



Dissertation On
Protection of Indigenous Peoples Right under the Legal Regime
of Bangladesh

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*Research Monograph submitted as the partial satisfaction of the requirements
for the degree of Master of Laws; to*

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Letter of Submission

22 July 2025

To

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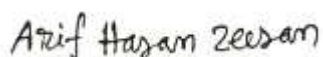
Subject: Submission of the Research Monograph

Sir,

I am submitting my research monograph with sincere dedication, titled “Protection of Indigenous Peoples’ Rights under the Legal Regime of Bangladesh.” This work has been completed with careful effort and in accordance with the academic standards provided.

I hope the content meets your expectations and adds value to the ongoing discussions on indigenous rights. Therefore I’ll highly appreciate your thoughtful evaluation and feedback. If any corrections or improvements are needed, I will be happy to revise the paper accordingly.

Sincerely,



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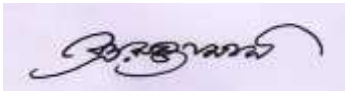
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Letter of Approval

This is to certify that the research work titled “Protection of Indigenous Peoples’ Rights under the Legal Regime of Bangladesh” is an original piece of work carried out by Arif Hasan Zeesan, ID: 241-38-020, Batch: 241, from the Department of Law, Daffodil International University.

The research has been completed under my supervision and guidance as part of the requirements for the Master of Laws (LL.M) degree. To the best of my knowledge, the work is genuine and has not been submitted elsewhere for any academic qualification.



Mohammad Badruzzaman
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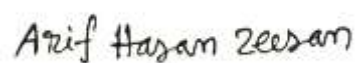
DECLARATION

I, Arif Hasan Zeesan, ID No- 241-38-020, am a regular student enrolled in the Master of Laws (LL.M.) program at the Department of Law, Daffodil International University. I declare that the research presented in this monograph is my own original work, carried out under the supervision of Mr. Mohammad Badruzzaman, Assistant Professor, Department of Law, Daffodil International University.

This research reflects my independent study and investigation. Whenever I have used ideas, data, or information from others, I have properly cited and acknowledged all sources. Credit has been given to all collaborators, references, and literature that contributed to this work.

I also confirm that this monograph, or any part of it, has not been submitted to any other institution for any academic degree or certificate. This work is prepared solely to meet the partial requirements of the Master of Laws (LL.M.) program at the Department of Law.

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ABSTRACT

The protection of indigenous peoples' rights is crucial for ensuring justice and equality in Bangladesh. Indigenous communities face challenges such as land dispossession, cultural marginalization, and limited political representation. Despite constitutional provisions and various laws, administrative gaps and unclear legal definitions weaken their protection.

This research examines the legal framework governing indigenous rights in Bangladesh. It identifies major challenges in law enforcement, institutional weaknesses, and identity controversies. The study reviews international standards and comparative models from other countries. It highlights effective strategies that Bangladesh can adopt to strengthen legal protections.

The role of constitutional, statutory, and institutional mechanisms is critically evaluated. The research stresses the need for clearer legal recognition, full implementation of the Chittagong Hill Tracts Accord, and inclusive policy reforms. Strengthening land rights, enhancing legal literacy, and promoting indigenous participation are key recommendations. These steps aim to ensure indigenous peoples' dignity, safeguard their cultural heritage, and promote social justice in Bangladesh.

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Chapter 1

INTRODUCTORY CHAPTER

1.1 Introduction:

Indigenous peoples are the first people to live in a place. They have their own customs, languages, and ways of living that are often different from the larger population. Many of them live in remote areas like forests, hills, and mountains. Their lives are deeply connected to nature, and they continue to follow traditional practices passed down through generations. In Bangladesh, people call them "adivasis" or "tribal groups." Most of them live in the Chittagong Hill Tracts (CHT). Others live in the north and northeast plains. Groups like the Chakma, Marma, Garo, Santal, and Khasia have lived in these places for many years. They have rich cultures and strong family and social bonds. They follow their own ways of leading and making rules.

But despite their long presence, these communities have faced many problems. They face poverty, land disputes, poor healthcare, and lack of education. In the past, others took away their land. Leaders did not listen to their voices. People looked down on their culture. Today, many still live in poverty. They often face fights over land, poor health care, and few chances for education.

That is why legal protection is so important. Good laws can save their land, language, and rights. These laws can help them get fair treatment and equal chances. Without strong legal support, they stay weak and left out.

This research looks at how well the laws in Bangladesh protect these people. It checks what the Constitution says. It studies other national laws. It also looks at the promises Bangladesh made to the world. Then it compares those laws to what really happens in their lives. Therefore we must find gaps and suggest better ways to solve.

The goal is to find the problems in the system. It also aims to suggest better laws and plans to protect the rights of indigenous peoples in Bangladesh.

1.2 Objective of the Research

- Trace the history and growth of indigenous rights in Bangladesh over time.
- To examine the legal and constitutional safeguards those protect indigenous communities in the country.
- Identifying key implementation challenges, legal gaps and draw lessons from comparative jurisdictions.
- To provide recommendations for legal, administrative, and policy reform.

This research has four main goals. First, it looks at how the rights of indigenous peoples in Bangladesh have changed over time. It tells the story of their struggles and progress. Next, it studies what the Constitution and other laws say about protecting these communities.

The research also finds out where the laws fall short. It points out the gaps and problems in making these laws work. Then, it checks how well the current government offices and systems protect indigenous rights in real life. It also looks at international laws. It compares Bangladesh's rules with those in other countries to see what we can learn. So, we can help protect the land, culture, and future of indigenous peoples in Bangladesh.

1.3 Research Methodology

This research uses a qualitative and doctrinal method. It means the study focuses on reading and analyzing laws, court decisions, and the Constitution of Bangladesh. The research looks closely at how these laws affect indigenous peoples' rights in real life.

First, it studies important parts of the Constitution, such as Articles 27, 28, 29, and 23A. It also examines national laws like the Chittagong Hill Tracts Regulation of 1900 and the CHT Peace Accord of 1997. The study checks what courts have said in cases about indigenous peoples. Next, it includes reports and information from NGOs, human rights groups, and civil society organizations. These sources help explain the daily struggles that indigenous communities face, especially around land, education, and identity.

The research also compares Bangladesh's laws with those of other countries like India, Canada, and the Philippines. These countries have different ways of protecting indigenous rights. By comparing, we can learn what works well and what Bangladesh can improve.

International rules like the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO Convention 169 are also part of the study. Even though Bangladesh did not sign ILO 169, it helps show what global standards expect. Lastly, the research tries to include views from legal experts and indigenous leaders when available. This helps connect the law with real experiences on the ground.

1.4 Research Question

The purpose of this research is to examine the following central questions:

1. What legal status do indigenous peoples hold under the Constitution of Bangladesh?
2. Are existing laws and policies effectively protecting indigenous rights?
3. What are the major challenges faced by indigenous communities in asserting their legal rights?
4. What reforms are necessary to ensure the protection and promotion of indigenous rights in Bangladesh?

Chapter 2

UNDERSTANDING INDIGENOUS PEOPLES' IN BANGLADESH

To understand the rights of indigenous peoples, we must first understand who they are. Every community has its own story, culture, and struggles. In Bangladesh, indigenous peoples live with rich traditions and strong community bonds, but they also face many challenges. Many people know Bangladesh for its rivers, farms, and busy cities. But there is another story. It focuses on communities residing in remote areas such as hills, forests, and distant regions. They have their own languages, customs, and ways of living that passed down for many years. These communities stay strong, but many do not hear their voices.

To understand fairness and justice in Bangladesh, we must listen to their stories. Their silence does not mean they have nothing to say. Their history carries a legacy of resilience, bravery, and cultural pride. These people live close to nature. They tell stories instead of writing them. They see land as a part of who they are, not just as property.

