



GOVERNMENT POLICIES AND THE GENESIS OF DISPOSSESSION, INEQUALITY AND MARGINALIZATION IN THE CHITTAGONG HILL TRACTS, BANGLADESH

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The Chittagong Hill Tracts (CHT) of Bangladesh lies on the country's international borders with Myanmar and India. The present boundaries of the CHT were carved out of the British colonial empire in 1860. CHT is about 10% of the total land area of the country. Formerly, CHT was a single unified district, but administrative reorganization has led to its division into the three districts of *Rangamati*, *Khagrachari* and *Bandarban*. The CHT differs from the rest of Bangladesh, which is a flat terrain. Scattered along this mountain range, there live 11 different ethnic minority groups. Customary laws and practices within these communities vary, but they share commonalities in terms of their social and political organization. The hills are relatively rich in natural resources, particularly timber and bamboo. In recent years, parts of the region have been developed for pulpwood and rubber plantation by Bangladeshi companies and investors. The paper explores the changes of administrative system of the Chittagong Hill Tracts and how the government policies regarding natural resources specially land and forests have created a situation of 'dispossession' for the ethnic minority groups in Bangladesh. The field material for this paper has been collected from *Bandarban* and *Rangamati* districts of CHT during June – December 2013 through participant observation. Focusing on the period after independence of Bangladesh in 1971 it becomes evident that government initiatives to improve the situation of the multi ethnic region through land and forest governance, improvement of the transport and communication systems, the offering of more schools and better of education, creating markets and job opportunities have created mutations in citizenship and the encroaching borders of the nation has over ridden some aspects of the ethnic boundaries. The paper entails that smaller ethnic groups are in a disadvantageous, unequal and marginalized position because of the Government's differential treatment of populations through bio-political mechanism which have inserted different groups of people differently in the process of development. This situation sometime overlaps with pre-formed racial, gender hierarchies and creates fragmented citizenship for the people of the same country.

Keywords: Government policies, Dispossession, Marginalization, Chittagong hill tracts, Bangladesh.

Introduction

The Chittagong Hill Tracts (CHT), the area of my fieldwork is situated in the southeast corner of Bangladesh and constitutes about 10 percent of the total land area. In this region people from

different ethnic groups such as *Bawm*, *Chak*, *Chakma*, *Khyang*, *Khumi*, *Lushai*, *Marma*, *Mro*, *Pangkhua*, *Tanchangya*, and *Tripura*, live including the majority ethnic group of the country the *Bangalee* people. I did my fieldwork among the *Khyang* people. Throughout history minority people have been treated as *Pahari*- 'people living in hills/ hill people'- by the neighboring *Bangalee* population, even though these communities claim to be the indigenous people of the area (Chowdhury 2008: 61). The identification of these different groups by the common term *Pahari* involves a variety of pejorative conditions and *Pahari* populations are seen as different from, and inferior to the majority *Bangalee* population in respect of race, language, religion, social organizations etc. (Nasreen and Togawa 2002: 99).

The *Khyang* are one of the ethnic minority communities living in the CHT and my findings are based on the information I collected from the *Khyangs*. The geography of CHT, in contrast to the rest of the country's plains, is comprised of hills, valleys, and a dense semi tropical monsoon forest. The three districts in the CHT are known as *Rangamati*, *Bandarban*, and *Khagrachhari*. My field sites were located in *Rangamati* and *Bandarban* district. I collected data through participant observation during June- December 2013.

In this paper I explore the changes of the administrative system of the Chittagong Hill Tracts and how government policies regarding natural resources especially land and forests, have created a situation of 'dispossession' for the ethnic minority groups of Bangladesh. By dispossession, I point to the situation of stripping the *Khyang* of CHT of the means of their social reproduction and commodifying resources and forms of labor that had hitherto been outside of capital's realm (Kasim and Carbonella 2008: 8). Focusing on the period after independence of Bangladesh in 1971, on the basis of my ethnographical findings I will argue that government initiatives to improve the situation of the CHT have created mutations in citizenships in the multi-ethnic region of CHT (c.f. Ong 2006). The government interventions have taken place through processes of land and forest governance, improvement of the transport and communication systems, the offering of quotas for admission in schools and education and the development of markets and job opportunities. The encroaching borders of the nation has overridden some aspects of ethnic boundaries, that is, some of the *Khyangs* are not being able to sustain a life which were part of their ethnic identity.

Small ethnic groups are in a disadvantageous position in terms of receiving and making use of the different opportunities presented by the government, because the government policies has inserted different groups of people differently in the process of development which sometimes overlap with pre-formed racial, ethnic and gender hierarchies and thus, fragments citizenship for the people of the same country (Ong 2000: 62). In line with Rosaldo's (2003) argument for Southeast Asia, I hold that in Bangladesh the relations between state officials and hinterland minority groups involve differences of power and perception by each group of the other something, which shapes the production of marginalization.

In this paper, I will illuminate and argue that as part of the 'Nation State' CHT is exposed to a process of continuous recreation of inequality and marginalization. The paper explains how the *Khyang* are being dispossessed from land access and from other rights and entitlements, in other words, how the process of assimilation has an effect in the production of difference (Kasim and Carbonella 2008). Based on my ethnographic findings I will discuss and illustrate the ways in which the policies and development interventions of the state has created certain assemblages where particular groups of people are facing dispossession and also finding it hard to sustain their livelihoods (c.f. Murray Li 2009).

The Historical Background of the Relation between the CHT and Government(s)

Pre-Bangladesh period (before 1971)

Historically the Chittagong Hill Tracts existed as an independent territory and did not belong within any formal authority (colonization) until the 18th century (Ishaq 1975). The different groups living in the CHT functioned as independent communities until the time of British entry into the administration of Chittagong Hill Tracts (Roy 2000: 38).

Previously, the hill region comprised an area greater than what is now the Chittagong Hill Tracts. It included parts of present day Chittagong (Rangunia, Ramu and Sitakunda areas), Cox's Bazaar districts as well as Mizoram (Lushai Hills). Roy (1995) mentions that there are traditional *Chakma* songs describing how the *Chakma* people living in the plains around Chittagong were forced by migrating valley people to move further into the hill region. This is in line with Scott's (2009) claim that hill people were further moved into the hill because of the encroaching state and the valley people.

Although the Chittagong Hill Tracts and Chittagong District (a plain district) are contiguous, their historical development has differed. Most of Chittagong and Cox's Bazaar districts were part of the Tripura or Arakan kingdoms and later became integrated into the Mughal Empire (1666), whereas the CHT always retained its independent status and remained with a separate administrative structure where the customary laws (*Dung*) of the *Pahari* people were paramount. Thus, despite their geographical proximity, the plain districts and the CHT have for a long time experienced different political and legal regimes. Thus, in the hills, the different groups of people were self-governing small entities without any formalized political systems, whereas the people in the plain were always subject to external powers (Mey 1984; c.f. Scott 2009). However, there were economic factors involved in the relationship between the neighboring areas as raw products from the CHT such as timber, cotton, sun grass and bamboo found a ready market in the plains, while the *Pahari* people needed utensils, salt and kerosene, which were not available in their area.

The Chittagong Hill Tracts became a part of the modern nation state system in the late 19th century and the major factor responsible for the penetration of outside influences has been economic. Thus, the CHT could not continue its relative isolation from the market economy of the rest of the Indian sub-continent. Economic relationships in the form of trade and tax collection were the first step in the process of gradual encroachment into the area by external powers. The external administrators (colonizers) were initially motivated by purely commercial interests, but subsequently guided by expansionist policies (Roy 2000: 39).

When in 1760, the British East India Company had succeeded in annexing Bengal the CHT drew their attention as a strategic area, which could facilitate their access to and control of the neighboring countries. Moreover, CHT were rich in natural resources, in particular forest produce, which increased the interest of the colonizers (Hutchinson 1906: 2). When the colonizers took control, initially, the jurisdiction extended to the collection of the cotton tax only, but gradually this tax collection exercise was instrumental for the British in establishing their authority over the entire Hill Tracts. The tax collection process has been instrumental for any expansion of state space in South and Southeast Asia throughout history (Scott 2009). However, the colonial powers did not interfere in the internal administration of the area, which remained in the hands of the chiefs and their headmen (Ishaq 1975).

The British started a military campaign in 1776 to include the Hill Tracts within their control. However, during the process they met with strong resistance from the local ethnic

groups and tribes. Subsequently, a treaty was made between the people of the CHT and the British company on 1787 (Anti-Slavery Society 1984).

