Submission of Shadow Report
On
ILO Convention No. 107
(The situation of implementation in Bangladesh)

to the Committee of Experts on the Application of Conventions and
Recommendations (CEACR)
submitted by Jatiyo Shromik Jote

In collaboration with
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A. Introduction

The Constitution of Bangladesh does not recognize Indigenous Peoples as Adivasi (Indigenous Peoples). Indigenous Peoples have been defined as tribes, minor races, ethnic sects and communities in the 15th Amendment of the Constitution in 2011. However, many laws in Bangladesh recognize the term Adivasi/Indigenous. For example, the Chittagong Hill Tracts Regulation of 1900 mentioned ‘indigenous hillmen’, the East Bengal State Acquisition and Tenancy Act of 1950 as ‘aboriginal’, and Income Tax Act of 1984 mentioned as ‘indigenous hillmen’.

According to the 2022 census, the population of Indigenous Peoples in Bangladesh is 1,650,159. According to the 2011 census, the population of Indigenous Peoples was 1,586,141. Accordingly, the indigenous population has increased by only 64,018 in the last 10 years. But the Indigenous Peoples think that the total population of Indigenous Peoples in Bangladesh will be 3.0 million. Indigenous population is under-represented due to not counting them properly.

The Small Ethnic Cultural Institutes Act 2010 included the names of 27 indigenous ethnic groups. Although 27 ethnic groups are included, but Two Indigenous ethnic groups, Usai and Mong, included in the list of 27 ethnic groups do not exist in reality, while another group named Usui mentioned in this list is one of the clans of Tripura.\(^4\) Accordingly, in reality, only 24 indigenous ethnic groups have been recognized in that Act. Besides, there are at least more

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\(^1\) The term ‘Kapaeeng’ is derived from indigenous Khumi language, meaning ‘Rights’. Kapaeeng Foundation is a human rights organization, which was established on 1 April 2004 with the view to working for promotion and protection of the rights of indigenous peoples of the country. Kapaeeng Foundation is duly registered with the Joint Stock Company and Firms of Commerce Ministry, Government of Peoples’ Republic of Bangladesh under the Societies Registration Act XXI of 1860.

\(^2\) In search of security and employment, hundreds of indigenous Jumma (Pahari/Hill) youth of Chittagong Hill Tracts migrated to work in factories in different parts of the country including Dhaka, Chittagong, Comilla. The Pahari Shramik Kalyan Forum (Hill Workers Welfare Forum) was formed on the initiative of those hill workers. One of the main objectives of this organization is to organize the indigenous hill workers, to make them aware of their rights and to involve the hill workers in the movement for the rights to self-determination including implementation of the CHT Accord.

\(^3\) AIPP is a regional platform for Asia indigenous peoples. It provided technical assistance for preparing this report

than 30 indigenous ethnic groups, which the Indigenous Peoples have been claiming have not been included in that Act. As a result of which those unrecognized indigenous ethnic groups are deprived of development projects, such as, socio-economic, education, health care etc. undertaken for Indigenous Peoples.

With this circumstance, in 2013, the Ministry of Cultural Affairs formed a committee headed by then State Minister for Cultural Affairs, Advocate Promode Mankin MP to identify the Indigenous ethnic groups missed out from the list prepared earlier. Finally, the Ministry of Culture issued a notification in the Bangladesh Gazette on 23 March 2019, recognizing a total of 50 indigenous ethnic groups. However, indigenous leaders still claim that the number of indigenous ethnic groups is higher than that.

Government orders have been issued by various ministries from time to time banning the use of Adivasi terms. On 18 December 2019 the NGO Affairs Bureau gave four non-government organizations a month to strip off the words ‘adivasi’ and ‘indigenous’ from their registered names terming the people raising voice about adivasi rights as a vested group of locals and foreigners threatening Bangladesh’s non-communal characteristic.5

The latest such order is the directive issued by the Ministry of Information and Broadcasting on July 19, 2022 referring ‘Headquarters of Director General of Defense Intelligence’s letter No. 22 dated 04.07.2022. In fact, there is no constitutional obligation in the law of Bangladesh that the word “Adivasi” cannot be used.6 This directive is against the fundamental rights of freedom of thought and conscience and freedom of speech, assembly and association recognized in the constitution.

B. Implementation of the CHT Accord 1997
(Articles 2 and 3 of the Convention)

The Chittagong Hill Tracts (CHT) Accord popularly known as the CHT Peace Accord was signed in 1997 between the Bangladesh government and Parbatya Chattagram Jana Samhati Samiti (PCJSS), the political party of Indigenous Peoples of the CHT, aiming at resolving CHT problem through political and peaceful means. After signing the Accord, the then government implemented a few provisions including, among others, enactment of CHT Regional Council Act 1998, three Hill District Council Acts in 1998 and CHT Land Dispute Resolution Commission Act 2001 (amended in 2016), establishment of CHT Affairs Ministry, repatriation of Jumma refugees from Indian, withdrawal of 101 temporary camps (out of 545 camps), transfer of few subjects to Hill District Councils (HDCs) etc.

But the two-third provisions of the Accord including core issues, such as, legal and administrative measures to preserve tribal-inhabited characteristics of the CHT, establishing special administrative system with devolution of administrative power and functions, land disputes resolution, demilitarization (withdrawal of all temporary camps), rehabilitation of internally displaced persons and India-returnee refugees, bringing amendment to all the laws and regulations including CHT Regulation of 1900 applicable to CHT to making them in consonance with the Accord, appointment of permanent residents in all jobs in CHT and so forth, have not been implemented properly and precisely.

