



**Daffodil**  
*International*  
**University**

## **Communal Violence Against the Minorities in Bangladesh: Role of the Government**

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Program, Department of Law, Daffodil International University.

## LETTER OF TRANSMITTER

10 September 2022

Dr. Kudrat-E-Khuda Babu

Professor & Head

Department of Law

Daffodil International University

Dear Sir,

It's an excellent pleasure on behalf of me that I even have been ready to make research on **“Communal Violence against the Minorities in Bangladesh: Role of the Government.”**

During concluding this research, I have given all of my best afford to form the useful research and by collecting all the relevant information from different sources that it can fulfill your expectation.

Therefore, I would be grateful if you would review this research paper for your consideration, and I would appreciate it if you could make any useful recommendations in this regard.

At your convenience, I am always available for further explanation on any aspect of this document.

TAMZID

.....

Sincerely yours,

Md. Tamzid Islam

ID: 221-38-036

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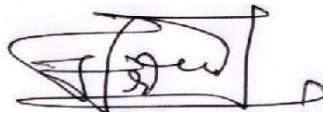
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## LETTER OF ACCEPTANCE

This is hereby certifying that the Research Monograph titled “**Communal Violence against the Minorities in Bangladesh: Role of the Government.**” has been accomplished by Md. Tamzid Islam bearing ID No. 221-38-036 in partial fulfillment of the requirement for the degree of LL.M. Program at Daffodil International University.

This Research Monograph has been carried out successfully under my supervision.



-----  
Dr. Kudrat-E-Khuda Babu

Professor and Head

Department of Law

Daffodil International University

## DECLARATION

I, hereby, declare that the work, present in this research is performed by me under the supervision of Dr. Kudrat-E-Khuda Babu (Professor & Head, Department of Law, Daffodil International University). I also assure that this research or no part thereof is being submitted anywhere for the award of any degree.

TAMZID

.....

Md. Tamzid Islam

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## **ACKNOWLEDGEMENT**

I would like to thank almighty ALLAH, who has given me the strength to complete this Research Monograph successfully.

I am thankful to my Research supervisor Dr. Kudrat-E-Khuda Babu (Professor and Head, Department of Law, Daffodil International University) who helped me cordially in every step of this work. I remember my classmates and other senior students for their great assistance with this research.

Finally, Special thanks to my parents for their support and encouragement throughout my study.

TAMZID  
.....

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## **DEDICATION**

I would like to dedicated my work to my beloved family who always support and encourage me mentally and financially without their support it was impossible for me to stand here.

## **ABSTRACT**

There are several types of Minorities exist such as religious, ethnic, linguistic & racial in Bangladesh. Violence against the minority is not a new. Historically it was started from the 1947. They are not the additional part of our country. They have same right like other people. The constitution of Bangladesh ensures some right of the minority community & culture. Though a small portion of minority people lives in different part of Bangladesh. But they have lots of contribution during the to build up this nation. From the 1971, a number of violence or attack on minority community occur. In recent days such incident increasing day by day. The Religious minority feel insecurity. Some political party use them as a tool of politics. The situation minority in Bangladesh is a human right issues because they discriminate in every field of their life. The government should give a paid attention to protect their rights. This paper includes the genesis of minority, classification minority, right of the minority, violation of minority right, consequence of such violation, constitutional position, problem they are facing recent days & responsibilities of Government.

**Keywords:** Minority, Violence, Rights, Protection, Ethnic, Religious, Political Party, Government, Community.

## **LIST OF ABBREVIATIONS**

**NGO= Non-Governmental Organization**

**MRG= Minority Rights Group**

**SAGE= Scientific Advisory Group for Emergencies**

**IOSR-JHSS = IOSR Journal of Humanities & Social Science.**

**IDMC=Internal Displacement Monitoring Center**

**CHT= Chittagong Hill Tracts**

**PCIJ = Permanent Court of International Justice.**

**UN= United Nation.**

**UDHR= Universal Declaration of Human Rights.**

**ICCPR = International Covenant on Civil & Political Rights.**

**ICESCR = International Covenant on Economic, Social & Cultural Rights.**

**Art.=Article**

**Govt.=Government**

**NHRC= National Human Rights Commission**



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## CHAPTER-ONE

### INTRODUCTION

#### 1.1 Introduction:

Minorities people have right like other people of Bangladesh. They're not additional part of our country rather they are an important part of our society. The most of the mass individuals of our country continuously get every kind of opportunities whenever minorities individuals don't seem to be obtaining the same rights, that is the infraction of the constitutional basic provisions.

In the recent days attack on minorities(religious) have become popular. Such religious minority people thinks that it was attempt to force leave them this country like 1971.

All over the world violence against minorities is a human rights issue. The status of minorities has incontestable. There is no exception in Bangladesh in such matter. So, it can be said that the nature of the violence against the minority people was started or belongs from the 1905. The state organs solely responsibility and lack of transparency which raise the case difficult. Bangladesh government should adopt the multitude in respect of minority peoples & their culture. To overcome this situation the society have been playing an important and major role in this situation.

#### 1.2 Background of the Study:

If we see the population information where it shows that 89.52% people of the total number is Muslim and the rest of the population contains 10.48% from other religion. Minority communities stay in an exceedingly state of insecurity. The life of minority woman remains at risk. Sometimes attack on the minority woman, it will be deemed to attack on the whole community. It's a threat to leave the country.

There are several reasons behind the violence against the minority such as when any ruling cadres wants money from minority people, but they refuse to pay the money the violence started. Several violence occurred in our country which was unreported. The ruling cadres injuring individuals and assaulting minority people. In some circumstance they rummage different properties like home, cattle and others valuable thing from minorities.