But many rules and plans are made without asking them. These decisions often hurt their way of life. New laws and projects put pressure on their homes and lands. Understanding their way of life helps us connect with them more deeply. We see their problems more clearly. We also see the good things they bring to our country. This helps us make fairer laws and better choices. It teaches us to respect everyone. And it reminds us: we must not leave out the people who were here first.

2.1 Definition and Identity of Indigenous Peoples

Indigenous peoples are the first people to live in a particular place. They have lived there long before others came. They keep their own unique culture, language, and traditions. These things help define who they are.

Their identity is closely linked to their land, which holds great meaning for them. They often live in small communities with strong family ties. Many groups around the world are called indigenous because they share these qualities.

In Bangladesh, indigenous peoples have different names, but they all share a deep connection to their history and land. Their identity is not just about where they live—it is also about their way of life, beliefs, and customs that they pass down through generations. Indigenous peoples in Bangladesh are special ethnic groups. They have their own languages, cultures, and histories. People often call them adivasi or upajati.

These groups do not always fit the main Bengali story. Around the world, people say someone is indigenous if they have lived in a place for a long time, are different from others, face unfair treatment, and say they belong to that group.

The Constitution of Bangladesh does not clearly define indigenous peoples but recognizes the rights of minorities under Article 23A¹. In Bangladesh, the government often calls them “ethnic minorities” or “tribal” instead of “indigenous.” Legal scholars note this lack of clear definition leads to confusion in policies and rights protection (Rahman, 2018, *Journal of South Asian Legal Studies*).

Recognizing their identity is important. It helps protect their rights and respects their place in society. When we understand who indigenous peoples are, we can better support their needs and ensure their cultures continue to thrive.

2.2 Major Indigenous Groups in Bangladesh

Over 50 distinct indigenous communities live in Bangladesh. The most prominent in the Chittagong Hill Tracts (CHT) include the Chakma, Marma, Tripura, Mro, and Bawm.

Some of the main indigenous groups residing in the plains include the Santal and Oraon peoples. Other significant communities are the Khasi, Garo, and Manipuri. These communities primarily inhabit regions such as Rangamati, Khagrachari, Bandarban, Dinajpur, Rajshahi, Mymensingh, and Sylhet. Each community speaks its own language, follows unique customs, and practices distinct traditions. They have called these regions home for many centuries.

The Chakma people are the biggest community in the Chittagong Hill Tracts. They represent the largest ethnic group in that region. They practice Buddhism and have their own distinct cultural traditions. The Marma people are also Buddhist and have strong ties to Myanmar ³.

The Garo and Santal mostly live in the northern districts. They have different languages and practice Christianity or animism. These groups keep their culture alive through festivals, traditional clothes, and local governance systems. But many face threats to their land and identity.

2.3 Socio-political and Economic Status

Indigenous peoples in Bangladesh face many daily struggles. They often live in faraway villages where roads, schools, and hospitals are missing or broken. Because of this, many cannot go to school or see a doctor when sick. They also do not get good jobs like others do (World Bank, 2020)². Most of their income comes from farming, fishing, or forest work. But powerful groups and businesses often take their land without asking. They lose farms, forests, and rivers. This makes it hard to grow food or earn money (ADB, 2016). They also face problems from climate change and floods, which hurt their crops and homes (Roy, 2009). Women in these communities suffer even more. Many face double trouble — for being women and for being part of an indigenous group. They have fewer rights, lower pay, and less safety (UNPFII, 2021).

In politics, indigenous peoples are mostly left out. Few of them work in the national parliament or local government. This means they cannot speak up about laws or problems that hurt them.

When new roads or buildings are made, no one asks them how it will affect their lives. This makes them feel unseen and unheard. Their voices stay small because the law does not always protect them well. Even though the Bangladesh Constitution promises equality, it does not clearly mention indigenous peoples or their rights. This makes it easy to ignore their problems in courts or public offices.

Indigenous communities in Bangladesh experience discrimination on a daily basis. They lose land, miss out on school and healthcare, and have little power in politics. Their rights need stronger protection through better laws and honest action.

2.4 Historical Context of Marginalization and Struggle

Indigenous peoples in Bangladesh have faced injustice for a long time. This started during British colonial rule and continued during the time of Pakistan. A major example is the Kaptai Dam project from the 1960s, which was constructed by the government without consulting the local communities. It forced over **100,000** Chakma people to leave their homes. The government did not give them proper help or new land ⁴.

After Bangladesh became independent in 1971, the new government focused on Bengali nationalism. It did not include the different cultures and languages of indigenous peoples. The state ignored their identity. This made many indigenous groups feel left out. In response, some groups started protesting. Others took up arms to fight for their rights. From the late 1970s to the 1990s, tensions grew in the Chittagong Hill Tracts. During this time, indigenous groups were frequently in conflict with military forces. These conflicts caused much pain. Many indigenous families lost their land. Some were pushed to reside in distant areas.

Reports show that the government and Bengali settlers took indigenous lands without paying fair money ⁵. Indigenous people did not give up. They protested, marched, and filed cases in court. They demanded their rights to land, culture, and language.

The government of Bangladesh signed a peace agreement in 1997 known as the Chittagong Hill Tracts Accord. This agreement was made with the Parbatya Chattagram Jana Samhati Samiti (PCJSS), a political organization that represents the indigenous communities in the region. This was a big step. The Accord promised self-rule, land rights, and removal of military camps ⁶. But even after many years, most promises in the Accord are still not kept. The Land Commission, which was supposed to return grabbed lands, has made little progress ⁷. The situation is still hard for indigenous peoples today. Many laws and court orders are not followed. Indigenous peoples continue to fight for justice, but their rights remain at risk.

2.5 Understanding International Obligations and What's Bangladesh's Position (ILO 169, UNDRIP)

Bangladesh has agreed to some important international laws about human rights. These include,

- Treaties like International Covenant on Civil and Political Rights (ICCPR),
- The International Covenant on Economic, Social and Cultural Rights treaty (ICESCR),
- And the Convention on the Elimination of All Forms of Racial Discrimination treaty (CERD)⁸.

These treaties ask countries to treat all people fairly, no matter their background. Bangladesh has shown its support for the UNDRIP findings. The country has acknowledged the importance of protecting indigenous rights in line with this global framework. This reflects the country's commitment to recognizing the rights and dignity of indigenous communities. This declaration says that indigenous peoples have the right to keep their culture, use their land, and make their own decisions (UN, 2007)⁹. Bangladesh voted for this in the UN, which shows support for indigenous rights.

However, Bangladesh has not signed ILO Convention 169, the main treaty that protects indigenous peoples' rights to land, identity, and self-rule. This makes it harder to hold the government accountable under global rules. The government often uses the word “tribal” instead of “indigenous.” This makes it harder for indigenous groups to claim their rights. Experts say the country needs clearer laws and better language to protect these communities properly ¹⁰. In short, Bangladesh supports some ideas on indigenous rights but still has big legal gaps.

To truly help, the government must do more. It must change how it sees and treats indigenous peoples. Calling them by the right name is a start. Signing ILO Convention 169 is a big step too. This will show the world that Bangladesh wants to protect its entire people.

Laws must match real life. Promises must turn into action. Indigenous groups must have a say in what happens to their land, language, and culture. Respect is not only about words—it is about what we do. If Bangladesh wants justice for all, it must stand with those who have waited too long to be heard.

Experts also warn that without international pressure, promises may be ignored. Global organizations like Amnesty International have urged Bangladesh to follow UNDRIP with real changes at home ¹¹. Local researchers agree. They say indigenous peoples still face violence, land loss, and legal delays ¹². Other Asian countries have already moved forward.

The Philippines passed a strong law in 1997 to protect indigenous land and identity ¹³. India ensures the protection of tribal communities through specific provisions in its Constitution. These protections are outlined in the Fifth and Sixth Schedules¹⁴. Bangladesh can learn from these steps.

