



**International Convention  
on the Elimination  
of all Forms of  
Racial Discrimination**

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OF RACIAL DISCRIMINATION  
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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 9 OF THE CONVENTION

Sixth periodic reports of States parties due in 1990

Addendum

BANGLADESH\*

[21 October 1991]

CONTENTS

	<u>Paragraphs</u>
I. GENERAL .....	1 - 6
II. INFORMATION IN RELATION TO ARTICLES 2 TO 7 OF THE CONVENTION .....	10 - 51
Article 2 .....	10 - 15
Article 3 .....	16 - 17
Article 4 .....	18
Article 5 .....	19 - 40
Article 6 .....	41 - 42
Article 7 .....	43 - 51

\* The present report constitutes the fifth and sixth periodic reports submitted by the Government of Bangladesh, due on 11 July 1988 and 11 July 1990 respectively, submitted in one document. For the third and fourth periodic reports of Bangladesh and the summary record of the meetings of the Committee at which those reports were considered, see documents CERD/C/144/Add.3 and CERD/C/SR.866.

CONTENTS (continued)

Annexes

- I. Number of sector-wise schemes taken up and completed, with expenditure incurred (from 1975-76 to 1989-90)
- II. Multisectoral development programme and component-wise progress at a glance up to 1989-90
- III. UNICEF-aided projects
- IV. Special five-year plan for the Chittagong Hill Tracts
- V. Socio-economic development in the Chittagong Hill Tracts

## I. GENERAL

1. Bangladesh does not recognize any form of social discrimination. Any discrimination against any citizen on grounds of religion, race, caste, sex or place of birth is prohibited in the Constitution.
2. The Constitution provides further that no citizen shall on grounds of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution.
3. Fundamental rights have been set out in articles 26 to 47 of the Constitution. All citizens, being equal in the eyes of the law, enjoy the inherent right to exercise these fundamental rights. Under article 26, any law inconsistent with the fundamental rights is void. Article 27 of the Constitution faithfully follows article 7 of the Universal Declaration of Human Rights and provides that all citizens are equal before law and are entitled to equal protection of law. In accordance with article 31 of the Constitution, it is the inalienable right of every citizen to enjoy the protection of law and to be treated in accordance with law, and only in accordance with law, wherever he may be.
4. In Bangladesh not only is equality of opportunity in public employment guaranteed in the Constitution, but it also contains a special provision in favour of backward sections of citizens for the purpose of securing their adequate representation in the service of the Republic. The provision finds manifestation in the rules for the recruitment of public servants, which reserve a quota for backward sections of people of different areas and races. The Constitution provides for the enjoyment or exercise on an equal footing of human rights and fundamental freedoms, such as equality before the law and the right to the protection of law, protection of the right to life and personal liberty, safeguards as to arrest and detention, prohibition of forced labour, freedom of movement, freedom of assembly, freedom of association, freedom of thought, conscience and speech, and freedom of religion.
5. The Government's policy of eliminating racial discrimination is further borne out in the laws followed in the administration of criminal justice, namely the Penal Code. Injuring or defiling places of worship, with intent to insult the religion of any class, deliberate and malicious acts intended to outrage the religious feelings of any class by insulting its religion or religious beliefs, disturbing religious assembly, trespassing on places of worship or any place of culture or any place set apart for the performance of funeral rites or as a depository for the remains of the dead or offering any indignity to any human corpse, or causing disturbance to any persons assembled for the performance of funeral ceremonies, with the intention of wounding the feelings of any person or of insulting the religion of any person or with the knowledge that the religion of any person is likely to be insulted thereby, have been made punishable under the said Code in sections 295, 295A, 296, 297 and 298, respectively.
6. In Bangladesh, the religious and customary laws of different races, religions and ethnic groups are recognized as personal laws and are enforceable in courts of law.

