

Country Technical Note  
on Indigenous Peoples' Issues

# People's Republic of Bangladesh



Enabling poor rural people  
to overcome poverty



**Country Technical Notes on Indigenous Peoples' Issues:**  
**PEOPLE'S REPUBLIC OF BANGLADESH**

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## Acronyms and Abbreviations

ADB	Asian Development Bank
ALRD	Association for Land Reform and Development
AusAid	Australian Government's Overseas Aid Program
BELA	Bangladesh Environmental Lawyers Association
BKB	Bangladesh Agriculture Bank
BNPS	<i>Bangladesh Nari Progati Sangha</i>
BRAC	Bangladesh Rural Advancement Committee
CCDB	Christian Commission for Development in Bangladesh
CDB	Convention on Biological Diversity
CEACR	Committee of Experts on the Applications of Conventions and Recommendations
CEDAW	Convention on the Elimination of All forms of Discrimination against Women
CHT	Chittagong Hill Tracts
CHTDF	Chittagong Hill Tracts Development Facility
CHTRC	Chittagong Hill Tracts Regional Council
CHTRDP	Chittagong Hill Tracts Rural Development Project
CHTRDPII	Chittagong Hill Tracts Rural Development Project - Second phase
CIPRAD	Centre for Indigenous Peoples Research and Development
CODEC	Community Development Centre
CRC	Convention on the Right of the Child
DANIDA	Danish International Development Agency
DFID	Department for International Development of Kingdom of Great Britain and Northern Ireland
EED	Evangelischer Entwicklungsdienst (Church Development Service of Germany)
ESD	Delivery of Essential Services
EU	European Union
FAO	Food and Agriculture Organisation
GOB	Government of Bangladesh
HNP	Health Nutrition and Population
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDF	Integrated Development Foundation
IFAD	International Fund for Agricultural Development
ILO	International Labour Organisation
INGOs	International Non-Governmental Organisations
IWGIA	International Work Group for Indigenous Affairs
JBIC	Japan Bank for International Cooperation
MDGs	Millennium Development Goals
MJF	Manusher Jonno Foundation
MSF	<i>Médecins Sans Frontières</i>
NCD	Non-Communicable Diseases
NGOs	Non-Governmental Organisations
NORAD	Norwegian Agency for Development Cooperation
OXFAM	Oxford Committees for Famine Relief
PEDPII	Second Primary Education Programme
PRSP	Poverty Reduction Strategy Paper

THNPP	Tribal Human Nutrition and Population Plan
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organizations
UNICEF	United Nations Children's Fund
WHO	World Health Organisation



## **Country Technical Note on Indigenous Peoples' Issues - People's Republic of Bangladesh**

### **Summary**

To facilitate policy implementation at the country level, IFAD's policy of engagement recommends the preparation of country technical notes that provide country-specific information on indigenous peoples. The note is an instrument aimed at contributing to the development of country programme strategies and project design. In addition, the note is a knowledge-based tool to support learning on indigenous peoples' issues at country level.

Different terms are used throughout Bangladesh to refer to its indigenous peoples. Legal and policy documents of the Government of Bangladesh (GOB) use the terms "indigenous", "aboriginal", "*adivasi*", "ethnic minority", "hillmen/hillpeople" and/or "*upajati*" (subnation/tribe/tribal). A vocal group of indigenous peoples prefer the term "indigenous" in English and "*Adibashi*" in Bengali. They reject the terms "*upajati*" (subnation) and "tribe" because of connotations of "backwardness" and "primitiveness". Other terms acceptable to a large section of the indigenous population include "*Jumma*" (from the common heritage of "jum" or swidden cultivation) and "*Pahari*" (hill people).

There are different opinions and an acute shortage of reliable data and statistics regarding the population size of the different indigenous peoples. According to official statistics, there are about two million indigenous people in Bangladesh, out of which 1.6 million live in the plains. A total of 59 different groups are mentioned in various studies and censuses. There are 11 distinct indigenous peoples in the Chittagong Hill Tracts (CHT), while the indigenous peoples of the regions outside the CHT, referred to as the "plains", are comprised of 21 *Adibashi/Adivasi* groups.

The poverty status and overall socio-economic situation of Bangladesh's indigenous peoples are acutely disadvantaged compared with the rest of the country. Generally, indigenous communities face discrimination and many suffer from ill-health, bad nutritional conditions and bad hygiene. The socio-economic status of most indigenous communities in the plains is known generally to be even worse than that of indigenous communities in the CHT. *Adivasi* face different problems depending on where they live. Many *Adivasi* are being dispossessed of their lands and only receiving nominal compensation. Many instances of land grabbing are accompanied by false cases against the dispossessed, as well as physical intimidation and harassment, but few affected people are able to obtain redress. Forest-dwellers in the plains suffer criminalization of their livelihoods and deprivation of their use of forest commons.

There are few laws in Bangladesh that directly or indirectly address indigenous peoples, most of which apply in the partially autonomous CHT region. Five major acts of the CHT address crucial aspects of indigenous peoples' rights, in addition to customary law on family and resource rights of indigenous peoples, which apply to the region. For indigenous peoples in the plains, a single provision of the East Bengal State Acquisition and Tenancy Act of 1950 restricts the sale of lands of "aboriginal castes and tribes" to anyone other than aboriginal castes and tribes domiciled in Bangladesh.

Bangladesh has ratified the ILO Conventions on Indigenous and Tribal Populations (Convention No. 107) and on Discrimination in Employment (Convention No. 111), as well as several other important human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Right of the Child (CRC) and Convention on the Elimination of All forms of Discrimination against Women (CEDAW) and the Convention on Biological Diversity (CBD). However, implementation of these treaties is far from good.



Most of the larger national non-governmental organizations (NGOs) and institutions based in the plains regions also operate in the CHT. However, hardly any of these organizations have activities in the remote areas. The number of local NGOs operating in the CHT has risen gradually since the signing of the CHT Accord in 1997. Some of these NGOs have partnerships with national and international organizations including UN agencies and international financial institutions, mainly the Asian Development Bank (ADB). There are perhaps no international NGOs (INGOs) that work solely with indigenous peoples in Bangladesh. However, a number of INGOs have programmes and projects that include members of indigenous peoples. There are people's organizations, community-based organizations and mass organizations of indigenous peoples. One such leading organization is the Movement for the Protection of Forest and Land Rights in the CHT which plays a major role in advocacy on forest and land rights of indigenous peoples at the regional and national levels.

IFAD approved three projects in Bangladesh under the Indigenous Peoples Assistance Facility (IPAF): Integrated sustainable hill farming technology project for indigenous women (2008), Mainstreaming education through mother tongue and culture (2008) and Livelihood Security of Jumia (swidden people) bringing diversification in cultivation (2007).

## **1. Indigenous peoples of Bangladesh**

### **1.1 Terminology**

Different terms are used by sections of the population throughout Bangladesh to refer to its indigenous peoples. These differences have sometimes led to sharp disagreements, particularly between government officials and members of the indigenous peoples.<sup>1</sup> In referring to the peoples concerned, some officials of the Government of Bangladesh (GOB) prefer the term “*upajati*” (literally “subnation” and akin to the words “tribe” or “tribal” in English) and reject the use of the words “*Adibashi*” (equivalent to indigenous or aboriginal) and “indigenous”.<sup>2</sup> Vocal members of the indigenous peoples, in contrast, prefer the term “indigenous” in English, and “*Adibashi*” in Bengali. They reject the term “*upajati*” (subnation) and, to a lesser extent, the English term “tribe”, both of which seem disparaging because of associated connotations of “backwardness” and “primitiveness”.<sup>3</sup> Other terms acceptable to a large section of the indigenous population include “*Jumma*” (from the common heritage of “jum” or swidden cultivation) and “*Pahari*” (hill people). Legal and policy documents of the GOB and official correspondence use a variety of terms, including: (i) “indigenous”;<sup>4</sup> (ii) “aboriginal”;<sup>5</sup> (iii) “*adivasi*”;<sup>6</sup> (iv) “ethnic minority”;<sup>7</sup> (v) “hillmen/hillpeople”;<sup>8</sup> and (vi) “*upajati*” (subnation/tribe/tribal).<sup>9</sup> In a case before the Supreme Court of Bangladesh, the court took cognizance of the fact that the petitioner was an “indigenous Hillman” of the CHT.<sup>10</sup>

### **1.2 Names, numbers and population of indigenous peoples**

There is no agreement about the number and names of the different peoples and their respective populations. The latest Poverty Reduction Strategy Paper (PRSP) of the GOB refers to “45 different indigenous communities”,<sup>11</sup> probably following the views of the Bangladesh *Adivasi* Forum, directly referring to 13 groups from the plains and the CHT; however, it does not provide an exhaustive list of the groups for the entire country.<sup>12</sup> An earlier anthropological study referred to 46 groups.<sup>13</sup> Recent CHT laws – including the CHT Regional Council Act of 1998 (Act XII of 1998) – recognize 11 peoples in the three hill districts of the CHT (see Table 1), while the East Bengal State Acquisition and Tenancy Act of 1950 (Act XXVIII of 1950), which applies to the rest of the country outside the CHT, recognizes 21 “aboriginal castes and tribes” in the plains districts (see

<sup>1</sup> See, Raja Devasish Roy, *The ILO Convention on Indigenous and Tribal Populations, 1957 and the Laws of Bangladesh: A Comparative Review*, Project to Promote ILO Policy on Indigenous and Tribal Peoples and ILO Office, Dhaka, Bangladesh, July, 2009 {hereafter ‘Roy (2009)’}, pp. 7-10 for a detailed discussion of the use of the various terms and the precise references in legal and other documents.