Moving forward means listening to indigenous voices, changing outdated laws, and making space for fair treatment in all parts of life—education, land, language, and leadership. These are not special rights. They are basic rights that belong to everyone.

¹ Bangladesh Constitution. (1972). Article 23A.

² World Bank: Poverty and Social Exclusion Among Indigenous Peoples in Bangladesh.

- ³ The Indigenous World 2019: Bangladesh.
- ⁴ Adnan, S., & Dastidar, S. G. writings- Kaptai Dam and the Displacement of the Chakma People.
- ⁵ Human Rights Watch: Article on Indigenous Land Rights and Conflict in Bangladesh.
- ⁶ Government of Bangladesh: Chittagong Hill Tracts Peace Accord.
- ⁷ Amnesty International: Land Rights Violations in the Chittagong Hill Tracts.
- ⁸ UN OHCHR (2024). International Human Rights Treaties and Bangladesh.
- ⁹ The UN Declaration on the Rights of Indigenous Peoples
- ¹⁰ Rahman, M : Indigenous Identity and Legal Recognition in Bangladesh. Journal of South Asian Legal Studies.
- ¹¹ *Pushed to the Edge: Indigenous Rights in Bangladesh*. London: Amnesty Publications.
- ¹² Chakma, B. (2010). *Politics of Autonomy and Resistance in the CHT*. Journal of South Asian Studies, 33(3), 451–470.
- ¹³ Republic of the Philippines: *Indigenous Peoples' Rights Act*. Republic Act No. 8371.
- ¹⁴ Constitution of India: *Fifth and Sixth Schedules*. Ministry of Law and Justice, Govt. of India.

Chapter 3

LEGAL FRAMEWORK FOR THE PROTECTION OF INDIGENOUS RIGHTS

Bangladesh has some national laws and international commitments that aim to protect indigenous peoples, but these laws are often too general or poorly enforced. The Constitution does not clearly recognize indigenous identity, and terms like “tribal” are still used instead of “indigenous,” which weakens legal protection. The 1997 Chittagong Hill Tracts Peace Accord is a key agreement for indigenous rights in one region, but it has not been fully implemented. Internationally,

Bangladesh has ratified major human rights treaties and supports the UN Declaration on the Rights of Indigenous Peoples. However, it has not signed ILO Convention 169, which is a strong legal tool for protecting indigenous land and cultural rights. As a result, many indigenous communities still face land loss, weak legal support, and identity-based discrimination. To improve protection, the country needs better laws, clearer recognition, and stronger action.

3.1 The Constitution of Bangladesh

The Constitution of Bangladesh promotes equality. It guarantees fair treatment for everyone. Everyone receives equal rights and opportunities. It promises equality before the law, non-discrimination, and equal chances in government jobs ¹⁵. These are important for protecting people’s rights.

¹⁵ Constitution of the People’s Republic of Bangladesh (1972). Article 27, 28(1), 29(1), 23A.

“Article 27 – Equality before Law”

Article 27 states that every citizen is treated equally under the law. Everyone has the same legal rights. It means no one should be treated unfairly. But it does not mention the special needs of indigenous peoples. So, their unique identity, land rights, and culture are often not protected well.

“Article 28 – No Discrimination”

The Constitutional law ensures that all citizens of this country are treated equally. It clearly states that no one shall face discrimination because of their religion, race, caste, gender, or place of birth. This is good in general. But again, it does not name indigenous peoples directly. Many face discrimination in real life, even though this law says not to.

But the Constitution does not use the word “*indigenous*.” Instead, it uses terms like “*tribal*,” “*minor races*,” or “*ethnic groups*.” These terms do not match international language, and they do not reflect how these people see themselves. This makes it hard for these communities to claim rights that are specific to their identity, such as land ownership, cultural autonomy, or language protection.

“Article 29 – Equality of Opportunity in Public Jobs”

This article talks about equal chances in government jobs. But indigenous people often do not get enough chances due to language, education gaps, or bias. Indigenous peoples should be safe and treated equally. However, the reality is often more complicated. Things do not always work as expected in practice.

Because of this, many indigenous groups feel invisible in the eyes of the law. They are part of the country, but their voices are not heard in the same way. Even when the Constitution talks about equality and non-discrimination, it doesn’t give special attention to the unique struggles of indigenous peoples. This gap between law and reality leaves many of them unprotected.

“Article 23A – Protection of Culture of Tribes and Minorities”

This article was added in 2011. The Constitution states that the government will protect the cultures of “tribes, minor races, ethnic groups, and communities.” While this appears supportive, the terms used raise concerns about proper recognition and respect for indigenous identity. It does not use the word “*indigenous*.”

Tension Between “Tribal” and “Indigenous” Terminology

The government mostly uses the term “*tribal*” or “*ethnic minority*.” But indigenous peoples want to be called “*indigenous*,” because that is how they are known under international law. The use of different terms makes it harder for them to claim their rights. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) uses the word “*indigenous*”. Experts say Bangladesh should also use this word in its laws and policies (Rahman, 2018). Because the Constitution does not clearly recognize indigenous peoples, their rights are weak. This includes their rights to land, language, education, and political voice

3.2 National Laws

Bangladesh has a few national laws and policies that affect indigenous peoples. Some of these laws try to protect indigenous rights, while others make things harder. In addition, many of these national laws are outdated or biased. Some are also poorly enforced. The CHT Accord showed hope, but slow progress makes it hard to trust. To protect indigenous rights, the country needs stronger, fairer, and updated laws that truly respect indigenous life, land, and culture. This section explains the most important ones.

CHT Accord 1997

In 1997, the Government of Bangladesh signed a peace agreement with the Parbatya Chattagram Jana Samhati Samiti (PCJSS). This settlement is referred to as the Chittagong Hill Tracts Peace Accord for resolving long-standing conflict in the region.

This was a big step toward peace after years of conflict in the CHT. The Accord promised to give more local control to the indigenous people of the region. It also said the government would return grabbed land, form special administrative bodies, and protect indigenous culture and traditions. But many parts of the Accord still have not been fully implemented.

Land disputes continue. Many indigenous families are still waiting to get their land back. Without full implementation, the promises remain incomplete ¹⁶.

CHT Regulation 1900

In 1900, authorities created a special regulation to govern the Chittagong Hill Tracts, making it one of the region's earliest legal frameworks. It gives some power to traditional leaders and protects certain customs. It also restricts land ownership by outsiders.

But the law is outdated. It was made during British rule and does not fully protect indigenous rights today. Officials frequently ignore the regulations, allowing illegal land occupation to persist. Many experts say the law needs to be updated and used properly to help the people of the region.

Forest Act, Land Acquisition Act, and Others

Other laws also affect indigenous peoples—sometimes in harmful ways. These laws often see land only as property—not as life, identity, or culture, which it is for indigenous peoples.

For example:

- The Forest Act lets the governments take over land by calling it “reserved forest.” This has pushed many indigenous families out of their homes.
- The Land Acquisition Act allows land to be taken for “public purposes.” But indigenous people are often not properly informed or compensated.
- Laws are not applied equally in hilly and plain areas. Indigenous people living in plains often have even fewer protections.

The Forest Act allows the government to declare areas as “*reserved forest*.” When this happens, people living there—often indigenous families—are forced to leave. These forests are often traditional lands where indigenous people have lived, farmed, and hunted for generations.

But the law does not ask for their permission or recognize their long history with the land. As a result, many families have lost their homes and way of life because the government sees the land as part of state property, not a community space.

The Land Acquisition Act gives the government power to take private land for what it calls “*public purposes*.” This can include building roads, schools, or development projects. While this law is supposed to help the whole country, it often hurts indigenous people the most. Often, these communities are not informed ahead of time.

