

HUMAN RIGHTS REPORT

BANGLADESH



**Centre For Democracy,
Pluralism And Human Rights**

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Bangladesh

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About CDPHR



Introduction

Centre for Democracy, Pluralism and Human Rights (CDPHR) is an organisation broadly working in the area of human rights. Our motto is- equality, dignity and justice for every individual on this planet. We are committed to advocate upholding values of democracy and pluralism for a conducive environment for equality, dignity and justice. We endeavour to voice out human rights violations of individuals, groups and communities so as ultimately viable solutions maybe worked on. We dream of a world that accepts pluralistic ways of life, tradition and worship through democratic means and practices.

Vision

CDPHR envisions an equitable and inclusive society based on dignity, justice, liberty, freedom, trust, hope, peace, prosperity and adherence to law of land. We believe that multiple sections of societies are deprived of basic human rights and violation of their social, political, economic, religious and developmental rights is a sad reality. We consider that advocacy, education and intervention are required from multiple fronts to ensure an all-inclusive and just society.



Our mission is to promote and aid in establishing democratic and pluralistic structures and realisation of human rights.

To achieve this, broadly the following specific objectives have been set:

- a) To espouse all adoptable frameworks of advocacy, education and policy intervention to realise the stated mission.
- b) To promote and advocate human rights and fundamental freedoms for all without any discrimination of race, religion, caste, gender, colour, and language.
- c) To keep a watch on issues of human rights violations globally and present their authentic analytical documentation.
- d) To use conferences, seminars, meetings, discussions, debates, study courses, collection of statistics, exhibitions, shows, tour trips, publications etc. for ensuring education, advocacy and outreach.
- e) To engage actively with governments, international organisations and human rights organisations to promote national integration, communal harmony, universal fellowship and global peace.
- f) To develop and mobilise community and natural resources so as to be harnessed for sustainable overall development of the marginalised and economically weaker sections of the society.
- g) To promote a culture of democratic values and pluralism in the face of particularistic tensions related to religion, caste, gender, class.
- h) To study the effects of draconian laws and unlawful use of state's machinery and force by the enforcement agencies and prepare reports for submission to appropriate authorities.
- l) To support democratic and economic reforms through the UN framework in countries coming out of totalitarian control.



CDPHR trustees and the team members consist of academics, lawyers, judges, rapporteurs, social activists, journalists and independent researchers who have an established reputation in their respective areas of expertise. Essentially, we are a team of socially sensitive intellectuals who wish to bring about a positive change in the lives of people deprived of minimum dignity and equality. Some of the team members have rich experience in researching and writing on issues of contemporary social interest. A few others have had long social commitments. In addition to the core organisational team, CDPHR plans to expand further and add to the human resources pool.

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ABBREVIATIONS

- CHT- Chattgaon Hill Tracks
- CSA- Cyber Security Act
- VPA- Vested Property Act
- PCJSS- Parbatiya Chattgram Jan Samhiti Samiti
- AIML- All India Muslim League
- BNP- Bangladesh Nationalist Party
- AL- Awami League
- Jel- Jamaat-e-Islami
- HRCBM- Human Rights Congress for Bangladesh Minorities
- HRW- Human Rights Watch
- GHRD- Global Human Rights Defence
- OHCHR- Office of the High Commissioner for Human Rights
- CEDAW - Convention on the elimination of all Forms of Discrimination against Women
- ICESCR -International Covenant on Economic, Social and Cultural rights
- ICCPR -International Covenant on Civil and Political Rights
- CRC -Convention on the Rights of the Child
- CAT- Convention Against the Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- UN- DOPK - United Nations Department of Peacekeeping Operations
- PCJS- Parbattya Chattagram Jana Samiti
- JIB- Jamaat-e-Islami Bangladesh
- JMB- Jamayutul Mujahidin Bangladesh
- BBEIS- Bangladesh Bureau of Educational Information and Statistics
- CERD- Convention on the Elimination of All Forms of Racial Discrimination
- CEDAW- Convention on the Elimination of All Forms of Discrimination against Women
- CESC- International Covenant on Economic, Social and Cultural Rights
- CCPR- International Covenant on Cultural and Political Rights
- CMW- International Convention on the Protection of all Migrant Workers and Members of their families
- UNICEF- United Nations International Children's Emergency Fund
- UNCRC- UN Convention on the Rights of Children

EXECUTIVE SUMMARY

The erstwhile united India under British was partitioned to accommodate the demand of All India Muslim League, considered to be the major political party of Muslims in pre-independent India, for a separate state for Muslims. Pakistan was carved a separate nation state out of the Indian sub-continent in 1947. The demand was based on the 'two nation theory' which vindicated two countries for the two major religious communities- Hindus and Muslims. However, due to practical problems in implementation, the entire Hindu or Muslim population could not be transported and relocated to the post-partition India or the newly created Pakistan respectively. Immediately after the partition, the first census was conducted in all the three parts, India and the two wings of Pakistan in 1951. As per this census, in India, the population of Hindus was 84 % and Muslims 9.8 % and rest other minorities.¹ Same way, in both the wings of Pakistan (West and East), the majority Muslim population was 85.8% whereas Hindu population was 12.9% (22% in East Pakistan). Both the countries declared to take care of their respective minorities as per the Nehru-Liaquat Pact.

As per the 1951 Census of Pakistan, its overall population was 75 million out of which 42 million resided in East Pakistan.² Although 55% of Pakistan's population lived in the Eastern wing, the polity of the country was dominated by the western wing.

Foundations Laid on Neglect, Corpses, Exodus and Rapes and the Promise of Secularism

Nevertheless, immediately after the partition, the Bengali-dominated eastern wing of Pakistan started feeling neglected and discriminated by the dominant west-Pakistani-elite-centred politics. Subsequently, just 23 years after the partition, East Pakistan too became an independent country, named Bangladesh, nullifying the very idea of communal unity on religious grounds. With this development, the theory on the basis of which partition of the united India occurred did get smashed completely. Bangladesh was created on the foundation of shared culture and ethnicity. The liberation war was fought jointly by all Bengalis, irrespective of their faiths.

On 25 August 1955, in his address to the Assembly about the demand of nomenclature 'East Bengal' instead of 'East Pakistan', the Bengali leader Mujibur Rehman had said:

"We have demanded so many times that you use the word East Bengal instead of East Pakistan. The word Bengal has a history, a tradition of its own."³

1. https://censusindia.gov.in/DigitalLibrary/data/Census_1951/Publication/India/23685-1951-REP.pdf

2. http://lsi.gov.in:8081/jspui/bitstream/123456789/7452/1/1422_1951_POP.pdf

3. http://en.banglapedia.org/index.php/Rahman,_Bangabandhu_Sheikh_Mujibur

However, under the united Pakistan, the Eastern wing got badly treated as is reflected in the fact that out of the total 23 years of rule of Pakistan, Mujibur was 12 years in jail and 10 years in close surveillance. Nevertheless, the entire province had supported him politically as he evolved into their natural tall leader.

The common language and heritage based regional aspirations have been evident from the politics of East Pakistan. The Pakistan Awami Muslim League was formed in 1949 which later came to be known as East Pakistan Awami Muslim League. However, 'secular' intentions of the leaders of the main political party of East Pakistan became evident as the word 'Muslim' was removed from the name of the Party to make it inclusive and secular. The party in its third Council meeting voted in favour of dropping the word 'Muslim'. Even the four stars on the flag of the Party represent four fundamental principles – nationalism, secularism, socialism and democracy. 'Joy Bangla'- Long live Bengal- is the official slogan of the party. It is the same slogan which was later used by Mukti Bahini (the Liberation Army) in the liberation war days.

The resistance put up by all East Pakistanis for the liberation of Bengal was never a Muslim-Hindu issue. It was about Bangla Manush (Bangla identity) and the struggle of the Mukti joudhas (liberation warriors) for their emancipation and independence. Joy Bangla (Long live Bengal) was chanted by people of all communities before many of them being silenced by the Pakistan army.

The resentfulness had begun with the Urdu versus Bangla issue and the West Pakistani elite versus the deprived East and continued till the liberation of the East. A huge price for liberation was paid in the form of genocide unleashed on Bengali men and women. The 1971-turn of events became a humanitarian issue. The nine-month long genocide was managed and administered by the Pakistan Army with support of the West-Pakistanis run Pakistan government. As per the official record 3 million people were killed and 2,00,000 women raped in the most horrific episode in human history, beginning from 26 March to 16 December 1971 when the Pakistan army surrendered. As the Prime Minister of Bangladesh, Sheikh Hasina said, "1971 genocide included elimination of individuals on the grounds of religion, race and political beliefs."⁴

The genocide witnessed gross violation of human rights at multiple levels. Indira Gandhi, the then Prime Minister of India spoke of the gross violation of human rights in the genocide in the Indian Parliament on 24 May 1971:

"If the great powers fail, and I sincerely hope that they will not ... then this suppression of human rights will threaten peace."⁵

4. <https://www.business-standard.com/article/international/sheikh-hasina-slams-pakistan-at-unga-says-it-started-genocide-of-1971>

5. Ch.3, p.86

Nevertheless, it was evident that minority Hindus were particularly persecuted. Even the UN Counsel in Dhaka wrote about Hindus being specifically targeted. Refugees who fled to India in 1971 were mostly Hindus.

Pakistani Militia used fear to dissuade non-combatants. Mass murders, rapes and violence of all forms became commonplace. Atrocities and sexual violence on women became the norm. Sex camps were set-up where women mainly between the age group of 14-25 years were stripped naked, made to wear rags instead of sarees and do digging job for the dead bodies. Mass rapes were done during the nine-month long horror. Later as the Bangladesh government was formed, it had to run an abortion programme for the rape victims. Consequently, Nari Punarboshan (Women Rehabilitation) programme was run immediately after 'liberation'. A clinic for women at Sada Bahar was set up in the heart of the city of Dhaka which functioned for six months after 'liberation'.⁶

Politicide had become genocide during 1971 and the stories of survival are abundant in Bangladesh. However, the perpetrator Pakistan has never talked of the atrocities and war crimes openly. A Fact-Finding Commission was constituted under Justice Humudoor Rahman after the war which submitted its report in July 1972. However, except one copy submitted to Zulfikar Ali Bhutto, the then Prime Minister of Pakistan, all other copies were immediately destroyed. Another supplementary report was prepared in 1974 but was never made public till years later on 21 August 2000, India Today, an Indian magazine published it.⁷

After the genocide as the new country was carved out, the founders, with all good intentions, made equality, dignity and justice the guiding forces. They laid the secular foundations of the country by designing a Constitution which considered all citizens equal. Secularism found a core place in the Constitution of Bangladesh along with nationalism, democracy and socialism as the Four State Principles.

“To ensure for the people of Bangladesh equality, human dignity and social justice” is the soul of the Proclamation of Independence which declared and constituted Bangladesh “to be sovereign Peoples' Republic”.⁸

Rise in Fundamentalism: From Secularism to Islamism

After the big genocide, Bangladesh was liberated but the same spirit of secularism with which the founders of Bangladesh fought the liberation war has gradually been getting eroded as religion kept on being used as a political tool. What had continued for East Bengal at the hands of West-Pakistan dominated governments, continued afterwards with non-Muslims of Bangladesh. The war was over for some but not for the minorities of Bangladesh.

6. Fn31 Fn9

7. Saikia, Yasmin. Women, War and the Making of Bangladesh. OUP. 2011. p95-96

8. Banglapedia.org

As the Islamic fundamentalists started having greater influence on the polity of Bangladesh, just after six years of liberation, in 1977 'secularism' was replaced with "absolute trust and faith in Almighty Allah". Though the Apex Court of the country revoked the change in 2010.

Even though the constitution of the Muslim-dominated Bangladesh remains secular, the final blow to it came in 1988 as Islam was made the State religion. This single action goes against the very tenet of secularism as was legally challenged by the Committee against Autocracy and Communalism. Unfortunately for non-Muslim population of the country, after 28 long years, the High Court dismissed the case in 2016 and Islam remains the State religion. Subrata Choudhury, the lawyer of the Committee was too disappointed as the Court did not even give the petitioners a chance to present their "views on the locus standi".⁹

The Black Legislation: Anti-Hindu Vested Property Act

In addition to Islam being made the state religion, one legislation contributed immensely in fostering inequality in Hindu minorities. This one legislation is the continuation of the Enemy Property Act of Pakistan with a changed nomenclature, Vested Property Act. The Enemy Property Act was enacted in 1965 in Pakistan under which the properties of Hindus were seized by the government after the India-Pakistan war of 1965. In spite of designing a secular constitution for the country, the independent Bangladesh continued to have this discriminatory legislation against Hindu minorities of the country. This law is unconstitutional as it is against the fundamental rights enshrined in the Constitution and the Charter of Declaration of Independent Bangladesh.

Strangely the temporary law which had limited powers to administer and manage the enemy 'Indians' land during the war, stayed in the sovereign State of Bangladesh for decades. In fact, the Act became a social and political tool of land grabbing of minority Hindus of the country. The disastrous impact of the legislation and massive victimisation of minorities can be understood from the sheer data of land grabbing. Prof. Abul Barkat, a Professor from Dhaka University has done phenomenal research on the impact of the Act on Hindu people of the country. Terming it as a 'national disaster', he has concluded that around one million Hindu households have been affected. Around five million Hindu population has been severely affected and two million land properties have been lost. As per the 2001 census, it comes out that around 44% Hindu population has been affected due to this.¹⁰

The Hindus of Bangladesh became the 'Other' as the law provided sweeping powers to the administration to label anyone an 'enemy' of the state and confiscate their property. In fact, this law is a big reason for displacement of minorities. The Act was repealed in 2001 after international human agencies and civil society made consistent noise against it as the main

9. Bangladesh court upholds Islam as religion of the state | Bangladesh | AlJazeera

10. Barkat, Abul. An inquiry into causes and consequences of deprivation of Hindu minorities in Bangladesh through the Vested Property Act: Framework for a realistic solution. PRIP Trust, 2001

opposition party BNP walked out against the repealing of the Act. However, no efforts were made in the following years to return the properties to the rightful owners and their successors. In 2008, Rabindranath Trivedi, the General Secretary of Human Rights Congress for Bangladesh Minorities (HRCBM) filed a writ petition in the Supreme Court to annul the anti-constitutional law and return all properties.¹¹ In 2011, the Act was again amended and provisions were made to return the properties but no effective implementation has been visible till date.