Several examples of violence such as tortured their family member, kidnapping child & woman, in the dark night the miscreants armed with lethal weapons attack & occur rampage at the house of Minority.<sup>1</sup> (Ahmmed, 2014)

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<sup>1</sup> Ahmmed, M. M. (2014, July 4). Violence against the Minorities in Bangladesh. *Himalayan Journal of Sociology and Anthropology*, Vol. 6, pp 112–118. Available at: <https://doi.org/10.3126/hjsa.v6i0.10712>

The followers of the Hindu community organized their biggest puja which is basically known as Durga Puja. Meanwhile, one morning, the holy Quran of the Muslim community was found near the foot of the statue of Pujamandap in the Cumilla City. There was a stir among all Muslims throughout the country and violence broke out some places. In Oct 2021, there have been attacks on a minimum 80 of the 32,000 makeshift temples at the Durga Puja, the largest annual Hindu festival.<sup>2</sup> (“2021 Bangladesh communal violence,”2022)

In 2021, many Hindu temples were vandalized in Bangladesh over the killing of the minority Muslim population in India. Anti-Modi agitation started across the country which later turned into riots. Analysts believe that if Bangladesh’s minority Hindus are attacked in this way, there will be no Hindu community followers by 2050.<sup>3</sup> (“2021 Bangladesh communal violence,”2022)

### 1.3 Literature review

We all know that there are several types of minorities & indigenous people in worldwide. They have different rights. Different NGO (Non-Governmental Organization) work to protect their rights. Minority rights group international (MRG) is one of them. A Report has published where Bangladeshi religious minorities facing a number challenge to protect their life. This article only focuses on religious minority among all of Minorities people in Bangladesh. This article includes a brief knowledge about religious minority & the problem they have faced present day.<sup>4</sup>(Anon.,2016)

Amena A. Mohsina is the prominent writer who work on “Religious, Politics & Security: - The Case of Bangladesh. “Here she includes different religious group & she said that there are two types of Minorities lived in Bangladesh. According to her opinion here political party uses religion as a tool of domination but at the beginning of the country it was a secular nationhood.<sup>5</sup> (Mohsin,2016)

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<sup>2</sup> 2021 Bangladesh communal violence. (2022, November 7). In Wikipedia. Available at: [https://en.wikipedia.org/w/index.php?title=2021\\_Bangladesh\\_communal\\_violence](https://en.wikipedia.org/w/index.php?title=2021_Bangladesh_communal_violence)

<sup>3</sup> 2021 Bangladesh communal violence. (2022, November 7). In Wikipedia. Available at: [https://en.wikipedia.org/w/index.php?title=2021\\_Bangladesh\\_communal\\_violence](https://en.wikipedia.org/w/index.php?title=2021_Bangladesh_communal_violence)

<sup>4</sup> Anon., 2016. Minority Rights group International. Available at: [https://minorityrights.org/wp-content/uploads/2016/11/MRG\\_Rep\\_Ban\\_Oct16\\_ONLINE.pdf](https://minorityrights.org/wp-content/uploads/2016/11/MRG_Rep_Ban_Oct16_ONLINE.pdf) (Accessed 1 September 2022).

<sup>5</sup> Mohsin, A. A., 2016. *Religious Radicalism and Security in South Asia*. Available at: <http://apcss.org/Publications/Edited%20Volumes/ReligiousRadicalism/PagesfromReligiousRadicalismandSecurityinSouthAsiach20.pdf>

Aminur Rahman's writing about the communalism and nationalism in Bangladesh. In this article he said that Hindus & Muslims Bengali people are supplementary. Also added that every minority group need a space for their own identity that's why they create a link with the world.<sup>6</sup> (Rahim, 2007)

We all know about a prominent writer Taj Hashmi who write an article in daily star on November 22, he defines the present religious minority problem of Bangladesh. He also added that Hindu attack on Nasinagor occur due grabbing their property.<sup>7</sup> He argued that the ruling political party was involved there. Though Communal violence between two major religious was sustain historically. Due to such attack their human right at risk. Sometimes they sell their property & migrate to another place. The government fails to take appropriate measures.<sup>8</sup>

In 1990, an article was written by Suranjan Das where he focused on reason behind the communal violence in Bangladesh and finally, he points out that due to political party it was committed. During this period there were different types of violence & conflict.<sup>9</sup> (Das,1990)

Arifur Rahman on his article include most severe violence year of 2016. He said that different political to take a benefit creating an atmosphere of fear to leave them Bangladesh. In this time there are large number of indigenious & minority people became a victimized of communal violence. Most of the woman was raped by the local influential political party.<sup>10</sup> ("Review: Year of Horror for Minority Groups in Bangladesh,")

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<sup>6</sup> Rahim, A. (2007). Communalism and Nationalism in Bangladesh. *Journal of Asian and African Studies*, Vol. 42 No. 6, pp 551–572. Available at: <https://doi.org/10.1177/0021909607083221>

<sup>7</sup> Hashmi, T. (2016, November 21). Attacks on minorities in Bangladesh: No longer a “communal issue.” *The Daily Star*. Available at: <https://www.thedailystar.net/opinion/stranger-fiction/attacks-minorities-bangladesh-no-longer-%E2%80%9Ccommunal-issue%E2%80%9D-1318237>

<sup>8</sup> Hashmi, T. (2016, November 21). Attacks on minorities in Bangladesh: No longer a “communal issue.” *The Daily Star*. Available at: <https://www.thedailystar.net/opinion/stranger-fiction/attacks-minorities-bangladesh-no-longer-%E2%80%9Ccommunal-issue%E2%80%9D-1318237>

<sup>9</sup> Das, S. (1990). Communal Violence in Twentieth Century Colonial Bengal: An Analytical Framework. *Social Scientist*, Vol. 18 No. 6/7, p 21. Available at: <https://doi.org/10.2307/3517477>

<sup>10</sup> Review: Year of horror for minority groups in Bangladesh. *SabrangIndia*. Available at: <https://www.sabrangindia.in/article/review-year-horror-minority-groups-bangladesh>

Md. Rajib Hasnat Shakil wrote an article and published. Here he said that the minorities are facing challenges on the impacts of states denial of rights. Here it also focused the religion and politics in Bangladesh, the concept of minority, religious minority, minority rights in Bangladesh, nature of persecution of minorities, violation to religious rights, deprive of land rights, Abduction, violence against women, life & property, forcible convert Hindu to Islam, and all of the matter related to violation of human rights, Human security, both direct and structural violence, and the Internal security problem.<sup>11</sup> (Shakil, 2013)

IDMC published a report in 19 January, 2015 titled “Bangladesh Comprehensive response required to complex displacement crises”. Where focused different communal violence issues as well as its consequences in the area of CHT of Bangladesh. For this inter communal violence such minority group displace to another.<sup>12</sup> (Annual Report 2015, 2016)

In 2016 there were several types of communal violence. Amon all of them, the most vicious violation was occurred. Khushi Kabir & Enamul Haque Chowdhury was written an article which was published by the daily star. It consists two-part article where first part includes different violence during this period & second part include the negligence of concern authority in different perspectives.<sup>13</sup> (Kabir & Chowdhury, 2016)

#### **1.4 Research Question**

In the research paper the following important question will be discussed, which is given below:

- ❖ Whether minority people faced any problems in Bangladesh?
- ❖ What is the constitutional provision regarding the safeguard of Minorities?
- ❖ Whether the existing laws is sufficient to protect minority rights?
- ❖ What measures government will take for the establishment of minority rights in Bangladesh?

