CHAPTER IV

Environmental Security of Bangladesh

Environmental Crisis and Conflicts

In recent years, the frequency and intensity of conflicts over renewable natural resources have increased manifolds in Bangladesh. These are due to the increase in the competing demands over these dwindling resources by different groups. Conflicts are taking place at various levels from individuals to the state. At the individual and group levels, conflicts over plots of land under uncertain or changing land tenure are widespread in rural Bangladesh. At the state level, numerous conflict over disputed territories and river waters are posing threats to the security of Bangladesh. This chapter focuses on conflicts associated with renewable resources. Since such conflicts pose threats to the security of Bangladesh, an understanding of the roots of these conflicts, as well as the role they play and their possible resolution, are essential for a discourse on the environmental security of Bangladesh.

Conflicts Over Land in Rural Bangladesh

Land has long been the key resource in rural Bangladesh and a central factor in the household’s social status and economic strategies. Land is much more than just another commodity: it represents security and is held in an almost mystical regard. To

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1 Sarah C. White, Arguing with the Crocodile: Gender and Class in Bangladesh (Dhaka, 1992), p. 53.
lose land is a matter of shame, as well as damaging to the household’s longer term economic prospect.²

However, land in Bangladesh is under intense pressure, threatening its carrying capacity. Almost all sectors compete for the use of land and competition to acquire this scarce resource, whether for agriculture forestry, fisheries, livestock, homestead development projects or social reasons such as status or dowry, has become very intense. As land is the most important means of production in rural Bangladesh, and as it is privately owned, scarce and unequally distributed, conflicts over access to this vital resource are endemic feature of daily life.³

There are great variations in the background of conflicts over land. Different types of conflicts have a certain pattern in which two or more actors compete for the scarce land. The major types of conflict over land resources are described below.

Conflict Over Division of Inherited Land

The Muslim law of inheritance has led down instructions on the proportion of land to be inherited by sons, daughters, and wives and under specific circumstances other family members. However, despite the clear rules there are often conflicts between the claimants about the division of land. The division of land between the claimants by no means always follows the rules, and subsequent transfers and disputes show that power determines property rights, rather than the other way round.⁴

² Ibid.
Conflict Over Khas Land

In all areas of Bangladesh there are plots that are owned by the government and not by private people. This land is called *khas* land. The government can lease the land on a yearly basis to peasants and in this way generate revenue. The government can also auction the land for sale. The competition over *khas* land is generally between the rich people of the area, who compete in order to obtain the land on lease basis.

Conflicts Over Boundaries between Plots

The agricultural plots are divided by small borderlines that demarcate the boundaries of the plot a man owns. Conflicts over the precise location of borderline between two plots are very common in Bangladesh.

Conflicts Over False Registration and Recoding of Land

There are three specific documents necessary in order to prove ownership to a specific plot (registration document, land-record document, and tax receipts). If all these documents are in the name of one person, the land can be considered to have a very secure status, and it will be very difficult to make a claim for it without reasonable documents. A crucial period for the ownership rights to land is when the plots are being re-registered, as they sometimes are after the death of the household head when the land is divided among the family members. Powerful members of the family often get more land registered in their names than they are entitled to, as per the inheritance rules. When land has once been registered in a powerful person's name it
is not impossible to obtain the real or faked tax receipts and land-recording papers.\textsuperscript{5} Illiterate and poor people are particularly vulnerable in such situations.

\textit{Conflict Over Hindu Land Property}

After the partition of India in 1947, many Hindus left for India. In the 1950s much of their land declared ‘enemy’ property and considered as ‘Khas’ land, government land, which could be given out on lease.\textsuperscript{6} The land that was taken from them by the governments and declared Khas land has often been the subject of disputes. In the case of \textit{khas} land and also for other types of disputes over \textit{Hindu} land property, the litigants are often not the former owners, but various people who compete against each other in order to acquire the land. Disputes may have started between the farmer sharecroppers of the Hindu landowner and the persons who managed to acquire the land after the Hindus had left the country.\textsuperscript{7}

The least privileged sections of the rural Bangladesh are the first victims in the struggle over land. Conflict over land is one of the reasons for some poor people to become landless and they leave their ancestral lands out of desperation and migrate to other areas in search of livelihood. The increase in the frequency and intensity of conflicts over land causes not only a split in a traditional faction of the village but also deterioration of law and order in the rural society.

\textsuperscript{5} Ibid., p. 232.
\textsuperscript{6} Ibid., p. 220.
\textsuperscript{7} Ibid., pp. 220-220.
Conflict between Bangladesh and India over Disputed Land

There are many examples of conflicts over land along Indo-Bangladesh border. So strong is the competition for land and other resources that borderland communities of both countries often clash over land produced by river accretion along the border. Similarly, India and Bangladesh almost went to war in 1981 over a disputed island in the Bay of Bengal. Moreover, increasing landlessness in Bangladesh has created a powerful impulse for the landless to migrate to India, thereby broadening the base for inter-state conflict.

Territorial Dispute over Land Formed due to River Erosion

The boundary between Bangladesh and India well defined along fixed line. In some cases, these lines pass through the middle of common rivers. On one side of the line lies the Indian territory and on the other side lies the Bangladesh territory. It is a common misconception that if the river shifts, then the line separating the two countries will also shift conforming to the centreline of the common river. Thus, if the river erodes on the Indian side, people living on the Bangladesh side may think that they have the right to occupy and use the newly accreted land contiguous to Bangladesh. In fact, this land belongs to India. Consequently, we see that conflicts break out between borderland communities living on both sides of such shifting common rivers. Example of these types of disputes is found in the Ganges river. This river shifts its course in a random manner and often disputes break out on the issue of ownership of a newly accreted land (locally called a char). The river has been cutting into Indian territory especially in Murshidabad and Malda districts, and the land that
was once in the possession of Indian farmers has now assumed the form of 'char' on the other side of the river. It is reported that India is losing 20 sq.m of land to Bangladesh everyday because of the riverbank erosion in the Ganges. The Dhulian municipality (Mushidabad district) in the border area is already facing serious trouble with 45 houses washed away in the year 2000. Farmers of the two countries have clashed several times in the past over their legal cultivation of Char land.

The opposite scenario would be a river eroding Bangladesh side of the bank and leaving part of Bangladesh land contiguous to India. Technically, this problem is easy to deal with when people on both sides of the border are aware of the international and mutually agreed upon boundary setting rules. "Things can and do get complicated sometimes when the shift of the river can not be attributed to natural causes. It is conceivable that one country might build one or more flow diversion structures (groyens) to protect a border settlement from erosion, which in turn may cause erosion of the opposite bank. People living on the eroded side of the river may interpret this as a deliberate act of pushing the border inside. This is what has happened in the Kushiara River. Zakiraganj, the border town of Sylhet, is facing severe erosion problem because of the construction of various protective works on the left bank of the river, which is flowing within India. As a result, the deep water line (thalweg) has been shifted into Bangladesh side, creating the controversy of demarcation of land boundary between the two countries."

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8 Times of India (New Delhi), 25 October, 2000.
9 IM. Faisal and Others (2000), Managing Common Waters between India and Bangladesh
The same is happening in the case of the Muhuri, a bordering south-eastern river. The water course of the river has shifted towards the right bank on Bangladesh side due to construction, extension and advancement of spurs and bank protection works along the left bank of the river in the Indian Territory. The formation of new land of about 200 acres well within Bangladesh territory is being cultivated by the Indian farmers, on the plea that the mid-stream of the river is the demarcation line between the two countries. The same is applicable to the river Feni, the Ichhamati, the Gumti, the Khowai etc. cases wherein the mid-streams form the international boundary. Exchanges of fire between the BDR (of Bangladesh) and the BSF (of India) are regular phenomena along these bordering rivers.

Disputes over Enclaves and Areas in Adverse Possession

There are 51 Bangladeshi enclaves having a total area of 7,110 acres in India and 111 Indian enclaves measuring 17,158.1 acres in Bangladesh. These are isolated strips of land or villages which are surrounded on all sides by the neighbouring countries. People living in these enclaves have been facing hardships because of their adverse locations and lack of accessibility.