In 1860, 'Act No. XXII of 1860' declared the CHT as a district within Bengal and a superintendent were appointed to the Chittagong Hill Tracts under the supervision of the commissioner in Chittagong. When the annexation process of incorporating the Hill Tracts to the British Empire was formalized, and finalized, there were three *Rajas*. The *ChakmaRaja* whose territory covered about half the Hill Tracts, the *Bomang* to the south up to the border with Burma and the *Mong Raja* in the north-west (Hutchinson 1906: 24). As part of the British colony the traditional *Rajas* continued to exercise their authority within their jurisdiction affecting all matters directly related to the people of CHT, given that they paid the annual revenue to the British administration in India (Anti-Slavery Society 1984: 45).

Although the number of valley people in the Hill Tracts were nominal (less than 2% of the total population) during the colonial period as protective measures to preserve the cultural and territorial integrity of the hill people, the British administrators formulated a number of administrative regulations of which the 1900 Regulations are of prime significance (Hutchinson 1906: 44). This regulation was expected to restrict the entry of non-indigenous people to the area. Until de-colonization following the Second World War the people of CHT enjoyed a wide degree of independence and protection from the intrusion of *Bangalee* settlers of the more populated plain lands (Burger 1987: 130).

In 1920, the CHT was declared a 'Backward Tract', which was to be administered as an 'Excluded Area' (Mohsin 1997; Roy 1997). Further, the Government of India Act of 1935 designated the region as a 'Totally Excluded Area'. Subsequently, during the partition of British India in 1947, the CHT was annexed to the Muslim-majority state of Pakistan, despite the unwillingness of the leaders of the minority ethnic groups (Mohsin 1997). The constitution of Pakistan, formulated in 1956, retained the status of the CHT as an 'Excluded Area' (Shelley 1992). However, as the Pakistani government was interested in exploiting the rich natural resources of the CHT, they showed little concern about the possible adverse impacts on the ethnic groups of CHT and their habitat (Mohsin 1997). In this new post-colonial context, the colonial policy of keeping the CHT isolated from the rest of the country became an impediment for majority groups' concern to lift the restrictions on their entry, residence and rights to hold landed property in the area. As a result, the status of the CHT was altered from an 'Excluded Area' to a 'Tribal Area' in the new constitution adopted by Pakistan in 1962. The limited protection provided by even this modified status was stripped away by a constitutional amendment in 1964 (Mohsin 1997; Adnan 2004).

In 1964, the list of tribal areas¹ was amended by a constitutional amendment in the National Assembly and the CHT was removed from this list. The CHT no longer had the official recognition of being designated as a separate homeland for the indigenous people as it had under its previous designations as 'Excluded Area' and 'Tribal Area'. More significantly, this had the effect of facilitating the access of non-indigenous people to the CHT; that is, opening it up for the settlement valley people. In practical terms, this enabled non-indigenous people to enter, acquire and own land in the CHT.

From the above discussion, we can see that the people of the CHT had been suffered from the government policies and from development interventions of the British administration and Pakistan governments. This historical trajectory is important because I find that many of the

¹ The government of Bangladesh also recognizes different groups living in the CHT as ethnic sects or tribes.

Bangladesh governments' strategies are similar to the ways the previous governments had dealt with the CHT issues.

Bangladesh period (after 1971)

With Bangladesh's independence in 1971, ethnic minority political leaders of the CHT lobbied the new government for specific recognition of their identities and autonomy in the nation's first constitution. In this regard, ethnic minority leaders met with the Prime Minister and called for regional autonomy, while remaining within the new state of Bangladesh. They also requested for the recognition of traditional governance system, and a ban on the migration and settlement of *Bangalee* people into CHT.

These demands were rejected and the prime minister advised the hill people to adopt the new nationalist *Bangalee* identity and also threatened to effectively marginalize ethnic minority communities by sending *Bangalees* into the region (Mohsin 2003: 22). Strong sense of nationalism of *Bangalee* identity based on *Bangla* language had driven the call for independence from West Pakistan in 1971 and it formed the central idea of the constitution of Bangladesh. This was reflected in the constitution, as it had no appreciation for the status of other minority ethnic groups in Bangladesh. Consequently, the constitution of 1972, focused on a distinctive *Bangalee* identity, language and culture; Article 9 of the constitution states:

“The unity and solidarity of the Bengali nation, which deriving its identity from its language and culture, attained sovereign and independent Bangladesh through a united and determined struggle in the war of independence, shall be the basis of Bengali nationalism.”

One of the leaders of ethnic minority groups Manabendra Narayan Larma expressed the frustration of *Pahari* / hill people in a speech to the Bangladesh Parliament:

“You cannot impose your national identity on others. I am a Chakma not a Bengali. I am a citizen of Bangladesh, Bangladeshi. You are also Bangladeshi but your national identity is Bengali ... They [the *Pahari* people] can never become Bengali” (Mohsin 2003: 23).

In response to formulated constitution of 1972 of Bangladesh, Manabendra Narayan Larma established the Jana Samhati Samiti (JSS) political party in 1972. The JSS had the core demands of regional autonomy, and constitutional recognition of *Pahari* identities. After one year the JSS's armed wing 'Shanti Bahini' (peace force) was established, however, it was not militarily active until the mid-1970s. With the widespread violence in the Chittagong Hill Tracts, between 1980 and the early 1990s, thousands of *Pahari* people sought refuge in India. Many thousands more were displaced within the Chittagong Hill Tracts (Amnesty International 2000).

In such a circumstances Bangladeshi government tried to control the situation and a key part of the counter-insurgency strategies was to resettle hundreds of thousands of *Bangalees* from the Bangladesh's plain districts into the three districts of the Chittagong Hill tracts. Between 1980 and 1985, transmigration program was undertaken facilitated by the military forces. The policy was not made public and no *Pahari* were informed of or consulted about this program. Shapan Adnan (2004: 29) noted that the whole process of *Bangalee* settlement in CHT was planned and executed with the precision and secrecy of a covert military operation. He also stated that the aim of this transmigration program was to accelerate the settlement of a sizeable *Bangalee* population in the Chittagong Hill Tracts that would be loyal to the Bangladesh state. Many *Bangalees* were settled in 'cluster villages' next to army camps and they became 'human shields' and also potential army recruits for paramilitary operations against the 'Shanti Bahini' and the wider *Pahari* population (Adnan and Dastidar 2011). The *Bangalee* settlers were mostly landless families from the plains districts; some of whom had were homeless due to river erosion. They

were assured by the government that they would get land, food rations, cash allowances and the protection of the security forces as incentives if they settle in the CHT. The land allotted to them included lands vacated by the *Pahari* people during the armed conflict.

The Chittagong Hill Tracts Peace Accord, which was signed in December 1997 between the government and JSS formally stopping the armed conflict. As per the accord, the authorities agreed to establish a new system of formal governance to provide the *Pahari* people with a measure of regional autonomy in the Chittagong Hill Tracts. Greater autonomy was one of the key demands of the *Pahari* people during negotiations. After the accord was signed, the authorities amended legislation governing local bodies in the Chittagong Hill Tracts, establishing a system of local governance that is distinct from other districts in Bangladesh.

Land Laws in CHT

Land administration

Under the indigenous system of administration, the land is divided into separate categories depending on the modality of use and management, and revenue is paid to the indigenous administrations accordingly (Roy 2000: 59).

In 1860, when the British took control of the Hill Tracts, they recognized it as an indigenous area distinct from the rest of the country. Administrations of the CHT, including that related to lands, were distinct from the plains districts. However, the indigenous system of land tenure in the CHT differed considerably from British concepts of land holding and administration, thus, the colonial administrators wanted to restructure the land revenue system and to bring it into greater conformity with their own systems of land tenure. Thus, a series of administrative and legislative measures were passed culminating in Regulation 1 of 1900. This regulation remains as the principal instrument for regulating the transmission of land rights in the Hill Tracts today (Roy 2000: 59).

Regulation 1 of 1900 (or the CHT Manual as it is also called) partially acknowledges some of the collective and customary land rights of indigenous people. One of the principal changes enforced by these regulations were the formal demarcation of the CHT into three separate 'Circles', and the designation of the three traditional leaders as 'Chiefs'. Consequently, these leaders, who had enjoyed the status of 'heads' within their territories for centuries, required the recognition of the colonial authorities to rule CHT (Roy 2000: 60).

