

Country Technical Note on  
Indigenous Peoples' Issues

# People's Republic of Bangladesh



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

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**Last update:**  
**September 2022**

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## **Acronyms and Abbreviations**

ALO	An indigenous peoples'-led NGO based in Khagrachari Hill District, CHT
AASAB	Adivasi Australian Scholars' Association of Bangladesh; an alumni association of Australian government-supported scholars
ADB	Asian Development Bank
ALRD	Association for Land Reform and Development, an NGO
AusAid	Australian Government's Overseas Aid Programme
BELA	Bangladesh Environmental Lawyers' Association, an NGO
BKB	Bangladesh Agriculture Bank
BNPS	Bangladesh Nari Progati Sangha, an NGO
BRAC	Bangladesh Rural Advancement Committee, largest NGO in Bangladesh and the world
Brotee	Brotee Samaj Kalyan Sangstha: a human rights-based NGO with its head office in Dhaka
CCDB	Christian Commission for Development in Bangladesh, an NGO
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
CIPD	Centre for Integrated People's Development, an indigenous peoples-led NGO based in Rangamati Hill District, CHT
CIPRAD	Centre for Indigenous Peoples Research and Development, an NGO
CODEC	Community Development Centre, an NGO
CRC	Convention on the Rights of the Child
DANIDA	Danish International Development Agency
DFAT	Department of Foreign Affairs and Trade of the Government of Australia

DFID	Department for International Development of Kingdom of Great Britain and Northern Ireland since renamed as the Foreign, Commonwealth and Development Office of the United Kingdom
EED	Evangelischer Entwicklungsdienst (Church Development Service of Germany)
ESD	Delivery of Essential Services
EU	European Union
FPIC	Free, Prior and Informed Consent
FAO	Food and Agriculture Organization
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, a micro credit agency
IFAD	International Fund for Agricultural Development
ILO	International Labour organization
INGOs	International Non-Governmental Organisations
IWGIA	International Work Group for Indigenous Affairs
JBIC	Japan Bank for International Cooperation
Kabidang	An indigenous peoples'-led NGO based in Khagrachari Hill District
KMKS	Khagrapur Mahila Kalyan Sangstha, a women's rights-oriented NGO based in Khagrachari Hill District, CHT
MDGs	Millennium Development Goals
MJF	Manusher Jonno Foundation, an NGO
MSF	Médecins Sans Frontières, an international NGO
NCD	Non-Communicable Diseases
NGOs	Non-Governmental Organisations
NORAD	Norwegian Agency for Development Cooperation

OXFAM	Oxford Committees for Famine Relief, an international NGO
PBM	Parbatya Bouddha Mission; an NGO based in Khagrachari led by Buddhist monks
PEDPII	Second Primary Education Development Programme
PEDPIII	Third Primary Education Development Programme
PRSP	Poverty Reduction Strategy Paper
THNPP	Tribal Human Nutrition and Population Plan
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
WHO	World Health Organization

# Country Technical Note on Indigenous Peoples' Issues: Republic of Bangladesh

## Summary

To facilitate policy implementation at the country level, IFAD's policy on Indigenous Peoples' engagement recommends the preparation of country technical notes (CTN) 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 the country level. This note features Bangladesh, a country born from a bloody war of independence in 1971.

Different terms are used throughout Bangladesh to refer to its Indigenous Peoples. Legal and policy documents of the Government of Bangladesh (GOB) use a plethora of terms to refer to the country's Indigenous Peoples. The Constitution of Bangladesh, as amended in 2011, refers, in its English version, to "tribes, minor races, ethnic sects and communities".<sup>1</sup> In addition, the following terms also occur in different statutes and governmental policy documents: "indigenous", "aboriginal", "*adivasi*", "ethnic minority", "hillmen/hill people" and/or "*upajati*" (sub-nation/tribe/tribal). A vocal group of Indigenous Peoples prefer the term "indigenous" in English and "*Adibashi*" in Bengali.<sup>2</sup> They reject the terms "*upajati*" (sub-nation) 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), for the Indigenous Peoples of the Chittagong Hill Tracts (CHT).

There are different and conflicting opinions, and until very recently, acute shortage of reliable data and statistics, regarding the population size of the different Indigenous Peoples. It is believed that between two to three million Indigenous persons live in Bangladesh, about one third of whom are in the partially autonomous frontier region of Chittagong Hill Tracts (CHT) in the southeast bordering Myanmar and India. According to the Small Ethnic Groups Cultural Institutes Act, 2010, as amended in 2019, there are 50 of such ethnic groups (Indigenous Peoples) in Bangladesh, with 11 of them being located in the CHT.<sup>3</sup>

The census names and figures are not generally reliable, although the latest Census of 2022 may be an exception to some extent. Yet, there are indigenous rights activists and others who are skeptical about it too, and perhaps for good reason. It is widely believed that the indigenous peoples' population has often been under-enumerated in successive official census surveys, including in 1991, when indigenous peoples then sheltered in refugee camps in India, along with numerous internally displaced persons were excluded from enumeration.<sup>4</sup> In fact, this writer too found a clear case of the indigenous population of the CHT being under-reported, if not under-enumerated, in the case of the latest 2022 Census (see Chapter 1.2 and

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<sup>1</sup> Article 23A, Constitution of Bangladesh, inserted by the Constitution (Fifteenth Amendment) Act, 2011 (Act XIV of 2011), section 14.

<sup>2</sup> The Bengali language equivalent of "Indigenous" and "Aboriginal" is *Adibashi*. This term is also used in the same sense or to similar effect in the Nepalese and Hindi languages, although the more frequent spelling is *Adivasi*. The term occurs in the Constitution of Nepal but is absent in the Indian and Bangladeshi national constitutions.

<sup>3</sup> Amendment of the Schedule to the Small Ethnic Groups Cultural Institutes Act, 2010 vide Gazette Notification dated 23 March, 2019.

<sup>4</sup> Indigenous activist wishing to remain anonymous. Interview with author in Dhaka on 24 August, 2022. The interviewee stated that under-enumeration of indigenous peoples has happened numerous times in the past and hence it is difficult for him, and many others like him, to believe in the accuracy of the 2022 figures too.

1.3, post). The Census of 2011 accounted for a total of 45 indigenous ethnic groups in the country, while the 2022 Census enumerates 51 such groups.<sup>5</sup> At least 59 different groups are mentioned in various studies and censuses. There are at least 11 distinct Indigenous Peoples in the CHT (11 being accounted for by law), while the Indigenous Peoples of the regions outside the CHT, referred to as the “plains”, are believed to number more than 40, with 38 being accounted for in the 2022 Census.

The State Acquisition and Tenancy Act, 1950 refers to 21 “aboriginal castes and tribes” in Bangladesh outside of the CHT.<sup>6</sup> The reference to the term “aboriginal” is noteworthy. The 1950 Act governs the administration of landed estates and other landholdings in most parts of Bangladesh, excluding the CHT and the northeastern region under Sylhet administrative division. Sylhet Division has a unique history of being the only area outside of Bengal, which was annexed to the then province of East Bengal in 1947, after the Muslim majority people of the area voted to join Muslim-majority Pakistan rather than stay on in Hindu-majority India.

The poverty status and overall socio-economic situation of Bangladesh’s Indigenous Peoples are a case for concern when compared with the rest of the population of the country. The 8<sup>th</sup> Five Year Plan of Bangladesh (July, 2020-June, 2025), published by the Ministry of Planning, explicitly acknowledges the socio-economically disadvantaged position of the Indigenous Peoples – referred to as “ethnic communities” – and has several observations and analyses concerning the aforesaid peoples and their population. The following box includes one such observation.<sup>7</sup>

“The ethnic communities in Bangladesh are deprived of economic, social, cultural and political rights. Enforcement of the notion of ‘national unity’, which is not nuanced and sensitive to minority groups, has brought about an elimination of the particular cultural and political values of ethnic minorities. The result is that ethnic people are socially isolated, with little access to mainstream economic and political spheres. A complex interplay of ethnic inequality, enduring discrimination, lack of education, little access to land and lack of employment has resulted in increased poverty amongst these groups. One of the major problems for all minority communities is land grabbing by influential people from the mainstream population. Policies to protect the land of ethnic people have not been adequate”.

Some of the 8<sup>th</sup> Five Year Plan’s observations in regard to the indigenous majority southeastern CHT region, are given in the box below.<sup>8</sup>

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<sup>5</sup> For data on ethnic groups and population in 2011 and generally, see, David Nathaniel Berger (ed.), *The Indigenous World 2019*, International Work Group for Indigenous Affairs (IWGIA), Copenhagen, 2019, pp. 338-345 and Bangladesh Bureau of Statistics, Department of Census & Information Management, Ministry of Planning, Government of the People’s Republic of Bangladesh ([www.bbs.gov.bd](http://www.bbs.gov.bd)), *Census & Household Survey 2022: Primary Report*.