Similarly, there are about 52 pieces of land which actually belong to Bangladesh but are in the adverse possession of India and about 49 pieces of land belonging to India but are in adverse possession of Bangladesh. It implies that even

\[^{11}\text{Ibid. p. 69.}\]
\[^{12}\text{Ibid.}\]
\[^{14}\text{Kulbir Krishna, opp. cit., p. 665.}\]
if the territory physically belongs to one country, the citizens from other have legal right to cultivate it.

These complex situations along the border have been the source of tension between the two countries. Recently, conflict broke out between the Bangladesh Rifles (of Bangladesh) and the Border Security Force (of India) after the former forcefully occupied the village and outpost of Pyrdiwah (Meghalya). This is a small stretch of 320 acres of land, which has been in adverse possession of India for over 40 years. However, for the BDR, this area was a part of Bangladesh.\textsuperscript{15} The Bangladeshi calls it Paduah. According to media reports,\textsuperscript{16} on April 8, the BSF launched a “counter attack” or resorted to “intensive patrolling” (depending on the point of view) near Boraibari, a small enclave in Bangladesh’s adverse possession in the Mankachar sector of Assam’s Dhubri district. Apparently, the BSF thought that by capturing the enclave in the adverse possession of Bangladesh, they would be able to neutralize the advantage gained by the BDR at Pyrdiwah. In the whole incident, 16 of the BSF men were killed, two injured and captured, while the others managed to scrabble back to safety in India. Following this fiasco, due to diplomatic pressure, the BDR agreed to withdraw from Pyrdiwah and go back to the situation that existed before April 15, 2001. Above incidents are not isolated. The borderland communities and the border security forces of the two countries have been regularly clashing over the question of possession of disputed lands along the border.

It is pity that both India and Bangladesh have paid little attention to the border problem even though Indira-Mujib pact of 1974 has clearly envisaged the ideas of

\textsuperscript{15} Ibid
\textsuperscript{16} The Hindustan Times (New Delhi) 24 April, 2001.
border demarcation and fencing, exchange of territories in adverse possession and providing access to enclaves. Almost the entire work of border demarcation has now been completed and only a small stretch of 6.5 km remains to be demarcated. However, on the issues of exchange of territory and the provision of access to enclaves, little progress has been made. The agreement to exchange Southern Beriburi for the permanent lease of the tiny corridor though the Tin Bigha was reached between India and Bangladesh in 1974. India appropriated Berubari but the corresponding obligation to provide Bangladesh with passage to its enclaves of Dohagram and Agorapota through the Tin Bigha was only fulfilled in 1992. The Tine Bigha corridor is 180 metres by 85 metres. Leasing an enclave (Kuchlibari) of 50,000 populations, which was cut off from India. Some political parties in India tried to exploit this issue to their own advantage, to the grave detriment of settlements of other outstanding disputes in the future.

**Internal Conflict over Water Resources**

Bangladesh is one of the most flood-prone countries of the world. The annual river floods are essential for the agricultural system of Bangladesh, as they enrich soil by depositing fresh sediments, yet in bad years, river floods, cause widespread losses and social dislocation.

Following severe floods in 1954, a Master Plan for water resource development identified flood control and drainage (FCD) measures as key requirements to increase agricultural production and reducing losses, by providing more stable conditions and reducing the depth and duration of normal and unusually
high flooding. Subsequently, large-scale flood control structures have been constructed over the past four decades. Despite this, the losses and sufferings of rural people of the country due to frequently recurring floods have not decreased. To worsen the situation, the environmental changes and resources created by these projects have increased poverty, inequality and social conflicts in many project areas. Flood protection structures have displaced some groups from their traditional occupations, notably fishermen and boatmen, but have generally had a limited impact on work opportunities, partly because some projects had little impacts on agriculture. The economic condition of poor households, rather than being stabilized, has deteriorated due to flood protection structures. Where there were benefits these accrued mostly to large landowners, but labourers and small farmers did not get much benefits. One consequence of differential impacts is new conflict over the management of water inside projects. Who, for example, operate weirs and make cuts to operate low-lift pumps for irrigation, and sell out water to other farmers? The main forms of conflict are described below.

Conflict between People Inside and Outside Projects

Public breaches of embankments are made both by outsiders and insiders to reduce water levels and to admit needed water respectively where levels differs on opposing rides. Those outside the project in some areas suffer more flooding and drainage congestion due to confinement effect along embankmented rivers during the rainy season than those inside the project. This compels to public cut of embankment

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18 Ibid., p.11.
by the people who are outside the project to reduce water level on their side (riverside) to the losses of people inside the project.

Similarly, people inside the project suffer from the water scarcity during the dry season than those outside the project. To admit needed water for agricultural operation, they make public cut of embankment at the cost of water requirements of people outside the project.

Vigorous arguments, sometimes ending in death, are not uncommon between people, guarding or wishing to cut sections of the embankments. While the construction of embankment have caused social tensions between outsiders and insiders, the persistent public cuts have rendered these projects economically non-viable. Such problems are found in Chalan Beel Polder D and the Nagor River Project.19

Conflict between Farmers and Fisherman

Fishermen and farmers often clash over the timing and duration of gate operation. Fishermen often open or close sluice gates to help fishing operations or build bunds across drainage channels. This can cause conflict with agricultural drainage needs. In Nagor river, conflicts between fishermen and farmers over the control of gate operations are reported.20

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19 Ibid.
20 Ibid.
Conflict between Farmers and Shrimp Farmers

This form of conflict takes place near the coast where brackish water makes shrimp farming possible. For example, in polder 17/2 (Khulna) the embankment helped construction of large shrimp farms, which radically changed water management from the intended pattern. The project was completed in an attempt to eliminate shrimp farming but has not had this effect. Instead there are sometimes violent conflicts over intrusion of saline water into nearby cultivated land, and disputes over low compensation received by small landowners from shrimp farms.

Conflict between Boatmen and Farmers

The construction of embankments and other water regulating structures has obstructed navigation routes. This has adversely affected boatmen who make their living on inland navigation on local scale. Conflicts often break out between boatmen and farmers due to conflicting demands of river waters for their respective professions. Such conflicts are reported from Zilkar Haor (Sylhet) and Silimpur-Karatia (Tangail).

Conflict between Farmers of Different Land Levels.

Conflict often break out between lowland and highland farmers over the operation of sluice gates. Farmers near a sluice gate have better chance of influencing its operation and may have lower land, resulting in over drainage of higher land.

\[\text{Ibid.}\]

\[\text{Ibid.}\]
Conflict between smaller Poor Fishermen and Rich Fishermen over Access to Government Owned Water Bodies

The inland water bodies like haors, beels and baors have traditionally been the principal source of fish to wetland resident. In addition to providing full time employment to small fishermen, the small and marginal farmers participate in open water fishery as a supplement to nutrition and income or as a secondary occupation. However, these water bodies being Khas (government-owned property), they are leased out to highest bidders on a term basis. These leased water bodies representing a single *beel* or a group of *beels* are known as *Jalmahals* which are constant source of conflict pitting the lease holders against the resident (small fishermen and farmers) who feel they should have an equal access to the natural open resources. The *Jalmahal* fishing is traditionally done in winter months usually in every third year; the rest of the time these are protected by employed guards against fishing by others. *Beels* which were harvested only once in every three years in the past are now being harvested every year. Most of the cease holders have inferential and administrative linkage and political patronage to appropriate fish resources and to become powerful in the area by preventing subsistence fishermen from catching fish even during monsoon when the hoar is flooded. Cases of harassment and intimidation are usually resolved by force, not by law.

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Conflict between Bangladesh and India over Common Waters

Bangladesh receives about 80 per cent of the annual fresh water supply as transboundary inflow through 54 common rivers with India. As population and demand for water is growing in India, more and more of this transboundary water is likely to be withdrawn and used in the upstream states of India. Given the facts that average availability of water in a year is not increasing and its quality is deteriorating due to discharge of industrial effluents, municipal waste and agrochemical runoffs, there clearly mean less inflow for Bangladesh and growing number of water related contentious with India in future.

In the following sections, all current and future contentions over water related issues with India have been examined. These issues generally fall into two major categories transboundary sharing of water (quantitative issue) and water quality management (pollution from chemical, biological and sediment sources).