<sup>2</sup> This is mentioned, for example, in a “secret” letter from the Ministry of Chittagong Hill Tracts Affairs, dated, 28 January 2010 asking District Officers in the three hill districts of the Chittagong Hill Tracts to take steps to prevent the use of the word “*Adivasi*” (the Bengali equivalent of indigenous and aboriginal), and to promote the use of the word “*upajati*” (subnation).

<sup>3</sup> Roy (2009), op. cit., pp. 9, 10. It may be noted that the Bengali translations of the provisions of the ILO Conventions on Indigenous and Tribal Peoples (Conventions No 107 and 169) retain the term ‘tribal’ in its English form and do not translate them as ‘*upajati*’. Interestingly, in Hindi and Nepalese the vernacular equivalent of ‘tribal’ is often regarded as ‘*adivasi/adibashi*’, and the word ‘*upajati*’ does not feature in either language. It is believed that the term ‘*upajati*’ in the sense of ‘subnation’ entered the Bengali language in the nineteenth century, (but not Hindi, Nepalese or other South Asian languages), carrying with it pejorative connotations and disrespectful attitudes. The Constitution of Bangladesh justifies affirmative action for what it calls the “backward section of citizens” (articles 28 and 29).

<sup>4</sup> CHT Regulation, 1900, Finance Act, 1995, PRSP-II (2008), *Steps towards Change: National Strategy for Accelerated Poverty Reduction II, FY 2009 – 11* (“PRSP-II-2009”), and correspondences of the National Board of Revenue.

<sup>5</sup> East Bengal State Acquisition and Tenancy Act, 1950 (Act XXVIII, 1950; at section 97).

<sup>6</sup> *Unlocking the Potential: National Strategy for Accelerated Poverty Reduction*, General Economics Division, Planning Commission, Government of People’s Republic of Bangladesh, 30 October 2005 (hereafter (“PRSP-I”).

<sup>7</sup> PRSP-I.

<sup>8</sup> CHT Regulation, 1900.

<sup>9</sup> CHT Regional Council Act, 1998.

<sup>10</sup> *Sampriti Chakma v. Commissioner of Customs & Others* (5 BLC, AD, 29).

<sup>11</sup> PRSP-II-2009, para 4.1.3.

<sup>12</sup> Sanjeeb Drong (ed), *Solidarity, 2005*, Bangladesh Indigenous Peoples Forum, Dhaka, 2005, p. 58, Sanjeeb Drong (ed), *Solidarity, 2007*, Bangladesh Indigenous Peoples Forum, Dhaka, 2007, p. 135. See also, Tone Bleie, *Tribal Peoples, Nationalism and the Human Rights Challenge: The Adivasis of Bangladesh*, University Press Limited, Dhaka, 2005, p. 13 and Bhuvaneshwar Chakma, “Status of Indigenous Peoples in Bangladesh”, in Sanjeeb Drong (ed), *Solidarity, 2004*, Bangladesh Indigenous Peoples Forum, Dhaka, 2004, pp. 71, 72.

<sup>13</sup> C. Maloney, “Tribes of Bangladesh and Synthesis of Bengali Culture”, in M. S. Qureshi, (ed), *Tribal Cultures of Bangladesh*, Rajshahi University, Rajshahi, 1984, pp. 5-52.

Table 2). The official census of 1991, on the other hand, recognizes 11 "tribes" (see Table 1). In another study by this author, reference is made to a total of 59 different groups mentioned in different studies and censuses (see Table 4).<sup>14</sup> Given the divergent opinions on the names and numbers of the indigenous groups, the following observation has been made by this author: "The reasons for the different numbers include the multiple names by which the same group is known by different peoples, the different ways of spelling the names of the groups, the categorization of a subgroup as a separate group itself, and so on."<sup>15</sup> Again, there is an acute shortage of reliable data and statistics and differences of opinion regarding the reliability of the scant data that are available about the population size of the different indigenous peoples. For example, only the 1991 official census contains the population figures based on ethnicity, but it contains no further ethnically disaggregated data on socio-economic variables (it tends to follow religious, rather than ethnic, affiliations, for example).<sup>16</sup> The PRSP of the GOB states that there are about two million indigenous people in Bangladesh,<sup>17</sup> out of which 1.6 million live in the plains.<sup>18</sup> The official census of 2001 does not contain ethnically disaggregated data, but some writings cite a reference to 1,772,788 'tribal' people mentioned in it.<sup>19</sup> Even the 1991 census data are incomplete and misleading, and claimed by some to be inaccurate. This census shows a total of 1,205,978 indigenous people in Bangladesh: 704,834 in the plains and 501,144 in the CHT. However, it is believed by some that the 1991 census figures exclude the nearly 70,000 indigenous people who were then sheltered in refugee camps across the international border in Tripura state, India.<sup>20</sup> Leaders of the Mro and Tanchangya peoples in the CHT, in particular, have claimed that their numbers are seriously underestimated.<sup>21</sup> Some are even of the opinion that under-enumeration is a deliberate act to underplay the importance of the indigenous population.<sup>22</sup> Indigenous peoples in the country have emphasized the importance of having ethnically disaggregated data to help initiate appropriate legislative and administrative measures, including affirmative action, and to ensure adequate development allocation.<sup>23</sup>

### 1.3. Indigenous peoples of the Chittagong Hill Tracts

It is now more or less settled that there are 11 distinct indigenous peoples in the CHT. This is reflected in the CHT Accord of 1997 and the post-Accord legislation, including the CHT Regional Council Act of 1998 (Act XII of 1998), although the term used is "upajati".<sup>24</sup> Table 1 contains a list of these groups as recognized by law – including the CHT Regulation, 1900 (Act I, 1900), the Hill District Council Acts, 1989 (Acts XXIX, XX and XXI of 1989) and the CHT Regional Council Act, 1998 – along with their respective population figures according to the 1991 census (all of these groups are also recognized in the 1991 census). The indigenous people are also generally referred to in the CHT as "Pahari" (meaning hillpeople) or as "Jumma" (from the shared historical tradition of swidden cultivation known locally as "jum"). Leaders of some ethnic groups who

<sup>14</sup> Roy (2009), op. cit., p. 74.

<sup>15</sup> Ibid pp. 10, 11. For a fuller discussion on the conflicting numbers and names, see Kibriaul Khaleque, "Ethnic Communities of Bangladesh" in Philip Gain (ed), *Bangladesh: Land, Forest and Forest People*, Society of Environment & Human Development, Dhaka, 1998, pp. 1-26 at pp. 7-10 and Tone Bleie, *Tribal Peoples, Nationalism and the Human Rights Challenge: The Adivasis of Bangladesh*, University Press Limited, Dhaka, 2005, pp. 11-15.

<sup>16</sup> See Table 4, for the 1991 census figures of all the groups recognized.

<sup>17</sup> PRSP-II-2009, para 5.1.3.

<sup>18</sup> Ibid.

<sup>19</sup> Bidhayak Chakma & Myenthein Promila, "Indigenous Peoples and the Right to Participate in Decision-Making (Bangladesh)", paper presented at the *Asia Indigenous Peoples Preparatory Meeting on UN Mechanisms and Procedures Relating to Indigenous Peoples*, organized by Asia Indigenous Peoples Pact (AIPP), hosted by Tebtebba Foundation and Cordillera Peoples' Alliance, supported by ILO, UNDP and IWGIA, at Baguio City, Philippines on 1-4 March, 2010.

<sup>20</sup> Raja Devasish Roy, "Occupations and Economy in Transition: A Case Study of the Chittagong Hill Tracts", in *Traditional Occupations of Indigenous and Tribal Peoples*, ILO, Geneva, 2000, pp. 73-122, at p. 78, footnote 9.

