Land grants to landless tribals	11
	Cancellation of land leases hitherto granted to non-residents	12
	Resolution of land disputes by a Land Commission	13
	Handing over of firearms by JSS fighters	14
	Quotas for government employment of tribals and residents	15
	Special allocation of development funds	16
	Dismantling of non-permanent military camps	17
	Return of soldiers to peacetime barracks and garrisons	18
Cross-Cutting Issues	Tribal culture, customary law and land rights	
	Reservation of seats in councils for different ethnic groups	20
	Primary education in the mother tongue	21
	Continued functionality of traditional chiefs and headmen	22
	Appointment of a tribal as Minister for CHT Affairs	23
	CHT Council Chairs, CHT MPs, Circle Chiefs and Bengali representatives to be advisers to Ministry of CHT Affairs	24

Source: Roy 2007, in Boltjes 2007, pp. 122, 123; Roy 2008, in Geiger 2008,
pp. 491-492; Roy and Chakma 2010, in Corpuz, Chavez and Tinda-an
2010, pp. 118-120





In a publication seeking to assess the implementation status of the aforesaid accord about a decade ago (Roy and Chakma 2010, in Corpuz, Chavez & Tinda-an 2010, pp. 118-120), this is how its major provisions were described:

The salient features of the accord include: (i) handover of arms by JSS fighters and their return to normal life; (ii) rehabilitation of JSS fighters, India-retained refugees and internally displaced people; (iii) dismantling of all temporary military and paramilitary camps except for six specified garrisons (“cantonments”); (iv) reestablishment of regional self-government through (a) the strengthening of existing district councils (with authority over land, forests other than reserved forests, secondary and primary education, health, agriculture, fisheries, culture, customary law, environment, etc.), (b) strengthen the roles of traditional chiefs and headmen (with authority over land, customary law, administration of justice, (c) the establishment of a regional council for the CHT (to coordinate and supervise regional governance and to advise the national government on legislation over the CHT), (d) the establishment of a separate ministry on CHT Affairs (to supervise all matters relating to the CHT); and several provisions dealing with (v) land-related issues, including customary land rights . . .

The 1997 Accord, tribal self-governance and the role of Chakma leaders

As may have been gathered from the above narrative, the 1997 Accord does not specifically and separately address the issue of self-governance of the different Indigenous Peoples of the CHT, including the Chakma, but deals with them generically, particularly through the Hill District Councils, under the supervision of the CHT Regional Council, and at a higher level, the Ministry of CHT Affairs.

The 1997 Accord addresses the issue of indigenous self-governance, including Chakma self-governance, in an indirect manner. *Firstly*, the identification of the CHT as a “tribal-inhabited area” (column 2, row 2 in Table 4 above) necessarily brings with it the application of the customary laws and traditional institutions of the CHT, albeit at a sub-constitutional level, unlike in the period





¹⁰⁷ See column 2, rows 19 and 22.

¹⁰⁸ See substantively identical sections 26 of Acts XIX, XX and XXI of 1989.

¹⁰⁹ The induction of the three Chiefs, along with the three Deputy Commissioners, into the Task Force, happened a few years ago, and only one meeting has been held in their presence.

¹¹⁰ Section 6, Act LIII of 2001 and Roy 1997, in Bhowmik et al. 1997, pp. 167-208; Adnan 2004, pp. 49, 127, 128; Baer 2011; Roy 2014; Chowdhury 2021, pp. 105-176.

from 1874 to 1964, as discussed in Chapter 3 above.¹⁰⁷ *Secondly*, the three Chiefs have the prerogative to attend meetings of the Hill District Councils and provide their opinion on the meeting agenda on behalf of the traditional institutions of their respective circles.¹⁰⁸ *Thirdly*, the Circle Chiefs are members of the Task Force charged with rehabilitating former refugees and internally displaced persons (IDPs) (column 2, Rows 7 and 9 in Table 4 above).¹⁰⁹ *Fourthly*, the Chiefs are ex-officio members of the CHT Land Disputes Resolution Commission, tasked with the resolution of land disputes in the CHT, which is obliged to settle disputes “in accordance with the prevailing laws, customs and procedures of the district”.¹¹⁰ *Fifthly*, the Chiefs were included among the senior CHT leaders that were to act as members of the Advisory Committee to the Ministry of CHT Affairs (column 2, row 24, in Table 4 above).

Now, to turn to the issue of representation in the CHT Regional Council and the Hill District Councils, the concerned laws specify the number of representatives from each tribal ethnic group and from the non-tribal group, both for the councils when they are ultimately elected, and for the present interim councils appointed by the government. The following table (Table 5) shows the proportion of Chakma councillors as compared to other tribal and non-tribal groups in the Regional Council and in the three Hill District Councils in both the interim and to-be-elected councils.





Table 5

Number of Chakma councillors and councillors of other ethnic groups in the CHT Regional Council and Hill District Councils

Council	Chakma Councillors	% of Chakma Councillors	Non-Chakma Tribal Councillors	Non-Tribal Councillors	Total
CHT Regional Council Appointed and Elected	6/7*	23/28	10/11*	7	23/25
Interim Appointed Rangamati HDC	5	33	6	4	15
Interim Appointed Khagrachari HDC	3	29	8	4	15
Interim Appointed Bandarban HDC	0		11	4	15
Elected Rangamati HDC	10/11*	30/31	12/13*	11	33/35
Elected Khagrachari HDC	9/10*	27/29	14/15*	10	33/35
Elected Bandarban HDC	1	8	20/21*	12	33/34

* The different permutations are provided to cover situations where the chairperson is a Chakma and where she/he is not a Chakma.

NB: The proportion of councillors from the different ethnic groups is the same for the CHT Regional Council, both for its current interim composition and for the elected composition when elections are ultimately held.





¹¹¹ The structure of the to-be-elected District Councils and the currently functioning appointed interim District Councils is not the same. The former will have 31 members each, while the latter have 15 members.

¹¹² The actual non-tribal inhabitants in the CHT are fewer than that mentioned below, because the figures include non-resident police, military and para-military personnel who were then posted in the region.

¹¹³ Of the total population of 714, 119 in Khagrachari, Chakmas constitute 175, 173, whilst all other tribals constitute 174,217 (non-tribals constitute 364,729) (2022 Census) (see also footnote 112 above).

¹¹⁴ Of the total population of 647, 586 in Rangamati, Chakmas constitute 275, 348, whilst all other tribals constitute 97,527 (non-tribals constitute 274,711) (2022 Census) (see also footnote 112 above).

¹¹⁵ See, Acts XIX, XX and XXI of 1989 on the district councils as amended by Acts IX, X and XI of 1998, along with the First Schedule.

The Hill District Councils, tribal self-governance and the role of Chakma leaders

From the above figures we can see that the Chakma will constitute 30% and 27% of the membership of the Rangamati and Khagrachari Hill District Councils, respectively, when elected councils with 31 members assume office. For the moment, with the 15-member interim government-appointed councils in charge, pending elections, we see that the Chakma constitute 33.33% of the members in Rangamati Hill District Council and 20% of the members in Khagrachari Hill District Council.¹¹¹ Therefore, apart from the southern Bandarban district, where the Chakma population is tiny, in the other two hill districts, the Chakma members form a significant segment of the councillors.¹¹² In Rangamati the current chairperson is also a Chakma.¹¹³ In Khagrachari, although the Chakma councillors form only one-fifths of the district councillors, the Chakma population in the district is higher than the Tripura and Marma, the two other major tribal groups.¹¹⁴ Therefore, the role of the Chakma councillors will have significant implications for governance in Chakma-inhabited areas, including on (a) land administration (particularly the mandatory consent required for all land title grants, transfers and compulsory acquisition cases), (b) primary and secondary education, (c) healthcare, (d) agriculture, (e) small and cottage industries, (f) fisheries, (g) livestock and (h) tribal culture.¹¹⁵

The CHT Regional Council and Chakma self-governance

The CHT Regional Council has the mandate to:

1. Supervise and coordinate the activities of the:
 - the district and sub-district level councils;
 - the CHT Development Board;
 - general administration;
 - law and order;
 - tribal traditions, practices and social justice;
2. Issue licences on heavy industries;





3. Supervise disaster management, relief work and coordination of NGO activities;¹¹⁶
4. Advise the government on the passage of legislation, amendments to existing laws and the framing of new Rules under the concerned Act;¹¹⁷ and
5. Frame Regulations under the Act under the supervision of the Government.¹¹⁸

When eventually elected, more than six out of the 25 members of the CHT Regional Council will be Chakma (with at least one female), as against seven non-tribal members (including at least one female) and eight non-Chakma tribal members (including at least one female). The remaining four, namely the chairperson of the council (Regional Council) and the three chairpersons of the Hill District Councils will be from one or more of the eleven recognised tribes of the region. At least one of the aforesaid four chairpersons are almost certain to be from the Chakma people. At the present moment, the interim appointed Regional Council has seven Chakma members, including a female, and a Chakma male as its chairperson.¹¹⁹ Thus, as far as ethnic dynamics are concerned, the Chakma members are more than likely to have a dominant or at least a decisive role in the deliberations of the council, subject to party affiliations and ethnic alliances, if any.

The traditional institutions and Chakma self-governance

The CHT Accord does not address the issue of appointment or succession to the traditional offices of Karbari, Headman and Circle Chief, meaning that the matter continues to be dealt with by the British-promulgated CHT Regulation 1900 and subsidiary rules, practices, customs and usages. However, the 1997 Accord, and consequent post-Accord legislation do address the roles of the aforesaid traditional authorities and their manifold mandates in the administration of justice, provision of residential certificates, collection of taxes, etc. The Accord and laws or orders passed pursuant to it also provide for the inclusion of the Circle Chiefs

¹¹⁶ Section 22, CHT Regional Council Act, 1998 (Act XII of 1998).

¹¹⁷ Sections 45, 52 & 53, CHT Regional Council Act, 1998 (Act XII of 1998).

¹¹⁸ Section 46, CHT Regional Council Act, 1998 (Act XII of 1998).

¹¹⁹ Jyotirindra Bodhipriyo Larma is chairperson of the regional council (1998 to today). His brother, Manobendra Narayan Larma, a legislator (1970, 1973), was assassinated in an intra-party conflict in 1983.





¹²⁰ The Chakma Circle is situated between 22° 7 ' and 23° 13 ' North Latitude and 91° degrees 43' minutes and 92° 36 ' East Longitude (Allen, Gait, Allen & Howard 2012, p. 415).

in numerous bodies, such as the statutorily created quasi-judicial CHT Land Disputes Resolution Commission and the Advisory Committee to the Ministry of Chittagong Hill Tracts Affairs. A few years ago, the Circle Chiefs, in addition to the bureaucratic heads of the districts, the Deputy Commissioners, have been included within the membership of the CHT Task Force on Refugees and Displaced Persons, which advises the government on the issue of rehabilitation of former international refugees – that had taken shelter in India – and internally displaced persons (IDPs) of indigenous origin.

Dealing firstly with the traditional institutions, we see that the head of the largest traditional territory, the Chakma Circle – covering 2,241 square miles (5,804 square kilometres) (Allen, Gait, Allen and Howard 2012, p. 415), with a population of 650,000, about half of them Chakmas – is headed by a Chakma.¹²⁰ 142 of the 179 Headmen (79.33%) and 1,608 of the approximately 1,993 Karbari (80.68%) of the Chakma Circle are ethnically Chakma. Thus, it will be apparent that the Chakma people are likely to have the most prominent say in the affairs of the Chakma Circle. The figures on Chakma and non-Chakma Headmen and Karbari in the Chakma Circle are reproduced in Tables 6 and 7 below.

Table 6
Number & Percentage of Chakma and
Non-Chakma Headmen in the Chakma Circle

Ethnicity	Number	%
Chakma	142	79.33%
Non-Chakma	37	20.67%
Total	179	100%

Source: Office of the Chakma Raja, Rajbari, Rangamati,
Chittagong Hill Tracts, Updated, 12 December, 2024





Table 7

Number & Percentage of Chakma and
Non-Chakma Karbari in the Chakma Circle

Ethnicity	Number	%
Chakma	1,633	79.9%
Non-Chakma	411	20.1%
Total	2,044	100%

Source: Office of the Chakma Raja, Rajbari, Rangamati,
Chittagong Hill Tracts, Updated, 12 December 2024

In the case of the Mong Circle too, although the Circle Chief is a Marma, and only a small percentage of Headmen are Chakma (13 or 14.77% of the total), nearly one-third of the Karbari are Chakma (402 or 31.19%). The figures on Chakma and non-Chakma Headmen and Karbari in the Mong Circle are reproduced below in Tables 8 and 9.

Table 8

Number & Percentage of Chakma and Non-Chakma
Headmen in the Mong Circle

Ethnicity	Number	%
Chakma	13	14.77%
Non Chakma	75	85.23%
Total	88	100%

Source: Shanti Bijoy Chakma (ed.), *Oitihyo (Heritage)*, CHT
Headmen's Network, Rangamati, 2022 pp. 39-43, Updated,
November 2022





Table 9

Number & Percentage of Chakma and
Non-Chakma Karbari in the Mong Circle

Ethnic	Number	%
Chakma	402	31.19%
Non Chakma	887	68.81%
Total	1,289	100%

Source: Shaktipada Tripura (ed.), *Oitihyo* (Rangamati: CHT
Headmen Network, 2020), pp. 148-198, Updated, January 2020

It is therefore more than likely that the Chakma people will have a prominent role in the affairs of the Mong Circle, particularly at village levels in the Chakma-inhabited areas, where the Chakma Karbari are in charge. Even in other areas of the Mong Circle, Chakmas happen to occupy positions of authority and influence, such as in the Hill District Councils, other local government authorities, in educational institutions and in civil society bodies, and hence their views will have to be regarded in a serious manner in the concerned bodies and processes.

In the case of the CHT-specific specialized institutions of Hill District Councils too, when eventually directly elected District Councils take office, the Chakma will be the largest indigenous ethnic group in the Rangamati and Khagrachari councils.¹²¹ In the case of the currently functioning 15-member councils, as appointed on 7 November 2024, Chakma councillors form a clear majority only in Rangamati district, but the Chakma nevertheless form the majority of the total population in Rangamati district and the majority of the total tribal population in Khagrachari district, which has major implications for their influence in the affairs of the district-level councils and other sub-district level councils in both of the aforesaid districts.¹²²

¹²¹ According to Acts XIX and XX of 1989, in the 31-members councils, including the chair, ten and nine councilors, respectively, will be Chakma, in Rangamati and Khagrachari.