Fundamentalists' Economic and Political Strength: A Threat to Minorities

Over the years there has been a steep rise in Islamist economy in Bangladesh. The governments' policy support in banking and finance sector is apparently tilted towards Islamist banking. Government has made concessions to make fundamentalists economy more lucrative than the mainstream. In banking sector alone, the share of Islamist economy in deposits is 24% whereas in loans and finance it is 25%. Total 11 banks are functioning in the country which are 100% Sharia compliant. In addition to the transparent Islamist economy, there runs a parallel fundamentalist economy which is growing at a much faster rate than the mainstream economy. Fundamentalists have made investments in multiple sectors ranging from retail, industry, education, media, insurance, etc.

Foreign funding to fundamentalism from Middle East and even Britain for fundamentalist activities like mushrooming of madrasas, mosques etc. will further harden anti-minority feelings. The concoction of money power, political Islamist strength and indoctrination of youth through madrasa education are tragic signs of a dark future for religious and ethnic minorities of Bangladesh.

Sufferings of the Indigenous Tribal People: the CHT Issue

Not just the religious Hindu minority but the indigenous religious and ethnic minorities too have been victimised for a long time. The ethnically unique Chittagong Hill Tracts (CHT) is the only hilly area of Bangladesh which had 90% Buddhist population in 1951 after the CHT was included in East Pakistan, against the adopted norm of partition and the wishes of the local people. The 5093 sq. mile area has remained under the tribal 'excluded area' since the British times. However, the Pakistan Government since the partition had a tacit policy to Islamicise the only non-Muslim majority area. Unfortunately, it continues unabatedly till date with successive governments in independent Bangladesh. The indigenous people of the area are religiously, ethnically, racially, culturally and linguistically different from the majority Bangla speaking Muslims. They consist of 11 tribal communities and are collectively known as Jumma people.

11. <http://hrcbm.org/news/VPA-litigation.pdf>

and flagged issues of violation of human rights of minorities and indigenous people.

Dual Marginalisation: the Painful Saga of Minority Daughters of Bangladesh

Being a minority woman in Bangladesh is a gigantically disadvantageous situation, due to their religion/ethnicity and gender. Any religious and ethnic conflict historically has made women of religious and ethnic minorities their ultimate victims. Abductions, rapes, forced conversions and marriages form a large part of the history of Bangladesh's genocide and intermittent violence. Violation of honour and bodies of minority women has been used as a tool for subjugating the communities of the victims. Beginning from the pre-partition Noakhali violence unleashed on Hindu minorities, to the Barisal riots of 1950, the Rajshahi massacres of 1962, the 1964 East Pakistan riots and the big genocide of 1971, Hindu women have been the biggest victims. The liberation of Bangladesh did not end the plight of the minority womenfolk. After liberation, the Mukti Jodhas (the liberation warriors) were talked about and revered, however, the two million Beerangnas (brave women) whose dignity was violated were buried in the darkness of oblivion. The horror of a single abduction, rape and forcible conversion terrifies many to flee and in Bangladesh there is no dearth of such cases after liberation too. 1989-92 saw pogroms against minority Hindus as a phase of killings, desecration of religious places, rapes and abductions of minority Hindu women took a grotesque turn. The post-election 2001 violence led to rapes of 200 Hindu women in one night at Bhola, as admitted by a Judicial Commission. An eight-year-old girl to a 70-year-old woman to a crippled woman included, no Hindu woman was spared in the village as Muslim men took turns in violating their bodies.¹²

The violence against religious and ethnic minority women remains a popular tool by Islamists in Bangladesh. As per a report, in January to August 2020 alone as the world reeled under the impact of the Coronavirus pandemic, 889 cases of rapes and 191 cases of attempted rapes have been reported. Out of them 41 girls/women were murdered after rape whereas nine committed suicide.¹³

In addition to Hindu and Buddhist religious minorities, Christians too have been at the receiving end as fundamentalism has been on rise in Bangladesh. Radical Islamist groups have been attacking churches. Church bombing has happened on many occasions. In the same vein, Ahmadi Muslims too have not been spared. Their mosques have been attacked, Imams killed, their Quran burned and banned in Bangladesh.

The Human Rights Scenario and the Impending Civilisational Tragedy

Bangladesh/Bengal historically has been following pluralistic culture and 1971 onwards it has been turning more towards Islamic symbols, leaving behind pluralism of cultural Bengal. It is not only unfortunate but inhuman that the people belonging to Indic religions- Hinduism,

12. <https://www.bbc.com/news/world-south-asia-13277465>

13. <https://unpo.org/article/22083>

The Jumma, mainly settled in the CHT area for centuries have faced systemic persecution due to militarisation and Islamisation policies of the governments. Organised efforts have been made to drive away the tribal people on the one hand, and settling Bangla speaking Muslims from the plains at the other. Governments provided rations, land and other assistance to outsider Muslim settlers. The Pakistan government chose this area for a hydro-electric project in the 1960s which submerged around 40% of the rice-cultivating land and uprooted around 1,00,000 Jumma people. The government sponsored mechanisms have been successful in changing the demography of the most concentrated indigenous people's region. As per the 2011 census, the ratio of tribal and Muslim people respectively is around 55% to around 45%. The Bengalis are the largest ethnic group in CHT.

The Jumma people have continued resisting against self-victimisation and violation of their rights. Ultimately the Government of Bangladesh had to sign a treaty in 1998 with Parbatiya Chattogram Jan Samhiti Samiti (PCJSS), the organisation spearheading the Jumma resistance in the CHT. The treaty is known as CHT Accord 1998. However, even after completion of 23 years of the signing of the Accord, not much progress has happened in its implementation. As per the PCJSS submission, out of the total 72 sections of the Accord, 24 have been implemented and 34 are completely unimplemented. The ones which have remain completely unimplemented are the core sections. Reports of murders, burning of villages, desecration of religious symbols, abductions, rapes and forcible marriages of Jumma girls with Muslim settlers, looting, land grabbing and other kinds of persecution have been reported over the years.

In fact, land grabbing is a main issue in Bangladesh as the CHT area consisting of three districts has the lowest population density in the country, almost 1/10th of the average national population density (around 120/sq. km to more than 1200/sq. km).

As Bangladesh celebrates the golden jubilee of liberation, an overview of its journey provides too grim a picture on the human rights front. Orthodox Islam has gripped the nation of 'Bengalis' which is the linguistic identity of around 98% Bangladeshi population. Bangladesh chose to keep Tagore's 'Shonar Bangla' (Bengal is beautiful) the national song of free Bangladesh, a lot has changed on the shared cultural front afterwards. Islamic fundamentalism which was the hallmark of Pakistan's polity since 1947, has entered the socio-political fabric of Bangladesh too. Even the democracy in Bangladesh has been getting 'democratic backsliding' over the decades. Rampant violation of human rights has been witnessed which is evident from large scale systemic atrocities on minorities and their persecution. There are umpteen number of cases of land grabbing, illegal detentions, communal killings, forced conversions and rapes of women even when all of which do not always come out in media. Even the documented cases are so high that UN and other human rights agencies had to take cognisance over times. They have intervened on some occasions

Buddhism and Jainism are facing an existential challenge at the very civilisational land where these religions were nurtured. Signs of the great living civilisation are getting depleted as religious symbols of minorities have been attacked, desecrated and destroyed. The historical and cultural ethos is being eroded too fast with the depleting pluralism. The indigenous sons and daughters of the soil have been systemically evacuated from their lands.

The changing demography and the sharp decrease of population of Hindu minorities is a disastrous sign from human rights perspective. This should be a matter of urgent and extreme concern for the UN and other international human rights watch agencies. The problem seems to be aggravated further as the gravity of the situation has not been reflected in their advocacy and intervention efforts. Some demographic analytical studies have indicated that Hindu minorities will be wiped out completely from the country in a matter of a few decades. As a result of the systemic persecution, the number of minorities has come down drastically since 1947, first under the Pakistani government and later the post-liberated Bangladesh government. It has dwindled rapidly from 23% in 1951 to 9% in 2017. As per a study at the present rate of persecution, there will be no Hindus in Bangladesh in the next 25 years (30 years in 2016).

This is tremendously worrying a scenario to be tackled on priority. Immense international pressure is required through human rights agencies to deal with the grave situation. The state has to realise that the tenets of the secular Constitution of Bangladesh need to be maintained in true spirit. To realise it, the executive and judiciary will have to play a pro-active role. They will have to ensure that anti-constitution legislations are corrected first. The environment of impunity is dispelled and the most vulnerable sections of the society are protected.

There is certainly hope with some socially sensitive politicians and political parties at the helm of affairs in Bangladesh. It is to the credit of the present government that it has strengthened support to the UN Peacekeeping mission. It has also shown sensitivity in providing shelter to around two million Rohingya refugees even when the country does not have surplus resources. However, Bangladesh as a whole country and the executive and judiciary in particular, need to feel empathy for Bangladeshi religious minorities, indigenous people, religious and ethnic minority women and secular people of the country. Support in peace-making outside the country has no meaning till her own sons and daughters are systemically persecuted and are vanishing.

14. <https://www.dhakatribune.com/bangladesh/2016/11/20/abul-barkat-632-hindus-left-country-day>

RECOMMENDATIONS

This is absolutely necessary to institutionalise freedom, liberty, and choice as both means and ends to true humane development in future Bangladesh'

1. **Safeguard the Tenets of the Constitution:** Although the Constitution of Bangladesh remains secular, the judiciary and executive both have failed to provide security and justice to the persecuted minorities. Safety of minorities and their possessions be defended. The State must be concerned on widespread persecution as it is duty bound to implement the Constitution which guarantees equality to all citizens.
2. A Ministry of minority affairs be constituted with judicial powers. It should take care of the development of religious, linguistic minorities of the country. It shall also work as the regulatory body for minority welfare activities. It shall ensure protection of social, political, linguistic, developmental, economic and religious rights. It shall also monitor the safeguards provided under the constitution and Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.
3. Along with protection of minorities, social transformation is also required. An environment is required to be created wherein believers of all faiths are respected. Unwarranted Hinduphobia needs to be dispelled through government campaigns. People of the majority must also realise it their moral and civilisational duty to take care of their minority fellow citizens.
4. The constitution of Bangladesh has provision for 'uniform, mass oriented, universal system of education' as per Article 17 of the constitution. However, there runs a parallel madrasah (the institutions for Islamic studies) system to the government education system. Unprecedented rise in number of madrasahs and enrolment of students in them in the last few decades works as an antithesis to the provision of the constitution. The government must make efforts to provide uniform education to all children. Further, to put a check on radicalisation, the government ought to secularise madrasah education.
5. Equal social, economic, political rights and opportunities must be ensured for all the communities of Bangladesh as per the mandate of the Constitution and the Human Rights Covenants as being a signatory to them.
6. **Annul the Vested Property Act Effectively and Return the Around Two Million Land Properties to Legal Owners and Successors:** The Government of Bangladesh must return the huge vested land of Bangladeshi Hindus grabbed under a discriminatory, anti-constitutional Black law. Though the law has been repealed but lands have not yet

been returned to the original Hindu landowners and their legal heir. Institutionalised social deprivation can be ended by amending the Vested Property Repeal Act, 2013 further and effectively implement it. Its sole intent must be to honestly return confiscated properties to their original Hindu owners. The Act has already filled the environment with 'chronic pollution'¹⁶ which is sufficient to destroy the inherent spirit of freedom and liberty. A practical framework must be designed to provide justice to the deprived Hindu minorities. The Government must make a genuine list of the vested properties at the earliest and put some balm on the deep wounds of the miserably wronged generations of Hindus.

7. CHT Accord needs to be implemented in toto, in letter and spirit. As per the provisions of the Accord, the area must be demilitarised. A democratically elected government cannot continue having military rule in CHT, violating the human rights of indigenous people, which includes cultural invasion and violation of their social, religious, ethnic, linguistics rights and interference in their day today lives. There is no insurgency in the area, therefore military must be withdrawn.
8. The Jumma people must be recognised as indigenous people by the Government of Bangladesh which has not been done till now. Consequently, they are deprived of the implementation of provisions of UN Declaration on the Rights of the Indigenous Peoples for their dignified life.
9. Further, Bangladesh should sign the UN Declaration of the Indigenous Peoples, 2007 so as it is bound by international law.
10. The Digital Security Act must be repealed as it has been grossly misused to settle personal and political scores against journalists, civil society members, human rights activists and foreign nationals. It has become a tool to silence vocal voices against the state and leaders of political parties.
11. The declining rate of religious minorities in Bangladesh is too steep to be visible to everyone, including the international community. In 1951, the Muslim population of East Pakistan, i.e., today's Bangladesh was 76.85% which has risen to 90.39% in 2011, whereas the population of other religions of Indic origin (Hindus, Buddhists, Sikhs, Jains) in Bangladesh in the corresponding period has declined from 22.89% to 9.30%. This should be extremely worrisome for the UN and other international human rights watch agencies. This is high time that International agencies, like Office of the High Commissioner for Human Rights (OHCHR) must intervene effectively before it is too late and minorities are

16. Barkat

completely wiped off from the country. Bangladesh is a signatory to international treaties- International Covenant on Economic, Social and Cultural rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR), Convention on the Rights of the Child (CRC), Convention Against the Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and a few more. It is unfortunate that UN and the agencies have not been vocal enough in the wake of this huge tragic development. They must give up their partisan behaviour and speak up vocally for religious minorities of Bangladesh, majority of them being Hindus.