(1) Dispute over Diversion of Water (Small Scale)

India, the upstream country has built diversion structures (a cross dam, rubber dam or a small barrage) on number common rivers. Due to this, these rivers are facing reduction of flow during the dry season. Consequently, people being deprived of

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natural flow get agitated and tension build up in borderland communities. There are a number of examples of such small from the Kodalia and Isamati rivers on Indian side has rendered downstream reaches of these rivers completely devoid of water during the dry season.26

Similarly, India is constructing a barrage on the Manu river to facilitate irrigation in Tripura. 'With the construction of the barrage, India would now control the flow of the river during the dry season to feed its 40 Km long canal, being constructed to irrigated 4.198 hectares of land in Tripura. It is feared that with the diversion of river flow by India, water on Bangladesh side would come down significant by during the dry season jeopardizing the Manu River Project (MRP)'.27 The MRP was commissioned in 1986 to facilitate irrigation of 56,000 acres of land in Moulvibazar district. With the implementation of the project, additional crops were being produced in parts of the districts. The Tripura government has also constructed a barrage on the river Khowai and has been controlling the flow of the river since 1996. They are also planning to construct another barrage in Tipaimukh area to take control of the flow of rivers Kushiara and Surma during the dry season. The flow of Surma has already come down to a great extent. It is apprehended that if no steps are taken immediately to stop the Indian move of unilateral withdrawal of water, desertification will soon start in the entire Sylhet Division.28

26 J.M. Faisal and other, opp. cit., p.4.
27 Financial Express (Dhaka), 10 March, 2000
28 Ibid.
(2) Dispute over Drainage Congestion in the Upstream Area

This is a problem that mostly affects the Indian side as most common rivers flow into Bangladesh from India. This happens when people on the downstream side build cross dams on small rivers and streams to impound water for irrigation or to raise water level so that certain navigable depth is maintained for river transportation. Indigenous people of the CHT use one such method called Gohda to transport bamboo and logs from hilly forests to downstream business centres. In any case, if a dam is built too close to the border then the upstream side may experience drainage congestion and temporary flooding. In reality, one such problem was observed in the Satkhira areas where Indian has suffered from drainage congestion problem due to planned construction of road through a natural wetland (beel) in Bangladesh. The road, without proper drainage channels, essentially blocked natural flow from Indian side into the beel.

(3) Dispute over Gaps between Embankments in No-man’s Zone

Both India and Bangladesh have built flood control embankments as a number of major rivers that flow from India to Bangladesh. Due to border regulations, these embankments abruptly end near the border leaving an opening on one or both banks through which floodwater spill into floodplains. This type of hydraulic leakages undermine the safety of the embankments and cause prolonged flooding particularly in the downstream area. as internal drainage is not designed to accommodate such onrush

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29 Ibid., No. 9, p. 3.
30 Ibid.
of flood. This situation existed in the Teesta River prior to the closing of the gap in 1998 through an agreement between the two countries.\textsuperscript{31}

(4) Pollution of River Water

As most rivers flow from India to Bangladesh the latter is going to be on the receiving side of any quality impact, good or bad. In general, due to discharge of industrial effluent, municipal wastes and runoff from agricultural fields, water quality gradually deteriorates as the flow reaches downstream areas. Part of the waste load, mainly the organic part, is removed through biodegradation. But the chemical pollutants remain in the river and continue to cause damage to various organisms including humans.

Among the three major river systems flowing into Bangladesh, the Ganges is the most polluted one as several industrial-urban centres are situated on its bank, discharging huge amount of industrial and municipal wastes. On top of that, many partially cremated bodies are thrown in the river. However, since 1985 Indian government has undertaken initiatives to clean up this holy river, through the Ganges Action Plan. This will certainly benefit Bangladesh.

(5) Sedimentation

The three major rivers, the Ganges, the Brahmaputra and the Meghna, with their innumerable tributaries and distributaries carry about 2.0 to 2.4 billion tonnes of sediment each year into Bangladesh.\textsuperscript{32} Besides the regional geography, faulty land use practices in the upstream areas causes heavy sediment load in these rivers. In the dry

\textsuperscript{31} Ibid.

season, stream sedimentation rate is increased due to an interruption of natural water flow. This creates strips of raised land, called “char”, inside the river channels, which reduce the navigability. When deposited on textile crop fields, sediments cause enormous economic and ecological loss.

**Maritime Disputes between Bangladesh and India**

Bangladesh is situated on the northern tip of the Bay of Bengal. The total length of its coast is about 710 kilometres, measured along the shares of the Bay of Bengal between India (on the west) and Myanmar (on the southeastern tip). The Bay of Bengal is economically, strategically and ecologically very important for Bangladesh. Therefore, the security of the Bay is vitally important to Bangladesh. The Bay of Bengal is rich in mineral and other resources. Experts are of the opinion that oil, gas, metals like zircon, cobalt and magnetite, nickel, soda ash, chlorine, hydrochlorine are found on the bed of the Bay which can be used for industrial purposes if tapped properly. However, the maritime boundary of Bangladesh with its neighbours (India and Myanmar) is not yet delimited completely. Interpretation of the laws of the seas purely from national perspective has barred the efforts of settlement through dialogue. Contending claims over certain maritime areas are major sources of disputes between Bangladesh and its neighbouring countries.

**Case Studies of Conflict Areas**

**(1) Conflicts over Char Land**

It is said about the Bengal Delta “land has always been almost as fluid as the water that shapes it. The geography of the delta changes like a speeded version of
continental drift." The major rivers of Bangladesh do not flow in the same course for two successive years. The large land areas adjacent to the major rivers are, therefore, subject to active fluvial action in all seasons. The rivers not only erode land, causing settlements to be constantly on the move, they also throw up new, virgin lands through accretion for newer settlements and agricultural activity. These newly formed lands, called char or diara in Bengali, are inhabited by some of the most desperate people in the country, locally known as chouras (i.e., the denizens of the char). The people living in the rivarine environment of char have a distinct style of rural life. They are said to have a choura sub-culture, which in some hat different from the ways of the people living in the mainland. The choura sub-culture which is belittled by the people on the mainland because of the poor, tough, uncertain but necessarily repeated and habitual adjustment to the everyday risks of riverine hazards, erosion and displacement.

The char environment, although highly uncertain with the chance of future flooding or river erosion provides some of the most productive agricultural soil in Bangladesh. For most people in the flood plain, access to new depositional land, its use and exploitation and control are crucial factors in adjustment to riverine environment and erosion hazards. Settlement is one mode of gaining control over these lands in an environment where might-is-right. Because of fierce competition for scarce agricultural land, people, especially elite, forcefully gain access to these

char lands. The process of gaining access impels poor peasants to surrender themselves to the powerful elite. ‘This is not always a peaceful process, for it is often associated with violence. The settlement process being symbolic of the process of gaining power in the char lands is often synonymous with litigation, strife, arson, and bloodshed.’ Historically the emerging char lands created violence among the elites and the poor peasants. The elites, locally known as Jotdars, of the villages act as a patrons of the lathiyals (professional musclemen). The extent of use of lathiyals, in fact, dictates the nature of ownership of char lands. When a patron succeeds in these violent fights his supporters or kins or dependents usually settle in the char and become the de facto owner of the entire char. The de facto process of gaining access to char lands is generally as follows. ‘When a new piece of land is about to emerge, interested parties watch carefully so as to occupy the land at right time before any other parties approach. As soon as a land is ready for occupation the jotdar sends members from among his poor kinsmen as his representative. This approach of jotdar through poor peasants is usually supported by organised group of lathiyals, so that any hindrance can be tackled either by threat or physical strength.’

Once the char is occupied and cultivated by a particular party, other parties engage themselves in preparing the course of action through which they can occupy the char. When harvesting period approaches, tension among the parties increase. Suddenly, sometime under the cover of darkness, the opposition party appears in the field and takes away the crops. During this pre-harvest period severe fights are common. Both sides demonstrate their power to establish their property of usufruct

37 Ibid.
38 Ibid., p.28.
rights and prestige. The first party may be de jure owner of the land or a powerful elite, who has established his de facto land rights. Whenever fight occurs, the second party, if more powerful, usually demolish the temporary structure by putting fire- the most common way of ignoring other on the land thus denying the dakhal of the first party. Generally, the relatively poor kinsmen are involved in these fights to protect the interest of the elites. Often both parties seek help from a third influential quarter. If this negotiation fails devastating fights usually occur, thus endangering the life of the entire village. There may often be a series of fight which continue for several months.