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<sup>11</sup> Shakil, M.R.H(2013). Systematic Persecution of Religious Minorities: Bangladesh Perspective. IOSR Journal of Humanities and Social Science (IOSR-JHSS),09-17, from <https://www.iosrjournals.org/iosr-jhss/papers/Vol7-issue3/B0730917.pdf>

<sup>12</sup> *Annual Report 2015*. (2016, July 1). IDMC. Retrieved December 8, 2022, from <https://www.internal-displacement.org/publications/annual-report-2015>

<sup>13</sup> Kabir, & Chowdhury, E. (2016, November 7). *Bangladesh: Violence in Brahmanbaria | Khushi Kabir and Enamul Hoque Chowdhury - South Asia Citizens Web*. Bangladesh: Violence in Brahmanbaria | Khushi Kabir and Enamul Hoque Chowdhury - South Asia Citizens Web. Retrieved December 8, 2022, from <http://www.sacw.net/article13009.html>

### **1.5 Significance of the Study**

In 1971, after the victory against Pakistan new Bangladesh was created. Bangladesh is a secular country where people can lead their life independently. The constitution of Bangladesh includes that, the people have freedom of religion. After the liberation war the political leader also pursuance of anti-secular belief where it ensures that the person who comes from different religious is not considered as a minor group.

During the period of Pakistan person who comes from another region they always torture & discriminate. The two provinces of Pakistan had already created on the basis of their religion. After the independence of East Pakistan now Bangladesh that problem increase day by day.

It was started from the 1947 when India & Pakistan divided into two nations. But if we see the history of Bengali Muslim where Muslim people also dominated by British rule. Before the liberation war, the Hindu people also neglected from the society under the British ruler.

### **1.6 Objective of the Study**

- To explore present continuity of violence against the minority group.
- Protect all rights including cultural right which they are getting from supreme law of Bangladesh.
- Ensure a secure life & protect all the rights of minorities.
- Find out the legal solution for protecting communal violence against the Minorities.
- Initiatives of government to recover such violence against the minority group.

### **1.7 Research methodology**

In research it is necessary to apply the appropriate methodology. So, the researcher should take care about the proper application of methodology to make his research appropriate.

In this research the analytical research method will be followed. As Analytical research methodology also cover qualitative & quantitative method.

The current research titled is based on both primary and secondary. So, all data collected from different sources. The researcher used such information which already available in primary & secondary source.



## **1.8 Limitation of Research**

The main limitation is a shortage of time. In this limited time, it is very difficult to collect data & cases from different places. That why it is very difficult for a researcher to ensure the quality of research. Another limitation is unavailability of data.

Beside above those limitations I will try my best to complete this research as a unique.

## **1.9 Conclusion:**

Albert Camus said that democracy isn't always cover right of all people but it will provide or safeguard towards minority group.

In Bangladesh, democracy remains an illusion where in the name of majoritarian democracy, minority people have been marginalized culturally, politically and economically. The Constitution of Bangladesh extends guarantees for the Bangle Muslim (Majority) where such constitution does not look on the existence of cultural minorities.

But they always participated and contributed to build up our society. We all know that, during the liberation war they sacrifice their life & help us to achieve our independent.

All the political leader & party always try to use the religion ground as a tool.

Bangladesh is a multinational state, this reality should be incorporated into our supreme law (Constitution). After consider such fact it is our high time to incorporated into our supreme law. The culture of respect for each other must be included.

The law enforcement agency & government should take the necessary step to set up their all right which was provided in the supreme law of Bangladesh. So that they can enjoy their all rights like other citizen of our country.

## **CHAPTER-TWO**

### **CONCEPT OF MINORITY**

#### **2.1 Genesis of Minority Concept**

During the period of League of Nations, the Permanent Court of International Justice (PCIJ) gave its interpretation & its advisory opinion regarding the term “Minority”. Accordingly, the person who live in a territory of this country, they having own identity, different language, tradition, race, religion as well the quantity of such group of persons very small but they are preserving their own tradition from the beginning they are called Minority person.

Minorities are the people living in a given country or locality, having a race, religion, language and traditions of their own and united by this identity of race, religion, language and traditions in a sentiment of solidarity, with a view to preserving their traditions, maintaining their form of worship, ensuring the instruction and upbringing of their children in accordance with the spirit and traditions of their race and rendering mutual assistance to each other.<sup>14</sup>

United Nation in the commencement of his journey take initiate to cover concept of minority group or people under fundamental freedom as human right issues. But they are failed to focused on the question of minorities. The UN charter (1945) & UDHR (1948) did not mention such matter clearly. So, it can be said that they are not taking any Special initiative or measures regarding such matter.<sup>15</sup>

As well as the Commission on Human Right did not focus on to define the term of minority. Later they feel that it is necessary to give a paid attention on such matter that’s why establish UN Sub-Commission on Prevention of Discrimination and Protection of Minorities (1950). When ICCPR (1966) came into force in 1976 after that it was getting a new prospect. ICCPR (1966) incorporated United Nation (UN) preliminary concept & safeguard of minorities. Article 27 of ICCPR covenant with Person who belonging the situation of minorities.

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<sup>14</sup>The Greco-Bulgarian “Communities”. (1936). Annual Digest of Public International Law Cases, Vol.5, pp 4–5. Available at: <https://doi.org/10.1017/cbo9781316151327.004>

<sup>15</sup>International Covenant on Civil and Political Rights. (2022, December 8). In Wikipedia. Available at: [https://en.wikipedia.org/wiki/International\\_Covenant\\_on\\_Civil\\_and\\_Political\\_Rights](https://en.wikipedia.org/wiki/International_Covenant_on_Civil_and_Political_Rights)

After analysis such Article, they determine the following rights-

- ❖ all the minority people have right to enjoy their own cultural right
- ❖ they can also enjoy their own custom religious practice or
- ❖ they can use their own language to communicate with each other.