12. The news of persecution of minority women and their forcible conversion keep coming frequently. Women and Children Repression Act, 2003 is not effectively implemented at the ground level. Bangladesh is a signatory to Convention on the elimination of all Forms of Discrimination against Women (CEDAW) too. The perpetrators of crimes against women must not be protected under any compulsion. The minority women doubly marginalised due to their religion and gender need the state's support. The state also has the constitutional duty to protect their rights.
13. Terror and militancy financing needs to be checked, particularly external financing to radicalization through madarasas. The government must frame a policy against militancy and radicalization. Strict monitoring system for foreign funding to madarasas need to be developed to check external support to radicalisation.
14. It is ironical that Bangladesh has provided huge support in UN Peacekeeping in other countries, but peace at the home country has eluded the minorities, indigenous people and women. It is remarkable to note that under the UN Peacekeeping Mission, Bangladesh has contributed the highest number of personnel (6731), making it the number one country in the list of 119 countries as on 31 August 2020. United Nations Department of Peacekeeping Operations (DOPK) Office must take a cognisance of human rights violations in Bangladesh too.
15. The minorities of Bangladesh look for support and blessing from India. The Indian sub-continent which includes the present-day India, Pakistan and Bangladesh, has been a single entity culturally and geographically from times immemorial and politically till 1947. It is the cultural, moral and constitutional duty of India to provide a soothing touch to the minorities of Bangladesh. Whereas India has well taken care of its minorities after the partition, unfortunately same is not the case in Pakistan, now including Bangladesh. India through international community must press upon the government of Bangladesh to take care of its citizens who follow religions of Indic origin. India may also utilize the friendly ties with the government of Bangladesh by flagging the issue and getting it resolved as it affects India in multiple ways- from illegal migration to geo-security.

16. All persecuted communities must fight collectively and unitedly to meet the existential challenge. Unfortunately, till now response of different communities has been incident-driven rather than on the issues themselves. They must work collectively as a pressure group to meet the existential crisis.
17. Madrasa education must be secularised. Indoctrination of young minds through education may prove disastrous for future peace and co-existence in society.
18. There looms large a civilizational tragedy which must be averted to safeguard plurality and inclusiveness in Bangladesh. Considering the rapid growth of fundamentalism in the country, moderate Muslims, seculars and all minorities must come together in the defense of the constitution and all citizens.

Introduction

The two-nation theory seemed to have crumbled in entirety for the two wings of Pakistan the years following its coming into existence. Religion could not unite the people of the East and the West Pakistan. The East Pakistani were the sufferers- whether they were Hindus or 'Hindu-like Muslims' of the area as were they called by West Pakistani Muslim elite. The mistreated group- the Bengalis fought a war for identity, regional autonomy and just and rightful share.

However, the war was over for some but not for the minorities of Bangladesh. Unfortunately, the secular thought with which the new country was carved out, was eroded too fast after the death of Mujibur Rahman, the father of free Bangladesh. Post liberated Bangladesh did not seem to be a liberated place for non-Muslim Bengalis, particularly with Islam becoming the state religion. The minorities of Bangladesh, the majority of them being Hindus, have faced persecution during most of the time after liberation.

Reports of atrocities on religious minorities frequently keep coming in many forms in Bangladesh. Recurrent cases of kidnapping and forced conversions to Islam, land grabbing by majority and multiple types of discrimination have been reported through these decades. Rumours of blasphemy are sufficient excuse to persecute minorities. It is when all cases of atrocities are not highlighted in media. If hiding the details of atrocities on women during the war has been a kind of norm, not highlighting the cases of atrocities on non-Muslims has been a new norm in the liberated independent Bangladesh. Human right activists have kept appealing to international agencies about violation of human rights of minorities in Bangladesh.

Besides religious minorities, the indigenous people of Bangladesh, Jummas have been fighting a war against religious and ethnic persecution and for their bare survival for the past half a century in the CHT area. Militarisation and Islamisation have become synonymous in the CHT hilly area of Bangladesh first under the Pakistani Government and afterwards the successive Bangladesh governments. The CHT Peace Accord signed between the indigenous people and the government of Bangladesh provided a ray of hope but even after 23 years of signing the Accord, its major sections remain unimplemented. Excessive deployment of military and the undue authority granted to the security forces has ensured not only disruption of daily lives of the Jumma people, but also has provided tacit support to Bengali Muslim settlers in driving Jummas out of the CHT.

The persecution of minorities and indigenous people have been systematic, not sporadic. Rapes of minority girls, their forced conversion, grabbing of land have been used as tools to create fear psychosis in the minorities and drive them away. A war goes on against innocent citizens who have no power to resist and thwart the designs of perpetrators.

OBJECTIVES

It is in this background that CDPHR proposes to conduct a research-based analytical study on issues of human rights violations and religious persecution of minorities in Bangladesh.

The purpose of this report is to analyse and systematically present the reported issues of human rights violations, specifically of minorities, in the Muslim-dominated country. The study has been conducted in support of implementation of UN Covenants and international documents which are binding on the country for being a signatory.

Specific Objectives

Following are the specific objectives of this pioneer report of CDPHR:

- Understand the international human rights covenants to which Bangladesh is a signatory and to the extent of their violation in the country.
- Find out whether and how have religion and ethnicity been used to manipulate violence and crime in the country
- Evaluating the impact of growing fundamentalist economy and politics on minorities
- Analyse the reported cases of human rights violations specifically of minorities of the country- Hindus, Christians, Sikhs, Buddhists, Jains with a focus on women and children, and serious issues of land grabbing, forcible conversions etc.
- Analyse the state laws which are anti-constitution and discriminatory in nature and the climate of impunity which has contributed to persecution of minorities.

METHODOLOGY

As per its mandate Centre for Democracy Pluralism and Human Rights (CDPHR) feels concerned about news of human rights violations in Bangladesh. For its pioneer investigative report on violations of human rights, the organisation went through the reports of human rights organisations working on Bangladesh in and outside the country.

Due to the Covid-19 pandemic situation, CDPHR reporters could not visit the places of violations and meet all the victims and their families. However, Human Rights documents were reviewed and analysed to ascertain on what parameters the human rights violations are happening in Bangladesh. We too had interactions and interviews with eminent human rights activists through online meetings and telephonic meets to gather qualitative and quantitative data. The names of the interviewees have been withheld as per research ethics for their safety. Reports of human rights organisations working at national and international levels, government agencies' data, census and other records prepared over the years were also referred to. We used news and reports in public domain which also includes policy documents of the country. The cases of persecution included in the report are the ones which have come in open in public media.

MAIN REPORT

Unit 1. Growing Fundamentalism: Sharia-compliant Economy to Madrasa Boom to Loss of Plurality

Bengal of the Indian sub-continent has a civilisational history of thousands of years. It has been home to religious, ethnic and linguistic communities at least for a long time. The seeds of religion being used for the polity of Bengal, i.e., communalism were sown by the British as they tried to bifurcate Bengal on religious lines. Though the cover of bifurcation was to provide better administration, in reality it was to divide both the communities and rule them for their own advantage. As the nationalists of Bengal made a noise about it, the British had to revoke the division. However, the communal consciousness and divide had got strengthened due to this act.

Yet, at least till 1930s, everything seemed almost right between the two communities. On the eve of partition of India in 1946, Noakhali rioting happened which was an All-India Muslim League ruled state sponsored pogrom against Hindus. Afterwards there have been intermittent pogroms and massacres against religious minorities under the Pakistani government and later the military and government rules of Bangladesh. Nehru-Liaquat Pact gave guarantee to Muslims in India but Hindus in both wings of Pakistan kept bearing the brunt.

There are distinct instances which prove how fundamentalism has been growing in East Bengal/East Pakistan/Bangladesh and religious minorities have been at the receiving end. The first major instance is the anti-Hindu riots of 1946, which finally paved the way to the partition of the country. The second is the genocide of 1971, the details of which shame humanity even today. It is well established that genocide was a well-planned strategy to squeeze out Hindu from East Pakistan. Majority of the people who were butchered, the women raped and became homeless were Hindus. Adding salt to the wounds, largely the war criminals remain unpunished during successive governments till date. The third big instance is Islamisation of the Constitution of Bangladesh by replacing 'secularism' with the words from Quran and declaration of Islam as the state religion.

Rise in fundamentalism is a direct threat to religious minorities of Bangladesh. The extremist Islamists believe that Islam is the only religion to be followed and Sharia the only acceptable law. Therefore, anyone deviating from/not practising Islam or Sharia are liable to be penalised. They have religious sanction, rather a merit in killing Kafirs (non-believers of Islam) and forced conversions to Islam. Since the past seven decades, there has not been a single decade without large-scale violence against religious minorities, violation of their religious right to practice faith, abductions, rapes and killings of their girls, desecration of their religious places and symbols.

Above all, Islamic fundamentalism is directly responsible in a big way for

- the disappearance of Hindus from their homeland, from 23% in 1951 to around 8% in 2011;
- 400-500 Hindus leaving the country every day;
- killing of ethnically and religiously different tribal people of CHT, rapes and forcible conversions of their daughters and womenfolk, vandalization of Buddhist temples, usurping their lands;
- change in the demography of the CHT; the indigenous people being more than 90% in 1951 to 55% in 2011;
- attacks on churches, Christians and their pastors and rapes of Christian women; and
- rise of Islamic attires- burqas, hijabs in a country of cotton and Dhaka silk sarees and disappearance of traditional Bindis (the red coloured dot to be worn on foreheads by Hindu and Muslim Bangali women) from the foreheads of Bangali Muslim women.

1.1 Radicalisation through Economy: the Awami League Government Promoting Islamic Banking

Fundamentalism has thrived and grown over latter half of the previous century and the first two decades of the 21st century and has gradually become mainstream in society, politics and economy. As per a study on political economy of fundamentalism in Bangladesh, the annual net profit of the economics of fundamentalism was estimated to be around 250 million US\$ per annum in 2012.¹⁷ With the backing of fundamentalist economy, they make their positions strong in politics and society. Thus, there has existed Islamic economy within mainstream economy and Islamic politics within politics for many years, however, it became visible since the beginning of Islamic banking in 1983.

The latest is that Islamic economic fundamentalism is all-time high in Bangladesh as Islamic banking and Islamic finance are increasingly becoming mainstream. In 2020 three conventional banks of the country, Standard Bank, NRB Global Bank and Jamuna Bank were made full-fledged Sharia-compliant Islamic Banks, taking the total number of Islamic banks to 11 in the country. Already these banks had been running Islamic windows but henceforth they will function as pure Islamic banks only. As per a statement of the bank, NRB Global Bank will be renamed as Global Islami Bank as per 'the new role' assigned to it.

There has been witnessed a huge surge in Islamic banking in the past one year. In July-September quarter, total Sharia- compliant bank deposits were 30.8 bn\$, which is 15% higher than in the same quarter the previous year. Share of Sharia compliant bank deposits form 24% of the total bank deposits and 25% of the total loan and finance. Overall, there are 1301 Islamic branches and windows of conventional banks, whereas the number was 1200 in the previous year. It is believed that there is a 'Bangladesh boom' and there will be similar expansion in

17. Barkat, 2013

Islamic capital market, Islamic insurance and Islamic micro-finance. IT professionals are working on developing innovative technologies in making a robust fintech, bringing high-tech technology to Islamic finance.

In addition to the recently added three banks, the other banks which already have 100% Sharia-compliant Islamic banking facility are: Exim Bank, Union Bank, Al-Arafah Islami Bank, Islami Bank Bangladesh, Shahjalal Islami Bank, First Security Islami Bank and ICB Islamic Bank. Total 36,000 employees are at their pay roll.¹⁸

For the first time ever, Sukuk, a Sharia-compliant bond has been introduced in Bangladesh as Islamic economy is becoming more and more mainstream. Even Reliance Finance has also changed its identity and branding by getting itself renamed as Aviva Finance to work as per Islamic rules.

Sheikh Hasina led Bangladesh government's banking and finance policies are discriminatory and apparently tilted towards promoting Islamic economy. The bank deposit ratio for conventional banks has been set at 85%, whereas Islamic banks can keep it till 90%. The advance to deposit ratio (ADR) was further raised to 87% and 92% respectively in 2020.^{19 20}

Same way, the government regulations make Islamic banking more lucrative than conventional banking through its policies. Statutory liquidity ratio (SLR) is the minimum reserve ratio of cash, gold, equities etc. mandatory to keep before disbursing loan etc. In Bangladesh, the SLR in case of Islamic banks is 5.5%, whereas for the conventional banks it is 13%.²¹

It is to be noted here that Bangladesh Bank, the central bank of Bangladesh had formed a Focus Group to prepare Guidelines for Conducting Islamic Banking, with representatives from the central bank, Islamic banks and Central Shariah Boards for Islamic Banks of Bangladesh. The guidelines define terms like 'Islamic Bank', a 'depositor', 'Islamic banking' etc. They stipulate that 'Islamic Banking Business' means "such banking business, the goals, objectives and activities of which is to conduct banking business/activities according to the principles of Islamic Shariah and no part of business either in form or substance has any element unapproved by Islamic Shariah."²²

1.2 Political Power Through Economic Power: Nurturing Political Islam and Fundamentalist Economy

In addition to the apparent Islamic economy, there is a well-organised economic system to fund extreme Islamisation. It is believed that Islamist radicals have invested a lot in shrimp farms and cold storage in South-western Bangladesh. Money laundering also happens through Hundi. There have been external factors too to aid in radicalisation in Bangladesh. Saudi Arabia, Kuwait, the UAE, Bahrain and Pakistan are some countries which have funded for madarasas, mosques and

18. <https://thefinancialexpress.com.bd/views/reviews/bds-islamic-finance-industry-keeps-booming-1582034749>

19. <https://www.thedailystar.net/business/news/banks-relieved-loan-deposit-ratio-stay-unchanged-1801576>

20. <https://thefinancialexpress.com.bd/economy/bb-raises-lending-ceiling-1586701138>

21. <https://www.dhakatribune.com/business/banks/2020/12/31/islamic-finance-moved-further-into-mainstream>

extremist activities. Kuwait based Revival of Islamic heritage, Doulatur Kuwait; the UAE based Al Fuzaaira, Khairul Ansar Al Khaisia; Behrain based Doulatul Bahrain and Saudi Arabia based Al Harmaine Islamic Institute have made a lot of funding for radicalisation in the past.²³

One of the Islamic banks of Bangladesh, named Islamic Bank Bangladesh's transactions have been found dubious many a times. The central bank of Bangladesh even fined the bank in 2006 for suspicious transactions. It was found to have terror links and fined for 1,00,000 Taka for serially covering up terror activities. Many Jamaat-e-Islami Bangladesh (JIB) related entrepreneurs have been involved in dubious activities.²⁴

Prof. Abul Barkat states that many political leaders of Bangladesh have investments mainly in 13 sectors- retail to finance to education to health and pharmaceuticals etc. Their net earnings were believed to be 300 million \$ per year in 2009 of which 10-20% was spent for political purposes, which included paying salaries to around one million full-timers. However, the President of Bangladeshi Institute of Peace and Strategic Studies (BIPSS), Maj. Gen. Rtd. Muniruzzaman states that their net profit is much higher as they run a 'parallel economy'.²⁵

JIB is reported to have a 10,000 full timer and 100,000 part-timer cadre and 10 lakh trainees. Madarasa and Universities' teachers too are associated with it. It has different wings and functions in a systematic organisational way. Its intelligence wing is reported to have cells in different political and no-governmental organisations.²⁶

The links between Jamaat-e-Islami Bangladesh and terror organisation like Jamayutul Mujahidin Bangladesh (JMB) have been established as many mentors of the JMB have had connections either with JIB or its student wing Islamic Chhatra Shibir. JIB was a coalition partner of Bangladesh Nationalist party (BNP) in the 2001-2006 government.