Thus, conflicts and violence are an endemic feature of char life. As land providers food and symbolizes power and aristocracy, acquire it. The situation seems to have deteriorated over the past two and half decades because of increased population pressure and overall deterioration of law and order in the country. Due to population pressure, land has become a scarce resource; therefore the landless are inclined to venture out into the remote and challenging char environment. These disparate people go out on such ventures on the assumption that the chars are government lands and therefore they are the genuine claimants. The fact is that the rural have-nots have now become more conscious and demanding.

The occurrence of conflicts and violence in char land reflect a definite pattern in both space and time. Study shows that most of the fights occurs is Barisal, Noakhali and Faridpur districts. All these districts are located in the coastal regions of the south Bangladesh and lie along the major rivers. The occurrence of fights are relatively

40 Ibid., p. 29.
higher during the pre-monsoon period (March to May) when water level of rivers fall causing accretion of chars.\textsuperscript{41}

(2) Dispute over South Talpatty/ New Moore Island

A dispute developed between Bangladesh and India in 1979 over a newly formed island in the Bay of Bengal, which is called South Talpatty Island by Bangladesh and New Moore Island by India and which both countries claim as part of their national territory.

The island lies in the estuary of the River Hariabhanga, the mid-stream of the main channel of which forms the border between Bangladesh and India, and of the Raimangal, an internal river of Bangladesh.\textsuperscript{42} It is located at a distance of 5.2 Kilometres from the Indian coast and 7.2 Kilometre from the nearest point in Bangladesh. India maintains that the main channel of the Hariabhanga flows to east of the island, whereas Bangladesh claims that the main channel flows to the west of the island. The area of the island varies between 12 square kilometres at low tide and 2 square kilometres at high tide.

The island is believed to have been formed of billions of tonnes of sediments that are eroded each year from the Himalayas and all along the lengths of the Ganges and the Brahmaputra rivers and their numerous tributaries, by a cyclone and tidal wane in 1970. It was discovered in the following year by India, which laid claim to it and notified the British Admiralty of its location. Bangladesh first claim to it in 1978.

\textsuperscript{41}Ibid., p. 85.
\textsuperscript{42}Charles Hobday, "India Bangladesh", in Alan J. Day (ed), Border and Territorial Disputes (Essex-UK, 1982), p. 251
In the year 1979, India named it the New Moore Island while Bangladesh preferred to call it the south Talpatty Island.

The issue has turned out to be a major source of contention between the two countries because of the conflicting claims. Diplomatic solution to the problem has not yet been found. Bangladesh maintains that during a visit to Dhaka in April 1979 Morarji Desai (the then Indian Prime Minister) had agreed to a Joint Survey to determine its location and ownership. However, a joint statement issued on August 8, 1980, after a visit to Dhaka by the Indian External Affairs Minister, P.V. Narasimha Rao, merely said that “the two sides agreed that after study of the additional information exchanged between the two governments further discussion would take place with a view to settling it peacefully at an early date”, no reference being made to a joint survey.

During the early part of 1981, the issue became militarized after an Indian Naval Survey ship anchored off the island and landed personnel. On 11 May Bangladesh lodged a protest with India that the ship was in its (Bangladesh’s) territorial waters and it sent gunboats to the area the next day. India, in response, dispatched a frigate to assist the survey ship. In the subsequent exchange of notes each government accused the other of acting in a provocative manner and of violating each other’s territorial waters by sending warships.

Also, a series of demonstrations were staged in both countries in protest of this occurrence. And on 28 May the Bangladesh Parliament adopted a resolution...

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44 Ibid., No. 42.
45 Ibid., No. 43, p. 54.
demanding an immediate withdrawal of all Indian Personnel from the island. Since then India has been consistently rejecting the proposal of joint survey on the ground that the island rightly belongs to it.

The dispute over the island still continues to be viewed by both the countries as having serious security implications. Problems of conflicting claims over the island are not because of lack of understanding of international law but are due to the politics surrounding the claims. Actually, the dispute is part of a big contentious issue between the two countries, i.e. the unsettled maritime boundaries. Mindful of the facts that the Bangladeshi coastline is unstable and that the low watermark that usually indicates a country’s border is unrecognizable, Bangladesh has adopted the 10 fathom line to be the country’s natural baseline. India does not recognize Bangladesh’s claim on the ground that it will enter within 34 km of its territorial waters.

India favours the equidistance principle which calls for certain types of base points from which the median line would be drawn. ‘But such an approach denies Bangladesh a larger portion of what it considers to be its territorial waters. On the other hand, Bangladesh favours the principle of equitable delimitation as laid down in the North Sea continental shelf case.’ On the question of base points and the method of defining a baseline. Bangladesh argues that, although the low watermark along the coastline in normally taken to be the base line, this is inappropriate for Bangladesh because its coastline constantly shifts on account of the continuous land formations at the mouth of the river that empties into the Bay of Bengal. In the absence of identifiable fixed land points. Bangladesh argues for the ten fathom line on the

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46 Ibid.
47 Ibid., p. 55.
Admiralty Chart as the baseline. The location of New Moore/ South Talpatty Island, therefore assumes a considerable significance in this context because it will affect the maritime boundary between India and Bangladesh and the extent of territorial waters that each country can legitimately claim. Moreover, in view of the decreasing man­land ratio, islands like New Moore assumes a very important security issue between Bangladesh and India.\(^4\) Formation of land within the territorial waters of either Bangladesh or India would not only ease the pressure on resources by increasing the limit of continental shelf but new location of coastline due to siltation in the Bay would require new negotiation on the limits of territorial waters.

3. The Ganges Water Dispute

Although, Bangladesh shares 54 common rivers with India (see map 4.1), the sharing of the Ganges waters has been one of the most contentious issues in their relations since 1947, when British India was partitioned into India and Pakistan. The Ganges, which was solely an Indian river before the partition, became an international river. The problem arose when India began to divert increasing volume of water for agricultural, industrial and domestic needs from the Ganges river system and the effects of negative externalities of this action on hydraulic regime in Bangladesh (then East Pakistan) were noticed during the dry season. The situation further aggravated in 1960, when Indian government sanctioned budget for the construction of the Farakka Barrage over the river Ganges, apparently for solving the siltation problem of the Hoogly River with a view to preserving the Calcutta port.

\(^{28}\) Ibid.

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Map 4.1

COMMON RIVER BETWEEN INDIA AND BANGLADESH

LEGEND
Figure Indicates Border/Common Rivers 7
International Boundary
District Boundary
District Headquarter
River/Khal
In 1961, the Government of India formally informed Pakistan about its intention to go ahead with the plan to build a barrage across the Ganges at Farakka and started the construction on the barrage soon thereafter. The then Pakistan government lodged a protest immediately on the ground that the project would have ruinous effects on East Pakistan (now Bangladesh). At a meeting in London in March 1961, the Prime Ministers of the two countries agreed to initiate ministerial-level consultations, but these never materialized. India completed the construction of the barrage in 1970, only the feeder canal remained to be completed. Bangladesh separated itself from Pakistan as an independent nation in 1971. Immediately thereafter, the government of Bangladesh took up the matter with India on a priority basis. Sheikh Mujibur Rahman, the then President of Bangladesh, raised the matter with the Indian Prime Minister, Mrs. Indira Gandhi, in January 1972. In March 1972, the President of Bangladesh and the Indian Prime Minister in a Joint Declaration announced the establishment of the India-Bangladesh Joint Rivers Commission (JRC). The statute of the JRC was signed eight months later on 24 November 1972. The major functions of the JRC, as described in its statutes, are as summarized below:

1. Ensure most effective joint efforts in maximizing the benefits from the common river systems.
2. Formulate flood control works and recommend implementations of joint projects.