<sup>6</sup> Section 97, State Acquisition and Tenancy Act, 1950 (Act XXVIII of 1951).

<sup>7</sup> General Economics Division (GED), Bangladesh Planning Commission, Government of the People’s Republic of Bangladesh, *8<sup>th</sup> Five Year Plan, July 2020 – June 2025, December, 2020*, p. 767.

<sup>8</sup> 8<sup>th</sup> Five Year Plan, op. cit., p. 767.

“CHT is one of the most disadvantaged and vulnerable regions in the country in terms of almost all major development indicators, such as income, employment, poverty, health, water, sanitation, education, women employment, access to infrastructure and national building institutions, inter-community confidence, etc. Both primary school and secondary school completion rates in CHT (i.e., 62.9 % and 15.4%, respectively) are significantly lower than the national completion rates (i.e., 98.5 % and 62.2% respectively). Food poverty is widespread in CHT. The prevalence of absolute poverty and extreme poverty in ethnic communities in 2016 is 45.7 per cent and 28.4 per cent respectively – almost double of the national poverty rate (24.3%) and extreme poverty rate (12.9%).”

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 country is generally known to be worse than that of non-indigenous communities, both in the CHT and in the plain regions. Indigenous Peoples face different problems depending on where they live. Land alienation is, however, a common ill for these people in all parts of the country. Instances of land grabbing are often accompanied by false cases being filed against the dispossessed, as well as physical intimidation and harassment. Few of those, thus affected, are able to obtain redress.

Forest-dwelling and forest-dependent Indigenous communities in the plains are known to often suffer from criminalization of their livelihoods and deprivation of their use of forest commons. Indigenous inhabitants of the north-central Madhupur Garh region have recently complained of land grabbing by the Department of Forests, including by invoking the World Bank-funded *Sufal* project, in 2020-2021.<sup>9</sup>

There are few laws in Bangladesh that directly or indirectly address Indigenous Peoples in the plains. However, in the partially autonomous CHT region, substantive provisions of a number of statutes address Indigenous Peoples, exclusively or substantively. Five major Acts of the CHT address crucial aspects of Indigenous Peoples' rights. These include customary law on family and resource rights of Indigenous Peoples. In the case of the 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”.<sup>10</sup> These provisions are related to, and are based, contextually, upon one or more of the Bengal Tenancy Acts of the 1800s (including the Act No. VIII of 1885) and the Chota Nagpur Tenancy Act, 1908, that applied to, and contextually still applies, to various tribal-inhabited areas of West Bengal, Jharkhand and other parts of Northern India.

Bangladesh has ratified or acceded to the ILO Convention on Indigenous and Tribal Populations (Convention No. 107), the ILO Convention on Discrimination in Employment and Occupation (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

<sup>9</sup> Interview with Mr. Jonathan Banoary, Mr. Ananta Marak, Mr. Badhon Areng and Ms. Priscilla Mrong, at virtual on online meetings organized by BIPNet (a national network of indigenous peoples on biodiversity and Climate Change) on 22 October, 2020 and 20 April, 2021.

<sup>10</sup> Section 97, State Acquisition and Tenancy Act, 1950 (Act XXVIII of 1951).

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 where they concern Indigenous Peoples' rights.<sup>11</sup>

In the southeastern frontier region of the CHT, a longstanding guerrilla war and political unrest was sought to be put to an end in 1997 through an agreement between the major Indigenous Peoples' regional party, "JSS", and the Government of Bangladesh.<sup>12</sup> The implementation of this Accord, however, started running into major difficulties within a few years of its signing, prompting this writer to dub it as a "discordant" accord.<sup>13</sup> And now, nearly twenty-five years later, the highly militarized CHT is perhaps further from a dignified and just peace than it was in 1997, when nearly two thousand indigenous fighters gave up their firearms and their armed struggle.<sup>14</sup>

During her visit to Bangladesh in August 2022, the UN High Commissioner for Human Rights, Michelle Bachelet, drew attention to the non-implementation of various aspects of the 1997 Accord and expressed her concern over allegations of violation of human rights of minorities groups and indigenous peoples.<sup>15</sup> More than 400,000 internally displaced indigenous persons still await rehabilitation. Land conflicts between indigenous people and military-sponsored settlers remain un-addressed, as non-indigenous settlers and non-resident land lessees remain in control of tribal lands. Moreover, consistent patterns of the violation of civil and political rights remain without redress, with the perpetrators enjoying continued impunity from any form of sanctions.

Most of the larger national non-governmental organizations (NGOs) and institutions based in the plain regions also operate in the CHT. However, hardly any of them 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 them have partnerships with the national and international organizations, including UN agencies and international financial institutions, such as the Asian Development Bank (ADB).

A very few international NGOs (INGOs) work solely with Indigenous Peoples in Bangladesh. However, several INGOs have programmes and projects that include members of Indigenous Peoples, if not solely. Among them are Oxfam, World Vision and Heks Eper

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<sup>11</sup> 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)"], especially Chapters IX and XI.

<sup>12</sup> Lars Anders Baer, *Study on the Implementation Status of the Chittagong Hill Tracts Accord of 1997*, UN Doc. E/C.19/2011/6 (18 February 2011).

<sup>13</sup> Raja Devasish Roy, Roy, 'The Discordant Accord: Challenges in the implementation of the Chittagong Hill Tracts Accord of 1997', in M. Boltjes (ed), *Implementing Negotiated Agreements: The Real Challenge to Intra-State Peace*, Cambridge: Cambridge T-M-C Asser Press and Cambridge University Press, 2007, pp. 115-146.

<sup>14</sup> Devasish Roy, *Lessons from the Implementation of the Chittagong Hill Tracts Accord*, International Work Group for Indigenous Affairs (IWGIA), FOR [DEBATES INDÍGENAS](https://www.iwgia.org/en/news/4541-lessons-from-the-implementation-of-the-chittagong-hill-tracts-accord.html), 20 October 2021. <https://www.iwgia.org/en/news/4541-lessons-from-the-implementation-of-the-chittagong-hill-tracts-accord.html> [Accessed, 27 August, 2022].

<sup>15</sup> In her press statement on 17 August 2022, UN High Commissioner for Human Rights, Michelle Bachelet, drew attention to the "need for de-militarization", the resolution of land disputes, the "protection of minority groups and ... indigenous peoples from violence [and] land encroachments", and "called for full implementation of the peace accord and unrestricted access for independent actors to visit the area". <https://www.ohchr.org/en/statements/2022/08/un-high-commissioner-human-rights-michelle-bachelet-concludes-her-official-visit> [Accessed, 27 August, 2022].

Swiss in the plain regions, and Helen Keller International in the southern Bandarban Hill District. The latter, working with support from USAID, has a high focus on Indigenous communities, through a project known as *Sapling*, working on healthcare and livelihood security, among others. *Médecins Sans Frontières* (MSF) worked for several years in the CHT in the late 1990s and early 2000s, serving former refugee and internally displaced Indigenous communities. As for national level NGOs with substantive or minor interventions in Indigenous-inhabited areas in the plains are: Caritas-Bangladesh, BRAC (Bangladesh Rural Advancement Committee), Manusher Jonno Foundation (MJF), Association for Land Reform and Development (ALRD), Gram Bikash Kendro, Brotee, Indigenous Peoples Development Services (IPDS), Adivasi Sangskritik Unnayan Sangstha and Bangladesh Environment Lawyers' Association (BELA). In the CHT, the national NGOs with some work on Indigenous Peoples include MJF, ALRD and BRAC.

Among the prominent local NGOs, particularly Indigenous-membered and Indigenous-managed ones having programmes or projects on Indigenous Peoples in the CHT are: ASHIKA, Centre for Integrated Programme and Development (CIPD), Green Hill, Hill Flower, Himawanti, Jum Foundation, Progressive, Shining Hill, Tarum Development Organization, Taungya, Weave and Women's Resource Network (WRN) in the central Rangamati district (also the headquarters of the region); ALO, Kabidang, Khagarapur Mahila Kalyan Sangstha (KMKS), Parbatya Bouddha Mission (PBM), Rurowa Laue Tathang (RLT), Trinamul and Zabarang Kalyan Samiti, in the northern Khagrachari district; and Ananya Kallyan Foundation (AKS), Bolipara Nari Kalyan Samiti (BNKS), Gram Unnayan Sangathon (GRAUS), Humanitarian Foundation, Mro Chet, Protibondhi Kalyan Sangstha (PROKOS; literally Disability Welfare Association) and Tahzindong, in the southern Bandarban district.<sup>16</sup> Maleya Foundation, based in the capital city of Dhaka, focuses on capacity building for Indigenous Peoples' organizations and networks.