Besides the protection of Article 27 minority people will get the following freedom such as freedom of thought, conscience & religion, opinion & freedom of association (It was protected under article 18,19&22 respectively).<sup>16</sup>

Many modern states put cultural assimilation pressure on minority group but ICCPR (1966) prohibiting discrimination against the minority. Because its threats towards the Minority group as well it is also ruin or destroyed the protection of Article 27 under ICCPR (1966).

The United Nations (UN) adopted the Minorities Declaration in 1992, which emphasizes the rights of minority groups. Such a proclamation also defined the word "minorities" and categorized various minority groups as per their tradition, languages, religion, races, and gender. (The UN Minorities Declaration of 1992 refers to the following articles: 1, 2, 1, 2, 5, 6, 7, & 8, all of which are concerning minorities.).<sup>17</sup>

In relation to this Declaration, the International Covenant on Economic, Social, and Cultural Rights of 1966 (ICESCR) (Article 2 (2)), the International Convention on the Elimination of All Forms of Racial Discrimination of 1965 (Article 1), and the Convention on the Rights of the Child of 1989 all protect the rights of minorities (Article 30).<sup>18</sup>

In a recent Policy Committee decision No. 2012/4 from the 6th of March 2012, the UN Secretary-General approved the establishment of a Network on racial discrimination and the protection of minorities. The UN Network was established to provide a communication plan to educate the public on the implementation of the Declaration, paying special attention to minority women and other potential victims of many forms of discrimination.<sup>19</sup>

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<sup>16</sup> International Covenant on Civil and Political Rights. (2022, December 8) In Wikipedia. Available at: [https://en.wikipedia.org/wiki/International\\_Covenant\\_on\\_Civil\\_and\\_Political\\_Rights](https://en.wikipedia.org/wiki/International_Covenant_on_Civil_and_Political_Rights)

<sup>17</sup>The Daily Star. (2016, November 23). Minority rights. *The Daily Star*. Available at: <https://www.thedailystar.net/law-our-rights/minority-rights-1319188>

<sup>18</sup>The Daily Star. (2016, November 23). Minority rights. *The Daily Star*. Available at: <https://www.thedailystar.net/law-our-rights/minority-rights-1319188>

<sup>19</sup>The Daily Star. (2016, November 23). Minority rights. *The Daily Star*. Available at: <https://www.thedailystar.net/law-our-rights/minority-rights-1319188>

## **2.2 Meaning of Minority**

Generally, the Minority is the opposite of the Majority. The International law used the term (minority) more restricted sense. It indicates to a particular community which holds different characteristics to determine their own identity on the basis of race, sex, religion, origin, ethnicity & language.

According to the opinion of Louis Wirth (Sociologist), minority group means that a particular group of persons where they belong some specific or certain characteristics or feature to determine them & their culture. They are different from their race, sex, religion, linguistic, ethnicity such group of persons are called minority group.<sup>20</sup>

The term Minority apply to the such community which holds some specific features like religious, linguistic, cultural & ethnic etc.

## **2.3 Distinctive Feature of Minority**

- ❖ Minority group belong some different characteristics which is different from the ordinary people. The minority people having own culture that's why they are dominated by the majority group & called Minority group.
- ❖ The Majority always thinks that they are superior & main part of a country. On the other hand, Minority people are the additional part of their society
- ❖ All the minority group have a strong brotherhood relationship. They believe in endogamy.
- ❖ The person who follows & obey the culture by birth such person shall be deemed Minority. Voluntarily joined with minority group not provide status of minority.
- ❖ All the minority community have intended to preserve their own culture language because in future they want to practice it.

## **2.4 Classification of Minority**

The Minority group people hold different criteria, it was differed from the ordinary people. The classification of this minority group classified under their own features & characteristics. Such particular minority group always try to preserve & protect their own identity & culture, language.so, It is necessary to examine the existence of minority under various classification.

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<sup>20</sup> Meyers, B. (1984). Minority Group: An Ideological Formulation. Social Problems, Vol. 32 No.1, pp 1–15. Available at: <https://doi.org/10.2307/800258>

### **Classification under Quantitative analysis**

The general meaning of Quantitative Analysis is that measured by the quantity of something rather than its quality. Numerical number of minorities is small portion that indicated significance of Minority is also less than Majority Group. Minority Group holds a small portion of population. On the other hand, majority group always try rule over Minority Group.

### **Classification from the Viewpoint of Citizenship**

From the Sociological point of view, minority elements may be represented by any person who have the nationality of the country or by foreigners.

From the two different aspects (political and legal), in case of foreign elements which are exceptionally accept as a minority entitled to enjoy special treatment.

### **Classification from the Viewpoint of National Characteristics**

The following two types of minorities may be created:

- ❖ Minorities lives within jurisdiction of a State but they simulacrum of national characteristics &
- ❖ Minorities lives within jurisdiction of a State but they are not identified with any one nation because such minorities hold neutral position. (Language and cultural dissimilarities with national people)

### **Classification from Viewpoint of Situation & Origin in Relation to the State**

From the above viewpoint, the following types of minorities can be classified:

- ❖ Minorities groups existed before the establishment of the State
- ❖ Minorities transferred from another State, they are not member of this country but they are attested newly originated country by virtue of an international act such as for example: a treaty of territorial readjustments;
- ❖ Minorities may be created by the people of a country which having a common culture, origin, language & religion. They have transferred or migrated or coming or have been imported & become a citizen of such country.

### **Classification under a circumstance where Minorities were integrated within the State**

The following point helps to distinguish the minorities-

- ❖ Minorities were imperatively integrated within jurisdiction of any State; Usually, such minorities necessary to came within jurisdiction of such state. in comparatively recent times; and
- ❖ Minorities came voluntarily within the jurisdiction of any state.

### **Classification from the Viewpoint: Whole or Half or Inclusion within the Territorial Jurisdiction**

From the above viewpoint the Minorities can be divided into following types which are following below-

- ❖ A whole group of minority people integrated with a state. (Territorial Jurisdiction)
- ❖ There are several Minorities Group in the territory of any country, they forming different parts of such group.

### **2.5 Conclusion**

The concept of minority developed day by day. Initially minority was not recognized. The International instrument recognize & determine them. They have same right like other people. They are not additional part of world. On the basis on race, sex & religion etc., they cannot discriminate. Such International Instrument specified some feature that's why we can identify them easily. There are several types of minorities in the world wide.