Ibid.

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3. Formulate detailed proposals on flood and cyclone warning and flood forecasting.

4. Study flood control and irrigation projects to ascertain equitable sharing of water resources for mutual benefit of the people of the two countries.

5. Formulate proposals for carrying out joint research on the problem of flood control affecting both the countries.

It is worth noting that the question of sharing of waters of the Ganges was kept out of the purview of the JRC, to be settled at the level of the two Prime Ministers. This was, perhaps, a tacit acknowledgment of this particular problem that it has acquired political dimensions and implications and therefore, has to be resolved politically at the highest level.\(^{52}\)

The two Prime Ministers met once again in New Delhi in May 1974 and discussed, among others, the Ganges issue. Following their meeting, a Joint Declaration was issued on May 16, 1974.

This declaration observed that the Farakka Barrage Project could be commissioned before the end of 1974. They recognized that during the periods of main flow, there might not be enough water to meet the needs of the Calcutta Port and the full requirements of Bangladesh and, therefore, the fair weather flow of the Ganges in the lean months would have to be augmented to meet the requirements of the two countries.\(^{53}\)

\(^{52}\) Ibid., No.49, p. 221.

The two Prime Ministers also mandated the JRC to study the best means of augmentation through optimum utilization of water resources of the region available to the two countries. The two sides expressed their determination that before the Farakka Project was commissioned they would arrive at a mutually acceptable allocation of water available during the periods of minimum flow in the Ganges. The original mandate of the JRC was thus expanded.\(^5\)

The Commission accordingly took up the question of augmentation, but the vastly differing perceptions held by the two sides prevented the JRC from arriving at any agreed solution. Bangladesh proposed that seven storage dams should be built on the Nepalese tributaries of the Ganges in the upper reaches of the river system in Nepal and India to store the surplus monsoon flow which could be released in the lean season as and when necessary to augment the Ganges flow. India suggested, instead, that the Brahmaputra basin in India offered huge storage possibilities, which could be developed, and the construction of a Brahmaputra-Ganges link canal held prospects for augmenting the Ganges flow in the lean season.\(^5\) Both sides rejected each other’s proposals on various grounds about which we will examine in details later in this chapter.

Two ministerial level meetings in February and April 1975 failed to break the impasse. Given this situation, the Indian side proposed that while discussions on the allocation of waters in terms of the Prime Minister’s declaration of May 1974 continued a test run of the feeder canal of the Farakka barrage was necessary in view

\(^5\) Ibid., No. 49, p. 221.
\(^5\) Ibid., p. 222.
of the advent of the lean period of the dry season that year. The Bangladesh side
agreed to the proposal. Under the agreement that was reached between the concerned
Ministers of the two countries on 18 April 1975, India took the right to withdraw
11,000 to 16,000 cusec during the dry season of April 21-March 31, leaving 39,000 to
44,000 cusec for Bangladesh at the same period. As the normal flow of the Ganges
during the dry season would increase from 55,000 to 65,000 cusec, the amount
allocated to Bangladesh could rise up to 49,500 cusec. The amount negotiated for
Bangladesh was reportedly more than what Pakistan asked for in 1968.

Though this agreement was failed as a breakthrough and “an outstanding example
of mutual understanding and accommodation by the Indian Government,” it was not
reciprocated in the same spirit by common Indians and Bangladeshis. According to the
Indian opposition parties, the release of 11,000 cusecs to 16,000 cusecs of water in the
lean period is nothing in comparison to the needs of 400,000 cusecs to flash the
heavily silted up Hooghly. It prompted the West Bengal Chief Minister to comment
that “India’s share of the water as driblets...in quantities that do not serve our
purpose.” At the same time, to the Bangladeshi opposition parties, it was another
pro-Indian act of the Mujibur Rahman government overlooking the salient interests of
Bangladesh itself. On 15 August 1975, Mujibur Rahman was assassinated by some
army majors and some attribute the “short-term agreement” as one of the reasons of

60 Ashok swain (1996), opp. cit.

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his fall-out with the army." After the death of Mujib Rahman, Mrs. Indira Gandhi, the then India's Prime Minister, hardened her attitude towards Bangladesh. In the beginning of the next lean season, from January 1976, India unilaterally started to divert the Ganges water (40,000 cusses) at Farakka without any consultation with or concurrence by Bangladesh.63

In 1976 Bangladesh internationalized the dispute for the first time by raising it at the Islamic Foreign Ministers conference at Istanbul in May 1976, the Non-Aligned Summit Conference at Colombo in August 1976 and the 31st session of the United Nations in September 1976.64 The United Nations referred the matter back to the two countries at the initiative of the other non-aligned countries. The Government of Bangladesh also issued a White Paper on the Ganges water dispute in the second week of September 1976, which stated that a grave crisis had arisen for Bangladesh on account of India's unilateral withdrawal of water at the Farakka Barrage.65 It was countered in a report on ‘The Farakka Barrage’ by the Indian Government. In the meantime, Maulana Bhasani, a political leader of Bangladesh, tried to arouse public opinion on alleged devastation and desertification caused by the reduced flow of the Ganges water by issuing threats to lead a march to demolish the Farakka Barrage. On 16 May 1976, he launched the “Farakka Peace March” but due to intervention of the Bangladesh authorities it did not lead to any unsavory incidents.66 Thus, the years 1975 and 1976 saw the framework of cooperation found during the Mujib era, had

63 Ibid., No.60, p.132.
64 Ibid.
65 Ibid.
66 Ibid.

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turned into an open conflict by the change of regime in Bangladesh. Both sides accused each other for using the conflict to satisfy their political ends.

In the meantime, the political climate in India changed when the congress government was replaced by the Janata Party of Morarji Desai in 1977. On 30 September 1977, a five year water-sharing agreement was signed, with the stipulation that during that period the issue of augmentation should be resolved so that a permanent agreement could be reached. The sharing was apportioned according to a schedule of 10 day flows, from January, to May 31. Under this arrangement, roughly 60 percent of the Ganges flows as available at Farakka were allocated for Bangladesh. The flows at Farakka were reckoned at 75 percent availability of waters as per observed data of flows from 1948 to 1973. Further more, it was agreed that in the case of exceptionally low level of flows in the dry season, Bangladesh would be guaranteed a minimum of 80 per cent of the volume earmarked for it in the schedule of allocation.

By the close of the period of agreement, Indian attitude to Bangladesh stiffened as the JRC failed to agree on the issue of augmentation. In order to avoid another agreement vacuum period, the foreign Ministers of the two countries signed a Memorandum of Understanding (MOU) in October 1982, basically extending the terms of the 1977 Agreement for a further period of two years (until 31 May 1984), or effectively for two more dry seasons. However, the MOU dropped the 80 percent guarantee clause leaving Bangladesh at the whim of India. There was no agreement of sharing in 1985 while MOU was extended for three years form 1986 to 1988. Following this a long period of agreement vacuum followed. Reflecting the slump in political relations, meaningful dialogue on the subject ceased altogether until the end of 1990.
government of President Ershad (in power since 1980) was forced to step down, following a mass movement led by an alliance of all the opposition parties. A neutral caretaker government took over with a mandate to conduct free and fair elections.

In March 1991, the Bangladesh Nationalist Party led by Begum Khaleda Zia, Widow of the late president Ziaur Rahman (who was assassinated on 30 May 1981) won the elections and formed the government. The new government initiated discussions on the subject once again with India. The JRC was resuscitated in April 1991 but without any tangible results except reintegrating the old themes, viz., 'water sharing and augmentation'. The deadlock continued despite the meeting between the two Prime Ministers P.V. Narsimha Rao and Khalida Zia and the continuing talk at the JRC. secretary and ministerial levels. However, the meeting at the Foreign Secretary level at Dacca in June 1995, resulted in the revival of the long dormant Joint River Commission and an agreement of finding a permanent solution to the river waters issue. This also envisaged setting up of a joint monitoring system of all the 54 common rivers. But, no further progress was made thereafter in the wake of the political uncertainties in both countries and a period of state stalemate ensued with practically no high level contacts between the two countries. In May 1986, the United Front-led coalition government came to power in India with H.D. Deve Gowda as Prime Minister and I.K. Gujral as External Affairs Minister. In Bangladesh a month later the Awami League led by Sheikh Hasina was voted to power. These two developments, happening almost at the same time, marked a turning point for both the countries. A 30 year Indo-Bangladesh Treaty on sharing of Ganges water was signed
between the two Prime Ministers at New Delhi on 12 December 1996, bringing an end to a longstanding disputes.