Some local NGOs, including Indigenous-managed ones, which were hitherto active but are currently largely inactive, are, Bangladesh Rural-Agriculture Progressive Association (BRAPA, Khagrachari), Humanity Welfare Association (HWA, Khagrachari) and Parbatya Jumia Punarbashan O Paribesh Sangrakkhan Sangstha (PAJURECO).<sup>17</sup>

There are also people's organizations, community-based organizations and mass organizations of Indigenous Peoples that work on promoting Indigenous Peoples' rights. At the national level, the Bangladesh Indigenous Peoples' Forum (BIPF – also known as Bangladesh Adibashi Forum – BAF) works as an advocacy organization at the local and national levels. The *Bangladesh Indigenous Peoples' Network on Biodiversity and Climate Change* (BIPNet) promotes land and forest rights and Maleya Foundation focuses on capacity building for Indigenous Peoples' organizations and networks. All of the aforesaid three organizations or networks also carry their activities to international forums, such as organs and processes of the United Nations, including the Permanent Forum on Indigenous Issues (UNPFii), the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) and the Special Rapporteur on the rights of Indigenous Peoples, along with the Climate Change and Sustainable Development processes and mechanisms.

Among the major Indigenous Peoples' organizations (IPOs) and networks in Bangladesh are:

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<sup>16</sup> The author is grateful for the detailed information on the aforesaid NGOs to Sudipta Chakma of Maleya Foundation, Dhaka (Interview on 19 August, 2022). Maleya Foundation works on capacity building of indigenous peoples' organizations and networks from all the major regions of the country.

<sup>17</sup> Ibid.

Jatiyo Adibashi Parishad, for the northwestern Barind Tract, the Tribal Welfare Association for the north-central Madhupur Tract and the *Movement for the Protection of Forest and Land Rights in the CHT* and the *CHT Citizens Committee* for the southeastern CHT region. The aforesaid *Movement*, in cooperation with BIPNet and a number of Indigenous-headed NGOs, namely, Maleya Foundation, Tarum Development Organization, Centre for Integrated People's Development (CIPD) and Khagarapur Mahila Kalyan Sangshtha (KMKS), have also developed alliances within and among themselves and with indigenous forest-dependent communities all over Bangladesh, including the north-eastern Sylhet region.

IFAD has so far approved five projects in Bangladesh under the Indigenous Peoples Assistance Facility (IPAF): *Livelihood Security of Jumia (Swidden People) bringing Diversification in Cultivation; Integrated Sustainable Hill Farming Technology Project for Indigenous Women* (2007), *Mainstreaming Education through Mother Tongue and Culture* (2008), *Preservation and Promotion of Varieties of Traditional Crops* (2015) and *Develop Role Model of Hill Water Resource and Natural Forests Conservation of Ethnic Communities through Youth Engagement* (2019-2021).

## 1. Indigenous Peoples of Bangladesh

### 1.1 Terminology

Different terms are used by different 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>18</sup> In referring to the peoples concerned, the terms generally preferred by the Government of Bangladesh (GoB), in English, are “tribes, minor races, ethnic sects and communities”, which were introduced into the national constitution through an amendment in 2011.<sup>19</sup>

In the national language, Bengali, government officials and political leaders favour ‘Upajati’ (similar to tribe, and literally meaning “sub-nation”) or ‘Khudro Nrigoshthi’ (Small Ethnic Groups). They reject the use of the words ‘Adibashi’ (equivalent to Indigenous or aboriginal) and ‘Indigenous’.<sup>20</sup> Vocal members of the Indigenous Peoples, in contrast, prefer the term ‘Indigenous’ in English, and ‘Adibashi’ in Bengali. They reject the term ‘upajati’ (sub-nation) and, to a lesser extent, the English term ‘tribe’, both of which seem disparaging because of associated connotations of “backwardness” and “primitiveness”.<sup>21</sup> Other terms acceptable to a large section of the Indigenous population in the CHT region 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>22</sup> (ii) ‘aboriginal’;<sup>23</sup> (iii) ‘Adibashi’;<sup>24</sup> (iv) ‘ethnic minority’;<sup>25</sup> (v) ‘hillmen/hill people’;<sup>26</sup> and (vi) ‘upajati’ (sub-nation/tribe/tribal).<sup>27</sup>

In a case before the Appellate Division of the Supreme Court of Bangladesh, the country’s apex court, the court took cognizance of the fact that the petitioner was an “Indigenous Hillman” of the CHT.<sup>28</sup> In another such case, the Appellate Division referred to the hill peoples of the CHT as ‘Indigenous’, while copiously citing provisions of the UN Declaration on the Rights of

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<sup>18</sup> See, 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>19</sup> Article 23A, Constitution of Bangladesh, inserted by the Constitution (Fifteenth Amendment) Act, 2011 (Act XIV of 2011), section 14. The Bengali version of the constitution prevails over the English version in case of discrepancies.

<sup>20</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” (sub-nation).

<sup>21</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 “sub-nation” 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>22</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>23</sup> East Bengal State Acquisition and Tenancy Act, 1950 (Act XXVIII of 1950; at section 97).

<sup>24</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>25</sup> PRSP-I.

<sup>26</sup> CHT Regulation, 1900.

<sup>27</sup> CHT Regional Council Act, 1998.

<sup>28</sup> *Sampriti Chakma v. Commissioner of Customs & Others*, 5 BLC, AD, 29.

Indigenous Peoples (UNDRIP).<sup>29</sup> However, in a later case the apex court, although being similarly Constituted as in the previous case, and even though it upheld the rights of Indigenous Peoples of the CHT, it studiously avoided using the term 'Indigenous'. This indicates that the judges, or at least some of them, were influenced by the terminology introduced into the national constitution, which had avoided the term 'Indigenous'.

## 1.2 Names, Numbers and Population of Indigenous Peoples

There is no clear agreement about the number and names of the different Indigenous Peoples and their respective populations, particularly for the plain regions, but the situation is far less ambiguous now than before. The last of the Poverty Reduction Strategy Papers (PRSP) of the GoB referred to "45 different Indigenous communities",<sup>30</sup> probably following the views of the Bangladesh *Adivasi* Forum, directly referring to 13 groups from the plains and the CHT; however, it did not provide an exhaustive list of the groups for the entire country.<sup>31</sup> An earlier anthropological study referred to 46 groups.<sup>32</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 State Acquisition and Tenancy Act of 1950 (Act XXVIII of 1950), which applies to the rest of the country except the CHT and Sylhet regions, recognizes 21 "aboriginal castes and tribes". The official census of 1991, on the other hand, recognizes 11 "tribes". In another study by this author, reference is made to a total of 59 different groups mentioned in different studies and censuses.<sup>33</sup> The recently concluded Census of 2022 accounts for 50 indigenous peoples that it refers to as "Khudro Nrigoshthi", meaning numerically small "ethnic groups".

Given the divergent opinions on the names and numbers of the Indigenous groups, the following observation has been made in a previous publication of 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>34</sup>

Again, there is an acute shortage of reliable data and statistics and differences of opinion regarding the reliability of the scant data that is available about the population size of the different Indigenous Peoples. For example, until the 2022 official census, it was only the 1991 official census that contained population figures based on ethnicity, but the latter contained no further ethnically disaggregated data on other socio-economic variables (it tended to follow religious, rather than ethnic, affiliations, for example).

The last Poverty Reduction Strategy (PRSP) of the GoB, dated 2009 (PRSPs have since been subsumed into National 5-Year Plans) - stated that there were about two million Indigenous

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<sup>29</sup> *Wagachara Tea Estate Ltd. v. Abu Taher & Others*, 36 BLD (AD), 36 (2016).

<sup>30</sup> PRSP-II-2009, para 4.1.3.

<sup>31</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>32</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.

<sup>33</sup> Roy (2009), op. cit., p. 74.

<sup>34</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.

peoples in Bangladesh,<sup>35</sup> out of which 1.6 million lived in the plains.<sup>36</sup> The official census of 2001 does not contain ethnically disaggregated data, but one writing has cited a reference to 1,772,778 “tribal” persons.<sup>37</sup>

Even the 1991 census data was incomplete, which showed a total of 1,205,978 Indigenous persons 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 persons who were then sheltered in refugee camps across the international border in Tripura state, India.<sup>38</sup>

The leaders of the Mro and Tanchangya peoples in the CHT, in particular, have claimed that their numbers are seriously underestimated.<sup>39</sup> Some are even of the opinion that under-enumeration is a deliberate act to underplay the importance of the Indigenous Peoples because their population is insignificantly low.<sup>40</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>41</sup> In August, 2021, Indigenous civil society representatives from all three districts of the CHT petitioned the Prime Minister and the Planning Minister to ensure that ethnically disaggregated data was generated in the then upcoming 2021 national census of Bangladesh.<sup>42</sup> A delegation of Indigenous leaders met the Planning Minister, sometime in April, 2022, to lobby for their case. By that time the 2021 Census had been pushed back to 2022 on account of Covid-19 restrictions, among others.

The basic enumeration of households of the 2022 census was recently concluded in June 2022, although detailed sampling surveys with a higher number of indicators are yet to follow in a few months. Some of the basic data of the 2022 census on Indigenous Peoples – referred to throughout the census report as “small ethnic groups” - is reproduced below in Tables 1, 2, 3 and 4-series.

