

REPORT ON THE FIRST GROUP MEETING
HELD BETWEEN THE SUB-COMMITTEE OF THE BANGLADESH GOVERNMENT COMMISSION
AND THE JANA SAMHATI SAMITI AT DHUDUKCHARA UNDER THE PANCHARI POLICE
STATION WITHIN KHAGRACHARI DISTRICT ON JUNE 4, 1994, (based on a letter
written to me by the Jana Samhati Samiti on 12 June, 1994).

A. AGREEMENTS REACHED AT THE SEVENTH ROUND OF THE DIALOGUE, which took place between the Bangladesh Government Commission (BGC, also known as the Government Committee on the CHT or simply as the CHT Committee) & the Jana Samhati Samiti (JSS) on May 5, 1994).

1. The First Group Meeting between the Sub-Committee of the BGC and the JSS would take place on May 28, 1994.
2. Ceasefire would be observed by both sides upto July 15, 1994.
3. The next Eight Round of the Dialogue between the BGC and the JSS would be arranged later depending on the progress made in the Group Meetings.

B. THE NAMES OF THE DELEGATES

a. The Delegates of the Sub-Committee of the BGC

1) Mr. Rashed Khan Menon, MP (Workers Party), the Chairman of the Group Meeting, 2) Mr. Kalpa Ranjan Chakma, MP (Awami League), 3) Mr. Mohammad Shahjahan, MP (Bangladesh Nationalist Party), and 4) Mr. Mohammad Shahjahan Chowdhury, MP (Jamat-I-Islami).

b. The Delegates of the JSS

1) Mr. Jyetirindra Bodhipriya Larma, the President of the JSS and Leader of the JSS Delegation, 2) Mr. Rupayan Dewan, a Member of the JSS Central Committee, 3) Mr. Goutam Kumar Chakma, a Member of the JSS Central Committee, and 4) Mr. Sudhasindhu Khisa, a Member of the JSS Central Committee.

C. THE FIRST GROUP MEETING

During the Meeting, all the security measures were undertaken by the Members of the Shanti Bahini, the Resistance Force of the JSS. It could not start at 10.00 a.m. as scheduled because the Sub-Committee Delegation arrived belatedly at the venue at 11.55 a.m. However, the First Session began without further delay at 12.15 p.m. and it continued till 2.00 p.m. After lunch, the Second Session commenced at 2.55 p.m. and ended at 4.15 p.m.

a. The First Session

Opening the First Group Meeting, Mr. Rashed Khan Menon said that he was away from the Seventh Round of the Dialogue during which the BGC had formed the Sub-Committee. He frankly admitted that there was a very long gap between the Sixth Round and the Seventh Round and that such a delay might have created much tension. He also reminded that he had earlier suggested to hold informal talks which were better than formal ones albeit the First Group Meeting was going to be as formal as the previous rounds of the Dialogue. However, Mr. Menon pointed out that the Sub-Committee Members were private and non-Governmental including Mr. Mohammad Shahjahan who could not be considered as a Member of the Government despite his membership of the ruling Bangladesh Nationalist Party. Then, he proposed to discuss the following main and specific features of the JSS's modified demands: 1) Recognition of ethnic entities should be guaranteed constitutionally, 2) There should be an APEX BODY along with three Hill District Councils (perhaps, it is worth-noting that the Government had stated that the JSS's demand for the Regional Council had been fulfilled through the

that Col. Oli Ahmed, the Chairman of the BGC and Communication Minister of Bangladesh, had given unlimited power and authority to the Sub-Committee. At the same time, he made it absolutely clear that the function of the Sub-Committee would be like that of a Liaison Committee between the BGC and the JSS. Then, Mr. Menon invited the JSS President, Mr. Jyotirindra Bodhipriya Larma to express his views on the former's proposals and remarks.