¹²² The number of Chakma councillors in the current interim councils is six in Rangamati (including chairperson), three in Khagrachari and none in Bandarban. Non-tribal councillors are four in each council.





The reneging of the 1997 Accord and re-militarization

On 2 December 2022, the 25th anniversary of the signing of the 1997 Accord was observed, with congratulatory messages and fanfare on the part of the government (*The Business Times*, Dhaka, 1 December, 2022), and protests and lamentations on the part of indigenous leaders (*New Age*, Dhaka, 2 December, 2022), supported by leading civil society activists of the country, largely of non-indigenous origin (*New Age*, Dhaka, 1 December, 2022). The UN Special Rapporteur on the rights of indigenous peoples came out with a public statement to express concern over poor implementation and violence against women and demanded the full implementation of the accord (*New Age*, Dhaka, 3 December, 2022).¹²³ In 2024, the President and Chief Adviser of the interim government gave public messages of goodwill on the accord's 27th anniversary on 2 December 2024, but their messages lacked both substance and lustre.¹²⁴

Clearly, the revival of self-government in the CHT, particularly indigenous-led self-government, is far away today from what many had perceived, and expected, when the agreement was signed in 1997. Apart from non-implementation of crucial elements of the agreement, an added dimension to worsen matters yet further is the birth of new non-state armed groups in the region, including from non-indigenous Islamic elements, that reportedly includes the Jama'atul Ansar Fil Hindal Sharqiya (*Dhaka Tribune*, Dhaka, 2 December 2022).

According to a leading English daily of Dhaka, the leader of this group, one Shamin Mahfuz, along with his spouse (Naznin Sultana), was arrested in 2023 and remanded by a Magistrate's court in police custody under the concerned Anti-Terrorism Act (*The Financial Express*, Dhaka, Sunday, 25 June 2023).

However, whether this actually means adequate measures to stem or prevent right-wing intolerant militant activity in the hills, and within Bangladesh, remains to be seen. The role of non-state armed actors is often at odds with what is reported in the press and what governmental spokespersons say about them!

¹²³ For a similar statement of concern from the former UN High Commissioner for Human Rights (Michelle Bachelet), including a call for de-militarization, see: <https://www.ohchr.org/en/statements/2022/08/un-high-commissioner-human-rights-michelle-bachelet-concludes-her-official-visit> (Accessed, 27 August 2022).

¹²⁴ See, e.g., The Country Today, Dhaka, 2 December 2024 (<https://dailycountrytodaybd.com/story/27th-anniversary-of-cht-peace-accord-tomorrow-president-ca-issue-messages>).





This author, along with countless others from this region and from the rest of the country, cannot easily believe that such activities could have reached such proportions without the tolerance, if not connivance or incitement, of elements within the government. It is difficult to believe that these activities were “officially” sanctioned by the political leaders of the government. The question that then arises is, were they at all aware of such happenings? If not, why not? Whether they were aware of them or not, or whether these were beyond their control, the question that looms large is, will another such armed and militant right-wing group or groups come into being in the CHT in the near future and challenge the indigenous peoples’ self-governance along with the self-determination of the people of Bangladesh itself? Following its national constitution, Bangladesh is a ‘secular’ and ‘socialist’ state, with multicultural moorings forming an integral element in the state’s ethos and justification for existence (*Raison d’être*). However, under the post-August 2024 regime of a caretaker administration, the voices of those against secularism seem to be clearly on the rise. This is particularly worrisome for not just the risks of further conflicts in the CHT, but the rise of intolerance towards multiculturalism, and consequently, intolerance towards indigenous peoples’ and minorities’ rights.

To return to the issue of non-implementation of 1997 Accord, there is no doubt that such non-implementation has adversely affected Chakma self-governance too, which was not to be restored as expected, as in the case of Jumma or Pahari (Hill Peoples’) self-governance on the whole. Over the last decade or so, the regional political parties of the Indigenous Peoples have had to retreat to a defensive position, verging on inertia, at least as regards public political activities. Although there has been a slight reversal of this trend in the post-August 2024 scenario, substantively, the overall situation shows no progress.

The leaders of the major regional political parties were being hounded out with fabricated criminal cases of murder or illegal possession of arms. Of course, this is not to say that there are no indigenous political leaders from mainstream political parties, including Chakma, who hold elective and other offices,





from ministerial level to the national parliament to district and lower-level councils. However, their overall role in governance and administration, particularly in the last half-decade or so, has shown very few instances of defence of Indigenous Peoples' rights and interests, so much so that they are widely regarded within indigenous society to be major fetters to indigenous self-governance, rather than advocates of self-governance. The few indigenous persons in the previous ruling party who had sought to defend Indigenous Peoples' rights were marginalized on account of party exigencies or harassment and other pressures from state security agencies, or made to keep their silence to protect their self-interest. Many of them are now fugitives, with or without cases against them.

The state security agencies are widely believed to have orchestrated activities to marginalize the leading regional parties and strengthen the hands of militant anti-indigenous settlers and other groups allied to them.¹²⁵ Therefore, among the few other indigenous actors left with a substantive say in administration and development are the traditional authorities. They too are not generally favoured by intolerant and illiberal elements within the government – non-indigenous political activists, bureaucrats and state security forces – and hence they too are often unable to function as efficiently and as effectively as they could. Their access to public funds for office management, manpower and logistics has been severely narrowed down. Although they have not been rendered impotent, the extent of their role and influence in public affairs has been severely curtailed.

In the aftermath of the severe marginalization of the regional indigenous political parties, the role of the traditional leaders has assumed more importance than it might otherwise have had, regarding the realization of the civil, political, economic, social and cultural rights of the Indigenous Peoples. Except in the southern Bohmong Circle and Bandarban district, their leadership role has now become a key rallying force for indigenous identity and rights in three, among other, spheres. *Firstly*, the traditional authorities' roles in land and natural resource administration and management have meant that they can help facilitate the process

¹²⁵ See, e.g., the memo reproduced in Annexe 3 series.



of restitution of dispossessed tribal lands and domains and also otherwise defend indigenous land rights. *Secondly*, their role as custodians of customary law, both as regards lands and forests, as well as family law regulating land inheritance, transfer and use, among others, has helped prevent further assimilation of their peoples' legal, juridical and territorial autonomy. *Thirdly*, the combination of their roles mentioned above, in addition to their close connections with family, clan and tribe-related rituals and ceremonies, and thereby the heritage of their peoples, has generally enabled them to assert their peoples' identity and integrity to a significant extent.

Discriminatory neglect of the traditional institutions

The anti-indigenous elements within and outside the government may have succeeded to some extent in weakening the indigenist and other progressive rights-oriented political movements in the CHT, but the shield provided by the traditional institutions against external onslaughts on indigenous juridical autonomy and land rights could not be overwhelmed quite so easily. Hence, calculated measures were taken to impoverish, and thereby marginalize, the traditional authorities. A quick glance at the quantum of remuneration received by them from the governmental and other public sources will demonstrate such

Table 10
Monthly and Annual Honoraria of the Karbari,
Headman and Circle Chief in the Chittagong Hill Tracts

Period/ Institution	Karbari	Headman	Circle Chief
Monthly	BD Taka 500	BD Taka 1,000	BD Taka 10,000
	US\$ 4.57	US\$ 9.31	US\$ 91.27
Yearly	BD Taka 6,000	BD Tk 12,000	BD Tk 120,000
	US\$ 54.76	US\$ 109.51	US\$ 1,095.19

NB: The rate of exchange has been calculated at US\$1 being equivalent to BD Taka 109.56 as on 6 May 2024 (on 12/12/2024 US\$1=BDT 119.48).



policy neglect by the government. Table 10 shows the monthly and annual honoraria received by the three tiers of traditional authorities from the government.

To provide the full picture, the Headmen and Chiefs – but not the Karbari – receive a part of the taxes collected from swidden plots and other hillside plots within their respective territorial jurisdictions in the following shares: Government: 21%; Chief: 42%; Headman: 37%. The average rate of swidden and rural hillside land tax is BD Tk 6 (US\$ 0.06) per family per annum and BD Tk 1 (US\$ 0.01) per acre. The Chiefs and Headmen also receive some other emoluments, including a percentage of taxes from lands classified as ‘commercial’, and are also legally entitled to a ‘commission’ for the collection of plough-cultivated lands (the latter has been withheld for unknown reasons for more than a decade now), all of which, however, add up to nothing more than a mere pittance.

The income received by this author in his capacity as a Circle Chief, the highest traditional office in the CHT, is undoubtedly the highest income earned by a traditional authority in the CHT from public sources, at the current time. Adding the equivalent of his US\$ 1,095.19 from honorarium as a Chief, US\$ 328.53 (US\$ 109.51x 3) from honoraria of headmanship of three mauzas (the Chakma Chief is ex-officio Headman of four mauzas, one of which has been delegated) and the share of swidden and land taxes in his capacity as a Chief and as a Headman, being equivalent to US\$ 4,562.81 for the financial year 2021-22, his total annual emolument as a Circle Chief comes up to US\$ 4,759.23 (The rate of exchange has been calculated at US\$ 1 being equivalent to BD Taka 109.57 as on 6 May 2024).

However, this author does acknowledge with thanks the construction and/or renovation of a part of the office structures of the Chakma Circle in Rangamati with governmental funds. On the other hand, the Chakma Circle Chief lost nearly two thousand acres of paddy land on account of the Kaptai Dam in 1960, and tens of acres of prime urban property in Chittagong City for the residence of the Divisional Commissioner (1950s) and in Rangamati town, for offices of the Deputy Commissioner





(1970s), compulsorily acquired by invoking Eminent Domain-oriented draconian land acquisition laws of the state, and thereby causing a loss of hundreds of millions of US dollars to the estate of the Chakma Chief.

There is no allocation from the government for circle offices' staff salaries, office maintenance or logistics. The author, in his capacity as a Headman and Circle Chief, has to employ about two dozen staff, at headquarters, to support his work as a traditional authority. He has to supplement the salaries of his staff and the expenses of managing his office from his personal income, which no doubt causes much hardship to him and his family. And if his capacity weakens due to shortage of funds, then his service-recipients, the constituents of the territories under his charge suffer too! Therefore, the extent of difficulties faced by other Circle Chiefs, Headmen and Karbaries, and their respective constituents, may be gauged by the reader!

Expunging and uprooting customary law

In addition to having the traditional authorities of the CHT marginalized or otherwise weakened, a continuing series of commensurate onslaughts have been made on the validity, status and applicability of customary law, particularly in the context of lands, forests and natural resources. This is despite the fact that the national constitution recognizes custom as a source of law and also recognizes its status as valid law,¹²⁶ and consequent verdicts of the apex court, the Appellate Division of the Supreme Court of Bangladesh, have upheld their validity, continuity and operationality in numerous cases.¹²⁷

In the case of government acquisition of land and the grant of titles to settlers, from the 1970s to the current time, the customary law rights and entitlements of the Indigenous Peoples have been ridden over roughshod in a cavalier fashion. A cogent example of such anti-indigenous views concerns the ongoing 'review' case in the Appellate Division of the Supreme Court, which came about due to two separate petitions of settlers to the Supreme Court, seeking to have declared null and void the CHT Regulation 1900, which provides strong recognition to the

¹²⁶ Article 152, Constitution of Bangladesh.

¹²⁷ *Wagachara Tea Estate Ltd. v. Muhammad Abu Taher & Others*, 16 BLD (AD), 36 (2016); *Government of Bangladesh v. Rangamati Food Products Ltd. & Others*, 25 BLT (AD) 121 (2017).





CHT as a homeland for the Indigenous Peoples, along with the continued application of customary law as regards the indigenous peoples' lands, territories and natural resources.¹²⁸ The irony of the matter is the questionable role of the previous Attorney General, who appears to have joined the settler petitioners' cause of having the judgment reviewed. He applied to the court to remove all references to 'customary law' in twenty-five separate paragraphs, along with references to the terms 'Raja' (Circle Chief of the CHT) and 'indigenous'. Whilst it is not known under whose instructions he was acting, it is abundantly clear that this stand is not based upon any consultations at all with the relevant institutions of the CHT, including the traditional authorities.¹²⁹ Such a stand is visibly contradictory to the letter and spirit of the CHT Accord of 1997. It is ironical that on the occasion of the 25th anniversary of the 1997 Accord, two years ago, just as the head of state and then head of government were renewing their pledges of peace-building, development and 'full implementation' of the accord, their Attorney General had taken a completely contradictory stand! (*The Business Times*, Dhaka, 1 December 2022).

On 26 July 2023, civil society from the CHT, including this author as one of the signatories, petitioned the then Prime Minister of Bangladesh seeking her intervention to ensure that the Attorney General adopts a stand in the aforesaid cases in favour of the CHT Regulation. From September to November 2024, several delegations of indigenous leaders have met the incumbent head of government and his cabinet colleagues, seeking adjournment of the case until the government was appropriately briefed on the issue by the concerned stakeholders in the CHT. For the moment, the case has been removed from the Causes List of matters ready for hearing. But whether such a state of affairs will sustain for long is difficult to tell. The 1900 Regulation, which provides safeguards on customary law and legal pluralism, is directly acknowledged by the 1997 Accord. The aforesaid safeguards are in turn compatible with the state principles of secularism and multiculturalism.

¹²⁸ *Muhammad Abdur Malek v. Wagachara Tea Estate Ltd. & Others* (Civil Review Petition No. 197 of 2018).

¹²⁹ Interview with Goutam Dewan, President, CHT Citizens' Committee, 15 September, 2024.



Indigenous self-governance, along with Chakma self-governance in the CHT, has many opportunities, both tapped and untapped, as well as challenges. Of course, whether and to what extent the opportunities may be explored and operationalized or not will also depend upon how the concerned system can deal with the manifold challenges it faces, including those outlined above. The following discussion seeks to offer a broad overview of the challenges and opportunities, for indigenous self-governance in general, and Chakma self-governance in particular, focusing upon the traditional system.

