

AvmbæmvsneavmbK ms`v̄ti Aw` evmx bvMwi Kt` i
cwi Pq, `KxqZv I Avakvi msi ¶t̄Yi
neavbvej xi h_vh_ Ašf̄³ KiY Gi wełtq

gvbbxq cävbgšx Rb̄t̄b̄x tkL nvmbvi mbKU tckKZ

PvKgv ivRv t` evkxl ivq-Gi
`švi Kwj wc

XvKv, 2iv tg, 2011 Lt:

ms̄hvRbx:

- 1 | Aw` evmx msm` m`m` I Ab`vb` Aw` evmx tbZp̄t̄` i mvsneavmbK ms`vi ms̄v̄š-`švi Kwj wc54 c̄p̄v
- 2 | PvKgv ivRv t` evkxl ivt̄qi Aw` evmx ms̄v̄š-mvsneavmbK ms`v̄ti i c̄v̄vevej x, e`vL`v I ch̄e¶Y05 c̄p̄v
- 3 | Aw` evmx ms̄v̄š-mvsneavmbK ms`vi wełtq ivRv t` evkxl ivq KZR̄ ivPZ c̄Ü12 c̄p̄v
- 4 | Aw` evmx ms̄v̄š-mvsneavmbK ms`vi wełtq ivRv t` evkxl ivq KZR̄ ivPZ c̄Ü13 c̄p̄v

mPxcĬ

μugK bs

weeiY

(Running Page)CŌV

- 1 | AvmbumvsweavnbK ms̄-«fi Awì evmx bvMwi Kt̄ i cwi Pq, ṽKxqZv I AwaKvi msi ¶t̄Yi weavbvej xi
h_vh_ AšfP̄ KiY Gi wel t̄q PvKgv ivRv t̄ evkxl ivq-Gi ṽyi Kwj wc 01
- 1 | Awì evmx msm̄ m̄ m̄ I Ab̄vb̄ Awì evmx tbZet̄ i mvsweavnbK ms̄-«vi ms̄μvš-ṽyi Kwj wc 02-70
- 2 | PvKgv ivRv t̄ evkxl ivt̄qi Awì evmx ms̄μvš-mvsweavnbK ms̄-«fi i cŌvevej x, eṽvL̄v I ch̄e¶Y 71-86
- 3 | Awì evmx AwaKvi ms̄μvš-mvsweavnbK ms̄-«vi wel t̄q ivRv t̄ evkxl ivq KZṘ i wPZ cŌÜ(Bst̄i Rx) 87-98
- 4 | Awì evmx AwaKvi ms̄μvš-mvsweavnbK ms̄-«vi wel t̄q ivRv t̄ evkxl ivq KZṘ i wPZ cŌÜ(ersj v)..99-111

ms†hvRbx 1

Aw` evmx msm` m` m" | Ab`vb" Aw` evmx
tbZe†` i mvsweawbK ms`vi mspuvš-
`š/i Kwj wC

eiveti,
gvbbxq tPqvi cvm
msweavb mstkvab msµvš-wetkl Kugw
evsj v`k RvZiq msm` feb
tkti evsj vbMi, XvKv

welq t evsj v`tki Aw` evmx RvZtMvöxmgñi msvweavbK `xKwZ cñt½ |

gnvkq,

Avšwi K i`f`Ov MhY Kiteb | Avcwb tRtb Lkx nteb th, eZgub miKvii msweavb mstkvab welq c` t`c MhY Kivq t`tki Aw` evmx RvZtMvöxmgñi AZ`š-Avbw` Z Ges AvkwšZ | msweavb mstkvatbi GB gnvb D` v`Mi cwi t`c t`Z msweavtbi gj` t`ngn cpeñij mn 072-Gi msweavtbi wditi hvl qv m`e nte Ges tmB mvt_ t` kevmx gy`h`x i tPZbvq Avti v D`xwZ nte etj t`tki Ab`vb` bvMwi K mgv`Ri g`Zv Aw` evmx RvZtMvöxmgñi Avkv Kti |

Aw` evmx RvZtMvöxmgñi Avti Avkv Kti th, msweavb mstkvatbi GB gnvb D` v`Mi dtj Zv` i msvweavbK `xKwZi Dchp` t`ñi I mthvM`Zwi n`q`Q Ges G`ñi miKvi AMwaKvi c`vb Kti GwMq Avmteb | t`tki Aw` evmx RvZtMvöxmgñi tmB c`Z`vkvK mvgtb ti tL Pj gvb msweavb mstkvab c`µvq Av` evmx RvZtMvöxmgñi msvweavbK `xKwZi t`ñi mthvM`Zvi j`ñi m`e` c`vevej xi Lmov c`ZKi t`y wbg`ñi Kvi x c`PRb msm` m`m`MY D` v`M MhY Kti b |

GLtb wetkl fvt` c`YavbthvM` th, D` D` v`Mi Ask wntmte MZ 24 Rj vB 2010 wbg`ñi Kvi x c`PRb msm` m`m`e` ms`wZ welqK c`Zgšx c`gv` gvbnKti XvKv` evmfe`b GK Avtj vPbvq wgvj Z nb | D` Avtj vPbvq MpxZ w`vš-tgvZvteK MZ 5 AvM ÷ 2010 gvbbxq c`vbgšxi mvt_ ms`wZ c`Zgšx c`gv` gvbnKb I cveZ` c`Zgšx `xcsKi Zvj K`vi g`n`q mvñvZ Kti b | D` mvñvKviti Aw` evmx` i msvweavbK `xKwZi welqW D` wcz nq Ges gvbbxq c`vbgšx Gwelq Zj bvgj K D` vniY m`ñj Z h`vh` ms`v`i c`vevej x D` wcz ntj wetePbvi Avkjm c`vb Kti b |

Zvi B Avtj v`K MZ 7 AvM ÷ 2010 XvKvq cveZ` c`Zgšx `xcsKi Zvj K`viti evmfe`b wbg`ñi Kvi x msm` m`m`MY wbtg`ewY Aw` evmx bvMwi K mgv`Ri w`kó e`w`e`MP GK c`vgk`mfvq wgvj Z nb | D` mfvg Aw` evmx RvZtMvöxmgñi msvweavbK `xKwZi j`ñi msweavtbi mstkvabxi Lmov c`vevej x c`vq`bi Rb` PvKgv mvt`K` Pxd ivRv t`evkxl ivtqi tbZtZ; Aw` evmx bvMwi K mgv`Ri wbtg`e D`j w`Z w`kó e`w`e`MP wbtq GKw Lmov c`vqb Kugw MVb Kiv nq-

- (1) ivRv t`evkxl ivq, PvKgv mvt`K` Pxd
- (2) tMŠZg Kgvi PvKgv, m`m`, cveZ` P`EMög Av`w`j K cwi I`
- (3) Avj evU`gvbnKb, cwi Pvj K, wbeñix wmc`w
- (4) m`Xe `š, m`avi Y m`úv`K, evsj v`k Aw` evmx tdvi vg
- (5) DwmZ gs, mfvcwZ, ivLvBb t`w`fj vctgU dvD`Úkb
- (6) g`j Kgvi PvKgv, Z` I c`vi m`úv`K, cveZ` P`EMög RbmswZ migwZ

D` Lmov KugwI m`m`e` Aw` evmx RvZtMvöxmgñi msvweavbK `xKwZi j`ñi msweavtbi mstkvabxi Lmov c`vevej x c`Z Kti 13 AvM ÷ 2010 ivRv t`evkxl ivtqi evmfe`b Avgv` i mvt_ gZwewbgq mfvg

uguj Z nb| D³ %v#K Avtj vPbv-ch#j vPbvi ci LmowU Avtiv Dbz Kiv nq| D³ ^ev#K t`tki wevfbe AAj t`tk c#ZibwaZkxj Aw`evmx tbZe,`tk tW#K D³ Lmov c#vevej xi Dci me#i i Aw`evmx RbM#Yi gZvgZ tbqvi wmx#s-tbqv nq hv cieZ#Z ms`wZ c#Zgšx c#gv` gvb#K#bi mfvcwZtZ; 23 AvM÷ 2010 XvKv` L#ovb tKvAcv#i wUf t#uWU BDwbqt#bi Awd#m Aby#Z nq| D³ gZwewbgq mfvg t`tki wevfbeAAj t`tk 35 Rb Aw`evmx tbZe,` Dcw`Z wQtj b| Zvt`i gZvg#Zi wfv#Z cieZ#Z Lmov c#vevej x Avtiv Dbz Kiv nq| me#kl D³ Lmov c#vevej xi Dci 22 tm#P#t 2010 cveZ` c#Zgšx `xc#i Zvj K`vti i evmfet# Avgiv cuPRb msm` m`m` Ges Lmov KugwUi OqRb m`m`e,` P#vš-gZwewbgq mfvg uguj Z nB thLv#b #Aw`evmx RvwZ#Mv#xmg#ni cwiPq, `KxqZv I AwaKvi i #vt` #mvs#eav#K m#tkvabxi c#vevej x# kxl # GB Lmov c#vevej x P#vš-Kiv nq| GB Lmov c#vevej xi msw#j#mvi ntj v-