Mr. Larma took the floor and reminded that he had requested the BGC at the Seventh Round to provide the Sub-Committee with the necessary power so that the Sub-Committee would be able to express its opinion about the JSS demands. He also reminded that the JSS had always asked the BGC to discuss the JSS modified demands point by point which the BGC had always evaded. Then, Mr. Larma agreed on the discussion of the points specified by Mr. Menon when the latter pointed out that the discussion of every point of the JSS modified demands would lead to too many differences of opinions and complications.

1. Recognition of Ethnic Entities should be Guaranteed Constitutionally.

At the request of Mr. Menon, Mr. Kalpa Ranjan Chakma spoke first. He opined that whatever might be the solution to the CHT problem, it should be given Constitutional Guarantee. He also mentioned that the Government was finding difficulty in granting Regional Council for the CHT. Mr. Chakma disclosed that Mr. Aminul Haque, the Attorney-General of Bangladesh, and also the Deputy Attorney-General had suggested a Hill Council, which would include the Chairmen of three Hill District Councils, in place of a Regional Council. In the event of such a Hill Council, he advised them to include the three Members of Parliament from the CHT as well. Mr. Chakma also suggested to them to reserve the seats of MPs in the CHT for the Jumma people and expressed his hope that his proposal would not be objectionable to any political parties including the Awami League.

Then, Mr. Menon participated in the discussion and stated that Col. Oli Ahmed responded positively to this issue. In this connection, he suggested a provision in the Bangladesh Constitution to be as follows: "Rights of the minorities, such as economic, cultural etc....". Thereafter, Mr. Menon requested Mr. Larma to speak.

In reply, Mr. Larma proposed that the recognition of the ethnic entity of the Jumma people and also the ethnic entities of other indigenous people of Bangladesh should be specified in the Constitutional provision. Mr. Menon accepted Mr. Larma's proposal and said that the specific names of the ethnic peoples could be mentioned in the said provision. Then, he suggested to discuss the second point.

2. The formation of an APEX BODY (Regional Council) in the CHT.

With regard to this demand, Mr. Menon said that the JSS had described the Hill District Councils as defective and not adequately powerful and that the JSS had also suggested to make the three Hill Districts into one unit. He also said that the Government had claimed that the CHT Development Board had fulfilled the JSS demand for one unit. However, Mr. Menon admitted that the General Officer Commanding for the Chittagong Division of the Bangladesh Army as the Chairman of the CHT Development Board was not acceptable to him at all. Then he wanted to know whether the Hill District Council Act could be amended to adjust it to the requirements of the Regional Council. For example, the APEX BODY would be called the Hill Council, which as a representative body would oversee and coordinate all the activities of the present three Hill District Councils, and which would be equal to the Divisional Council with its Councillors having the status of a Divisional Commissioner. Mr. Menon said that the demand for a

CHT would be provided with a Separate Administrative status. He was willing to discuss the naming of the Region and the Council but stressed that the name of the CHT must be changed.

Disagreeing with Mr. Larma, Mr. Menon pointed out that the Palestinians had abandoned their demand for separate administrative status for the Jerico region in the Israeli occupied area in return for their right to setting up a separate and local Police Force in the region and that the South Africans had also agreed to live with the Whites together. In reply, Mr. Larma argued that there were basic differences between the situations in Jerico & South Africa and those in the CHT including the demographic factor. He, then, reiterated that whatever might be the language of the Constitutional provision, the content must include the Separate Administrative Status of the CHT. Mr. Menon did not approve of Mr. Larma's demand but suggested that the Separate Administrative Status of the CHT could be provided in the Constitution without mentioning it. For example, he added, if the recognition of the ethnic entity of the Hill People (Jumma People) were provided Constitutionally, that would be a guarantee for the Separate Entity of the Hill People and that would be the basic foundation for the Rights of the Hill People. Then, Mr. Menon said that the Hill People's economic, cultural & other rights would be protected separately. At that point, Mr. Mohammad Shahjahan stated that the Hill Council (Regional Council) should be provided in such a manner so that it would not create problems in Bangladesh.