Challenges for indigenous and Chakma self-governance in the CHT

Given the huge policy neglect of the Government of Bangladesh in faithfully implementing the CHT Accord of 1997, as discussed in chapter 4 above, the prospects for indigenous self-governance at the regional level, comprising all the Chiefs' circles and administrative districts, is bleak, according to many. When the former leader of the guerrillas and the incumbent head of the highest administrative body of the CHT region says on the 25th anniversary of the accord that he is a refugee and that he cannot go to his home village, one cannot be too optimistic about the quantum of autonomy that can be exercised for the CHT as a whole (*The Prothom Alo*, Dhaka, 7 December 2022).

Given the continuing denial of Indigenous Peoples' rights in the CHT, the exercise of self-governance by the Chakma too is necessarily circumscribed. However, on account of the relative numerical and socio-economic strength of the Chakma compared to the other Indigenous Peoples, the political clout of the former, although much diminished from before, may yet enable them to



defend the interests of the Indigenous Peoples of the CHT as a whole, to a certain extent, along with the identity and integrity of their own people. Bearing in mind that the Chakma people are on the whole more empowered than other Indigenous Peoples of the CHT, moral compunctions and strategic considerations would suggest that, while defending the rights of their own people, the Chakma people do not neglect the rights and interests of the indigenous population as a whole, including all the different peoples with their heterogeneous cultures, and contextually, see to the welfare of the non-indigenous residents too.

Sustaining Indigenous Peoples' unity

Unless a wholesome and integrated approach is taken, and the Indigenous Peoples as whole, with substantive inputs from the Chakma people, work unitedly and synergetically, the powers that be will in all likelihood follow the old policy of Divide and Rule (*divide et impera*). Consequently, the Indigenous Peoples of the CHT will be further marginalized, the Chakma included. Disunity within the Indigenous Peoples will adversely affect all of them, and the relative socio-economic strength of the Chakma will not prevent the denial of their rights unless the Indigenous Peoples as a whole are united in defending their rights. Vice versa, the marginalization of the Chakma will also further marginalize the non-Chakma Indigenous Peoples. Unless they unite and resist, effectively.

Overcoming the discriminatory acts and omissions of government agencies

Among the greatest challenges that Chakma self-governance faces, along with the generic self-determination struggle of all the Indigenous Peoples of the CHT, are the discriminatory attitudes of mainstream political parties and chauvinist and racist elements within the civil and military bureaucracy. The example of the previous Attorney General's anti-indigenous stand in a Supreme Court case has been highlighted above. There are many other examples.





A blatant example of discriminatory attitudes of the government is a letter written by the Ministry of Chittagong Hill Tracts Affairs to district-level authorities in the northern Khagrachari hill district, in November 2018.¹³⁰ The ministry cites the source of the request as a security force intelligence unit. It singles out the ethnic Bengali community of the CHT, who form part of the dominant ethnic group in the country, to receive supportive action, with no corresponding reference to the rights and welfare of the Indigenous Peoples, even though the 1997 Accord and post-Accord statutes of 1998 are substantively about promoting the indigenous peoples' rights, while referring to the CHT as a "backward tribal-inhabited area"! ¹³¹

The aforesaid letter instructs the concerned district authorities (a) "[to] not demonstrate disparaging attitude towards the Bengalis but act on a sympathetic and humanitarian basis"; (b) "to ensure that Bengali organizations can carry out their programmes and can exercise their legal rights"; (c) "to restore the dispossessed lands of the Bengalis"; (d) "to instil confidence on the Bengalis and to prevent their likely transfer from the Chittagong Hill Tracts to the plains. Commensurate to this, instructions may be provided to NGOs, the local administration and the security forces to take effective measures for their educational and economic advancement".¹³²

The irony of the matter may perhaps drive home more poignantly if the reader were to imagine a government that ignored the acute asymmetry of power relations on the ground and instructed its functionaries to favour (as in the CHT), not the dispossessed and disadvantaged groups, but the dominant group belonging to the same ethno-linguistic and religious group who yield the ultimate state powers: political, economic and military, at local and national levels! To those familiar with the concerned context, one can imagine the Israeli, Chinese or Indonesian authorities favouring the majority/settler community, respectively, rather than the local underdog (Jewish settlers rather than Palestinian, Han Chinese rather than the Uighur, and Javanese settlers rather than indigenous West Papuan peoples).

Having regard to the aforesaid instances and trends of acute discrimination, along with political marginalization and

¹³⁰ Memo No. 29.00.0000.223.013.2017-351, dated, 01/11/2018 from the Ministry of CHT Affairs to the Chairman, Hill District Council, Khagrachari Hill District and Deputy Commissioner, Khagrachari Hill District (see Annexe 3 series).

¹³¹ Acts IX, X, XI and XII of 1998.

¹³² Memo dated 01/11/2018 cited above (Annexe 3 series).





impoverishment caused by rampant land-grabbing, and the absence of restitution of dispossessed lands, along with the denial of basic education, healthcare, drinking water, electricity and other welfare services, it is of course difficult for the Indigenous Peoples of the CHT, including the Chakma, to carry out their self-determined development in a free and robust manner. However, life has to go on, for the Chakma people, as well as other inhabitants of the CHT, and they have no choice but to struggle hard to survive with dignity and to assert their right to self-government according to their inherent rights as well as the relevant provisions of the CHT Accord of 1997 and statutory laws in conformity with the provisions of the UN Declaration on the Rights of Indigenous Peoples.

In order for the traditional institutions of the CHT to be able to continue to help defend their peoples' identities, their territorial and land rights, and their social, cultural and political integrity, it is not only capacity-building, organizational strengthening, educational and technical progress that are necessary, but also the achievement of social equity. De-gendering the traditional and other governance systems at village, mauza and Circle levels, including by enhancing indigenous women in traditional and elective offices, along with the establishment of non-discriminatory decision-making processes, remain as daunting challenges. If the gains made by increasing the number of female village heads and sensitizing the male and female traditional leaders are not sustained, indigenous society in the CHT, including Chakma society, may well slide back into patriarchal norms that would adversely affect their otherwise strengthened exercise of equitable and inclusive self-governance as well.

For the moment, the trust and confidence of their constituents continues to remain a strong pillar of support for the traditional authorities' roles and functions, particularly in the Chakma and Mong Circles. In order to sustain this will require principled, efficient and pro-people service delivery. In the face of the discriminatory role of government functionaries as regards the traditional institutions, the latter have to seek out and build other alliances, including with United Nations agencies, NGOs and civil society networks, at local, national and international levels.





De-gendering and democratizing the traditional system of governance

Given the huge burden that the traditional system bears in respect of self-governance, the traditional system as a whole, including in the Chakma Circle, needs to be aware of the gender and participation challenges that it has to overcome to protect its peoples' identity and rights.

De-gendering the traditional system of governance

Patriarchal perspectives and practices are still commonplace in the CHT as in the rest of the country. This author made the following observation about indigenous women's disempowered status in an earlier publication (Roy 2018, p. 244, citing Yan and Roy 2018):

In the Chittagong Hill Tracts, although indigenous women generally face less discrimination within their own societies than their [non-indigenous] Bengali counterparts, their status regarding empowerment and rights in the sphere of personal and family law is substantially no better.

Women are largely excluded from holding office in the traditional system, and there were only a few occasions when women held the office of Raja or Circle Chief. One of the exceptions was the Chakma regnant queen or *Rajrani*, Rani Kalindi, who ruled in the mid-19th century, with stiff opposition from locally assigned colonial officials (Chakma P, 2022), and the second such *Rajrani* was Rajkumari Nanoomah Devi of the Mong Circle, who ruled from the mid-1930s to the early 1950s (Brauns and Löffler 1990, p. 30; Jhala 2019, pp. 71-76; van Schendel, Mey and Dewan 2000, p. 39; Chakma 2022, pp. 153-164). However, from the second quarter of the 20th century, a few women started to hold the office of Mauza Headman, although their number is not large until today. But then again, although two decades ago there were no female Karbari in the CHT, the situation has changed much since then in the Chakma Circle, followed by the Mong Circle. Progress in this direction





Table 11

Number and percentage of male and female Headmen and Karbaries in the Chakma Circle (as of 6 May, 2024)

Office	Total	Male	Female
Headman	179 (100%)	167 (93.3%)	12 (6.7 %)
Karbari	2,044 (100%)	1,618 (79.16%)	426 (20.84%)

Source: Office of the Chakma Raja, Rajbari, Rangamati, Chittagong Hill Tracts, updated, 10 December, 2024

in the Bohmong Circle has been far less encouraging. Table 11 shows the number of Headmen and Karbaries in the Chakma Circle and the percentage of women among them. A very minor fraction of the female Headmen and Karbari are non-tribal, and therefore this has not been computed herein.

In the indigenous-majority Regional and Hill District Councils, women are guaranteed only 12% and 8% of the seats, respectively.¹³³ In the elected urban municipal councils and rural sub-district level councils (*Upazila Councils and Union Councils*), women are guaranteed one-third of the seats. Having such representation does not, of course, automatically translate into empowerment or effective participation, although in the case of headmanship, there is direct authority and power to an extent. Nevertheless, it is the firm belief of this writer that having about one-fifth of the total number of Karbari as women is slowly but surely leading to greater sensitivity to and understanding of the needs of indigenous women, and will have positive impacts toward greater equity, if not mathematical equality, as regards inheritance rights, conjugal rights, and generally, participation in decision-making at home and outside. The creation of a regional Women Headmen and Karbari network and commensurate training and capacity-raising has led to more than modest gains in the Chakma Circle.¹³⁴ Awareness about rights is increasing in the Chakma-inhabited areas of India too, but their situation is still lagging behind that of the Chakma Circle with regard to women's

¹³³ Section 5, Act XII of 1998; Common section 4, Acts XIX, XX and XXI of 1989. For the status of women in the light of the CHT Accord of 1997, see Chakma 2010.

¹³⁴ A female Karbari became a reserved seat MP in the last parliament, while the head of the CHT Women Headman-Karbari Network became a member in the Khagrachari District Council recently.





political empowerment, if not social freedom and other areas of social advancement.

Democratization of the traditional system of governance

Democratization of public institutions remains a challenge in the CHT and elsewhere, whether for indigenous society or others, whether one is dealing with elective, bureaucratic or traditional institutions. In the case of the traditional institutions, the incumbents generally hold office for life, unlike elected leaders. But then again, the political economy of elections has often led to political parties and elective office-holders serving their own interests at the cost of the collective rights and needs of Indigenous Peoples and communities.¹³⁵ The experience of the Chakma and other Indigenous Peoples in the Chakma Circle and elsewhere in the CHT has generally proved to be likewise, with mainstream political party leaders, including from Chakma and other indigenous groups, feathering their own nests, rather than serving their constituents, including the impoverished, the women and other disempowered groups within indigenous society.

Of course, this is not to say that indigenous traditional leaders are all selfless or community-friendly. However, because of traditional social norms and sanctions, among others, indigenous traditional leaders seldom indulge in substantive anti-community work on a visible scale. Be that as it may, greater transparency in their work methods, fuller consultations with their constituents, among others, can certainly make their services more suited to the needs of their people. Therefore, greater transparency and accountability, along with capacity-raising is the need of the day.

Opportunities of Chakma self-governance in the CHT

Just as there are several challenges in asserting and practicing indigenous self-governance, including Chakma self-governance, in Bangladesh, there are also several opportunities. The nuances of such opportunities are perhaps yet to be suitably appreciated and utilized, for the benefit of the peoples concerned, as well as for the region and the country as a whole. In some cases, the

¹³⁵ See, e.g.,
Wessendorf 2001,
pp. 10-18.





positive and benign aspects of these practices may well be worthy of emulation and replication in other jurisdictions, indigenous and non-indigenous, as contextual.

The spirit of Maleya

The strongest pillar of Chakma society whereby the able people come out to support those in need of help is the ancient custom of *Maleya*. A household in need of help for harvesting or house repair or other such needs may give the call of Maleya, and all able-bodied adults must respond, in lieu of a feast of sorts, coupled with merry-making, after the day's work. This spirit of Maleya can be invoked in innovative ways too, even though its practice in urban centres is weaker than in rural areas, and it has been invoked in modified form even amongst the small Chakma diaspora in South Korea, Australia, Europe and North America. This custom facilitates the rallying of the people to support their socio-economically disadvantaged counterparts, such as widows, the disabled, the sick and elderly, when skilfully done at the instance of social and political leaders. Similar customs, including those known as *Laksa* and *Bala*, are invoked for weddings, funerals and other death rites, natural calamities and other such exigencies.

Customary law

Another strength among the Chakma and other Indigenous Peoples of the CHT is their ability to assert their land, forest and resource rights, including through their traditional institutions, which remain as the repositories and focal points of ethnic identity and social integrity. It has been said that the “[customary law] regime may be regarded as providing a ‘shield’, in that it protects or ‘shields’ the concerned communities against the alienation of their lands” (Roy 2012, p. 75).¹³⁶ As stated earlier in Chapter 4, customary law is recognised in the Constitution of Bangladesh and has been upheld by the apex court of the country, although it is now under threat of dilution, due to discriminatory approaches of certain racist elements within the government. The relatively un-defined status of customary law in the CHT may be compared

¹³⁶ This article discusses how customary law is invoked in the CHT, through the traditional governance system, to defend lands, domains and territories of Indigenous Peoples against external onslaughts.





with other jurisdictions, such as in the Philippines and in Sarawak, Malaysia, where customary law enjoys a high status in general but has contextually been watered down due to regressive legislation and/or judicial pronouncements. Codification of Chakma law in Mizoram (in 1997) and the ongoing codification process in Tripura State in India may have resulted, in certain contexts, in compromising rather than consolidating such laws.¹³⁷ Such a risk is there too for the CHT.

Resilience, adaptation, innovation

Just as there have been instances of internal strife, disunity and divisiveness amongst the Chakma and other Indigenous Peoples of the CHT, the opposite is also true. The Chakma in particular have amply demonstrated their resilience as a people, despite the huge odds stacked against them. Such resilience has been combined with their ability to adapt to the numerous challenges of the day. Nowhere has their ability to adapt been tested to greater extent than in the case of occupational changes, both in their homeland of CHT and elsewhere amongst their diaspora.