<sup>21</sup> Ibid. footnote 10.

<sup>22</sup> Ibid. See also, Timm.....

<sup>23</sup> PRSP-II (2009), paragraph 4.1.3.

<sup>24</sup> These peoples are: Bawm, Chak, Chakma, Khumi, Khyang, Lushai, Marma, Mro, Pangkhua, Tanchangya and Tripura.

migrated from India and Nepal to the CHT during the British period have also claimed indigenous status, but there has been little or no support from governmental agencies or political parties towards such demands.<sup>25</sup>

#### **1.4. Indigenous peoples of the plains**

The term *Adibashi/Adivasi* was and is generally used by Bengali-speakers – the major ethno-linguistic group in Bangladesh – to refer to the indigenous groups of the regions outside the CHT, referred to here as the “plains”. Members of these groups are still referred to as *Adibashi/Adivasi* in Bengali, although this term now also extends to the indigenous groups of the CHT (also otherwise known as “*pahari*” or hillpeople). The East Bengal State Acquisition and Tenancy Act, 1950 (Act XXVIII, 1950) recognizes 21 “aboriginal castes and tribes”.<sup>26</sup> Table 2 contains a list of these groups, along with their population according to the 1991 census (where available). Of the 21 groups, only six are accounted for in the 1991 census.<sup>27</sup> Table 3 lists the groups claiming indigenous status, or known by others to be such, but whose indigenous status has remained unrecognized by the Government so far. Table 4 reproduces a consolidated list of all known ethno-linguistic groups claiming indigenous status or known to be regarded as indigenous people, including those who are mentioned in laws and census reports, and those who are not.

### **2. Socio-economic profile of indigenous peoples**

Barring a few exceptions, the overall socio-economic profile of the indigenous peoples in Bangladesh is a cause for serious concern. The national Poverty Reduction Strategy (2009-2011) contains the following observation regarding the poverty status and overall situation of the country’s indigenous peoples: “Some of the ‘hardcore’ poor of Bangladesh are found among the indigenous communities. Indigenous communities face discrimination and are subject to extortion by land grabbers. The level of social awareness among them is very low. Many suffer from ethnic prejudice, ill-health, bad nutritional conditions and bad hygiene”.<sup>28</sup> Some highlights of the socio-economic profile of the indigenous groups, based upon different governmental and non-governmental sources, are given separately below for the CHT and the plains. However, the official census and the governmental *Bureau of Statistics* do not contain adequately disaggregated data on the indigenous peoples. It has been said that the absence of data itself is an act of discrimination. The National Poverty Reduction Strategy of 2008 acknowledges the need for such data.<sup>29</sup>

#### **2.1. Socio-economic profile of indigenous peoples of the Chittagong Hill Tracts**

The findings of a recent socio-economic baseline survey conducted by a non-governmental research organization in the CHT showed the acutely disadvantaged situation of the population of the CHT, and particularly that of the indigenous peoples, as compared with the rest of the country.<sup>30</sup> The report showed, among others, that only 7.8 per cent completed primary education and only 2.4 per cent completed secondary education.<sup>31</sup> Eighteen per cent of the total population of the region was dependent upon

<sup>25</sup> These include the *Gurkha*, *Ahomia* (Assamese) and *Santal*, but their very small numbers perhaps has led to very little attention being given to such demands. See, Roy (2009), op. cit., p. 11.

<sup>26</sup> Banais, Bhuiyas, Bhumijies, Dalus, Garos, Gonds, Hadis, Hajangs, Hos, Kharias, Kharwars, Kochs (Dacca Division), Koras, Maghs (Bakarganj District), Mal Paharias, Oraons, Maches, Mundas, Santhals, Sauria Paharias and Turis. See section 97, Act XXVIII of 1950).

<sup>27</sup> These are: Garo, Hajong, Koch, Munda, Oraon and Santal. On the other hand, there are seven groups, who are mentioned in the 1991 Census, but are not recognized in any law, who are: Buna, Harijan, Mahato, Manipuri, Paharia, Rajbongshi and Urua.

<sup>28</sup> PRSP-II-2008, para 5.1.3. p. 138.

<sup>29</sup> PRSP-II-2008, para 5.1.3. p. 138.

<sup>30</sup> Human Development Research Centre (Abul Barkat et al), *Socio-economic Baseline Survey of Chittagong Hill Tracts*, Chittagong Hill Tracts Development Facility, UNDP, Bangladesh, IDB Bhaban, Sher-e-Bangla Nagar, Dhaka 1207, 2009.

<sup>31</sup> *Ibid.*, p. ii.

farming/cultivation for their livelihood.<sup>32</sup> About 22 per cent of indigenous households lost their lands.<sup>33</sup> The annual average rural household income was around BD Tk 66,000 (933.5 US\$), while in the rest of Bangladesh it was BD Tk 84,000 (1,188 US\$)<sup>34</sup>. A study on the CHT conducted by the ADB in 2001 concludes that the economy of the CHT has some striking differences with the rest of the country in that: (i) the share of trade services, at 26 per cent, is double the national share (at 12 per cent); (ii) forestry accounts for 10 per cent of its GDP, five times the national share (2 per cent); and (iii) industries are only 5 per cent of its GDP, compared with 15 per cent nationally.<sup>35</sup> The study concludes that 70 per cent of all households – twice the national average – earn less than the minimum food requirements set for Bangladesh.<sup>36</sup> Various syndicates in trade and transport from outside the region control most of the interregional trade, and at least 30 per cent of the regional income is known to flow out of the region in this way.<sup>37</sup> Moreover, the study concludes that “indigenous people face huge barriers in entering non-agricultural trades, which are largely controlled by a few family-based cartels (water transport, bamboo/timber trade, trucks). Only in traditional textiles and bamboo crafts there are indigenous entrepreneurs, who are slowly entering construction. But all large contracts (roads) go to outsiders, including the employment generated. Public licensing for trade and transport largely favours outsiders and public servants, not local people.”<sup>38</sup>

## 2.2. Socio-economic profile of indigenous peoples of the plains

The socio-economic status of most indigenous communities in the plains, particularly in the north-western Rajshahi administrative divisions, is known generally to be even worse than that of indigenous communities in the CHT. Drawing primarily upon her study of north-west Bangladesh, a researcher on *Adivasis* of Bangladesh makes the following observation on well-being and food security “... the colonial history of *Adivasis* is, in many respects, a disturbing one of exploitation, deprivation, deteriorating livelihoods and occasional experience of famine, as well as the regular, unavoidable autumn periods of food scarcity. On the other hand, their history is one of an extraordinary ability to cope with crises, shocks and stresses.”<sup>39</sup> Another writer, a well-known authority on the *Adivasis* of Bangladesh, mentions the common instances of land-grabbing perpetrated against *Adivasi* communities in north-west Bangladesh, including through the discriminatory use of the Vested Property Act, 1974.<sup>40</sup> The socio-economic situation of indigenous peoples is also worrisome in other parts of the plains (e.g. the north-central greater Mymensingh region, the north-eastern Sylhet administrative division, the southern coastal region of the Patuakhali-Barguna districts inhabited by Rakhaing people and the south-eastern pockets with indigenous peoples in Chittagong and Cox’s Bazar districts).

A study on indigenous peoples’ access to justice in Bangladesh concludes that “[plains] *Adivasis* face different problems depending on where they live. In the south-west, around the mangrove forests of the Sunderbans where shrimp cultivation is widespread, many *Adivasi* are now being dispossessed of their lands and only receiving nominal compensation. Many instances of land grabbing are accompanied by false cases against the dispossessed, as well as physical intimidation and harassment, but few affected

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<sup>32</sup> Ibid.

<sup>33</sup> Ibid., p. iv.

<sup>34</sup> Ibid., p. v.

<sup>35</sup> KIT, in association with SODEV Consult, CDP, Arcadis Euroconsult DPC, *Chittagong Hill Tracts Region Development Plan* (ADB TA # 3328-BAN): Draft Final Report: Executive Summary, Asian Development Bank, Rangamati, Chittagong Hill Tracts, Bangladesh, March 2001, p. 4.

<sup>36</sup> Ibid., p. 11.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> Tone Bleie, *Tribal Peoples, Nationalism and the Human Rights Challenge: The Adivasis of Bangladesh*, University Press Limited, Dhaka, 2005, p. 169.