Regarding the naming of the Council, Mr. Larma said that the Council could be given any names. However, he pointed out that there was great difference between the Regional Council demanded by the JSS and the APEX BODY or Hill Council as suggested by the Sub-Committee in terms of powers and functions. At that point, Mr. Menon put the argument that the JSS had wanted to retain the existing three Hill District Councils. Then Mr. Larma explained that the Hill District Councils as proposed by the JSS were quite different from the existing ones. For instance, he said that the Hill District Councils were purely Local Government Institutions under the Regional Councils and their powers and authority had been prescribed in the framework of the Regional Council by the JSS. Again, Mr. Menon asked why the JSS wanted to retain the three Hill District - Rangamati, Khagrachari and Bandarban - under one unit and not the existing three Hill District Councils. Then, Mr. Larma further explained that the APEX BODY or Hill Council as proposed by the Sub-Committee (or the BGC) was to be an institution to supervise the three Hill District Councils which would have legislative, administrative and other powers whereas the JSS had demanded the Regional Council with legislative, administrative, financial, cultural and other powers and also the three Hill District Councils to carry out the developmental plans and programmes only under the authority of the Regional Council. Having clearly understood the stand of the JSS, Mr. Menon accepted in principle the JSS demand for the Separate Administrative Status of the CHT. He, however, thought that the Separate Administrative Status of the CHT might upset the present administrative system in Bangladesh and that the Government might find it very difficult to change the present administrative system entirely. So, Mr. Menon advised both the Government and the JSS to arrive at an understanding. At the same time, he warned the JSS that if the CHT problem lingered on, then the Government might set one ethnic group against another in order to ruin the Jumma movement for self-determination. For example, he argued, before the end of coldwar, everybody thought that all the problems of national minorities in the Soviet Union were resolved. But, it had been recently found that the conflicts between various nationalities were very acute there. Therefore, Mr. Menon said, the CHT might face similar situa-

Mr. Menon quoted Rule 64 of the Hill District Council Act of 1989, which said, "Land transfer, sale and purchase and settlement can be done within the district only with the prior approval of the Hill District Council" and thus he proved that the Land Rights of the Hill People had been recognised by the said Act.

Regarding the views of Mr. Menon, Mr. Larma said that it was right that the Land Right was provided through the Hill District Council Act to the Jumma People to some extent. But the question was, he continued, how much right and areas had been given to the Hill District Council and also for whom the said right was granted. For example, Mr. Larma said that only 446.04 sq. miles out of the total area of the CHT was brought under the control of the three Hill District Councils and the remaining areas of the CHT such as the Reserve Forest area, the Unclassified Forest area, the Kaptai Hydroelectric Dam Lake and so on were kept in the hands of the Government. Moreover, the land right was given to both the Jumma People and non-Jumma People (Bangladeshi Infiltrators). At that Point, Mr. Yar Muhammad, the Deputy Commissioner of Khagrachari District, claimed that the Protected and Unclassified Forest areas had also been brought under the control of the Hill District Councils because the Bangladesh Authorities had not been giving any settlements in those areas without the prior approval of the Hill District Councils since the enactment of the Hill District Council Act of 1989. To verify this claim, Mr. Menon checked the Rule 64 of the above-mentioned Act and found that Mr. Yar Muhammad's claim was wrong and that Mr. Larma's statement was absolutely correct. Then he opined that both the Protected and the Unclassified Forest areas could be brought under the control of the Hill Council as well. However, Mr. Menon wondered whether it would be better to leave the Reserve or Protected Forests under the control of the Government in view of the World's concern about the ecological environment. In this connection, Mr. Larma claimed that in the past the Jumma People had managed the Reserve Forests with great care and they would do so in the future in order to preserve the forests and environment. Nevertheless, he suggested that the Reserve Forests could be managed concurrently by both the Government and the Regional Council. In regard to the Kaptai Lake area, Mr. Menon argued that gas was found in the Tripura State of India and it was brought under the control of the Union Government of India and not under the control of the State Government of Tripura. To answer this question, Mr. Larma said that the JSS had demanded only the lands of the Lake area and not the electricity of the Kaptai Hydroelectric Project. Then, Mr. Menon consented to keep the lands of the Kaptai Lake area in the hands of the Hill Council. Perhaps, it was noteworthy that he was not only expressing his personal opinion but also on behalf of the entire Sub-Committee of the BGC.