The British formally divided the CHT into territorially defined administrative units known as *mauzas*² to replace the earlier system of *taluks*. A headman was appointed as the responsible authority for each *mauza*; his responsibilities included the collection of revenue. Each *mauza* comprised a number of villages, each of which was generally headed by a *Karbari*³.

The land use pattern of the indigenous people provided the basis for the revenue administration, with specific taxes levied on each category of land (see sections below). In line

²*Mauza* is the grass-root revenue unit. *Mauza* is placed under a Headman (or Dewan) appointed by the concerned Circle Chief, in concurrence with Deputy Commissioner.

³Each *mauza* is sub-divided into smaller units called *Para*, which actually contains individual village settlement. Such villages are placed under a *Karbari*, who is appointed by the *mauza* Headman with the concurrence of the concerned 'Chief'

with Roy (2000), I hold that the promulgation of the 1900 Regulations was the first step of the erosion of land rights of the indigenous people in Bangladesh. It is the principal legal instrument applicable in the Hill Tracts and it remains valid today (Roy 2000).

Collectively owned land

These lands are those which belong to the community as a whole with a shared and common right of access. The people have a right to these lands and its resources, by virtue of their collective ownership of the areas. Traditional economic activities such as fishing, hunting and gathering are carried out in these areas. Further, *Jhum* lands fall within this category, as do the lands used for grazing and for growing sun grass, which is used to make thatched roofs. The forests are also included within this category of *mauza* common. Traditionally no taxes were levied for the use of this category of land.

The government does not formally recognize the rights of the indigenous people to the collectively owned/ common lands as a collective legal right (Roy 2000: 61). It rather regards this kind of land as state-owned. This kind of land is also known as *khas* land, that is, state land. Besides, forest department categorizes this land as Unclassed State Forests (USFs). This kind of land is not demarcated as Reserved Forests (RF⁵) or Protected Forests (PF), and also are not settled or leased out in the name of any private individual or corporate body. In actual practice, these are the common *Jhum*, forest, hunting and fishing grounds, and homestead lands of ethnic groups living in CHT.

Jhum land

The hills and adjacent slopes of the CHT are suitable mainly for *Jhum* cultivation. The ethnic groups have communal rights to these lands, as well as the individual right to its use. In earlier times and even in 1918 when the population of the CHT was about 200000, so *Jhum* was a viable system and provided the hill people with their basic necessities, in addition to surplus produce which could be exchange at markets for other supplies (Roy 2000: 62). It was the principal occupation for the majority of people, and nearly all farmers practiced slash and burn agriculture.

Every family of the ethnic groups has the right to cultivate *Jhum* where they choose, subject to the land not belonging to another person or family. Various factors are taken into consideration by the *Khyangs* and other ethnic communities in allowing cultivation a particular piece of *Jhum* land including whether the specified period to allow the soil to regain its fertility has been completed. A person retains the right over his *ranya* (old *Jhum*), and in case of disputes the *talukdar* or *mauza* headman resolve the disputes.

Initially, the British discouraged *Jhum* as they regarded it to be conducive for nomadism, and unsustainable as an agricultural system. Thus, they made efforts to stop *Jhum* and force the people to settle and cultivate with the plough (Hutchinson 1906: 51). The policy decision of the British administration to discourage *Jhum* remained unchanged. Thus, by the middle of the 19th

⁴Slash and burn cultivation.

⁵Reserved Forests (RF): These are lands under the direct control of the FD. The Forest Act is applicable for their protection. Forest Department (FD) is responsible for the management of the forest reserves. However, the collective rights of ethnic groups to use and extract forests resources are not recognized.

century, most of the ethnic groups who lived along the riverbanks such as the *Chakma* and the *Marmahad* adopted the plough. Thus, much of the land suitable for plough cultivation was being converted to plough cultivation using this method. However, as the amount of plough land in the CHT was limited, many of the indigenous people remained *Jhum*farmers.

Homestead land

As per customary law (*Dung*), every family of the ethnic groups living in CHT has the right to sufficient land for residential purposes (Roy 2000: 70). Most ethnic groups of CHT and the *Khyang* own and build their houses with the help of the entire community.

The allocation of adequate land to build a house is the responsibility of the village authorities; the *Karbarior* headman, and the decision is taken based on certain criteria including land availability, the existence of prior claims to the claimed area, as well as family and kinship links. No formal lease or deed is required for land holding and revenue is paid to the *mauza*headman.

At present, as I have seen the customary right to lands for house building has been restricted mostly to rural areas. The high population density in urban areas makes it impossible to find any unoccupied land. Further, in the market areas, commercial plots are formally registered in the names of their owners - generally traders and merchants.

Forests

The people of the CHT (specially the ethnic groups) depend on the land and its natural resources, including the forests, for making a livelihood. Traditionally the right to use and extract forest produce existed without any restrictions except those prescribed under customary law (*Dung*). However, between 1875-1882 the British administration initiated a policy of curtailing the rights of the indigenous people to the forests (Roy 2000: 71).

Initially, the forests were divided into two categories:

- 1) Reserve Forests; and
- 2) Unclassed State Forests.

However, in the mid-60s a third category was introduced:

- 3) Protected Forests.

Reserved forests

The practice of creating Reserved Forests was institutionalized by Section 3 of the Forest Act of 1927. Roy (2000: 72) argues that according to the annotated comments to the Forest Act, it is clear that if the land is a part of permanently settled land, it is a private property, and it would therefore, not be legal to declare it as part of a Reserved Forest. However, measures are not taken to ensure that lands which are to be included in a proposed Reserved Forest are not subject to conflicting claims. Furthermore, the ethnic groups of CHT are often ignorant of national legislations and do not take the necessary steps to secure their rights. Besides, the procedural regulations are cumbersome and complicated for the ethnic minority groups and do not facilitate an immediate process of adjudicating conflicting claims. I will discuss the *Khyangs'* experience in this regard later.

The Bangladesh Forest Department (BFD) is responsible for the management of the forest reserves, including the protection of forests, afforestation, research, extension, and collection of

royalty charges on forest produce and the protection of game. However, there are no provisions to recognize the collective rights of ethnic groups to the use and extraction of the forests and their resources (Roy 2000: 72).

Protected forests

In 1960, the concept of protected forests was introduced in Bangladesh (then it was the Pakistan State). Specific areas of what the British administration had earlier classified as Unclassed State Forest, that is, common lands were re-categorized as Protected Forests. Although Protected Forests were not initially regarded something to be like an interim phase prior to their upgrading to Reserved Forests, sometimes this has been the case, for example the Gazette Notification of 21 May 1992 (Roy 2000: 73).

As with the Reserved Forests, the Protected Forests are also created by Government notifications in accordance with the Forest Acts, and are under the control and management of the Bangladesh Forest Department (BFD). Within the Protected Forest, the BFD has sole control to maintain the biodiversity of the forests. The *mauza* residents have some access to forest produce and can cultivate a *Jhumin* designated areas. In some cases, the *Jhum* practicing people work as waged laborers of the BFD and plant teak and garjan trees in their *Jhums*. The forest department pays some wages (far below the market rate) for taking care of the trees. Once the area is covered with trees, the indigenous people are ordered to move from the area, and the trees remain the property of the Government Roy (2000: 73).

Village Common Forests (VCF)

Village Common Forest (VCF) is a natural forest, other than the government forest around the households. It is cultivated to fulfil ethnic groups' need of forest resources. Baten et al. (2010: 7) argues the community-managed VCF in the CHT is a direct result of resource constraints caused by deforestation and the prevention of entry into and use of the resources in reserved forests (which were restricted from local people's use through government declaration). These constraints have led local communities to devise newer and more sustainable modes of the natural resources management in the form of VCF during the first quarter of the 20th century (Baten et al. 2010: 7).

Between 1871 and 1885, three-fourths of CHT's land was declared as state owned forest lands by the British colonial government. Besides, except some privately owned land those are obtained through leasehold or freehold, the remaining lands were declared as 'khas land' (Rasul 2007: 155f). One fourth of the government forest lands (approximately 3484 square kilometers) were declared as Reserved Forests (Rasul 2007: 156). Since 1900, the Chittagong Hill Tracts Regulation (CHTR) gave 'Headman' of each *mauza* has given power to manage the forest within a *mauza*. Thus, from 1939, the ethnic minority groups started to manage the forests around their homesteads in CHT. Currently, it is estimated that VCF covers around 202 hectares of the total land in CHT (Baten et al. 2010: 7).