<sup>40</sup> Father R. W. Timm, CSC, “Precious land makes life harder for Adivasis”, in Sanjeeb Drong (ed), *Solidarity*, 2003, Bangladesh Adivasi Forum, Dhaka, 2004, pp. 93,94 at p. 94.

people are able to obtain redress.”<sup>41</sup> The study further states that forest-dwellers in the plains have suffered from criminalization of their livelihoods and deprivation of their use of forest commons.<sup>42</sup>

### **3. Laws of Bangladesh and indigenous peoples**

Overall, there are not many laws in Bangladesh that directly or indirectly address indigenous peoples. The few laws there are occur in the partially autonomous CHT region, where several special laws and regulations apply. In contrast, there are very few Bangladeshi laws that refer to the plains indigenous peoples, let alone address their rights and socio-economic marginality in a direct manner. A solitary exception is a provision of the major land law for the plains, the East Bengal State Acquisition and Tenancy Act, 1950 (Act XX of 1950, at section 97), which restricts the sale of lands of “aboriginal castes and tribes” to anyone other than aboriginal castes and tribes domiciled in Bangladesh. In addition, the personal laws of the plains indigenous peoples – which are largely based upon oral customary rules – regulate marriage, divorce, maintenance, child custody, inheritance and related matters of the peoples concerned. It is noteworthy that in Bangladesh, like India, Pakistan and Malaysia, personal law for all citizens is regulated either by religious affiliation (e.g. Muslim and Hindu) or by ethnic affiliation (e.g. indigenous groups or “tribals”).<sup>43</sup>

Tables 5, 6 and 7 contain a list of the laws that are relevant for indigenous peoples. Table 5 mentions the laws on policy matters, Table 6 on land matters and Table 7 on socio-economic matters. Each table also compares the Bangladeshi legal provisions with the provisions of ILO Convention No. 107, which Bangladesh has ratified, and with the more progressive Convention No. 169, which Bangladesh is reportedly considering to ratify.<sup>44</sup>

Five major Acts of the CHT address crucial aspects of indigenous peoples’ rights in the CHT. These are: (i) the *CHT Regulation, 1900*, which provides a unique administrative, legal and judicial system for the CHT that combines the functions of traditional chiefs and headmen, associated with oversight and executive functions of state functionaries, based on statutes and local customs, practices and usages;<sup>45</sup> (ii) the *CHT Development Board Ordinance, 1976* (Ordinance XX of 1976), which provides for a statutory development authority for the CHT with local and indigenous participation; (iii) the *Hill District Council Acts of 1989* (Acts XIX, XX and XXI of 1989), which provide for partially autonomous administrative, land and developmental functions (a total of 33 subjects) upon indigenous-majority district-level councils, headed by indigenous chairpersons;<sup>46</sup> (iv) the *CHT Regional Council Act, 1998* (Act XII of 1998) which provides for a regional council for the entire CHT – also with a two-thirds indigenous majority and an indigenous chairperson – to supervise the functions of the district and lower tier local government councils, among others;<sup>47</sup> and (v) the *CHT Land Disputes Resolution Commission Act, 2001* (Act XX of 2001), which establishes a body with the authority of a civil court, including indigenous leaders, to provide expeditious remedies on land-related disputes in the CHT.<sup>48</sup> In addition, there is a large body of customary law, including both family law and resource rights regimes of indigenous peoples, which apply to the region.<sup>49</sup>

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<sup>41</sup> Raja Devasish Roy, Sara Hossain and Dr. Meghna Guhathakurta, “Acces to Justice for Indigenous Peoples: A Case Study of Bangladesh” in UNDP Regional Centre in Bangkok, *Towards Inclusive Governance: Promoting the Participation of Disadvantaged Groups in Asia-Pacific*, Bangkok, 2007, pp. 25-46 at p. 30.

<sup>42</sup> *Ibid.*, p. 31.

<sup>43</sup> For a detailed discussion on customary laws of indigenous peoples in Asia, including Bangladesh, see Raja Devasish Roy, *Traditional Customary Laws and Indigenous Peoples in Asia*, Minority Rights Group International, London, March, 2005.

<sup>44</sup> Statement of Dipankar Talukdar, MP, State Minister, Ministry of CHT Affairs at an Adivasi Parliamentarians Caucus meeting held in Dhaka in February, 2010, attended by this author as an observer.

<sup>45</sup> Roy (2009), op. cit., pp. 21-24.

<sup>46</sup> *Ibid.*, pp. 24, 25.

<sup>47</sup> *Ibid.*, p. 25.

<sup>48</sup> *Ibid.*, pp. 28-30.

<sup>49</sup> For a detailed discussion on the customary laws of the CHT, see Raja Devasish Roy, “Challenges for Juridical Pluralism and Customary Laws of Indigenous Peoples: The Case of the Chittagong Hill Tracts, Bangladesh” in *Arizona Journal of International and Comparative Law*, Vol. 21, No.1, Spring, 2004, pp 113-182.

## **4. International human rights treaties and declarations**

### **4.1. International human rights treaties ratified by Bangladesh**

Bangladesh has ratified, along with the ILO Conventions on Indigenous and Tribal Populations (Convention No. 107) and on Discrimination in Employment (Convention No. 111), several other important human rights treaties, including the International Convention on the Elimination of Racial Discrimination (ICERD), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child and the Convention on the Elimination of All forms of Discrimination against Women (CEDAW). In addition, there is the Convention on Biological Diversity, which deals primarily with biological diversity, but also contains a number of provisions relevant to the resource rights and cultural heritage of indigenous peoples.<sup>50</sup>

Despite the fact that Bangladesh is party to several multilateral human rights treaties, the implementation of the provisions in those treaties through legislation, programmatic action and so forth, is far from good.<sup>51</sup> The problem is compounded by two factors, among others: one, that Bangladesh has a monistic system of law wherein international treaty law is not part of municipal law that is directly enforceable in a court (unlike in Mexico, Nepal, Spain and the United States of America);<sup>52</sup> and two: the extreme marginality of indigenous groups prevents effective monitoring of the implementation of the treaties.

### **4.2. The UN Declaration on the Rights of Indigenous Peoples**

The UN Declaration on the Rights of Indigenous Peoples, adopted by the UN General Assembly in 2007, is the latest and most comprehensive human rights instrument addressing the collective and individual rights of indigenous peoples. Apart from recognizing that the right to self-determination applies equally to indigenous peoples (as to any other peoples), it recognizes the right of indigenous peoples to be free from all forms of discrimination and reiterates their right to: autonomy; language; culture; religion and spirituality; health; education; lands; territories and the resources thereon; free, prior and informed consent concerning developmental or military use of their land and territories; redress for land alienation and dislocation; and cross-border rights, among others. The Committee on the Elimination of Racial Discrimination – which monitors the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination – has declared that the Declaration should be used as a benchmark in implementing the provisions of the Convention and other instruments.

## **5. National and grass-roots organizations**

### **5.1. National non-governmental organizations and institutions**

Most of the larger NGOs based in the plains regions also operate in the CHT. This includes Bangladesh Rural Advancement Committee (BRAC: credit, primary education), ASHA (especially microcredit), Manusher Jonno Foundation (MJF: human rights, primary education), Podokkhep (especially micro-credit), Community Development Center (CODEC: human development), Al-Rabita (especially health), Bangladesh Nari Progati Sangha (BNPS: women's rights), Association for Land Reform and Development (ALRD:

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<sup>50</sup> The most relevant provisions are articles 8(j) and 10(c). Article 8(j) deals with the "knowledge, innovations and practices of indigenous and local communities..." and the "equitable sharing of the benefits arising from the utilization of such knowledge, innovations" etc. Article 10(c) concerns the "customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements". For an indigenous peoples' critique of the Convention, see, IAITPTF & IWGIA (undated).

<sup>51</sup> See, e.g., Roy (2009), op. cit., pp. 52-55, Roy (2004), pp. 160-166.

<sup>52</sup> For a list of countries in which international treaty law has the same status as, or higher status than, national law, see Programme to Promote ILO Convention No. 169 (PRO 169), *Indigenous & Tribal Peoples' Rights in Practice: A Guide to ILO Convention No. 169*, 2009, pp. 182-184.

land rights), Bangladesh Environmental Lawyers Association (BELA: environment), Society for Environment and Human Development (SEHD: environment and indigenous rights) among others. In addition, the micro-credit institutions, Grameen Bank and Integrated Development Foundation (IDF), also operate in the region. However, hardly any of these organizations have any activities in the more remote areas, except indirectly, MJF.