From the early 1800s to the 2020s, the Chakmas, along with several of the other Indigenous Peoples of the CHT, have changed their occupations from hunting, trapping, foraging and swiddening to wet rice farming (1870s-1920s), to commercial fruit growing or horticulture (1960s onwards), to tree and bamboo farming (1970s-2010s), and to factory work (1990s onwards), among others.¹³⁸ Their adaptive acumen, combined with innovations in certain spheres, has enabled them to survive as the most socio-economically robust indigenous community in Bangladesh. At times, they have had to introduce innovations in social alliances of political, civil society and traditional groups to deal with core social and economic challenges facing them. This has been so despite the fact that it has also been the Chakmas who have suffered more than any other Indigenous People in Bangladesh from acts of violence, displacement, land alienation and socio-economic marginalization (see, e.g., IWGIA 2012).

The Chakmas, along with other Indigenous Peoples of the CHT, have suffered from a huge loss of territories for

¹³⁷ O'Brien's (2021) pointers on hazards of codification and consequent assimilation of customary law into state systems applies equally to the codification of Chakma law in Mizoram and Tripura states, India.

¹³⁸ See Roy 2000b for a discussion of the changing occupational patterns of the Indigenous Peoples of the CHT from the British period in the 19th century to the 2000s.





government projects, including forestry (Roy 2002), a hydro-electric dam (see, e.g., Sopher 1963, Chakma et al. 1995), exodus to neighbouring countries (Anti-Slavery Society 1984; Mey 1984), and policy neglect resulting in non-rehabilitation or inadequate rehabilitation, both of the former refugees hitherto sheltered in India, and the internally displaced hill people, within the CHT.¹³⁹ Extortion, discriminatory prosecution and other basic human rights violations, among others, have also affected them. Thus, they have also had to innovate, in politics, administration, resource management, social advocacy, sports, etc. to ensure that their people do not give up their struggle to survive with identity and dignity, and pursue their development visions with as much self-determination as they can muster. The Chakma people have also displayed unusual acumen in the field of sport, including boxing, football, netball, handball, athletics (track and field), etc. For example, nearly half of the national women's football team that became South Asia champions in 2022 and 2024, were indigenous persons, including a majority of Chakma. The first and only professional boxer from Bangladesh (a male) and the first female FIFA referee from Bangladesh are from the Chakma people.

As in the case of the CHT, Chakma migrants to the plains of Bangladesh for temporary employment in factories of the ready-made garments (RMG) sector (estimated to include 40,000-70,000 individuals, with a female majority), and their small-scale migration to South Korea, Australia, Western Europe and North America has shown their employment to be largely in the non-traditional sectors.

Socio-economic advancement with a collective spirit

Sharing of wealth and economic opportunities, and the streamlining of philanthropic efforts, has also been among the coping mechanisms adopted by the Chakma and other Indigenous Peoples in the face of oppression and discrimination meted out by successive governments in Bangladesh, particularly from the mid-1970s onwards. The spirit of the practice of *Maleya*, *Laksa* and *Bala*, have proved to be a huge dividend in these struggles,

¹³⁹ There are more than 400,000 internally displaced hill persons (IDPs) and the number of Chakmas is more than all the other indigenous peoples combined (see Chowdhury 2021, pp. 175-210).





which has often been invoked in wider contexts of socio-economic support provided to those in distress or calamity or suffering from oppression or disadvantage. *Maleya* means community labour support for one day, at home or in the field, where the host provides a meal (and some liquor, for merry-making). *Laksa* is substantively like *Maleya* with the major difference being that the labour providers bring their own food. *Bala* is mutually accounted labour exchange with one providing labour support to another, to be returned on another occasion.

Non-territorial and extra-territorial self-determination

Human migration, transfer of labour and capital, virtual communication and management methods have opened new vistas for production, trade, capital accumulation and transfer. There is no reason why the same opportunities should not be explored, tapped into, utilized and refined in contextual manners to facilitate the exercise of self-determination of Indigenous Peoples, territorially and otherwise, along with the protection of their human rights and the achievement of their overall welfare.

Firstly, in the case of personal law or family law in South Asia, including Bangladesh, India and Pakistan, a person is said to “carry” her/his personal law, wherever s/he situated within the country. Thus, Chakma law would apply to a Chakma, such as for marriage, divorce, inheritance, etc., irrespective of the Chakma individual’s geographical location within the country. In areas outside the CHT, there is, of course, a practical challenge as regards the institutions that would enforce the law, along with the process of enforcement. That would be an instance of *extra-territorial* application of Chakma law beyond the Chakma Circle and the Chittagong Hill Tracts. In fact, this writer would argue that necessary institutions, organizations or networks, e.g., to deal with personal law disputes in Chittagong or Dhaka cities, or wherever else there is a Chakma diaspora or temporary settlements, may be established, if so willed by the people. The same case would apply for other Indigenous Peoples of the CHT as well.

Secondly, there is no reason why the Chakma people, or for that matter other Indigenous Peoples, should not form





international organizations and networks, beyond international boundaries, to deal with matters of common concern, such as customary law, language and script, social, economic and cultural development, and so forth, in a collective manner. For example, the Saami Council, an international NGO with accreditation from the Economic and Social Council (ECOSOC) of the United Nations, represents the indigenous Sami people of Norway, Sweden, Finland and Russia in international spheres. Similarly, the Inuit Circumpolar Council (ICC) represents the indigenous Inuit people of Greenland, Canada and the United States in United Nations and other international contexts. Both the Saami Council and ICC are Permanent Participants, along with four other organizations of Arctic Indigenous Peoples, in the intergovernmental body called the Arctic Council, which deals with environmental issues of eight countries surrounding the Arctic Ocean with membership from these countries' governments. The members are: Canada, Denmark, Finland, Iceland, Norway, Russia, Sweden and USA. The Permanent Participants are the Aleut International Association, the Arctic Athabaskan Council, the Gwich'in Council International, the Inuit Circumpolar Council, the Russian Association of Indigenous Peoples of the North (RAIPON) and the Saami Council.

Thirdly, the Chakma people of South and Southeast Asia, like many others that have been divided by modern state boundaries, may borrow ideas and inspiration from other peoples and communities, like the Ismaili community, which is led by His Highness, the 50th Imam, Prince Rahim Aga Khan V. This community, spread over different parts of the world, is highly united as regards its social, economic and cultural rights and welfare, and often employ innovative ideas on resolving intra-Ismaili conflicts through arbitration, by utilizing their own arbitration rules and processes. The Ismaili also have a strong practice of supporting disadvantaged groups within their community and to help bring prosperity to them, and thereby, the community as a whole, with impressive degrees of success.¹⁴⁰

¹⁴⁰ This author, as a Special Assistant to the Chief Adviser of the Caretaker Government of Bangladesh, acted as a Minister-in-Waiting during Prince Karim Aga Khan's state visit to Bangladesh (2008).



Chakma self-governance in India

The Chakma Circle is decidedly the premier self-government institution of the Chakma nation or people. Its population is believed to be in the region of 650,000, with about half of them being Chakma by ethnicity. The only other formalized self-governance system concerning the Chakma people apart from the Chakma Circle is the Chakma Autonomous District Council (CADC) in Mizoram State, India. The Chakma Circle has an area of 5,804 square kilometres (2,241 sq. mi), being more than six times larger than the CADC, which has an area of 686.25 square kilometres and a population of 45,307.¹⁴¹ The CADC was established on 29 June, 1972, following the provisions of the Sixth Schedule to the Constitution of India. This author attended its Golden Jubilee celebrations in 2022.

The quantum or extent of autonomy exercised by the CADC, including on legislation, land administration, justice administration and socio-economic development (education, healthcare, etc.) is actually far higher than that exercised by the Chakma Circle at the current moment. Even the Hill District Councils and the CHT Regional Council in the CHT do not wield autonomous authority that approximate those of the CADC. The following table (Table 12), compares the respective jurisdictions of the CADC and Chakma Circle.

As regards the administration of justice, there are similarities. Both the Chakma Circle and the CADC are more or less autonomous within their respective spheres of jurisdiction. The CADC has a three-tier hierarchy of courts: Village Council Courts, Subordinate District Council Courts and a District Council Court. Although not as autonomous as the CADC, the Chakma Circle's authority over the customarily managed swidden and forest areas within the Circle, excluding the reserved

¹⁴¹ Interview with Subrata Chakma, Secretary, Chakma Circle, 16 December, 2022.



Table 12

Comparative overview of jurisdictions of the Chakma Circle in the Chittagong Hill Tracts and the Chakma Autonomous District Council in Mizoram, India

Subject Matter	Chakma Circle	CADC
Year of establishment	1860/1900 (a)	1972
Population (b)	650,000 (approx.)	45,307
Area	4,294 sq. km.	686.25 sq. km.
Legislative prerogatives (c)	Limited to customary law	Autonomous
Land administration	Semi-autonomous	Autonomous
Administration of justice	Semi-autonomous	Autonomous
Development (d)	Autonomous	None

Nota Bene:

- (a) In 1860, the Chakma kingdom was annexed to British Bengal. Previously it was independent.
- (b) About the same number of Chakmas live outside the CADC and within adjoining areas of Mizoram, whereas more than half of the Chakmas in the CHT live within the Chakma Circle.
- (c) The CADC actually passes laws with the consent of the State Governor. The Chakma Circle provides generally binding pronouncements on customary law (not legislated upon) but has autonomous judicial authority on customary law.
- (d) The CADC's mandate includes supervision of line departments dealing with healthcare, communications, education, language and culture, among others.





forests under the Department of Forests, is quite extensive. The customary law rights of the CHT indigenous communities are exercised under the authority of the Karbari and Headmen, under the benign oversight of the Circle Chiefs. The Circles' rulings as courts and their advice on customary law are authoritative. Until 1989, the rulings of the Circle Chiefs' courts could be revised, but not appealed against to a higher authority (Dewan 2003, p. 15; Yan and Roy 2019, pp. 216-217, 220). Since 1989, provisions of appeals against the Chiefs' verdicts have been added.¹⁴² Thus, in the judicial sphere, the Chakma Circle, like the other two, has a three-tier hierarchy of authorities.

In size, the CADC is just about one-sixth of the Chakma Circle and its population is less than one-tenth of that of the Chakma Circle (the total population of Chakmas in Bangladesh is 483,299, more than half of which lives within the Chakma Circle). Perhaps more than half of the total Chakma population of Mizoram is located outside the CADC territory. Another important dynamic of Chakmas in Mizoram is that on account of the Chakma voters' concentration, the Chakmas regularly obtain two seats in the 40-member State Legislative Assembly, with occasional berths in the state cabinet.

In comparison, the Chakmas in other states of India do not possess political or administrative autonomy. In Tripura State, at the moment, the Chakmas have one member, nominated by the State Governor, as the sole Chakma representative in the 30-member Tripura Tribal Areas Autonomous District Council (TTAADC), which has a similar mandate to that of the CADC in Mizoram. Therefore, unlike in the case of the CADC in Mizoram and the Chakma Circle in the CHT, the Chakmas in Tripura State are likely to have only a marginal role in the affairs of the TTAADC. This, however, is offset by their role in two other spheres within Tripura state. *Firstly*, the Chakmas now have two members in the 60-seat state legislative assembly, one of whom is a minister in the state cabinet. *Secondly*, and more importantly, when the Tripura State Chakma Customary Law, 2022 is formally adopted by the TTAADC, upon receiving the consent of the state Governor, the Chakmas in the TTAADC

¹⁴² Section 66, Acts XIX, XX and XXI of 1989.





area will have a four-tier judicial structure, from the village to the state level. These will be: (a) *Adam Panjayet*; (b) *Sagala Panjayet*; (c) *Suloani Panjayet*; and (d) *Chakma Rejyo Parishod*. The heads of these councils will also head the judicial bodies, and will be known as *Adam Karbari*, *Sagala Karbari*, *Suloani Karbari* and *Rejyo Karbari*, respectively (see, paras 118 to 122 in the Chakma Customary Laws Bill, 2022). The *Sagala* denotes a cluster of villages. *The Suloani coincides* with the river valleys in the Chakma inhabited areas of Tripura State¹⁴³ The following graph (Graph 8) shows the future Chakma courts in Tripura State, in comparison to the courts in the Chakma Autonomous District Council in Mizoram State alongside the courts in the Chakma Circle.

However, in the case of the other parts of India where Chakmas have settlements, their role in politics and administration is extremely marginal. The number of Chakmas in West Bengal and Assam is miniscule and hence is not discussed herein, other than to say that the Chakma settlements near Diphu in Karbi Anglong district of Assam have at least managed to have village leaders (*Gaon Bura*) appointed by the concerned district council (Karbi Anglong District Council).

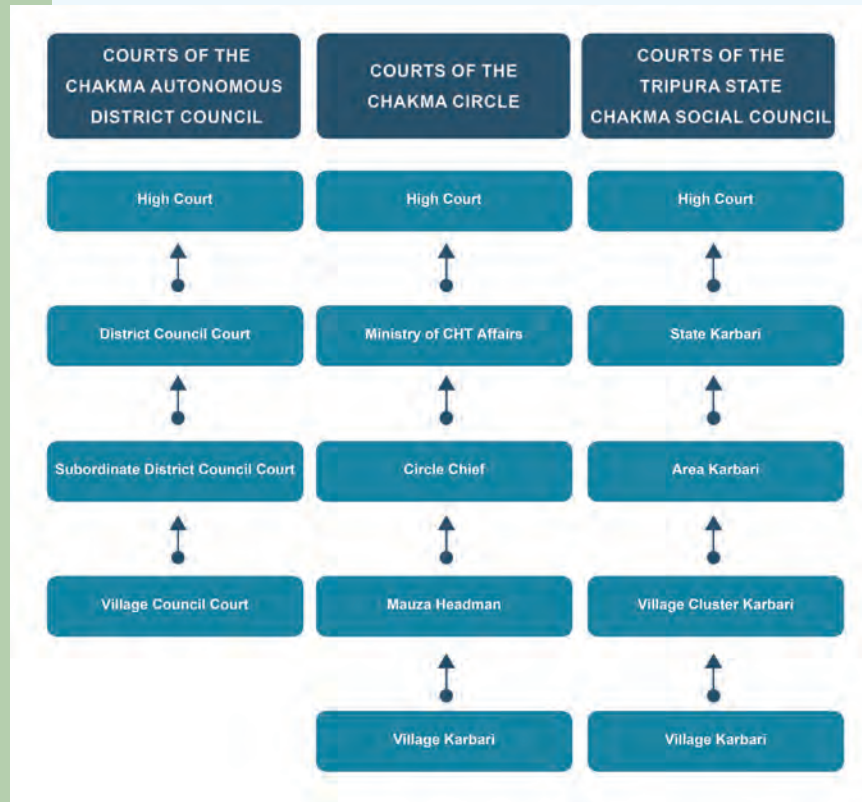
In Arunachal Pradesh, which has the third largest concentration of Chakmas in India (47,073, as per the 2011 Census),¹⁴⁴ despite verdicts of the Supreme Court of India, the vast majority have not obtained Indian citizenship. Therefore, in this state, the most immediate priority for the Chakmas is to obtain citizenship status, so that they may exercise their civil, political, economic, social and cultural rights to the fullest possible manner. It is to be hoped that such a status will be forthcoming soon, so that these Chakmas may exercise their right to self-determination, at least with regard to their customary law on inheritance, marriage, divorce, etc., and other basic rights recognised by the Constitution of India and the United Nations, as with Chakmas in other parts of the world.