According to the treaty, water would be shared on the basis of a formula during the dry periods spanning from 1 January to 31 March, further divided into 10 days period. In short, when flow is less than or equal to 70,000 cusses, both countries will get equal share (50 per cent). If flow is above 70,000 cusses but less than 75,000 cusses or more, then Bangladesh will get 40,000 cusses and the remaining portion will be diverted to India. In the most critical periods between March 1 and May 10, each country will receive a guaranteed 35,000 cusses in alternate 10-day periods. If the flow at Farakka falls below 50,000 cusses in any 10-days period, the two government will enter into immediate consultations to make adjustments on an emergency basis. The present treaty gives Bangladesh 7,400 cusses more water than what was allowed in 1977 treaty during the leanest period (i.e., during third 10-day period of April). This sharing treaty is not contingent upon augmentation, as in previous agreement. Reference to Nepal as a co-riparian for consultation while taking steps for augmenting the Ganges water 1977 treaty is absent in the present treaty which is in line with India’s consistent policy of not internationalizing the bilateral issues.

The signing of the treaty on the sharing of the Ganges water has resolved the most vexing issue between Bangladesh and India. The treaty does, indeed, marks watershed in Bangladesh-India relations. It has paved the way for fruitful and mutually beneficial cooperation in other areas of common concern.
3.1 Dispute over Augmentation of the Ganges Water

In a Joint Declaration in 1974 both the countries recognized that in the dry season, there may not be enough water to meet the needs of Calcutta and the full requirements of Bangladesh, and therefore ‘the fair weather flow of the Ganges in the lean months would have to be augmented to meet the requirements of the two countries’. At the 10th meeting of the JRC in 1974, the two countries examined each other’s proposals to augment the dry season flows of the Ganges. Bangladesh proposed that seven storage dams should be built on the Nepalese tributaries of the Ganges in Nepal to store the additional monsoon flow which could be released in the lean season as and when required. India, on the other hand, proposed that the flow could be augmented by diverting water from the Brahmaputra by connecting it with the Ganges with the help of a 320 km long link canal, 120 km of which would run through Bangladesh (see map 4.2). But, both parties rejected each other’s proposals. Again, on 25 March 1978, both the countries exchanged the alternative proposals for augmenting the flow of water in the dry season as contemplated in the 1997 agreement. But as result of the conflicting political and security perceptions of the two countries, they again rejected each other’s proposals.

Bangladesh’s proposal was based on the assumption that with the involvement of Nepal in the project, it would be more difficult on the part of India to break a trilateral commitment than a bilateral one.67 In addition to that, this scheme would also have helped to control the down-stream flooding in the Ganges basin in the monsoons. Moreover, the storage dams in Nepal would not be a liability in any way, politically,

67 Ibid., p. 134.
Map 4.2

India and Bangladesh: Management of the GBM Basin

TIBET

Tsang-po (Brahmaputra)

Karnali

Sikkim

Brahmaputra

BHUTAN

Arunachal Pradesh

BANGladesh

Link Canal (Bangladesh' new thinking)

Padma

Link Canal (Indian proposal)

Ganges

Farakka Barrage

Bhagirathi

Upper Meghna

Lower Meghna

Himangal

INDIA

BURMA

Source: Shaukat Hassan (1991)
economically or ecologically to the Bangladesh. But, India did not see any merit in Bangladesh's proposal. India does not consider it realistic to depend on storage reservoir as means for augmenting the Ganges flow in the lower reaches. It contended that there would be insufficient water to irrigate large areas of irrigable land in the Ganges basis. Even if the flow could be augmented, India would not release it because of the potential need upstream.

India also contended that the storage reservoir advocated by Bangladesh would have an insignificant effect on floods in Bangladesh. The proposed reservoirs would have been some 1000 km away from Bangladesh, with large intervening catchment with significant contributions to the runoff. Above all, this issue was bilateral in which India did not want a third party (Nepal) to play any role.

The Indian proposal is based on the idea that the three river basins-Ganges Brahmaputra and Meghna constitute one single system and while the flows of the Ganges are inadequate, and as Brahmaputra has untapped extra capacity during the dry season, the resources of the two can be combined. Bangladesh rejected the Indian proposal for several reasons. First, because India would retain control over the link canal as the barrages at both ends would be in Indian territory. Should India decide to divert increasingly more water from the Brahmaputra to the Ganges to meet its own demands, central and northern Bangladesh, which depend on the Brahmaputra waters, would encounter the same problems that the south-west areas were facing because of the Farakka Barrage. Second, the canal would deprive 2.5 million people of their

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68 Ibid.
69 Ibid., No.43, p.52.
land, homes and livelihoods. Third, it would result in the loss of 0.5 m.ha of land to water logging and canal acquisition. Fourth, it would add to the country’s communications problems by creating another large river bisecting its north-western region. Fifth, the construction of the canal would take several decades to complete. And finally, to Bangladesh the Indian proposal basically aimed more at responding to some other Indian concerns than the problem of augmentation to help resolve its problem with Bangladesh.

Bangladeshi experts in this field believe that India saw considerable merit in the link canal proposal due to following reasons. First, it could satisfy its industrial and agricultural needs in the northern Gangetic plain and compensate the reduction below the Farakka by withdrawing from the Brahmaputra. Second, diversion from the Brahmaputra could help put into effect India’s National Water Grid Plan, whose primary objective is to tap the subcontinent’s water resources to provide water for all of India’s drought prone areas. Third, the link canal across Bangladesh would be considerably cheaper; it would provide a more efficient and cheaper transportation route between West Bengal and Assam. Finally, from India’s security point of view, the canal would allow for a fast and effective movement of men and material to the remote north-eastern and eastern states bordering China and Myanmar, an important and longstanding security concern. In the light of lack of any agreement over the augmentation issue, there appears to be a new thinking in Bangladesh. Which is

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71 Ibid.
72 Ibid.
73 Ibid. No. 43, p.51.
exploring the possibility of building a link canal within Bangladesh, to bring water from the Brahmaputra to the Padma in order to compensate for the loss of water at Farakka, while not renouncing the claim to the Ganges water.\textsuperscript{77} (Fig..)

The above analysis clearly suggests that the Ganges water disputes is an excellent case study of an inter-state conflict where two states have been striving to acquire scarce water resources by rationally calculating their interests in a zero-sum situation. In spite of the fact that the two countries have successfully resolved the most vexing issue of the sharing of the Ganges waters, the solution to the augmentation related problem is yet to be found. With rapidly growing needs of water in both the countries, there will be increasing stress on the Ganges river. In such a scenario, it will be a very difficult proposition for both the countries. In addition to this, the sharing of waters of other common rivers is the potential source of future disputes between the two countries.

3.2 The Brahmaputra, the Teesta and the Barak

The river Brahmaputra is another irritant issue between India and Bangladesh. It supplies approximately 67 per cent of the annual cross-boundary inflow into Bangladesh. It is absolutely critical to the ecology and economy of central and northern Bangladesh. India has adopted flood-control measures on this river to reduce flood hazards and damages. Various river training programmes and channel improvement schemes have also been executed. In the field of irrigation development of the Brahmaputra Basin, India is still going on with minor irrigation works. Given the long-term intensified irrigation programme of India in the basin, the withdrawal of

\textsuperscript{77} Ibid., No. 43, p. 52-53.
water from the river by India is likely to increase by leaps and bounds. This is likely to create water scarcity in Bangladesh. Recently, the Indian government told Bangladesh to prepare an outline for sharing of the Brahmaputra water, otherwise India would unilaterally withdraw as much water as it wants.\textsuperscript{78} This came as a direct insult on the sovereignty of Bangladesh.\textsuperscript{79}

The river Teesta is another irritant issue between Bangladesh and India. Considering the importance of the river for irrigation in the northern parts of Bangladesh, the then government of East Pakistan undertook the Teesta Barrage Project in 1958-59, which was completed by Bangladesh government in 1990. But the objective of the project to irrigate agricultural land and to protect areas from flood and other natural hazards could not be accomplished largely because of the upstream Goaldopa Project undertaken by India.\textsuperscript{80} The only agreement existing between the two countries (whereby 36 per cent of water was allotted for Bangladesh and 39 per cent for India, the remaining 25 per cent to be apportioned further under a future water sharing agreement) has expired.\textsuperscript{81} Currently, the sharing of Teesta is at the top of the agenda for both the countries.