7. The fundamental rights of citizens contained in the Constitution encompass almost all the articles of the Universal Declaration of Human Rights and are all enforceable by the High Court Division of the Supreme Court under articles 44 and 102 of the Constitution.

8. The provisions of the Convention can always be invoked before the Court though they are not directly enforced by it or for that matter other tribunals or administrative authorities. The implementation of the provisions of the Convention, whenever necessary may be sought through internal laws in force in the country, as mentioned above.

9. Of the total population of 108 million Bangladeshis, ethnic minorities account for only 0.45 per cent. They live harmoniously within the community, of which the majority is Muslim. There are some pockets of ethnic minorities along the western, northern and eastern borders of the country, but their numbers are very small. Traditionally, other than in the Chittagong Hill Tract area, ethnic minorities have lived under the same administrative dispensation as the rest of the population. For the Chittagong Hill Tracts, comprising a population of about 800,000, including about 500,000 tribal people, a special regulation protecting tribal interests, enacted in 1900 and entitled CHT, Regulation 1900, is operative. All such ethnic populations enjoy adequate legal and administrative protection, pursuant to the national policy of equality for all and protection of the backward and the less developed.

## II. INFORMATION IN RELATION TO ARTICLES 2 TO 7 OF THE CONVENTION

### Article 2

10. Article 28 of the Constitution of the People's Republic of Bangladesh strictly forbids any form of discrimination, national or international. The national policy has therefore been strongly in favour of the elimination of racial discrimination in all its forms and the promotion of understanding among all races.

11. The Chittagong Hill Tracts Development Board was established in 1976 for the socio-economic development of the inhabitants of the Chittagong Hill Tracts. From its creation up to June 1990, the Board spent Tk 402.00 crore for the development of the Chittagong Hill Tracts. It may be mentioned here that although the inhabitants of the area represent only 0.45 per cent of the total population of Bangladesh, this expenditure per capita is much higher than for the rest of the country. As a result, hill districts are more developed than the districts of the plain. The features of the socio-economic development activities are shown in the annexes.

12. For the employment of the tribal people of the Chittagong Hill Tract area, the Government has been pleased to relax the age limit for jobs involving hard physical labour by five years as against the prescribed age limit for a particular post. In other cases the upper limit of age has been relaxed up to 10 years.

13. For all jobs, including class 1 and class 2 posts, in all fields of employment except teaching, technical professions and cadre posts, the educational requirements are also reduced by one educational standard for tribal candidates from this region, so that in cases where a Master's Degree is normally required the holder of a Bachelor's Degree will be eligible.

14. Moreover, a 5 per cent quota (more than 10 times their ratio of the population) has been allocated to tribal people in public sector employment. In one go, 1,877 posts have been filled by tribal people living in the Chittagong Hill Tract area. As a result, many unemployed tribal youths with lower qualifications have been employed. Some tribes, however, have enjoyed higher benefits than others, for example the Chakma, have received the majority employment.

15. With regard to development in education, alongside the establishment of schools and colleges in the Chittagong Hill Tracts, a special quota for the admission of tribal people to higher educational institutions has been kept introduced and the selection procedures for their entrance to these institutions have been simplified. As a result, tribal students obtaining marks of less than 45 per cent in academic subjects gain admission to medical colleges and engineering universities/colleges whereas many non-tribal students with marks of more than 75 per cent cannot gain admission to these institutions. The rate of literacy among the Chakmas is 52 per cent, whereas the rate of literacy of non-tribal people is 23 per cent on average throughout the country.

#### Article 3

16. The provisions of this article are not applicable.

17. Bangladesh does not recognize the racist regime of South Africa and does not have any diplomatic, economic or other relations with that country.

#### Article 4

18. No specific legislative, judicial, administrative or other measures have been considered necessary. In case of incitement to racial or ethnic discrimination, as well as acts of violence, the criminal law in force in the country may be invoked.

#### Article 5

19. Article 27 of the Constitution of Bangladesh states that all citizens are equal before law and are entitled to equal protection of law. All citizens have the right to equal treatment before tribunals and all other forums administering justice.

