



Asian Indigenous & Tribal Peoples Network

[AITPN has Special Consultative Status with the United Nations Economic and Social Council]
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Justice Rajendra Babu
National Human Rights Commission
Faridkot House
Copernicus Marg
New Delhi, PIN 110001

Subject: Request for intervention against forcible displacement and the denial of compensation to an estimated 35,438 Chakmas from 5,790 Chakma spread over 49 villages as a direct consequence of the India-Bangladesh border fencing in Lunglei district of Mizoram



Dear Justice Babu,

Asian Indigenous and Tribal Peoples Network is writing to seek urgent intervention of the National Human Rights Commission against forcible displacement and the denial of compensation to an estimated 35,438 Chakmas from 5,790 Chakma spread over 49 villages as a direct consequence of the India-Bangladesh border fencing in Lunglei district of Mizoram, and gross corruption being committed by the officials of the Deputy Commissioner office at Lunglei. These Chakmas being displaced by the Indo-Bangladesh border fencing constitute over 40% of the Chakmas in Mizoram State.

I. Background to India-Bangladesh border fencing in Mizoram

The government of India has decided to fence along its 4096.7 km-long border with Bangladesh running through five Indian states of West Bengal, Assam, Meghalaya, Tripura and Mizoram in order to stop infiltration, smuggling and other alleged anti-India activities from across the border.

In Mizoram, the fencing is being erected along 318 km-long international border with Bangladesh. Out of the 318 kms border from Marpara to Borapansuri which is being fenced, National Building Construction Corporation Ltd. (NBCC) has been given the major share of 147 kms while Border Roads Organization (BRO) is fencing 70 kms, Engineering Projects India Limited (EPIL) 55 kms and National Projects Construction Corporation Ltd (NPCC) 46 kms.

The border fencing has hit hard the already poverty-stricken Chakma tribals. A house to house survey conducted by Indo-Bangladesh Border Fencing Affected Families Resettlement Demand Committee (IBBFARDCOM) of

Mizoram found that the fencing will displace a total of 5,790 Chakma tribal families consisting of 35,438 persons from 49 villages. These are about 40% of the total Chakma population in the State.

Apart from loss of their immovable houses and properties, the villagers will lose already developed wet rice cultivation lands, horticulture gardens, gardens for growing vegetables and other cash crops, tree plantations of high commercial values like teak etc, community/ government assets like schools, health sub-centres, community halls, market places, places of worship, play grounds, cemetery/ grave yards, water ponds, water supply, and other government/ council office buildings, etc. The consequences of the mass displacement will be disastrous unless the government take concrete steps to provide all the facilities, including clean water supply, roads as the rivers will fall outside the fencing, markets, schools and primary health centres among others.

Yet, the Chakmas willingly gave the lands in the interest of the country's security and did not show any sign of protest. The Chakmas also did not protest when the government invoked Section 17 of the Land Acquisition Act of 1894 relating to emergency land acquisition. Emergency by definition is temporary in nature. But, the government invoked Clause 17 of the Land Acquisition Act though it will take years if not decades to complete the Indo-Bangladesh border fencing.

II. Violations by the four implementing agencies

However, the Chakmas under the aegis of Indo-Bangladesh Border Fencing Affected Families Resettlement Demand Committee have been demanding suspension of the border fencing project.

The Ministry of Home Affairs of the government of India provided the contracts to the National Building Construction Corporation Ltd. (NBCC), Border Roads Organization (BRO), Engineering Projects India Limited (EPIL) and National Projects Construction Corporation Ltd (NPCC) for construction of the fencing.

These four implementing agencies consistently refused to follow the guidelines for acquisition of the lands set by the Ministry of Home Affairs prior to construction of the fencing. In its various communications to the four implementing agencies, the Ministry of Home Affairs clearly stated that the four construction companies "shall be responsible for liaisoning with the State Government/ local authorities for acquisition of land and getting forest/ environment clearance for carrying out the fencing & related works", and that they "shall finalize the alignment of the fencing in consultation with BSF (Border Security Forces) & DM (District Magistrate) of the area where the fencing is proposed".

But the four construction companies had started acquiring lands and erecting the fencing in their respective portions without any consultation with the tribal inhabitants or the local authorities, including the District Magistrate and the Border Security Force.

As the NBCC has so far failed to provide any compensation to the affected families in its 147 km sector although the verification of the affected families was