4. Withdrawal of Bangladeshi Settlers in accordance with the Inner Line Regulation.

Mr. Menon asked if the Inner Line Regulation would permit only the service holders and not the other citizens of Bangladesh for entry and free movement in the CHT. Replying to this question, Mr. Larma explained that other citizens also would be able to travel to the CHT with the permission of the proper authorities of the Regional Council. He further explained that the Regulation was intended to ensure the Land Rights of the Jumma People and also their National Entity in the CHT. Mr. Menon, then, wanted to know whether any travellers entering the CHT would be allowed to settle in the area. In reply, Mr. Larma said that outsiders would not be permitted to settle in the CHT and further stressed that such

response, Mr. Larma stated that any other alternative to the Inner Line Regulation would be considered provided other rights for legislation, administration and so forth were given adequately to the Regional Council.

With regard to the JSS demand for the withdrawal of the Bangladeshi Muslim Infiltrators from the CHT, Mr. Menon admitted that it was a very important topic for the JSS indeed. He wanted to know the JSS opinion over an earlier decision made at the Fourth Round of the Dialogue to remove the Bangladeshi infiltrators five miles away from their present settlements within the CHT. He also pointed out that Mr. Kalpa Ranjan Chakma knew very well about the said decision. To answer this question, Mr. Larma showed an article from a Bengali Magazine, Chinta, in which Mr. K.R. Chakma reportedly said so. He denied having taken such a decision. Then, Mr. Menon reminded that while that proposal was raised at the Fourth Round, Mr. Larma had certainly asked whether free areas at a distance of five miles from the Jumma villages were available for the rehabilitation of the Bangladeshi Infiltrators. In reply, Mr. Larma admitted that he had said so but he had put that question just to mean that there were no free lands available even at a distance of five miles from the Jumma villages and agricultural lands. To make it absolutely clear, he said that the suggestion was made by the BGC to vacate the Jumma villages before the repatriation of the Jumma Refugees and not by the JSS who had consistently demanded the removal of the Bangladeshi Muslim Infiltrators and also the Bangladesh Armed Forces from the Jummaland. Then Mr. Larma blamed the BGC for misconstruing his clear reply.

Thereafter, Mr. Mohammad Shahjahan of the BNP commented that the JSS ought to accommodate the Bangladeshi settlers in the CHT as it would be very difficult to transfer them from the CHT after having been so well-established and after having been so long in the CHT like the JSS People. In response, Mr. Larma refused to accept the Bangladeshi Infiltrators as the People of the JSS and remarked that they were brought into the CHT by the Government to use them as cannon-fodder of, and human-shield, to the Bangladesh Military Forces. He categorically charged that the Bangladesh Government had sponsored their settlement in the CHT, and so it was the Government responsibility to take them back to their native villages and towns.

Mr. Menon, then, wanted to know the opinion of the JSS over the voluntary departure of the Bangladeshi infiltrators which could be financed by the Government. In reply, Mr. Larma said that their voluntary return could be started right now. However, he thought that the Government-financed voluntary return would not be adequate to remove the Bangladeshi infiltrators because many would not like to leave the CHT on the grounds of their vested interests and because many would be brought back into the CHT by these vested interests. He also feared that even the stopping of rations, the withdrawal of other facilities and security measures, and the financial assistance for rehabilitation would not be sufficient to induce them to leave the CHT voluntarily. Thereafter, Mr. Menon expressed his doubt that the big political parties would support the removal of Bangladeshi infiltrators from the CHT by force. In that case, Mr. Larma asserted that the CHT crisis could not be solved till they were withdrawn from the area. He further argued that the huge amount of money being spent for the Bangladeshi infiltrators and Armed Forces in the CHT could be used in their rehabilitation in their own districts. Mr. Larma reinforced his argument by pointing out the fact that the European Parliament had agreed to provide financial help for the withdrawal and rehabilitation of the Bangladeshi infiltrators. Then, Mr. Menon commented that the European Parliament could do very little in this regard. However, he