1. ms#eav#bi iv#fvlv I RvZxq ms`wZ, wK#jv BZ`w` #eav#vej xtZ Aw`evmx RvwZ#Mv#xmg#ni `KxqZv I cwiwPwZ, gvZ.fvlvq wK#jv I cvV`mP#tZ mvs`wZK e#gwi KZv m#thvRb Kiv|
2. ms#eav#bi RvZxq msm`, `vbxq kvmb, gwj Kvbvi bxiZgvj v, AvBb-c#q#b I ms#eav#-m#thvRb BZ`w` #eav#vej xtZ Aw`evmx RvwZ#Mv#xmg#ni AskM#Y, c#ZibwaZ; Askx`wii Z; ciugk#I m#s#Z m#p#s`-welq#j x m#thvRb Kiv|
3. ms#eav#bi tkvly t`tk gw³, `elg` `ixKi#Yi D#i#k` w#tkl #eav# c#q#b, mi Kvi x w#tqvtM m#thv#Mi mgZv, Pj v#divi `#axbZv BZ`w` #eav#vej xtZ Aw`evmx RvwZ#Mv#xmg#ni mgZv w#w#ZKiY, `elg` `ixKiY I `vZs# mg#z ivLvi j #j# w#tkl c`#j#c m#p#s`-#eav# m#thvRb Kiv|
4. cveZ` P#M#tgi ivR#w#ZK, A_#w#ZK, mvgwRK, mvs`wZK I ag#q AwaKv#i i w#v#c#vi Rb` cveZ` P#M#tgi w#tkl kvwZ Aw`evmx AA#j i gh#v Ges 1997 mvtj `#j#wi Z cveZ` P#M#tgi Pw³ I GB Pw³ i Aax#b c#v#Z AvBbmga#K mvs#eav#Kfv#e `#KwZ c#vb Kiv|

ejvi Atc#jv iv#L bv th, Aw`evmx RvwZ#Mv#xmg#ni mvs#eav#K `#KwZi j #j#` mvs#eav#K m#tkvabxi c#vevej x t`tki me#i i Aw`evmx RvwZ#Mv#x mgZv Pw#v I Avkv-AvKv.#jvi c#Zdj b N#U#Q etj Avgiv g#b Kwi | Avgiv Avkv Kwi th, Pj gvb ms#eav# m#tkv#bi c#p#q#q AwaKvsk #j#i w#w#Z cov I m#thvM ew#Z Aw`evmx RvwZ#Mv#xmg#ni `xN# #bi c#Zvkv I AvKv.#jvi wfv#Z mvs#eav#K `#KwZi `v#xmg# ms#eav#b `vb cv#e|

ejvev#j, 1971 mvtj g#vb `#axbZv h#x Aw`evmx RbMY ev#vj x RbM#Yi mvt_ Kv#A Kva uguj #q c#Z`#jfv#e AskM#Y K#i#Qtj b| A#bK Aw`evmx gw³ #h#v#v R#eb w`#q#Q#b| cvK nvb#vi ew#bxi a#sm#t#A Zviv w#R`^w#UvgwU I abm#u` n#wi #q#Q#b| Avgiv `p#fv#e w#k#m Kwi th, Gev#i ms#eav# m#tkvab w#lqK msm`xq KugwU Aw`evmx RvwZ#Mv#xmg#ni AwaKvi #jv `#KwZ w`#eb Ges Zvt`i `v#v#vl qvi w#lq #jv w#tePbvq Av#teb Ges tmfv#e ms#eav#b m#thvR#bi c`#j#c M#Y Ki#eb|

Avgiv g#bc#t#Y w#k#m Kwi th, Dctiv³ c#vevej x M#xZ ntj t`tki Aw`evmx RbM#Yi c#Z `elg` `#xfZKi#Yi GKwU Kv#Ri wfv#E `w#CZ n#e Ges wfv#bevf#beAw`evmx RvwZ#Mv#x Zvt`i cwiPq I `KxqZv eRvq ti#L t`tki bv#wi K w#nt#e gj #m#Zavivi KgRvt#U h_vh_fv#e AskM#Yi mgvb m#thvM cv#e| Gi gva`tg msNvZ I #v# w#i mbK#i t`tki w`wZkxj Zv, k#s#-I mg#x e#x cv#e|

AZGe ms#eav# m#tkvab w#lqK msm`xq KugwU Kvt#Q Avgiv w#g#e#j#ievix cuPRb Aw`evmx msm` m`m`MY G`Zm#½ msh# #Aw`evmx RvwZ#Mv#xmg#ni cwiPq, `KxqZv I AwaKvi i #vt` #mvs#eav#K

mstkrvabxi cŕvevej xŕ kxlŕ GB cŕvevej x ŕck KiŕQ Ges GB cŕvevej x msweavŕb msthvRŕb h_vh_ c`ŕŕc MŕY Kivi Rb` mŕebŕq Abŕiva KiŕQ|

Avcbvŕ` i Avšwi K ab`ev` mn

evsj vŕ` ŕki Aw` evmx RŕwZŕMvŕxmgŕni cŕŕ|-

μ:	msm` m`ŕm`i bvg	c`ex	ŕŕŕi
1.	`xcsKi Zvj K`vi	msm` m`m` I cŕZgšŕ, cveZ` PÆMŕg weI qK gšŕvj q	ŕŕŕi Z
2.	cŕgv` gvbŕKb	msm` m`m` I cŕZgšŕ, ms`wZ gšŕvj q	ŕŕŕi Z
3.	exi evrv`j D%kŕms	msm` m`m` I ŕPqvi g`vb, cveZ` PÆMŕg Dbŕb teW®	ŕŕŕi Z
4.	hZŕ`j vj ŕŕc jv	msm` m`m` I ŕPqvi g`vb, cŕZ`vMZ ki Yv_xŕŕ Avf`šŕxY Dŕv`' cpeŕmb msŕvš-Uv`ŕdvm®	ŕŕŕi Z
5.	Gŕ_b i vLvBb	msm` m`m`	ŕŕŕi Z
6.	i vRv ŕ` evkxl i vq	mvŕKŕŕ Pŕd, PŕKgv mvŕKŕŕ	ŕŕŕi Z
7.	ŕMŠZg Kgv i PŕKgv	m`m`, cveZ` PÆMŕg Avŕŕj K cvi I`	ŕŕŕi Z
8.	mŕxe `š	mvavi Y mŕúv` K, evsj vŕ` k Aw` evmx ŕdvi vg	ŕŕŕi Z ŕŕŕi Z
9.	Avj evU`gvbŕKb	ŕbeŕx cvi Pŕj K, ŕmcŕŕ	ŕŕŕi Z
10.	DŕmZ gs	mfvcŕZ, i vLvBb ŕŕŕfj vŕŕgU dŕDŕŕkb	ŕŕŕi Z
11.	gŕj Kgv i PŕKgv	Z` I cŕvi mŕúv` K, cveZ` PÆMŕg RbmsŕvZ mŕgvZ	ŕŕŕi Z