20. Article 31 of the Constitution provides that to enjoy the protection of the law, and to be treated in accordance with law and only in accordance with law, is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Bangladesh, and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law. Article 32 of the Constitution states that no person shall be deprived of life or personal

liberty save in accordance with law. Article 33 (1) stipulates that no person who is arrested shall be detained in custody without being informed, as soon as possible of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice.

21. Article 66 of the Constitution states:

"(1) A person shall, subject to the provisions of clause (2), be qualified to be elected as, and to be, a member of Parliament if he is a citizen of Bangladesh and has attained the age of 25 years.

(2) A person shall be disqualified for election as, or for being, a member of Parliament who:

- (a) Is declared by a competent court to be of unsound mind;
- (b) Is an undischarged insolvent;
- (c) Acquires the citizenship of or affirms or acknowledges allegiance to a foreign State;
- (d) Has been, on conviction for a criminal offence involving moral turpitude, sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his release;
- (d) Holds any office of profit in the service of the Republic other than an office which is declared by law not to disqualify its holders; or
- (e) Is disqualified for such election by or under any law."

22. In respect of the rights to participate in elections on the basis of universal and equal suffrage, to take part in the Government, as well as in the conduct of public affairs at any level, the following provisions of article 122 apply:

"(2) A person shall be entitled to be enrolled on the electoral roll for a constituency delimited for the purpose of election to Parliament, if he:

- (a) Is a citizen of Bangladesh;
- (b) Is not less than 18 years of age;
- (c) Does not stand declared by a competent court to be of unsound mind; and
- (d) Is or is deemed by law to be a resident of that constituency.

(3) A person shall be entitled to be enrolled on the electoral roll for the purpose of elections to the office of President if he is entitled to be enrolled on the electoral roll for a constituency under clause (2)."

23. On equal access to public service, article 29 of the Constitution provides as follows:

"(1) There shall be equality of opportunity for all citizens in respect of employment or office in the service of the Republic.

(2) No citizen shall on grounds only of religion, race, caste, sex or place of birth be ineligible for, or discriminated against in respect of, any employment or office in the service of the Republic.

(3) Nothing in this article shall prevent the State from:

(a) Making special provision in favour of any backward section of citizens for the purpose of securing their adequate representation in the service of the Republic."

24. As regards the right to freedom of movement and residence within the border of the State and the right to leave any country, including one's own and return to one's country, the Constitution has the following provisions in article 36:

"Article 36. Subject to any reasonable restrictions imposed by law in the public interest, every citizen shall have the right to move freely throughout Bangladesh, to reside and settle in any place therein and to leave and re-enter Bangladesh."

25. As regards the right to nationality, every citizen has the right to Bangladesh nationality.

26. As regards the right to marriage and choice of spouse there is complete freedom. Interreligious marriages sometimes take place and are not subject to any discrimination. One partner in an interreligious marriage generally converts to the other's religion.

27. Every citizen has the right to own property alone as well as in association with others. The relevant provision of the Constitution is:

"Article 42 (1). Subject to any restrictions imposed by law every citizen shall have the right to acquire, hold, transfer or otherwise dispose of property and no property shall be compulsorily acquired, nationalized or requisitioned save by authority of law.

(2) A law made under clause (1) shall provide for the acquisition, nationalization or requisition with compensation and shall either fix the amount of compensation or specify the principles on which, and the manner in which, the compensation is to be assessed and paid; but no such law shall be called in question in any court on the ground that any provision in respect of such compensation is not adequate."

28. As regards the right to inherit, every citizen has the right to inherit his father's or his mother's property according to his personal law.

29. Every citizen has the right to freedom of thought, conscience and religion. The relevant provisions in the Constitution are the following:

"Article 39 (1). Freedom of thought and conscience is guaranteed.

(2) Subject to any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence:

(a) The right of every citizen to freedom of speech and expression; and

(b) Freedom of the press,

are guaranteed."