## **5.2. Local organizations**

Before the signing of the CHT ("peace") Accord of 1997, very few local NGOs operated in the CHT. Since 1997, their number has risen gradually. Until recently, these NGOs were represented by an elected body of NGOs known as the Hill Tracts NGO Forum; it has ceased to function, however, allegedly because of discriminatory pressure from government oversight agencies. Some of these NGOs have partnerships with national organizations (e.g. with ALRD, BNPS, BRAC, MJF, SEHD) and some international organizations (e.g. Evangelischer Entwicklungsdienst- EED/Church Development Service), Christian Aid, the International Work Group for Indigenous Affairs (IWGIA) and Tebtebba Foundation. In addition, some of the local NGOs have partnerships with the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the Food and Agriculture Organization of the United Nations (FAO) and ADB, among others. Also, there are people's organizations, community-based organizations and mass organizations of indigenous peoples. One such leading organization is the Movement for the Protection of Forest and Land Rights in the CHT which plays a major role in advocacy on forest and land rights of indigenous peoples at the regional and national levels.

## **6. IFAD projects in Bangladesh**

IFAD approved three projects in Bangladesh under the Indigenous Peoples Assistance Facility (IPAF):

### **Integrated sustainable hill farming technology project for indigenous women, 2008**

**Organization** Assistance for the Livelihood of the Origin (ALO)

**IP Group** Chakma, Tripura and Marma

**Grant amount** US\$15,000

**Project Area** Chittagong Hill Tracts

The project area is a hilly terrain with limited scope of diversified cultivation, where the inhabitants (primarily indigenous ethnic communities) live on marginal valley based farming. This, apart from being insufficient for the population, has a negative impact on the environment due to deforestation.

This project aimed at promoting the socio-economic empowerment of the communities, especially of women, and advance farming technologies to create a sustainable agriculture production and improve household food security.

The project built on three components:

(a) promoting community-driven development:

active involvement of the beneficiaries and stakeholders in planning, implementation and ownership, thus 40 "Village Resource Management Committees", 2 CBOs and 40 farmers groups were formed and 1 Community awareness centre was established, and coordination with other NGOs and programmes in the area was enhanced.

(b) technology transfer on sustainable hill farming:

village model farms were formed in every village; 50 participants received Hill Farming Technology Transfer Training and started using the techniques learnt in their regular farming; quality seeds were distributed. This resulted in increased:

- cultivable land coverage;
- vegetables production and consumption;



- organic fertilizer use;
- household income.

(c) promoting gender equality and women empowerment: women gained awareness of their rights, developed leadership skills and started participating in decision-making processes in the CBOs as well as at home. They also started selling their products in local markets and earning some money, thus being able to contribute to the household expenses.

### **Mainstreaming education through mother tongue and culture, 2008**

**Organization** Centre for Indigenous Peoples Research and Development (CIPRAD)

**IP Group** Garo

**Grant amount** US\$16,000

**Project Area** Forested area of Modhupur (Tangail District) and border area Nalitabari (Sherpur District) between Bangladesh and India (Meghalaya).

The project aimed to revive the language and culture of the Garos (and arrest their fast erosion due to pressure from the dominant language and culture) through the introduction and development of multilingual education in community schools and through the documentation and publication of the Garo cultural heritage.

Folklore facilitators and language teachers were recruited from the community and trained.

3500 multilingual syllabus containing folklores, stories, myths, good practices and traditional songs were distributed in 50 community based primary schools, and IP dances, as well as customs, right practices and justice systems were explained to the children.

One of the important and crucial achievements of the project was the formal introduction of mother tongue education in 50 village-based schools; 3600 children had the opportunity to learn their own language and practice, and at least 80% school children have learnt numeric, names of days & months, names of birds and animals in their own language.

Effective strategies of implementing the project included: (i) follow up teaching at school level and help those teachers facing difficulties, (ii) meetings parents and school committees about the program of multilingual project, (iii) collection of folklores from community and introducing them in the classes at gradual phase.

The project has instilled a kind of respect for the Garo's own language and culture and community people have started taking pride in these.

A policy level workshop on Indigenous Peoples Language Development was held at Dhaka and two Ministers (Minister for Primary and Mass Education and the State Minister for Cultural Affairs) attended it. The goals, objectives, methodologies of the project were explained and this helped the government policy makers to understand the importance of multilingual programs in country.

### **Livelihood Security of Jumia (swidden people) bringing diversification in cultivation, 2007**

**Organization** Community Advancement Forum (CAF)

**IP group** Communities of Paindu and Ruma Sadar Union under Ruama Upazila in the Bandarban Hill District, Bangladesh

**Grant amount** US\$26,900

**Project Area** Bandarban Hill District

The Bandarban Hill District is covered by hilly ranges. The residents of this area are

called "Jumia", from the name of their primitive Jhum cultivation ("swidden"). This is no longer profitable to them as the soil fertility has decreased and the virgin forest areas reduced.

This project was designed to improve the socio-economic situation of the target people by ensuring their livelihood security while raising awareness for diversification of primitive cultivation.

20 farmers groups were formed and were stimulated by community motivators to be united and identify their own socio-economic structure and problems, and means of solution. The group leaders were trained to strengthen and enhance their leading capacities.

200 farmers were provided with input and training on new technology for cultivation and with the necessary financial support to invest for cultivation/gardening, such as: land preparation, weeding, mulching, manure and seedlings. In particular they were trained on ginger cultivation including horticulture development training and received ginger seeds. Moreover, through different awareness raising activities they became aware and organized regarding their rights, especially land rights.

At the end of the project the community people had become confident and close to each-other, willing to work jointly for their development. They were organized at grass-roots level under their traditional leadership, and became aware of their rights and able to manage their resources. Equal participation of women in decision making processes was ensured at all stages.

## **7. International organizations**

### **7.1. UN agencies**

No UN agency is known to solely target indigenous peoples in its work in Bangladesh, but a number of them have focused involvement of indigenous peoples, particularly in the CHT region. For example, a UNDP-led project in the CHT is supported by funds from the UN, along with funds from bilateral development agencies (e.g. European Union (EU), Danish International Development Agency (DANIDA), Japan Bank for International Cooperation (JBIC). This is a post-conflict project including capacity-building, confidence-building, socio-economic development, primary education and health care, among others. Similarly, UNICEF has a programme in partnership with the CHT Development Board. The World Health Organization (WHO), FAO and UNICEF have programmes in different parts of the country, some of which include indigenous peoples. The United Nations Educational, Scientific and Cultural Organization (UNESCO) – with a regional presence in Delhi – is not known to have much involvement with indigenous peoples.

### **7.2. Bilateral international development agencies**

Among the leading bilateral development agencies supporting projects for indigenous peoples is the European Commission, JBIC, Department for International Development of Kingdom of Great Britain and Northern Ireland (DFID) - through MJF, Norwegian Agency for Development Cooperation (NORAD), Swedish International Development Authority (SIDA) Canadian International Development Agency (CIDA), DANIDA and the Australian Government's Overseas Aid Program (AusAID). DANIDA is a major donor for Chittagong Hill Tracts Development Facility (CHTDF) - US\$4.5 million for agriculture and food security in CHT-, and it also runs national-level programmes for indigenous peoples of Bangladesh. AusAID is funding 100 scholarships for the CHT's indigenous students' tertiary-level education in Australia. It is a five-year programme, and so far 70 CHT indigenous scholars have been sent to Australia.

### **7.3. International financial institutions**

To date, the ADB is the main international financial institution involved in development activities that directly or indirectly target indigenous peoples through its regional interventions in the Chittagong Hill Tracts (CHT). There also are the ADB-led Second

Primary Education Programme (PEDPII) and the World Bank's Tribal Health Plan, although these projects have yet to make significant progress in the context of indigenous peoples.

#### *7.3.1.ADB's CHT Rural Development Project: First Phase (CHTRDP)*

Following signing of the CHT Accord in 1997, development activities were initiated in the region under ADB Loan 1771-BAN: Chittagong Hill Tracts Rural Development Project (CHTRDP), a US\$30 million loan approved in 2000 and effective in 2002; loan closure was on 30 September 2009. The project was designed to contribute to a reduction in the incidence of absolute poverty in the CHT and to provide a confidence-building environment to underpin the 1997 CHT Accord. It was meant to develop basic physical infrastructure, including construction of 55 km of upazila (subdistrict) roads (against a target of 75 km) and 197 km of union roads (against a target of 350 km). Community development and microfinance components were introduced with a view to provide opportunities for expanding income- and employment-generating activities, including for irrigation, agriculture, drinking water and other village development activities.

#### *7.3.2.ADB's CHT Rural Development Project: Second Phase (CHTRDPPII)*

Technical assistance has been approved by ADB for the Second Chittagong Hill Tracts Rural Development Project, a US\$40 million loan proposed for 2011 and on. The project is to be based on lessons learned from its predecessor (CHTRDP) and will have similar components including, (i) institutional strengthening of CHT-specific institutions to undertake their mandated roles; (ii) capacity-building, organizational structure and participatory processes for rural development and community empowerment; and (iii) rural infrastructure including improved rural access and small-scale water resource interventions (typically irrigation systems, village water supply and watershed management).