It is to be noted that a report dated 1 April 2015 titled ‘Statement of unimplemented Issues of the CHT Accord’ and 16 attachments of indexes as supporting documents thereof has been submitted by PCJSS to the Prime Minister Sheikh Hasina. Moreover, once again, the PCJSS has also placed report on its opinion in response to the government’s latest statement titled ‘Report on the Implementation of the CHT Accord and Progress’ placed by the Secretary of Ministry of CHT Affairs (MoCHTA) in the meeting of the CHT Accord Implementation and Monitoring Committee held on 20 October 2019. Despite being so, the government has not taken initiative for proper, fullest and speedy implementation of the CHT Accord.

On top of all, the government, without having consultation with PCJSS and ascertaining prior consent, the government unilaterally re-imposed the de facto military rule in CHT by promulgating ‘Operation Uttoron’ (Operation Upliftment) in 2001, violating the Accord. As recent study report of the Expert Mechanism on the Rights of the Indigenous Peoples (EMRIP) rightly mentioned that the implementation of CHT Accord still remains deeply challenged in particular, while the continued militarization serves as an example of low implementation of agreements in general.7

Instead of resolving the CHT problem by political and peaceful means, the present government has been following the policy of military solution alike the foregone dictatorial rulers. To that end, more than 20 military camps have been re-established amid Covid-19 pandemic and military operations are being conducted in nook and corner against the Jumma people in fascist manner. At the same time, criminalization of the rights defenders and the PCJSS activists and tagging supporters of the Accord, as ‘terrorists’, ‘extortionists’ and ‘armed miscreants’ is going on.8

(a) Transfer to the Hill District Councils of authority to appoint local police officers (clause B, section 24):

Section 34(b) under Part ‘D’ of the CHT Accord states transfer of ‘Police (Local)’ subject and Section 33(a) provides provision obliging transfer of the subject relating to ‘Preservation and Development of Law & Order of the district’ to the three Hill District Councils; and Section 24(a) stipulates that ‘Sub-Inspectors and all members of ranks subordinate thereto of the Hill District Police shall be appointed by the Hill District Councils as per Regulations and prescribed procedure thereof.’

After appointment of Abul Hasnat Abdullah MP as Convener of the CHT Accord Implementation and Monitoring Committee in January 2018, altogether five meetings of the Committee9 were held so far, and in the first four meetings, it was discussed and decided to hand over the subjects of ‘Police (Local)’ and ‘Preservation & Development of Law & Order’ to three Hill District Councils through executive order; to withdraw all the temporary camps; and to form the Hill District Police Force in accordance with the Hill District Council Acts.10

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8 Supplementary on the status of implementation of the CHT Accord and the overall situation in the CHT on the occasion of the 24th anniversary of the CHT Accord published by PCJSS on Bangla national daily Samakal on 2 December 2021, https://epaper.samakal.com/nogor-edition/2021-12-02/14, Please see English version here.

9 The first meeting of the CHT Accord Implementation and Monitoring Committee was held on 01 April 2018, the second meeting on 19 February 2019, the third meeting on 16 June 2019 and the fourth meeting on 20 October 2019.

10 3rd Meeting of the CHT Accord Implementation Committee held in Dhaka, www.pcjss.org, June 122, 2019,
But instead of implementing the resolutions adopted in the preceding four meetings of the CHT Accord Implementation Committee, the government has undertaken initiative to set up Armed Police Battalion (ABPn) camps in the sites of withdrawn army camps showing arguments in favor of their move for implementation of the decisions of the proposals taken in the 5th meeting of the Committee while trampling down the provisions of the Accord thereof.

Section 17(a) of the Part-D of the CHT Accord stipulates to withdraw all temporary camps of the army, Ansar (para military) and VDP from CHT after signing the Accord and to be followed soon after returning of PCJSS members back to normal life; and the Section -17(b) also asserts that the lands of abandoned camp sites of the army and para-military forces will either be handed over to the actual land owners or to the Hill District Councils concerned. Therefore, fresh setting up of APBn camps in the lands of withdrawn camps is absolutely contradictory and contravening to the Accord.

(b) Transfer of functions and responsibilities to the Hill District Councils in relation to the matters listed under clause B, section 34;

The subjects mentioned in Section B.34 of the Accord have been incorporated in the First Schedule of the HDC Acts. However, the government continues to refrain from execution to transfer subjects to the HDCs. Even after 2014, no subject has been transferred to the HDCs.

The total subjects under the Councils are 33. Few offices/works have been transferred to the HDCs after signing the CHT Accord, but no full subject has properly been transferred. Out of 33 subjects of the HDCs, only 17 subjects (including 10 subjects transferred before signing of the Accord) have been transferred partially to the HDCs so far.\(^\text{11}\)

Out of the 17 subjects/departments transferred, 11 subjects were transferred before the signing of the CHT Accord, 1 subject (Department of Youth Development) during the tenure of the BNP government (2001-2006) and 5 subjects during the tenure of the present government (2009-2014), totaling 17 subjects. Besides, 10 works/offices under the subject/department transferred before the agreement such as 3 works/offices during the caretaker government (2007-2008) and 7 works/offices during the Awami League government (2009-2013) have been transferred to three HDCs.

It is pertinent to be mentioned that out of the subjects/departments transferred, only district level officers and employees and their salary and allowances have been transferred to the HDCs. But the sub-district (upazila) level development activities and officers and employees have not been transferred to the HDCs. In addition, only the bazaar fund administration of industry and trade and only the work and salary and allowances of the Small Ethnic Group Cultural Institutes have been transferred. In fact, the tribal cultural institutions have been still under the full control of the Ministry of Culture.