m`q AeMŕZ I cŕŕvRbxq Kvŕŕi e`e`v Mŕŕŕi Rb` Abŕj ŕc ŕ`qv ŕMj (c`vbŕŕŕi bq)-

- 1| Rbve mji wÄZ tmb ,B, gvbbxq tKv-†Pqvi g`vb, msweavb mstkvab mspuvš-†e†kl KigulU|
- 2| Rbve `mq` Avki vclj Bmj vg, gvbbxq m`m", msweavb mstkvab mspuvš-†e†kl KigulU|
- 3| Rbve kwidK Avntg`, gvbbxq m`m", msweavb mstkvab mspuvš-†e†kl KigulU|
- 4| Rbve nvmvb gvngj, gvbbxq m`m", msweavb mstkvab mspuvš-†e†kl KigulU|
- 5| Rbve W. wkwib kvi wgb †Pšaj x, gvbbxq m`m", msweavb mstkvab mspuvš-†e†kl KigulU|
- 6| Rbve Avigi tnv†mb Avgy gvbbxq m`m", msweavb mstkvab mspuvš-†e†kl KigulU|
- 7| Rbve Ave`j iv3/4vK, gvbbxq m`m", msweavb mstkvab mspuvš-†e†kl KigulU|
- 8| Rbve †Zvcl†qj Avntg`, gvbbxq m`m", msweavb mstkvab mspuvš-†e†kl KigulU|
- 9| Rbve tkL dRj j Kwig tmwj g, gvbbxq m`m", msweavb mstkvab mspuvš-†e†kl KigulU|
- 10| Rbve ingZ Avj x, gvbbxq m`m", msweavb mstkvab mspuvš-†e†kl KigulU|
- 11| Rbve dR†j ive†x wgvq, gvbbxq m`m", msweavb mstkvab mspuvš-†e†kl KigulU|
- 12| Rbve iv†k` Lv† tgb, gvbbxq m`m", msweavb mstkvab mspuvš-†e†kl KigulU|
- 13| Rbve Ave`j gwZb Lmi", gvbbxq m`m", msweavb mstkvab mspuvš-†e†kl KigulU|
- 14| Rbve nvmvbj nK Bby gvbbxq m`m", msweavb mstkvab mspuvš-†e†kl KigulU|
- 15| Rbve Avwmbj Bmj vg gvngj, gvbbxq m`m", msweavb mstkvab mspuvš-†e†kl KigulU|

mshj³-

- 1| Avw evmx RvwZ†Mvôxmg†ni cw† Pq, †KxqZv I AvwKvi i ¶v†_9msweavwbK mstkvabxi c†vevej x - 1 Kw†|
- 2| Annexe-1(1), 1(2), 1(3), 2(1), 2(2), 2(3), 2(4), 2(5), 2(6), 2(7), 3(1), 3(2), 3(3), 3(4) and 3(5).

mPcÎ

μ:	wel q	côv
1.	Avi` evmx RwiZ#Mvôxmg#ni cwi Pq, `KxqZv I AwaKvi i ¶iv#_© mvsweawbK mst#kvabxi cÛvevej x	6-21
	Kv#-vi -1: `KxqZv I cwi wPwZ	6
	Kv#-vi -2: AskMôY, cûZvwaZ; Askx` wii Zi, ci vgk¶ m#yZ	9
	Kv#-vi -3: mgZv, `el g`nxbZv I w#tkl c` ¶¶c	16
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Awi` evmx RwiZ#Mvôxmg#ni cwi Pq, -KxqZv I AwaKvi i #v#_@mvsweavbK mstkvabxi c#vevej x¹

K#÷vi -1

-KxqZv I cwi #PwZ

eZ#vb msweavtbi weavbvej x	c#weZ weavbvej x (mstkvabx c#ve)	th#w#KZv/h_v_#v	m#:
c#g fivMi (c#RvZ#) #i v#fvI v# m#p#s-3 Ab#`Q` #c#RvZ#s#j i v#fvI v# evsj v #	3 Ab#`Q#` i tk#l msthvRb Kiv- <i>0Zte b#Mwi K#`i Ab`ib` fvIvi cwi #c#vI Y I Dbq#bl i v#mgfv#e c#tcvI KZv Kwi #eb #</i>	evsj v#` #ki Awi` evmx RwiZ#Mvôxmg#ni fvIv, HwZn` I m#`wZ wej #Bi m#`#x#b I m#KUVcb# Zv#` i mvgw#RK I A_#wZK c#w#KZvi #c#vI#Z Ges b`vh`Zv weavtbi Rb` c#`#v#fv#e msweavt# msweav# e`e`v A#f#`# i Av#j v#K i v#v#q c#tcvI KZv c#qvRb Ges GB c#tcvI KZv e`Z#i #K m#k#-RwiZ#Mvôxi c#Z` #elg` Kvh#i fv#e `#xfZ Kiv m#e b#q	#f#bR#q#j vi msweavb Article 9. Spanish is the official language. The use of native languages also has official status for native peoples, and must be respected throughout the territory of the Republic, as constituting part of the cultural heritage of the Nation and humanity. gvj #qv#kqv#i msweavb Article 161(5). Notwithstanding anything in Article 152, in the State of Sabah or Sarawak a native language in current use in the State may be used in native courts or for any code of native law and custom... #f#bR#q#j v, gvj #qv#kqv, fvI Z, #`#b, bi I #q, #dbj `vU, tgv# #Kv, #clvj c#Bb I #vj #fv#i msweavb Ges AvBG# I Kb#fbk#b bs 107-Gi weavbvej xi Rb` we`wi Z Av#i v` #L# Annexe-1(1): State Languages etc, c#v-22

¹ MZ 24 Rj vB 2010 c#PRb Awi` evmx msm` m`m` h_v#tg creZ` P#M#g we#qK c#Zg#s#`xc#i Zvj K`vi, m#`wZ c#Zg#s#` c#g#` gv#k#b, creZ` P#M#g Dbq#b teW#Pqv#i gv#b exi evn`#j, c#Z`wZ ki Yv_x# Av#`s#xY D#v`# c#pe#b m#p#s-Uv`# #dvm#Pqv#i gv#b hZ#`#j j#j #l c#jv I G#_b i vLvBb g#n#`qMY XvKv` #g. c#g#` gv#k#b#i evm#e#b Av#j v#Bv#q #gvj Z nb| D#` Av#j v#Bv#q Zv#v P#j gv#b msweavb mstkvab c#qv#q #`#ki Awi` evmx RwiZ#Mvôxmg#ni msweavbK `#K#Zi we#l#q D#`v#M #bqv#i #m#v#s-M#Y K#i b| Zvi B Av#j v#K 5 Av#M÷ 2010 gv#b#q c#v#b#s#i m#`_m#`wZ c#Zg#s#` c#g#` gv#k#b I creZ` c#Zg#s#` #xc#Ki Zvj K`vi g#n#`q m#v#v#Z K#i b| D#` m#v#v#Kv#i Awi` evm#` i msweavbK `#K#Zi we#l#q D#`w#Z n#q Ges gv#b#q c#v#b#s#i Gwe#l#q Z#j b#j# K D`vni Y m#`#j Z h_v#_m#`#i i c#vevej x D#`w#Z n#j we#e#b#i Av#k#m c#v#b K#i b|

Gici MZ 7 Av#M÷ 2010 creZ` c#Zg#s#` #xc#Ki Zvj K`v#i i Av#n#v#b I m#fv#v#Z#Z#i Zvi XvKv` evm#e#b GK m#fv Ab#j#Z n#q| D#` m#fv#q creZ` c#Zg#s#` #xc#Ki Zvj K`vi m#n D#j #Z c#PRb Awi` evmx msm` m`m` Ges Awi` evmx b#Mwi K m#gv#Ri we#k# e`#e#M#h_v#tg P#Kgv m#v#K# P#d i vRv` #`ev#k#l i v#q, creZ` P#M#g Av#v#j K cwi l#`i m`m` #M#Zg K#v#i P#Kgv, #c#v#i #be#n# cwi P#j K Av#j evU#gv#k#b, evsj v#`k Awi` evmx #d#v#v#i m#v#v#Y m#`#v` K m#`#e` `# I i vLvBb #W#f#j v#q#U #d#v#U#k#b#i m#fv#v#Z Dm#Z g# Dc#`Z #Q#j b| D#` m#fv#q Awi` evmx RwiZ#Mvôxmg#ni msweavbK `#K#Zi j`#v#` msweavtbi mstkvabxi Lm#v c#vevej x c#v#q#b#i Rb` P#Kgv m#v#K# P#d i vRv` #`ev#k#l i v#q#i #bZ#Z#i Awi` evmx b#Mwi K m#gv#Ri D#j #Z we#k# e`#e#M#K #b#q G#v#U Lm#v c#v#q#b K#v#U M#v#b Kiv n#q| c#i D#` K#v#U#Z g#j# K#v#i P#Kgv#K A#f#`# Kiv n#q|