During the Second Session, Mr. Kalpa Ranjan Chakma raised the issue of the Jumma Refugees. He stated that an Evaluation Team consisting of three Indian Officers and eleven Jumma Refugee Leaders headed by Mr. Upendra Lal Chakma had been allowed to go wherever they wanted in the CHT and to speak to the repatriated Jumma Refugees and also to the concerned Authorities in Bangladesh. According to his statement, Mr. Upendra Lal Chakma expressed full satisfaction with the arrangement provided by the Government for the visit of the Fact-finding Team. Mr. K. R. Chakma further stated that the visiting Team would inform the Bangladesh Government about the repatriation of the Second Batch of Jumma Refugees later after returning to Tripura. Perhaps, it was important to note that a Bengali Daily, the Dainik Sambad, of Agartala, reported after the return of the Evaluation Team that Mr. U.L. Chakma & his colleagues were not happy with the failure of the Bangladesh Government to implement the 16-point facility package given to the Jumma Refugees before their repatriation. As a result, the Daily reported further, there was uncertainty about the next repatriation of Jumma Refugees. After making his statement, Mr. K.R. Chakma requested the JSS Delegation to express their views on the issue of the Jumma Refugees. In reply, the JSS Leader reminded that the JSS Delegation had questioned the BGC during the Seventh Round as to why the Government had not yet fulfilled most of the assurances given to the Jumma Refugees and that the BGC had failed to reply to that question. He said the Jumma Refugees would certainly return if the Government would implement the 16-point benefit package. However, he offered full co-operation regarding the repatriation of the Jumma Refugees. Then, Mr. K.R. Chakma admitted that the Bangladeshi infiltrators had not yet been removed from Kalanal village under Panchari Police Station due to some difficulties. He suggested to shift them from Kalanal village to other places by offering money for the lands they had forcibly and illegally occupied. The other Members of the Sub-Committee kept mum over his proposal. However, Mr. Larma replied that the Refugee Rehabilitation Committee (of which Mr. K.R. Chakma is the Chairman) was the proper authority to take necessary steps to resolve the issue. Then, Mr. Chakma disclosed that his Committee had recommended to the Government for providing cows to the two hundred repatriated Jumma Refugee families who did not possess any cultivable land.

Then, both the Sub-Committee of the BGC and the JSS decided to hold the next Group Meeting on any day between 25 and 30 June, 1994, at Dhuduk Chara. Mr. Larma pointed out that the Bangladesh Security Forces had withdrawn belatedly from the Dhudukchara area in violation of the agreement which provided that the Bangladeshi soldiers would withdraw from 8 camps and freeze another 5 camps long before the Group Meeting took place. He also pointed out that the information about the First Group Meeting was very late. Mr. Menon promised to make the Bangladesh Security Forces comply with the agreement and to send the information about the Second Group Meeting before June 15, 1994. Then, he urged the JSS to think again about the demand for Separate Administrative Status for the CHT and to try to reach an agreement with the Government as soon as possible in view of the prevailing political instability in Bangladesh. In response, Mr. Larma requested the Sub-Committee to persuade the Government to accord a Separate Administrative Status to the CHT and also to ask the Government to issue a written statement on the modified demands of the JSS. He said the JSS had done its best to come to an understanding with the Government for whom it was high time to solve the CHT crisis given the fact that the Opposition Parties such as the Awami League, the Jamat-I-Islami might support the amendment of the Constitution. Commenting on Mr. Larma's last remark, Mr. Menon stressed that Mr. Kalpa Ranjan Chakma might support it