## CHAPTER THREE

### MINORITY PEOPLE IN BANGLADESH

#### **3.1 Introduction**

Bangladesh has different minority group such as religious, ethnic & linguistic. People have different choice & beliefs that's why it creates different group & community in the territory of Bangladesh. The number of such ethnic group is not small. They live in different part of this country such as north and northeastern of Bangladesh. Especially in the tribal areas such people also spoken in different language. During the liberation war, the Pakistanis (they are famously known as Biharis) are not left this country. They live in different part of this country. They are not integrated with Bangladeshi people.

#### **3.2 Classification of Minority**

In Bangladesh there are four Minority groups which are following below-

- ❖ Religious Minority Group
- ❖ Ethnic Minority Group
- ❖ Linguistic Minority Group and
- ❖ Others Minority Group

##### **3.2.1 Religious Minority**

In Bangladesh a large number of populations are Muslims. Besides this major population, there are Christian, Hindu and Buddhist people. Because of different religious belief there are small portion of people from different religion. Now a days, Muslim Ahmadiyya or Kadiyani stands as like other minority groups.

##### **3.2.2 Racial Minority**

In South Asian region Adivasis are popularly known as ethnic minorities. Bangladesh has 27 different ethnic groups. They live in the CHT (Chittagong Hill Tracts) and plain lands of this country. And the Chittagong Hill Tracts area is the homeland of at least 13 different peoples which are Chakma, Marma and Tripura. The Chakma are one of the largest tribes in Bangladesh. Another tribe Murma originated from Arakan. They are popularly known as Mugh. The Murma & Tripura are Buddhists & Hindus belief respectively. The Lusai and Pankho tribes lives in Sajek Vally. The Mizo are also Christians. The Mru, Sak and Khyang follow indigenous animist beliefs. The remaining tribes are the Tanchangya and the Brong, both are a sub-group of the Chakma & Tripura respectively.

Besides this there are most important minority groups lives in this country which are following below-Munda, Santal, Mahat, Khasi, Mandi, Monipuri, Hajong Rakhaine, Koch, Rajbangshi, Paharia, and Oraon.

### **3.2.3 Lingual Minority**

Different linguistic categories tribes live in Bangladesh. According to Father Timm, there are six linguistic tribes in Bangladesh such as Munda, Mon- Khmer (Austro- Asiatic), Indo- Aryan, Dravidian include Oraon as well as Paharia tribes, Bodo, Kubi-chin, Bara languages include Tibeto-Burmese.

Besides this, different indigenous groups spoken by different language e.g: Meithei, Shadri, Rakhaine, Cockborok etare, Kol.

### **3.2.4 Other Minority**

The Biharis can be named of the other minorities. Another minority can be including the Biharis. The term Biharis applicable upon such person who coming from Bihar (It was situated North India) & citizen of former east Pakistan (A Non-Bengali Residents).

During the British rule some Biharis migrant to Bangladesh. In 1947 (Two Nation Theory), India and Pakistan were divided into two separate nations where a number of people moved one country to another country. More than eight million people migrate or transferred one country to another country, mainly it was happened between Pakistan & India. One (1) million Muslims were coming from Bihar.

In the December 1970 elections, most Biharis supported the pro-Pakistan Muslim League. Most of the Biharis was in Bengal that's why expressed a wish to be repatriated to Pakistan. The Pakistani government initially agreed to take such Biharis. They have been transferred to Pakistan During 1980s the new initiatives did not become successful.

### **3.3 Conclusion**

In many cases the religious, linguistic or ethnic minorities overlaps each other. That means when a community get religious minority status at the same time such also holds status of linguistic & ethnic minority. It truly happened among the tribal people of Bangladesh. Such Tribal People are called as Adivasis.



## CHAPTER FOUR

### CONSTITUTIONAL POSITION OF MINORITIES IN BANGLADESH

#### **4.1 Introduction**

Bangladesh is an independent country. There are almost fifty-five racial minorities lives in this small country. Such Racial Minorities are known as indigenous people. They have own culture. Bangladeshi constitution prevails over others law as a supreme law of this country. As a citizen of this country, the constitution ensures same right towards all. According to this supreme law, everyone is equal before law & no one shall be discriminate.

#### **4.2 Protection Right of the Minorities under Constitution**

There are several provisions regarding protection of minority rights in the constitution of Bangladesh. Among all of, here discuss some relevant article of this constitution.

We all know about principle of equality (Article 27). Where clearly state that, in the eye of law all the people or citizen of Bangladesh shall be treat equally. That means in any circumstance they get same privilege & protection under law. No one get extra benefit. If any person taking extra benefit that is violation of principle of equally. So, as a citizen of Bangladesh all the minority people shall get same right & same protection.<sup>21</sup>

A case regarding such issue, where Justice ATM Afjal Hossain use a term namely equal protection of law. Beside use this term, he also elaborates this term-all the citizen must be treated similarly. That is ensure similar treatment towards all. More specifically, all the citizen of this country gets equal protection with a similar way (Sheikh Abdus Sabur vs Returning Officer and Others).<sup>22</sup>

Another case, (Dr. Nurul Islam Vs. Bangladesh) Justice introduce a new concept that is doctrine of equal protection under law. After that also interpreted such doctrine- by government all the citizen must be treated similarly.<sup>23</sup>

Article 28 of the Constitution of Bangladesh deals with that Principle of Non-discrimination. Where it is clearly said that no one have any right to discriminate to another person under the following grounds such as race, sex, religion, place or any other reasons.<sup>24</sup>

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<sup>21</sup>The Constitution of the Peoples Republic of Bangladesh, 4 November 1972, Available at: <http://bdlaws.minlaw.gov.bd/act-367.html>

<sup>22</sup> 41 DLR (AD) (1989) 30

<sup>23</sup> 33 DLR 201, Para-87

<sup>24</sup>The Constitution of the Peoples Republic of Bangladesh, 4 November 1972, Available at: <http://bdlaws.minlaw.gov.bd/act-367.html>

Article 29 of the Constitution of Bangladesh said that, the backward society or community in the territory of this country will get special privilege for their development. So that, all the minority community citizen will get equal opportunity in the public office. That is ensure equal opportunity to employment.<sup>25</sup>

The supreme of this land (Constitution) grant equal rights for all the citizen. The minority community will get same right like another citizen. So, there is no discrimination. All the citizen of this country will get equal right.