Similar forest management has been seen in Nepal and Anderson (2011) reports in the 1950s and 1960s a concern for the protection of natural resources led many Asian countries to nationalize all land, forests and water resources that were not private property. In Nepal, the government nationalized all forests under the Private Forest Nationalization Act of 1957. Traditionally, customary accesses were regulated among villages. They had rights in different resource units such as fuel wood, timber, fruits, fibers, fodder, and leaf litter from forest floor for

composting with manure. These rights were not uniform for every village, but were widely respected. Following nationalization of natural resources, heavy deforestation occurred; one reason advanced for this deforestation is the disruption of community management systems and that state managed forests, in fact, became open access areas. The state realized its inability to protect the forests something, which led to several legislative changes, aimed at the handing over of forest management to local communities, which resulted in the Forest Act of 1993. It provides authority to the village users for management of forest resources through a community institution called a Community Forest User Group (CFUG), which represented the community of forest users in a village, who were legally authorized to take management decisions. The area of forest and size of a CFUG vary according to circumstances; the areas range from a just a few to over 4,000 hectares, the average being around 80 hectares (Anderson 2011: 26).

There has been a change in how the *Khyang* and other ethnic groups in the CHT had access to land and forest resources. The government policies have shrunken their rights to resources. The people of the CHT have been denied access to forests in the name of biodiversity conservation and land conservation, however, there is evidence that the minority ethnic communities, for example, in Bangladesh and Nepal have a sustainable forest management practices. In the following section, I will discuss the process through which the *Khyang* are dispossessed from their land and how the dislocation has been creating a difference at inter and intra community level.

Rights and Access to Resources: Dispossession and Production of Difference

Based on the above and following discussion, I hold that the ethnic minority⁶ communities of the CHT have been going through a process of dispossession from natural resources in the area. Ethnic minority communities are also losing land to *Bangalee* people who have been migrating to the CHT in a massive number after 1980s. The trend of land loss of the ethnic minority communities has been acknowledged by the government as special measures such as were taken in the Peace Accord of 1997 (Adnan and Dastidar 2011). However, the mechanisms for land grabbing are many and on different levels like state acquisition, transmigration programs, forcible seizure, etc.

The prevalent system of landholding in the CHT is characterized by legal pluralism in terms of the co-existence and parallel operation of three major categories of land laws (Adnan and Dastidar 2011: 44).

- a) Formal laws which apply to Bangladesh as a whole
- b) Formal laws applying specifically to the CHT and ethnic minority communities.
- c) Customary laws and practices of the ethnic minority communities.

Land rights based on each of these systems overlap to varying degrees giving rise to instances of conflicting legal rights/ claims on the same plot of land. Within this complex framework of property rights, the acquisition or grabbing of land in the CHT has been taking place through many different processes, which can be grouped under four broad categories.

⁶ The constitution of states on the article for the culture of tribes, minor races, ethnic sects and communities (23A) states that the State shall take steps to protect and develop the unique local culture and tradition of the tribes, minor races, ethnic sects and communities. Article 23A was inserted by the Constitution (Fifteenth Amendment) Act, 2011 (Act XIV of 2011), section 14.

Acquisition of land by the State

Unlike the rest of Bangladesh, land acquisition in the CHT is conducted under a law specific to the region, entitled the CHT (Land Acquisition) Regulation, 1958. This law empowers the District Commissioner⁷ (DC) to use force to acquire the designated lands without having to give prior notice to the concerned landowner. There is also no provision for appeal against land acquisition under this law (Adnan and Dastidar 2011: 46).

However, after the peace accord of 1997 the common article 64(1) of all three Hill District Council (HDC) Acts, endorsed by the Accord, explicitly specifies that without the prior approval of the concerned council, no lands of the district can be settled, leased, sold, or transferred in any other way, by any agency, including the government itself. Even though the framing of the HDC Acts clearly empower ethnic minority groups to override the power given by the CHT Regulation to the DC, in practice, the DC allegedly has continued to process land settlements and leases for *Bangalee* interest groups from outside without obtaining the legal/ prior approval of the concerned HDC (Adnan and Dastidar 2011: 46; see next section).

On the other hand, even though existing ('old') Reserve Forests already cover nearly one quarter of the area of the CHT, the Forest Department has been attempting to expand such state forests from the late 1980s acquiring more lands. However, this establishment of new Reserve Forests (or other state-managed forests) necessarily entails the acquisition of the commoner private lands of the ethnic minority communities living in the so-called Unclassed State Forest (USF) areas of the CHT. Approximately one quarter of the CHT is reserved forest in which collection of fuel wood and other forest products is prohibited. In addition to the forest that had been declared as reserved from colonial times, there has been a further expansion of reserves forests by use of the Forest Act of 1927. Between 1990 and 1998, 217790 acres of land from 83 *mauzas* in three hill districts – have been embarked as reserved forest. Of these, 140,342 acres have been formally declared as reserved forest (Gain 2000: 3).

The government's strategy to seize land from the forest dwellers are also seen in India. Karlsson (2000: 3f) writes about the Rabhas who line in forest villages inside or on the fringe of the reserved forest ruled and 'owned' by the Forest Department, and ultimately by the Indian Government. Before the colonial times the Rabhas were shifting cultivator, who were denied rights to the forest that was declared 'reserved' by the British. The independent Indian state has by large continued the colonial system of forest management, and today people like the Rabhas still lack any formal or legal rights to the forest. The increasing interests in forest and wildlife conservations have led to seizure of livelihood options for the Rabhas.

Mohsin (1997: 81) argues, for CHT, in line with Scott's (2009: 10) argument for Southeast Asia, that the colonial state sought to change the mode of production in the CHT from *Jhum* to Plough as *Jhum* was economically less profitable for the state. In doing so, little consideration was given to the values and rights of the hill people. Contrarily they were stigmatized as primitive and semi-barbarians, who practiced a 'primitive' mode of cultivation through 'primitive technology' and the hill people carried their stigma of 'primitiveness' in the state of Pakistan and as well as in Bangladesh.

Another argument for promoting land seizure by the government is (alleged) gradual degradation of land. Government perceives that degradation of land and forest owing to unsustainable land-use practices, locally known as *Jhum* (slash and burn), an extensive land-use characterized by frequent shifting of plot, has become a serious concern in Chittagong Hill

⁷It is office of administrative head for the respective districts in Bangladesh.

Tracts (CHT) of Bangladesh. Governments also regard that the practice of *Jhum* has been responsible for loosing tree covers of the hills. Thus, policies and programs aimed at promoting alternative settled land use practices in cooperative farms (Mohsin 1997: 124).

People living at the CHT are also blamed for being conservative and not adopting alternative land use systems such as: plough cultivation and cultivating cash crops. However, the constraints in adopting alternative land use practices have been overlooked by the governing authorities. This became evident to me while one morning I was sitting at a small tea stall at *Rangamati* and I saw *ThoiKhyang* (52 years) going towards his home. As he saw me sitting there, he approached me and asked what I was doing. Afterwards he offered me to go with him to his house and I happily agreed. When we were climbing the small hill towards his home I asked where was he coming from and he replied that he went to buy some vegetables and showed me the vegetables he bought and said:

"This small amount of vegetables cost me 20 BDT (0.15 USD)." He further said, "beside my home there is some free land but I cannot cultivate any vegetable as there is no provision of water supply for irrigation here." He also said, "Khyangs of this area are really in economic hardship. Palash has been trying to establish small shop to survive but it is not proving beneficial for him. I guess he is also not that committed to run the shop. He opens the shop in the morning and closing by mid-day. He is also facing the same problem as me. Now he runs his family from the income of selling rice wine."

There is also a problem of marketing and selling of local cash-crop products (discussed later). However, it has been the state policies on land use in CHT over two centuries has contributed to the process of land degradation starting during the British colonial period with the nationalization of land and forest and large scale commercial logging (Adnan and Dastidar 2011).

Designation of previously cultivated land as reserved forest has shrunken the ethnic minority groups' opportunities of making a living. Although the *Khyang* may also benefit from the forestry projects people hardly go to avail these opportunities as the procedure remain unknown for most people. *Lelung*, 55 years in *Bandarban*, said:

"In 1990 one day we heard that the government have declared some reserved forests (which is around seven kilometer from here). Then we did not know what is a 'reserved forest' and why it is a reserved forest? Eventually we found that we have no access to the forest from where we have collected fire woods and other fruits for years. Some years ago, we have also come to know that Bangalees are also working in forestry projects. We never knew what those were and are not interested in those."