Table 1: Population of Indigenous Peoples in Bangladesh & Their Percentage of the Total Population (2011 & 2022 Censuses Compared)

Sl. No.	Main Index	Census 2022	Census 2011
1	Total	1,650,159 (1.00%)	1,586,141 (1.10%)
2	Male	824,751 (1.01%)	797,477 (1.10%)
3	Female	825,408 (0.99%)	788,664 (1.10%)

<sup>35</sup> PRSP-II-2009, para 5.1.3.

<sup>36</sup> Ibid.

<sup>37</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>38</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>39</sup> Ibid. footnote 10.

<sup>40</sup> Ibid. See also, R. W. Timm, *The Adivasis of Bangladesh*, Minority Rights Group International, Report No. 92/1, London.

<sup>41</sup> PRSP-II (2009), paragraph 4.1.3.

<sup>42</sup> Memoranda dated 11 August, 2021 signed by the Chakma Chief, Raja Devasish Roy, former Deputy Minister, Goutam Dewan and other prominent members of indigenous civil society in the Chittagong Hill Tracts, Chakma Raja’s Archives, Rangamati, Chittagong Hill Tracts.

Source: Bangladesh Bureau of Statistics, Department of Census & Information Management, Ministry of Planning, Government of the People's Republic of Bangladesh (www.bbs.gov.bd),  
*Census & Household Survey 2022: Primary Report*, p. xv.

NB: The above is a direct English rendering of the original in the Bengali language, except in that the publication refers to the Bengali equivalent of "minor races" or "small ethnic groups" ("Khudro Nrigoshthi"), whilst the present table refers to "Indigenous Peoples"

Table 2: Population of Indigenous Peoples in Bangladesh as per the Census & Household Survey, 2022 (According to Administrative Divisions & Disaggregated by District and Gender)

Division	Total		Male		Female	
	Pop. of Ind. Peoples	% of Total Pop	Pop. of Ind Peoples	% of Total Pop.	Pop. of Ind. Peoples	% of Total Pop.
<b>National</b>	<b>1,650,159</b>	<b>1.00</b>	<b>824,751</b>	<b>1.01</b>	<b>825,408</b>	<b>0.99</b>
Barishal	4,181	0.05	2,189	0.05	1,992	0.04
Chittagong	990,860	2.99	496,694	3.10	494,166	2.88
Dhaka	82,311	0.19	41,995	0.19	40,316	0.19
Khulna	38,992	0.22	19,646	0.23	19,346	0.22
Mymensingh	61,559	0.50	30,101	0.50	31,458	0.50
Rajshahi	244,592	1.20	121,127	1.20	123,465	1.20
Rangpur	91,170	0.52	45,086	0.52	45,984	0.52
Sylhet	139,594	1.24	67,913	1.26	68,681	1.22

Source: Bangladesh Bureau of Statistics, Department of Census & Information Management, Ministry of Planning, Government of the People's Republic of Bangladesh (www.bbs.gov.bd),  
*Census & Household Survey 2022: Primary Report*, Table 2.8, p. 10

Table 3: Percentage of Population of Bangladesh by Religious Affiliation (2011 & 2022 Censuses Compared)

Sl. No.	Main Index	Census 2022	Census 2011
1	Muslim	91.04	90.39
2	Hindu	7.95	8.54
3	Buddhist	0.61	0.62
4	Christian	0.30	0.31
5	Others	0.12	0.14

Source: Bangladesh Bureau of Statistics, Department of Census & Information Management, Ministry of Planning, Government of the People's Republic of Bangladesh (www.bbs.gov.bd),  
*Census & Household Survey 2022: Primary Report*, p. xvi.

Table 4: Population of Different Indigenous Peoples of Bangladesh (Census & Household Survey, 2022)

Sl. No	People	Total	Gender		%
			Male	Female	
1	Bagdi	12,092	6,044	6,048	0.73
2	Banai	2,851	1,458	1,393	0.17
3	Barman	44,657	22,986	21,671	2.71
4	Bawm	13,193	6,659	6,534	0.80
5	Bediya	7,207	3,534	3,673	0.44
6	Bhil	95	50	45	0.01
7	Bhuimali	1,930	996	934	0.12
8	Bhumijo	9,664	4,812	4,852	0.59
9	Boraik/Baraik	3,444	1,650	1,794	0.21
10	Chak	3,077	1,555	1,522	0.19
11	Chakma	4,83,299	2,43,889	2,39,410	29.29
12	Dalu	386	180	206	0.02
13	Garos	76,846	37,895	38,951	4.66
14	Gonjo	4,137	2,032	2,105	0.25
15	Gorait	2,727	1,361	1,366	0.17
16	Gurkha	100	57	43	0.01
17	Hajang	7,996	3,814	4,182	0.48
18	Ho	223	104	119	0.01

19	Hodi	1,503	725	778	0.09
20	Kharia	3,099	1,557	1,542	0.19
21	Kharwar	312	168	144	0.02
22	Khumi	3,780	1,951	1,829	0.23
23	Khiyang	4,826	2,459	2,367	0.29
24	Kora	816	416	400	0.05
25	Koch	13,702	6,864	6,838	0.83
26	Khasi	12,421	6,356	6,065	0.75
27	Kol	3,822	1,842	1,980	0.23
28	Konda	1,898	921	977	0.12
29	Lohar	3,418	1,721	1,697	0.21
30	Lushai	380	189	191	0.02
31	Mahato/Kurmi /Mahato/Bediya/ Mahato	19,271	9,635	9,636	1.17
32	Mal Paharia	8,801	4,444	4,357	0.53
33	Marma	2,24,261	1,11,317	112,944	13.59
34	Manipuri	22,978	10,718	12,260	1.39
35	Mro	52,455	26,742	25,713	3.18
36	Munda	60,191	29,764	30,427	3.65
37	Mahali	6,614	3,259	3,365	0.40
38	Malo/Ghasi Malo	14,771	7,627	7,144	0.90
39	Mushar	4,600	2,247	2,353	0.28
40	Oraon	85,846	42,495	43,351	5.20
41	Pangkhua	1,857	943	914	0.11
42	Patra	3,100	1,594	1,506	0.19
43	Rajuar	2,327	1,193	1,134	0.14
44	Rakhain	11,195	5,443	5,752	0.68
45	Santhal	1,29,049	63,640	65,409	7.82
46	Shobar	1,980	1,019	961	0.12
47	Tanchangya	45,972	23,316	22,656	2.79
48	Teli	2,082	1,082	1,883	0.23
49	Tripura	1,56,578	78,183	78,395	9.49
50	Turi	3,792	1,909	1,040	0.13
51	Others	68,538	33,986	34,552	4.15

Source: Bangladesh Bureau of Statistics, Department of Census & Information Management, Ministry of Planning, Government of the People's Republic of Bangladesh ([www.bbs.gov.bd](http://www.bbs.gov.bd)), *Census & Household Survey 2022: Primary Report*, Table 1.4, p. 33, 34.

Table 1 compares the total number of Indigenous persons enumerated, respectively, in the 2022 and 2011 censuses, along with their percentage of the total population of the country, along with female-male break-up.

Table 2 shows the total Indigenous population of each of the eight administrative divisions of the country, with male-female disaggregation, along with the percentage of the respective division's indigenous population judged against the total national population.

Table 3 compares the percentage of five major religious groups in the country in the 2022 and 2011 censuses, four major religions or faiths, and one residual "others", as reconstructed from the 2022 Census primary report, as judged against the total population of the country. Except for *Pangal Manipuri* community, who live in the northeastern Sylhet Division, none of the Indigenous Peoples of Bangladesh have any significant number of Muslim adherents, and therefore, the data on religious groups has significant implications for the Indigenous Peoples of the country.

It is well to mention here that whilst discussing the data for the different Indigenous Peoples, the religious affiliations of the concerned groups is not mentioned, since the disaggregation of religious sub-groups within each ethnic group and the ethnic sub-

groups within each religious group has not been made publicly available as yet. Overall, the percentage of all minorities groups within the total national population has clearly decreased between the census years 2011 to 2022, although it is not possible to analyze for many groups, if not all, to what extent the percentage decrease is on account of the increase of the majority Muslim community's growth and what extent is a result of actual decrease of numbers, including due to permanent exodus or emigration to India, Myanmar or elsewhere.