How Islamic fundamentalism has become mainstream in Bangladesh can be understood from one example. One of the many Islamic terrorist organisations functional in Bangladesh, JMB was responsible for pan-Bangladesh serial bombings in 2005. Out of the total 64 districts of Bangladesh, 459 serial bombs were detonated at 300 locations in 63 districts on 17 August 2005 within a span of overall 30 minutes. This is just one of the many operations of the terrorist group which came into international media glare. Immediately after this incidence, the organisation was banned in Bangladesh. However, the terror organisation still exists in a more reorganised form. It was responsible for killing of judges, writers, foreigners, in addition to the 2016 attack in the diplomatic area of Dhaka, Gulshan's Holey Artisan Bakery café attack which had claimed 20 lives of different nationalities.²⁷ The documents of the organisation have revealed that its mandate is to establish Islamic rule in Bangladesh.

It is remarkable to note that the deputy Vice Chancellor of a private university too was arrested with links to the terror attack.²⁸ This single incidence proves how a section of academia and intellectuals are hand in gloves with Islamic terrorists.

22. <https://www.bb.org.bd/aboutus/regulationguideline/islamicbanking/guideislamicbnk.pdf>

23. Satp.org

24. <https://www.outlookindia.com/website/story/a-second-liberation/239407>

25. <https://ctc.usma.edu/the-funding-methods-of-bangladeshi-terrorist-groups/>

26. SATP.org

27. 2016 Dhaka cafe attack: What happened after terrorists took hostages at Holey Artisan Bakery? | Explained News, The Indian Express

28. Professor, 2 others arrested over links to Dhaka terror attack - The Economic Times (indiatimes.com)

The Executive Director of Transparency Institute of Bangladesh, Ikhtikar Zaman has stated that JIB is working on a long-term plan than the two main political parties of Bangladesh- Awami League and Bangladesh Nationalist Party (BNP). It aims to get political power through economic power. It owns the biggest bank of Bangladesh, the Islamic bank of Bangladesh, has six universities, one Dhaka based think-tank. The jamaat cadre have infiltrated in army, media, academics, NGOs and other sectors.²⁹

Dhaka University Prof. Abul Barkat, who has received character assassinations and death threats at the hands of JIB leaders, states that the fundamentalist economy has much higher growth rate than the mainstream economy, which is 7.5-9% and 4.5-5% respectively. He has also warned that in monetary sense it is difficult to match the rise of fundamentalist economy.

It is remarkable to note that there is a direct relationship between economic concentration and political strength. More the economic resources, greater the advantageous position in the society, is believed too to be the dictum. The concentrated wealth helps getting political clout and social superiority. In this sense, with the economic and political growth of Islamic fundamentalism there are more chances of discrimination and subjugation of minorities in the country.

1.3 Communalisation of Education and Culture and Indoctrination of Young Minds

The share of religious education through madarasas in mainstream education has increased in the last 70 years. In Bangladesh there are mainly two types of Madarasas- Quami and Alia. Madarasa education mainly focuses on learning Islam. Quami madarasas majorly teach reciting and memorising Quran, Hadith, Islamic law, Islamic culture, language etc. Alia madarasas have included a few other subjects too. However, even in Alia madarasas the focus remains on religious teaching. In 1950, the total number of madarasas in Bangladesh was 4430 which rose to 54,130. In around six decades, Quami madarasas have mushroomed 13 times and Alia 11 times. As per the data provided by the Bangladesh Bureau of Educational Information and Statistics in 2008, there were 39,612 Quami madarasas in which 5,247,600 students were enrolled; whereas the number of Alia madarasas stood at 14,152 with enrolment of 4,580,082 students. Majority of Alia madarasas are privately owned, only three are government affiliated.³⁰

It has been well-established through researches that madarasa education suppresses free and critical thinking while focusing on orthodox views. No deviation from the beliefs is accepted, which ultimately leads to suppression of questioning and internalisation of sanction against free thinking, and therefore, an antithesis to the purpose of education. Indoctrinated young minds are susceptible to develop as Islamist fundamentalists.³¹

Terrorist organisations in Bangladesh like JMB have financially supported mosque and madarasas building in the country. It is reported that this organisation alone has built up 700 mosques with the support of Revival of Islamic Heritage Society, Kuwait.

29. <https://ctc.usma.edu/the-funding-methods-of-bangladeshi-terrorist-groups/>

30. Abul Barkat

31. <https://journals.sagepub.com/doi/10.1177/1477878518779668/> Michael S. Merry, 2018

In 2003 some Islamist militants were arrested and from their decoded diaries it came to light that a single militant organisation functioning from Bangladesh JMB had training camps in 57 districts of Bangladesh with bases at Ahle Hadith mosques and madarasas. One of the JMB leaders Asadullah Ghalib, the chief of Ahle Hadith Andolan Bangladesh, was arrested on 23 February 2005. He admitted that he had spent 'crores of Taka' on building mosques and seminaries and military style training of madarasa students.³²

Some of the madarasas have been used as training centres for Islamic radicalisation. Inspector of Joypurhat Criminal Investigation Department, Khalilur Rahman had told The Daily Star that militant organisations have well-equipped training stations.

Madarasas' external financing is another matter of concern. After the 'logistically impressive, disciplined and deadly' 17th August 2005 deadly terrorist attack, the government was pressured to take action against Islamist terrorists. During a search at a madarasa at Bhola, named Green Crescent, 10 firearms, 2500 rounds of ammunition and a huge radical Islamic literature was recovered. It also came to light that the madarasa was established and was being funded by a Britain registered and regulated charity, Green Crescent of one Bangladesh origin British national, a PhD in Chemistry, Dr. Faisal Mostafa. Faisal's links to terror organisation JMB were also revealed.³⁴ British links to indoctrination and terror funding are quite disturbing as one always thought of Middle-east or Pakistan or Afghanistan funding sources in such cases.

Islamic extremism is largely being funded in Bangladesh by Middle-East-based organisations. A Kuwait based organisation Revival of Islamic Heritage Society and a Saudi Arabia based Hayatul Iqachha alone have funded 650 mosques/madarasas in Bangladesh.

It is not without foreign funded indoctrination that many of the Muslim women of East Bengal who used to wear Bindi (red dot sported on forehead by Bengali Hindu and Muslim women both), bangles and sarees, have stopped doing so. As practice of wearing sarees still remains in Bangladeshi Muslim women, Hijabis and Burquawalis have increased with rise in Islamic fundamentalism.

The Islamic terrorist organisations working from Bangladesh like JMB have opposed organisation of cultural programmes, cinema halls etc.

Fatwa instigated violence and its tacit social support by the majority community is an indication of fundamentalist indoctrination. Recent killings of bloggers, journalists, seculars, foreign nationals are a testimony to growing Islamic extremism in the country.

When Taslima Nasreen, a Bangladeshi origin writer wrote a novel Lajja, based on the mindless killings and violence against Hindus in 1992, fatwas were issued against her, award was set on her head and she has never been able to come back to her homeland afterwards. The remarkable point is that 'moderate' Muslims too have not spoken for her.

32. Satp.org

33. <https://www.thedailystar.net/news-detail-84247>

34. <https://jamestown.org/program/uk-charity-funding-arms-and-training-for-bangladeshi-terrorists/>

However, still the silver lining in the Bangladesh's society is that in spite of their different faiths, a large section of majority Muslims and minorities have shared certain common celebrations. Like Pohela Boishak (celebration of the Bengali new year on the 1st day of Baisakh, as per the solar calendar followed by Hindus. The day falls on 14 April each year) in addition to the national celebrations like Shadheenta Dibash (Independence day, 26 March), Ekushi or Shaheed Dibas (21 February, the martyrs' day in memory of the language movement martyrs of 1950), Bijoy Dibash (victory day of Bangladesh from Pakistan, 16 December).

Unit 2. Persecution of Minorities

2.1 Unnatural Cleansing of Religious Minorities

In East Bengal/Pakistan/today's Bangladesh, the religious minorities, particularly the Hindus have vanished in an unnatural way. Since 1947, the population of minorities has declined drastically. The Hindu population as for the 1951 Census for East Pakistan was 22%, in 1991 it came down to 15% and in 2011, it has come down further to 8.5%. A silent cleansing of religious minorities has been going on in Bangladesh which gets reflected in the change of communal composition. A quick glance at the status of religious demography reflects that Hindus are the largest minority and the biggest religion after Islam in Bangladesh.

Bangladesh's International Crimes Tribunal has been investigating and trying war criminals, who were accused of committing atrocities, including aggravating mass killings in 1971 genocide. Revisiting the partition of 1947, he feels that its legacy has been enormously acrimonious for Bengali Hindus. Some Hindus migrated to India, while those who stayed back at home by trusting the authorities, have been subjected to ethnic cleansing in three distinct phases over the last 70 years. While being in their homes, they have become 'Stateless' as had written Joginder Nath Mandal.

The question arises why and where have the minorities of Bangladesh disappeared? An overall analysis of the issue highlights how tools of violence and intimidation have been used over these years for unnatural religious cleansing. The State and political parties have had their own share of support, whether it was through the approach of largely pardoning the perpetrators of 1971 genocide; retaining the Enemy Property Act in a different name and confiscation of properties of minorities under this; maintaining silence over violations as if nothing unusual was happening in the country and allowing extreme Islamism to interfere with the secular constitution and politics of the county. Communal riots, elections and post-election violence have been the major occasions of minorities' persecution. However, routine discrimination goes on unabated for Bangladeshi minorities.

Multiple human rights reports, the census data, figures of migration, media reports of religious persecution tell an explicitly horrifying tale on human rights front. They all establish that overt and covert persecution of minorities has been happening on day-to-day basis, in addition to the major communal attacks on minorities and symbols of their religious faiths. Incidents of human right violations against religious minorities have been too visible to be unnoticed in Bangladesh.

Whenever in the history of Bangladesh minorities have been targeted and attacked, destruction of their religious symbols, vandalism of temples and viharas has happened along. From the 14th century Kali Temple to Dakshineshwari Temple and other temples of historical importance have been attacked. Since idolatry is an offence in Islam, the extremists consider it their religious duty to destroy idols in Hindu and Buddhist temples. The eco-system of impunity helps them remain unpunished, which emboldens fundamentalists and terrorises the persecuted

community further.

If minorities of Bangladesh are marginalised and persecuted, the minority women bear the brunt twice due to their religion and gender both. Rapes and forced conversions are the tools to intimidate. The woes of the women-folk get further aggravated due to the complicated social dimensions of cases of sexual violence. Abductions and rapes have direct relationship with exodus of the minorities.

Not just Hindus but Buddhists and Christians too remain at the fundamentalists' target. Christians make up 0.3 per cent of Bangladesh's population, according to official data, concentrated primarily in Barisal, Khulna and Gazipur; whereas Buddhists form 0.6% and are mainly settled in the CHT areas. Their lives in Bangladesh too have often been characterised by discrimination in many areas of their lives, including employment or housing.

Routine discrimination against minorities may be assessed in terms of their reach to power, justice, education, employment, security, safety and freedom. These are the general parameters of ensuring compliance of social, political and other human rights. On all these parameters, it has been found that minorities are a discriminated lot from the early days of partition.

2.2 Major Attacks against Religious Minorities

History of discrimination and persecution against non-Muslim minorities, particularly Hindus has been witnessed in east Bengal since 1946. It can be traced from the times it was a part of the united Bengal Province or was named East Pakistan or later became Bangladesh. Rise of Islamic fundamentalism has been the major factor throughout for religious persecution of Non-Muslim minorities- including Hindus, the largest minority and Buddhists, Christians, Sikhs etc. As the biggest minority, Hindus have been targeted the most. Beginning from Noakhali to the recent communal acts of violence, there is an entire intermittent chain of attacks and butchering.

2.2.1 1946- The Great Calcutta Killing and Noakhali violence

On 29 July 1946, the Muslim League passed a resolution for drawing up direct action to achieve Pakistan. The resolution was to “get rid of the present slavery under the British and the contemplated future caste Hindu domination.” The League declared 16th August Direct-Action Day became a carnage day in Calcutta, in Bengal Province. 'Great Killings of Calcutta' happened on the same day when Muhammad Ali Jinnah had declared, giving a direct warning to the Congress, “We do not want war. If you want war, we accept your offer unhesitatingly. We will either have a divided India or a destroyed India”.³⁵ The massacre continued for one week as the Calcutta violence is infamously called as 'the week of long knives'.

Jinnah had also made a call to “stop cooperating with the Government and bid goodbye to

35. <https://www.thehindu.com/opinion/letters/fathers-of-partition/article30280689.ece>

36. <https://swarajyamag.com/politics/jinnah-ambekar-and-the-made-in-india-idea-of-a-theocratic-pakistan>

37. Mkgandhi.org

constitutional methods.”³⁶ Following the direct-action call, communal violence, with the scale and intensity unknown to the living memory, happened on the day in Calcutta.³⁷

It was evident that violence in Calcutta happened to pressure the British Government and the Congress for Pakistan, a separate homeland for Muslims.