Assam's Barak Valley Dam Multipurpose project funded by Japan's Overseas Economic Cooperation Fund (OECF) has recently created a new conflict between India and Bangladesh. As alleged by Bangladesh, the construction of a dam at Tipaimukh on the river Barak would enable India to control the waters of the Meghna, the third major river of Bangladesh. The project would reduce one-fourth of

\textsuperscript{78} The Daily Star (Dhaka) April 27, 1992.


\textsuperscript{80} Ibid., p. 68.

\textsuperscript{81} Ibid.
Bangladesh from Sylhet to Barisal to a virtual desert. It will also threaten the power generation plant of Ashuganj and fertilizer factory of Fenchuganj. The production in 130 tea gardens of the Greater Sylhet district will be seriously affected.

(4) The Chittagong Hill Tracts conflicts

The hill area of the south-eastern Bangladesh is known as Chittagong Hill Tracts (CHT). The CHT is subdivided into three administrative districts of Rangamati, Khagrachari and Bandarban. It forms part of a mountain range that stretches north for some 1800 km from Western Myanmar to the point where it meets the eastern Himalayas in China.

The CHT is inhabited by a large range of people, speaking a variety of language, adhering to various creeds and organized socially in different ways. The indigenous people of the CHT are subdivided into 13 ethnic groups, the Chakma being the numerically largest, constituting about one-fifth of all indigenous people of Bangladesh. Other ethnic groups include: Manna, Tripura, Murong, Tangchangya, Bown, Pankhoo, Khumi, Mro, Khyara, Chak, Lushyai and Riang.82

The CHT comprises roughly 10 percent of the total geographical area of Bangladesh. Its landscape is mountainous and is covered with dense forests where the ethnic groups have been practicing shifting cultivation, locally known as *jhum*.

The British annexed this region in 1860 and accorded an ‘Exclusive Area’ status to the CHT. “On the eve of partition of the British India, the Chittagong Hill Tracts People’s Association (CHTPA), the main representative organization of the

tribal people, petitioned to the Bengal Boundary Commission chaired by Sir Redcliffe to retain this part with India since the majority of the population was non-Muslim. However, the commission awarded the CHT to Pakistan, on 17 August 1947, on the plea that the region was geographically inaccessible from India. In protest CHTPA started a political movement and hoisted the Indian flag but the Pakistani army suppressed it.\textsuperscript{83}

In 1948, the Pakistan government deliberately started to settle several hundred Muslim families in the CHT to dilute the tribal identity and curb potential separatist tendencies there. The relations between the government and the tribal people plummeted further after the amendment of the constitution in 1963 whereby the CHT lost its status as an ‘Exclusive Area’, which legally opened the door to outside settlers.\textsuperscript{84} This act that went into the force in 1964, aggrieved the tribal who sensed in it a total loss of their identity and autonomy.

In 1963, the Pakistani government constructed a dam on the Karnaphuli River in the CHT to increase energy output in the country. This was the creation of the 648 sq. km Kaptai Reservoir, which submerged 400 sq. miles, including 22,000 ha of cultivable land making up 40 percent of the CHT’s total acreage. Nearly 10,000 ploughing families and 8,000 Jhumiya (shifting cultivation) families, comprising more than 100,000 people were adversely affected. Compared to the loss, the rehabilitation and compensation were very limited. Subsequent governments were able to resettle only about two-thirds of the displaced tribal families in about 8,100 ha of cultivable

\textsuperscript{83} Ibid., No. 79, p. 50.
\textsuperscript{84} Ibid., p. 51.
land of relatively inferior quality.\textsuperscript{85} As a result of the dwindling agricultural activity and the lack of alternative sources of income, unemployment and poverty became quite rampant among the affected people.

The benefits of the hydroelectric project did not accrue to the tribal people either; the electricity generated was primarily for urban use, and employment opportunities in the new industrial projects in the locality did not materialise, because tribal temperament and the lack of technical skills allegedly made them unsuitable for industrial labour. Although, the successive governments tried to remedy this by developing fishing industry in the Kaptai Reservoir and horticulture in the hilly areas, these met with limited success only. The new industrial projects also triggered a further influx of the Bengalis in the area.

The situation deteriorated further when thousands of Bengalis-mostly fishermen, whose traditional homelands in the lower delta and coastal areas had been devastated by the cyclone of 1970, were resettled in the CHT. The government assumed that the pisciculture in the Kaptai Reservoir would benefit from the experience and knowledge of these fishermen. But as events unfolded, the control and commercial supply of fish by the non-locals caused considerable indignation among the local tribal people, and led them to abandon fishing as a form of subsistence livelihood.

The Kaptai Dam and subsequent development in the CHT, both during the Pakistan and Bangladesh period, caused a major blow for the tribal populations of the region, because they undermined tribal insularity, lifestyle and economy. In 1972, a high powered delegation of the people of CHT met the President of Bangladesh and

\textsuperscript{85} Ibid., p. 52.
placed their demand for autonomy for the region, including (i) its own legislation, (ii) retention of the 1890 Regulation (iii) continuation of the three chief’s offices and (iv) a ban on the influx of non-hill peoples. However, then the President not only rejected their demands but also advised them to do away with their ethnic identities. It is, probably, in the context of this outright refusal of the demands of the people of the CHT that a political party for the articulation of these demands were formed in 1972, later escalating into the formation of a military wing—Shanti Bahini.

From the mid-70s a steady stream of Bengali settlers poured into this region. Some of them were parts of ‘normal’ movement of people within the country. Later, successive governments encouraged migration into the region, which gradually led to increased tension between the Bengali settlers and the indigenous people. During the same period the government tried to resettle the indigenous people into the newly created and concentrated village, thus further aggravating the sense of alienation.

The situation worsened further when in 1979 the government began settling in the CHT tens of thousands of Bengalis rendered homeless by floods in the plains. The CHT was chosen because it was sparsely populated, accounting for nearly 10 per cent of Bangladesh’s land area with only 0.7 per cent of the country’s total population. The crisis intensified as the Bengalis competed with the tribal people for the little arable land available. Thus, economic grievances ranked high as a factor of alienation among the tribal people. But demographic shifts in favour of the Bengalis (who constituted about 45 per cent of the total population of the CHT in 1991, compared to only 9 per cent in 1951) not only decreased tribal political power, but also raised fears about the

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survival of tribal religious practices, social rites and value systems which are markedly
dissimilar form those of the Bengalis.\textsuperscript{87} (See Figure 4.1).

Meanwhile, a number of skirmishes between the new Bengali settlers and the
indigenous people turned into riots. The government moved in army reinforcements,
beginning a process, which culminated into continuous posting of, by many counts,
almost one-fourth of the total Bangladesh army into the region.\textsuperscript{88} The \textit{Shanti Bahini},
the military wing of the indigenous people, began their armed attacks on government
outposts. In response to the armed struggle of the \textit{Shanti Bahini} to achieve self-
determination, president Ziaur Rahman adopted the Disturbed Area Bill in 1980,
which licensed the government to use coercive measures.\textsuperscript{89}

In 1989 President Ershad sought to negotiate an end to the conflict, intimating
to the select group of academics tasked to lay the groundwork for a negotiated
settlement. Subsequent action led to a series of understandings with the people of the
CHT, including the holding of the District Council Election in 1989, although the
\textit{Shanti Bahini}, based across the border in India, did not participate in it. The
substantive progress that was made in 1990 might have marginalised the insurgents
but for the collapse of the Ershad administration in December that year.\textsuperscript{90} The
reconciliation process came to an abrupt halt with the change of government in 1991
with fresh reports of fighting between the army and the insurgents.