In Burma (Myanmar), the number of Chakmas – known locally as *Tsek*, *Thet* or *Daingnet* – is perhaps in the region of

¹⁴³ This author is grateful to Mr. Shanti Bikash Chakma, former Rejyo Kabadang, Tripura Rejyo Chakma Samajik Parishad, for sharing a copy of the draft bill with him, in December, 2022.

¹⁴⁴ See Table 3.





Graph 8. Customary law courts of the Chakma Circle, the Chakma Autonomous District Council and the Tripura State Chakma Social Council

50,000.¹⁴⁵ An estimated 30,000 are located in Rakhine State, with another 10, 000 or so in the capital city of Rangoon (Yangon). A diaspora of the remaining 10,000 or so live and work in Malaysia, Thailand and elsewhere outside these countries.¹⁴⁶ If their total number was to exceed 50,000, it may have enabled them to have an Ethnic Affairs Minister, in the nature of a reserved seat Member of Parliament, like many other peoples of Burma. This may hopefully come about in the near future. Other than that, there is as yet little opportunity for the Chakmas to exercise conventional forms of autonomy or self-government within Burma. Among the biggest challenges faced by them is

¹⁴⁵ This information is from Mr. HtunThar Hla, currently President, Daingnet Association of Myanmar, as interviewed on 14 January 2023 (published data was unavailable to this author).

¹⁴⁶ Ibid.



access to education, apart from access to land, jobs and technical education and training. The absence of Chakma mother tongue-based multilingual education in Rakhine State is a huge obstacle to the Chakmas' socio-economic progress and political, social, economic and other development.¹⁴⁷

Neighbouring Indigenous Peoples' self-governance across the border

The comparative scenario of Indigenous Peoples' self-government systems within the Chittagong Hill Tracts or elsewhere in Bangladesh has not been looked into in-depth by researchers and this gap will hopefully be filled in the near future. What is not in doubt, however, is that the Chakma people, who are numerically the largest Indigenous People in Bangladesh, are politically and socio-economically far stronger than the other indigenous peoples of the country. However, the self-government status of the Chakma, when compared to that of other indigenous peoples across the international border, is much more complex, contextually favourable or unfavourable. Let us take the case of those peoples whose territories are contiguous to the CHT.

There are four major generic groups of Indigenous Peoples that share international boundaries with the Chakma and other Indigenous Peoples of the Chittagong Hill Tracts. These are: (a) the Mizo; (b) the Tipra/Tiprasa (Tripura); (c) the Chin; and (d) the Rakhine. The following is a bird's eye view of the comparative levels of self-government exercised by the aforesaid peoples.

The Mizo

The Mizo make up the majority ethnic group in Mizoram State of India, within which is situated the Chakma-inhabited Chakma Autonomous District Council (CADC), with its headquarters at Kamalanagar.¹⁴⁸ Mizoram is a full-fledged state within India, and similarly to Nagaland State, it enjoys a special dispensation in the Constitution of India, according to which:

Notwithstanding anything in this Constitution, (a) No Act of Parliament in respect of (i) Religious or social practices of the Mizos, (ii) Mizo customary law and procedure, (iii)

¹⁴⁷ This information has been obtained from Mr. Pushporath Chakma, Independent Poet, of Chawngte, Mizoram, India, which has been corroborated by Mr. HtunThar Hla, referred to above.

¹⁴⁸ The other two Autonomous District Councils in Mizoram are those of the Lai and the Mara (which were Regional Councils in 1972), when Mizoram itself was a District Council.





¹⁴⁹ Article 371G, Constitution of India, as inserted by the Constitution (Fifty-Third Amendment) Act, 1986, Section 2.

¹⁵⁰ For a discussion of the relatively high levels of autonomy exercised by indigenous peoples in Asia, see Roy 2005.

¹⁵¹ Website of the Tripura Tribal Areas Autonomous District Council (<https://ttaadc.gov.in/History-TTAADC>; Accessed 14 January, 2023).

¹⁵² Similarly, the Chakma king had landholdings in plains Chittagong, including a Portuguese-built mansion that was rented out to the Divisional Commissioner for his residence from the 1830s to the 1960s.

Administration of civil and criminal justice involving decisions according to Mizo customary law, (iv) Ownership and transfer of land, shall apply to the State of Mizoram unless the Legislative Assembly of the State of Mizoram by a resolution so decides. Provided that nothing in this clause shall apply to any Central Act in force in the Union territory of Mizoram immediately before the commencement of the Constitution (Fifty-third Amendment) Act, 1986.¹⁴⁹

The aforesaid constitutional dispensation came about, after the end of a twenty-year-old armed insurgency war, through the Mizoram Accord of 30 June 1986, when the Mizo National Front (MNF), led by Lal Denga, made peace with the Government of India.

Therefore, the Mizos of Mizoram State enjoy one of the highest levels of autonomy by an Indigenous People within Asia, along with Nagaland. Other similar autonomous entities in Asia include Sabah and Sarawak on Borneo Island, Malaysia, and the Bangsa Moro, in Mindanao, Philippines.¹⁵⁰ It may be noted that the generic Mizo identity includes three of the eleven Indigenous Peoples of the CHT, also mentioned in the Census of 2022, namely, the Bawm, Lushai and the Pangkhua (see Tables 1 and 2).

The Tiprasa

The Kokborok-speaking Tiprasa, also known as Tipra, is the most populous Indigenous People in Tripura State, India. Until its accession to India on 15 October, 1949, Tripura State was a 'Princely State' or principality, ruled by a Tiprasa king from the Tripuri or Borok dynasty.¹⁵¹ Prior to its annexation to the Republic of India, the State had suzerainty relationships with the British Indian empire. Before the British advent into India, Tripura was an independent kingdom that had annexe feudal landholdings in ethnic Bengali-inhabited parts of present-day Bangladesh.¹⁵² After 1949, it became integrated into India, and gradually it became a province ruled by members elected to the state's legislative assembly, the majority of whom are ethnic Bengali migrants of the Hindu faith from Bangladesh.





In the aftermath of the partition of India and large-scale migration of Bengalis into the state, predominantly from the Hindu faith, the people from the former ruling nation were reduced into a clear minority by the 1950s, meaning that most major offices in the state government, particularly the Chief Ministership and ministerships,¹⁵³ are held by ethnic Bengali people, not indigenous Tiprasa. Several armed movements, including with the aim of bringing about independence, were waged against Tripura State and India. The low-intensity conflict in the state has reportedly subsided in September 2024, with the return of former indigenous separatist fighters to normal life. Yet earlier, the larger scale insurgency was ended through the truce of the government with the Tripura National Volunteer (TNV), led by Bejoy Kumar Hrankawl, dated 12 August, 1988. Hrankawl is now allied with the *Tipra Motha* party.¹⁵⁴ The Memorandum of Understanding (MOU) of 1988 provided,¹⁵⁵ among others, for (a) reservation of one-third of the 60-member State Assembly for the indigenous people; (b) the redrawing of district council boundaries following ethnic settlement patterns; (c) prevention of further alienation of tribal lands; and (d) the restitution of alienated tribal lands.

The political struggle of the Indigenous Peoples of Tripura has entered a new phase recently, with the demand for a Greater Tipraland, led by a pan Tipra party known as Tipra Motha, headed by Pradyut Bikram Manikya Deb Barma, widely known as ‘Bubagra’, the direct male descendant of the last reigning Maharaja of Tripura, in alliance with the former TNV chief, Bejoy Hrankawl. However, this time, it is a non-violent constitutional struggle, unlike before. If ultimately brought about, the new unit would exercise higher levels of self-government than the autonomy currently exercised by the Tripura Tribal Areas Autonomous District Council (TTAADC). Most of the Chakma-inhabited areas in Tripura State are situated within the TTAADC, where the Chakmas currently have one Governor-nominated member. The TTAADC recently passed the draft Chakma Customary Law Bill on 29 December 2022, which

¹⁵³ Ethnic Tipra individuals have only held the office of Chief Minister once, as far as is known to the author.

¹⁵⁴ The Tipra Motha is the largest party in the Tripura Tribal Areas Autonomous District Council and a coalition partner in the current Government of Tripura State.

¹⁵⁵ MOU dated 12/08/1988 between Tripura National Volunteer and the Government of India. See: https://peacemaker.un.org/sites/peacemaker.un.org/files/IN_880812_Memorandum%20of%20Understanding%20with%20TNV.pdf (Accessed 14 January, 2023).





seeks to codify a large part of oral customs on Chakma Family law, as well as provide for their adjudication through a four-tier court system referred to above. As far as this author is aware, the mandatory gubernatorial consent is still pending, which would convert the bill into law.

The Chin

Although a common border links Chin State and the CHT, apart from minor movements of people from the same ethno-linguistic group – Bawm, Lushai and Pangkhua in the CHT and Mizo in Mizoram – social, cultural and economic intercourse has been of a far lower scale than in the case of the CHT's borders with its other neighbours. This is almost certainly because the terrain is extremely rugged and there are no motorable roads, nor waterways to link the two areas.

Historically, Chin State shared similar legislative and administrative arrangements as the Chittagong Hill Tracts, Kachin State, Mizoram and several other parts of Northern Burma (Myanmar) and Northeast India. Along with the Shan and Kachin peoples, the Chin were among those expressly named in the Panglong Agreement of 12 February 1947, wherein these peoples' representatives entered into a political agreement with the then Interim Government of Burma headed by General Aung San, father of the currently imprisoned Burmese National League for Democracy (NLD) party leader, Nobel Laureate Aung San Su Kyi. Following through from this agreement, the first Constitution of Burma, framed in 1947, provided, among others, that the Indigenous Peoples could secede from the Burmese Union after ten years of merger, following certain procedures, should they wish to do so.¹⁵⁶

After the military coup by General New Win in 1962 and the overthrow of the democratic government of U Nu, the military authorities imposed a centralized form of government that denied any effective level of autonomy in Chin State, as with other states and territories inhabited by non-Bamar ethnic groups, such as the Wa, Shan, Kachin and Karen. Like many other Indigenous Peoples and democratic Bamar groups, the Chin people took up

¹⁵⁶ Chapter X, Articles 201-206, Constitution of Burma (1947) [<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/79573/85699/F1436085708/MMR79573.pdf> (Accessed 17 January, 2023)].





arms to realize their right to self-determination, which includes democracy within Burma, a confederal relationship with the central government and autonomy for the people of Chin State. As with other Indigenous Peoples' armed groups, the Chin National Army (CNA) entered into a ceasefire with the Burmese armed forces some years ago, but this fell through, allegedly due to Burmese Army attacks on both armed groups and civilian targets in Chin State. Fierce fighting between Chin freedom fighters and the Myanmar junta troops have been reported in November 2024. Many Chin have been forced to seek refuge in Mizoram, India, over the last few decades. Their number has reportedly increased over the last year or so. The situation is fluid and this author hesitates to comment further on the future of Chin self-determination, but wishes them well.

The Rakhine

As mentioned in Chapter 1, the Rakhine had an independent kingdom, wherein Chakma, Marma and several other Indigenous Peoples were included. After the attack of the late 18th century, the Rakhine kingdom was annexed to the Burmese empire, and hence, the Rakhine people lost their independence and autonomy.

The United League of Arakan (ULA) started its movement for self-determination in April, 2009, aimed, among others, to restore the Rakhine people's sovereignty that it lost during the Burmese invasion in the late 1700s, and which they could never recover. Later, its armed wing, the Arakan Army (AA), was formed. ULA and AA have been fighting the Burmese Army for several years now. The fighting between the AA and the Burmese troops has intensified greatly over the last year and more, and there are reports that the township of Maungdaw has fallen to Arakanese Army hands. The situation is fluid and rapidly mutative.

The plight of the million plus Muslim 'Rohingya' refugees has had some attention, but the less numerous Hindu, Christian and Buddhist 'Rohingya', and Buddhist Daingnet-Chakma have also fled to neighbouring countries. The last-named have reportedly suffered separately from Burmese Army, Arakan Army and armed Muslim Rohingya forces' action. The humanitarian aspect





of these sufferings was mentioned during this writer's civil society group dialogue with the UN Secretary General in Dhaka in March 2025.

The Rakhine, along with the Shan, have had formalized kingdoms and armies for several centuries now, with extensive wet-rice fields, surplus agricultural growth and direct intercourse with market economies of foreign peoples and countries. Therefore, their socio-economic condition in general is more prosperous than that of other Indigenous Peoples from a subsistence-oriented swidden economy background, like the Tiprasa, Chakma, Mizo and Chin. There is a large presence of the Rakhine social elite in Burma's capital, Rangoon (Yangon). However, Rakhine State is also embroiled with the problem of conflict with the Muslim Rohingya (Bengali-speaking people, largely of Chittagonean descent, who have lived for long in Rakhine State) and a large section of whom are now refugees in Bangladesh.

At one time, most of the mangrove-studded southern and south-eastern coastline of Bangladesh was inhabited solely by Rakhine people. Their number has dwindled drastically, with only few remaining small settlements surrounding the Teknaf and Maheshkhali areas of Cox's Bazar district within the Chittagong administrative division and Barguna district within the Barisal administrative division.