"Article 41 (1). Subject to law, public order and morality:

(a) Every citizen has the right to profess, practise or propagate any religion;

(b) Every religious community or denomination has the right to establish, maintain and manage its religious institutions.

(2) No person attending any educational institution shall be required to receive religious instruction, or to take part in or to attend any religious ceremony or worship, if that instruction, ceremony or worship relates to a religion other than his own."

30. People enjoy the right to freedom of speech and expression, which is ensured in the Constitution in article 39 (2) (a), quoted above.

31. As regards the right to freedom of peaceful assembly and association, every citizen enjoys that right subject to any reasonable restrictions imposed by law in the interests of morality or public order or health. The provisions in the Constitution are:

"Article 37. Every citizen shall have the right to assemble and to participate in public meetings and processions peacefully and without arms, subject to any reasonable restrictions imposed by law in the interests of public order or public health.

Article 38. Every citizen shall have the right to form associations of unions, subject to any reasonable restrictions imposed by law in the interests of morality or public order."

32. As regards the right to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, and to just and favourable remuneration, every citizen has the right to enter upon any lawful profession or occupation and to conduct any lawful trade or business. Every citizen has the right to equal pay for equal work. Article 40 of the Constitution provides as follows:



"Subject to any restrictions imposed by law, every citizen possessing such qualifications, if any, as may be prescribed by law in relation to his profession, occupation, trade or business shall have the right to enter upon any lawful profession or occupation and to conduct any lawful trade or business."

33. As regards the right to protection against unemployment, article 15 of the Constitution provides as follows:

"It shall be a fundamental responsibility of the State to attain, through planned economic growth, a constant increase of productive forces and a steady improvement in the material and cultural standard of living of the people, with a view to securing to its citizens:

(a) The provision of the basic necessities of life, including food, clothing, shelter, education and medical care;

(b) The right to work, that is the right to guaranteed employment at a reasonable wage having regard to the quantity and quality of work;

(c) The right to reasonable rest, recreation and leisure; and

(d) The right to social security, that is to say to public assistance in cases of undeserved want arising from unemployment, illness or disablement, or suffered by widows or orphans, or in old age, or in other such cases."

34. Every citizen has the right to form and join trade unions.

35. As regards the right to housing, every citizen has the right to construct his own house and live there peacefully, though it has not been mentioned specifically in the Constitution. People conventionally build and live in their own houses. Government housing exists only for the public sector and in a very limited way in the urban area for all. Government housing does not account for more than 10 per cent of total housing in the urban area.

36. As regards the right to public health, medical, social security and social services, it is stated in article 18 of the Constitution that the State shall regard the raising of the level of nutrition and the improvement of public health as among its primary duties. As regards the right to medical and social services, the provisions of article 15 of the Constitution, quoted above in paragraph 33 apply.

37. As regards the right to education and training, although every citizen has the right to free primary education, the standard of literacy is not up to expectation. Article 17 of the Constitution provides that:

"The State shall adopt effective measures for the purpose of:

(a) Establishing a uniform, mass-oriented and universal system of education and extending free and compulsory education to all children to such stage as may be determined by law;

(b) Relating education to the needs of society and producing properly trained and motivated citizens to serve those needs;

(c) Removing illiteracy within such time as may be determined by law."

The new democratic Government has already initiated a mass literacy programme with due emphasis on primary education.

38. As regards the right to equal participation in cultural activities, every citizen has the right to participate in cultural activities, although it is not specifically mentioned in the Constitution.

39. As regards the right of access to any place or service intended for use by the general public, no person is barred access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafés, theatres and parks.

40. Article 32 of the Constitution states: "No person shall be deprived of life or liberty save in accordance with law".

#### Article 6

41. The Civil Procedure Code and the Criminal Procedure Code provide for equal rights for all citizens of the country irrespective of caste, race, religion or colour in protecting the individual against any form of discrimination or violation of human rights. The law also provides for reparation from offenders. In the case of serious and substantial damage, the State may suo moto or on application by the affected persons provide ex-gratia assistance in cash or kind.