Article 28 of the Constitution of Bangladesh deals with that, state have a fundamental duty to protect & preserve the cultural heritage of the citizen of this country. The following article also added that all the citizen has equal opportunity to contribute & participate in national culture protection & preservation program.<sup>26</sup>

But in this country, most of the citizen from the Muslim religion that's why national culture indicates the culture of Muslim. Others religion citizen thinks that, it was implied discriminatory from of constitutional provision. There is no direction for other religious & ethnic minorities. Others religious & ethnic minorities cannot think about their own culture & literature development as well their language. Government has not taken any preventive & proper measures to prevents their cultural right.

If any person moves under the following Article 8(1), 8(1A), 2A or Article 25(2) the principle of equality provision will be meaningless or ruin. If we see the original constitution, there is no discriminatory provision. But recent amendment makes some difference such amendment form was highly discriminatory.<sup>27</sup>

By the 8<sup>th</sup> amendment Islam was declare as state language when people believe that it was highly discriminatory provision from the religion aspect. They think that Islam religion people was the 1<sup>st</sup> class citizen & all the other citizen will be second class. People & constitutional expert observed that among all the constitutional amendment 5<sup>th</sup> & 8<sup>th</sup> amendment was highly discriminatory.

The issue of state religion raises on 8<sup>th</sup> amendment, on the other hand the issues of language was adopted from the initial stage of Constitution that means it was included from the 1972 constitution.

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<sup>25</sup> The Constitution of the Peoples Republic of Bangladesh, 4 November 1972, Available at: <http://bdlaws.minlaw.gov.bd/act-367.html>

<sup>26</sup> The Constitution of the Peoples Republic of Bangladesh, 4 November 1972, Available at: <http://bdlaws.minlaw.gov.bd/act-367.html>

<sup>27</sup> The Constitution of the Peoples Republic of Bangladesh, 4 November 1972, Available at: <http://bdlaws.minlaw.gov.bd/act-367.html>

Article 3 make a discrimination provision because at beginning of constitutional declaration, there was introduce only one language (Bangla) but in some minority community have some different language. So, this constitutional provision makes them worries about their different language.<sup>28</sup>

In the 1972 constitution all the right & protection of Adivasi was closed but government give a paid attention resolved this problem. In 2011 by 15th amendment government introduce a new provision to ensure protection & rights of minority constitutional makers include a separate provision namely Article23A. It deals with protection of local minority culture as well as their tradition.<sup>29</sup>

### **4.3 Conclusion**

The Constitution of Bangladesh do not recognize minority in this country as well as do not include special provision for their protection and promotion.

Our Constitution & Government did not any initiative to determine minority people as well there no extra protection as a backward citizen of this country. Though our supreme law said that all the citizen of this country shall get equal protection of law. But government should take initiative to make a special law for protection of minority rights. Otherwise, our constitution lost its own constitutional mandate or aspiration. Part III of the constitution of Bangladesh deals with some Fundamental right provisions where the Principle of Equality & Non-discrimination included. So, it is making us clear that all the citizen of this country gets equal protection & same right under this law.<sup>30</sup>

But our neighboring country India a good number of provisions in their constitution for protection their all-minority community. In India all the minority community mainly divided under following terms- castes, religion & tribes.

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<sup>28</sup> The Constitution of the Peoples Republic of Bangladesh, 4 November 1972, Available at: <http://bdlaws.minlaw.gov.bd/act-367.html>

<sup>29</sup> The Constitution of the Peoples Republic of Bangladesh, 4 November 1972, Available at: <http://bdlaws.minlaw.gov.bd/act-367.html>

<sup>30</sup> The Constitution of the Peoples Republic of Bangladesh, 4 November 1972, Available at: <http://bdlaws.minlaw.gov.bd/act-367.html>

## **CHAPTER-FIVE**

### **VIOLENCE AGAINST THE MINORITY IN BANGLADESH**

#### **5.1 Communal Violence:**

When two different religious communities' peoples mobilized against each other that is called communal violence. In addition, it is also included that exploitation, social neglect, social discrimination, emotional fury as well as carrying the feelings of hostility.

Generally, in communal riots there is no leadership exists. Communal violence is consisted of revenge, enmity and hatred. Communal violence is linked with communal ideology have linked with the communal violence. Communal violence & ideology are co-related. But here communalism have supremacy it prevails over all communal ideology. All types of violence have increased quantitatively and qualitatively in Bangladesh.

#### **5.2 Inter-Communal Violence**

It's a concept about violence between or among the community people. The Inter-communal violence means this kind of violence which occurs between or among group. It is a violence between the two-community people who identity themselves based on religion, tribes, race or other facts which is inherited and comes from the sense of identity and birth.

#### **5.3 Reasons behind Violation of Minority Rights**

##### **5.3.1 Authorities Weak Support**

The concern authority fails to provide necessary step against the violence on minority. But government has positive intention to stop this situation. The government should implement the recommendations which was given by several concern authority.

##### **5.3.2 Political Indemnity**

When a violence occurs, two major political parties such as Awami League & BNP. They are trying to blame because they a specific object regarding such matter (Mainly they wants involved their activities with such violence). So, it is clear that the political indemnity is a big reason for communal violence. That's why it creates several types of immunity. The Penal Code, 1860 of Bangladesh fails to protect the right of the other party.

### **5.3.3 Land Grabbing**

The land robbers always intentionally grab the land of the minority people. This is one of the main causes. But this is not questioned yet about how to prevent this. Most of the minority communities have faced this problem. Though still it is continuing.

### **5.3.4 Rumors and Propaganda:**

All the rural betrayal or malevolence & anti colonial tribal wars originated by way of propagandas and rumors. Now a days in Bangladesh such rumors specially affect the rural area minority community.

### **5.3.5 Lengthy Justice System:**

The prolonged jurisdiction system of Bangladesh often let the attackers become free of their committed crime. Because of this lengthy process, true verdict is often denied. In present context we can completely use the term “justice delayed; justice denied”

### **5.3.6 The Minority People Feels Psychological Inferiority Complex:**

Attack on minority people creates forced migration. Such remarkable fear crates inferior complexity among the minority community. Sometimes they lose their words to protest such activities and cannot talk about their inherited rights.