Further, the forests officers behave rudely with the minority people so they do not want to face them again thus lose all the opportunities.

Probhat, 58 years from *Bandarbansaid*:

"The acquiring process of Pahari lands started in 1960s and many forests of the hills were acquired for the purpose of forestry projects. This have evicted many Khyang families and isolated them from the livelihood option. Now-a-days we are even deprived of minimal basic rights of living. The Khyangs and other ethnic minority people are also suffering from false cases as timber merchants sometimes cut trees and sell in the towns when get caught false cases are filed against the minority people as they know Khyangs or other minority people will not be able to do anything against the powerful people."

My respondents also told me that the establishment of reserve forest abolished their customary rights and forced them to reduce the time between cultivating on the same plot of land. Thus, fertility and yield from the land has been decreasing. On the other hand, the construction of a hydroelectric dam and the state's encouragement of migration of lowland people into the CHT has created further pressure on land and forced farmers to bring more lands that are marginal under cultivation for growing food or annual cash crops and increase the cultivation frequency. Therefore, I find that the persistence of extensive land use practices is not caused by people's adherence to indigenous land use practices but by failures of policies to create conducive environment.

Seizure of private and common lands by powerful individuals

Seizure of private and common lands of the ethnic minority groups by powerful *Bangalees* and *Khyangs* result in dispossession of the *Khyang* and the conversion of common lands into private property. Once located in the CHT, many *Bangalee* settlers use a range of different techniques for grabbing *Pahari* lands. In some cases, they forged land settlement documents to justify their (illegal) occupation. Otherwise, they simply occupied lands by force, given the backing of the security forces and the civil administration. Such incremental land grabbing by *Bangalee* settlers has continued during the post-Accord period (Adnan and Dastidar 2011: 97).

The trend of decreasing ownership of land among the *Khyang* is seen in both *Bandarban* and *Rangamati*. *Ong ThuiKhyang* (age 55 years) of *Rangamati* said that:

“The place we are living is called ‘Khyang Para’ however, at present there is lot more Bangalee people living inside the area and also adjacent areas. Those who have private lands are selling their lands and new comers in the area often build multi-storied buildings.”

The marginal position of the *Khyang* can be exemplified by his response when I asked if he did anything to stop this process. In addition, he said:

“Now a big building is being built just in front of my house and there is just a small passage left from where I can enter my house but these are small matters and nothing can be done. Those who have money can do this and I have nothing to say on this. If I had money may be I would have done the same.”

I found that many types of forgery, involving illegal modification of titles, tenure contracts and other land records, have been used for fraudulent transfers of *Pahari* lands to others. *Bangalee* settlers have often made forged land settlement documents and used these to justify fraudulent claims on *Pahari* lands. *Ongsha*, 48 years in *Bandarban* said:

“Bangalee people at first take shelter in Pahari lands and afterwards capture the land. We are naive in believing the tricks of the Bangalee people. People previously were less educated and could not understand the price of the lands so sold lands at a nominal price. Sometime they had written 20 acres of land in the deed in place of 2 acres taking advantage of our illiteracy.”

Here, I will refer to the case of *ThoiKhyang* of *Rangamati*, which reflects that when individual interest rises there is rupture in community interests, and leads to land grabbing by

one *Khyang* from another. During the fieldwork, *ThoiKhyang* said that there is an open area beside his house, which is captured by his maternal cousin to build a house if there were any traditional village leader (*Karbari*) in their area he could have retained that place.

Land grabbing by commercial agencies

In the early 1990s, the government began issuing private leases for commercial rubber and horticulture plantations on a large-scale during the counter insurgency. This process has also dispossessed the *Khyang* from the land where they have practiced *Jhum* for years.

One afternoon I was walking in the hilly areas I saw some small hills enclosed with fences and I asked one of the persons (*ThoiKhyang*) with whom I was with what this was. He said that the enclosed areas are privately leased land. When I asked why the lands were not being used for any purposes my informant replied that people have taken lease and they will do something may be in the future. He further said these are land where the *Khyangs* were doing *Jhum* when they first arrived in the area.

The areas leased out were mostly taken from the common lands of the indigenous peoples in the USF (Unclassed State Forest) areas that they had traditionally used for *Jhum* cultivation, grazing, hunting and gathering, and other purposes. However, their customary rights over these lands were not recognized by the DC office, which treated these as state property (*khas*) and leased the lands to plantation leaseholders.

The beneficiaries of the leases were mostly members of the influential *Bangalee* elite who did not reside in the CHT (Adnan 2004: 127). The whole process amounted to a colossal exercise in privatization of land in which vast tracts of *Pahari* common lands were 'enclosed' through the use of state power and redistributed to absentee members of privileged classes of the majority community. It is important for business people to hold land titles in the CHT as it can grow as a business enterprise or else they can further sub lease the land and profit. The lands, which are leased out mostly remain unused, as most of the leaseholders are outsiders mainly influential *Bangalee* people, who do not have knowledge of or interest in rubber plantations. They have taken lease just to grab the public land with a speculation that in future it will be very valuable/profitable and it was instrumental to borrow money from bank with low interest rate in the name of rubber plantation (Rasul and Thapa 2005: 10).

Even though the CHT Accord specified that the leases of plots that had remained unutilized for more than ten years were to be cancelled, I have observed that this clause was not implemented (as I have mentioned above). Instead, DC offices in the CHT continued to issue new plantation leases during the post-Accord period. This process enabled many *Bangalee* civil and military officials, as well as political leaders and professionals, to obtain plantation leases for themselves and their relatives and clients (Adnan and Dastidar 2011: 77).

Like the *Bangalee* settlers, many of the *Bangalee* plantation leaseholders attempted to take over adjoining *Pahari* lands to expand the area under their control, something which is indicative of a process of incremental land grabbing (Adnan and Dastidar 2011: 81). During my fieldwork in *Bandarban*, I also observed the incremental land grabbing by brickfield owners. The brickfield was built near the village and agricultural fields. Because of the fumes and heat nearby fields were affected in terms of fertility and yield. Thus, the owners of the adjoining lands were gradually forced to sell the lands to the brickfield owners. *Probhat*, 58 years, was once showing me the brickfield and said:

"A brickfield should not get permission to operate so near to the forests and human settlement. However, look, it is just 250 yards from my home. It affects the agricultural fields and

us. And the brick field is getting bigger each year.” When I asked how is the brickfield becoming bigger? He replied, “as the agricultural fields loosing fertility there is no point holding the land, so people tend to sell and move away. I would have also moved away. I do not have any other place to live so I am bound to live here.”

Distress sell of land

‘Distress’ or constrained sale of land by ethnic minority communities and the *Khyang* constitutes another factor in the various trajectories leading to sale of land and minority groups’ situation of dispossession. I found that a critical factor pressurizing the ethnic groups to sell their lands has been the gradual encirclement of their homesteads and cultivable plots by *Bangalee* settlers moving in and getting hold of the lands in the surrounding area. One of my informants (*Ongsha*, 48 years from *Bandarban*) said that:

“My father had sold land for very negligible prices to the *Bangalee* people. He could not realize that the price of land will increase this much. *Bangalee* people are more intelligent than us and could anticipate that land prices will continue increase.”

This continues to be a significant factor resulting in their land loss in current times. This trend has been seen in both *Rangamati* and *Bandarban*. Indebtedness is another reason for distress sell of land by the *Khyangs*.

Litigation and land loss

Litigation is an instrument widely used for harassing and pressurizing *Paharis* until they let go of their lands. *Bangalee* settlers and commercial agencies have typically lodged false cases against *Paharis* in order to compel them to sell their lands (Adnan and Dastidar 2011: 99). Correspondingly, litigation has been widely used by the Forest Department to put pressure on *Paharis*, with the aim of compelling them to surrender their lands for afforestation projects. Furthermore, litigation has also been used by land grabbers to legitimize illegal land gains (Adnan and Dastidar 2011: 99). During my fieldwork, I also found that the threat of litigation has been used by the *Karbaris* to gather more land that is owned individually. *Ongsha* (48 years) of *Bandarban* said that he has some lands, which are not distributed among the heirs (parental land), and the lands are sometimes given/ leased to share croppers and sometimes cultivated by their cousins. As there are many cousins and heirs who have not yet distributed the lands among themselves, I asked him how they all get their share. He responded that it is mostly taken by the people who cultivates and sometime he gets a share of 1 or 2 acre of lands. One of his paternal cousins is also the *Karbari* of the cluster of households and controls all the land. My informant also said one could not do anything against a person who is economically powerful and more connected with the administration.