42. Adequate legal provision for seeking justice is available under the Police Acts, the Criminal Procedure Code and the Bangladesh Penal Code. The provisions of sections 295, 295A, 296, 297 and 298 of the Bangladesh Penal Code have relevance.

"Section 295. Whoever destroys, damages or defiles any place of worship or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion shall be punished with imprisonment of either description (simple or rigorous) for a term which may extend to two years, or with fine, or with both.

Section 295A. Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of the citizens of Bangladesh by words, either spoken or written, or by visible representations, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Section 296. Whoever voluntarily causes disturbances to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Section 297. Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass on any place of worship or on any place of sepulchre, or any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbances to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Section 298. Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."

## Article 7

### A. Education and Teaching

43. All the educational institutions of the country are open to all citizens, irrespective of race, colour or national or ethnic origin. Moreover, all ethnic groups have been provided with special quotas for receiving education at the various educational institutions, including the highest seat of learning of the country.

44. Human rights issues which lead to better understanding, tolerance and friendship among nations and racial or ethnic groups are included in the school curricula and in the training of teachers and other professionals.

45. Moral education has traditionally enjoyed the biggest emphasis in the education system. Students in primary and secondary schools have compulsory courses on their respective religions. Fellow feeling, tolerance and piety are some of the elements of moral education.

46. Disadvantaged communities have been provided with facilities for their education. In view of the difficult social mobility of the tribal people and other ethnic minorities, schools have been set up in the specific areas where they live. Facilities have also been provided for students to live on campus at government expense.

B. Culture

47. The political parties, institutions or associations working to develop national culture and tradition are working to combat racial prejudice and to promote international and intracultural understanding, tolerance and friendship among nations and racial or ethnic groups. Each ethnic community is encouraged to develop its own culture. The Government provides institutional support towards the enrichment of different cultural practices, in pursuance of the principles of the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and this Convention.

48. Several friendship organizations in the country are working to promote amity between Bangladesh and other nations. Several organizations in the country deal with human rights and the performance of the public and the private sector on this issue.

49. Although there is no racism or racial discrimination in Bangladesh, solidarity committees or United Nations associations are working in their respective fields. The Government of Bangladesh and the non-governmental organizations observe human rights days in a befitting manner. Political parties vigorously campaign and work against racism and apartheid anywhere in the world.

C. Information

50. Regular programmes of readings from the religious book of each community, with explanations, are broadcast on radio and television in Bangladesh. Local newspapers regularly publish features, articles and news, disseminating information to combat racial prejudice which leads to racial discrimination.

51. The mass information media i.e (the press, radio and television) put out special programmes on the occasion of the observance of International Human Rights Day.

Annex 1

NUMBER OF SECTOR-WISE SCHEMES TAKEN UP AND COMPLETED, WITH EXPENDITURE  
INCURRED (FROM 1975-1976 TO 1989-90)

No.	Name of sector	Schemes taken up	Schemes completed	Amount spent (Millions of taka)
1.	Communication	128	122	53 978
2.	Sports and culture	67	58	24 311
3.	Agriculture (including livestock & fisheries)	90	90	60 294
4.	Construction (building)	35	35	31 352
5.	Education	182	156	55 971
6.	Social welfare	237	204	64 619
7.	Cottage industries	28	28	4 491
8.	Management expenditure	-	-	36 170
	TOTAL	767	693	331 186

Annex II

MULTI-SECTORAL DEVELOPMENT PROGRAMME AND COMPONENTWISE PROGRESS AT A GLANCE UP TO 1989-1990  
(Millions of taka)