MZ 11 Av#M÷ 2010 XvKv` i vRv` #`ev#k#l i v#q#i evm#e#b Ab#j#Z Lm#v K#v#U #`ev#K we#f#be#h#j v#b#i ci G#v#U Lm#v c#vevej x c#Z Kiv n#q| cieZ#f#Z 13 Av#M÷ 2010 Av#v#v#i i vRv` #`ev#k#l i v#q#i evm#e#b Lm#v c#vevej x #b#q#b gv#b#q Awi` evmx msm` m`m` #`i m#`_gZwe#b#q Kiv n#q| D#` #`ev#K G#v#U `xc#i Zvj K`vi, G#v#U c#g#` gv#k#b I G#v#U exi evn#`#j Dc#`Z #Q#j b| G#Z Zv#` i m#`#j I c#v#k#v#tg Lm#v#U Av#v#i Db#Z Kiv n#q| D#` #`ev#K #`#ki we#f#be#A#j #`#K Awi` evmx #bZ#e#` #K #W#K Zv#` i gZv#Z #bqv#l #m#v#s-#bqv#q n#q hv cieZ#f#Z m#`_wZ c#Zg#s#` c#g#` gv#k#b#i m#fv#v#Z#Z#i 23 Av#M÷ 2010 XvKv` L#v#b #Kv#Ac#v#i #f# #p#W#U BDb#q#b#i Av#v#i#m Ab#j#Z n#q| D#` gZwe#b#q m#fv#q 35 Rb Awi` evmx #bZ#e#` Dc#`Z #Q#j b #hLv#b K#v#U #c#v#b i vRv` #`ev#k#l i v#q#i Lm#v c#vevej x Z#j #v#i b| Zv#` i gZv#Z#i #fv#e#Z cieZ#f#Z Lm#v c#vevej x Av#v#i Db#Z Kiv n#q| we#k#l D#` Lm#v c#vevej xi Dci creZ` c#Zg#s#` #xc#i Zvj K`v#i i evm#e#b D#` c#P Awi` evmx G#v#U I Lm#v K#v#U #g#` P#v#s-gZwe#b#q m#fv Ab#j#Z n#q 22 #m#P#e#f 2010 #hLv#b GB Lm#v c#vevej x P#v#s-Kiv n#q|

i vRv` #`ev#k#l i v#q#i #bZ#Z#i GB K#v#U m#fv Av#v#v#b I cwi P#j b#q we#k#l #v#q#v i v#L# K#v#U Ab`Zg m`m` Av#j evU#gv#k#b| GB Lm#v c#v#q#b we#k#l #v#q#v i v#L# K#v#U Ab`Zg m`m` g#j# K#v#i P#Kgv Ges we#k#l m#v#q#v c#v#b K#i b G#v#W#f#v#KU weav#q P#Kgv, B#j i v` #l q#b, g#`v#k#l P#Kgv m#_x I c#v#i eg#v| GB Lm#v c#vevej xi m#`_c#i c#v#q#b m#p#s-#v#i Yv#l I we#f#be#`#ki msweavt# m#b#e#k#Z Awi` evmx RwiZ#Mvôxi AwaKvi m#p#s-weavbvej x m#`#j Z cwi #k# msthvRb Kiv n#e#|

Kv÷vi -1Pj gvb

-KxqZv I cwi vPwZ

eZgvb msweavtbi weavbvej x	cŭ weZ weavbvej x (mstkvabx cŭ ve)	thšw³ KZv/h_v_Źv	mġ :
<p>wŌZxq fvġMi (i vŌªcwi Pvj bvi gj bwiZ) ŌRvZxq ms~wZŌ msµvš-23 Abġ"Ō`</p> <p>Ōi vŌªRbMġYi mvs~wZK HwZn" I DĒi vwaKvi i ġġYi Rb" e`e~v MŌY Kwi ħeb Ges wfbawfbae RwiZġMvŌmgġni fvlv, mwinZ" I wki Kj vmgġni Ggb cwi ħcvlY I Dbqġbi e`e~v MŌY Kwi ħeb, hvrvġZ meªġi i RbMY RvZxq fvlv, mwinZ" I wki Kj vmgġni Ggb cwi ħcvlY I Dbqġbi e`e~v MŌY Kwi ħeb, hvrvġZ meªġi i RbMY RvZxq ms~wZi mgµġġZ Ae`vb i vL Levi I AskMŌY Kwi evi mġhvM j vf Kwi ħZ cvġi b Ō</p>	<p>23 Abġ"Ō`</p> <p>Ōi vŌªRbMġYi mvs~wZK HwZn" I DĒi vwaKvi i ġġYi Rb" e`e~v MŌY Kwi ħeb Ges wfbawfbae RwiZġMvŌmgġni fvlv, mwinZ" I wki Kj vmgġni Ggb cwi ħcvlY I Dbqġbi e`e~v MŌY Kwi ħeb, hvrvġZ meªġi i RbMY t`ġki eūgwiġK ms~wZi mgµġġZ Ae`vb i vL Levi I AskMŌY Kwi evi mġhvM j vf Kwi ħZ cvġi b Ō</p> <p>A_ev</p> <p>23 Abġ"Ōġ` i cġi Ō23K Ō bvtg wbtgwe³ bZb Abġ"Ō` mstġvRb Kiv-</p> <p>Ōi vŌªAvw`evmġ RwiZġMvŌxi ms~wZ, fvlv, i wZ, cŭv, HwZn", mwinZ", wki Kjv, HwZnwmK wŌ`kŌ BZ"wi` msi ġġY I Dbqġb Z_v eūgwiġK ms~wZi mgµġġZ cŏġcvl KZv cŭvb Kwi ħeb Ō</p>	<p>evsj vġ`k GKwJ eū RwiZ, eū fvlv I eū ms~wZi t`k ewYŹ Abġ"Ōġ` i cŭgvsġk Dwj wLZ ŌRbMġYi mvs~wZK HwZn" I DĒi vwaKvi i ġġYi Ō cŏqvRbxqZvi mvġ_ mvġġm" tiġL t`ġki eūgwiġK ms~wZi cwi ħcvlY I mgµġġi Dci "Zi Avġivc Kiv nġe mvġ_ mvġ_ Gi gva`tg Aw` evmġ RwiZġMvŌxi fvlv, mwinZ" I wki Kj vmgġni cŏZ mgfvġe I `el g`nxbfvġe i vŌªcŏġcvl KZv Kwi ħeb </p> <p>Dġj Ē, AvšRwZK AvBb Abġmġi Aw` evmġ RwiZġMvŌxi Zvġ` i wR`^ cŭv Ges HwZn" tgvZvġeK Zvġ` i AvZcwi Pq A_ev m`m`c` wbaġY Ges wR`^ms~wZ I cŭvMZ cŏZŌvb AġġbaevLvi Awakvi iġqġQ </p>	<p>Bġ` vġbkwqvi msweavb Article 28l(3).The cultural identities and rights of traditional communities shall be respected in accordance with the development of times and civilisations</p> <p>ewj wfqvi msweavb Article 3. The Bolivian nation is comprised of all the Bolivian and Bolivians, the indigenous nations and peoples originating peasants, and intercultural and Afro-Bolivian communities that together constitute the people boliviano.</p> <p>International Covenant on Civil and Political Rights: Article 27. In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.</p> <p>Bġ` vġbkwqv, fvi Z (29 Abġ"Ō`), bi I ġq, wdbj`vŌ, tgv ġKv, tġġbRġqj v, ewj wfqvi msweavb Ges ICCPR-Gi 27 Abġ"Ō`, GC-23 (1994) of HRC, GC-23 (1994) of ICERD, weavbvej xi Rb" we`wii Z Avġiv t`Lp Annexe-1(2): National Culture etc., cŏv 25 </p>