Additionally, here are some highlights from the 2022 Census as regards religious groups, which cannot be gleaned from the tables annexed hereto, since all the concerned data from the report have not been included in this Note for absence of space. Administrative division-wise, the 2022 Census shows that Sylhet Division has the highest percentage of the Hindu population, with 13.50% of the population of the division, which was recorded as 14.05 % in the 2011 Census.<sup>43</sup> The lowest percentage of Hindus in 2022 is in Mymensingh Division at 3.92% (for unknown reasons, the figures for Mymensingh Division in 2011 are unavailable publicly).<sup>44</sup> The highest percentage of Buddhists in 2022 is seen in the Chittagong Division with 2.92%, which was 3.05% in 2011. This is clearly the case due to the presence of Chakma, Marma, Tanchangya, Mro and Rakhine peoples in the division. The highest percentage of Christians in 2022 is seen in Mymensingh Division at 0.46% (with data for Mymensingh in 2011 being unavailable).<sup>45</sup> A large section of this population is constituted by Indigenous Peoples from the Garo (Mandi) community. Muslims, who form the largest religious group in the country with 91.04% of the total population in 2022, constitute a minority only in two districts of the Chittagong Hill Tracts, estimated by the Bangladesh Bureau of Statistics to be 46.56% in Khagrachari and 36.12% in Rangamati.<sup>46</sup> Correspondingly, Buddhists are estimated to constitute 35.92% in Khagrachari (Hindus forming 16.75%) and 57.25% in Rangamati for the same period.<sup>47</sup>

Table 4 – enlists, alphabetically, in four clusters, the population figures for the 50 different Indigenous Peoples ("small ethnic groups"), with gender break-up and the percentage of each ethnic group in comparison to the total indigenous population of the country.

### **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 post-Accord legislation, including the CHT Regional Council Act, 1998 (Act XII of 1998), although the term used is "*upajati*" (tribe), which is rejected by the Indigenous Peoples as pejorative and inaccurate, among others.<sup>48</sup> Table 5 below shows the 11 Indigenous Peoples of the region as acknowledged in the aforesaid accord and post-Accord Act of 1998. Additionally, the Gurkha people have been included in 2022, who are all mentioned above in Tables 4, in Rows 4, 10, 11, 16, 22, 23,

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<sup>43</sup> Bangladesh Bureau of Statistics, Department of Census & Information Management, Ministry of Planning, Government of the People's Republic of Bangladesh ([www.bbs.gov.bd](http://www.bbs.gov.bd)), *Census & Household Survey 2022: Primary Report*, Table 2.16, p. 16.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> *Census & Household Survey 2022: Primary Report*, op. cit., Table 1.6, p. 36.

<sup>47</sup> Ibid.

<sup>48</sup> These peoples are: Bawm, Chak, Chakma, Khumi, Khyang, Lushai, Marma, Mro, Pangkhua, Tanchangya and Tripura. There are a small number of Santhal in the CHT, who may have been enumerated in the census.

30, 33, 35, 41, 47 and 49, but are listed separately below.

Table 5 below gives the female, male and total population of each of the twelve Indigenous Peoples in the CHT, along with the percentage of each group's population within the total indigenous population of the country.

Table 6 below shows the Indigenous population of the Chittagong Hill Tracts region as 989,778 persons, constituting 53.74% of the population.

Table 5: Population of Different Indigenous Peoples of the Chittagong Hill Tracts (Census & Household Survey, 2022)

Sl. No	People	Total	Gender		%
			Male	Female	
1	Bawm	13,193	6,659	6,534	0.80
2	Chak	3,077	1,555	1,522	0.19
3	Chakma	4,83,299	2,43,889	2,39,410	29.29
4	Gurkha	100	57	43	0.01
5	Khumi	3,780	1,951	1,829	0.23
6	Khiyang	4,826	2,459	2,367	0.29
7	Lushai	380	189	191	0.02
8	Marma	2,24,261	1,11,317	112,944	13.59
9	Mro	52,455	26,742	25,713	3.18
10	Pangkhua	1,857	943	914	0.11
11	Tanchangya	45,972	23,316	22,656	2.79
12	Tripura	156,578	78,183	78,395	9.49
13	IPs CHT	989,778	497,260	492,518	59.98
14	National	1,650,159	824,751	825,408	100%
15	IPs Plains	660,431			40.02

Adapted & Reconstructed; Source: Bangladesh Bureau of Statistics, Department of Census & Information Management, Ministry of Planning, Government of the People's Republic of Bangladesh ([www.bbs.gov.bd](http://www.bbs.gov.bd)), *Census & Household Survey 2022: Primary Report*, Table 1.2 (p. 29) & Table 1.4 (pp. 33, 34).

Table 6: Percentage of Population of Indigenous Peoples in the Chittagong Hill Tracts Region (Census & Household Survey, 2022)

CHT Pop.	CHT Indigenous Pop.	% CHT Pop.
1,841,729	989,778	53.74%

Adapted & Reconstructed; Source: Bangladesh Bureau of Statistics, Department of Census & Information Management, Ministry of Planning, Government of the People's Republic of Bangladesh ([www.bbs.gov.bd](http://www.bbs.gov.bd)), *Census & Household Survey 2022: Primary Report*, Table 1.2 (p. 29) & Table 1.4 (pp. 33, 34).

The figure for the total CHT population of 1,841,729 has been computed from Table 1.2 at page 29 of the 2022 Census Report, by adding up the total population of the three districts of Bandarban Hill Tracts, Khagrachari Hill Tracts and Rangamati Hill Tracts. The total indigenous population of the CHT has been computed by adding the population of the twelve ethnic groups of the CHT mentioned in Table 4 of the 2022 Census Report at pages 33 to 34.

It is, therefore, suggested that the number of Indigenous persons shown as 197,975 for Bandarban, 349,378 for Khagrachari and 372,864 for Rangamati, and hence 920,217 for the CHT (197,975 + 349,378 + 372,864) in Table 1.3 at page 31 of the 2022 Census Report, is erroneous. There appears thereby to be an under-enumeration of indigenous persons of the CHT numbering 69, 461 persons. It is to be hoped that this error will be corrected in the final report by the Bangladesh Bureau of Statistics.

It may be noted that the Chakma, with a population of 4,83,299 persons is the most numerous Indigenous groups in the CHT (and in Bangladesh as a whole), followed by the Marma (2,24,261) Tripura (1,56,578), Mro (52,455) and Tanchangya (45,972).

#### 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’, ‘Hill People’ or ‘Jumma’).

The East Bengal State Acquisition and Tenancy Act, 1950 (Act XXVIII, 1950) recognizes 21 “aboriginal castes and tribes”.<sup>49</sup> Of the 21 groups, only six are accounted for in the 1991 census, while the 2022 Census accounts for fourteen of them (see Table 4 above).<sup>50</sup>

Table 7 series – Tables 7.1, 7.2, 7.3 and 7.4 – in the Annexe, shows, in four clusters, the population of 38 different Indigenous Peoples of the plains region of the country, with female-male break-up, whilst also showing what percentage each group constitutes as part of the total indigenous population of the country. The fourth cluster, Table 7.4, also shows the total plains indigenous population, the total Indigenous population of the Chittagong Hill Tracts and the total Indigenous population of the country.

Table 8 in the Annexe mentions the ethnic groups that are known to claim indigenous status, although their status as such has not been officially recognized by legal provisions, although some of them were mentioned in previous census reports.

## 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 last 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>51</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>52</sup>

### 2.1. Socio-Economic Profile of Indigenous Peoples of the Chittagong Hill Tracts

The findings of a socio-economic baseline survey conducted about a decade ago 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>53</sup> The report showed, among others, that only 7.8 per cent completed

<sup>49</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>50</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, Monipuri, Paharia, Rajbongshi and Urua.

<sup>51</sup> PRSP-II-2008, para 5.1.3. p. 138.

<sup>52</sup> PRSP-II-2008, para 5.1.3. p. 138.

<sup>53</sup> Human Development Research Centre (Abul Barkat et al), *Socio-economic Baseline Survey of Chittagong Hill Tracts*,

primary education and only 2.4 per cent completed secondary education.<sup>54</sup> Eighteen per cent of the total population of the region was dependent upon farming/cultivation for their livelihood.<sup>55</sup> About 22 per cent of Indigenous households lost their lands.<sup>56</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>57</sup>. The 8<sup>th</sup> Five Year Plan stated the following about the employment status of Indigenous Peoples, "Extreme poor ethnic minority people are less able to find jobs, making their situation even more perilous".<sup>58</sup> Although there has been no follow-up study of the like nature, it is widely believed that the overall situation has not improved dramatically.

A study on the CHT conducted by the ADB in 2001 concluded 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, was double the national share (at 12 per cent); (ii) forestry accounted for 10 per cent of its GDP, five times the national share (2 per cent); and (iii) industries were only 5 per cent of its GDP, compared with 15 per cent nationally.<sup>59</sup> These differences have a strong bearing upon the positive and negative changes in the socio-economic status of the communities concerned.