#### *7.3.3 The ADB-led Second Primary Education Development Programme*

The overall goal of this programme was poverty reduction through universal primary education to contribute to sustainable socio-economic development and equity as envisaged in the Millennium Development Goals (MDGs). A specific objective was to provide quality primary education to all eligible children in Bangladesh under a sector-wide approach programme. It is jointly financed and monitored by the GOB and its development partners.<sup>53</sup> The US\$1.8 billion programme was approved in 2003 and is implemented throughout Bangladesh under the overall supervision of the Ministry of Primary and Mass Education. In the context of indigenous peoples, the programme is to take all necessary and appropriate action to enhance inclusive education, including: appointment of specialized staff; development of curricula and materials, with consideration for cultural and ethnic diversity and gender and disability issues; and development of a strategy and action plan for access to primary education for children from indigenous communities and areas in accordance with relevant ADB policies. This is defined in the programme's Tribal Development Plan.

#### *7.3.4 The World Bank's Health Nutrition and Population Sector Reform Programme*

The US\$4.3 billion Health Nutrition and Population (HNP) Sector Programme for Bangladesh is to increase availability and use of user-centred, effective, efficient, equitable, affordable and accessible quality health care services. The project comprises: (i) supporting delivery of essential services (ESD); (ii) supporting development of policies and strategies for emerging challenges, and possibly for implementation at a

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<sup>53</sup> Including Asian Development Bank, Australian Agency for International Development, Canadian International Development Agency, Department for International Development, European Commission, the World Bank, Japan International Cooperation Agency, Norwegian Agency for Development Cooperation, Swedish International Development Cooperation Agency and United Nations Children's Fund.

later stage, with a focus on reducing injuries and implementing improvements in emergency services and preventing and controlling major non-communicable diseases (NCD); (iii) urban health service development. A Tribal HNP Plan (THNPP) focuses on meeting the specific health needs of indigenous people and was developed after detailed consultations with NGOs and other stakeholders.

#### **7.4. International NGOs**

There are perhaps no international NGOs (INGOs) that work solely with indigenous peoples in Bangladesh. However, some INGOs have programmes and projects that are intended to benefit, among others, members of indigenous peoples. These include the following: *Médecins Sans Frontières* (MSF) Holland (runs health clinics in CHT), OXFAM International (on rights, development and disaster management), ActionAID (rights, development), Christian AID (culture and education), NETZ Germany (Partnership for development and rights: rights and development), Miserior (rights and development), Save the Children (United Kingdom, education and children's rights), Save the Children Sweden (education and children's rights), Save the Children Denmark (education and children's rights), CCDB (Christian Commission for Development in Bangladesh: rights and development), EED (capacity-building), IWGIA (indigenous rights) and Tebtebba Foundation (indigenous rights).<sup>54</sup>

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<sup>54</sup> The author is grateful for this information to Kirti Nishan Chakma, Asian Development Bank consultant to CHTRDP.

## Annexes

**Table 1: List of indigenous peoples of the Chittagong Hill Tracts as recognized in the laws of Bangladesh and mentioned in the official census of 1991**

N°	Name of people	Alternative acceptable names	Misnomers	Source	Population (1991 census)	Comment
1	Bawm	Bawm Zo	Bonjogi	HDC Acts, 1989, CHTRC Act, 1998	13,471	Considered part of Mizo (Kuki-Chin) group in India. Live in Bandarban district mostly.
2	Chak	Sak, Tsak		HDC Acts, 1989, CHTRC Act, 1998	2,127	Only in Bandarban district.
3	Chakma	Sangma, Thek		HDC Acts, 1989, CHTRC Act, 1998	252,858	The most numerous indigenous people in Bangladesh. They also live in the states of Arunachal, Assam, Mizoram and Tripura in India and in Myanmar or former Burma (especially Rakhaing State).
4	Khumi			Bandarban HDC Act, 1989, CHTRC Act, 1998	1,241	The least numerous indigenous people in Bangladesh after the Lushai.
5	Khyang			Rangamati & Bandarban HDC Acts, 1989, CHTRC Act, 1998	2,343	Live in Bandarban & Rangamati.

6	Lushai			Rangamati & Bandarban HDC Acts, 1989, CHTRC Act, 1998	662	The least numerous indigenous people in Bangladesh, but in Mizoram, Lushai-speakers make up the majority of the Mizo.
7	Marma		Magh	CHT Reg, 1900, HDC Acts, 1989, CHTRC Act, 1998	157,301	CHT Reg, 1900 and EBST Act, 1950 use the word "Magh". Marma and Rakhaing (also in Burma) have similar languages and customs. Marma are the second most numerous indigenous people in CHT after the Chakma.
8	Mro	Mru	Murung	Bandarban HDC Acts, 1989, CHTRC Act, 1998	22,304	Not to be confused with "Mrung", the name used by the Marma to refer to the Usui, who regard themselves as a subgroup of the Tripura.
9	Pangkhoa		Pankho, Pangkhu	Rangamati & Bandarban HDC Acts, 1989, CHTRC Act, 1998	3,227	
10	Tanchangya		Tongsongya	HDC Acts, 1989, CHTRC Act, 1998	21,639	
11	Tripura	Tipra, Tripuri		HDC Acts, 1989, CHTRC ActI, 1998	81,014	Larger group in Tripura State, India, generally referred to as "Tripuri".

Source: Adapted from Raja Devasish Roy, *The ILO Convention on Indigenous and Tribal Populations, 1957 and the Laws of Bangladesh: A Comparative Review*, Project to Promote ILO Policy on Indigenous and Tribal Peoples and ILO Office, Dhaka, Bangladesh, July, 2009, p. 74

**Table 2: List of indigenous peoples of the plains as recognized in the laws of Bangladesh (some of whom are also mentioned in the official census of 1991)**

N°	Name of people	Alternative acceptable names	Misnomers	Source	Population (1991 census)	Comment
1	Banai			EBST Act		
2	Bhuiya			EBST Act		
3	Bhumiji			EBST Act		
4	Dalu			EBST Act		Khaleque (in Gain, 1998: 12) regards them as a subgroup of the Mandi (Garo).
5	Garo	Mandi		EBST Act	64,280	Larger group lives in Meghalaya, India.
6	Gond			EBST Act		
7	Hadi			EBST Act		
8	Hajang	Hajong		EBST Act	11,540	
9	Ho			EBST Act		Khaleque (in Gain, 1998: 12) regards them as a subgroup of the Munda
10	Kharia			EBST Act		
11	Kharwar			EBST Act		
12	Koch	Kuch, Cooch		EBST Act	16,567	
13	Kora			EBST Act		
14	Magh	Rakahaing		EBST Act		
15	Mache			EBST Act		
16	Mal Paharia			EBST Act		
17	Munda			EBST Act	2,132	Larger group lives in Jharkhand, West Bengal, Bihar in India.
18	Oraon	Urao	Urang	EBST Act	8,216	
19	Santhal	Santal	Shaontal	EBST Act	202,162	The most numerous indigenous people in the plains and the second-most numerous in Bangladesh after the Chakma. Larger group in India.

20	Sauria Paharia			EBST Act		
21	Turi			EBST Act		

Source: Raja Devasish Roy, *The ILO Convention on Indigenous and Tribal Populations, 1957 and the Laws of Bangladesh: A Comparative Review*, Project to Promote ILO Policy on Indigenous and Tribal Peoples and ILO Office, Dhaka, Bangladesh, July, 2009, p. 74.