eZ@vb msweavtbi weavbvej x	cŭ weZ weavbvej x (mstkvabr cŭ ve)	thšw³ KZv/h_v_Źv	mŧ :
<p>GKv`k fvŧMi (weiea) ōe`vL`vŭ msµvš-152 Abŧ`Q`</p> <p>152 (1) we l q ev cŭtŧ½i cŭqvrŧb Ab`iŧc bv nBŧj GB msweavtbi-</p> <p>.....</p>	<p>152 Abŧ`Qŧ` i ŧklvŧš-ŭbtgwe³ msÁv mstŧvRb Kiv-</p> <p><i>ŌAw`evmx RvŭZŧMvŭxŌ evj ŧZ tmB mKj RvŭZŧMvŭxŌK eSvBŧe, Ab`vŧb`i gŧa, hurviv eZ@vb emevmi Z AAŧj cŭg ev Aw` Awaevmx; hurvŧ` i mgvRe`e`v, fvlv, ms`wZ I HwZn` ŧ`ŧki gj tmZavivi RbŧMvŭxi fvlv, ms`wZ BZ`w` nBŧZ c`K, hurviv mbvZbr cŭZŭvŧbi gva`g cŭvMZ AvBŧbi wŧwEŧZ cwi ewi K AvBb cwi Pj bv I Avf`š` i xY weŧiva ŭb`ŭwE Kŧib, fvgi minZ hurvŧ` i ŭbwep mvgvRK, A`%wZK, ms`wZK I Ava`wZŧK m=ŭKŧwŧqvŧQ Ges hurviv mvavi Yfŧe gj tmZavivi RbŧMvŭxi PvBŧZ cŭšK Ae`vŧb i inqvŧQb;</i></p>	<p>msweavtbi Aw` evmx RvŭZŧMvŭxmgŧni `ŧKwZi gva`g msŭkŌ-RvŭZŧMvŭxi m`mi iv Zvŧ` i ŭbR`^`KxqZv eRvq ivLvi mvŧcŧŧŧ bvMwi K wŧŧmŧe ŧ`ŧki Ab`vb` bvMwi Kŧ` i mvŧ` Awakvi Ppŧ I `wqZj cvj ŧb Gwŧŧq Avmŧeb Ges ŧ`ŧki mvs`wZK eŭ gwŧ KZv I eŭZevŧ` i h_vh_ cŭZdj b NUŧe </p>	<p>gvj ŧqwkqvi msweavb Article 161A.(7) The races to be treated for the purposes of the definition of "native" in Clause (6) as indigenous to Sarawak are the Bukitans, Bisayahs, Dusuns, Sea Dayaks, Land Dayaks, Kadayans, Kalabit, Kayans, Kenyags (Including Sabups and Sipengs), Kajangs (including Sekapans, Kejamans, Lahanans, Punans, Tanjongs dan Kanowits), Lugats, Lisums, Malays, Melanos, Muruts, Penans, Sians, Tagals, Tabuns and Ukits.</p> <p>evsj vŧ`k mi Kvi KZŧ Abŧmgw_Ź Aw` evmx I UŭBevj RbŧMvŭx we l qK AvBgj I Kbŧfbkb, 1957 (107 bs Kbŧfbkb):</p> <p>1. This Convention applies to--</p> <p>(a) members of tribal or semi-tribal populations in independent countries whose social and economic conditions are at a less advanced stage than the stage reached by the other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;</p> <p>(b) members of tribal or semi-tribal populations in independent countries which are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation and which, irrespective of their legal status, live more in conformity with the social, economic and cultural institutions of that time than with the institutions of the nation to which they belong.</p> <p>gvj ŧqwkqvi msweavtbi weavbvej xmn Avŧi v msÁv ŧ` Lp Annexe-1(3): Definition of Adibashi (Indigenous Peoples) etc., cŭv-28 </p>

Aw` evmx RvwZ†Mvôxmg†ni cwi Pq, `KxqZv I AnaKvi i ¶¶v†_©
 mvsweavbK ms†kvabxi cŕvevej x

K†÷vi -2

AskMŕY, cŕZwbwaZ; Askx` wii Zi; ci v gk©I m†šwZ

eZŕvb msweav†bi weavbej x	cŕweZ Ab†"Q` (ms†kvabx cŕve)	†hšw³KZv/h_v_Zv	m† :
<p>wŒZxq fv†Mi (ivó°cwi Pvj bvi gj bwiZ) ms†vš-9 Ab†"Q` - Ő72-Gi msweav†b i†q†Q- Őfvlv I ms`wZMZFv†e GKK mEwewkó th evŐwvj RvwZ HK`ex I msKí ex mslŐg Kwi qv RvZxq gw³h†x i gva†g evsj v††ki `†axbZv I mve††FšgZ; ARŒ Kwi qv†Qb, †mB evŐwvj RvwZi HK` I msnwZ nB†e evŐwvj RvZxqZvev† i wfvE Ő</p>	<p>w†gwe³ fv†e mwb†ek Kiv- Őw†baw†baw†v I ms`wZMZFv†e GKK mEwewkó th evsj v††kx RvwZ HK`ex I msKí ex mslŐg Kwi qv RvZxq gw³h†x i gva†g evsj v††ki `†axbZv I mve††FšgZ; ARŒ Kwi qv†Qb, †mB evsj v††kx RvwZi HK` I msnwZ nB†e evsj v††kx RvZxqZvev† i wfvE Ő</p>	<p>evsj v††k GKwJ eŕ RvwZi, eŕ fvlv i, eŕ ms`wZi `ew†† cY© ††k RvwZ, ag°, eY© evŐwvj - Aw` evmx wbe††k†I mKj †k†xi gvb††I i Z`vM-wZwZ¶vi weibg†q w†ŕ gvZ.fwg evsj v††ki Rb† Kv†RB mKj RvwZ†Mvôxi gnvb AvZ†v†Mi `†KwZ `††c eŕgw††K ms`wZ I evsj v††kx RvZxqZvev† i wfvE D†j †Kiv cŕqvRb </p>	<p>ewj wfv†i msweavb Article 1. Bolivia is an Unitario Social State of Law Plurinational Community, free, independent, sovereign, democratic, intercultural, decentralized and autonomous. Bolivia is based on plurality and pluralism political, economic, legal, cultural and linguistic background of the integration process within the country. Article 3. The Bolivian nation is comprised of all the Bolivian and Bolivians, the indigenous nations and peoples originating peasants, and intercultural and Afro-Bolivian communities that together constitute the people boliviano. Av†i v we`wii Z †† Lp Annexe-2(1): Cultural Pluralism </p>

AskMhY, cãZibwaZi, Askx`wii Zi, ci vqk©I mçšiz

eZgvb msweavtbi weavvej x	cŕ weZ weavvej x (mstkvabx cŕ ve)	thšw³KZv/h_v_Œv	mŕ :
<p>wŒZxq fvŕMi (ivõª cwi Pvj bvi gj bwiZ) Œgvij Kvbvi bwiZgvj vŒ msµvš-13 Abŕ"Q` ŒDrcv` bhš; Drcv` b e`e`v I eUv cŕvj x mgŕni gvij K ev vŒqšK nBteb RbMY Ges GB Dŕi ŕk` gvij Kvbv e`e`v vŒgŕc nBte: (K) ivõªq gvij Kvbv ...; (L) mgevq gvij Kvbv ...; Ges (M)e`w³MZ gvij Kvbv ... Œ</p>	<p>Abŕ"Q` 13(M) Gi cŕi (N) Dc-Abŕ"Q` msthvRb Kiv- Œ(N) mŕwŒMZ gvij Kvbv, A_ŕ cŕvMZ AvBbivŕŕK Avv`evmŕŕ` i mŕwŒMZ gvij Kvbv Œ</p>	<p>e`w³MZ gvij Kvbv QvovI Avv`evmŕ RvŕZŕMvŒxmgŕ mŕwŒMZ gvij Kvbv cŕv Abvni Y Kŕi AvmŕQ thgb cveŒ` PÆMŒtg ti KŒxŕ ev ŕfvM` Lj xq ŕKvbUvB bq Ggb fŕg hv Rg fŕg bvŕg L`vZ I cŕvMZ fŕte mŕwŒMZ-tgŕRv Avv`evmŕŕ` i mŕwŒMZ gvij Kvbvabx A_ŕ tgŕRv Gj vKvq Aew`Z fŕgi gŕa` e`w³ bvŕg eŕ`ve`KZ ev ŕfvM` Lj xq fŕg e`ZxZ Ab` mKj fŕgB tgŕRvevŕxi </p>	<p>evsj vŕ` k mi Kvi KZŒ Abvngw_Œ Avv`evmŕ I UŕBevj RbŕMvŒx wŕl qK AvBGj I Kbtŕfbkb, 1957 (107 bs Kbtŕfbkb): Article 11. The right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognised. Article 7(1). In defining the rights and duties of the populations concerned regard shall be had to their customary laws. (2) These populations shall be allowed to retain their own customs and institutions where these are not incompatible with the national legal system or the objectives of integration programmes. Bŕ`vŕbŕkqv i msweavb Article 18B(2). The State recognises and respects traditional communities along with their traditional customary rights as long as these remain in existence and are in accordance with the societal development and the principles of the Unitary State of the Republic of Indonesia, and shall be regulated by law. Bŕ`vŕbŕkqv, KvbvWv, ŕŕŕbRŕqj v, evj vŕqv i msweavb Ges AvBGj I Kbtŕfbkb bs 107 Gi Rb` we`wii Z Avŕi v ŕ`Lŕ Annexe-2(2): Collective Ownership, cŕv-31 </p>
<p>Abŕ"Q` -12 agŕiŕcŕ Zv I agŕŕ ŕŕxbZv</p>	<p>Œ72 Gi msweavb Abŕvqx 12 bs Abŕ"Q` wJ cŕ:ŕwŒZ Kiv [‘ধর্মনিরপেক্ষতার নীতি বাস্তবায়নের জন্য চারটি বিষয় উল্লেখ করা হয়েছিল। এগুলো হচ্ছে_ক. সর্বপ্রকার সাম্প্রদায়িকতা, খ. রাষ্ট্র কর্তৃক কোনো ধর্মকে রাজনৈতিক মর্যাদাদান, গ. রাজনৈতিক উদ্দেশ্যে ধর্মের অপব্যবহার এবং ঘ. কোনো বিশেষ ধর্মপালনকারী ব্যক্তির প্রতি বৈষম্য বা তাঁহার উপর নিপীড়ন বিলোপ করা হইবে।’]</p>	<p>ŕŕk Amv`cŕvqK, MYZwŕšK I cŕwŕZkxj kvmb cŕZŒvi Rb` GB Abŕ"Q` cŕ:ŕcb Kiv cŕqvRb </p>	