The aforesaid study of 2001 concluded that 70 per cent of all households of the CHT – twice the national average – earned less than the minimum food requirements set for Bangladesh.<sup>60</sup> Various syndicates in trade and transport from outside the region were known to control most of the interregional trade, and at least 30 per cent of the regional income was known to flow out of the region in this way.<sup>61</sup> Moreover, the study concluded that "Indigenous Peoples faced huge barriers in entering non-agricultural trades, which were largely controlled by a few family-based cartels (water transport, bamboo/timber trade, trucks). Only in traditional textiles and bamboo crafts where Indigenous entrepreneurs involved. All large contracts (roads) were seen to go to outsiders, including the employment generated therein. Public licensing for trade and transport was seen to largely favour outsiders and public servants, not local people."<sup>62</sup>

The observations of the 8<sup>th</sup> Five Year Plan (July 2020-June 2025), which came into operation in 2020, show that that the overall trend of under-development in the CHT continued to the present time. The aforesaid *Plan* stated the following about the development status of the CHT:

"CHT is one of the most disadvantaged and vulnerable regions in the country in terms of almost all major development indicators, such as income, employment, poverty, health, water, sanitation, education, women employment, access to infrastructure and national building institutions, inter-community confidence, etc. Both primary school and secondary school completion rates in CHT (i.e., 62.9 % and 15.4% respectively) are significantly lower than the national completion rates (i.e. 98.5 % and 62.2% respectively). Food poverty is widespread in CHT. The prevalence of absolute poverty and extreme poverty in ethnic

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Chittagong Hill Tracts Development Facility, UNDP, Bangladesh, IDB Bhaban, Sher-e-Bangla Nagar, Dhaka 1207, 2009.

<sup>54</sup> Ibid., p. ii.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid., p. iv.

<sup>57</sup> Ibid., p. v.

<sup>58</sup> General Economics Division (GED), Bangladesh Planning Commission, Government of the People's Republic of Bangladesh, *8<sup>th</sup> Five Year Plan, July 202 – June 2025, December, 2020*, p. 767.

<sup>59</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>60</sup> Ibid., p. 11.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

communities in 2016 is 45.7 per cent and 28.4 per cent respectively – almost double of the national poverty rate (24.3%) and extreme poverty rate (12.9%)<sup>63</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, Dr. Tone Bleie, a researcher on *Adivasis* of Bangladesh from Norway, made 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>64</sup>

Another writer, Father R. W Timm, a well-known authority on the Indigenous Peoples of Bangladesh, drew attention to the common instances of land-grabbing perpetrated against Indigenous communities in north-west Bangladesh, including through the discriminatory use of the Vested Property Act, 1974.<sup>65</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 Rakhain 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 done in 2007 by a team of researchers, including this author, concluded that "[the plains] *Adivasis* face different problems depending on where they live. In the south-west, around the mangrove forests of the Sundarbans where shrimp cultivation is widespread, many *Adivasis* 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 people are able to obtain redress."<sup>66</sup> The study further stated that forest-dwellers in the plains suffered from criminalization of their livelihoods and deprivation of their use of forest commons.<sup>67</sup>

Although socio-economic progress has no doubt been obtained by many of the Indigenous Peoples and communities of the plains over the last decade or so, as with the mainstream population of the country, the overall socio-economic status of the country's Indigenous Peoples has not made progress to the extent necessary and achievable. The 8<sup>th</sup> Five Year Plan states that the indigenous peoples – referred to as "ethnic" minorities - ...

"are generally vulnerable to extreme poverty, natural disasters, and other external shocks that may impact their well-being. Likewise, their access to health and nutrition services are often restricted and their education participation and achievement tends to be low. Thus, the different needs and priorities of

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<sup>63</sup> General Economics Division (GED), Bangladesh Planning Commission, Government of the People's Republic of Bangladesh, *8<sup>th</sup> Five Year Plan, July 2020 – June 2025, December, 2020*, p. 767.

<sup>64</sup> Tone Bleie, *Tribal Peoples, Nationalism and the Human Rights Challenge: The Adivasis of Bangladesh*, University Press Limited, Dhaka, 2005, p. 169.

<sup>65</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.

<sup>66</sup> Raja Devasish Roy, Sara Hossain and Dr. Meghna Guhathakurta, "Access 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>67</sup> *Ibid.*, p. 31.

these social groups must be taken into account when planning to eradicate poverty and improve Human Resource Development..."<sup>68</sup>

In 2018, the affirmative action safeguards of a quota for Indigenous Peoples in Class I and Class II government jobs was unilaterally revoked along with that for other categories of citizens.<sup>69</sup> Land grabbing perpetrated against indigenous peoples, often accompanied by violence, continues to be a recurrent theme.<sup>70</sup> The onset of Covid-19 has accelerated the socio-economic marginalization of the country's indigenous peoples in numerous ways.<sup>71</sup> Overall, the incidence of real and absolute poverty, low wages, livelihood insecurity, land-grabbing and employment challenges, among others, has meant that the overall situation in the 2020s is little better, if at all, than what it was in the 200s and 3010s.<sup>72</sup>

The disaggregated data already generated by the 2022 Census, and to be supplemented over the next few months, will hopefully play a crucial role in addressing inequitable development and exclusion. However, the detailed disaggregated data of the 2022 Census will only be available after all its components are concluded and the Bangladesh Bureau of Statistics publishes its findings. However, the socio-economic disadvantage suffered by plains Indigenous communities is not disputed by the findings of the 2022 Census so far made available.

In comparison to the CHT, the plains Indigenous Peoples are more dispersed in small community islets as if in a sea of mainstream community waters. Moreover, the hills' Indigenous Peoples enjoy some form of autonomy or self-government through the existence of the state-recognized traditional authorities of Chief, Headman and Karbari on the one hand and the Indigenous-headed and Indigenous-majority CHT Regional Council and the three hill district councils on the other. This feature is totally absent in the plains and the region's traditional leaders remain without state recognition and their population strength is too low to enable direct representation in the elected local government structures.

### **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 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 XXVIII of 1951, 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

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<sup>68</sup> General Economics Division (GED), Bangladesh Planning Commission, Government of the People's Republic of Bangladesh, *8<sup>th</sup> Five Year Plan, July 2020 – June 2025, December, 2020*, p. 765.

<sup>69</sup> David Nathaniel Berger (ed.), *The Indigenous World, 2021*, International Work Group for Indigenous Affairs (IWGIA), Copenhagen, 2019, pp. 338, 339.

<sup>70</sup> See, e.g., Zarif Faiaz, *Attack, land grabs leave Bangladesh's Indigenous groups on edge, Aljazeera*, 30 July, 2021. <https://www.aljazeera.com/news/2021/7/30/bangladesh-indigenous-groups-chakma-khasi-santal-land-grab> [Accessed, 27 August, 2022].

<sup>71</sup> Trimita Chakma (with Pallab Chakma as Editor), *A Rapid Assessment Report: The Impact of Covid-19 on Indigenous and Tribal Peoples in Bangladesh*, Kapaeeng Foundation, Dhaka, June, 2020. [https://www.iwgia.org/images/news/COVID-19/Bangladesh-Kapaeeng/COVID-19\\_Report\\_on\\_IPs\\_in\\_Bangladesh\\_KF.pdf](https://www.iwgia.org/images/news/COVID-19/Bangladesh-Kapaeeng/COVID-19_Report_on_IPs_in_Bangladesh_KF.pdf) [Accessed, 27 August, 2022].

<sup>72</sup> Chakma, Trimita (2020), op. cit., pp. 6,7.

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>73</sup>

Table 9 in the Annexe provides a comparative matrix on major provisions of Bangladeshi Law on Indigenous Peoples' Issues (General Policy Section).

Table 10 in the Annexe provides another comparative matrix on land-related Bangladeshi laws related to indigenous peoples' issues.

Finally, Table 11 gives yet another matrix on Bangladeshi laws on indigenous peoples' issues from a socio-economic perspective.

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>74</sup>

Five major Acts of the CHT address crucial aspects of Indigenous Peoples' rights. 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>75</sup> (ii) the *CHT Development Board Ordinance, 1976* (Ordinance LXXVII of 1976 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>76</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>77</sup> and (v) the *CHT Land Disputes Resolution Commission Act, 2001* (Act LIII 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>78</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>79</sup>

#### **4. International Human Rights Treaties and Declarations**

##### **4.1. International Human Rights Treaties Ratified or Acceded to by Bangladesh**

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<sup>73</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>74</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. See also, General Economics Division (GED), Bangladesh Planning Commission, Government of the People's Republic of Bangladesh, *8<sup>th</sup> Five Year Plan, July 2020 – June 2025, December, 2020*, p. 774.

<sup>75</sup> Roy (2009), op. cit., pp. 21-24.

<sup>76</sup> Ibid., pp. 24, 25.

<sup>77</sup> Ibid., p. 25.

<sup>78</sup> Ibid., pp. 28-30.

<sup>79</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.