Even when they are, they may not understand the legal process or have the documents to claim ownership. Many do not get fair compensation, and once the land is taken, it is very hard to get it back. State authorities rarely recognize the customary land rights of indigenous peoples in Bangladesh, even though formal land laws exist.¹⁷

Laws work differently in different regions. Indigenous peoples living in the Chittagong Hill Tracts (CHT) have some special legal protections, like the CHT Regulation of 1900 and the Peace Accord. But those living in the plains or lowland areas do not have the same rights. They often face more land grabs and less government help.

Without strong legal support, their culture and land are even more at risk. This unequal protection makes indigenous people in the plains feel ignored and unsafe.

Education Policies and Land Laws

Indigenous children face challenges in school. Many education policies do not support teaching in the native languages of students. This causes language loss and poor performance in school. Existing land laws often deny acknowledging the customary land rights of these communities. Indigenous people often do not have papers to prove land ownership, even if they lived there for generations. Without documents, they are at constant risk of losing their land.

¹⁶Chakma, B. (2010). *The Peace Accord of CHT 1997: Success or Failure?*

¹⁷Roy, R. D. (2004). *Customary Land Rights of Indigenous Peoples in Bangladesh.*

3.3 Institutional Mechanisms

To protect indigenous peoples' rights, Bangladesh has created some special institutions. These offices and councils are supposed to listen to indigenous voices and help solve their problems. But in many cases, they do not have enough power or support to bring real change.

Ministry of Chittagong Hill Tracts Affairs (MoCHTA)

The authorities set up the Ministry responsible for Chittagong Hill Tracts Affairs in 1998 to manage regional issues. It came after the signing of the CHT Peace Accord in 1997¹⁸. This ministry is responsible for development and coordination in the Chittagong Hill Tracts or CHT region. The idea was to give indigenous people more say in how their areas are run. The ministry is supposed to work on land issues, culture, education, and health in the hills. However, many say the ministry mostly works through central government control. It often does not follow advice from local leaders. This makes the work less helpful for the indigenous communities it was made to serve.

CHT Regional Council and Hill District Councils

The CHT Regional Council and the three Hill District Councils (for Rangamati, Bandarban, and Khagrachari) were also created after the Peace Accord. These councils are supposed to manage local affairs and protect indigenous customs and land. They have the right to work on areas like land use, education, forest management, and local law and order. They are made up of both indigenous and non-indigenous members, with a focus on local leadership.

But in reality, these councils do not always have real control. Many of their powers are limited by national government rules. In some cases, their decisions are not respected. Without full authority, the councils struggle to protect indigenous land and culture as promised in the Peace Accord.¹⁹

National Human Rights Commission (NHRC)

The National Human Rights Commission of Bangladesh (NHRC) was created to protect the rights of all people in the country. It can look into human rights violations and suggest changes to the government. The NHRC has spoken about the rights of indigenous peoples, especially during land disputes or violence in the CHT.²⁰ But it does not have the power to enforce its decisions. It can only make recommendations.

Also, the NHRC mostly focuses on general human rights issues. It does not always give enough attention to the unique struggles of indigenous peoples. Many experts say the commission needs a special unit or more staff trained in indigenous rights (Uddin, 2016).

Bangladesh has created some important institutions to support indigenous peoples. But many of them are weak or not fully used. Ministries and councils often lack real power. The National Human Rights Commission can speak up but cannot act strongly. To protect indigenous rights better, these institutions must be given more authority, proper funding, and freedom to act.²¹

3.4 Judicial Interpretation and Landmark Cases

Courts in Bangladesh, especially the Supreme Court, play an important role in protecting people's rights. Indigenous peoples hardly go to court for help when they face problems like land grabbing or unfair treatment.²² However, court decisions have not always supported their rights clearly or strongly.

Land Disputes in Rangamati and Other CHT Areas

One of the biggest issues for indigenous peoples is land disputes. In places like Rangamati, many indigenous families have lost land due to government projects, military settlements, and land grabbing by outsiders.

In some cases, courts have looked into these problems.

For example, in a 2016 land dispute case in Rangamati, indigenous petitioners argued that their land was taken without proper notice or compensation.²³ The High Court asked local authorities to stop land grabbing and to check if the land was taken legally. While this sounds helpful, courts often treat these cases as regular property matters. They do not always consider the cultural or historical connection indigenous people have with their land. Courts mostly ask for land documents, which many indigenous families do not have because they follow customary land use, not paper titles.²⁴

Lack of Strong Legal Interpretation

The Constitution talks about equality and justice, but judges rarely use these principles to explain or expand indigenous rights. Courts do not usually refer to international documents like UNDRIP or general human rights treaties unless someone brings them up directly. Also, there is no official recognition of indigenous customary law in court. Indigenous peoples follow traditional land systems and community rules, but judges often ignore these in their rulings.

Need for Better Legal Understanding

The courts can help protect indigenous rights—but only if they understand the special situation of these communities. Some court cases have shown hope, but many rulings still follow a narrow view of law. Experts say the courts in Bangladesh must better understand indigenous peoples' unique identity and land systems (Roy, 2004). Judges should think beyond written documents and look at community history, oral traditions, and international law. Training programs for judges and lawyers could help improve decisions. Courts should also ensure fair hearings, especially in remote areas where indigenous people struggle to access legal help.²⁵

- ¹⁸ Government of Bangladesh. (1997). Chittagong Hill Tracts Peace Accord.
- ¹⁹ Roy, R. D. (2004). Customary Land Rights of Indigenous Peoples in the CHT. Dhaka: UNDP & Rajshahi University Press.
- ²⁰ Uddin, N. (2016). *Colonial constructions and indigenous identity: The case of the Chittagong Hill Tracts in Bangladesh*. *Asian Ethnicity*, 17(4), 543–557.
- ²¹ Barkat A., Halim S., & Poddar A. (2009). *A Quantitative Survey on Land Dispossession in the CHT*. Human Development Research Centre, Dhaka.
- ²² Barman, D. C. (2017). *Role of Judiciary in Protecting Minority Rights in Bangladesh*. *Bangladesh Journal of Law*, 13(1), 41–59.
- ²³ Roy, R. D. (2004). *Legal Pluralism and the Implementation of the CHT Accord in Bangladesh*. IWGIA, Copenhagen.
- ²⁴ Hoque R. (2011). *Judicial Activism in Bangladesh: A Golden Means Approach*. Bangladesh Institute of Law & International Affairs.
- ²⁵ Manusher Jonno Foundation. (2015). *Access to Justice for Indigenous Peoples in Remote Areas*. MJF Legal Support Unit Report.

Chapter 4

GAPS AND CHALLENGES IN LEGAL PROTECTION

In recent years, Bangladesh has made some efforts to improve the situation of indigenous peoples through laws, policies, and institutions. These efforts were meant to protect their rights, improve their access to services, and include them in national development. However, we still see an unmet need of what was expected for justice. Many communities continue to struggle with problems that affect their daily lives. Although certain protections exist in writing, they are often difficult to see or feel in real life²⁶. In different regions, especially where indigenous peoples have lived for generations, the promises made in law often seem distant or incomplete.

Some areas have special rules or agreements in place, while others do not. This creates uneven progress and leaves many people feeling left out or forgotten. Government institutions and legal bodies are present, but they often face limitations in how much they can do or how effectively they respond to community needs.

For many families, long-held lands and traditions face new pressures. Development projects and official decisions sometimes lead to displacement or loss of control over local resources. In some cases, families cannot protect what they have simply because they do not have the right papers or voices in the right places. Even when people try to seek help through courts or legal offices, they face many difficulties—distance, language, lack of understanding, or slow systems that don't match their way of life. At the same time, education, identity, and culture face quiet challenges too, especially when support for language or local customs is missing.²⁷

This chapter introduces some of the deep-rooted challenges that continue to affect the protection of indigenous peoples in Bangladesh. In the following sections, each issue will be explored in more detail to better understand what is happening, why these gaps remain, and what steps might be taken to close them.