“The *Karbari* (my paternal cousin) of the village did not give me the share of our common land which was inherited from my grandfather. However, I cannot do anything about it. If I try to get my share, the powerful *Karbari* can make a false case against me.” He said, “even if the *Karbari* do not file a case himself he might use his influence on others to file a case claiming my lands. To run a case in the court cost a lot of money and I do not want to get into trouble.” (*Ongsha*, 48 years, from *Bandarban*).

He further expressed his frustration, as "I cannot do anything because he can get me arrested by police in one hour and if I am to file a case against him it could take me one week at least only to meet the concerned officials."

Corruption of Headman land loss

Growing instances of self-interest and corruption among Headmen and *Karbaris* is also a factor contributing to the dispossession of *Pahari* lands. Some Headmen and *Karbaris* have used their traditional roles as custodians of the land rights of the ethnic minority groups and made private settlements (or leases) on common lands that they had previously shared with the rest of their communities. In other instances, Headmen are reported to have taken bribes for giving their recommendations for transfer of the common lands of their communities to *Bangalees* from outside. During my fieldwork I saw newly built houses by the *Bangalees* and in a discussion with such an owner it became clear that they got the lease with permission from the Headman of the area. I was also told that if I want to build a leisure house in the hills I could also get some lands on lease if I am willing to spend some money. My experience in *Bandarban* indicates that some Headmen and *Karbaris* are operating as land dealers/ traders who buy cheap from ordinary *Paharis* and resell at a profit to outsiders (Roy 2004: 14; Adnan 2004: 89).

On the basis of my ethnographic fieldwork in the CHT, it became evident that the economic and socio-political power of the *Bangalee* people and also the *Pahari* leaders work against the *Khyang* people and create dispossession from land. It seems like there are two broad processes going on simultaneously here; the first process involves the loss of land rights by the ethnic groups to outside agencies and interest groups, while the other involves transfer of land rights among members of the ethnic groups (in this case the *Khyang*).

On the basis of the above discussion, I argue that both *inter-ethnic* and *intra-ethnic* land grabbing is going on among the *Khyang*. I found unfavorable government policies for the ethnic groups and growing capitalist interests and privatization as the major factors initiating land loss of the *Khyangs*.

Expanding State and Marginalization of the *Khyang*

Marginalization through indebtedness

In case of selling their produce, they have a double disadvantage as they do not have access to the bigger markets in Chittagong as these are controlled by the *Bangalee* businessmen. In the large markets, they could get better prices for their produce but they have to depend on the *Bangalee* middleman for trading there. Middlemen buy their produce and transport those to the large markets as the *Khyang* themselves cannot afford to transport their produce to Chittagong. *Ongsha*, 48 years in *Bandarban* said that to hire a pick up van to carry goods to Chittagong city required BDT 80,000 to 100,000 (USD 1000-1300) which he does not have, thus, even after knowing all the information and exposed to all the procedure he can not avail the opportunity. However, even if they go to the large market of Chittagong or at Dhaka the syndicate of the whole sellers offers lesser money for their produce and they are forced to sell at a low price because they do not have the capacity to preserve (as most of the good are perishable vegetables and fruits). *Mongchin*, 40 years, who works as a schoolteacher in *Bandarban*, had shared his experience at wholesale market in Chittagong. He said:

“Last year I had cultivated ginger in my fields and the yield was good so I wanted to sell those directly at Chittagong. I had hired a pick up van to transport the ginger but when I reached there, I was offered BDT 50,000 (USD 625). However, I had to pay this amount just to transport the ginger from Bandarban to Chittagong. The storehouse owners suggested me to leave the products there and go after a week and they will let me know if they find any buyers. I went there a week later but no luck and they suggested me to go again after a week. Eventually I had to sell the products at BDT 40000 (USD 500).”

Therefore, the Khyang face economic loss and thus, become marginalized through indebtedness and land loss. Different NGO officials I spoke to in Bandarban also mentioned this problem of the Khyang, that there is a syndicate for marketing of agricultural products to the cities and town and that the NGOs are working to create a better marketing strategy for the marginalized.

Once they face economic loss the Khyang fall in a spiral downward, either they are forced to sell land or to take loan at high interest rates, sometimes they loan in condition of advance selling of their produce (the price of advance sell is much lower than the actual price). This is also linked with the gradual dispossession of land of the Khyang. Mongchinin Bandarban said once they face economic loss, to recover the cost of the production of cash crops sometimes they are forced to mortgage or sell lands.

Murray Li (2009: 72) states that in rural India, among small-scale farmers, dispossession by debt has intensified. Farmers who had been encouraged to buy productivity-increasing inputs on credit faced ruin when state subsidies were abruptly removed. However, in CHT, the people are encouraged by the government and NGOs to produce cash crops, but, due to lack of proper marketing plan, the *Khyang* and other ethnic minorities are facing economic loss.

Therefore, the *Khyang* remain depended on middlemen for trade and moneylenders for economic needs during production (sometimes middlemen also act as a moneylenders). I have observed that the need of cash has also introduced some NGO driven micro credit programs. However, at individual level also few people act as micro credit operators. To minimize the dependency of the farmers on the money lenders, the government has adopted many initiatives including establishing a bank for the agriculturists, which offer loans at a nominal rate of interest. Nevertheless, respondents have mentioned that some officials of the loan granting agencies indulge in corrupt practices, which further, discourage the *Khyang* and other minority groups members from taking such loans and builds hatred towards such officials.

Probhat, 58 years in *Bandarban* said:

“If you do not have connections to powerful people, there is no way one can get a loan of 2000-5000 BDT (25-60 USD) without giving bribe. You either pay cash or give vegetables, poultry or some fruits. Even after that we face bad behavior and also we have wait hours to meet them.”

On the same issue of credit facilities *Ridima*, 50 years in *Rangamati* said:

“We do not want any credit from anywhere even if we have to eat one meal a day. I do not want credit and consequently lose my house. Moneylenders give a small amount of money and eventually take everything that one has. I have less and I am happy with that. I do not want to lose everything I have.”

She said this because she has seen that due to not being able to pay loans on time the private moneylenders and NGOs even take away utensils of the households.

Political representation and citizenship

For the development of ethnic minority group the establishment of Chittagong Hill Tracts Regional Council (Act of 1998) by the government has created a systemic bias against the *Khyang* and other smaller groups. The council has to have 12 tribal members elected but the formation is proposed as:

- a) Five shall be elected from *Chakma* tribe
- b) Three shall be elected from *Marma* tribe.
- c) Two shall be elected from *Tripura* tribe.
- d) One shall be elected from the *Mro* and *Tanchangya* tribe.
- e) One shall be elected from *Lushai, Bawm, Pangkhua, Khumi, Chak* and *Khyang* tribe.

As we see from the above, the *Khyang* and other smaller groups are in a disadvantages position of representation in order to voice their rights and opinion about development. The situation is comparative to Ong's (2000: 58) analysis in Malaysia and Indonesia of what she terms 'graduated sovereignty' which refers to the differential treatment of populations by the government inserting different groups of people (*Khyang* and other minority groups) differently into the process of development. The Hill District Council is responsible for overall supervision and coordination of all development activities CHT; therefore, the smaller groups such as the *Khyang* without any political representation at the council cannot even express their worries and wishes. *Thoi*, 52 years of *Rangamati* said, "as we have none of our people at the council nobody thinks about the problem we are facing to make a living." Another respondent *Probhat*, 58 years from *Bandarban* said, "the government would have done things to help us but how would they do. They do not know about the problems. It is problem of us that we cannot inform them what we need."

Ong (2000: 58) explains that since Malaysia's independence from Great Britain in 1957, the country has favored the political rights of the Malays on grounds of their status as an 'indigenous' majority population and on their general economic backwardness when compared with the ethnic Chinese and Indians who were descended from immigrant populations. From the 1970s onward, a system of graduated sovereignty has come into effect as the government has put more investment in the bio-political improvement of the Malays, through awarding rights and benefits largely denied to the Chinese and Indian minorities. This has been done through awarding the Malays shares in government owned trusts, government contracts, business credits, scholarships, business licenses, university admissions, civil employments, and jobs in large firms. Ong (2000: 59) states that this was the world's first affirmative action system tied exclusively to ethnicity, which is a system of ethnic-based governmentality that has come to racialize class formation and naturalize racial differences in Malaysia.