Conclusion and way forward: Learning from within and without

7

In conclusion, the author seeks to draw some lessons on the issue of taking forward the self-government and self-determination rights of the Chakma people, which must, of course, be assessed continually against the changing scenarios of progress or the lack thereof. The strategies adopted by the Chakma people to pursue their rights will determine to what extent they are successful in defending their identity and rights.

Lessons learned

A number of lessons may be drawn whereby one may seek to assess where the Chakma people went wrong or where they did the right thing, so that it guides them in future.

Chakma language and culture

The revival of language and culture has proven to be a rallying point for Chakma identity and unity, both in the 1970s, when the Jumma self-determination movement in the Hill Tracts was launched, and at the current juncture, when the non-implementation of crucial provisions of the CHT Accord of 1997 fed by parochial and jingoistic views threatens the identity and integrity of the Chakma and other Indigenous Peoples of the CHT with greater intensity than ever before. Language and culture have also been crucial rallying points for the unity and sustenance of Chakma identity in Mizoram and Tripura states of India, among other places.

Customary law: Unwritten versus codified

The continued application of customary law has been a very strong tool with which the identity of the Chakma people has been sustained, strengthened and asserted, both in the Chittagong Hill Tracts and in Mizoram and Tripura. However, the form





of its existence has varied between the three different legal jurisdictions discussed above. Chakma Customary Law in the Chakma Autonomous District Council area of Mizoram has been in existence in codified form since 1997.

Conversely, in the Chittagong Hill Tracts, despite some feeble attempts to promote codification, Chakma Customary Law has remained in its oral form – unwritten law (*lex non scripta*) – to this day. It is this writer’s firm belief that codification would substantively hinder, rather than promote, the Chakma people’s welfare, including for their women.¹⁵⁷

Following the lead of the Chakmas in Mizoram, and no doubt also influenced by the struggles of other tribes in Tripura State, the leading social platform of the Chakmas in Tripura State, the Tripura State Chakma Social Council, had a bill on a future Chakma Customary Law Code presented in the Tripura Tribal Areas Autonomous District Council (TTADC) on 29 December 2022. Upon the aforesaid council’s invitation, this writer sent his written opinion on the draft, as it evolved, for the first time, in 2018, and then again, a few days before the bill was tabled. On both occasions his opinion included criticisms on gender discriminatory provisions as well as advice to retain several matters in their oral form (*lex non scripta*), as this would enable the Chakma people to freely reform their law, through their free and unfettered exercise of the right to self-determination, rather than having to pursue a complex process of legislation in a system that involves the TTAADC and the State Governor, in whose affairs they are small or marginal actors, on account of their relatively low population and other relevant factors.

This author feels that these attempts to obtain a dignified status for Chakma customary law, albeit well meant, may, on the contrary, lead to what a researcher on customary laws in the CHT and Tripura feared would happen (O’Brien 2021, p. 356). This British-born academic, who worked with the Mong Raja’s office in the CHT for about a year, a decade or so ago, later researched into customary laws of the Chakma people in India with the School of African and Oriental Studies (SOAS) in London. She said that such codification processes “freeze

¹⁵⁷ For this author’s arguments against codification, in the case of Chakma customary law and generally, see, Roy (2004a), Roy (2005) and Roy (2011). See also Wangza with Chakma 2022.





identities in a facsimile of the colonial trope of tribe ...” (Ibid.). She argues that formal annexation of the customary system into the state apparatus actually stigmatizes tribal identity rather than protecting its dignity, and in the process, weakens pluralism, and thereby leads to the creation of an “insular and inward-looking community” (ibid.). The author agrees wholeheartedly and therefore pleads for caution on the part of Chakma social and political leaders in Tripura State and Mizoram, along with other indigenous peoples elsewhere who have to deal with similar challenges.

Some of the people directly involved in the current drafting process of the Chakma law in the TTAADC have advised this author that the most crucial of his advice on the written draft have been accepted, although there still remained a number of provisions in the draft Code that he had advised against inclusion. The author is grateful to all individuals and groups related to the TTAADC, both Chakma and Tiprasa organisations and individuals, who enabled him to present his opinion. He hopes that a reasonable draft will be formally adopted, and he also hopes that he has not hurt anyone’s sentiments in the process of upholding Chakma women’s rights and the Chakma people’s right of self-determination, by having used strong, if not harsh, language.

International engagement in the sphere of human rights

The engagement of the Chakma and other Indigenous Peoples of Bangladesh in United Nations and other international forums dealing with human rights, including Indigenous Peoples’ rights, has resulted, in the author’s opinion, in deterring negative consequences of a high degree, even if the desired results did not satisfy many. This is not limited to the case of the Chakma only. This is applicable to other comparable instances of human rights advocacy in United Nations and other international processes.

The divisive dynamics of party politics

The dynamics of party politics, especially where it involves national political parties, has been seen in many contexts to





hinder rather than promote the rights of the Indigenous Peoples in the Chittagong Hill Tracts, including that of the Chakma. In the case of India too, including Tripura State, and, to a lesser extent, Mizoram, allegiance to national parties has often disrupted Chakma unity and welfare, although the reverse has also been true. It is therefore important for the Chakma people to judiciously realize these pitfalls (and opportunities too, of course).

The lack of an international pan-Chakma entity

The lack of an organization, network or other entity, which is tasked with assessing the problems of the Chakmas in different countries, provinces and other territories, and in offering strategic advice to mitigate or resolve such problems, has hindered collective efforts on an international basis. This applies to combined lobbying to address human rights violations, technical and financial support on law, economics and administration, sharing ideas and experiences on customary law, collective approaches to bring forth uniform language, script and grammatical rules for the Chakma language, and so forth. International alliances on the aforesaid matters are crucial for the political, social and cultural advancement of the Chakma nation. Even if a single organization does not come about in the near future, at the very least, theme-wise or subject-oriented networks ought to be formed, to deal with language, script, customary law, women's rights, education, sport and economic development, among others. If international trade, and knowledge, technology and capital transfer can take place in a supposedly seamless world, why not Indigenous Peoples' alliances? There are existing examples in Asia and elsewhere that can act as pointers to the Chakma people.

Prognoses in differing scenarios

A prognosis of where the Chakma nation is heading for, in the Chittagong Hill Tracts and elsewhere in the Chakma world, is difficult to provide. However, a few assessments in different scenarios are offered herewith.





The consequences of economic considerations

Economic considerations are the driving force of several projects, programmes and activities at the behest of the governments of Bangladesh and its neighbouring countries, and others with stakes therein, which will have a huge bearing on the rights of the Chakma and other Indigenous Peoples of the CHT and its neighbouring territories. Border roads, border ports and border markets, facilitating international trade and national defence, are related developments. It is therefore crucial that the Chakma and other Indigenous Peoples become aware of the exact location of the concerned highways and roads, the extension of whose networks are inevitable, in Bangladesh, as well as in India and Burma, so that they benefit from the roads by way of trade, employment, manufacture, etc., rather than be adversely impacted through displacement, eviction, impoverishment, marginalization and assimilation.

Foiling Divide and Rule

Ruling elites are deft at dividing and ruling indigenous and minorities groups by playing one group against another, including from the majority. The recent victimization of the indigenous Bawm people of Bandarban district, by first inciting them to armed rebellion, along with political activities targeted against the integrity of other indigenous peoples of the CHT, in the name of the Kuki Chin National Front (KNF), then by discriminatorily depriving them of market access and arbitrarily harassing them with undue criminal prosecution, is a poignant case in point.

A more recent example concerns the attacks on indigenous settlements and establishments by non-indigenous settlers in the CHT on 18-20 September, 2024, in which security forces have been implicated, and which have not resulted in impartial and independent inquiries, along with other requisite follow-up action on the part of the government.¹⁵⁸ The Indigenous Peoples of the CHT and neighbouring territories must be cautious about these cruel, divisive and anti-indigenous programmes of the powers-that-be.

¹⁵⁸ Statement of the chairperson, UN Permanent Forum on Indigenous Issues, and the Special Rapporteur on the rights of indigenous peoples on 14 October 2024, DESA, United Nations (see References).





A united international Chakma platform

As mentioned above, a united international Chakma platform is the crucial need of the times to deal with pressing problems of the Chakma nation on a collective basis, drawing representation from all the major Chakma-inhabited territories of Bangladesh, India and Burma, as well as the Chakma diaspora in Australia, Korea, Europe and North America. Initially, interest-based networks could start operating, such as on language, education, customary law, etc. (see above), and then move on to more permanent structures and include wider issues, as required from time to time.

A mixed scenario

Of course, many of the desired developments, such as those discussed earlier, may not eventuate. Or they may take place at too small a scale or too slow a pace. Therefore, in many cases, the existing situation may deteriorate to a great extent and hinder proactive measures. On the other hand, strategic interventions may also bring forth positive changes at a pace and scale not hitherto seen or expected. The important thing in such cases is that the Chakmas continue to dialogue, on an ongoing basis, including through electronic means, to mitigate the impact of negative developments, and to share ideas on success stories that are easily replicable, and above all, to strategize, and act, from a collective platform.

Concluding remarks

In conclusion, it is this author's humble opinion that, despite the huge depredations that the Chakma people have suffered, throughout the ages, such as their exodus northwards a few centuries ago, as sung in the Gengkhuli minstrels' *Sadigaang Sara Pala*, as also their temporary and permanent exodus to various states of India in more recent times, the militarization of the CHT from the 1970s to the present time, and discrimination by successive governments, the Chakma people are still around, and living their lives with dignity and courage.





Therefore, as he said in his interactions with the Chakmas of Mizoram during his visit there, in December, 2022, it is his firm belief that there is no force on earth that could destroy the Chakma nation. But to survive with identity, strength and dignity, requires unity and action from all, in a collective manner. The spirit of *Maleya* must be kept alive at any cost. This will make the Chakmas continue to help others, particularly the disadvantaged. They will take food for the mothers-to-be and the new mothers. They will contribute for weddings and funerals. They will stand aside the old, the sick, the disabled, the young and the needy. They will take their own food if the host needing help for the harvest, house work or other matter, cannot provide it. And they will round off the evening with a modest feast, song and dance and deepen their social, cultural and political bonds.



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Annexures

Annexe 1a

Instructions of the Ministry of Information and Broadcasting to Television Stations on not using the term 'Indigenous Peoples' on the International Day of the World's Indigenous Peoples. (Original in the Bengali Language).

[illegible]



Ministry of Information & Broadcasting
TV—2 Wing
Bangladesh Secretariat, Dhaka
www.moi.gov.bd

Memo No: 15.00.0000.024.18.183.14.596

Dated: 19 July 2022

Subject: The Issue of Using Constitutionally Sanctioned Terms

Reference: Memo No. 22 of 04.07.2022 of the Directorate General of Forces' Intelligence

It is hereby intimated, in relation to the above-mentioned subject and reference, that the very small communities/groups living in Bangladesh have been referred to as tribes/minor races/ethnic groups in the Fifteenth Amendment to the Constitution of Bangladesh.

02. In the circumstances as aforesaid, it is hereby requested that to publicize the matter of constitutional bindings so that university teachers, specialists, editors of newspapers, along with other individuals from civil society do not use the term 'Adibashi' [indigenous] while participating in talk shows on 09 August 2022 on the occasion of International Day of the World's Indigenous Peoples.

Enclosure: 01 (One) Sheet.

(Sheikh Shamsur Rahman)
Deputy Secretary
Phone: 223351135
Email: tv2@moi.gov.bd

Distribution: (Not in order of seniority)

1. Director General, Bangladesh Television, Rampura, Dhaka.
2. Director General, Bangladesh Radio, Sher Bangla Nagar, Dhaka 1207 (With request to issue necessary instructions to FM radio (and community radio medium)
3. Chairman & Managing Director, ATN Bangla, Wasa Bhaban (2nd floor), Kazi Nazrul Islam Avenue, Karwan Bazar, Dhaka.

Annexe 1b

Unofficial English translation of the Instructions of the Ministry of Information and Broadcasting to Television Stations on not using the term 'Indigenous Peoples' on the International Day of the World's Indigenous Peoples.
(Original in the Bengali Language)





4. Managing Director, Channel I, 40 Shaheed Tajuddin Ahmed Sarani, Tejgaon AI/I, Dhaka.
5. Chairman, Ekushey Television, Jahangir Tower 10- Karwan Bazar, Dhaka.
6. Chairman & Managing Director, NTV, BSEC Bhaban (6 floor), 102 Kazi Nazrul Islam Avenue, Karwan Bazar, Dhaka.
7. Managing Director, RTV, Bsec Building (6 level) Kazi Nazrul Islam Avenue, Karwan Bazar, Dhaka.
8. Deputy Managing Director & Chief Editor, Baishakhi Media Limited (Baishakhi TV), 32 Mahakhali Commercial Area, Level 4,5,6,7 & 8 Covered.
9. Chairman, Syamal banglaMedia Limited, (Banglavisian), Noor Tower, 1/E Free School Street, 110, Bir Uttam CR Datta Road, Dhaka.
10. Managing Director, Desh Television Limited, Kornofully media point, 70 Shaheed Journalist Selina Parveen Road, Malibagh, Dhaka.
11. Chairman & Managing Director, D.M international limited (My TV) My TV bhavan 150/0, 155, East ulon, hatirjhil, rampura, Dhaka.
12. Chairman & Managing Director, ATN News limited, Hasan plaza, 53 karwan bazar B/A, Dhaka 1214.
13. Chairman, Mohona Television Limited, Mohona vhaban, House no 8, road no 4, section 7 pallabi, Dhaka 1216.
14. Managing Director, vijoy TV limited, 9th floor, rahat tawor, 18 link road, banglamotor, Dhaka.
15. Managing Director, Tome media limited nasir trach center, 300/ bir uttom CR Datta sorok, Dhaka.
16. Managing Director, Independent television limited, 149-150 Tejgaon, I/A Dhaka.
17. Managing Director, Machranga commiunication limited, Machranga television center, 02 Bhir Uttam Rahman Road, Banani, Dhaka 1213.
18. Managing Director Vargo media limited, (Channel 9), 340, Tezgaon industrial area, Tezgaon, Dhaka 1201.
19. Managing Director, Channel 24 limited, 387 south tejgaon industrial area, Dhaka.
20. Chairman, Gazi Satalite Television limited, (GTV), 25- Segun bagicha, Dhaka.
21. Managing Director, Ekattar Media limited, 57 shaheed sohwardy avenue, baridhara, Dhaka 1212.
22. Chairman Asian Telecast Limited, House-60, road 1, Block-A, Niketon Gulshan-1, Dhaka 1212.
23. Managing Director, SA Channel Private limited. Road-116. House-47. Gulshan-1. Dhaka.