AskMhY, c0ZibwaZi, Askx`wi Zi, ci vqk©l mα§iZ

<p>GKv`k fvMl (welea) ŌcRvZšj m=ūūĒŌ msμvš- Abj`Q` 143</p>	<p>143 Abj`Qf` i (2) Dc- Abj`Qf` i cti (3) bvtg bZb Dc-Abj`Q` msthvRb Kiv-</p> <p><i>ŌGB Abj`Qf` i tKvb uKQB f`tki Avv`evmx RvNZtMvŌvni`Mtk Zrvv`i` ~^Aajv Z AĀtj i fvg I c0KvZK m=ūū` i AvvKvi I mgvŌMZ fvg gvij Kivri ~ZvvaKvi vbuŌZ Kiv nBtZ i vŌtK vbeĒ Kiv te br/Ō</i></p>	<p>fvg, eb I c0KvZK m=ūū` i Avv`evmx RvNZtMvŌvni` Rxb- RvveKv I m=ūūZ veRvŌZ i tqtQ Avv`evmx RvNZtMvŌvni` ~Zšj Rxbaviv I AvvKvi m=ūūŌZKi tYi Rb` msveavtb Gi fc veavb _vKv Avek`K </p>	<p>vclwj cvBtbi msveavb Article-XII Section 5. The State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being.</p> <p>gvj tqvkqv msveavb Article 161A. (5) Article 89 shall not apply to the State of Sabah or Sarawak, and Article 8 shall not invalidate or prohibit any provision of State law in the State of Sabah or Sarawak for the reservation of land for natives of the State or for alienation to them, or for giving them preferential treatment as regards the alienation of land by the State.</p> <p>vclwj cvBb, gvj tqvkqv, Bt`v tbcvqv, KvbnWv, tgv`tkv, tftbRtqj v, evj wfvqv msveavtb veavbvej xi Rb` ve`wi Z Avti v t` Lp Annexe-2(3): Right to Land, Territory and Natural Resources, c0v-33 </p>
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AskMòY, còZibwaZi, Askx`wi Zi, ci vlgk[©] m^αšZ

eZg ^{vb} msweavtbi weavbvej x	cò ^v weZ weavbvej x (mstkvabx cò ^v ve)	thšw ³ KZv/h_v_šv	m [†] :
<p>PZ_L Fv[†]Mi (ibe[†]hx we[†]vM) (3q cwi t[†]Q^ˆ) 0^ˆ-vbxq kvmb0 mspvš- Abt[†]Q^ˆ-59</p> <p>0(1) AvBbv[†]hvxq ube[†]PPZ e^ˆv³t[†] i mgštq MvZ còZòvbm[†]ni Dci cRvZtš[†] còZ[†]K còkvmbK GKKvst[†]ki ^ˆvbxq kvmtbi fvi còvb Kiv nBte </p> <p>(2) GB msweavb I Ab^ˆ tKvb AvBb-mvtct[†] msm^ˆ AvBt[†]bi 0viv thifc vbw^ˆ 0 Kwi teb, GB Abt[†]Q^ˆ i (1) ^ˆdvq Dvj w^ˆZ Abjfc còZ[†]K còZòvb ht^ˆvch[†] còkvmbK GKKvst[†]ki gta^ˆ tmBifc0</p>	<p>Abt[†]Q^ˆ-59(2) Gi tk†l msthvRb Kiv-</p> <p>0(3) <i>Aw^ˆ evmx Aajml Z/emevmi Z cveš^ˆ i v^ˆvgvU, cveš^ˆ LuMovQwo I cveš^ˆ ev^ˆ i erb tRj v†q mgštq MvZ cveš^ˆ PÆMòg GKiu wetkl AĀj wntmte wetkl AvBtbi gva†g còkvmb nBte, Ges msukē-tRj v I AĀtj i cwi I^ˆ mg†n Aw^ˆ evmx† i Rb^ˆ Avmb msi^ˆv†Z^ˆ vKte </i></p> <p>(4) <i>t^ˆ†ki Aw^ˆ evmx Aajml Z AĀj^ˆ t^ˆvi ^ˆvbxq kvmb-msp^ˆvš-còZòvbm[†]ni Aw^ˆ evmx g^ˆvj vmn Aw^ˆ evmx RvZ†Mvòmg†ni Rb^ˆ Avmb msi^ˆv†Z^ˆ vKte </i></p>	<p>GZ^ˆ vĀtj i Aw^ˆ evmx RvZ†Mvòmg†ni ^ˆZš^ˆ bZvĒK cwi vPvZ I HvZn^ˆMZ mvs^ˆ vZK ^ˆKxqZvi Avtj vtK ^ˆš^ˆi YvZxZ Kvj t^ˆ†K cveš^ˆ PÆMòg GKiu c^ˆ K kvmbZ AĀj wntmte kvmbZ ntq G†m†Q eZg^{vb} msweavtbi 28(4) Abt[†]Q^ˆ i Aax†b AbMòni Aw^ˆ evmx Aajml Z cveš^ˆ PÆMòg†i ^ˆZš^ˆ mvs^ˆ vZK, vK†v I A^ˆš^ˆvZK Avakvi mgb^ˆ Ges Av^ˆ mvgvRK Dbq^ˆ cò^ˆqv Zi všZ Kivi vbg†E wetkl AvBb KvH[†]ki i†q†Q D³ wetkl AvBt[†]bi m†^ˆ m^ˆvZ ti†L cveš^ˆ PÆMòg AĀj †K msweavtbi Avi v†v† K AĀj wntmte vòqZv còvb Kiv còqvRb </p> <p>D†j ^ˆth, còZ[†]K bvMvi †Ki ^ˆvaxbv†te i vR^ˆvZK gh^ˆ v vba†† Y Kivi Avakvi i†q†Q Zvi B Avtj vtK Aw^ˆ evmx† i Av^ˆ š^ˆ†xY I ^ˆvbxq veltq Z^ˆ v ^ˆkvmbZ KvH†j xi A^ˆ†q†bi cš^ˆ I Drm vba†† †Yi †††† Zv† i ^ˆkvmbZ mi Kv†i i Avakvi i†q†Q </p> <p>Aw^ˆ evmx RvZ†Mvòmg†ni RbmsL^ˆvi ^ˆf Zv Ges Zv† i AskMòY I còZòvwa†Zi †††† còšKZv I b^ˆvh^ˆ Zvgj K Avakv†i i t^ˆ†††† ^ˆvbxq kvmb-msp^ˆvš-còZòvbm[†]ni Zv† i còZòvwaZi vòvòZKi †Yi Rb^ˆ cò^ˆ†††† msweavtbi Avmb msi^ˆv†bi msweav^ˆ e^ˆ v^ˆ vKv còqvRb </p>	<p>Bt^ˆ v†v†k^ˆqvi msweavb [Chapter VI Regional Authorities] Article 18(2). The regional authorities of the provinces, regencies and municipalities shall administer and manage their own affairs according to the principles of regional autonomy....</p> <p>v†v†j cvBt[†]bi msweavb [(Local Government) Autonomous Regions] Article X Section 15. There shall be created autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces, cities, municipalities, and geographical areas sharing common and <i>distinctive historical and cultural heritage, economic and social structures</i>, and other relevant characteristics within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines.</p> <p>†^ˆ v†bi msweavb [National Unity, Regional Autonomy] Article 2 . The Constitution is based on the indissoluble unity of the Spanish nation, the common and indivisible homeland of all Spaniards, and recognizes and guarantees the right to autonomy of the nationalities and regions which make it up and the solidarity among all of them.</p> <p>Bt^ˆ v†v†k^ˆq, v†v†j cvBb, †^ˆ v†, fvi Z (6ò Z†v†j), tbcv† , cwk^ˆ v†, v†bj v†, tgv† †Kv, gv† †q†k^ˆq, ev† v†qv-Gi msweavtbi weavbvej xi Rb^ˆ v† v†i Z Av†v†† Lp Annexe-2(4): Local Government/Self-Government/Autonomous Areas, còv-35 </p>