To move forward, Bangladesh must:

- Legally recognize indigenous peoples by name
- Strengthen the CHT Accord and apply it fairly
- Protect land through updated and inclusive land laws
- Train legal staff to understand indigenous rights
- Support mother-tongue education and cultural respect

Only then can the promise of equality and justice truly include everyone.

4.1 Inadequacy of Constitutional Recognition

Bangladesh's Constitution promises equal rights to every citizen. But it does not clearly mention indigenous peoples by name. Instead, it uses words like “*tribal*,” “*ethnic minority*,” or “*small communities*.” These terms do not match how these groups see themselves, nor do they reflect international human rights language.

Because of this, indigenous peoples struggle to have their identity recognized in law. Their culture, history, and special connection to the land are not fully protected. Without clear recognition in the Constitution, it becomes harder for them to ask for support, defend their land, or preserve their traditions. Recognition is not just about words—it is about being seen, respected, and included. When the Constitution leaves indigenous peoples unnamed, their rights become less visible in national plans, laws, and decisions.

4.2 Weak Implementation of the CHT Accord

The Chittagong Hill Tracts (CHT) Peace Accord was signed in 1997 to end a long conflict and bring peace to the region. It promised many things: returning land to rightful owners, reducing military presence, and giving more power to local councils led by indigenous people.²⁸

The Accord gave hope to many. It created institutions like the CHT Regional Council and gave them responsibilities to protect land, culture, and community decisions. But many of these promises remain unfulfilled even after more than two decades ²⁹

Some lands have not been returned. Military camps still exist in many areas. Local councils often have little real power, as central government officials continue to make many key decisions. This slow and uneven implementation has made many indigenous communities feel unheard and left behind. The Accord was meant to build peace, trust, and justice. But when actions do not follow words, peace becomes fragile, and trust begins to fade.

4.3 Land Rights Violations and Displacement

For indigenous peoples, land is not just property—it is life, identity, and survival. Their families have lived on the same land for generations, following customary rules passed down through the community. But many of them do not have legal documents to prove ownership, as the land was never registered through state systems.

This becomes a big problem when the government or private companies take land for roads, buildings, or other development projects. Laws like the Land Acquisition Act and the Forest Act allow land to be taken without proper consultation. ³⁰ In many cases, families are not told or are paid very little compensation.

As a result, many indigenous people lose their homes, farms, and forests. This forces them to move elsewhere, breaking up families and disconnecting them from their culture. Displacement also causes emotional stress and poverty, especially for elders and children. ³¹

Even when communities try to go to court, they face delays, language barriers, and judges who do not understand customary land systems. Indigenous communities in Bangladesh still face serious risks because their land rights are not well protected.

4.4 Lack of Participation in Governance

Indigenous peoples often have little say in the decisions that affect their lives. In many areas, especially outside the Chittagong Hill Tracts (CHT), they are not well represented in local or national government. Even when some individuals hold positions, they rarely have real power to influence policy or protect community interests. Local councils in the CHT were created to increase participation. But in practice, many important decisions are still made by central government officials.³² Community voices are often ignored, especially when it comes to land, development, or security matters.

Without meaningful participation, indigenous peoples cannot protect their rights, express their needs, or shape their future. They remain outside the systems that are supposed to include them.

4.5 Legal Language and Identity Controversies.

Language is powerful. The words used in laws and policies shape how people are seen. In Bangladesh, the government often uses terms like “*tribal*,” “*minor races*,” or “*ethnic minorities*.” But indigenous communities want to be called “*indigenous peoples*,” which is the term used in international law and by the United Nations.³³ This mismatch causes problems. It makes their identity less visible and their rights harder to claim. The term “indigenous” carries special legal meaning. It relates to control over land, preservation of cultural identity, and the ability to govern themselves. Without this label, laws may not protect them properly. Many community leaders and experts have called for official use of the word “*indigenous*.” But the government resists this change, which keeps the debate going and weakens legal protections.

4.6 Role of Political Influence, Military Presence, and Bureaucracy

Politics, military power, and government systems also play a strong role in limiting indigenous rights.

In the CHT region, a heavy military presence continues, even years after the Peace Accord. Indigenous people often feel watched, restricted, or unsafe in their own land.

Political decisions also influence who gets land, jobs, or development help. Sometimes, political groups or powerful individuals grab land from indigenous families with little resistance.

Bureaucracy—the long process of paperwork, approvals, and government rules—makes things even harder.³⁴

Many indigenous people find it difficult to deal with officials. They face long delays, unclear processes, and a lack of respect for their customs. Without strong support or access, the system becomes a barrier instead of a bridge. These power structures keep indigenous communities on the margins. Even when they ask for help, the system often fails to respond fairly.

4.7 Other Structural and Social Challenges

In addition to legal and political issues, indigenous peoples in Bangladesh face many hidden challenges in daily life. These include problems with tradition, language, safety, and inclusion.³⁵

Customary laws that guide land, leadership, and conflict in indigenous communities are not recognized by national courts. Judges often ignore these local systems, weakening traditional authority. Many indigenous people also lack awareness of their legal rights and have little access to legal aid or support. Language is another barrier. Most legal and government processes are in Bangla, making it hard for indigenous people to understand or participate. National development plans also exclude indigenous voices. Projects often take over their land without consent, harming culture and causing displacement.³⁶

Gender discrimination is common. Indigenous women and girls face fewer opportunities and greater risk, with little legal focus on their needs. There's also a lack of official data—many indigenous groups are not even listed in national records. Finally, fear of speaking out is real. Leaders who raise land or rights issues may face threats or arrest. These social and structural problems show that fixing laws is not enough. Deeper changes are needed for justice to reach all.

- ²⁶ Barkat, A., Halim, S., & Poddar, A. (2009). *Development and Deprivation of Indigenous Peoples in Bangladesh*. Pathak Shamabesh.
- ²⁷ Roy, R. D. (2005). *Legal and Policy Frameworks for Indigenous Peoples in Bangladesh*. ILO Office, Dhaka.
- ²⁸ CHT Commission. (2000). *Life Is Not Ours: Land and Human Rights in the Chittagong Hill Tracts, Bangladesh*.
- ²⁹ International Work Group for Indigenous Affairs. (2019). *The Indigenous World 2019*. Copenhagen.
- ³⁰ Chakma, M. (2016). *The Status of the CHT Peace Accord Implementation*. Peace Research Institute Chittagong Hill Tracts.
- ³¹ Tripura, R. (2021). *State Violence and Land Grabbing in the CHT: A Local Perspective*. Journal of Indigenous Affairs, 17(2), 25–41.
- ³² Ahmed, M. (2014). *Access to Justice for Indigenous Peoples in Bangladesh*. Asian Legal Resource Centre Report.
- ³³ United Nations Development Programme. (2016). *Human Development Report: Indigenous Peoples and Access to Services in Bangladesh*. UNDP Bangladesh.
- ³⁴ Hossain, S. (2020). *Gender-Based Inequalities among Indigenous Women in Rural Bangladesh*. Gender, Justice & Society Journal, 8(1), 60–72.
- ³⁵ International Centre for Ethnic Studies. (2018). *The Marginalisation of Indigenous Peoples in South Asia*. Regional Policy Brief, Colombo.
- ³⁶ Minority Rights Group International. (2015). *Still Trapped in the CHT: Rights Denied for Indigenous Peoples in Bangladesh*. MRG Briefing Paper.

Chapter 5

COMPARATIVE & INTERNATIONAL PERSPECTIVES

Indigenous peoples around the world face similar challenges. However, some international laws and country-specific models offer better protection and recognition. This chapter explores global frameworks and regional examples that Bangladesh can learn from to improve legal protection for its indigenous communities. No country protects indigenous rights in isolation. Across the world, governments follow shared ideas and international laws to shape fair policies. These global standards offer helpful tools for countries like Bangladesh to improve their legal systems. Studying international practices helps us learn from both successes and failures elsewhere.