No.	Name of component and executing agency	Period of execution	Estimated cost	Expenditure	Physical progress in %
1.	Upland settlement (CHTDB)	1979-1993	476 950	294 473	74 (approx.)
2.	Afforestation and settlement (Forest Department)	1979-1990	34 345	31 487	81
3.	Road network (RHD)	1980-1991	644 830	528 450	72
4.	Agricultural research (BARI)	1979-1987	35 796	36 029	98
5.	Agricultural extension (DAE)	1979-1987	53 908	49 331	100
6.	Nurseries development (DAE)	1979-1985	7 773	7 773	100
7.	Storage facilities (BADC)	1981-1986	19 217	17 778	100
8.	Cottage & rural industries (BSCIC)	1979-1985	28 862	24 225	100
9.	Health facilities (Health part) (DOH)	1979-1983	3 576	3 492	100
10.	Health facilities (PC & FP part)	1979-1985	2 282	1 953	100
11.	Strengthening of CHTDB (CHTDB)	1979-1988	72 500	69 099	100
TOTAL			1 380 039	1 064 090	

Notes: CHTDB - Chittagong Hill Tracts Development Board

RHD - Roads and Highways Division

BARI - Board of Agricultural Research

DAE - Department of Agricultural Extension

BADC - Bangladesh Agricultural Development Corporation

BSCIC - Bangladesh Small Cottage Industries Corporation

DOH - Department of Health

PC & FP - Population Control and Family Planning

Annex III

UNICEF-AIDED PROJECTS

Target		Achievement
Community facilities	50 Mouzas a/	37 Mouzas
Multi-purpose	25	25
Ring wells	516	127
Slab latrines	3 000	1 600
Income generating activities	Loan	3 406 tribal women at the rate of taka 1 100/-
	Equipment	60 Handlooms
	Training	Paramedics 191
		Tradititonal midwives 141
		Teachers 28
Education		Mason 8
		Education Teacher 18
		Nutrition 13 681
	Setting up residential school for MROS and other tribes	One is functioning at Swalok with 190 students Another one is functioning at Ruma with 97 students Construction work in progress on two more locations at Alikadam and Rajesthali
	Education and play materials medicines	Adequate quantity supplied

a/ Administrative Subdivision.





Annex V

SUMMARY OF SOCIO-ECONOMIC DEVELOPMENT IN THE  
CHITTAGONG HILL TRACTS

Heads	In 1947	1947-1982	1983-1990	Remarks
Education	Colleges Nil  Secondary schools 1 (Govt.)  Primary schools 20  Student hostels Nil  Literacy 2-3 per cent	Colleges 5  Secondary schools 40  Primary schools 800	Colleges 9 (3 Govt.)  Secondary schools 62  Junior High schools 33  Primary schools 938  Tribal student hostels 9  Residential schools with hostels for tribal students 2  Literacy 20 per cent (CHAKMA 50 per cent)	
Vocational training	Nil	Vocational training centres: Rangamati 1 Khagrachari 1	Technical training centre at Rangamati 1	Imparts training on automobile driving, carpentry, electrical fittings, weaving, etc. In addition, the Bangladesh Small Cottage Industries Corporation trained 1 376 tribal youths in weaving, carpentry and sewing. Total tribals trained so far in various trades: about 6 000

Annex V (continued)

Heads	1975-1982	From 1983 to the present	Remarks
Roads	45 miles	753.26 km	
Electrification	Only part of Rangamati and Bandarban districts were electrified	All three district headquarters and all 25 <u>upazila</u> headquarters have been electrified	
Telephone communication	Only district headquarters were connected with telephones	All district and <u>upazila</u> headquarters have been connected with telephones	All district headquarters have nationwide dialing facilities
Health	There was one 31-bed hospital at Rangamati	100-bed modern hospital at Rangamati; 50-bed modern hospital each at Khagrachari and Bandarban; 31-bed hospital at six <u>upazila</u> headquarters	
Integrated afforestation and Jhumia rehabilitation	No. of families: 160	No. of families: 3 598 afforestation: 36 000 acres	

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