Bangladesh has ratified or acceded to, along with the ILO Convention on Indigenous and Tribal Populations (Convention No. 107) and the ILO Convention concerning 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>80</sup>

Despite the fact that Bangladesh is party to several multilateral human rights treaties, the implementation of their provisions in through legislation, programmatic action and so forth, is far from good.<sup>81</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>82</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 (UNDRIP)**

The UN Declaration on the Rights of Indigenous Peoples (UNDRIP), 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 (FPIC) concerning developmental, conservational 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 Grassroots organizations**

#### **5.1. National Non-Governmental Organizations and Institutions**

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

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<sup>80</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>81</sup> See, e.g., Roy (2009), op. cit., pp. 52-55, Roy (2004), pp. 160-166.

<sup>82</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.

(ALRD: 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. The only direct support by the MJF, with funds from the British government, for primary education, has discontinued since five or years ago.<sup>83</sup> The traditional institution of the Chakma Circle has provided some food grain relief to remote communities in the CHT with funds from the fully Bangladeshi-funded NGO, Bidyananda Foundation.<sup>84</sup> It is in the process of providing some books and other materials to remote schools and is planning to provide water aid support over the next few months.<sup>85</sup>

## 5.2. Local Organizations

Before the signing of the CHT ("peace") Accord of 1997, very few local NGOs operated in the CHT. Since 1997, the 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 the government oversight agencies. Some of these NGOs have partnerships with the 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 projects:

<https://www.ifad.org/en/web/operations/w/country/bangladesh>

IPAF projects:

[https://www.ifad.org/documents/38711624/41839851/ipaf\\_asia\\_e.pdf/b5122e37-c7ba-3648-47e3-e3592ba19b42](https://www.ifad.org/documents/38711624/41839851/ipaf_asia_e.pdf/b5122e37-c7ba-3648-47e3-e3592ba19b42)

IFAD approved a total of five projects in Bangladesh under the Indigenous Peoples Assistance Facility (IPAF):

### 6.1. Livelihood Security of Jumia (Swidden People) bringing Diversification in Cultivation, 2007

**Organization:** Community Advancement Forum (CAF)

**Indigenous Peoples or Group:** Communities of Paindu and Ruma Sadar Union under Ruma Sub-District in the Bandarban Hill District, Bangladesh

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<sup>83</sup> Interview with Manobashish Chakma, former head of Education Programme, Taungya, Rangamati, dated 17 August, 2022.

<sup>84</sup> Interview with Subrata Chakma, Secretary, Chakma Circle Office, Rangamati, 17 August, 2022. `

<sup>85</sup> Ibid.

**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 the traditional Jum cultivation (swidden or shifting cultivation). This is no longer profitable to them as the soil fertility has decreased and the virgin forested 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.

## **6.2. Integrated Sustainable Hill Farming Technology Project for Indigenous Women, 2008**

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

**Indigenous Peoples or 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.

### **6.3. Mainstreaming Education through Mother Tongue and Culture, 2008**

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

**Indigenous Peoples or 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 Garo peoples (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-based 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.

#### **6.4. Preservation and Promotion of Varieties of Traditional Crops**

**Organization:** The Cultural and Development Society (CDS)

**Indigenous Peoples or Group:** Garo, Hajong and Koch

**Grant Amount:** US\$40,000

**Project Area:** Sherpur District, Sreebardi Sub-district, North-East Bangladesh

#### **6.5. Develop Role Model of Hill Water Resource and Natural Forests Conservation of Ethnic Communities through Youth Engagement, 2019**

**Organization:** Taungya

**Indigenous Peoples or Group:** Chakma, Marma, Pangkhua and Tanchangya

**Grant Amount:** US\$ 48,267

**Project Area:** Badol Haat Sora, Gaachkaba Sora & Naw Kaba Sora, Rangamati Hill District, Chittagong Hill Tracts

The project is focused on the strengthening of the role and capacity of Village Common Forest Management Committees and Village level Development Committees. Support was provided to facilitate community-owned and community-friendly eco-tourism at the three project sites. Studies and GPS mapping were done on watershed management systems among the indigenous communities to identify and analysis best practice and the worst practices of natural resource conservation systems among the CHT Indigenous communities. The community youths were encouraged to engage in sustainable conservation practices. Capacity building and sensitization sessions were arranged for the youth. Training was provided to produce efficient local eco-tourist guides among the youths to strengthen their IGA activities to support their natural resource conservation and otherwise. Gender sensitization was promoted and the role of traditional leaders in conservation was promoted and supported.

### **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 in Bangladesh.

#### **7.2. Bilateral International Development Agencies**

Among the leading bilateral development agencies supporting projects for Indigenous Peoples is the European Commission, JBIC, the Foreign, Commonwealth and Development Office of the

United Kingdom (formerly 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 Programme (AusAID). DANIDA was a major donor for Chittagong Hill Tracts Development Facility (CHTDF), having invested about US\$4.5 million for agriculture and food security in CHT, and it also ran some national-level programmes for Indigenous Peoples of Bangladesh, but it has since transferred its focus in other countries, particularly in Africa.

Under the AusAID special CHT Scholarships Programme scheme, 100 scholarships were provided to the Indigenous students from Chittagong Hill Tracts (Rangamati, Khagrachari and Bandarban) at undergraduate and postgraduate levels over the last decade and a half. This special scholarship programme was managed by the UNDP through the CHTDF project under UNDP, from 2007 to 2012, following agreement between the then AusAID and UNDP. Under this scheme 20 scholarships were provided each year to the deserving Indigenous scholars from CHT. This special scheme ended in 2012 at the end of the contract period. No specific quota or arrangement was made for Indigenous students' scholarships between 2012 to 2018, although some scholarships were provided to Indigenous students.

Currently, the Australia Awards scholarships programme is being managed by *Scope Global* in Bangladesh on behalf of the DFAT-Australian Government. Following an understanding between then Australian High Commissioner and the Adivasi Australian Scholars' Association of Bangladesh (AASAB) in 2018, the AASAB President Raja Devasish Roy and his spouse, Rani Yan Yan (also an Australian scholar), appealed to the Australian High Commissioner, Ms. Julia Niblett and Deputy High Commissioner Ms. Sally Anne Vincent in 2018, to revive the Indigenous-focused scholarship scheme. In the same year (2018), a 10% scholarship quota was introduced for the Indigenous-origin students of Bangladesh starting from the 2019 intake. This is continuing to date, with the next batch going in 2022, although no intakes was made in 2020 and 2021 due to the ongoing Coronavirus pandemic.<sup>86</sup>

### **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 *Primary Education Programme* (PEDP), now in its fourth phase (PEDP-I, PEDP-II, PEDP-III & PEDP-IV), also co-funded by the World Bank. Then there is the World Bank-led *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 (CHTRDP-I)*

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 (sub-district) 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

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<sup>86</sup> This information has been provided by Mr. Kanchan Khisa, who works for Scope Global, and who is also the Secretary of AASAB (the indigenous Australian alumni association for Bangladesh) at a virtual online interview with the author on 13 April, 2022. It has also been verified by Subhashish Chakma, a self-employed former Australian scholar, who is also Vice-President of AASAB. AASAB is headed by the present author, as president.

for irrigation, agriculture, drinking water and other village development activities.

### 7.3.2. ADB's CHT Rural Development Project: Second Phase (CHTRDP-II)

In the second phase of this project, reportedly US\$40 million loan was sanctioned and mostly spent. The project is to be based on lessons learned from its predecessor (CHTRDP-I) and had 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). This project ended in 2021 but a process to bring in a third phase is under process.

### 7.3.3. ADB's CHT Rural Development Project: Third Phase (CHTRDP-III)

The third phase of the aforesaid project was expected, as of April 2022, to start sometime in 2022.<sup>87</sup> There will, however, be a change in the name and it will be called *Climate Resilience, Livelihood Improvement and Watershed Management in the CHT (Phase III)*. Its major components will be as in the case of its second phase, and the budget is approximately BD Taka 12 Billion (US\$ 140 Million).<sup>88</sup>

### 7.3.4 The Second Primary Education Development Programme (Asian Development Bank, World Bank etc.)

Following on from the First Primary Education Development Programme, PEDP-I, the overall goal of this programme, PEDP-II, 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. PEDP-II was jointly financed and monitored by the GOB and its development partners.<sup>89</sup> The US\$1.8 billion programme was approved in 2003 and was implemented throughout Bangladesh under the overall supervision of the Ministry of Primary and Mass Education. In the context of Indigenous Peoples, the programme was expected 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, 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.

### 7.3.5 The Third Primary Education Development Programme (PEDP-III)

The PEDP-III project was implemented between 2011 to 2016 with the support of different development partners, including the World Bank (WB) and Asian Development Bank (ADB). Its objectives include the following: (i) to increase participation and reduce social disparities in primary education; (ii) to increase the number of children completing primary education and improve the quality of the learning environment and measurement of student learning, and (iii) to improve effectiveness of resource use for primary education in Bangladesh. The project's *Social Management Framework* contains some safeguards against social risks and involuntary displacement, among

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<sup>87</sup> Interview with Ritesh Roy, *Resettlement Facilitator*, CHTRDP Project, Rangamati, 12 April, 2022.

<sup>88</sup> Ritesh Roy, op. cit.