Bangladesh has shown some support for indigenous rights at the global level. In 2007, it supported the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). UNDRIP says indigenous peoples have the right to keep their land, language, and culture, and to be part of decisions that affect them. Bangladesh has yet to formally ratify ILO Convention No. 169, the key global treaty on indigenous rights. As of 2025, only 24 countries have ratified ILO 169, mostly from Latin America and Europe (ILO, 2024). This highlights both the treaty's importance and the political hesitation in many parts of Asia.

Other countries offer useful examples. India protects indigenous groups through its Constitution, especially under the Fifth and Sixth Schedules. Canada allows many indigenous communities to govern themselves and manage their land. The Philippines passed strong laws like the Indigenous Peoples' Rights Act (IPRA), which recognizes ancestral land rights and respects traditional leadership systems.

This chapter explores how these countries protect indigenous rights. It compares their systems with Bangladesh's laws and policies. By examining global legal frameworks and regional models, we can find ideas that may fit Bangladesh's context. These lessons can help shape fairer laws, stronger protections, and more respectful governance. The goal is not to copy others, but to adapt the best ideas in ways that support Bangladesh's indigenous peoples and fulfill their right to dignity, identity, and justice.

5.1 The UN Declaration Concerning the Rights of Indigenous Peoples (UNDRIP)

In 2007, the United Nations formally approved the UNDRIP norms. It is not a treaty, but it is a strong global agreement that many countries follow. Bangladesh supported UNDRIP at the United Nations. Key Declarations of UNDRIP (2007) are the followings:

- Indigenous peoples have the right to self-determination.
- They can maintain and strengthen their distinct languages, cultures, and traditions.
- They are entitled to use and protect the lands, areas, and natural resources they have traditionally owned or occupied.
- Governments must consult and cooperate with indigenous peoples before making decisions that affect them.
- Indigenous communities should be safeguarded against being moved or displaced without their consent.
- They have the right to establish and control their own education, media, and institutions.
- States must provide equal protection and respect for indigenous laws and customs.
- These communities must have full involvement in public affairs and the decision-making process.
- They have the right to redress (repair or compensation) when their lands or resources are taken without consent.

According to UNDRIP, indigenous communities are entitled to preserve their language, land, cultural practices, and traditional ways of life. It also says they should be part of decisions that affect their lives. The Declaration promotes self-determination, fair treatment, and protection from forced removal. Even though it is not legally binding, UNDRIP is used worldwide to guide governments in making laws and policies that respect indigenous rights. Bangladesh has agreed to its principles but has not fully used them in national laws or policies yet.

5.2 ILO Convention 169 (Bangladesh Not a Signatory – Implications)

The International Labour Organization adopted Convention No. 169 in 1989, establishing the only legally binding international treaty focused specifically on the rights of indigenous and tribal communities. This Convention gives strong protections. It requires governments to:

- Recognize indigenous peoples' identities,
- Respect their land rights,
- Consult them before any development project,
- Protect their language and customs.

Bangladesh has not signed or ratified this treaty. Because of that, the country is not legally required to follow its rules. This weakens international pressure and limits protection under global law. Many human rights experts say signing ILO 169 would show Bangladesh's commitment to indigenous rights and help improve legal systems at home.

5.3 Lessons from India's Fifth and Sixth Schedules

India, a neighboring country with many indigenous groups (called **Scheduled Tribes**), has special legal systems to protect their rights. These are found in the **Fifth** and **Sixth Schedules** of the Indian Constitution.

- The Fifth Schedule outlines provisions for managing tribal regions located in India's central and northern parts. It protects their land and allows local councils to manage their own affairs.
- The Sixth Schedule governs areas in the northeast, including states such as Assam and Meghalaya. It creates Autonomous District Councils that can make laws on land, forest, and culture.

These Schedules give real legal power to local leaders and support tribal self-rule. They help protect identity, stop land grabbing, and involve indigenous communities in governance. Bangladesh can learn from India's model. While the CHT Peace Accord created local councils, they still lack the constitutional status and full authority that India provides to its tribal areas.

5.4 Indigenous Self-Governance Models (e.g., Canada, Philippines)

Around the world, some countries have developed strong models of indigenous self-governance. These models recognize indigenous peoples as partners in decision-making and protect their rights to manage their own affairs. Two important examples are Canada and the Philippines.

In Canada, the government recognizes indigenous peoples as distinct political and cultural groups with the right to govern themselves. Through treaties and modern agreements, many indigenous communities have established self-government agreements. These agreements allow them to run their own schools, health services, and justice systems. Indigenous governments can make laws over their land and people while maintaining their unique traditions and languages. Canada's model emphasizes partnership and respect for indigenous autonomy, helping to repair past harms.

The Philippines also recognizes indigenous peoples' right to self-governance through the Indigenous Peoples' Rights Act (IPRA) of 1997. This law gives indigenous communities control over their ancestral lands and cultural heritage. It sets up Indigenous Peoples' Councils of Elders, who make decisions according to traditional laws. The government must consult these councils before approving any projects affecting indigenous lands. The Philippines model supports indigenous identity, community development, and protection of sacred sites.

These self-governance models share common features: respect for indigenous leadership, protection of land and culture, and legal recognition of their authority. Bangladesh can learn from these examples by strengthening local indigenous institutions and giving them real power in governance.

Empowering indigenous communities to manage their own affairs builds trust and helps protect their rights in a lasting way.

5.5 Relevance of International Human Rights Law to Domestic Legal Reform

International human rights laws provide important guidance for countries seeking to improve protection of indigenous peoples. These laws set standards that help shape fair and just legal systems at home.

For Bangladesh, global agreements like the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO Convention 169 offer clear principles. These include recognition of indigenous identity, protection of land rights, participation in decision-making, and respect for culture and traditions. Even if Bangladesh has not ratified all treaties, these international norms create moral and legal pressure to align national laws with global standards. Using international law as a guide can help Bangladesh address gaps in its legal system. For example, adopting clearer definitions of indigenous peoples, recognizing customary laws, and ensuring free, prior, and informed consent for development projects are key reforms inspired by international norms.

International human rights law also encourages states to provide remedies when rights are violated. This means creating accessible justice systems, protecting activists, and preventing discrimination. By integrating these standards into domestic law, Bangladesh can make its legal protections stronger and more effective. Finally, international law promotes cooperation and dialogue between governments and indigenous peoples. This helps build trust and ensures policies reflect indigenous needs. For Bangladesh, embracing international human rights law can open the door to better legal reform and stronger protection for its indigenous communities.

Global agreements and regional models show better ways to protect indigenous rights. UNDRIP gives strong moral guidance. ILO 169 provides binding legal standards. India's Constitution offers practical structures that give real power to tribal communities. Bangladesh can use these lessons to strengthen its own legal systems and create fairer protections for all indigenous peoples.

Chapter 6

RECOMMENDATIONS FOR REFORM

Bangladesh has taken some steps to improve the condition of indigenous peoples, especially through policy discussions, peace agreements, and administrative reforms. However, these efforts have not brought full change. Many laws are still outdated, unclear, or applied unfairly. Some institutions exist but do not have enough power or support to bring real impact. Because of this, indigenous communities continue to face exclusion, land loss, and weak access to justice. To build a better future, legal reforms must be bold, fair, and truly inclusive. Protecting indigenous peoples cannot be done through promises alone. It requires action—action that respects their identity, land, and way of life.