AskMhY, c0ZubwaZi; Askx`wii Zi; ci v gk©l m3suz

eZ@vb msweavtbi weavbvej x	c0 weZ weavbvej x (mstkvabx c0-ve)	thSw3KZv/h_v_Zv	mf :
<p>cAg fvMi (AvBbmfv) w0Zxq cwi "Qf` i 0AvBb c0qb c×wZ0 msµvš-80 Abf"Q`</p>	<p>80 Abf"Qf` i (2) `dvi ci bZb Abf"Q` msthvRb Kiv- 0(2K) iv03cveZ" PÆM0g wel tq Ges D3 AĀtj i Awi`evmxt` i c0weZ Kti Ggb AvBb c0qb ev mstkvab ev emZj Kwi tZ tMtj creZ" PÆM0g AvĀij K cwi l` l wZb creZ" tRj v cwi l` Ges t9t gZ HwZn MZ c0Z0itbi tbZex` i minZ Avtj vPbv l ci v gk©l t9 AvBb c0qb Kwi teb/ (2L) Abjfc fite iv03mgZj AĀtj i Awi`evmx RwiZtMv0xt` i c0weZ Kti Ggb wel tq AvBb c0qb Kwi tZ tMtj mgZj AĀtj i Awi`evmx RwiZtMv0xi c0ZubwaZkxj tbZex` l mslM/bmgfni minZ wba0i Z c×wZtZ Avtj vPbv l ci v gk©l t9 AvBb c0qb Kwi teb/0</p>	<p>Awi`evmxt` i AwaKvi msuk0-AvBb c0qb ev mstkvab ev emZj Kivi t9tĀ Awi`evmxt` i `faxb l cefewZ m3suz M0tYi w00qZvi Rb" msweavt b G ai tbi weavb _vKv Avek`K Dtj Ē, AvšR0ZK AvBb Abymti Awi`evmx RwiZtMv0xmgfni Zvt` i AwaKvi tK c0weZ Ki te Ggb wel tq w×vš-wba0i Yx c0µqvq AskM0tYi AwaKvi itqt0 ej vevuj , Awi`evmx RwiZtMv0xmgfni gZvgZ QrovB cwiK`vb Avgtj creZ" PÆM0tgi 0kumb ewnf9 Gj vKv0 ghP v Ges enEi gqgbwstni tki cj , k0e`0, bnij Zvev0, nvj qvNvU, `M0cj l Kj gvKv` v Gme Awi`evmx Aajwl Z/ emevmi Z Gj vKvmgtK 0AvsukK kumb-ewnf9 Gj vKv0 ghP v Ztj t`qv nq </p>	<p>cveZ" PÆM0g AvĀij K cwi l` AvBb-1998: 053 AvBb c0qtb i t9tĀ cwi l` i minZ Avtj vPbv BZ`w` - (1) mi Kvi cwi l` ev cveZ" PÆM0g m3utK0Kvb AvBb c0qtb i Dt` wM M0Y Kwi t9 cwi l` l msuk0-cveZ" tRj v cwi l` i minZ Avtj vPbvµtg Ges cwi l` i ci v gk©letePbvµtg AvBb c0qtb i Rb" c0qvRbxq c` t9c M0Y Kwi te 0 wZb creZ" tRj v cwi l` AvBb-1998: 079 tKvb AvBtbi weavb m3utK0 Avc0E - i vlvqvWJ cveZ" tRj vq c0hvR" RvZxq msm` KZ0 MpxZ tKvb AvBb cwi l` i we0Pbvq D3 tRj vi Rb" K0Ki nBtj ev DcRvZxqt` i Rb" Avc0EKi nBtj , cwi l` Dnv K0Ki ev Avc0EKi nI qvi Kvi Y e`3 Kwi qv AvBbWJi mstkvab ev c0qvM wku_j Kwi evi Rb" mi Kvti i w0KU wj wLZ Avte` b tck Kwi tZ cwi te Ges mi Kvi GB Avte` b Abjvqx c0ZKvi gj K c` t9c M0Y Kwi tZ cwi te 0 fvi tZi msweavb Article 371G. Notwithstanding anything in this Constitution,— (a) no Act of Parliament in respect of— (i) religious or social practices of the Mizos, (ii) Mizo customary law and procedure, (iii) administration of civil and criminal justice involving decisions according to Mizo customary law, (iv) ownership and transfer of land, shall apply to the State of Mizoram unless the Legislative Assembly of the State of Mizoram by a resolution...</p> <p>fvi Z, w0ij cvBb, ewj wfvq, tbcvj , tWbgvK©l Kvbwvvi msweavtbi weavbvej xi Rb" we`wii Z Avti v t` Lp Annexe-2(5): Consent and Consultation in making Laws on indigenous peoples, c0v-39 </p>

AskMhY, c0Zwbvaz; Askx`wi Zi, civgk©I mαsz

eZ@vb msweavtbi weavvej x	c0 weZ weavvej x (mstkvabx c0 ve)	thSw³KZv/h_v_Zv	m† :
<p>cAg fvMi (AvBbmfv) c0g cwí "Q†` i 0msm` c0Z0v0 mspuvš-Ab†"Q` -65</p> <p>065 (1) RvZxq msm` bvtg evsj vt` tki GKwJ msm` _vKte... (2) GKK AvAjij K wbePbx Gj vKvmgn nBtZ c0Z`¶ wbeP†bi gra`tg AvBbvjhvx wbePZ wZb kZ m` m` j Bqv ... msm` MwZ nBte;</p> <p>(3); (4) </p>	<p>Ab†"Q` 65(3) Gi ci bZb Ab†"Q` 65(3K) msthvRZ nte </p> <p><i>0RvZxq msm†` cveZ` PÆM0gmn t` tki Avw` evmx Ajijl Z/emevni Z AA†j i Avw` evmx†` i c0Zwbvaz; wbu0ZKi†Yi Rb` j†¶ Avw` evmx gvnj vnn Avw` evmx RvwZ†Mv0xmg†ni Rb` 15wJ Avmb (mvavi Y Avmb e`ZiZ) msiw¶Z _vKte Ges AvBbvjhvx wba0i Z cxwZ†Z Avw` evmx msm` m` m` MY wbePZ nBteb:</i></p> <p><i>Zte kZ`_vtK th, GB `dvi tKvb wKQB GB Ab†"Q†` i (2) `dvi Aarb tKvb Avmtb tKvb Avw` evmx e`ir³ i wbePb wbeE` Kwi te bv0</i></p>	<p>Avw` evmx RvwZ†Mv0xmg†ni RbmsL`vi `† Zv Ges c0wšKZvi t0¶¶†Z RvZxq msm†` Zv†` i AskMhY I c0Zwbvaz; wbu0ZKi†Yi Rb` c0Z`¶fvte msweavtbi Avmb msi ¶¶Yi msweavex e`e`v _vKv c0qvRb Gijc msi ¶¶Y e`e`v wewfbaMYZwšK Kj `vY ivt0` xKZ i tq†Q </p> <p>w` b w` b AwAKZi mSL`vj N†Z cwi YZ nI qvi Kvi†Y RvZxq msm†` Avw` evmx wbePZ nI qvi m`wbev ¶¶Y n†q hv†"Q thgb- Gi kv` mi Kvti i Avg†j GKevi Ges 2001 m†j i wbeP†b Av†i Kevi LuMovQw0 Avmtb AAw` evmx msm` m` m` wbePZ n†q†Q </p>	<p>cwK`†bi msweavb [National Assembly] Article 51(b). Eight shall be elected from Federally Administered Tribal Areas, in such manner as the President may, by order,....</p> <p>fvi†Zi msweavb Article 330(1). Seats shall be reserved in the House of the People for— (a) the Scheduled Castes; (b) the Scheduled Tribes except the Scheduled Tribes....</p> <p>cwK`†b, fvi Z, †bcvj , †WbgvK, wdwj cvBb, †††bR†qj v, euj wfvqi msweavtbi weavvej xi we`wi Z Av†i v† Lp Annexe-2(6): Reservation of Seats in Parliament, c0v-41 </p>
<p>mBq fvMi (wbePb) 0c0Z Gj vKvi Rb` GKwJgv††fvUvi Zwij Kv0 mspuvš-121 Ab†"Q`</p> <p>0msm†` i wbeP†bi Rb` c0Z`K AvAjij K wbePbx Gj vKvi GKwJ Kwi qv†fvUvi - Zwij Kv _vKte Ges ag, RvZ, eY¶ bvi x-cj "††† i wfvE†Z†fvUvi†` i web` -Kwi qv†Kvb w†kI†fvUvi -Zwij Kv c0q b Kiv hvBte bv 0</p>	<p>121 Ab†"Q†` i ci w0tge³ kZšK msthvRb Kiv-</p> <p>0Zte kZ`_vtK th, cveZ` PÆM0gi t¶¶†† `vqx ewm` vt` i j Bqv†fvUvi Zwij Kv c0q†b GB Ab†"Q†` i tKvb wKQB iv0†K wbeE` Kwi te bv 0</p>	<p>cveZ` PÆM0gi cvnox-ev0wuj `vqx Awaevmx†` i c0Zwbvaz; I AskMhY wbu0ZKi†Yi Rb` Gijc weavtbi msweavtbi msthvRb Kiv Acwi nvh¶</p>	<p>Article 125, Constitution of Venezuela:</p> <p>Native peoples have the right to participate in politics. The State shall guarantee native representation in the National Assembly and the deliberating organs of federal and local entities with a native population, in accordance with law.</p> <p>Article 26, Section I: Political Rights, Constitution of Bolivia:</p> <p>I. All citizens have the right to participate freely in the training, exercise of political power and control, directly or through their representatives, either individually or collectively. Participation will be fair and equal for men and women.</p> <p>II. The right to participation include:</p> <p>4. The election, appointment and nomination of direct representatives of nations and indigenous peoples originating peasants, according to its rules and own procedures.</p>