I find that after the independence of Bangladesh nationalism has been established based on the majority *Bangla* language, Islam – religion of the majority, followed by a mass transfer of *Bangalee* people in the CHT along with development initiatives based on settled agriculture and private ownership of land. Thus, I see Bangladesh as a comparative case to Malaysia in terms of government policies creating graduated sovereignty (c.f. Ong 2000). The favoritism towards the ethnic majority groups has marginalized the *Khyang* and other ethnic minorities of the CHT

disregarding their problems regarding land dispossession as I have described in this paper. After the government took initiatives to empower the ethnic minorities through HDC it has proven again marginalizing for the smaller communities like the *Khyang*.

Discussion

Rosaldo (2003: 1) mentions that the nation building project try to build metropolitan centers and include minority groups in the process driven by ideas of development, modernity, assimilation and nationalism. Such notions marginalize hinterland ethnic groups and demand that they transform themselves into citizen (Rosaldo 2003: 1). In other words, the process demands that such ethnic groups stop being who they are and assimilate with the national community. If the situation of the *Khyang* and CHT is looked upon with a similar analytical perspective it becomes clear that the initiatives of the governing authority to include CHT in the state, or making it into state space, has forced the *Khyang* into a situation where they cannot practice the way of life that they had before. As I have discussed in this paper that with the changes in administration of land and forests in the CHT the *Khyang* are subjected to land loss. The government, powerful *Bangalees* and *Khyangs* and also business agencies did this land seizure.

Southeast Asia enjoys a high degree of linguistic and ethnic diversity, regional and religious heterogeneity, and distinct colonial history (Rosaldo 2003: 2). The new nations have undergone a daunting process of transforming colonial subjects into citizens of the nation-states and they have struggled to define citizenship and elicit nationalist sentiments from hinterland populations (Rosaldo 2003: 2). Struggles over electoral politics, national language, religious inclusion, educational access, and codification of national law are the topics of negotiation over citizenship (Rosaldo 2003: 2). Rosaldo cites examples of the indigenous Penan in Malaysia where the government officials hope to convert the Penan from what they see as their present state of savagery into citizens of the national community like themselves in the name of modernization and national development. In the case of forested Penan lands, development is presented as necessary national good; the government profits from its taxation of logging and other such enterprises. They find the Penan system of land tenure indecipherable and view Penan existence as hand to mouth, abject poverty and a generally miserable way of life. However, Rosaldo (2003: 9) claims the official language of inclusiveness, citizenship and equality, which is precisely what is oppressive for the Penan, who is thereby diminished as rational beings and as a moral community. Thus, official citizenship is at odds with 'cultural citizenships'⁸, or with Penan perceptions of how they should be treated were they to become full members of the national community. The *Khyang* in the CHT has been experiencing a similar nation building process. They are losing their means of production, their way of life is being marginalized (as discussed above) and they are forced into becoming citizens of Bangladesh at the cost of their cultural citizenship. The changes in economic frontiers have led the *Khyang* into a situation of direct competition with the *Bangalees* and the state policies also marginalized the *Khyang* even though those were supposed to develop the CHT and its people.

⁸Rosaldo (2003: 3) defines cultural citizenship as, in Latino contexts the term calls attention to the range of claims that's citizens (especially groups subordinated by race, gender and class) make against the state. Such claims must be understood from the point of view of the subordinated subjects. Socially and historically constructed in relation to local definitions of legitimate entitlements and aspirations, they range from jobs, wages, houses, and schooling to respects, wellbeing, and dignity as defined and understood by the subjects in question.

In line with Rosaldo's (2003) argument, I hold that in Bangladesh the relations between state officials and marginalized hinterland minority groups involve differences of power and differences of perception by each group of the other. The *Khyangs* have accepted being minority and believe that those who have power and money can do the things according to their wish. The *Khyangs* further believe that the kind of behavior they get from government officials and powerful people is because the powerful people is certain about the fact that powerless people will not be able to resist it.

The process of acquiring *Jhum* land and forcing people to do settled cultivation has occurred because of Bangladeshi government, as the British colony and Pakistani government has an interest in expanding the state space and create a larger fiscal/ taxable population and in this way exercise better control over the population. As Scott (2009: 40f) argues, modern states aim to devise an ideal 'state space', that is to say a space of appropriation, therefore, wet rice, along with other major grains, has been the foundation of early state – making. Wet rice cultivation was the choice for the state makers because it has reliable and maximum yield compared to other mode of cultivations. In a similar way, construction of transportation network/ infrastructure facilitated the Governments' relocation of its population from the plains to the CHT. As I have shown in this paper transmigration programs and mass moving of *Bangalee* people have made it hard for the minority groups to maintain their access to lands on which they practice *Jhum* and lived for years.

Ong (2006: 499) states that the ever-shifting landscape of rights and entitlements associated with citizenship (on a global level) has been shaped by the flows of markets, technologies and populations. This changes challenge the notion of citizenship tied to the terrain and imagination of a nation state. She claims the difference between having and not having citizenship is becoming blurred as the territorialization of entitlements is increasingly challenged by deterritorialized claims beyond the state. Ong argues (2006: 500) that on a global level universal market interests, technologies and NGOs become articulated with citizenship and make new claims for resources from state and non-state institutions. In the case of Bangladesh and CHT, I have, in this paper illustrated that rights and entitlements of the *Khyang* have shifted as the administrative system changes and as the influx of *Bangalee* people increased. The *Khyang* are dispossessed from land access through government seizure, powerful individuals among the *Khyang* and *Bangalees*, and commercial agencies. The *Khyang* are being marginalized in the market places and through debt and distress sell of lands. Thus, an unique social, economic and political scenario is created in relation to the ethnic minority communities and CHT; resulting in dispossession and creating a condition where certain people (the *Khyang*) can no longer sustain their livelihoods through direct access to the means of production, or access to a living wage (c.f. Murray Li 2009: 77; Hall, Hirsch and Murray Li 2011: 4). Murray Li (2009: 67) claims, in large parts of rural Asia, these conditions of dispossession from means of production or access to living wage have become widespread as a result of two sets of forces: what she terms as a 'new round of enclosures' that have dispossessed large numbers of rural people from the land; and the low absorption of their labor in alternative occupations. I hold that a similar situation is seen in CHT today where the state has been seizing land, closing the forest frontier for conservation and, *Bangalee* population has been migrating to the CHT. Further, the ethnic minority farmers find it hard to make profit when exposed to competition from the *Bangalee* merchants. Further, as the *Khyang* are not informed about the possibilities of work in forestry projects and are also negligent about this opportunities because of losing their means of production as I have discussed in this paper, they are not also incorporated in the alternative occupations either. This situation in CHT indicates a process where the government and their policies have selected

Bangalee sub set of the population for life enhancement while others ethnic groups as the *Khyang* experience to be encroached upon, coerced or excluded from the Bangladesh nation, and their access to resources and livelihood options. Consequently, through these new relationships with state and other associated factors the *Khyangs* are being marginalized (c.f. Murray Li 1999: 2; c.f. Ong 2000: 58).

I argue that Bangladesh state's prioritization of *Bangalee* nationalism based on *Bangla* language, declaration of Islam as the state religion and standards imposed for developments have marginalized the *Khyang* and other ethnic minorities in CHT. The process of 'majoritising' the *Bangalee* population simultaneously 'minoritises' and marginalizes other ethnic groups of CHT, which can be termed as 'politics of identity' (c.f. Scott 2009: 243). Scott (2009: 244) argues ethnic identities in the hills of Zomia are crafted and designed politically to position a group vis-à-vis others in competition for power and resources. The marginalization of the 'hill people' in the CHT is continued following the colonial rule in CHT and it is an ongoing process between the 'powerful' and 'powerless'. Murray Li (1999: 2ff) terms this as social construction of marginality through which particular spaces become subject to simplified, stereotyped and contrastive descriptions according to defined criteria at the center. She argues based on her ethnography in uplands of Indonesia where with the locus of power shifting towards Islam, many of the cultural standards of the uplands (such as production system and forest dependence) were judged distinct and deficient (Murray Li 1999: 4ff).