Laws should reflect their unique needs, not treat them like any other group. At the same time, systems of governance must give space for indigenous voices and allow them to participate in decisions that shape their communities. Let's explore some key recommendations that can help bring lasting and meaningful change for indigenous peoples in Bangladesh. These recommendations focus on the following areas:

- Constitutional Recognition
- Fair Land Laws
- Stronger Local Governance
- Improved Legal Access
- Support for Education, Language, and Culture

By following these steps, Bangladesh can move toward a legal system that includes everyone—where indigenous peoples are not just protected but respected, heard, and empowered. The path may not be easy, but with honest commitment and cooperation, it is possible to create a society where no one is left behind. Without any doubt, let's explore practical ways to reach these goals, starting with how the Constitution can better reflect the identity and rights of indigenous peoples.

Together, these reforms must go beyond surface-level changes. They should aim to build trust between the state and indigenous communities, ensuring that protection is not just written in law—but truly felt in daily life.

6.1 Recognizing Indigenous Peoples Constitutionally by Name

Why It Matters

The Constitution of Bangladesh does not clearly say “indigenous peoples.” Instead, it uses other words like “tribal,” “ethnic minority,” or “small community.” But these are not the names that these groups call themselves. These words also do not match how they are described in international human rights laws like the **UN Declaration on the Rights of Indigenous Peoples (UNDRIP)**. Because of this, indigenous people in Bangladesh are often not fully seen or understood in law. It makes it harder for them to claim their rights over land, culture, and local leadership.

What Should Be Done

- Amend the Constitution to include the accurate term: “indigenous peoples.”
- Clearly explain in the law who indigenous peoples are, using global standards like those in UNDRIP.
- Make sure this recognition also supports their culture, land rights, and right to take part in decisions about their lives.

Impact

Using the correct name in the Constitution would show respect for indigenous peoples. It would help them be seen, heard, and protected under the law. It would also make Bangladesh’s laws match international human rights standards and reduce legal confusion in future policies. This is a small but powerful step toward making justice and equality real for all indigenous communities in the country.

6.2 Implementing the CHT Accord Fully and Transparently

Why It Matters

The Chittagong Hill Tracts (CHT) Peace Accord was signed in 1997 to end a long conflict and protect the rights of indigenous peoples in the hill areas. The Accord promised to return land, reduce military presence, and give more power to local councils. However, many of these commitments still remain unfulfilled to this day. When agreements are not followed, trust is broken. Indigenous people in the CHT feel ignored and left out of important decisions. This causes more tension and delays peace and progress in the region.

What Should Be Done

- Follow all parts of the Peace Accord as promised—especially on land return and local control.
- Make the process clear and open so that everyone can see what is happening.
- Give the CHT Regional Council and Hill District Councils genuine power to make decisions with real authority.
- Involve local communities in reviewing the progress of the Accord.

Impact

Keeping promises made in the Accord will help build peace, fairness, and trust. It also safeguards the land, culture, and dignity of the indigenous communities in the CHT. A full and transparent implementation will show that the government respects indigenous rights and values long-term stability.

6.3 Strengthening Land Rights and Dispute Resolution Mechanisms

For indigenous peoples in Bangladesh, land is not just property—it is deeply tied to their identity, culture, and survival. However, many indigenous communities face serious threats to their land due to weak legal recognition, lack of documentation, and land grabbing. Their traditional land practices, known as customary land rights, are often not accepted in formal law. As a result, many families cannot prove ownership in court and are at risk of losing their ancestral lands to development projects, forest declarations, or private actors. Strengthening land rights means legally recognizing these customary systems and protecting indigenous people from forced eviction. It also requires changes in existing laws like the Land Acquisition Act to ensure that land is not taken without proper consent and fair compensation. Alongside stronger laws, Bangladesh must improve how land disputes are handled.

Most indigenous people have limited access to courts due to language barriers, distance, and legal complexity. Many judges and lawyers are unfamiliar with indigenous customs, which leads to unfair outcomes. Establishing fair, simple, and culturally sensitive dispute resolution mechanisms—especially in indigenous regions—can make justice more accessible. Updating institutions such as the CHT Land Commission plays a crucial role in settling long-lasting conflicts. By improving both land rights and the systems that handle land conflicts, Bangladesh can reduce injustice, build trust, and protect the future of indigenous communities.

What Should Be Done

For indigenous peoples, land is life. It is not just a place to live, but a source of food, culture, and identity. Yet, many indigenous families lose their land due to development projects, land grabbing, and lack of legal papers. Often, their traditional way of owning land is not accepted in the formal legal system. This causes major disputes and displacement.

So, here is what should be done for their right,

- Acknowledge the traditional land management practices that local communities have followed for generations.
- Improve the Land Commission's operations, particularly in the CHT, to ensure quicker and more just resolutions.
- Ensure that land cannot be taken without proper consent and compensation.
- Create special courts or systems to handle indigenous land disputes using simple and respectful methods.

6.4 Inclusive Development and Education Reforms

Indigenous peoples in Bangladesh are often left out of national development planning. Roads, factories, and tourism projects are sometimes built on indigenous land without consulting local communities. These actions not only lead to land loss but also harm their way of life and environment. Inclusive development means making sure that indigenous communities are part of decisions that affect their future. It means asking for their opinion, respecting their rights, and ensuring that development helps—not harms—they.

One important part of inclusive development is education reform. Over 60% of indigenous children in Bangladesh grow up speaking their native language, not Bangla, as their mother tongue. Yet most schools teach only in Bangla. This language barrier makes it harder for them to learn, stay in school, and succeed. Over time, this leads to poor results, early dropout, and even loss of indigenous languages.

To fix this, the government should create and support mother-tongue-based education in early grades. Local teachers from indigenous backgrounds should be trained and hired. National education policies should include indigenous history, culture, and values in the curriculum.

- Ensure indigenous voices in planning to prevent cultural and land loss.
- Teach in mother tongues early to protect language and learning success.
- Add indigenous history in schools to support respect and identity.

These changes would help children learn better and feel respected in the classroom. Inclusive education helps protect identity and gives indigenous youth a better chance for the future.

6.5 Enhancing Legal Literacy among Indigenous Communities

Many indigenous people in Bangladesh are not aware of the laws meant to protect them. They may not know how to file a complaint, ask for land rights, or get legal help. This lack of knowledge is called low legal literacy—and it keeps people from accessing justice.

To solve this, the government and civil society groups must take steps to **raise awareness** in indigenous communities. This means creating legal materials in local languages, using visual tools, and organizing workshops in remote areas. Special legal aid centers should be set up in both hill and plain regions, where trained staff can explain rights and provide support.

Legal literacy should also start at school, where children can learn about their basic rights early on. Community leaders and elders can be trained as local rights educators. When people understand the law, they are more confident to speak up, defend their land, and seek justice.

Raising legal awareness is not just about teaching laws—it is about empowering indigenous people to take part in the legal system on their own terms. When more people know their rights, fewer people can take advantage of them.

6.6 Role of Civil Society, Human Rights Defenders, & Legal Advocacy

Civil society organizations, human rights defenders, and legal advocates play an important role in protecting the rights of indigenous peoples in Bangladesh. These groups work closely with indigenous communities to raise awareness about their rights and bring attention to problems like land grabbing, discrimination, and loss of culture.

A large number of indigenous communities live in distant regions and often lack proper access to official legal services. Civil society organizations help by providing legal aid and advice, supporting communities to understand their rights and how to claim them. They also organize training sessions and workshops to improve legal literacy, helping indigenous leaders and youth become stronger advocates for their communities.

Human rights defenders act as watchdogs who monitor government policies and actions. They document abuses and speak out against violations. By reporting problems to national and international bodies, they create pressure on authorities to act fairly and respect indigenous rights. Legal advocacy is essential to challenge unfair laws or practices in court. Lawyers and advocates work to ensure that indigenous peoples' voices are heard in legal processes and push for reforms to better protect their land, culture, and identity.

By working together, civil society, human rights defenders, and legal advocates build networks of support that amplify indigenous voices. They also foster dialogue between indigenous communities and the government, helping to create stronger laws and better enforcement. These actors are key partners in the struggle for justice, dignity, and equality for indigenous peoples in Bangladesh.