24. Managing Director, Birds eye Mass Media Communication Limited (Gan Bangla), Abir Tower 45, Pragoti Saroni, Block-J, Baridhara, Dhaka.
25. Director, Jamuna Television Building, Jamuna Future park Complex, K-144, Pragoti soroni, Baridhara, Dhaka.
26. Managing Director, Kazi Media Limited, (Deepto Television), plot-7/A /go, teيجاon industrial area. Dhaka.
27. Managing Director, DBC News, (Dhak Bangla Television), Dhaka angla Media and telecommunication Ltd.Ahasan Tawor 76, BHir Uttam, A.K Khondokar road C/A Dhaka.
28. Chief Executive officer, News 24, Basundhora Residencial area, plot -371/A, Block-D, Dhaka.
29. Managing Director, Bangla Tv Limited, Bangla TV Vabon, 83, Siddheshori road, Moucak,Ramona, Dhaka.
30. Chairman, Barinda media limited (Nagorik TV), Ahamed tola, 14 floor, 28-30, kamal ataur avenue, Banani, B/A Dhaka.
31. Managing Director, Jadu Media Limited, (Nagorik TV), KH-53, Nikujno-2, Khilkhet, Dhaka 1129.
32. Managing Director, ATV Limited, (ATV), House no-79, 6 floor, Airport road, Chairman bari,Banani,Dhaka.
33. Chief Executive Director, Nexus Television and Media Limited, Road-2, Gulsan-1, Dhaka 1212.
34. Managing Director, Millennium medium limited (Tsport), plot-371/A Block D,Basundhora R/A Baridhara, Dhaka.
35. Chief Director, Spice Television limited, 11 Hat Khula, Warri, Dhaka-1203.

Copy to (Not in Order of Seniority)

1. Director-General, Headquarters, Directorate General of Forces' Intelligence, Dhaka Cantonment, Dhaka (Attention: Mehdi Hassan, Lt. Col.)
2. Private Secretary to the Secretary, Ministry of Information & Broadcasting, Bangladesh Secrétariat, Dhaka.



Annexe 1c

Instructions of the Ministry of Information and Broadcasting to television stations on not using the term 'Indigenous People's on the International Day of the World's Indigenous Peoples (Re-typed for legibility).

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
তথ্য ও সম্প্রচার মন্ত্রণালয়
টিভি-২ শাখা, বাংলাদেশ সচিবালয়, ঢাকা।
www.moi.gov.bd

স্মারক নম্বর: ১৫.০০.০০০০.০২৪.১৮.১৮৩.১৪.৫৯৬

তারিখ: ১৯ জুলাই ২০২২

বিষয়: সংবিধান সম্বন্ধে শব্দ চয়ন প্রসঙ্গে।

সূত্র: সদর দপ্তর প্রতিরক্ষা গোয়েন্দা মহাপরিদপ্তরের ০৪.০৭.২০২২ তারিখের ২২ সংখ্যক পত্র।

উপর্যুক্ত বিষয় ও সূত্রস্থ পত্রের পরিপ্রেক্ষিতে জানানো যাচ্ছে যে, বাংলাদেশের সংবিধানের পঞ্চদশ সংশোধনীতে বাংলাদেশের বসবাসরত বিভিন্ন ছোট ছোট সম্প্রদায়/গোষ্ঠী কে উপজাতি/কুন্ড্র জাতিসত্তা/নৃ-গোষ্ঠী বলে আখ্যায়িত হয়েছে।

০২। বর্ষিভাবস্থায়, ০৯ আগস্ট ২০২২ তারিখ আন্তর্জাতিক আদিবাসী দিবস উপলক্ষ্যে আয়োজিত টক-শো তে অংশগ্রহনকারী বিশ্ববিদ্যালয়ের শিক্ষক, বিশেষজ্ঞ এবং সংবাদপত্রের সম্পাদকসহ সুশীল সমাজের অন্যান্য ব্যক্তিবর্গকে বাংলাদেশের ক্ষেত্রে 'আদিবাসী' শব্দটি ব্যবহার না করার বিষয়ে সাংবিধানিক বাধ্যবাধকতা সম্পর্কে প্রচারের জন্য নির্দেশক্রমে অনুরোধ করা হলো।

সংযুক্তি ০১ (এক) পাতা।

(শেখ শামছুর রহমান) উপসচিব

ফোন: ২২৩৩৫১১৩৫

ইমেইল: tv2@moi.gov.bd

বিতরণ: (জ্যেষ্ঠতার ক্রমানুসারে নয়):

১. মহাপরিচালক, বাংলাদেশ টেলিভিশন, রামপুরা, ঢাকা।
২. মহাপরিচালক, বাংলাদেশ বেতার, শেরে বাংলা নগর, ঢাকা ১২০৭ (এফএম রেডিও ও কমিউনিটি রেডিও মাধ্যমকে প্রয়োজনীয় নির্দেশনা প্রদানের অনুরোধসহ)
৩. চেয়ারম্যান ও ব্যবস্থাপনা পরিচালক, এটিএন বাংলা, গুয়াসা ভবন (২য় তলা), কাজী নজরুল ইসলাম এভিনিউ, কারওয়ান বাজার, ঢাকা।
৪. ব্যবস্থাপনা পরিচালক, চ্যানেল আই, ৪০, শহীদ তাজউদ্দীন আহমেদ সরণী, তেজগাঁও, আই/এ, ঢাকা।
৫. চেয়ারম্যান, একুশে টেলিভিশন, জাহাঙ্গীর টাওয়ার, ১০/কারওয়ান বাজার, ঢাকা।



৬. চেয়ারম্যান, ব্যবস্থাপনা পরিচালক, এনটিভি, বিএসইসি ভবন (৬ ফ্লোর), ১০২ কাজী নজরুল ইসলাম এভিনিউ, কারওয়ান বাজার, ঢাকা।
৭. ব্যবস্থাপনা পরিচালক, আরটিভি, বিএসইসি ভবন (৬ ফ্লোর), ১০২ কাজী নজরুল ইসলাম এভিনিউ, কারওয়ান বাজার, ঢাকা।
৮. উপব্যবস্থাপনা পরিচালক ও প্রধান সম্পাদক, বৈশাখী মিডিয়া লিমিটেড (বৈশাখী টিভি), ৩২ মহাখালী বাণিজ্যিক এলাকা লেভেল ৪,৫,৬,৭ এবং ৮ ঢাকা।
৯. চেয়ারম্যান, শ্যামল বাংলা মিডিয়া লিমিটেড: (বাংলাভিশন), নূর টাওয়ার, ১/এফ, ফ্রি স্কুল স্ট্রিট, ১১০, বীর উত্তম সি আর দত্ত সড়ক, ঢাকা।
১০. ব্যবস্থাপনা পরিচালক, দেশ টেলিভিশন লিমিটেড, কর্নফুলি মিডিয়া পয়েন্ট, ৭০, শহীদ সাংবাদিক সেলিনা পারভিন সড়ক, মালিবাগ, ঢাকা।
১১. চেয়ারম্যান ও ব্যবস্থাপনা পরিচালক, ডি.এম. ইন্টারন্যাশনাল লিমিটেড (মাই টিভি), মাইটিভি ভবন ১৫০/০, ১৫৫, পূর্ব উলন, বাড়িরঝির, রামপুরা, ঢাকা ১২১৫।
১২. চেয়ারম্যান ও ব্যবস্থাপনা পরিচালক, এটিএন নিউজ লিমিটেড, হাসান প্লাজা, ৫৩, কারওয়ান বাজার বা/এ, ঢাকা, ১২১৪।
১৩. চেয়ারম্যান, মোহনা টেলিভিশন লিমিটেড, মোহনা ভবন, বাড়ি নং ৮, রোড নং ৪, সেকশন ৭ পল্লবী, ঢাকা ১২১৬।
১৪. ব্যবস্থাপনা পরিচালক, বিজয় টিভি লিমিটেড, ৯ম ভালা, রাহাত টাওয়ার, ১৮ লিংক রোড, বালোমটার, ঢাকা, ১০০০।
১৫. ব্যবস্থাপনা পরিচালক, সময় মিডিয়া লিমিটেড, নাসির ট্রিট সেন্টার, ৩০০/ বীর উত্তম সি আর দত্ত সড়ক, ঢাকা।
১৬. ব্যবস্থাপনা পরিচালক, ইভিপিভেড টেলিভিশন লিমিটেড, ১৪৯-১৫০, তেজগাঁও, আই/এ ঢাকা ১২০৮।
১৭. ব্যবস্থাপনা পরিচালক, মাছরাঙা কমিউনিকেশন লিমিটেড, মাছরাঙা টেলিভিশন সেন্টার, ০২ বীর উত্তম জিয়াউর রহমান রোড, বলানী, ঢাকা, ১২১৩।
১৮. ব্যবস্থাপনা পরিচালক, ভার্গো মিডিয়া লিমিটেড (চ্যানেল ৯) ৩৪০, তেজগাঁও ইন্ডাস্ট্রিয়াল এলাকা, তেজগাঁও, ১২০১।
১৯. ব্যবস্থাপনা পরিচালক, চ্যানেল ২৪ লিমিটেড, ৩৮৭ (দক্ষিণ) তেজগাঁও শিল্প এলাকা, ঢাকা।
২০. চেয়ারম্যান, গাজী স্যাটেলাইট টেলিভিশন লিমিটেড (জিটিভি) ২৫/ সেগুন বাগিচা, ঢাকা ১০০০।
২১. ব্যবস্থাপনা পরিচালক, একান্তর মিডিয়া লিমিটেড, ৫৭, শহীদ সোহওয়ার্দী এভিনিউ, বারিধারা, ঢাকা, ১২১২।
২২. চেয়ারম্যান, এশিয়ান টেলিকাস্ট লিমিটেড, (এসিয়ান টিভি), হাউস ৬০, সড়ক ১, ব্লক এ, নিকোটন, গুলশান-১, ঢাকা ১২১২।