Although, the subject Tourism (local) that was transferred on 28 August 2014, in accordance of which, it is only the tourism centers to be established on self-finance shall be under jurisdiction of the three Hill District Councils. Tourism centers and the projects implemented by other government authorities including Ministry of Tourism and Bangladesh Tourism Corporation have not been devolved under the Hill District Councils the issue of which is

\(^{11}\) A Brief Report on Implementation of the CHT Accord, PCJSS, 2 December 2017.
contradictory to the CHT Accord. The Regional Council had several meetings with the concerned ministry in 2015 and 2016 to transfer the concerned offices and institutions of Tourism to the HDCs through issuance of an Executive Order cancelling the devaluation of function of the Subject Tourism through the Agreement with the HDCs in 2014 and it was decided that the concerned offices and institutions would be transferred. But this has not yet been implemented.

However, the rest 16 subjects/functions including the most crucial subjects, such as, law and order of the district, land and land management, police (local), forest and environment etc. are yet to be transferred to the HDCs.\textsuperscript{12} It is noteworthy that the government’s claim stating the Rangamati Hill District Council and Khagrachari Hill District Council to have been devolved 28 of the aforesaid functions each and 26 functions to the Bandarban Hill District Council, is untrue and confusing.

\textit{(c) Execution of powers and functions of the CHT Regional Council}

According to the CHT Accord, the CHT Regional Council is the apex body of the CHT special governance system. But the powers and functions in coordinating and supervising the general administration, law and order, all the development activities including carried by HDCs and CHT Development Board, Local Council including the municipalities, activities of the NGOs, disaster management and relief programs, tribal law and community adjudication, prerogative rights in making laws in connection with CHT etc. vested in the Regional Council have not yet been implemented. Hence, the police department and Deputy Commissioners at district and Upazila Executive Officers at \textit{upazila} (sub-district) levels are applying these powers and functions violating the CHT Regional Council Act of 1998.

Even after passing 25 years of signing the Accord, as no election has been held in the Hill District Councils and for not forming the elected Hill District Councils, the election in the CHT Regional Council also has not yet been held. The government, while ignoring the obligation of holding elections, has been carrying out with the interim Councils by nominating partisan Chairman and members undemocratically in all the three Hill District Councils. Besides, the Deputy Minister status of Chairman of three Hill District Councils has also been abrogated.\textsuperscript{13}

\textit{(d) The issue of introducing mother tongue based primary education for indigenous children}

There is a provision in the National Education Policy of 2010 to introduce mother-tongue based primary education for indigenous children. To fulfill that from 2017, distribution of pre-primary books in the five indigenous languages of Chakma, Marma, Kokborok (Tripura), Garo and Sadri were started for the pre-primary education of the children of Indigenous Peoples in their mother tongue. However, education programs in the mother tongue of Indigenous Peoples are going on in a lot of trouble due to various crises. Teacher shortage, shortage of textbooks and lack of proper guidelines on teaching programme have hampered the government's education program in mother tongue.\textsuperscript{14} Even, there were reports from different parts of the CHT and the plains that the number of textbooks was inadequate and many indigenous children

\textsuperscript{12} Ibid

\textsuperscript{13} Supplementary on the status of implementation of the CHT Accord and the overall situation in the CHT on the occasion of the 24th anniversary of the CHT Accord published by PCISS on Bangla national daily Samakal on 2 December 2021, \url{https://epaper.samakal.com/nogor-edition/2021-12-02/14}, Please see English version here.

\textsuperscript{14} Most ethnic minority kids deprived of education in mother tongue, New Age, 22 December 2021.
did not get books as intended. Even there were areas, as was reported, where the textbooks did not reach at all.

C. Land Rights Situation of Indigenous Peoples in Bangladesh

(Articles 11 to 14 of the Convention)

The government of Bangladesh drafted the National Land Policy in 2016. The land policy includes a small provision entitled Regulating Ethnic Communities in the serial no. 6.11 of the Land Policy Framework, which many experts have already given the opinion that the protection of land rights of Indigenous Peoples shall not be possible with this provision. Indigenous Peoples were not consulted while drafting the said land policy. However, no progress has been made in formulating the National Land Policy. It remains in draft status yet.\(^\text{15}\)

Lack of proper recognition in the constitution, non-recognition of their traditional and customary land rights, denial of access to justice, lack of proper representation in the decision making, etc., are also some of the challenges facing these communities. On the other hand, indigenous activists who are defending their land rights are targeted by the state agencies. Sometimes false cases are framed against them and they are leveled as terrorist and criminal.

Indigenous Peoples in the hills and plains are being evicted from traditional lands in the name of eco-parks, national parks, sanctuaries, coal-oil-gas extraction, tourist centers, establishment of security camps, population transfer, declaration of reserve forests, export processing zone, special economic zone, etc. Although the matter was brought to the notice of the administration, but the Indigenous Peoples did not get any compensation. It goes without saying that the administration and the state do not come forward to protect the land rights of the Indigenous Peoples.

Attacks and lawsuits by influential land grabbers against Indigenous Peoples for land grabbing are on the rise. Indigenous Peoples are becoming increasingly poorer as they lose land and are plagued by lawsuits filed by land grabbers.