6.7 Expanding Legal and Institutional Reform Efforts

To fully protect indigenous peoples' rights in Bangladesh, reforms must go beyond basic legal fixes.

Broader changes are needed in governance, service delivery, and recognition of traditional practices. One key step is ensuring stronger representation of indigenous peoples in both national and local government bodies. Their voices must be part of decisions that affect their communities.

Another important area is the recognition of customary laws. Indigenous communities often follow traditional rules for land use and conflict resolution, but these are not recognized by national courts. Giving legal value to these systems would protect their autonomy and way of life. Many indigenous people face language and cultural barriers in healthcare, education, and legal services. Hiring culturally aware staff and using local languages can make services more inclusive. There is also a need to strengthen monitoring systems. Independent bodies or special desks on indigenous issues can help track government actions and make sure laws are being followed.

Lastly, Bangladesh should consider ratifying ILO Convention 169. This would show a strong international commitment and guide necessary reforms on land rights, consultation, and cultural protection.

Chapter 7

RESEARCH FINDINGS

7.1 Summary of Findings

This research shows that while Bangladesh has some laws and institutions to protect indigenous peoples, they are often weak, unclear, and poorly enforced. The Constitution does not use the term “indigenous peoples,” which causes confusion and limits recognition. The 1997 CHT Accord remains only partly implemented, and indigenous groups in the plains receive even less protection. Customary land rights are not legally accepted, leading to land loss and displacement. Language barriers, lack of legal awareness, and poor access to justice make things worse.

Institutions like the CHT Regional Council and National Human Rights Commission have limited power and resources. Though international tools like UNDRIP and ILO 169 offer guidance, Bangladesh has not fully used them. Legal protection remains uneven and mostly symbolic. True reform will require stronger laws, inclusive policies, and serious political commitment to justice and equality for indigenous peoples. The path forward is clear—what’s needed now is the will to act.

7.2 Key Findings of the Research

Indigenous Peoples Are Not Properly Recognized in the Constitution: The Constitution of Bangladesh promises equal rights for all. But it does not clearly say the word “indigenous.” Instead, it uses words like “tribal” or “ethnic minority,” which don’t match what these communities call themselves or how international laws describe them.

Because of this, many indigenous people feel left out. Without proper recognition, their rights to land, culture, and identity remain weak or unclear under the law.

The CHT Peace Accord Has Not Been Fully Applied: In 1997, the government signed a peace agreement with indigenous groups in the Chittagong Hill Tracts. This deal promised to return stolen land, reduce military control, and give more power to local leaders. Sadly, many of those promises were never kept. Military camps remain, and the local councils still lack real authority. This broken trust has made many indigenous people lose hope in the system.

Traditional Land Rights Are Not Protected by Law: Indigenous families have their own way of owning and sharing land, passed down through generations. But the law only protects land if someone has official documents, which many indigenous people don't have. Because of this, land is often taken away by the government or others for roads, buildings, or projects. These people are left without homes or farmland, and they rarely get fair payment or support.

Institutions Created to Help Are Too Weak: Some offices and councils were created to protect indigenous rights, like the CHT Regional Council and the National Human Rights Commission. These were good ideas in theory. But in real life, they don't have enough power or resources to make big changes. Their voices are often ignored, and this makes it hard to solve serious problems faced by indigenous communities.

Hill and Plain Indigenous Groups Get Treated Differently: People in the Chittagong Hill Tracts have some legal protections, even if they aren't perfect. But those who live in the plains—like in Dinajpur or Mymensingh—have almost none. These plainland groups often face more land grabs and fewer services. This difference creates unfair treatment and leaves many families feeling forgotten.

Global Laws Are Not Used in Local Policies:

Bangladesh supports the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which is a good step. But it has not signed ILO Convention 169, the main global treaty that protects indigenous rights. Without signing this, Bangladesh isn't legally required to

follow those stronger rules. Also, many global ideas haven't been added to local laws, so real changes still haven't happened.

Courts Offer Little Help in Most Cases: Many indigenous people try to go to court when their land is taken. But the system is hard to understand, and many don't speak the language well. Judges rarely consider the unique customs or oral history of these communities. Most court decisions focus only on documents, which indigenous families often don't have. As a result, justice is very hard to get.

Language and Culture Are Ignored in Education: Most indigenous children grow up speaking their own language at home. But schools only teach in Bangla, which creates problems in learning. Many children fall behind or drop out. Their language and culture slowly fade away because it's not supported in school. This also lowers their chances of doing well in life.

Indigenous People Have Little Say in Decisions: When the government builds roads, bridges, or projects, indigenous communities are rarely asked for their opinion. This leaves them out of important choices that affect their lives. They also have very few representatives in government. Even when they are included, they don't have much power to protect their people's rights or land.

7.3 Reflections on Justice, Equality, and Constitutional Duty

Justice means more than just laws. It stands for treating people equally, honoring their rights, and letting them share their opinions. For indigenous peoples in Bangladesh, justice means being seen and treated as equals. The Constitution promises equal rights, but many indigenous people do not feel protected.

Indigenous groups have their own language, land rules, and culture.

However, applying identical laws to all groups does not always produce fair results. When these differences are ignored, it causes unfair treatment. That is why the Constitution should clearly say "indigenous peoples" and respect who they are. Equality is not giving the same thing to everyone. It means giving what each group needs to live a fair life. Indigenous people often cannot access legal help, education in their language, or take part in the government. These are not small issues—they are problems of justice.

The country must act fast. Indigenous peoples are losing land, culture, and their place in society. Without change, this will continue for the next generation. We must start by using the right words in the law. Then we must protect land rights, support their customs, and improve access to services. Laws alone are not enough. We need trained leaders, strong systems, and real inclusion. Schools, media, and public programs should include indigenous languages and stories. Development plans must involve indigenous voices.

Chapter 8

THE CONCLUSION

8.1 Final Thoughts

Indigenous peoples do not merely exist on the fringes of society—they actively preserve Bangladesh’s cultural richness and environmental balance. Their strong connection to ancestral lands, traditional wisdom, and generations-old customs plays a vital role in shaping the nation’s identity. They demonstrate a way of life that values harmony with nature, respect for elders, and collective well-being.

Despite these meaningful contributions, indigenous communities continue to experience severe marginalization. Many face land dispossession, identity suppression, loss of native languages, political underrepresentation, and exclusion from legal protections. Society often overlooks their struggles, and national discourse rarely reflects their realities. While the state acknowledges cultural diversity in theory, its legal system and institutional practices fall short in protecting those who have lived here the longest.

This study highlights a critical reality: the legal instruments designed to defend indigenous rights lack clarity, strength, and proper enforcement. Although relevant institutions exist, they often lack the power to act effectively. The Constitution promises equality, but by avoiding the term “indigenous peoples,” it fails to recognize and protect their identity meaningfully.

However, Bangladesh holds the potential—and responsibility—to reverse this injustice. A sincere and urgent national effort must acknowledge historical wrongs and pursue reforms that reflect international standards such as the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). The state must revise laws to secure land rights, safeguard cultural practices, and ensure indigenous communities participate actively in policymaking. It must also build inclusive spaces where indigenous youth, women, and elders can thrive without fear or discrimination.

Justice cannot remain a distant promise in the Constitution. It must translate into everyday experiences. Achieving this requires moral courage to confront past failures and the determination to build a fairer future. Upholding indigenous rights is not merely an option—it represents a constitutional obligation and a matter of national integrity.

When Bangladesh chooses to protect and empower its indigenous peoples, it strengthens democracy and promotes unity. Their inclusion enriches national culture, enhances peace, and ensures sustainable progress. This research aims not only to inform but also to inspire. Let it serve as a foundation for dialogue, a guide for legal reform, and a reminder that real justice embraces every voice—especially those silenced the longest.

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