<sup>89</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.

others. However, these safeguards, especially in the context of dislocation and compensation, are more extensive in the ADB-funded CHTRDP-II project mentioned below.

Its subsequent phase, PEDP-IV has already commenced, since July, 2018, and it does have openings for indigenous peoples' special needs, although much of its opportunities for indigenous peoples, including in the CHT, remain unexplored or under-funded or both.

#### *7.3.6 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 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 peoples and was developed after detailed consultations with NGOs and other stakeholders.

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

Among the few international NGOs (INGOs) that work solely with Indigenous Peoples in Bangladesh are the International Work Group for Indigenous Affairs (IWGIA), Tebtebba Foundation and AIPP Foundation.<sup>90</sup> In addition, some INGOs have programmes and projects that are intended to benefit, among others, members of Indigenous Peoples, although indigenous peoples are not their only beneficiary groups. These include the following: OXFAM International (on rights, development and disaster management), ActionAid International (rights, development), Christian AID (culture and education), NETZ Germany (Partnership for development and rights: rights and development), Misereor (rights and development), CCDB (Christian Commission for Development in Bangladesh: rights and development) and EED (Evangelischer Entwicklungsdienst) (capacity-building).

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<sup>90</sup> The author is grateful for this information to Kirti Nishan Chakma, Asian Development Bank consultant to CHTRDP, for this information. The author is similarly grateful to several other people who have assisted him with information on this sub-section on NGOs and on other aspects of socio-economic data of the Indigenous Peoples, including Professor Mong Sanu Chowdhury, Sanjeeb Drong, Mithun Kumar Oraon, Tejodipta Chakma and officials of the Chakma Raj Office, Rangamati, and in particular, Sudipta Chakma (Mikado) of Maleya Foundation.

## Annexes

Table 7.1 Population of Plains Indigenous Peoples of Bangladesh (Census & Household Survey, 2022)  
(Cluster 1)

Sl. No	People	Total	Gender		%
			Male	Female	
1	Bagdi	12,092	6,044	6,048	0.73
2	Banai	2,851	1,458	1,393	0.17
3	Barman	44,657	22,986	21,671	2.71
4	Bediya	7,207	3,534	3,673	0.44
5	Bhil	95	50	45	0.01
6	Bhuimali	1,930	996	934	0.12
7	Bhumijo	9,664	4,812	4,852	0.59
8	Boraik/Baraik	3,444	1,650	1,794	0.21
9	Dalu	386	180	206	0.02
10	Garo	76,846	37,895	38,951	4.66
11	Gonjo	4,137	2,032	2,105	0.25
12	Gorait	2,727	1,361	1,366	0.17

Adapted from Source: Bangladesh Bureau of Statistics, Department of Census & Information Management, Ministry of Planning, Government of the People's Republic of Bangladesh ([www.bbs.gov.bd](http://www.bbs.gov.bd)), *Census & Household Survey 2022: Primary Report*, Table 1.4, pp. 33, 34.

Table 7.2: Population of Plains Indigenous Peoples of Bangladesh (Census & Household Survey, 2022)  
(Cluster 2)

Sl. No	People	Total	Gender		%
			Male	Female	
13	Hajang	7,996	3,814	4,182	0.48
14	Ho	223	104	119	0.01
15	Hodi	1,503	725	778	0.09
16	Kharia	3,099	1,557	1,542	0.19
17	Kharwar	312	168	144	0.02
18	Kora	816	416	400	0.05
19	Koch	13,702	6,864	6,838	0.83
20	Khasi	12,421	6,356	6,065	0.75
21	Kol	3,822	1,842	1,980	0.23
22	Konda	1,898	921	977	0.12
23	Lohar	3,418	1,721	1,697	0.21

Adapted from Source: Bangladesh Bureau of Statistics, Department of Census & Information Management, Ministry of Planning, Government of the People's Republic of Bangladesh ([www.bbs.gov.bd](http://www.bbs.gov.bd)), *Census & Household Survey 2022: Primary Report*, Table 1.4, pp. 33, 34.

Table 7.3: Population of Plains Indigenous Peoples of Bangladesh (Census & Household Survey, 2022)  
(Cluster 3)

Sl. No	People	Total	Gender		%
			Male	Female	
24	Mahato/Kurmi /Mahato/Bediya/ Mahato	19,271	9,635	9,636	1.17
25	Mal Paharia	8,801	4,444	4,357	0.53
26	Manipuri	22,978	10,718	12,260	1.39
27	Munda	60,191	29,764	30,427	3.65
28	Mahali	6,614	3,259	3,365	0.40
29	Malo/Ghasi Malo	14,771	7,627	7,144	0.90
30	Mushar	4,600	2,247	2,353	0.28
31	Oraon	85,846	42,495	43,351	5.20
32	Patra	3,100	1,594	1,506	0.19

Adapted from Source: Bangladesh Bureau of Statistics, Department of Census & Information Management, Ministry of Planning, Government of the People's Republic of Bangladesh ([www.bbs.gov.bd](http://www.bbs.gov.bd)), *Census & Household Survey 2022:*

Primary Report, Table 1.4, pp. 33, 34.

Table 7.4: Population of Plains Indigenous Peoples of Bangladesh (Census & Household Survey, 2022) (Cluster 4)(Along with Comparison with Indigenous Population of CHT & Nationally)

Sl. No	People	Total	Gender		%
			Male	Female	
33	Rajuar	2,327	1,193	1,134	0.14
34	Rakhain	11,195	5,443	5,752	0.68
35	Santhal	1,29,049	63,640	65,409	7.82
36	Shobar	1,980	1,019	961	0.12
37	Teli	2,082	1,082	1,883	0.23
38	Turi	3,792	1,909	1,040	0.13
	Total Population of Plains Indigenous Peoples	591,893			
	Others	68,538	33,986	34,552	4.15
	Grand Total of Plains IPs + Others	660,431			
	Add CHT IPs' Total (Table A)	9,89,678			
	Grand Total Total IPs (B-Desh)	1,650,109			

Adapted from Source: Bangladesh Bureau of Statistics, Department of Census & Information Management, Ministry of Planning, Government of the People's Republic of Bangladesh (www.bbs.gov.bd), *Census & Household Survey 2022: Primary Report*, Table 1.4, pp. 33, 34.

Table 8: List of Peoples of Bangladesh claiming Indigenous Status While Remaining Officially Unrecognized

1	Assam	BD Adivasi Forum, 2005		Descendants of British-period government personnel migrants to CHT from Assam.
2	Buna	1991 Census	7,421	2022 Census has no mention
3	Horizon; Harijan	1991 Census	1,132	2022 Census has no mention. Also regarded as a <i>Scheduled Caste</i> .
4	Karmakar	BD Adivasi Forum, 2005		Also regarded as a <i>Scheduled Caste</i>
5	Khatriya Barman	BD Adivasi Forum, 2005		Most have lost their original language. Revival of indigenous traditions happening.  The 2022 Census refers to 44,657 Barman.
6	Muriyar	BD Adivasi Forum, 2005		
7	Pahan	BD Adivasi Forum, 2005		

8	Paharia	1991 Census	1,853	2022 Census has no mention, but Mal Paharia is mentioned in the 2022 Census with 8,801 persons
9	Rai	BD Adivasi Forum, 2005		
10	Rajbongshi	1991 Census	7,555	2022 Census has no mention. However, the Koch, with a population of 13,702, who are believed to be a related group or sub-group, are mentioned in the 2022 Census.
11	Shing	BD Adivasi Forum, 2005		
12	Urua	1991 Census	5,561	2022 Census has no mention. However, Oraon, with a population of 85,846 are mentioned

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 and adapted with 2022 Census Primary Report.

Table 9: 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
	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.

Major Area of Law	Subject Matter	Con. 107	Rec. 104	Con. 169	Bangladeshi Law	Comment/Analysis
GENERAL POLICY	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 Institutions & Initiatives			Art 6(c)	Sec 22, Schedule 1 (No. 23), HDC Acts, 1989; Sec 22 (e) CHTRC Act, 1998	Capacity-raising of CHTRC, HDCs and traditional offices 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. 7

Table 10: 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
LAND	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.
	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 (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.

Major Area of Law	Subject matter	Con. 107	Rec. 104	Con. 169	Bangladeshi Law	Comment/Analysis
	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 11: 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)	Under-implemented. 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	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.
EDUCATION AND MEANS OF COMMUNICATION	Spread of Education	Art. 21	Rec 28-32	Art 26, 27	Rule 38, CHT Regulation, 1900	Role of chiefs marginal due to absence of state patronage. National 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,	Rec 28-		Sec 22 & 1 <sup>st</sup> Schedule (No. 3M), HDC Acts,	Authority of HDCs yet to be transferred. Expected HDC role

Major Area of Law	Subject Matter	Con 107	Rec 104	Con 169	Bangladeshi Law	Comment/ Analysis
		22	32		1989	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.

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