(a) Resolution of Land Disputes and CHT Land Dispute Resolution Commission

Even though having the specific provision in the Accord to resolve the land disputes of the CHT in accordance with the law, customs and practices through a Land Dispute Resolution Commission, however, unfortunately, not a single land dispute has been settled during the last two and half decades.

The CHT Land Dispute Resolution Commission Act 2001 was passed by the then Awami League government without consultation of CHT Regional Council. Hence, there were many provisions included in the Act which were found to be contradictory to the CHT Accord. After 15 years of intensive series of lobby and movement for amendment of these contradictory provisions of the Act, the contradictory sections of the CHT Land Dispute Resolution Commission Act 2001 had been amended through passing the CHT Land Dispute Resolution Commission Act (Amendment) 2016 in the parliament of 6 October 2016.\(^\text{16}\) After amendment of the law, having the Rules of the Land Commission drafted, the CHT Regional Council

\(^{15}\) National Land Policy (Draft) in Bangla, Land Ministry, Government of Bangladesh.

submitted the draft to the Ministry of Lands on 1 January 2017 for approval. But the
government has not yet finalized the Rule. The government kept the process of formulating the
Rules of the Land Commission hanging more than 5 years. As a result, the work for resolution
of land dispute has not yet been started to this day.

After amendment to the CHT Land Dispute Resolution Commission Act in 2016, the third
meeting was held on 16 January 2017 at Circuit House in Bandarban district. In the said
meeting, after formulating the Rules of the CHT Land Commission, hearing or judicial work
on land dispute settlement applications, setting up branch offices of the commission in
Rangamati and Bandarban districts, requisition for allocating sufficient funds for the
commission and recruiting manpower to the government, classification of applications for
settlement of land disputes etc. are said to be decided. It is to be noted that a total of 22,866
applications have been submitted to the commission till to-date.

Main reasons behind the non-settlement of land disputes are lack of Rules of the Land
Commission. The government kept the process of formulating the Rules hanging more than 5
years. Land Commission does not have adequate funds, manpower and logistics. Lack of
initiative to rehabilitate the Bengali Muslim settlers outside the CHT as per the unwritten
agreement is one of the hindrances in resolving land disputes in the CHT.

For instances, towards the end of 2019, a new organization of the Muslim settlers named
‘Parbatya Chattagram Nagorik Parishad’ (Chittagong Hill Tracts Citizens Council) was formed
while dissolving all other organizations of ultra-national and ultra-communal forces under
patronization of the military forces. The Muslim settlers, ultra-nationalist and ultra-communal
groups are being ceaselessly incited against the Accord. As soon as getting formed, the CHT
Citizens Council had initiatives to barricade the CHT Land Commission meetings held in
Rangamati17 in 23 December 2019 and in Bandarban in February 2020.

In place of settling the land disputes in CHT, the government is witnessing the ceaseless events
that involve giving settlements and leasing lands to the outsiders, fresh infiltration of outsiders
to outnumber the indigenous Jumma people, launching organized communal attacks and
blazing villages after villages to evict and drive the Jumma villagers away, etc. Thousands of
acres of lands are being taken in acquisition and illegal occupation on pleas of forestation and
expansion of settlers’ cluster villages, establishing army camps and training centers and their
expansion. and development of tourism. Instead of rehabilitation of the settlers outside CHT
properly with due honor and dignity, the programs involving expansion of cluster villages and
fresh migration of people from the plains is continuing ceaselessly.

(1) The latest illustration of illegal land occupation and forcible eviction of the Jumma
people is the event that involves construction of luxurious Tourism Complex including
Five-Star Hotel in the lands of Jumma people at Nilgiri of Chimbuk Hill in Bandarban
district under initiative of the army started in September 2020. As a result of
construction of the complex, four villages of the indigenous Mro people will fall under
direct affect and 70 to 116 villages will be indirectly affected while causing
approximately 10,000 Jum cultivators to fall under threat of eviction. Many
international organizations including UN human rights experts and local communities

17 বাঙালিদের গেরাওদের মুখে বিচিত্র পরাটকা মৃতি তরিকা করা (Hill Land Commission meeting delayed in the face of Bengali siege),
Kalerkantho, 23 December 2019.
protested and urged to not construct such hotel and amusement park, but they paid no heed to it. Even the government is completely silence in this regard.18

(2) Not cancellation of the land lease given to outsiders (non-residents of CHT) and continuing occupation of Jum lands and mouza lands belonging to indigenous Jumma peoples by the lease holders and other land grabbers. The latest example in this kind is the burning of 350 acres of Jum farming land, plantation and Village Common Forest (VSF) by the Lama Rubber Industries with an aim to occupy the land in three villages of Lama of Bandarban in April 2022 which resulted livelihood, food and drinking water crisis of 200 villagers of 39 Indigenous families.19

(3) Most recently, on July 5, 2022, Muslim settlers set fire to the houses of Jumma villagers in Mahalchari of Khagrachari district with an attempt to evict the indigenous villagers and occupy their lands. In this incident, 37 houses were set on fire, looted and vandalized.20 At least two Jumma villagers were reportedly injured while trying to resist the attackers. During this arson attack, army and law-enforcement personnel were present at the scene but did not take any action against the attacking settlers to refrain them.21

(b) Separate Land Commission in the Plains:

Like the 2008 and 2014 election manifestos of the Awami League government, in the 8th Five Year Plan 2020-2025 (see page-773) it promised to set up a separate land commission for Indigenous Peoples of plain lands with special measures to preserve the traditional rights of Indigenous Peoples in land, reservoirs and forest areas. But after being elected, the government did not take any action in this regard. As a result, the Indigenous People of the plains are being evicted from their ancestral lands in violation of the traditional land rights of the Indigenous Peoples recognized in the ILO Convention No. 107 and the UN Declaration on the Rights of Indigenous Peoples.