Bengal was the only Province which had a Muslim League government. The Prime Minister of the Province, Huseyn Shaheed Suhrawardy, who later became the Prime Minister of Pakistan, is called 'the butcher of Bengal' as he not only incited the huge Muslim crowd gathered at Dalhausie Sqaure in Calcutta for a special meeting, but also ensured them that no police action will happen. It is noteworthy that 16th August, the 18th day of Ramzan was chosen for the direct action, a day when the battle of Badr was fought against heathens and Islam got the first decisive victory. On 16th August, Suhrawardy and other League leaders exhorted Muslims for action as references to the battle of Badr were made vociferously. Suhrawardy had exhorted by far the first-ever huge crowd of 60,000- 2,00,000 Muslims (as quoted in various sources): “maar ke lenge Pakistan; lar ke lenge Pakistan; lekar rahenge Pakistan...Allah-hu-Akbar...Nara-e-Taqbir.” (We shall have Pakistan by killings or through war but we shall certainly have Pakistan along with invocation of Muslim brotherhood).

Just seven weeks after the highly organised Calcutta killings, Noakhali and Tippura districts of East Bengal saw a more organised and violent carnage against Hindus of the area. The Great Calcutta killings became communal riots by the time the fire of violence got extinguished as Hindus too retaliated. However, Noakhali remained entirely one-sided savage violence, looting, rapes, abductions and conversions till the end. The details of Noakhali are horrifying:

“On 10th October 1946 disturbances broke out in Noakhah consuming in its inhuman horrors about four hundred villages extending over an area of two hundred square miles. Thousands of Muslims suddenly attacked the handful of Hindu neighbours. Innocent and unsuspecting Hindus, men, women, and children were subjected to the worst horrors ever engineered by man. Murder, loot, arson, rape, abduction and forcible conversion to Islam went on unchecked and unabated for a week. These disturbances were planned, organised and executed with remarkable ' efficiency and thoroughness for political ends.”

In the United Bengal, Hindus formed 42% of the population, however, Calcutta alone had a majority of Hindus with 64% population. Muslim League leaders wanted the entire Bengal and Assam to be included in Pakistan, which included the industrialised and economically strong Calcutta and the neighbouring Hooghly and other areas. The Direct-Action Day killing of Calcutta gave the Muslim League an impetus and more brutal action against Hindus of Noakhali was planned wherein unrestrained violence was unleashed against the minority Hindus.

The carnage in Noakhali was administered by Gholam Sarwar Husseini, a close aid of Suhrawardy. There are documentary proofs of Suhrawardy having written many letters to Husseini for direct action against minority Hindus in Noakhali.

The Hindu population declined drastically after the Noakhali pogrom against them. After the Noakhali violence, the Chief minister of Bengal, Suhrawardy was too pleased with Husseini and had commented that the latter should have been in Calcutta too during the Direct-Action pogrom.³⁹

The role of the then Muslim League provincial government under the Prime Ministership of Suhrawardy in the well-organised 1946 riots of Calcutta and Noakhali is well-established. Special coupons of petrol were given to Muslim League workers and petrol was piled up in those villages in Noakhali which did not have a single car.

Suhrawardy's role in not letting the police do its duty is well documented. Prominent Muslim League leaders spent a great deal of time in police control rooms from where they controlled operations. Suhrawardy used the state power to not let the police take command in the areas where Hindus were being killed, their houses and businesses were being looted and women raped.

Shyama Prasad Mukherjee had called the anti-Hindu pogrom in East Pakistan as a "part of a deliberate and cold planning to exterminate minorities from East Bengal; to ignore this is to forget the realities."⁴⁰

In Calcutta the Hindus retaliated from the third day of the attack but nothing of that sort happened in Noakhali and only Hindus remained the victims. As per most reports 5000 Hindus were killed, 4000 women were raped and mass conversions happened. It is estimated that thousands of Hindus were converted.

2.2.2 1949-50- anti-Hindu Massacre and Exodus

The partition of India did not satisfy the anti-communal hatred and intolerance against Hindus, rather it aggravated it. From the partition itself, Hindus and their religious community programmes were targeted as posters were put up to not allow Durga Puja happen. Janamashtami Utsav, the famous religious programme was not allowed to happen; nor was allowed rath yatra.

From August 1949 to February 1950, Hindus were attacked, their villages burned, their properties forcefully taken, rapes of women by Pakistani Police and militia and all kinds of atrocities were conducted. Anti-Hindu rioting happened across Bangladesh- Dhaka, Barisal, Chhatgong, Noakhali, Kalshira, Syalhet, Rajshahi, Mymensingh and other places. It was after these attacks, murders and conversions of Hindus that the tall leader of caste Hindus who had joined Pakistan as the first Labour and Law Minister, Jogendra Nath Mandal, was deeply disappointed and he had tendered his resignation to the Prime Minister of Pakistan, Liyaqat Ali Khan. His resignation letter written in October 1950 depicts the state of Hindus in West and East Pakistan. About Kalshira rioting, he had written that he went to a village and saw that except for two-three houses, rest all the 350 houses were in ruins. About the pitiable condition of Hindu girls, he wrote that in East Pakistan no caste Hindu women between the age group of 15-30 years survived.

39. Swarajyamag.org

40. https://www.ipf.org.in/Encyc/2020/10/24/2_01_37_39_Papers_1.pdf

About the condition of Hindus in East Bengal, Mandal had expressed his apprehensions that Hindus had become 'Stateless' in their own homes and their exodus was imminent. Those who remain here will either 'convert or liquidate'.⁴¹

Many prominent Hindu leaders of East Bengal were arrested and detained, which included two MLAs and other leaders. Mass exodus happened and Hindus reached West Bengal, Tripura, Assam and other parts of India. Around 3.5 million Hindus came to India, while five lakh Hindus were killed during these months. East Pakistan riots were apparently Muslim League sponsored systematic massacres of Hindus.⁴²

The government of West Bengal and the Prime Minister Nehru registered a strong protest with the Pakistan government for the wholesale slaughter and uprooting of Hindus.

2.2.3 1962- Rajshahi Massacres

Around 3500 non-Muslim minorities, Hindus and Buddhists were massacred in anti-Hindu riots which spread out in Rajshahi and Pabna districts. As per the MEA report of the year, 11,000 Santhal and Rajbhanshi families officially took refuge in India. It was also reported that the condition of minorities remained to be 'unsatisfactory' like the previous year as serious communal riots took place in Rajbhanshi, Pabna and Noakhali.⁴³

2.2.4 1964- East Pakistan Riots

On December 27, 1963, the Prophet hair, preserved at the Hazratbal shrine in Srinagar, was reported missing. The Pakistani government took advantage of the incident and used it as a pretext to crush the minorities.

January 2nd 1964 was declared as Kashmir day and Muslims held a protest. Pakistani leaders and media spoke blatant lies and aroused the anti-Hindu feelings of East Pakistani Muslims. Subur Khan, the Central Communication Minister was stationed in Khulna and he addressed a 20,000 strong Muslim crowd that he will make even leaves of trees to shout Allah Allah. Either the Hindus will have to do so or there would be no place for them in East Pakistan. Meanwhile they will learn what is the pleasure of living in Pakistan.⁴⁴

One sided arson, looting and killing continued and Hindus had to flee for their lives. Large number of dead bodies were seen floating on the river Bhairab. Hundreds of Hindus were killed in the next 2-3 days. Then the killing spree spread to Dhaka. Looting properties and setting them on fire continued. Hundreds more innocent Hindus were killed. It further spread to Narayangarh, Rajshahi, Syalhet and Mymensingh. In Rajshahi Santhals were targeted. Hindus were forcibly made to eat beef. Their lands were grabbed.

Meanwhile, Pakistan brought East Pakistan Disturbed Persons (Rehabilitation) Ordinance 1964 which prohibited sale of any property by a Hindu. Eventually, they had to leave their properties and flee for their lives to India. Their properties were later attached to the government as vested property.

1,35,000 Bengali Hindus came to West Bengal. 75,000 people reached Assam which included 35,000 Christians too. India provided them shelter and relief.

After the communal riots and large-scale exodus, the only Hindu majority district of east Pakistan, Khulna too became Muslim majority.

Amitabh Ghosh's award-winning novel *Shadow Lines* is based on the 1964 Khulna riots. Many other novels were written and films made on the same issue.

2.2.5 1971- Genocide by Pakistan Army

The greatest genocide continued for 9 months from 26 March 1971 to 16 December 1971 when the Pakistan Army surrendered. It is one of the biggest human rights tragedies of all times. Pakistan Army began Operation Searchlight to whip the pro-liberation Bengalis. On 26 March 1971, the dormitory of Dhaka University was targeted killing hundreds of students and professors.

In a single night around 7000 people were butchered and within one week 30,000 were killed. Thirty million were rendered homeless.

Mujibur Rahman too was arrested. Antony Mascarenhas, a West Pakistani journalist, used the term Genocide in his 13 June 1971 report. It is through the report that the western world came to know of its gravity. It was a systematic plan of Islamabad to kill intellectuals, opposition leaders, officials, businessmen under the excuse of quashing rebellion. Mascarenhas had written that he had seen Hindus hunted from one home to the other. And they were shot as the cursory look will show that they were not circumcised. Also, he had witnessed screams of people being bludgeoned to death.

Pakistan has always been in denial mode of the atrocities during the genocide. A Commission was constituted to find out the truth of extremes by the army. However, its report was never made public. Five heads of the state of Pakistan have visited Bangladesh but no one has tendered even an apology from the people of Bangladesh. It was only Parvez Musharraf who has written on a sort of indirect apology as he visited the war memorial near Dhaka and wrote in the Visitors' book, "Your brothers and sisters in Pakistan share the pains of the events of 1971. The excesses committed during the unfortunate period are regrettable."⁴⁵

The exact number of killings is not known but it is considered somewhere around three million, which included many intellectuals. Thirty million people were uprooted and rendered homeless. More than two lakh women between the age groups of seven to seventy-five were raped, gangraped. Army had set up sex camps where women were kept as sex slaves. They were not allowed to wear sarees, rather to wear rags. Immediately after the liberation a special abortion centre had to be opened and run for six months in Dhaka. Around 1,70,000 abortions were conducted, whereas 30,000 women committed suicide. The women were called 'Beerangonas' (brave women) and some programmes were run to rehabilitate them, like training and healthcare programmes. However, largely they remained shamed victims.

<https://www.nytimes.com/2013/12/27/opinion/anam-pakistans-overdue-apology.html>

Major part of the genocide sufferers were Hindu men and women. The Pakistan Army had special instructions to target Bengali Hindus. There were clear instructions to kill Hindu men and sexually violate their girls and women and their properties were to be distributed to Muslims. The West Pakistani regime had a policy to teach secessionists a lesson, to flush out and kill Hindus and work on religious bonding of the Muslims of the West and East Pakistan. They wanted to win over the middle and lower middle class East Pakistani Muslims through gifts of evacuated Hindu properties. Under the excuse of the war, the Pak army got an opportunity to purge Hindus out of East Pakistan. There was a common pattern of killings as the perpetrators checked the religion of male members through circumcision. Even their homes were painted with yellow H to distinguish. All this had sanction of Islamabad. Two third of the refugees were Hindus, they were the ones most systematically slaughtered. During these nine months Buddhists too were targeted.

It is remarkable that the US sided with Pakistan as the latter being a cold war ally of the US. China and US rather tried to suppress atrocities by the Pakistan army.

2.2.6 1989-92- Pogroms against Hindus

Minorities are a vulnerable group and become scapegoats at any little trigger.

In 1988 Islam was declared the state religion in Bangladesh, making life of minorities even more troublesome. In 1989 the foundation of Ram Janambhumi was laid in Ayodhya, India and in 1990, a rumour of demolition of Babri Masjid spread. In background of all this, Hindu temples were demolished/destroyed and Hindus were slaughtered all over Bangladesh. In 1992, Babri Masjid structure was demolished by Hindu activists from the Lord Ram birthplace temple site (in 2019, the fact was established by the Supreme Court of India). The action in the neighbouring country gave impetus to Bangladeshi Muslim extremists to initiate large scale attacks against Bangladeshi Hindus. The occasion was used as a tool to rape Hindu women, loot and arson their properties and scare them away from Bangladesh. Around 400 temples were destroyed and idols broken. Almost 80% of the total Hindu and Buddhist temples were desecrated, minorities' men stabbed, women mutilated and raped. The details of the massacres and desecration of religious places of Hindus have been detailed in Bangladeshi origin author, Taslima Nasreen's famous novel, Lajja, which got her banished from the country till date.

2.2.7 Post-election 2001 Violence

After the victory in elections by BNP led alliance in 2001, Hindus and Muslims supporting and sheltering Hindus were targeted as orchestrated attacks happened over days in October and November. Twenty districts of the total 64 districts were targeted. As per Revolv.com's report of 16 November 2001, the attacks were held "to destroy the economic resources of the Hindu community, terrorise them into fleeing to India, and grabbing their properties."⁴⁶

46. Mohammad Badrul Ahsan, 2001 in revolv.com

In Bhola district's Char Fasson subdistrict (Upazila) in one night over 200 women were raped by Bangladesh Nationalist Party (BNP) workers, which included "an eight-year-old, a middle age amputee and a 70-year old woman... They were raped in paddy fields, in the bush, on the river bank, in the house and in the open field by gangs of men who had come to spare nothing in the village. It was an open house for debauch men who were roused by the aphrodisiac of extreme prejudice... so the loathsome they happened and Muslim men raped Hindu women. The village was sprinkled with bodies of molested women, numb with pain and shock in the aftermath of nightlong abuse. They were beaten, bitten, scratched, pummelled, dragged and ravished; the jewels of their honour despoiled like the sanctity of an abandoned house."⁴⁷

It is remarkable to note that the Hindu population of Bhola district has come down drastically since 1981. It has reduced from 91,964 to 61,162 in the period between 1981 to 2011. The Muslim population stands at 96.55% and Hindu population 3.44% as per the 2011 census. Another point to be noted is that the district had 264 secondary schools and almost equal number, 257 madrasas in 2011.⁴⁸ The fact shows how mainstream education has been highjacked by madarasa education in Bangladesh.