## **5.4 Present Scenario of Violence against the Minority in Bangladesh**

The present scenario of Bangladesh recognizes as a danger zone for various communities. Communal violence in the present day has shaped its different face in different circumstances. The present scenarios of inter-communal violence in Bangladesh are different in different perspective. Most of the violence took place that shape like house and temple burning, house and temple vandalizing, looting and land grabbing, it is assumed that the violence was the pre-election communal violence. Most of the violence were land grabbing, house burning, vandalizing, demanding money, looting and displacement of minority peoples. The most severe violence occurs such as looting, vandalizing, bomb blasting, torching temple, idol damaging, killing.

The incident of violence or attack on minority is not a new. A number of incidents occurs during 2013 to 2022(October). According to Ain O Salish Kendra, 1642 Hindu houses were destroyed by attack as well as set on fire after attack. Besides these businessmen also affected by similar situation.

### **Some recent incident of communal violence against the minority:**

Recently in Digholia Bazar a temple, mod& several homes of Hindu community were attack. The victims said that first attack was held on their temple then they looted valuables. About 300 Hindu families were victim of such attack.<sup>31</sup>

A violence occur three separate district in same matter (Cumilla,Chadpur,Noakhali) in October 2022.During the Durga Puja the Holy Quran was found in the temple & Mandaps. A number of cases was filed but investigation have not completed in nine months. Some of the accused was identified but most of them there unidentified.<sup>32</sup>

Let's go back in 2021, attack was occurred in Shalla of Sunamganj. A case was file against such attack where 22 people were detained & 1500 accused was unidentified. Due to lack of interest of law enforcement agencies it not possible to identify such culprits.<sup>33</sup>

### **Three major sources of Communal violence:**

#### **5.4.1 Large extremist group:**

In present situation the trends of violation have changed. From the above circumstance, we can say that violence comes from the extremist group. It is one of the major sources of the violence. This is the biggest challenges for Bangladesh to prevent the communal violence which comes the large extremist group.

Many targeted attacks occur. The victims of such attack were Hindu persist, trader, Preacher, Christian convert, liberal people and others. Beside this many deadly attacks by the large extremist group which is threat for Bangladesh. It is also threat for the human security of Minority people.

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<sup>31</sup> Report, T. (2022b, July 19). Communal violence in Narail: Fear grips Hindu community, many families flee. *Dhaka Tribune*. Available at: <https://www.dhakatribune.com/bangladesh/2022/07/19/communal-violence-in-narail>

<sup>32</sup> Dutta, B. (2022b, July 23). Trend in communal violence: Collective silence spells disaster. *The Daily Star*. Available at: <https://www.thedailystar.net/weekend-read/news/collective-silence-spells-disaster-3077161>

<sup>33</sup> Dutta, B. (2022, July 23). Trend in communal violence: Collective silence spells disaster. *The Daily Star*. Available at: <https://www.thedailystar.net/weekend-read/news/collective-silence-spells-disaster-3077161>

#### **5.4.2 Pre-election and post-election communal violence:**

All the minority people are important factor in field of politics because they possess a number of votes. Though are the important for the political purpose but they are relevant fact. The coming the election all the political party concern about the right & protection of minority people. Due to political conflict sometimes such minority people facing lots of trouble situation. The consequence of such conflict crate violence against them.

#### **5.4.3 Communal hatred and dominant tendency:**

Communal hatred or dominant tendency is the major source of communal violence. People of the minority group (Hindu People) have been felt insecure for the domination of the majority people and the violence of communal hatred. Some local, political influential people or religious fanatic people conducted violence activities against the minority people. In Saidpur some influential land grabber grabbed the land of Hindu people land as well as in Rangpur some fanatic people Vandalized a temple and set fire on temple. In Bangladesh form the very beginning all the violence comes from the Communal hatred and dominant tendency.

### **5.5 Consequences of Communal Violence**

In Bangladesh minority people faced the following threats are namely, several violence, threat to human right, human security threat, threat to freedom of fear, threat to individual security, threat to human rights, discrimination and migration.

#### **5.5.1 Violence:**

Minority people faced several types of communal violence. Violence has different meaning in different perspective. There are three (3) types of violence such as, Cultural, Structural & Direct violence. Cultural violence could be considered to be the product of both direct and structural violence

#### **5.5.2 Threat to Human Rights:**

People of the minority people have faced the threat to human rights in different aspect of their life and it is due to the violence which comes from different sources of the majority people dominant tendency. In General, we all know that protecting human rights means that all the people receive humane treatment as well degree of decent. But on the other hand, violation of human right means that all the human has some basic right if it is violated or anyone deny to give or breach individual person fundamental right that will considered as violation of human right.

### **5.5.3 Human Security threat:**

Human Security include environmental protection, social justice, economic development, disarmament, democratization in respect of rule of law & human rights. So., when all of the above matters fall in a threat that's called human security threat.

All types of identity-based tensions include as community based Human Security threats. e.g., Religious, Inter-ethnic.

### **5.5.4 Threat to Freedom from fear:**

Freedom from fear is one kind of building block of human security. In Bangladesh human security comes from inter-communal violence. Mainly it said about the threats to freedom from fear.

### **5.5.5 Threat to Individual security:**

It is one kind of threat to freedom from fear. Threat to individual security are the main barriers for the individual security. Minority people face some common threats which are attack on their life, threat to their religious life, threat to their property and other threats.

### **5.5.6 Discrimination:**

Discrimination is a common picture in everyday minority people life. The have discriminated in every step of life. For example, in any troubled water in Bangladesh the minority people become victim of the looting, property grabbing and other facts.

### **5.5.7 Migration:**

People migrate from place to place due to take shelter and sometimes they have forced to migrate in one place to another. The displacement occurs in village to village, city to city and country to country.



## **CHAPTER-SIX**

### **FINDING, RECOMMENDATION & CONCLUSION**

#### **6.1. Introduction**

In Bangladesh Minority Communities remain in in security & fear. Minority woman remain more vulnerable situation. Hindu woman suffers a lot by their own community rules. Religious right of the minority remains at stake. They always feel in security because of majority dominant can attack on their life, property (including land). The indigenous people & Adivasi loss their land in CHT area. They think that such land alienation against their social & cultural identity. Sometime Local political person influence to convert in other religion. So, all the minority community in Bangladesh remain vulnerable situation.