It is a long-standing demand from the Indigenous Peoples of the plain land to establish a separate land commission to deal with the land related problems in the plains where two-third Indigenous Peoples are living in different pockets of the country. As part of their movement, they have already arranged public gathering, rally, long-march, memorandum submission, advocacy meetings and so on. However, the government is yet to fulfilled the demand. Rather, the process of forcible occupation of land and depriving of land rights of Indigenous Peoples of the plains continues vigorously. Some examples are given below-

(1) Bagda-Farm Land Claiming of the Santals:

The Rangpur Sugar Mill Authority set up Sahebganj Sugarcane Farm in 1962 by acquiring 1,840.30 acres of land belonging to Santals and Bengali farmers. But when the sugar mill authorities broke the acquisition agreement and leased the land, various crops including paddy and jute were cultivated in it. As a result, in 2015, Santal and some local Bengalis started a movement to get back the land of their ancestors for allegedly violating the

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18 What is happening to the land of the Mro people? IWGIA, 15 December 2021.
19 রাবার কোম্পানির কিছু ম্যানেজার লোয়ের হরেন্দ্র দত্তের কথার অধিকারী (Allegations of burning Jum garden of Mro people against the rubber company), The Daily Star (Bangla version), 27 April 2022, and Statement of 28 eminent citizens against burning of Jum farm in Bandarban’s Lama, Hill Voice, 3o April 2022.
20 37 houses set on fire in Khagrachari, New Age, 6 July 2022.
21 37 houses set on fire and looted by Bengali settlers in Mahalchari, Hill Voice, 5 July 2022.
acquisition agreement. Instead of returning the land of Sahebganj Bagda Farm back to the Santals, the government has recently taken up a plan to build an EPZ on the ancestral land of the Santals.\(^{22}\) Indigenous Santal people are continuing their movement under the leadership of Sahebganj Bagdafarm Land Rescue Struggle Committee demanding returning their ancestral land back. However, the land ownership of the Indigenous People of that area including cancellation of the reserve forest gazette declared in Madhupur forest could not be confirmed yet.

(2) \textit{Declaration of Madhupur Reserve Forest violating traditional land rights:}\nOn 15 February 2016, the Ministry of Forests and Environment in a gazette declared 9,145.07 acres of land in Arankhola Mouza of Madhupur Upazila as a protected forest land in accordance with Section 20 of the Forest Act of 1927, in the wake of which the Indigenous Peoples living in Madhupur are under threat of eviction. The area declared as reserve forest has about 2500 acres of cultivated land with 6077 persons of 1083 families of 12 villages. As a result of the declaration of reserve forest, new forest cases are being filed against the indigenous Garo peoples by the forest department. The community forest workers of the forest department are also obstructing the demolition of old houses, construction of new houses, paved roads, installation of electricity connections and transport of agricultural products.\(^{23}\)

(3) \textit{Artificial lakes by occupying farmland of indigenous Garo people in Madhupur:}\nDokhla Range office of Forest Department took initiative to make a lake in the agricultural land of indigenous Garo people in the name of building recreation centre. It is pertinent to mention here that 13 people of Garo ethnic groups have been cultivating 45 bighas of land at \textit{Amtali Bieed} in the area between Dokhla and Chunia villages of the forest for generations. The Forest Department has taken initiative to dig a lake in four acres of land in the \textit{Bieed} area. But the owners of the land did not agree to dig a lake there. Several meetings were also held between the land owners and the Forest Department and local people’s representative.\(^{24}\) The staff of the Dokhla Range Officer’s Office of the Forest Department hung a signboard on the land on 22 April 2022. It reads, “Protected forests, no access to the public, development work in progress, authority by order”. After seeing this signboard, there was anger among the local indigenous Garo people. On the night of 23 April 2022, somebody broke that signboard. Dokhla Range Officer of Forest Department Ismail Hossain lodged a complaint with Madhupur Police Station on Sunday afternoon. Several protesters were charged conspiratorially.

(4) \textit{Attack on Traditional Pan Punjees of Khasia people:}\nLocal Bengali Muslim land grabbers attacked, forcibly occupied \textit{Panjum} and looted \textit{Panjum} (betel leaf \textit{Jum} farm) at Katabari Panpunji in Karmadha union of Kulaura upazila of Moulvibazar district. The incident took place on the morning of 27 September 2020. According to a written complaint lodged by indigenous Khasi people with Kulaura police station, 15-20 people led by Rafiq Mian (40), Bashir Mian (35), Ustar Ali (45) and Harun Mian (50) of Tatriuli village of Karmadha union with country-made weapons infiltrated in the \textit{Panjum}. The miscreants chased away the \textit{Panjum} guards at gunpoint. From then on,

\(^{23}\) dcnewsbd.com, 18 February 2018.
\(^{24}\) Indigenous people declare to resist digging artificial lakes by occupying their farmland in Madhupur, Hill Voice, 27 April 2022.
they looted and cut down trees all day long and carried out violence in Panpunji. The assailants threatened to kill Panjum’s dwellers while they went to oppose the land grabbers after being informed by Panjum guards to the Panjum owner. The residents of Panjum came back in fear. There was no solution to the land problem of the Khasi people. There was no guarantee of traditional land ownership of Khasi peoples and other adivasis in Sylhet.25