A human rights group had approached High court, under its guidance a judicial commission was constituted after two years. It did extensive investigation and concluded that more than 25,000 supporters of BNP and its alliance partners were involved in the attacks. Among them at least 25 MPs and ministers were also named. It further concluded that besides violence, arson, looting and torture, more than 18,000 rapes were committed.⁴⁹

2.2.8 2012 Violence in Ramu

A small trigger or rumour is enough to initiate anti-minority violence in Bangladesh. Jumma people of the CHT area had been waging a war since partition for their survival. As an ethnic and religious minority, Jummas have been at the target of the successive West Pakistani and later Bangladeshi governments. In September 2012, a rumour spread that a Jumma Buddhist boy had posted the image of a burned Quran. Later it was revealed that the concerned person was not involved in it. However, meanwhile 20 Buddhist temples had been vandalised and houses looted and torched. Reports also suggest that the police was the culprit as it had detained innocent persons.

In CHT land grabbing is a perpetual issue as Muslim settlers from plains have occupied lands of the indigenous Jumma people. CHT being the only area with low land population ratio, has been lucrative and it has been a tacit policy of the first Pakistani and later Bangladesh government to change the demography of the region. In July -August 2013, violence happened between the Buddhist tribal people and the Bengali Muslim settlers with the intention to grab villagers' land. Under a pre-planned strategy, Buddhist temples were specifically targeted. The role of police and army has always been complicit. On 10th June 2014, around 18 persons were injured in communal violence.

47. Mohammad Badrul Ahsan, 16 Nov. 2001 in the Daily Star Editorial in hvk.org

48. BD Census 2011 and Banglapedia

49. Bangladesh 'persecution' panel reports on 2001 violence - BBC News

2.2.9 2013 Violence after the International Crimes Tribunal

In 2013, Delwar Hossain Sayeeti, an Islamist and Vice President of Jamaat-e-Islami was convicted by International Crimes Tribunal, a body set up to try accused of the excesses during the liberation war. Pursuant to the judgement, Hindus were targeted as violence commenced. In the widespread attacks, Hindus across Bangladesh were affected. Overall, 50 temples and 1500 Hindu homes were vandalised and burnt.⁵⁰

2.2.10 2014 Violence

Every election is another excuse to victimise Hindus as BNP and extremist parties believe that Hindus vote for Awami League. In 2014 in Gopalpur village alone, 500 homes of Hindus were destroyed in the pre-election violence.

Personal grudge cases are given communal shades. In 2014, a Muslim teacher who had a grudge against his Hindu colleague, hatched a conspiracy to intimidate him. He created a fake Facebook account in his colleague's name and posted objectionable Islamic content. Further, he mobilised around 1000 Muslims and subsequently Hindus were attacked. This led to injury to 10 persons and 32 houses were destroyed.⁵¹

2.2.11 2016 and 2018 Nasirnagar Violence

The Hindu concentrated areas of old Dhaka were particularly targeted in the Nasirnagar violence.⁵²

Everyday 8-10 cases of persecution of Hindus were published in media. Hindu homes and temples were attacked, 100 people were injured. Judiciary and law enforcement agencies remained complacent. On November 2016 in Brahmanbaria's Nasirnagar, around 10 temples and hundreds of Hindu houses were demolished and destroyed by a Muslim mob in response to a Facebook post, alleging insult to Islam.⁵³

President of Oikya National Awami Party, Pankaj Bhattacharya alleged that Nasirnagar violence against minorities happened "under the nose of the UNO and government officials". He further claimed that 8,000 cases of violence were not even put to trial and 20,000 identified criminals responsible for the violence were roaming free.⁵⁴

2.3 Prevalence of Hinduphobia

Hindu exodus from erstwhile East Pakistan 1947, then 1971 and afterwards and intermittently has been going on. According to Minority Rights Report, 8.1 million Hindus are 'missing' as per the records between 1964 to 2001, which makes it to 219,000 people annually.

50. MRG Report

51. MRG Report

52. War of Liberation, The - Banglapedia

53. <https://www.newagebd.net/article/51091/violence-against-religious-minorities>

54. Sahidul Hassan Khakon, 2018

The major reason behind this is an overall negative sentiment against Hindus. This is due to the growing influence of Islamic fundamentalists in Bangladesh for which they develop a bigotry against Kafirs (non-believers in Islam). The more the Islamic fundamentalism, the bigger the bigotry. Islamisation of society has been a factor in Islam being made the state religion. On the other hand, the declaration of Islam as State religion has contributed to further Islamisation. The minority inhabitants of Bangladesh have been facing overt and covert discrimination at the hands of majority Muslims. Though the constitution of Bangladesh provides them equality, yet they are not equal citizens. For fundamentalists, they are 'kafirs' (non-believers of Allah) and punishing a kafir is no crime.

In Bangladesh, a slur 'Malaun' is used for Bangali Hindus, which is a derivative from Arabi, meaning accursed people. An environment of animosity has been created that the minorities feel second class citizens. Bigotry is beyond tolerance

Rhetoric against Hindus by major leaders of Pakistan and Bangladesh has been witnessed many a times. Their religious customs are made fun of, like cremation, idol worship etc.

From the partition of India, Hindus have been treated as second class citizens.

Before partition, majority of schools had Hindu headmasters. Soon afterwards, a circular was notified in schools making it mandatory for students and teachers to memorise quotes from Quran and recite it in the schools. Gradually curriculums were Islamised and Hindu teachers were replaced with Muslims. In East Bengal/Pakistan many new madarasas were opened. With the mushrooming of madarasas, Islamic ideology is being indoctrinated through curriculum.

Systematic plan of ethnic cleansing of Hindus has been apparently visible first in the policies of West Pakistan and afterwards of Bangladesh's political parties and their leadership. Frequent riots against Hindus and their persecution is a reflection of bigoted and obstructive mindset.

Many a times national loyalties of Hindus are doubted. They are stereotyped to be Awami League supporters only. However, even Awami League has always taken them for granted.

The liberation of Bangladesh was got at the corpses of Hindus and the dignity of their womenfolk. However, in spite of their sacrifices, they have not even got basic security and dignity in their homelands.

The unfortunate sons and daughters of the land have no place to call their own as in their own homes they are second class citizens. Since 1946, they have facing forced eviction, migration and forced conversions and killings. Many a times they are given two options- either to convert or to die.

Around 400-500 Hindus are vanishing every day. Professor Abul Barkat has claimed that on the rate Bangladesh Hindus are vanishing, in the next 25 years there will remain no Hindus.

2.4 Abductions, Rapes and Conversions of Minority Women: The Inhuman Instrument of Intimidation

Minority women in Bangladesh have been at a larger risk of gender violence than Muslim women. In fact, abductions, rapes and forced conversions of religious minority women has been a norm during all the governments- from the pre-partition Noakhali violence days to tens of more major incidences afterwards, including the big genocide during the 9-month long 1971 liberation war. Not just during the world-media-reported rioting and violence cases, Bangladesh's contemporary history is full of individual cases of multiple forms of violence against minority women- a few reported and discussed in media, many shrouded in conspicuous silences.

Forced control on women's bodies and subsequent conversions serve both the purposes of exhibition of religious pride and supremacy of the perpetrators and their masculine domination. Control on bodies of the women of opposite religions work as an operative ideology for their personal, religious and manly gratification as rapes and forced conversions become effective tools of manipulation. Violation of women's bodies and gendered violence serve multiple purposes as they successfully work on various fronts. Honour of women is historically associated with the pride of the community to which she belongs. By robbing them of honour, the perpetrators successfully dent the feeling of community pride. It also follows social shame and boycott. Thus, a victim and her close people are deprived of community support and are alienated. Some vacate their lands and migrate and thus, vacated lands are left for usurpation by the perpetrators. In many a case a single incident terrifies others to the extent that it leads to exodus of thousands of people from the community. Those who stay back choose submission for survival. The woman who is converted and forcibly married doubles up as a sex slave and a domestic servant both.

Women, especially minority women paid a heavy price for the liberation of Bangladesh. In the most horrific episode in the human history, three million people were killed, whereas two hundred thousand (two lakh) women were raped.

Legislations governing Hindu women place them at disadvantageous position.

Personal laws governing Hindu women have not been revised. The legislation made under the British rule are still continuing in Bangladesh, whereas India revised the same in 1956. A report 'Discrimination of Hindu Women in Bangladesh within the Legal Framework' was placed in the United Nations General assembly in November 2011. This report highlighted the fact that Hindu women in Bangladesh are at a disadvantageous position than their Muslim counterparts with respect to marriage and inheritance laws. Dissolution of marriage or divorce is not a concept for them, however, compelling the circumstances may be. Since there is no divorce, so there is no concept of post-divorce maintenance too. On the other hand, a Muslim woman, under certain circumstances may divorce. At the most, a Hindu woman may live separately under Hindu Women's Right to Separate Residence and Maintenance Act, 1946 under specific circumstances.

Further, a Hindu man can marry as many women as he wishes to while his first wife is alive. However, a Hindu woman can marry only one person till her husband is alive. In other words, polygamy is allowed but polyandry is not.

Then, there is no system of registration of Hindu marriage, and hence, no register of Hindu marriages is available in the country. Only rituals are sufficient.

Widow remarriage is permitted under Widow Remarriage Act, 1856. However, in case of a widow remarriage, she is not entitled to inherit the property of her husband.

She has limited rights of inheritance too. Majorly she is denied of the right of inheritance. Adoption is allowed in Bangladesh but only of a healthy, different caste, male child can be adopted. A girl child or disabled or orphan child cannot be adopted. Further, it is permissible for a Hindu man unilaterally. However, a Hindu woman must take consent of her husband if he is alive. If a widow wishes to adopt, she must have taken written consent of her dead husband while he was alive.

Due to the discriminatory legislation, Hindu women remain socially and economically at disadvantageous position. Their political participation is negligible as compared to Muslim women.⁵⁵

The plight of survivors of the sex camps and war babies is still stigmatic. Mukti Joudhas (Liberation warriors) were eulogised but Birangonas (brave women) remain shamed and deprived victims only. Even in the present minority women are being brutalised with impunity. Women sent a letter of apology to Bangladeshi women for their sufferings during the 1971 liberation war but who will stand for today's minority women in Bangladesh?⁵⁶ What are the women groups doing at such atrocities?

Total 17,900 cases of violence against women were reported, out of which 5400 were of rape cases in the country. (2019, the Amnesty)

55. OHCHR Report 2011

56. Saikia, 139.

Unit 3 State Sponsored Ethnic/Religious Minorities' Persecution in the CHT Violation of the CHT Act and Persecution of Indigenous People

Chittagong Hill Tracts (CHT) is the only hilly area of Bangladesh and the only place which has almost half of the non-Muslim minority population. CHT is spread in three districts- Khagrachhari, Rangamati and Bandarban. In 1947 at the time of partition, 98% population of CHT was Buddhist. However, the demography of the place has changed drastically over the last seven decades. First Pakistan and then Bangladesh adopted the policy of Islamisation of the area and Muslim settlers were made to inhabit there.

The indigenous people of the area, who consist of 11 culturally and ethno-linguistically diverse communities, are collectively called as Jumma (Highlanders). These 11 communities are: Chakma, Marma, Tripura, Mro, Bawn, Pangkhu, Khyang, Khumi, Chak, Lushai and Tanchangya. In addition to these, descendants of Assamese, Gorkhas and Santals too live here. It is remarkable to mention here that even the British realised the ethnic uniqueness of the area and had passed CHT Regulation 1900. However, the British era regulation was violated by Pakistan and Bangladesh governments both.

CHT's Strong Resistance to Inclusion in Pakistan after the Partition

The non-Muslim indigenous people of CHT were persecuted in 1947 at the time of partition of India as in spite of being a non-Muslim area with 98.5% non-Muslim population, it was annexed to Pakistan. Since outrightly it was non-Muslim there was no logic in giving it to the Muslim homeland, Pakistan. Moreover, the people of the area too wished to join India. The CHT indigenous people opposed the decision tooth and nail.

On the 14-15 August 1947 night, along with 10,000 people, the General Secretary of Parbattya Chattagram Jana Samiti (CHT Peoples Association), Sneha Kumar Chakma went to Deputy Commissioner, Col. Sir G L Hyde's bungalow and asked him whether CHT was a part of independent India. When they received the answer in affirmation, he hoisted Indian flag in Rangamati the same night, which was forcefully removed by the Pakistan Army after six days.

Before this, when the Bengal Boundary Commission was announced on 30 June 1947, the CHTPA had objected to the eastern terms of reference. It submitted a memorandum to the Commission on 14 July 1947 and was tabled after two days on which discussion happened for full 91 minutes. The Association was told that as per the Independence Act of 1947, CHT would be a part of Indian dominion. Redcliff Award was announced on Radio on 17 August 1947, according to which CHT now was a part of East Bengal Boundary. The Association immediately had an emergent meeting in which it was resolved that they will not accept the Redcliff Award and will resist with indigenous arms.

The resistance continued for revision of the Redcliff Award but it could not happen. For the Muslim homeland, Pakistan, the people of this area were aliens and a policy was made to slowly change the demography of CHT. Muslim settlers were brought from plain lands and the indigenous people made to evict by the tacit support of the government. The persecution of indigenous Chakma people had begun under the Pakistan government, continued afterwards too.

Systemic Persecution of Indigenous People of CHT through Sponsored Migration, Islamisation and Militarisation

CHT Act of 1900 was amended multiple times without the consent of the indigenous tribal Jumma people to suit the long-term policy of the Pakistan government to change the demography for divergent reasons. The construction of the Kaptai Dam in 1960s resulted in displacement of 25% of the population in CHT region, numbering a hundred thousand indigenous people. Around 1036 square kilometre area was flooded which included 22,000 hectares of cultivable land i.e., 40% of all cultivable land in CHT area. The capital city Rangamati was also inundated along with their Raja's Palace. Around 1,00,000 people were displaced. According to Govt. of Bangladesh records, Chakmas made up 70% of this displaced population. This dam construction has till date had the most devastating and chilling impact on the local indigenous population and its peaceful existence. Around 25% of the resettled population faced another round of displacement as low-lying area where they had been resettled was flooded again as water levels of the Kaptai Dam went up. This led to 40,000 fleeing to India and 20,000 to Burma.⁵⁷

On the one hand, the indigenous people were displaced from CHT, on the other the Bengali Muslim settlers were given rations, cash and land to settle in CHT. Under systemic planning Bengali settlers from plains were incentivised by the Bangladesh government, like the Pakistan government before, to settle in CHT. It has changed the religious demography of the only non-Muslim area of the country and the socio-cultural fabric of the society of indigenous people living here has been destroyed to a great extent. Military rule or 'Operation Dabanol' / Operation Wildfire was put in force leading to persecution of indigenous people further, their forced eviction from their lands, settlement of more outsiders and eventually leading to further demographic disturbances. By 1981 the demography had changed to the extent that around 1/3rd of the CHT population consisted of Bengali Muslim settlers.