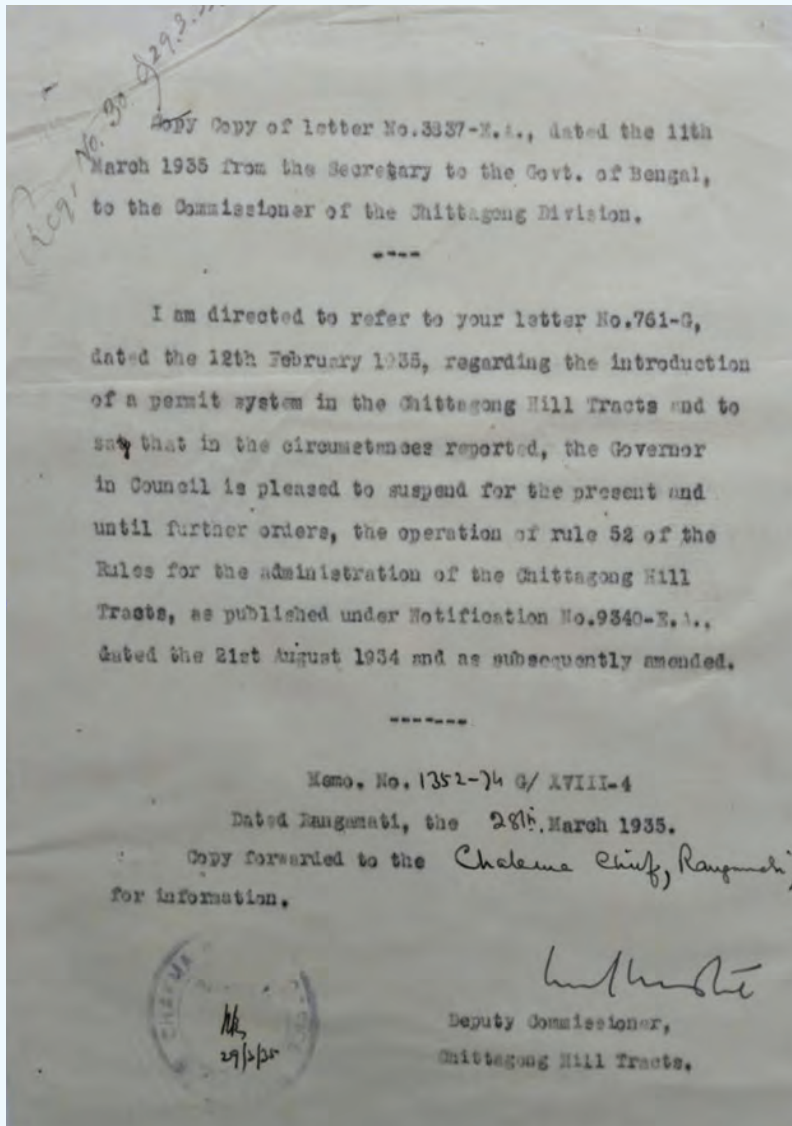


২৩. ব্যবস্থাপনা পরিচালক, এস এ চ্যানেল প্রাইভেট লিমিটেড, রোড নং ১১৬, বাড়ি ৪৭, গুলশান-১, ঢাকা ১২১২।
২৪. ব্যবস্থাপনা পরিচালক, বার্ডসপ্রাই মাস মিডিয়া কমিউনিকেশন লিমিটেড, (গান বাংলা), আবীর টাওয়ার ৪৫, প্রগতি সরণী ব্লক জে, বারিধারা, ঢাকা।
২৫. পরিচালক, যমুনা টেলিভিশন ভবন, যমুনা ফিউচার পার্ক কমপ্লেক্স, ক-১৪৪, প্রগতি সরণী, বারিধারা, ঢাকা।
২৬. ব্যবস্থাপনা পরিচালক, কাজী মিডিয়া লিমিটেড, (দীপ্ত টেলিভিশন), প্লট ৭-এ-গ, তেজগাঁও শিল্প এলাকা, ঢাকা।
২৭. ব্যবস্থাপনা পরিচালক, ডিবিসি নিউজ (ঢাকা বাংলা টেলিভিশন), ঢাকা বাংলা মিডিয়া এন্ড টেলিকমিউনিকেশন লিমিটেড, আহসান টাওয়ার, ৭৬, বীর উত্তম, এ কে, খন্দকার সড়ক সি/এ ঢাকা।
২৮. প্রধান নির্বাহী কর্মকর্তা, নিউজ ২৪, বসুন্ধরা আবাসিক এলাকা, প্লট নং ৩৭১/এ, ব্লক ডি ঢাকা, ১২২৯।
২৯. ব্যবস্থাপনা পরিচালক, বাংলা টিভি লিমিটেড, বাংলা টিভি ভবন ৮৩, সিক্তেশ্বরী রোড, মৌচাক, রমনা, ঢাকা।
৩০. চেয়ারম্যান, বারিস মিডিয়া লিমিটেড, (নাগরিক টিভি), আহমেদ তলা, ১৪ তলা, ২৮-৩০, কামাল আতাইর এডিনিউ, বনানী, বা/এ, ঢাকা।
৩১. ব্যবস্থাপনা পরিচালক, জাদু মিডিয়া লিমিটেড, (নাগরিক টিভি), খ-৫৩, নিকুনজ-২, খিলখৈত, ঢাকা, ১২২৯।
৩২. ব্যবস্থাপনা পরিচালক, এটিভি লিমিটেড, (আরদ টিভি), হাউজ নং- ৭৯/ই. ৬ষ্ঠ তলা, এয়ারপোর্ট রোড, চেয়ারম্যান বাড়ী, বনানী, ঢাকা, ১২১৩।
৩৩. প্রধান নির্বাহী কর্মকর্তা, নেক্সাস টেলিভিশন গ্র্যান্ড মিডিয়া লিমিটেড, রোড-২, গুলশান-১, ঢাকা-১২১২।
৩৪. ব্যবস্থাপনা পরিচালক, মিলেনিয়াম মিডিয়াম লি: (টি স্পোর্টস), প্লট- ৩৭১/এ, ব্লক ডি, বসুন্ধরা আব/এ, বারিধারা, ঢাকা, ১২৩১।
৩৫. প্রধান নির্বাহী কর্মকর্তা, স্পাইস টেলিভিশন লিমিটেড, ১১ হাট খোলা, ওয়ারী, ঢাকা-১২০৩।

অনুলিপি (জ্যেষ্ঠতার ক্রমানুসারে নয়):

- ১। মহাপরিচালক, সদর দপ্তর প্রতিরক্ষা গোয়েন্দা মহাপরিদপ্তর, ঢাকা সেনানিবাস, ঢাকা (দৃ আ জন্মাব মেহেদি হাসান, লে: কর্ণেল)
- ২। সচিবের একান্ত সচিব, তথ্য ও সম্প্রচার মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।





Annexe 2a

Copy of letter No.3837E.A., dated 11 March 1935, from the Secretary to the Govt. of Bengal, to the Commissioner of the Chittagong Division (Original in English).



Annexe 2b

Copy of letter No.3837-E.A., dated the 11 March 1935, from the Secretary to the Govt. of Bengal, to the Commissioner of the Chittagong Divisionv (Retyped for legibility).

Copy of letter No.3837-E.A., dated the 11 March 1935, from the Secretary to the Govt. of Bengal, to the Commissioner of the Chittagong Division.

.....

I am directed to refer to your letter No. 761-G, dated the 12th February 1935, regarding the introduction of a permit system in the Chittagong Hill Tracts and to say that in the circumstances reported, the Governor in Council is pleased to suspend for the present and until further orders, the operation of rule 52 of the Rules for the administration of the Chittagong Hill Tracts, as published under Notification No. 9340-E.A., dated the 21st August, 1934 and as subsequently amended.

.....

Memo. No. 1352-14 G/ XVIII-4

Dated Rangamati, the 28th March, 1935.

Copy forwarded to the Chakma Chief, Rangamati, for information.

Sd/-
Deputy Commissioner Chittagong
Hill Tracts





পার্বত্য জেলা পরিষদ, ঝাংড়াছড়ি।	
ডকেট নং: ২৭৬	তারিখ: ১২/১১/১৮
পার্বত্য চট্টগ্রাম বিষয়ক সচিবালয়	সচিব
সম্মান-এ পাঠ্য	প্রিন্সিপাল
বাংলাদেশ সচিবালয়, ঢাকা	সীমা প্রধান

নং ১৯.০০.০০০০.২৩৩.০১০.২০১৭.৬৫২

তারিখ: ১১/১১/২০১৮খ্রিঃ

বিষয়: সাম্প্রদায়িক সম্প্রদায়ের অর্থ এবং বাঙালি আঞ্চলিক মণ্ডলসমূহের প্রতি নিরাপত্তা বাহিনী ও জনসময়িক প্রশাসনের বর্তমান মনোভাব এবং সম্মান্য দীর্ঘমেয়াদী প্রত্যাবর্তন প্রসংগে।

সূত্র: প্রধানমন্ত্রীর কার্যালয়ের স্মারক নং-০৬.০০.০০০০.০১১.০৮.২০১৮ তারিখ: ০৬/০৯/২০১৮

উপর্যুক্ত বিষয় ও সূত্রসমূহের প্রেক্ষিতে জানানো যাচ্ছে যে, প্রধানমন্ত্রীর কার্যালয়ের সপ্তমী বাহিনী বিভাগের গোয়েন্দা পরিদপ্তর হতে সাম্প্রদায়িক সম্প্রদায়ের অর্থ এবং বাঙালি আঞ্চলিক মণ্ডলসমূহের প্রতি নিরাপত্তা বাহিনী ও জনসময়িক প্রশাসনের বর্তমান মনোভাব এবং সম্মান্য দীর্ঘমেয়াদী প্রত্যাবর্তন বিষয়ে করণীয় সম্পর্কে নিম্নরূপ সুপারিশ প্রেরণ করা হলো:

ক) নিরাপত্তা বাহিনী এবং প্রশাসন কর্তৃক বাঙালিদের প্রতি সহনশীল ও মানবিক আচরণ এবং যেরূপ প্রতিপদ না করার জন্য প্রয়োজনীয় নির্দেশনা প্রদান করা যেতে পারে।

খ) বাঙালি সংগঠন কর্তৃক বিভিন্ন কর্মসূচি পালন ও বাঙালিদের আইনগত অধিকার নিশ্চিত করতে প্রয়োজনীয় ব্যবস্থা গ্রহণ করা যেতে পারে।

গ) ফোনসিমা টিমসহ বাঙালিদের বেসম্পর্ক হয়ে যাবতীয় ভূমি উচ্ছেদ বাঙালিদের পূর্ণ প্রশাসনিক ও আইনী সহায়তা প্রদান করার ব্যবস্থা গ্রহণ করা যেতে পারে।

ঘ) পার্বত্য চট্টগ্রাম হতে সাম্প্রদায়িক সম্প্রদায়ের অর্থ এবং বাঙালি আঞ্চলিক মণ্ডলসমূহের প্রতি নিরাপত্তা বাহিনী ও জনসময়িক প্রশাসনের বর্তমান মনোভাব এবং সম্মান্য দীর্ঘমেয়াদী প্রত্যাবর্তন বিষয়ে করণীয় সম্পর্কে নিম্নরূপ সুপারিশ প্রেরণ করা হলো:

১) জনসময়িক প্রশাসন, উপরিস্থিত সুপারিশসমূহের বিষয়ে পরবর্তী প্রয়োজনীয় ব্যবস্থা গ্রহণের জন্য নির্দেশক্রমে অনুরোধ করা হলো।

(সীমা প্রধান)
সিনিয়র সহকারী সচিব
ফোন: ৯২৪৫৬৭৮

সচিব, পার্বত্য জেলা পরিষদ, ঝাংড়াছড়ি।

সচিব, পার্বত্য চট্টগ্রাম বিষয়ক সচিবালয়, বাংলাদেশ সচিবালয়, ঢাকা।

Annexe 3a

Instructions of the Ministry of CHT Affairs to the Khagrachari Hill District administration to support the settler Bengali community and their regional parties through development initiatives, to reconstitute their lands and to prevent their repatriation to the plains (Original in the Bengali Language).

Annexe 3b

Instructions of the Ministry of CHT Affairs to the Khagrachari Hill District administration to support the settler Bengali community and their regional parties through development initiatives, to restitute their lands and to prevent their repatriation to the plains (English translation).

Government of the People's Republic of Bangladesh
Ministry of Chittagong Hill Tracts Affairs
Coordination Wing
Bangladesh Secretariat, Dhaka

No. 29.00.0000.223.013.2017-351

Date: 01.11.2018 AD

Subject: The present feelings & possible long-term influence of the security forces and civil administration about the general Bengali population and Bengali regional parties

Reference: Office of the Prime Minister, Memo No. 06.00.0000.039.38.001.18 dated 06/09/2018

Having regard to the matter and reference mentioned above, it is hereby informed that, the following recommendations on possible long-term measures have been received from the intelligence unit of the Armed Forces Division of the Office of the Prime Minister concerning the general Bengali population and Bengali regional parties.

- a. Necessary instructions may be provided so that the security forces and administration do not demonstrate disparaging attitude towards the Bengalis but act on a sympathetic and humanitarian basis;
 - b. Necessary measures may be taken to ensure that Bengali organizations can carry out their programmes and can exercise their legal rights;
 - c. Necessary measures may be taken to provide full administrative and legal support to the Bengalis to restitute their dispossessed lands, including those at Sona Mia Tila;
 - d. Effective plans may be adopted to instill confidence on the Bengalis and to prevent their likely transfer from the Chittagong Hill Tracts to the plains. Commensurate to this, instructions may be provided to NGOs, the local administration and the security forces to take effective measures for their educational and economic advancement.
2. In the circumstances, it is hereby requested, as instructed, to undertake necessary measures based on the aforesaid recommendations.

Sd/- 01.11.18
(Riva Chakma)
Senior Assistant Secretary
Phone: 9545698

1. Chairman, Hill District Council, Khagrachari
2. Deputy Commissioner, Khagrachari Hill District

Copy forwarded for kind information:

1. Private Secretary to the Secretary, Ministry of Chittagong Hill Tracts Affairs, Bangladesh Secretariat, Dhaka



গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়
সমন্বয় শাখা, বাংলাদেশ সচিবালয়, ঢাকা

নং-২৯.০০.০০০০.২২৩.০১৩.২০১৭-৩৫১

তারিখ: ০১.১১.২০১৮ খ্রি:

বিষয়: সাধারণ বাঙ্গালী জনগোষ্ঠী এবং বাঙ্গালি আঞ্চলিক দলসমূহের প্রতি নিরাপত্তা বাহিনী ও অসামরিক প্রশাসনের বর্তমান মনোভাব এবং সম্ভাব্য দীর্ঘমেয়াদী প্রভাব প্রসংগে

সূত্র: প্রধানমন্ত্রীর কার্যালয়ের স্মারক নং-০৬.০০.০০০০.০৩১.৬৮.১০১.১৮ তারিখ: ০৬.০৯.২০১৮

উপর্যুক্ত বিষয় ও সূত্রস্থ স্মারকের প্রেক্ষিতে জানানো যাচ্ছে যে, প্রধানমন্ত্রীর কার্যালয়ের সশস্ত্র বাহিনী বিভাগের গোয়েন্দা পরিদপ্তর হতে সাধারণ বাঙ্গালী জনগোষ্ঠী এবং বাঙ্গালি আঞ্চলিক দলসমূহের প্রতি নিরাপত্তা বাহিনী ও অসামরিক প্রশাসনের বর্তমান মনোভাব এবং সম্ভাব্য দীর্ঘমেয়াদী প্রভাব বিষয়ে করণীয় সম্পর্কে নিম্নরূপ সুপারিশ প্রেরণ করেছে।

ক) নিরাপত্তা বাহিনী এবং প্রশাসন কর্তৃক বাঙ্গালিদের প্রতি সহানুভূতিশীল ও মানবিক আচরণ এবং হেয় প্রতিপন্ন না করার জন্য প্রয়োজনীয় নির্দেশনা প্রদান করা যেতে পারে।

খ) বাঙ্গালি সংগঠন কর্তৃক বিভিন্ন কর্মসূচি পালন ও বাঙ্গালিদের আইনগত অধিকার নিশ্চিত করতে প্রয়োজনীয় ব্যবস্থা গ্রহণ করা যেতে পারে।

গ) সোনামিয়া টিলাসহ বাঙ্গালিদের বসবাস হয়ে যাওয়া ভূমি উদ্ধারে বাঙ্গালিদের পূর্ণ প্রশাসনিক ও আইনী সহায়তা প্রদান করার ব্যবস্থা গ্রহণ করা যেতে পারে।

ঘ) পার্বত্য চট্টগ্রাম হতে সমতলে বাঙ্গালিদের সম্ভাব্য স্থানান্তর রোধকল্পে তাদের মধ্যে আস্থা ফিরিয়ে আনার কার্যকরী পরিকল্পনা প্রণয়ন করার পাশাপাশি এদের শিক্ষা ও অর্থনৈতিক উন্নয়নে এনজিও, স্থানীয় প্রশাসন এবং নিরাপত্তা বাহিনীকে কার্যকরী ভূমিকা পালনে নির্দেশনা প্রদান করা যেতে পারে।

এমতাবস্থায়, উপরিলিখিত সুপারিশসমূহের বিষয়ে পরবর্তী প্রয়োজনীয় ব্যবস্থা গ্রহণের জন্য নির্দেশক্রমে অনুরোধ করা হলো।

(রীতা চাকমা)

সিনিয়র সহকারী সচিব

ফোন: ৯৫৪৫৬৯৮

১। চেয়ারম্যান, পার্বত্য জেলা পরিষদ, খাগড়াছড়ি।

২। জেলা প্রশাসক, খাগড়াছড়ি পার্বত্য জেলা।

সদয় অবগতি জন্য অনুলিপি:

১। সচিব মহোদয়ের একান্ত সচিব, পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয় বাংলাদেশ সচিবালয়, ঢাকা।

Annexe 3c

Instructions of the Ministry of CHT Affairs to the Khagrachari Hill District administration to support the settler Bengali community and their regional parties through development initiatives, to restitute their lands and to prevent their repatriation to the plains (Re-typed for legibility).