**Table 3: List of peoples of the Chittagong Hill Tracts and the plains claiming to be indigenous peoples but who remain unrecognized by law (some of whom are also mentioned in the official census of 1991)**

N°	Name of people	Alternative acceptable names	Misnomers	Source	Population (1991 census)	Comment
1	Assam			BD Adivasi Forum, 2005		Descendants of British-period government personnel migrants from Assam.
2	Bagdi			BD Adivasi Forum, 2005		
3	Bediay	Bede, Bedey		BD Adivasi Forum, 2005		Nomadic riverine people.
4	Bhumil	Bhuimali?		BD Adivasi Forum, 2005		
5	Brong			Timm, 1991		
6	Buna			1991 Census	7,421	
7	Gurkha			BD Adivasi Forum, 2005		Descendants of British-period government personnel migrants from Nepal.
8	Horizon	Harijan		1991 Census	1,132	
9	Karmakar			BD Adivasi Forum, 2005		
10	Khando			BD Adivasi Forum, 2005		



11	Khasi		Khasia	1991 Census	12,280	Larger group lives in Meghalaya, India. Austric.
12	Khatriya Barman			BD Adivasi Forum, 2005		Most have lost their original language. Revival of indigenous traditions happening.
13	Kole			BD Adivasi Forum, 2005		
14	Mahali	Mahili		BD Adivasi Forum		Khaleque (in Gain, 1998: 12) regards them as a subgroup of the Santal.
15	Mahato	Mahatu	Mahat	1991 Census	3,534	
16	Malo			BD Adivasi Forum		
17	Muriyar			BD Adivasi Forum, 2005		
18	Musohor			BD Adivasi Forum, 2005		
19	Pahan			BD Adivasi Forum, 2005		
20	Paharia		Pahary	1991 Census	1,853	
21	Patro			BD Adivasi Forum, 2005		
22	Rai			BD Adivasi Forum, 2005		
23	Rajbongshi			1991 Census	7,555	
24	Rajuar			BD Adivasi Forum, 2005		

25	Rakhaing	Rakhaine	Magh	BD Adivasi Forum, 2005	16,932	Larger group live in Rakhaing State, Burma. However, these people are recognized as 'Magh' in the Act XXVIII, 1950.
26	Shing			BD Adivasi Forum, 2005		
27	Urua			1991 Census	5,561	

Source: Raja Devasish Roy, *The ILO Convention on Indigenous and Tribal Populations, 1957 and the Laws of Bangladesh: A Comparative Review*, Project to Promote ILO Policy on Indigenous and Tribal Peoples, and ILO Office, Dhaka, Bangladesh, July, 2009, p. 74.

**Table 4: Consolidated list of all ethno-linguistic groups claiming to be indigenous peoples or known to be indigenous peoples**

N°	Name of people	Alternative acceptable names	Misnomers	Source	Population (1991 census)	Comment
1	Assam			BD Adivasi Forum, 2005		Descendants of British-period government personnel migrants from Assam.
2	Bagdi			BD Adivasi Forum, 2005		
3	Banai			EBST Act, 1950		
4	Bediay	Bede, Bedey		BD Adivasi Forum, 2005		Nomadic riverine people.
5	Bhuiya			EBST Act, 1950		
6	Bhumil	Bhuimali?		BD Adivasi Forum, 2005		
7	Bhumiji			EBST Act, 1950		

8	Bom	Bawm; Bawm Zo	Bonjogi	CHTRC Act, 1998	13,471	Considered part of Mizo (Kuki-Chin) group in India. Live in Bandarban district mostly.
9	Brong			Timm, 1991		
10	Buna			1991 Census	7,421	
11	Chak	Sak, Tsak		CHTRC Act, 1998	2,127	Only in Bandarban district.
12	Chakma	Sangma, Thek		CHT Regulati on 1900	252,858	The Chakma call themselves "Sangma" in Chakma, and as "Chakma" in Bengali and English. Burmese call them "Thek". The Chakma is the most numerous indigenous people in Bangladesh. Also in India and Burma.
13	Dalu			EBST Act, 1950		Khaleque (in Gain, 1998: 12) regards them as a subgroup of the Mandi (Garo).
14	Garo	Mandi		EBST Act, 1950	64,280	Larger group lives in Meghalaya, India.
15	Gond			EBST Act, 1950		
16	Gurkha			BD Adivasi Forum, 2005		Descendants of British-period government personnel migrants from Nepal.
17	Hadi			EBST Act, 1950		
18	Hajong			EBST Act, 1950	11,540	
19	Ho			EBST Act,		Khaleque (in Gain, 1998: 12) regards them as a

				1950		subgroup of the Munda
20	Horizon	Harijan		1991 Census	1,132	
21	Karmakar			BD Adivasi Forum, 2005		
22	Khando			BD Adivasi Forum, 2005		
23	Kharia			EBST Act, 1950		
24	Kharwar			EBST Act, 1950		
25	Khasi		Khasia	1991 Census	12,280	Larger group lives in Meghalaya, India. Austric.
26	Khatriya Barman			BD Adivasi Forum, 2005		Most have lost their original language. Revival of indigenous traditions happening.
27	Khumi			CHTRC Act, 1998	1,241	The least numerous indigenous people in Bangladesh after the Lushai.
28	Khyang			CHTRC Act, 1998	2,343	Live in Bandarban & Rangamati.
29	Koch	Kuch, Cooch		EBST Act, 1950	16,567	
30	Kole			BD Adivasi Forum, 2005		
31	Kora			EBST Act, 1950		
32	Lushai			CHTRC Act, 1998	662	The least numerous indigenous people in Bangladesh, but in Mizoram, Lushai-speakers make up the

						majority of the Mizo.
33	Maches			EBST Act 1950		
34	Mahali	Mahili		BD Adivasi Forum		Khaleque (in Gain, 1998: 12) regards them as a subgroup of the Santal.
35	Mahato	Mahatu	Mahat	1991 Census	3,534	
36	Malo			BD Adivasi Forum		
37	Mal Paharia			EBST Act 1950		
38	Marma		Magh	CHT Regulation, 1900	157,301	The CHT Regulation and the EBST Act use the word "Magh". Marma and Rakhaing (also in Burma) have similar languages and customs. Marma are the second most numerous indigenous people in CHT after the Chakma.
39	Monipuri	Meithei		1991 Census	24, 882	Larger group in Manipur, India.
40	Mro	Mru	Murung	CHTRC Act, 1998	22,304	Not to be confused with "Mrung", the name used by the Marma to refer to the Usui, who regard themselves as a subgroup of the Tripura.
41	Munda			EBST Act 1950	2,132	Larger group lives in Jharkhand, West Bengal, Bihar in India.
42	Muriyar			BD Adivasi Forum, 2005		
43	Musohor			BD Adivasi		

				Forum, 2005		
44	Oraon	Urao	Urang	EBST Act 1950	8,216	
45	Pahan			BD Adivasi Forum, 2005		
46	Paharia		Pahary	1991 Census	1,853	
47	Pangkhoa		Pankho, Pangkhu	HDC Act 1998	3,227	Considered part of Mizo (Kuki-Chin) group in India.
48	Patro			BD Adivasi Forum, 2005		
49	Rai			BD Adivasi Forum, 2005		
50	Rajbongs hi			1991 Census	7,555	
51	Rajuar			BD Adivasi Forum, 2005		
52	Rakhaing	Rakhaine	Magh	BD Adivasi Forum, 2005	16,932	Larger group lives in Rakhaing State, Burma.
53	Santal		Saontal	EBST Act 1950	202,162	The most numerous indigenous people in the plains and the second-most numerous in Bangladesh after the Chakma. Larger group in India.
54	Sauria Paharia			EBST Act 1950		
55	Shing			BD Adivasi Forum, 2005		
56	Tangchan gya		Tongsongya	CHTRC Act, 1998	21,639	Related to Chakma, also in Burma and Chittagong.

57	Tripura	Tipra, Tripuri		CHTRC Act, 1998	81,014	Larger group in Tripura State, India.
58	Turi			EBST Act 1950		
59	Urua			1991 Census	5,561	

Source: Reproduced from Raja Devasish Roy, *The ILO Convention on Indigenous and Tribal Populations, 1957 and the Laws of Bangladesh: A Comparative Review*, Project to Promote ILO Policy on Indigenous and Tribal Peoples and ILO Office, Dhaka, Bangladesh, July, 2009, p. 74.