(5) Suicide of two santal farmers:
On March 24, Rabi Marandi, 32, a Santal community member of Nimghatu village in Godagari upazila, and his cousin Abhinath, 30, consumed poison. They took the decision out of anger as Shakhawat was not giving them a serial number for a long time to get irrigation water supplied to their fields in Iswarpur.26

(6) Land grabbed by MP in Dinajpur:
Ruling Party Member of Parliament (MP) of Dinajpur-6 constituency Shibli Sadiq and his uncle Swapnapuri owner former Member of Parliament Delwar Hossain have been accused of forcible occupation of 77.61 acres of land showing various excuses including Swapnapuri picnic spot.27 Shibli Sadiq's uncle Delwar Hossain is forcibly occupying the arable land in the surrounding area of Swapnapuri tourist spot. For a long time, they have been encroaching hundreds of acres of land of Indigenous Peoples in the name of picnic spots and development works. They are using their own terrorist forces, local police, administration, land office through the power of MP in this occupation. Indigenous families are threatened in various ways when they ask for their land ownership or land back. Pressure is also being created to leave the country and go to India with death. Over the past few years, many people have left the village and moved away due to the encroachment of hundreds of acres of land of indigenous villagers. Many indigenous families are still staying in the area with various fears.

(7) Killing of Narendranath Munda in Satkhira:
An elderly man of the Munda community named Narendranath Munda (65) died after about 100 men armed with homemade weapons surrounded the village of more than a dozen Munda families and attacked the villagers with the alleged intent to grab their land on 20 August 2022 in Shyamnagar unzila of Satkhira district after being injured in an attack.28 The victim died while undergoing treatment at Satkhira Medical College Hospital. Three others -- Sulta Rani Munda, 35, Bilashi Rani Munda, 37, Rani Munda 35, were also injured in the attack. It is learnt that Rashidul Islam Sardar, his brother Ebadul Islam Sardar, and over 100 others wielding sticks and iron rods went to Antakhali Mundapara in Shyamnagar around 9:00am to evict eight families of the Indigenous Peoples from their homes.29

D. Collaboration and participation of Indigenous Peoples
(article 5 of the Convention)

27 আলোচিত (Allegation of land grabbing against MP in Dinajpur), Desh Rupantor, 31 July 2022 and Jugantor, 31 July 2022.
Collaboration and participation of Indigenous Peoples in planning and managing their own development is a means of safeguarding their interests in the development process. Although the need of collaboration and participation of Indigenous Peoples is now widely accepted by state and non-state actors, but it is difficult to implement. Obstacles include existing national policy and legislative frameworks, widespread prejudices, a tendency on the part of outside NGOs to control rather than facilitate, and a lack of development planning and management skills on the part of Indigenous Peoples themselves.

Despite Article 5 of the Convention stipulates that the governments shall seek the collaboration of Indigenous Peoples and provide them with opportunities for the full development of their initiative, but initiative of such collaboration and participation with the Indigenous Peoples is hardly taken by the government.

(a) Participation and collaboration of indigenous communities in the CHT Development Board:

The CHT Development Board Act, 2014 has been formulated and enacted by replacing the CHT Development Board Ordinance, 1976. This act is incorporated of many provisions, which are not in consistence with the three Hill District Council Acts and CHT Regional Council Act and as of this day, the Development Board has been conducting its programs completely by-passing the Regional Council the matter of which has crippled the special administrative system of CHT with CHT Regional Council and three Hill District Councils and it has been creating complicacy in administration and development. Hence, while placing opinion on CHT Development Board Act, 2014, the CHT Regional Council submitted a set of recommendations for cancellation of CHT Development Board Act, 2014 and abolishment of the Board, the government did not take these recommendations into consideration.

Among the 14 members of Steering Board of the CHT Development Board are one representative from the Regional Council and three representatives from the three Hill District Councils. Apart from the Chairman, the remaining 8 members are nominated from government bureaucrats. As a result, it is mainly the government officials who make the decisions of the Development Board. The decision-making role of Indigenous Peoples in the development board is very less.

(b) Participation of Indigenous Peoples of the plains in the decision-making processes

The Indigenous Peoples of the plainlands have no opportunity for political participation. On the other hand, there are no seats reserved for Indigenous Peoples in local government councils such as Union Parishad, Upazila Parishad, Municipal Council. As a result, they are rarely elected as a public representative to these councils. Because the settlement of adivasis are scattered in the plains and the population is very small. As a result, they do not have the opportunity to play a decision-making role in every aspire of life from development activities to administrative system. Therefore, the Indigenous Peoples of the plains have been demanding reservation of seats for them in local government councils and national parliament for a long time. But no action has been taken by the government in this regard.

Even, under the Prime Minister's Office's "Development Assistance for Special Areas (Except Chittagong Hill Tracts)", the development projects that are given for the socio-economic development of the Indigenous Peoples of the plains, the Indigenous Peoples have no
participation and decision-making role in the adoption, implementation and monitoring of the projects.