#### **6.2 Problem Faced by the Minority People in Bangladesh**

##### **6.2.1 Violence against Women**

Our society much talk about empowerment of woman but they remain in vulnerable position in the society. Minority woman more vulnerable position because several attacks happened upon them. The Majority community always try to dominant such minority woman. Sometimes it turns into torture, harassment, acid throwing, rape, and other brutal form of violence. Some heinous types of incidents occur such as a wife was raped in present of her husband, a mother in presence of her children, in many cases mother & daughter victim of gang rape same times.

The main perpetrators were ruling party cadres. Hindu women suffer from discriminatory family laws of their own community. If we see the Hindu Community where all the Hindu Woman suffer by their own discriminatory personal laws. There are number of violence occur against the minority group which was unreported.

##### **6.2.2 Violation to Religious Rights**

In Bangladesh Islam has been declared as a state religion. Notwithstanding provision of religious rights, the Adivasis people became victims regularly. In Bangladesh number of incident occur on Hindu religious institutions which was unreported. According to media report every year about more than 147 attacks against the Hindu community.

In different district of the country, festivals were disrupted, property were seized, house & temples were destroyed, In the society increase of communal violence create feeling of insecurity among the minority group or community.

### **6.2.3 Torture and Extortion**

The minorities are more vulnerable situation because of their political and social fabric. When they refuse to fulfill some unjust extortion demand, it exposes them to meet with violence & threat. When a direct threat to leave this country, that means this country is not only for the Majority community.

### **6.2.4 Loss of Land Rights**

In recent days many Hindu people alienated from their home land. They think that it was threat against them. By state acquisition, the land & forest resource have been alienated from Indigenous & Adivasis people in (CHT) Chittagong Hill Tracts area as well state initiative to Bengali settlement. In this situation Indigenous & Adivasis people of the Chittagong Hill Tracts (CHT) said that land & forest resource are the core cultural & social system of them. Such alienation affects their identity.

### **6.2.5 Attacks on Life and Property**

Attacks on property & life of the minority group or person is a common mode of harassment by physical attack on life and property, looting, arson including acid throwing. It was observed that an alarming rise of such incidents. Several indecent conclude in murder of victims. In Mirersarai, the minority communities were looted because they lodged complaints against threats. In Boalmari, a minority youth was severely beaten his hands and legs broken for having lodged a complaint with the police.

### **6.2.6 Abduction and Forcible Eviction**

There are a number of Forcible Eviction & Abduction occurs against the minority communities. Sometimes the scale of such incidents occurs highly consequently they live their home & land.

### **6.2.7 Forceful Conversion to Islam**

In Bangladesh different district it happened regularly but in different way. Local politicians and religious leaders (Imams, Madrasa teachers etc.) play important roles to make that conversion valid. Local administration also puts influence sometimes. The perpetrators doing such activities by applying force, fear & inducement. Minority girls become main target of them & sometimes they kidnapped the minority girls.

### **6.3 Necessary Action Plan of the Government for Minority Community**

The following step must be taken by the government:

- ❖ The Judiciary and Administrative Authority must ensure fair & natural justice to the Minorities.
- ❖ The Government should implement peace treaty which was made between CHT & Bangladesh. (“The Peace Treaty”)
- ❖ The Government should ensure the equal opportunity of employment in all services. e.g., military, paramilitary, police and civil services.
- ❖ Mainly in our country woman & children are victim of all aggression, the govt. should make a path to recover them such as rehabilitation project can introduce among the society.
- ❖ All the damaged temples, home and place of worship must be reconstructed. After an inspection provide them sufficient damage & ensure security them.
- ❖ All the minorities of Bangladesh taking equal opportunity to expose their religion, culture & language. No one can give a restriction on them. The Government should make a sound environment for them.
- ❖ The Adivasis, Religious, Ethnic Minority and Indigenous people of Bangladesh are discriminate in every field. So, the govt. makes sure their involvement in govt or non-govt job including law & defense department.
- ❖ As per the Constitution of Bangladesh & UDHR, the basic Human Right of all citizens must be protected. In Bangladesh the Supreme law of this land also give guarantees of property, life & security of the minority group or person.
- ❖ The Government should take proper initiative to protect forcible eviction as well as land grabbing of Minorities group or people in Bangladesh. Also repeal discriminatory law as soon possible.
- ❖ There are several NGO in Bangladesh, they work for right of the minorities. The Government should give them permit to work in Bangladesh.
- ❖ The government should establish a separate Ministry on minority issue to ensure the right relating to the minority. Such Ministry also create plan, policy and legal framework.
- ❖ In this time a national investigation committee should be establish, they doing the investigation independently & report to the ministry where minority people are affected, discriminate.
- ❖ The Government should establish a strong committee in every upazila & district of Bangladesh. So that such committee can take an initiative as soon as possible and resolved such matter with help of local law enforcement body.
- ❖ Local Government or Administrative or Representative & Law Enforcement Body can play an important role because when he knowing the information of violation against the minority take an initiative as soon possible & give them an assurance of security.

- ❖ All the political party directly involved with Government; they are taking a commitment to protect the minority. Minorities are not used as a tool of politics. Like blame games & gain benefits.
- ❖ Government has to give a special direction to the NHRC to address the issue of minority violation.
- ❖ The Government should give adequate media coverage opportunity to the Minority Community.
- ❖ To identify the main causes of violence, ensure Justice, legal protection & security of religious minority of the Bangladesh.

#### **6.4 Conclusion**

Status of the Minority all over world insecurity & vulnerable position. All the country trying to resolve minority issue. In Bangladesh the situation of the minority people in human right issue. The Bangladesh identifies the Minority Community & trying to give a protection them. All the political party trying to used them as a tool of politics. The Government should recognize their them & their culture. Cultural Heritage lost in every day. The state has responsibility to protect it because international convention & practice specified it clearly. In Bangladesh the practice of democracy not only in theoretical approach but also in practical approach. The government should remove the all the discriminatory provision from the constitution & give them same opportunity like other people. They are not additional part of our society. All the minority community have a lot of contribution in our nation economic, social & culture. As a citizen of country all the majority community must create a mutual respect towards others. During liberation war sacrifice of unlimited blood of different minority group. That's the ultimate result we build an independence country namely Bangladesh. They have contributed to build up this nation & also part of the national history.

So, the Government of Bangladesh ought to protect their right & ensure justice.

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