57. Angelfire.com

Continued Resistance by Indigenous People of CHT

The Jummas continued resistance for autonomy and against unrestricted migration and acquisition of land by Bengali Muslim settlers. The region saw around 25 years of resistance against violation of rights of indigenous people, the CHT Accord was signed in 1997 between the Sheikh Hasina led Government of Bangladesh and the Jumma people, represented by Parbatya Chattagram Jan Samhiti Samiti (PCJSS). It was hugely appreciated at national and international level.

Signing of 1997 CHT Accord and its Implementation Status

However, the internal conflict did not end with the signing of the Accord. 2nd December this year saw the 23rd Anniversary of the Chittagong Hill Tracts Peace Accord signed in 1997 between the Government of People's Republic of Bangladesh and Parbatya Chattagram Jana Samhati Samiti (PCJSS). The aims and objects of the Accord in its fullest spirit remain unfulfilled. As per PCJSS which was the signing party to the Accord, more than two thirds of the Accord still remains untouched and unimplemented by the Government despite PCJSS having kept up its part of the deliverables.

The main points of the Accord were demilitarization of the CHT, maintaining the autonomy of the region and settling of cases of land. In Oct. 2019, the Government made a statement on implementation of the Accord that “out of 72 sections, 48 sections have been completely implemented, 15 sections partially implemented and implementation process is on the run in 9 sections.” Rubbishing the claims of the Government, PCJSS published a brief report in Nov. 2019 and reported that only 24 sections have been totally implemented and 34 sections are still completely unimplemented, which includes core sections of the Accord. It also levelled the charge of breach and violation of some sections by the Government.

Formulation of electoral rolls which will facilitate holding of elections to the Regional Council thereby giving the indigenous people their own representatives envisaged under Clause (C)(12) of the Accord have been purposely held back. Not a single election has been held for the Hill District Council and CHT Regional Council. Withdrawal of military camps (more than 400 such camps are still functional), settling of land disputes by the Land Commission under Clause (D)(4) of the Accord for which rules have not yet been framed, return of lands to the actual owners among Jumma people, have remained as promises unfulfilled. Under Clause (B)(34), the functions of land and land management, police (local), environment preservation have not yet been transferred to the Hill District Council. Military Rule named “Operation Uttoron” is still in force in violation of the Accord.

As per a Supplementary Report published by the PCJSS on the occasion of the 23rd

Anniversary of CHT Accord 1997 dated 2 December 2020, out of 12,222 India returnee refugees, 9780 families have not got back their agricultural land, grove land and homesteads. 40 villages belonging to the returnee refugees are still lying under illegal occupation of the settlers and some 54,000 refugees who had returned on their own initiative under a 16-point package agreement have not received any ration.

Permanent Residence Certificates (PRC) are being issued by Deputy Commissioners instead of the Circle Chiefs in violation of the Accord to many outsiders such as Rohingyas which is creating interferences in the rights of the indigenous population in availing employment opportunities in the CHT Region. There has been a growing demand to give legal sanctity to the Hill District Council and Regional Council through enactment of scheduled laws under the Constitution by Parliament, however that demand has fallen on deaf ears.

CHT has remained mostly under military rule after the partition. The area has 9% of the land of the country and 1% of population but one third of Bangladesh's army is deployed in this region. CHT Commission had published a report in 1990 titled 'Life is Not Ours' and mentioned that during General Ziaur Rahman's time one soldier was deployed after 6 Jumma people.⁵⁸ In a session of United Nations Permanent Forum on Indigenous Issues (UNPFII) in 2011, a report on CHT was submitted which concluded that the "Accord was hardly implemented...and de facto, military rule continued in the area.

As per the IWGIA Report 14 published in 2012, titled 'Militarisation in CHT Bangladesh: The Slow Demise of the Region's Indigenous Peoples', de facto military rule still continued with 400 army and paramilitary camps in the region. The army personnel have not only been violating human rights of the indigenous people but also supporting communal attacks on indigenous people and exerting influence on their civil lives.

As per the Accord, only 6 cantonments of military were to remain and rest withdrawn. However, the government increased militarisation under 'Operation Uttoran' (Operation Upliftment) in 2001. Before the Accord was signed, 'Pacification Project' was undertaken by the government.

Instances of Religious Persecution of Tribal Jummās

Religious persecution of Buddhist people has been commonly reported all these years. The government has not provided them the status of indigenous people, and thus, deprived them of their constitutional rights. Neither has Bangladesh adopted the United Nations Declaration on the Rights of Indigenous Peoples, 2007. It is the most comprehensive document which states minimum standards of survival, dignity and fundamental freedom

[58. Militarisation In Chittagong Hill Tracts | LOOKEAST](#)

to indigenous people. In absence of this, violence against indigenous people of the CHT goes unabated. Their lands continue being grabbed.

Cultural erosion is happening through proselyting activities. Large scale forced conversions are happening. Some Islamic organisations have been working for decades to convert the Jumma people to Islam, majority of whom are Buddhist. In 1990 at Alikdam, 17 Marma people (Buddhist) were forcibly converted to Islam by Al Rabita organization. Al Rabita is an Islamic missionary organization, funded by Saudi Arabia and Kuwait, the organisation has been working since 1980 to convert the Jumma people to Islam. Jamat-i-Islami (Islamic fundamentalist political party) has been actively promoting conversions. It was also responsible for destroying Buddhist and Hindu temples in the CHT.

Bangladesh army is complicit in the conversion efforts. The monk of Mani Gram Buddhist temple, Khagrachari had shared a particular incidence of June 1986:

Monks had gathered at the Manigram Buddhist temple of Khagrachari to celebrate a function. Soldiers did not allow them to worship Lord Buddha. The army personnel told them either to become Muslim or leave the place. The soldiers tied their hands and started to pour water mixed with green chilies on their heads and kicking them with their boots as they refused to convert to Islam. They were tied up from eight in the morning to four in the afternoon. The monk had cuts and sores on his legs by the soldiers. All the houses in the village and the temple were burned by the soldiers. The monk and the people had to flee to save their lives. They crossed the river Chengi and this is how around 450 people reached the border of Tripura and Karbook camp. According to the Monk, the main reason for the attack was religion. They can stay safe in the country if they became Muslim. One friend of the monk from the Marma community was forcibly converted as he was warned of being harmed along with his relatives in case he did not obey.⁵⁹

The indigenous population had hope after liberation of Bangladesh in 1971 the new government would empathise with their plight and they thus looked up to brighter future. They got behind their leader MN Larma submitting a four-point demand for Regional Autonomy. But government after government, their hopes have diminished. Every government has been more disappointing than the previous and cared lesser. There were hopes till Bangabandhu was alive but after his assassination in 1975, democratic avenues have been shelved for them. After 26 rounds of talks the Accord could be signed in 1985 but after 23 years of signing it, implementation is still stuck in spite of the Awami League government in power for the consecutive third term. Religious persecution and land grabbing cases keep happening. The Jumma leaders are arrested and detained on slightest of excuses. Their security and survival is at stake.

59. <http://www.angelfire.com/ab/jumma/religion.html>

Unit 4 State against Minorities: Discriminatory Laws, Tacit Political Support and Prevalence of Environment of Impunity

Bangladesh as an independent country was formed on the foundations of secularism. Accordingly, the Constitution was framed. From time-to-time Bangladesh has also become part of various rights treaties of the United Nations- rights of women, children, disabled and economic, social and cultural rights. In spite of these safeguards, minorities and women have been facing grave violations of their rights.

At the same time, Bangladesh has adopted some discriminatory legislations which have seriously violated rights of religious minorities. Efforts have also been made to Islamicise the Constitution.

4.1 Presence of Human Rights Safeguards: The Constitution and the UN Treaties

The founders of Bangladesh, with all good intentions, framed an excellent Constitution, giving equal rights to all citizens of the country, irrespective of their religion, race or gender. Article 27 (III) of the Constitution of Bangladesh ensures this: "All citizens are equal before law and entitled to equal protection of law." In the same vein, Article 2 (I) and (II) too guarantee equality for all and no discrimination on the basis of caste, religion, gender etc.- "equality, equity, freedom and justice for all citizens."

The Article 41 of the Constitution ensures equality for all religions. Sections 295, 296, 297 and 298 provide safeguards in case of violations of the right to practice religion.

In addition to the guarantee of equality provided by the Constitution, Bangladesh also is a signatory of human rights covenants and treaties. Way back in 1979, Bangladesh had ratified Convention on the Elimination of All Forms of Racial Discrimination (CERD). In 1984, Bangladesh signed Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Bangladesh signed two treaties in 1998- International Covenant on Economic, Social and Cultural Rights (CESCR) and Convention against Torture and Inhuman or Degrading Treatment or Punishment (CAT).

Two years later in 2000, Bangladesh signed International Covenant on Cultural and Political Rights (CCPR). International Convention on the Protection of all Migrant Workers and Members of their families (CMW) was signed in 2011.

In addition to the above, Bangladesh is also a signatory of United Nations International Children's Emergency Fund (UNICEF), the widely appreciated organisation of the UN. UNICEF provides equality, justice and freedom to all children without any discrimination. It was created as per the mandate of the Convention on the Rights of Child (CRC).

Being a signatory to all the UN treaties, Bangladesh has a responsibility to implement the conventions and their protocols in the country. However, the violations of the rights of cultural, political and economic rights of minority people are glaring. So are the human rights of women and children. UN must pay a serious attention to the atrocities on religious and ethnic minorities in the country. Particularly the issue of fast depleting religious minorities must be flagged at the international level.

4.2 De-secularisation and Islamisation of the Secular Constitution through 5th and 8th Amendments to the Constitution

“Divide people based on their religion affiliation and rule them using some legal instruments”- Prof. Abul Barkat

Within seven years of the implementation of the Constitution, efforts were made to desecularise it by the Bangladesh Nationalist Party (BNP) as it came to power. The 5th Amendment to the Constitution was made in 1979 during Ziaur Rahman's Prime Ministership and the word 'Secularism' was replaced with 'Bismillah ar Rahman- ar- Rahim (In the name of Allah, the beneficent, the Merciful), the words from the Quran. The Amendment was challenged in the Court. In 2005 the Supreme Court in the historic judgement in the Constitutional history of Bangladesh gave the verdict that the deletion of 'Secularism' through 5th Amendment was illegal and ordered to revert it. The powers of the Parliament were defined in the case. Accordingly, in 2011, Secularism was restored in the Constitution through 15th Amendment.

Eighth Amendment in the Constitution to Make Islam the State Religion

Contrary to the secular tenets of the Constitution, the President of Bangladesh, Lieutenant General Hussain Muhammad Ershad in 1988 declared Islam as the State religion. It was done through amendment in Article 25 of the Constitution of Bangladesh. This is against the intentions of the Constitution which stipulated equality to profess, practice and propagate any religion and manage religious institutions to all citizens. 15 prominent citizens of the country under the banner of an organisation Committee Against Autocracy and Communalism filed a petition in the Court. One of the petitioners, Professor Anisuzzaman had told a media portal that they had filed the petition as they believed that “Bangladesh was founded as a secular state and having a state religion contradicts the basic structure of the constitution.” He also added that Bangladesh's founding fathers wanted her to be a secular state and the war for liberation was fought on the same premise.

In 2011, the Court had asked the government to explain why the Amendment to declare Islam as state religion not be nullified. However, in 2016, the Court dismissed the petition after 28 years, stating that the petitioners had no locus standi in the case. The advocate of the

petitioner, Subrata Choudhary was disappointed with the way the petition was rejected. Bringing back 'Secularism' in the Constitution and retaining state religion are fundamentally contradictory as a secular state cannot have a state religion. The government is using both the provisions to appease certain sets of sections of society for political gain.

Arifun Rahman, a human rights activist has indicated to the fact that the Court has “not actually rejected the content of the petition” as hearing has not happened on clause 2A of the constitution through which the state religion was introduced. He is hopeful that in future a properly drafted petition will be filed and the constitution will be free of the “theocratic burden”.

Islamisation of the secular Constitution is too unfortunate for non-Muslim citizens of the country and against the very intentions of the Constitution. Overall, radicalisation of the historically liberal Bengal is a sad saga for its religious minorities.

4.3 Vested Property Act/Enemy Property Act: A Discriminatory and Subversive Legislation to Rob Hindus of Their Properties

Though Bangladesh emerged as a secular nation-state, however, some discriminatory laws and practices have continued from the previous regime of joint Pakistan. One such law was Enemy Property Act 1965, which was formed in 1949 and amended from time to time afterwards and its nomenclature changed. In liberated Bangladesh, it continued as Vested Property Act 1974 and became a State sponsored tool of persecution of minorities. It should have not found any place in Bangladesh as the law was against the very tenet of Bangladesh's Constitution and its values as a state. However, the discriminatory, anti-constitutional legislation not only continued to stay in Bangladesh but was legally strengthened too. It provided state and its machinery an excuse to persecute Hindus. This Act gave the State the right to confiscate any property or businesses of Hindus without any notice or compensation by simply declaring them 'enemies'.

Hindu organisations, human rights groups and civil society activists have been long demanding to repeal the Act. After much protesting, the discriminatory Act has been amended as Vested Property Return (Amendment) Act, 2013. It is a landmark legal intervention as under it the lands of Hindus are to be returned to the legal land owners and their successors. However, it is not an easy task when political leadership lacks will power. And hence, the issues still persist.