(C) Directive of the Armed Forces Division to stop turmeric-ginger cultivation in the hills

The Armed Forces Division of the Prime Minister’s Office has directed to take immediate steps to increase strict surveillance and discourage the cultivation of turmeric and ginger in the hilly areas of the Chittagong Hill Tracts (CHT). The directive was issued on August 29, 2021, on behalf of the Principal Staff Officer of the Armed Forces Division, titled “the issue of destruction of biodiversity and natural balance in the hill areas through arson for commercial cultivation of Jum (turmeric / ginger)”. The Secretaries of the Ministry of Chittagong Hill Tracts Affairs and the Ministry of Environment, Forests and Climate Change were informed to take such action.30

That directive says that “People of the hill communities living in the hills traditionally prepare land by setting fire to the hills for ‘Jum’ cultivation in the dry season every year for their traditional way of life, which is a casual matter. But with the introduction of large-scale Jum farming on a commercial basis, there is an extreme and far-reaching adverse effect on biodiversity and nature in the hilly areas.” Four descriptions on the subject and four opinions / recommendations were put in the directive. However, the concerned government agencies did not discuss the issues with the CHT institutions, including CHT Regional Council and Hill District Council before issuing such directives which will affect life and livelihoods of Indigenous Peoples.

E. Prospect of Ratification of ILO C-169

The government of Bangladesh has undertaken its 8th Five Year Plan for the period of FY2021 - FY2025 with the theme “Promoting Prosperity and Fostering Inclusiveness”. Following the previous year’s government’s five-year plans, this time a number of promises have been inserted in the Plan for the development of the Indigenous Peoples (government term ‘ethnic minorities’) of the country. The 8th Five Year Plan reiterates that government will consider implementing the UN Declaration on the Rights of Indigenous Peoples 2007 and ratify the ILO Convention 169, among others.31 The Plan has opened up many windows of opportunities for constructive dialogues, cooperation and partnership between the government and Indigenous Peoples’ organizations and customary institutions concerning issues affecting Indigenous Peoples.

F. Employment: Cancellation of Adivasi Quota

(article 15 of the convention)

On 4 October 2018, the Bangladesh Public Administration Ministry issued a notice abolishing the quota system for Class I and Class II government jobs as well as jobs in other sectors. As a result, 5% quota reservation for Indigenous Peoples stood abolished. Although it could be considered a premature executive decision as far as the Indigenous Peoples were concerned, since they were still handicapped in many ways to come to the mainstream of education. In

30 See, https://hillvoice.net/directive-of-the-armed-forces...
fact, 5% quota reservation for Indigenous Peoples was never fully applied in government service recruitment as well as admission into higher educational institutions.\textsuperscript{32}

Abolition of quota reservation for Indigenous Peoples was also against the spirits embodied in Article 28(4) and 29(3) of the constitution which provided for special steps for backward section of citizens. Though the Prime Minister came up with the assurance on 8 October 2018 that special arrangement would be made for the Indigenous People, however, the Indigenous Peoples, who experienced a spate of broken promises in the past, were reluctant to rely on such an assurance until and unless this was made into a policy. In the recently published final result of the 40th BCS on 30 March 2022, no indigenous candidate was recommended in this batch. This proved that the need for quota in government jobs for the Indigenous Peoples including backward people of the country has not yet been exhausted. For this reason, the indigenous students and youth made demonstration in demanding of restoration of the 5% quota allocated for the Indigenous Peoples.\textsuperscript{33}

Allegations surfaced about illegally admitting non-indigenous students in MBBS course under ‘tribal quota’ in the academic year 2018-19. Complaints were lodged with the Minister of Health and Family Planning and the Directorate of Health Department. Similar malpractice was resorted to in the previous academic year 2017-18. As a result, the indigenous students were denied admission in the medical college even though they passed and fulfilled all the requirements for admission under ‘tribal quota’. Similarly, allegations of admission of non-tribal students in merit list for admission in tribal quota and Rakhine quota in the 1st year of 2020-21 academic year in three engineering universities of the country. As a result, 10 non-tribal students out of 37 students in group A and 1 non-tribal students out of 5 students in group B were included in merit list of tribal quota.\textsuperscript{34}

The thousands of indigenous youths are employed in various industries and factories including EPZ in different regions of the country, especially in the districts of Dhaka, Savar, Narayanganj, Chittagong, Comilla, Gazipur etc. But there is no culture-friendly work environment and policy for the indigenous people in these industries. As a result, the indigenous workers have been subjected to victims of various deprivations and discrimination. In many cases indigenous girls and women are victims of sexual and physical violence. Especially indigenous girl and women working in various private beauty parlors have been subjected to victims of wage discrimination and insecurity.

G. Social security
\textit{(article 19,20 of the convention)}

Like the 7th Five-Year Plan, the government is committed in the 8th Five-Year Plan (2020-2025) to ensuring socio-economic and political rights, fundamental human rights, and social security, while enabling Indigenous People to retain their social, cultural, and traditional identities. Although indigenous population is about 2% of the total population of the country, their poverty rate is more than 60%. The poverty rate of Indigenous Peoples is much higher than the national poverty rate of the country and in many cases they are disadvantaged. A lump sum allocation is given for Indigenous Peoples of the plains every year under the Prime


\textsuperscript{33} গগগগগগগগগগগগগগগগগগগগ (Procession demanding restoration of Adivasi quota), IP News, 3 April 2022.

\textsuperscript{34} PCP protests against inclusion of non-indigenous students in indigenous quota in higher education, Hill Voice, 21 November 2021.
Minister’s Office titled “Development Assistance for Special Areas (Except Chittagong Hill Tracts)” as a social security program which is much less than the actual requirement. In the financial year 2020-2021, the allocation for this sector was Tk 80 crore and for the financial year 2021-2022, Tk 100 crore has been allocated in the national budget.

Although the lump-sum allocation for the Indigenous Peoples of the plains has increased slightly, but the allocation under the Ministry of Fisheries and Livestock under the name of “integrated livestock development for the purpose of socio-economic and life quality improvement of the backward small ethnic groups living in the plains” has been reduced to Tk 32 crore compared to last year. The previous year it was Tk 46.25 crore.