In CHT, there is another dimension of marginalization where few members of the groups become more integrated with the state and state power and dominate other *Khyangs* economically and politically which marginalized the *Khyang* as an ethnic group. The process of assimilation through socio-economic changes have created its own 'others' as Kasmir and Carbonella (2008: 14) also point out how dispossession and 'production of difference' works. They cite examples of regularization of London dockworkers' wage payments at the turn of the 19th century where instead of regular monetary wages, dockworkers received their chief remuneration in 'chips' along with the 'takings' from other workplaces and trades along the Thames river – coal, silk, sugar, coffee, tea, pins, cloth and tools. Efforts in the 1970s to regularize the money wage followed with dual strategy of criminalizing dockworkers customary takings and eliminating the non-monetary community. Individuals found guilty of illegal appropriation were subject to public whipping, imprisonment, deportation and even hanging. I hold that a similar process can be observed among the *Khyang* as the forest regulation has deprived them of the forest resources that they would have been using otherwise. They are beaten when they use forest resources from the RF and bear legal cases. They are also facing false cases filed by the timber traders and corrupt forest officers. The government's intention of establishing such projects, that is, the new opportunity of benefitting from the social forestry skim is unknown to them.

On the basis of my ethnographic findings, I have shown that the Government, powerful *Bangalees* and *Khyangs* (who are politically and economically connected with the state apparatus), and commercial agencies are seizing land access from the *Khyangs*. As a group the *Khyangs* are deprived of minority quotas in jobs and education. Even the formation of the CHT regional council proves the *Khyang*'s marginalization where they have no representation. Due to these changes social hierarchy developed among the *Khyang* as the society has been centering itself to money and political power. Thus, most of the *Khyangs* are dispossessed from means of livelihoods and marginalized.

Conclusion

In this paper, I described the historical trajectory of CHT and how the *Khyang* are being dispossessed from their land. The state acquisition and conversion of land and forest coupled with government policies of leasing out lands to commercial agencies has deprived the *Khyang* from their customary rights of the forest resources. These processes together with the emerging notion of private property among the *Khyang* have created a pathway for land grabbing by one *Khyang* from the other and by the state as against its people (powerful versus the powerless). The Bangladesh state's strategy to give equal opportunities in terms of representation in the national forum, economic opportunities, opportunities in education to all the ethnic groups has not benefited the *Khyang*. Such benefits of opportunities and quotas in jobs, in education and in market places that are established have been monopolized by the larger ethnic communities living in the CHT. In the present situation, as I have described on the basis of my ethnographic information, the *Khyang* are marginalized and deprived in the Bangladesh nation state. Yet, some of them are finding their own space in the nation state as a citizen of Bangladesh where economic and political power helps them.

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References

1. Adnan, Shapan. 2004. Migration, Land Alienation, and Ethnic Conflict: Causes of Poverty in the Chittagong Hill Tracts of Bangladesh. Dhaka: Research and Advisory Services.
2. Adnan, Shapan and Ranajit Dastidar. 2011. Alienation of the Lands of Indigenous Peoples in the Chittagong Hill Tracts of Bangladesh. Chittagong Hill Tracts Commission and International Work Group for Indigenous Affairs (IWGIA). Dhaka: Vector Graphics & Printing
3. Amnesty International. 2000. Bangladesh: Human Rights in the Chittagong Hill Tracts. United Kingdom(Index: ASA 13/01/2000).
4. _____. 2013. Pushed to the Edge: Indigenous Rights Denied in Bangladesh's Chittagong Hill Tracts. United Kingdom(Index: ASA 13/005/2013).
5. Anderson, Kristen Ewers. 2011. Communal Tenure and the Governance of Common Property Resources in Asia: Lessons from Experiences in Selected Countries. Land Tenure Working Paper 20. Food and Agriculture Organization of the United Nations.
6. Anti-Slavery Society. 1984. The Chittagong Hill Tracts: Militarization, Oppression and the Hill Tribes. Indigenous Peoples and Development Series, Report No. 2. London.
7. Baten, Mohammed Abdul, Niaz Ahmed Khan, RonjuAhammad, and Khaled Missbahuzzaman.2010. Village Common Forests in Chittagong Hill Tracts, Bangladesh: Balance between Conservation and Exploitation. Dhaka: Unnayan Onneshan.

8. Burger, Julian. 1987. Report from the Frontier: The State of the World's Indigenous Peoples. Zed Books Ltd., London & Cultural Survival Inc., Cambridge, Massachusetts.
9. Chowdhury, Khairul. 2008. Politics of Identities and Resources in Chittagong Hill Tracts, Bangladesh: Ethnonationalism and/or Indigenous Identity. *Asian Journal of Social Science*. Vol.36: 57–78.
10. Gain, Philip. 2000. Land Disputes in Chittagong Hill Tracts. Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) and the International Land Coalition (ILC).
11. Hall, Derek, Philip Hirsch and Tania Murray Li. 2011. Powers of Exclusion: Land Dilemmas in Southeast Asia. National University of Singapore Press.
12. Hutchinson, R.H. Sneyd. 1906. An Account of the Chittagong Hill Tracts. Calcutta: Bengal Secretariat Book Depot.
13. Ishaq, Muhammad (ed.). 1975. Bangladesh District Gazetteer: Chittagong Hill Tracts. Bangladesh Government Press, Dacca.
14. Karlsson, Bengt G. 2000. Contested Belonging: An Indigenous People's Struggle for Forest and Identity in Sub-Himalayan Bengal. Curzon Press.
15. Kasmir, Sharryn and August Carbonella. 2008. Dispossession and the Anthropology of Labor. *Critique of Anthropology*. Vol.28(1): 5-25.
16. Mey, Wolfgang (ed.). 1984. Genocide in the Chittagong Hill Tracts, Bangladesh. International Workgroup for Indigenous Affairs (IWGIA) Document No. 51. Copenhagen.
17. Mohsin, Amena. 1997. The Politics of Nationalism: The Case of the Chittagong Hill Tracts Bangladesh. Dhaka: The University Press Limited.
18. ____ 2003. The Chittagong Hill Tracts, Bangladesh: On the Difficult Road to Peace. USA: The International Peace Academy.
19. Murray Li, Tania (ed.). 1999. Transforming the Indonesian Uplands: Marginality, Power and Production. Netherlands: Overseas Publishers Association.
20. ____ 2009. To Make Live or Let Die? Rural Dispossession and the Protection of Surplus Populations. *Antipode*. Vol.41 (1): 66-93.
21. Nasreen, Zobaida and Masahiko Togawa. 2002. Politics of Development: 'Pahari-Bengali' Discourse in the Chittagong Hill Tracts. *Journal of International Development and Cooperation*. Vol.9 (1): 97–112.
22. Ong, Aihwa. 2000. Graduated Sovereignty in South-East Asia. *Theory, Culture and Society*. Vol.17 (4): 55-75.
23. ____ 2006. Mutations in Citizenship. *Theory, Culture and Society*. Vol.23 (2-3): 499-531.
24. Rasul, Golam. 2007. Political Ecology of Degradation of Forest Common in the Chittagong Hill Tracts of Bangladesh. *Environmental Conservation*. Vol.34: 153-163.
25. Rosaldo, Renato (ed.). 2003. Cultural Citizenship in Island of Southeast Asia: Nation and Belonging in the Hinterlands. Regents of the University of California.
26. Roy, Rajkumari Chandra Kalindi. 2000. Land Rights of the Indigenous Peoples of the Chittagong Hill Tracts, Bangladesh. Copenhagen: International Work Group for Indigenous Affairs (IWGIA).
27. Roy, Raja Devasish. 1995. Land Rights, Land Use and Indigenous Peoples in the CHT. In Gain, Philip (ed.) Bangladesh: Land, Forest and Forest People. Dhaka: Society for Environment and Human Development (SEHD).
28. ____ 1997. The Population Transfer Programme of 1980s and the Land Rights of the Indigenous Peoples of the CHT. In Bhaumik, Subir, Meghana Guha Thakurata and Sabyasachi Basu Ray Chaudhury (ed.) Living on the Edge: Essays on the CHT. Kathmandu: South Asia Forum for Human Rights.
29. ____ 2004. The Politics of Safeguarding Traditional Resource Rights in the Chittagong Hill Tracts, Bangladesh: An Indigenous Perspective. Paper presented at the Tenth Biennial Conference of the International Association for the Study of Common Property (IASCP) on Challenges of Globalizing Commons and Indigenous Peoples of the Eastern Himalayan Region. Oaxaca, Mexico, 12 August 2004 (mimeo).
30. Scott, James C. 2009. The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia. Yale University Press.

31. Shelley, Mizanur Rahman (ed.). 1992. *The CHT of Bangladesh: The Untold Story*. Bangladesh: Centre for Development Research, Bangladesh (CDRB).