Vested Property Return Bill was passed in 2001 by Awami League government. As per the Bill, the vested properties were to be returned within a deadline of 180 days. However, pursuant to it, as the Bangladesh Nationalist Party came to power, it amended the Bill and the deadline to return properties was removed. Till date the return has not effectively happened.

The law has been in Bangladesh for more than three decades and is largely responsible for the vanishing Hindu population of the country and subsequent demographic change, in addition to other factors. It has been exploited by fundamentalist Islamists, workers of political parties and land officials to deprive minorities, especially Hindus of their lands and businesses and even drive them out of the country.

Professor Abul Barkat, an acclaimed researcher and economist from Dhaka University has done phenomenal research on the assessment of persecution of Hindus due to the Vested Property Act. The Act has been termed 'inherently communal, anti-human and anti-democracy' and a major cause of the deprivation of Hindu Minority.⁶⁰ One report submitted by the team in 2017 claims that Hindus of the country had to spend a huge amount of money on litigation under the Act, in addition to time and mental harassment. It reported that since 2001 a total of 2,00,000 cases have been filed under the Act and on an average every Hindu family spent Tk 2,27,000. Out of the total money spent, almost 50% was paid on bribery, i.e., a total of Tk 2270 crore was spent in paying bribes. The report also found that the amendment brought to the Act is not sufficient as only 11% of the recommendations of rights bodies have been completely accepted, 17% partially accommodated and rest still not incorporated. Therefore, the persecution of Hindus affected by the Act continues in spite of the Act being repealed. Much more needs to be done on this front.⁶¹

Terming this Act as a national disaster of big magnitude, Prof. Barkat has estimated losses occurred due to the enactment of the Act at 2.6 million acres belonging to more than five million Hindus.

4.4 The Cyber Security Act, 2018

The Cyber Security Act, 2018 was promulgated after the Information and Communication Technology Act, 2006 was repealed. The latter was considered draconian and a need to repeal it was felt from many quarters. Unfortunately, the new law has provided the state more sweeping powers to restrict freedom of expression.

Freedom of expression is legally granted to the citizens of the country under Article 39 of the Constitution. Bangladesh has also ratified the International Covenant on Civil and Political Rights (ICCPR). The Cyber security Act is neither in line with the constitution of Bangladesh which guarantees freedom of expression nor the ICCPR of which Bangladesh is a signatory. The Act has been used discretionally by the government to silence dissenting voices, including those of journalists, human rights activists, independent bloggers, foreign nationals and civil society members. It has been indiscreetly used for arrests and persecution of journalists who reported something unpleasant about the government. Rise of militant Islamisation has also

60. Barkat, Abul et.al. Deprivation of Hindu Minority in Bangladesh: Living with Vested property. 2008.

61. Hindus forced to bribe for cases under Vested Property Act | Dhaka Tribune

been witnessed in recent killings of journalists, bloggers, and any other person who dares expose the horrendous violations. Politically motivated cases have been lodged against journalists. One of the glaring examples is of detention for 107 days of a journalist of Bangladesh, Shahidul Alam, working for Al Jazeera, a news channel. He was arrested under charges of “spreading propaganda and false information against the government”.⁶²

In another incidence, a Bangladeshi journalist was arrested, disappeared for around two months and later was jailed for 7 years. He was arrested for allegedly reporting a story on sex trafficking which involved a politician from the ruling party.⁶³

In a case in May 2020, a man was arrested for sharing the post of a Member of Parliament's video of harvesting unripe paddy.⁶⁴

The Amnesty reported that 400 indictments were filed and around 200 were dismissed for lack of evidence.⁶⁵

Bidhan Chandra Das, a journalist leader called the Act a massive obstacle to freedom of speech and used for stifling of truth and muzzling of dissent. We are afraid of doing reports that go against the local leaders. It compromises the responsibilities of journalists to speak the truth.⁶⁶

Besides the above discriminatory laws prevailing in the country, the tribal minority communities have no say in the land decisions affecting them and there is a vast encroachment over the tribal lands in the Chittagong Hills. The issue of CHT indigenous people and minorities has been discussed in detail in the previous section.

62. NPR, 2018

63. 2020, the Guardian

64. 2020, Dhaka Tribune

65. 2019, Amnesty

66. 2020, UCA News

Unit 5 Migration and Refugees

5.1 Migration/Forced Migration FROM Bangladesh

The outflow of minorities, particularly the Hindus is evident from its numbers in the census of 1951 to the one in 2011. The reasons for the same have been multiple as mentioned through the report. One striking example could be of Khulna which was the only Hindu majority district in 1951. After the partition Khulna Division was a Hindu majority area with 52% population but in 2011, it has come down to 11.2%.

On the basis of the rate of migration from East Pakistan and now from Bangladesh, it has been analysed that 632 Hindus migrate from Bangladesh every day and 230,612 annually. After a research on the details of migration from Bangladesh, Prof. Abul Barkat has stated that if the present rate of 'exodus' continues, no Hindus will be left in Bangladesh in the next 30 years (25 years in 2021).⁶⁷ Prof. Barkat has studied the trend of migration of Hindus from 1964-2013.

The migrants have mostly settled in West Bengal and Tripura in India. Bangladeshi refugee issue has been raised time and again by India.

Tripura is now 70 percent Bengali refugee. Over 50,000 refugees belonging to the CHT Chakma community have been camping in Tripura, India for a long time and continue being away from their homeland. A third of West Bengal's 67 million people are of Bangladeshi origin.

Estimates of the total number of Bangladeshi-origin Hindu, Buddhist, Christian, and tribal in India vary between 26 million and 38 million. Bangladeshi Buddhist refugees make up the second largest ethnic group in Arunachal and Mizoram states. Refugees make up the largest group in the Andaman Islands, the central Indian Dandakaranya Forest area, and parts of the Indian states of Bihar, Assam, Meghalaya, Orissa. In 1951, the indigenous people formed

It is estimated that after the pogrom against Hindus in 1964, more than one million people migrated to India. It is difficult to get the exact number as all were not registered migrants. As many as 4000-5000 people would queue up in front of the Indian Embassy in Dhaka every day but only 300-400 were officially permitted. During the genocide of 1971, 10 million people migrated from East Pakistan to India.⁶⁸

Christians also suffered as about 35,000 Christians fled from East Pakistan, and they mainly found shelter in Assam and they were mostly Garos, Hajongs and Dulus from the Mymensingh district of East Pakistan.

67. <https://www.thehindu.com/news/international/No-Hindus-will-be-left-in-Bangladesh-after-30-years-professor/article16675228.ece>

68. UNHCR, 2000

5.2 Migration TO Bangladesh

Bangladesh through these years has also faced an inflow of Rohingya Muslims from Myanmar. The insurgent Rohingya group in Myanmar, Arakan Rohingya salvation Army (ARSA) previously known as Harakah al- Yaqin, staged orchestrated attacks on 30 police posts and an army base which killed army officials too.⁶⁹ After these attacks, in the Buddhist majority Myanmar, the army did a deadly crackdown on the Rohingya community in the Rakhine region and the latter fled to the neighbouring Bangladesh as refugees. The Bangladesh government had to face the influx of around two lakh Rohingya refugees, yet it provided them shelter. With the UN's support, temporary arrangement for the refugees has been made in the Cox's Bazar. However, the conditions under in they are compelled to live have been far from hygienic and their children are not allowed to go to the state schools. Human rights organisations have raised their concerns about many issues related to Rohingya Muslims.

However, the Awami League government at Bangladesh has got flak for being generous to Rohingya Muslims from Myanmar whereas their own minorities, indigenous and secular people face persecution. Herself a refugee living outside Bangladesh, Bangladeshi origin writer, Taslima Nasreen has accused the Prime Minister of bias against minorities. She has dared ask her if would she have supported Rohingyas if they were Hindus or Buddhists.⁷⁰

Moreover, one side narrative of Rohingya Muslims from Rakhine State issue has been reported, whereas killings of Hindu locals by Rohingya militants remains under-reported. It did not happen till some local Hindu organisations raised the issue in a limited section of media and Amnesty International reported it prominently in 2018, one year after the incidence after ground investigation. It reported that armed Rohingya group with “brandishing guns and swords” was responsible for massacre of at least 99 Hindu men, women and children at Kha Maung Seik in 2017. It has been revealed that eight women were abducted and taken to Bangladesh along with them and terrorized them to convert. Later these women were rescued from a Bangladesh refugee camp and repatriated to Myanmar. These women had told the investigators, “They held knives and long iron rods. They tied our hands behind our backs and blindfolded us. I asked what they were doing. One of them replied, “You and Rakhine are the same. You have a different religion. You cannot live here.”

Further elaborating on the human rights violation by the Rohingya Muslims, it was reported that a large grave was discovered in the Rakhine State where bodies of 46 Hindu men, women and children were buried.

Neither can the brutalities by Rohingya Muslims be forgotten, nor can the crimes against Rohingyas be ignored. The total truth about violations must come out. (Amnesty International, 2018)

69. Wa Lone, 2017

70. Nasrin, 2019

Conclusion: Bangladesh at the Verge of a Civilisational Tragedy

It is unfortunate that the religious minorities in Bangladesh, who chose not to leave their homes and lands to migrate to any other place in 1947 as India was partitioned, have paid and continue paying a huge price for the supreme love for their homeland. Hardly had they known that their own land of culture, tradition and intellect would fall largely in the hands of Islamist fundamentalists and haters of the very idea of plurality and secularism. They had to face pogroms after pogroms, massacres after massacres, first at the hands of Pakistani Islamists and later the people of the same mindset in Bangladesh who had supported the idea of separatism and partition. Millions were killed, other millions became refugees and illegal migrants; some more found the last refuge in conversions, while the other millions still there in Bangladesh are compelled to fight the biggest battle of survival in their own homeland.

Liberated Bangladesh came into existence after the sacrifice of millions of Bengalis, the biggest contributory being non-Muslims, particularly Hindus. Its foundation has millions of corpses of Hindus, honour of their womenfolk, forced deprivation of their possessions, enforced relinquishment of their Dharma and permanent departure from their homelands. However, the irony is that the religious community who made the extreme sacrifices, faces the biggest existential crisis. Post-liberated Bangladesh does not seem to be a liberated place for non-Muslim Bangladeshis. Theirs is one of the gravest tales of systemic exodus, killings, sexual violence and land grabbing.

If hiding the details of atrocities on Bengalis during the liberation war has been a kind of norm, not highlighting the cases of atrocities on non-Muslims has been a new norm in the liberated Bangladesh. The everyday challenges faced by minorities and indigenous non-Muslims majorly go unnoticed for the outside world. Still the international community has heard cries of the minorities in Bangladesh as some of the voices come out. Yet higher is the number of those who never speak while suffering silently. Sensitivity on the part of Bangladesh government to read those silences and create an equitable and justifiable environment is the way forward for the religious minorities of Bangladesh. International agencies too need to develop sensitivity towards all religious and ethnic minorities and advocate and intervene for preservation of their social, political, economic and developmental rights.

Above all, Bangladesh is not Pakistan, that is why it got separated from the latter. It came into existence as a separate nation state based on secular tenets. Its founders and Constitution makers believed in the idea of a country not divided on communal lines. It will be suicidal for the country itself if extremist forces continue enjoying a free hand and the diversity of Bangladesh, the Shonar Bangla (the idea of a beautiful Bangladesh), is narrowed further.

Bangladeshi minority women are the daughters of the land. At least, as humans they deserve minimum security, safety and dignity. The promises made by Bangladeshi government to the indigenous Jumma people need to be fulfilled. The CHT Accord must be implemented as promised.

There runs an economy within economy which feeds to the factory of fundamentalism. It gets further strengthened through political and administrative eco-system of the country. The pluralistic elements in Bangladesh need to see through the parallel fundamentalists' economic and political structure to realise how is it eating into the intrinsic elements of its historical plurality and ethos. The democratically chosen governments have a moral responsibility to save its youth from being radicalised. To fulfill this, they need to ensure that the future generations are being given proper education and the young ones do not spend their formative years into radicalisation factories.

Bangladesh is certainly bound by some obligations to provide equality, dignity and freedom to all its citizens as per the contemporary international laws. She may do so without much effort by delving deep into her civilizational history. This path though is not that easy as said and requires enormous will power on the part of political leadership of going against the tide for the ultimate welfare of the country.

Enough loss to its minorities has already happened. At least henceforth the wrongs must be corrected to the extent possible and further violation of human rights of all Bangladeshis must be stopped. Stakes are too high to be ignored by any government in Bangladesh. If they do so, it will be at the peril of wiping out its civilisational history, the complete loss of pluralistic and synchronising Bengali ethos.

"If in every home one child was taught classical music, this country would never have been partitioned"

Said the famous vocalist of united India, Ustad Bade Ghulam Ali Khan who had to come back to settle in India after being disillusioned in the newly formed Pakistan.

In the same vein, let Bangladeshi children read about Bankim, Tagore, Nazrul Islam and thrive in the glory of Bengal renaissance to save the 'Shonar Bangla' from the clutches of Arab manipulations.

However, to expect such kind of overall transformation of Bangladesh's political, administrative, judicial and social fabric is like living in a fools' paradise. Considering the state of affairs in Bangladesh and its steep Islamisation in the past half a century, the religious minorities, particularly Hindus do not have a safe future in Bangladesh. If indoctrination keeps growing through madrasas, the coming years do not seem to provide any respite to gender violence to religious and ethnic minority women as it happens in any other Islamic society.

Bangladesh's Constitution and Bengali ethos may still prove the great saviours of minorities and minority women specifically. The ultimate route to inclusiveness and plurality may pass through that. The Constitution and the historical Bengali ethos, both need to be protected tooth and nail for stopping further damage to plurality. Otherwise, it is very likely that the civilizational Bangla land will go the same way as Pakistan and Afghanistan for their minorities. Moderate Muslims, seculars and all religious and ethnic minorities must join hands to safeguard a plural and inclusive Bangladesh. International community must pay serious attention to and intervene effectively to averting a civilisational tragedy which awaits Bangladesh. International community too must shed their Hindu bias if they wish to contribute effectively in averting the tragedy.

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Minority Rights Group

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