This allotment was very insignificant compared to the population of Indigenous Peoples in the plains. It is alleged that there is no specific policy for the direct participation of Indigenous Peoples in the process of implementation of the projects under this allocation. And in the implementation of this allocation, there are allegations of various irregularities, corruption, illegal collection of large sums of money from beneficiaries, various complications and providing these services to non-indigenous families in the name of Indigenous People at the upazila level. The Indigenous Peoples of the plains demanded a specific policy and a high-level board for the proper implementation of that allocation with adequate representation and decision-making role of Indigenous People, but the government has not taken that demand into consideration yet.

The 8th Five Year Plan also reiterated that the indigenous ethnic communities of the CHT will be ensured access to education, health care, food and nutrition, employment, and overseas employment, and protection of rights to land and other resources. But, the Indigenous Peoples of CHT are still lagging behind in all aspects from the national level. Government healthcare programs have not yet reached the remote areas of CHT. As a result, many tribal children die of measles and diarrhea in different areas of the CHT. For instances, at least eight children have died and around 300 were infected by measles in March 2020 in Baghaichari upazila of Rangamati and Lama upazila of Bandarban. In June 2022, an outbreak of diarrhea occurred in ten remote villages of Thanchi in Bandarban district. Already in a week, there have been reports of death of 8 people including children due to diarrhea.

Moreover, development projects such as tourism projects, declaration of reserve forest, construction of border roads, establishment and expansion of camps, leasing of land to non-locals for horticulture including rubber plantations are being implemented in CHT, which are destructive to the national existence of the indigenous and the environment and bio-diversity of the area. As a result, livelihood and culture of Indigenous Peoples, land grabbing and eviction from their ancestral land, communal attacks are taking place, by which the social security of the Indigenous Peoples is extremely being affected.

H. Vocational education
(article 16, 17, 18 of the convention)

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35 গণসেবা বিভাগ, গণসেবা বিভাগ, গণসেবা বিভাগ, গণসেবা বিভাগ, গণসেবা বিভাগ (Adequate allocation for the tribals of the plains in the budget as well as proper implementation is needed), Sohail Hajong, ipnews.com.bd
37 গণসেবা বিভাগ, গণসেবা বিভাগ, গণসেবা বিভাগ, গণসেবা বিভাগ, গণসেবা বিভাগ (8 children died in seven days due to diarrhea in Thanchi), Jugantor, 14 June 2022.
Some projects have been taken up by the Prime Minister’s Office for the vocational and technical education of the Indigenous Peoples of the plains. According information of Prime Minister’s office dated 21 April 2019, a total of 500 income generating projects in 280 upazilas at a cost of Tk 60.00 crore in the last 5 financial years such as Computer Training Centres, Weaving Training Centres, Sewing Training Centres, Transport Projects, Fisheries/Shrimp Farming, Cow Husbandry, Rickshaw-Vans, CNG/Autorickshaws, cultivation of betel leaves, shoe making, bamboo and rattan materials etc. have been undertaken.  

However, these projects are insufficient compared to the requirement. The biggest challenge in the success of these development projects is the lack of participation and decision-making role of the Indigenous Peoples in the adoption, implementation and monitoring of these projects.

**F. Recommendations**

**General:**

a) To provide constitutional recognition to Indigenous Peoples as Adivasi by amending the constitution.

b) To formulate a separate development policy considering the special context and characteristics of Indigenous Peoples.

c) To ratify ILO Convention No. 169 on Indigenous and Tribal Peoples without further delay and to take measures for implementation of the UN Declaration on the Rights of Indigenous Peoples.

d) To re-introduce quota system for Indigenous Peoples for government jobs including Class I and Class II jobs as well as jobs in other sectors.

**CHT Accord:**

e) To adopt a time-frame action plan (roadmap) for the proper, speedy and full implementation of the CHT Accord.

f) To transfer all the subjects including general administration, law and order, police, land and land management, forest and environment, development of communication system etc. to three Hill District Councils through executive order.

g) To withdraw all the temporary camps including de facto military rule ‘Operation Uttoron’ and to form the Hill District Police Force in accordance with the Hill District Council Acts.

h) To take legal and administrative measures to preserve tribal-inhabited characteristics of the CHT.

i) To provide proper rehabilitation of internally displaced persons and India-returnee refugees.

j) To bring amendment to all the laws and regulations including CHT Regulation of 1900 applicable to CHT to making them in consonance with the Accord.

k) To ensure appointment of permanent residents in all jobs in CHT giving priority to indigenous candidates.

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38 (Details of development work undertaken under the program titled 'Development Assistance for Special Areas (Except Chittagong Hill Tracts)') 21 April 2019.
Land Rights and Resolution of Land Disputes
l) To recognize and respect customary land rights of Indigenous Peoples.
m) To revolve land disputes through CHT Land Dispute Resolution Commission by immediate formulation if the Rule of the Commission as per recommendations of the CHT Regional Council.

n) To form separate land commission for Indigenous Peoples of the plains to restitute their dispossessed lands.
o) To cancel all land leases of the CHT given to the non-residents as per CHT Accord.

Inclusion and Participation
p) To formulate a specific policy and to form a high-level committee for the proper implementation of development projects of “Development Assistance for Special Areas (Except Chittagong Hill Tracts)” under the Prime Minister’s office with adequate representation and decision-making role of Indigenous Peoples.

q) To make seat reservation for Indigenous Peoples including indigenous women in the parliament and local government bodies.