**Table 5: Comparative matrix on major provisions of Bangladeshi law on indigenous peoples' issues (general policy section)**

Major area of law	Subject matter	Con. 107	Rec. 104	Con. 169	Bangladeshi law	Comment/Analysis
GENERAL POLICY	Development Rights & Opportunities	Art 6		Art 7	CHT Development Board Ordinance, 1976; HDC Acts, 1989, CHTRC Act, 1998	The Regional Council has been unable to exercise its supervisory and coordinating role over the CHT Dev Board; The chiefs, headmen and UP chairpersons have not been allowed to play their due role as members of Consultative Committee of the Board.
	Equal Opportunity	Art 2(a), Art 7(3)		Art 2	Arts 14, 27, 28, 29, Constitution of Bangladesh	A quota system facilitates employment of tribals in government jobs, but in an inadequate manner. There are no easy remedial measures available. See also, ILO Convention 111.
	Retention of Own Customs & Institutions (Continuing Role of Chiefs, Headmen and Village Elders)	Art 7(2)		Art 7(1), 8(1), 8(2)	Rules 39, 40, 47, 48, CHT Regulation, 1900; Sec 4(5), 4(6), 26, 66, HDC Acts, 1989; Sec 5(8), 5(9), CHTRC Act, 1998; Sec 4(c)(4), CHT Reg (Amendment) Act, 2003	Chiefs & Headmen receive very meagre governmental support for office management & court processes. In contrast, Supreme Court of Bangladesh has been respectful towards customary laws of CHT.
	Retention of Own Customs (Use of Traditionally Brewed Liquor)	Art 7(2)		8(1), 8(2)	Drugs and Alcoholic Substances Control Act, 1990 (Act XX of 1990)	In practice, it is not uncommon for tribals to be harassed by police for possessing traditionally produced liquor.
	Legislative & Administrative Measures Affecting Indigenous Peoples		Rec 36, 37	Art 6(1) (a)	Rule 39, CHT Regulation, 1900; Sec 78, HDC Acts, 1989 Sec 52, 53, CHTRC Act, 1998	Chiefs' consultative prerogatives undervalued by government (see CEACR's <i>direct requests</i> on this in 1995 & 1997). Advisory prerogatives of CHTRC not being exercised to potential levels.
	Development of Indigenous Peoples' Own			Art	Sec 22, Schedule 1 (No. 23), HDC Acts,	Capacity-raising of CHTRC, HDCs and traditional offices



	Institutions & Initiatives			6(c)	1989; Sec 22 (e) CHTRC Act, 1998	neglected by Government.
	Adapting Criminal Penalties to Customary Laws	Art 8		Arts, 9, 10	Limited application of Code of Criminal Procedure, 1898; Rule 40, CHT Regulation, 1900; Sec 10, Drugs and Alcoholic Substances Control Act, 1990	The Code of Criminal Procedure, 1898 applies to the CHT to the extent it is not inconsistent with the CHT Regulation, 1900 and the rules made thereunder. However, customary laws are generally ignored/undervalued by state criminal courts.

Source: Reproduced from Raja Devasish Roy, *The ILO Convention on Indigenous and Tribal Populations, 1957 and the Laws of Bangladesh: A Comparative Review*, Project to Promote ILO Policy on Indigenous and Tribal Peoples and ILO Office, Dhaka, Bangladesh, July, 2009, p. 74.

**Table 6: Comparative matrix on major provisions of Bangladeshi Law on indigenous peoples' issues (land section)**

Major area of law	Subject matter	Con. 107	Rec. 104	Con. 169	Bangladeshi law	Comment/Analysis
	Premier Role of Hill District Councils in Land Administration	Art 11	Rec 2	Arts 14, 15	Secs 22, 64, 1 <sup>st</sup> Schedule (Nos. 5, 24, 33) HDC Acts, 1989	Land title grants suspended since 1989 yet to be revived.
	Role of Chiefs & Headmen in Land Administration	Art 11	Rec 2	Arts 14, 15	Rules 34, 38, 41, 41A, 42, 43, 45, CHT Regulation, 1900	Chiefs and headmen were bypassed during 1980s land grant process for non-indigenous population transferees.
	Right to Homestead Land	Art 11	Rec 2	Arts 14 (1), 14 (2)	Rule 50, CHT Regulation, 1900	Headmen's powers to provide grants not always respected by Government officials.
	Restrictions against Transfer to Non-Aboriginals	Art 13(2)	Rec 5(1) & 6,	Art 17 (3)	S. 97. EBST Act, 1950	Law applies to the plains only. Is specially protected in the Constitution in Art. 47(2) and First Schedule. Largely under-implemented or unimplemented.

LAND	Restrictions against Transfer to Non-Indigenous-Tribals/Non-Residents	Art 13(2), Convention 107	Rec 5(1) & 6	Art 17 (3)	Rule 34(14), CHT Regulation, 1900 Sec 64, HDC Acts, 1989	Law applies equally to three hill districts of CHT. However, no rules or guidelines have been framed to guide exercise of authority by HDCs. Restrictions against inheritance by non-residents not followed closely.
	Resolution of Disputes over Land			Art 14 (3)	CHT Land Disputes Resolution Commission Act, 2001	Land Commission is still not functional. Requires legal amendment to make it consistent with provisions of 1997 Accord. CEACR sought info on cancellation of rubber plantation leases (2005).
	Land Reserve for Swidden/Shifting Cultivation		Rec 3(1)	Art 14 (1)	Rules 41, 42, CHT Regulation, 1900; Sec 22 & 1 <sup>st</sup> Schedule (No. 33), HDC Acts, 1989	Often disregarded by Government officials because swidden cultivation is condemned as 'primitive'. GOB responses to CEACR queries unclear.
	Grazing Lands		Rec 3(2)		Rule 45B, CHT Regulation, 1900	Quite scarce nowadays due to population rise. Affects marginal farmers. Such lands are not protected from privatization.
	Mineral Resources		Rec 3(4)	Art 15 (2)	Sec 44 and 2nd Schedule (No. 16), HDC Acts, 1989	So far not invoked. May be relevant if exploration for gas and oil is resumed.
	Traditionally Used Forest Lands		Rec 36 (b)	Art 15 (1)	Rule 41A, CHT Regulation, 1900; CHT Forest Transit Rules, 1973, Sec. 28, Forest Act, 1927	Mauza forest conservation by communities suffers from absence of state patronage. Denial of traditional rights in reserved forests includes harassing criminal prosecution.

Source: Reproduced from Raja Devasish Roy, *The ILO Convention on Indigenous and Tribal Populations, 1957 and the Laws of Bangladesh: A Comparative Review*, Project to Promote ILO Policy on Indigenous and Tribal Peoples and ILO Office, Dhaka, Bangladesh, July, 2009, p. 7

**Table 7: Comparative matrix on major provisions of Bangladeshi Law on indigenous peoples' issues (socio-economic section)**

Major area of law	Subject matter	Con 107	Rec 104	Con 169	Bangladeshi law	Comment/Analysis
RECRUITMENT AND CONDITIONS OF EMPLOYMENT	Prohibition on Discrimination in Public Employment	Art. 2		Art 20	Art. 29(2)	ILO Convention No. 111 is relevant.
	Special Measures on Public Employment Opportunities for Backward Section of Citizens	Art. 2	Rec 9, 12-15		Art. 29(3)(a)	Underimplemented. State employment of indigenous people is inadequate compared with their population and abilities.
	Preferential Employment of Tribals in Class III, IV Jobs in Hill Districts Councils	Art. 2			Sec. 32, 62, HDC Acts, 1989	Generally invoked.
	Preferential Employment of Tribals in Jobs in CHT Regional Council	Art. 2			Sec 29, CHTRC Act, 1998	Generally invoked.
VOCATIONAL TRAINING, HANDICRAFTS AND RURAL INDUSTRIES	Vocational Training Institute	Art. 16,17	Rec 16-21	Art 21, 22	Sec 22 & First Schedule (No. 3K), HDC Acts, 1989	Functional but inadequate.
	Rural Industries & Handicrafts	Art 18	Rec 22	Art 23	Sec 22 & 1 <sup>st</sup> Schedule (No. 10A), HDC Acts, 1989	Functional but inadequate.
SOCIAL SECURITY AND HEALTH	Social Security	Art. 19	Rec 23, 24	Art 24	Sec 22 & 1 <sup>st</sup> Schedule (No. 11), HDC Acts, 1989	Inadequate.
	Improvement of Health Conditions	Art. 20	Rec 25, 26, 27	Art 25	Rule 38, CHT Regulation, 1900	Role of chiefs in promoting health care marginal due to absence of state patronage.
	Healthcare Services	Art. 20	Rec 25, 26, 27	Art 25	Sec 22 & 1 <sup>st</sup> Schedule (No. 4), HDC Acts, 1989	Very meagre in remote places. National Health Policy does not account for CHT specificities.
	Spread of Education	Art. 21	Rec 28-	Art 26,	Rule 38, CHT Regulation,	Role of chiefs marginal due to absence of state patronage. National

EDUCATION AND MEANS OF COMMUNICATION			32	27	1900	Education Policy does not account for CHT specificities.
	Administration of Primary Schools	Art. 21, 22	Rec 28-32	Art 28(1)	Sec 22 & 1 <sup>st</sup> Schedule (No. 3A), HDC Acts, 1989	However no HDC role in curriculum designs.
	Administration of Secondary Schools	Art. 21, 22	Rec 28-32		Sec 22 & 1 <sup>st</sup> Schedule (No. 3M), HDC Acts, 1989	Authority of HDCs yet to be transferred. Expected HDC role will exclude curriculum design
	Primary Education in Mother Tongue	Art. 23 (1)	Rec 33, 34	Art 28 (1)	Sec 22 & 1 <sup>st</sup> Schedule (No. 3L), HDC Acts, 1989	Totally unimplemented.

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