\textsuperscript{87} Ibid., No. 43, p. 25.
\textsuperscript{88} Shahdeen Malik, "Refugees and Migrants of Bangladesh: Looking through a Historical prism" in
\textsuperscript{89} Ibid.
\textsuperscript{90} Ibid., No. 43, pp. 25-26.
Figure 4.1
Ratio of Tribal and Non-Tribal Population of the CHT in the 1951-1991 Period

<table>
<thead>
<tr>
<th>Year</th>
<th>Tribal People</th>
<th>Non-Tribal People</th>
</tr>
</thead>
<tbody>
<tr>
<td>1951</td>
<td>90.9</td>
<td>9.1</td>
</tr>
<tr>
<td>1974</td>
<td>77</td>
<td>23</td>
</tr>
<tr>
<td>1981</td>
<td>59</td>
<td>41</td>
</tr>
<tr>
<td>1991*</td>
<td>54.66</td>
<td>45.44</td>
</tr>
</tbody>
</table>

Source: The figures for 1991 are compiled from Sugata Chakma (1993) and for the rests from Cultural Survival (1988)

In 1996 Sheikh Hasina government initiated meaningful dialogue with the representatives of the CHT. In spite of strong protest by different political quarters and parties, the government finally concluded a ‘peace treaty’ with the tribal people in 1998, leading to public surrender of arms by the armed guerrillas. Following the CHT Peace Accord, some developmental activities have been undertaken by the government in order to ensure peace. In spite of this, a number of controversies about the treaty still exist—tribesmen’s rights overland, the rehabilitation of the tribal returnees from India and the internally displaced tribesmen and the withdrawal of army camps.

The CHT problem, which was basically an internal affair of Bangladesh, took an international dimension with India became involved. India’s involvement was due to its proximity and the presence of many transboundary ethnic groups. The successive stages of population influx as well as the loss of land due to the Kaptai Hydro Power project, not only forced the tribal people to move further into the interior of the hills and forests, creating a fresh cycle of deforestation and soil erosion, but it also induced them to cross the border and settle in the bordering Indian states of Tripura, Mizoram, Assam, Meghalaya and Arunachal Pradesh. To escape Bangladesh’s mounting military
offence, which resulted in killing, imprisonment and brutalities committed on the CHT tribals, the migration to India further intensified. By 1990 the insurgency produced thousands of casualties and had resulted in an exodus of 70,000 hill people who took shelter in refugee camps in Tripura. Their numbers were large enough to become an irritant between India and Bangladesh. The continuing influx was a strain on the social, economic and political infrastructure of these states, showing possible potentials for violent ethnic and group clashes. On a number of occasions, the question of repatriation of the tribal people to the CHT were raised without any success. Bangladesh suspected India of providing covert military and moral assistance to the insurgents. India at the same time accused Bangladesh of supporting the Mizo National Front (MNF) in Tripura. As a result, cooperation between the two countries that existed during the birth of Bangladesh as a state was soon replaced by mistrust with counter allegations made against each other on the question of insurgency. The problem remained unresolved till 1998 when Sheikh Hasina signed an accord with representatives of the CHT, which in turn led to repatriation of the Chakmas from India. Thus, the insurgency in the CHT was the direct outcome of internal population displacement and relocation, firstly, of Bengalis from the plains to the hills as part of a deliberate national policy; secondly, of tribal people whose home and hearths had been taken by development projects; and thirdly, of tribal people from other traditional lands which were settled by cyclone and flood refugees. The influx of tribals to India gave it an international dimension. All these created domestic political instability, unrest and insurgency in Bangladesh and at the same time its hostilities with India, to the grave danger of the country’s national security.

Ibid., No. 88, p. 31.
(5) Conflict over Illegal Migration Induced by Environmental Crises

It is a well-known fact that illegal migration into India were taking place even before the formation of Bangladesh, but most of those migrants were Hindus who were forced to leave their hearth and homes due to alleged religious persecution in the Islamic East Pakistan. However, from late 1970s the magnitude of illegal migration has assumed serious dimensions. Beside the precipitous growth of the volume of the migration, the pattern has also changed in recent years in a way that Muslims are migrating in large numbers and they out-number the Hindu migrants.

As seen in the previous chapter, Bangladesh has almost crossed its threshold and carrying capacity due to the increasing population pressure on rapidly dwindling natural resource base. The problem is further compounded by the frequently recurring natural hazards like floods and cyclones. Induced by economic deprivation and poverty due to the scarcity of natural resources, large numbers of people have been illegally migrating to India in search of their livelihood as the dwindling economy of Bangladesh has not been able to absorb such a large population.

The exact number of illegal Bangladesh migrants in India is not known. But almost all estimates show that their number is substantial. According to the United Nations estimate, there are 10 million illegal Bangladeshi immigrants in India.92 According to another estimate, there are 20.1 million of them in India.93 Government officials in India estimate that India now has around 18 million plus illegal migrants.

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93 Ibid.
(mostly Muslims) from Bangladesh of whom several millions have got themselves registered in electoral rolls. At least 3 lakh continue to come in each year. Induced by poverty and environmental degradation between 12 to 17 million landless poor people in search of land and economic livelihood, have been migrated to the neighbouring states of India, viz. Assam, West Bengal, Tripura, Orissa and urban centres like Delhi and Bombay creating a “sub nation, the size of Australia in India.”

The situation in Assam is particularly alarming. The relatively under populated state of Assam had been attracting people from Bangladesh for several decades which has not only decreased forestland, land-man ratio, but also threatened the original inhabitants of Assam to becoming minority in their own land. This has resulted in competition for jobs, reduction of political power as well as resources and wages of the local inhabitants, giving rise to social unrest and agitation.

The Assamese legitimate fears and discontentment were accompanied by the failures of both the Central and State Government’s disinclination to tame the tide of influx of Bangladeshis for political reasons. This led to the first popular movement by the All Assam Students Union (AASU) against these illegal immigrants. Their main demands were mainly the detection of foreign nationals on the basis of the 1951 National Register of citizens, their disenfranchisement and deportation. A series of strikes, demonstrations, blockades and civil disobedience paralysed the administration during early 1980s. The holding of elections in Assam in 1983 without fulfilling the AASU’s demands resulted in violent conflicts claiming lives of many.

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Despite the 1985 Assam Accord, the problem of repatriation of the Muslim Bengalis continues to exacerbate ULFA and Bodoland movement in Assam, as those who came to power in the centre did not show much interest to implement the accord. ‘West Bengal has at least 123 lakh illegal migrants. The situation in its border districts—from Cooch Behar and Jalpaiguri in the north to West Dinajpur, Malda, Murshidabad, Nadia and North and South 24 Parganas in the south is far worse’. Most drift to Kolkata where their living conditions are marked by squalor, overcrowding and abysmal poverty. After the destruction of the Babri Mosque on 6 December 1992, many in the squatter communities were involved in the rioting and carnage that enveloped the city for several days. Such rioting and clashes have domestic fallout with some rightist political parties being inclined to reap political dividends. In search for vote banks among the refugees, some political parties have downplayed the number of refugees settled in West Bengal. The volatile situation in the northeastern states has now compelled the Bangladeshi Muslim migrants to spread to other parts of India, as distant as Bihar, Madhya Pradesh, Orissa, Bombay, Delhi and Rajasthan after crossing through West Bengal which has been completely saturated. The phenomenon has prompted some political parties in India to organise a series of nation-wide agitations against Muslims on purely political considerations.

Responding to the threat, Narsimha Rao government tried to forcibly deport Bangladeshi Muslim migrants back to their own country from Delhi in 1992. The same policy was adopted by BJP-Shiv Sena Government in Mumbai. Considering the colossal character of the identification and refusal of the Bangladesh government to

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accept them, the ‘push-back operation came to a standstill. In recent years, the
Bangladeshi migrants in Delhi, Mumbai and Kolkata have started to organise
themselves to resist further actions of the Indian Government for their deportation.

The issue of illegal migration for Bangladesh has already soured the
relationship between India and Bangladesh. Fencing of border and the forced
repatriation of refugees have led to a feeling of animosity between the two countries.