AskMòY, còZubwaZ; Askx`wi Z; civgk©l m³sZ

eZgvb msweavtbi weavbvej x	cò weZ weavbvej x (mstkvabx cò ve)	thsh³KZv/h_v_Zv	mĤ :
<p>`kg fvĤMi (msweavb- mstkvab) òmsweavtbi weavb mstkvatbi ĤlgZvò mspvš- 142 AbĤ"Q`</p>	<p>142 AbĤ"QĤ` i (1) Dc- AbĤ"QĤ` i (Av) `dvi ci bZb `dv msthvRb Kiv- <i>ò(B) msweavtbi AšfĤ t`tki Avi`evmxt` i cwi Pq, `KxqZv, AskMòY I AwaKvi msi ĤY KĤi Ggb weavbvej x mstkvab, msthvRb A_er emZtj i cĤe© t`tk Avi`evmx RwiZĤMvòxi còZubwaZĤxj tbZep` i minZ Avtj vPbv I civgkKwiĤeb/ cveZ` PÆMògi tĤĤĤ cveZ` PÆMòg AvĤij K cwi I` I cveZ` tRj v cwi I` mĤ Ges tĤĤĤgZ HwZn`MZ còZòvb GB Dij w-Z còZubwaZĤxj tbZep` i gĤa` AšfĤ _mKĤe ò</i></p>	<p>Avi`evmxt` i cwi Pq, `KxqZv, AskMòY I AwaKvi msikó-mvsweavbK weavbvej x cĤqvb ev mstkvab ev emZj Kivi tĤĤĤ Avi`evmxt` i `Ĥaxb I cefewZ m³sZ MòĤYi wòqZvi Rb` msweavtbi G aiĤbi weavb_vKv Avek`K DĤj Ĥ, AvšRwZK AvBb AbmĤi Avi`evmx RwiZĤMvòxmgĤni ZvĤ` i AwaKviĤK cĤweZ KiĤe Ggb weĤĤq w³vš-wbaĤ Yx còµqvq AskMòĤYi AwaKvi iĤĤQ ej veĤj , Avi`evmx RwiZĤMvòxmgĤni gZvgZ QovvB cwiK`wb AvĤj cveZ` PÆMògi òkvmb emfĤ Gj vKvò ghĤ v Ges epĤi gqgbwstni tkiĤj, kĤe`Ĥ, bvij Zvevo, nvj pvnvU, `MĤĤ I KĤ gvKv` v Gme Avi`evmx AajwĤ Z Gj vKvmgĤK òAvsikK kvmb-emfĤ Gj vKvò ghĤ v ZĤj t`qv nq DĤj Ĥ, cveZ` PÆMòg wĤmĤe msweavtbi `ĤKZ bv_vKvi KviĤY cveZ` PÆMòg Pw³ i wei`Ĥx 2000 mĤj ew D³/4vgvb I 2007 mĤj G`wĤĤfvĤKU ZvRj Bmj vg KZĤ `vĤqi KZ gvĤj vq nvB ĤKvUi i vĤq cveZ` PÆMòg AvĤij K cwi I` AvBb I wZb cveZ` tRj v cwi IĤ` i KĤqKwU „i"ZcY©avi v AmvsweavbK gĤg©A%ea ej v nĤĤQ hv AbwĤcĤ I kwš-còµqv i cwi cšk AbjĤfvĤe mvsweavbKfvĤe `ĤKZ bv_vKvi KviĤY cveZ` PÆMògi Avi`evmxt` i gZvgZ ewZĤiĤK 1964 mĤj cveZ` PÆMòĤK òDcRvZxq AajwĤ Z AĤĤ ò Gi Zvij Kv t`ĤK ev` t`qv nq </p>	<p>cwiK`vĤbi msweavb [Administration of Tribal Areas] Article 247(6) The President may, at any time, by Order, direct that the whole or any part of a Tribal Area shall cease to be Tribal Area, and such Order may contain such incidental and consequential provisions as appear to the President to be necessary and proper: Provided that before making any Order under this clause, the President shall ascertain, in such manner as he considers appropriate, the views of the people of the Tribal Area concerned, as represented in tribal jirga. cwiK`wb, KvbwVv, gvj Ĥqwkqv, wĤij cvBĤbi msweavtbi weavbvej xi Rb` we`wi Z AvĤi v t`LĤ Annexe-2(7): Consent and Consultation in amending Constitutional Provision relating to indigenous peoples, Còv-44 </p>

Aw` evmx RwiZtMvôxmg#ni cwi Pq, `KxqZv I AwaKvi i ¶v¶_©
mvsweavmbK mstkvabxi cŕvevej x

Kv÷vi -3

mgZv, ^el g`nxbZv I we¶kl c`t¶c

eZgvb msweavtbi weavbvej x	cŕweZ Ab¶"Q` (mstkvabx cŕve)	tšw³KZv/h_v_Zv	m¶ :
<p>wŒZxq fv¶Mi (ivóªcwi Pvj bvi gj bwiZ) ŐK.I.K I kig¶Ki gw³Ő msµvš-Ab¶"Q` -14</p> <p>Ői vŕŕi Ab`Zg tgšij K `wiqZi nBte tgnbZx gvbl ¶K-K.I.K I kigK¶K Ges RbM¶Yi AbM¶hi Askmg¶K mKj c¶Kvi tklvY nBtZ gw³ `vb Kiv Ő</p>	<p>Ab¶"Q` -14</p> <p>Ői vŕŕi Ab`Zg tgšij K `wiqZi nBte tgnbZx gvbl ¶K-K.I.K, kigK / Aw` evmx M¶K Ges RbM¶Yi AbM¶hi Askmg¶K mKj c¶Kvi tklvY nBtZ gw³ `vb Kiv Ő</p>	<p>t¶ki Acivci b¶Mwi K¶i mv¶_ Aw` evmx RwiZtMvôxmg#ni tklvY n¶Z gw³i Rb` mvsweavmbKfvte weavb_vKv Avek`K Aw` evmx Rb¶Mvôxmg#ni hwi I t¶ki b¶Mwi K, wKš AwaKvsk t¶¶t Zviv h_v_¶b¶Mwi K gh¶v I tgšij K AwaKvi wbtq emevm Ki¶Z cv¶i bv Zviv wbr fv¶gZ ci evmx Rxebhvcb Ki¶Q </p> <p>ZvB Aw` evmx Rb¶Mvôxi Dci GB eü kZvæxi eÅbv I wbcxo¶bi BwZnvm Ges Zv¶ i D¶cv¶¶Z Ae`v¶bi cŕZ `wŒ AvKI¶Yi Rb` msweavtbi K.I.K I kigK¶i mv¶_ Aw` evmx RwiZtMvôxmg#ni I mKj c¶Kvi tklvY n¶Z gw³ `v¶bi wcl qvU msweavtbi `¶KZ nI qv` i Kvi </p>	<p>tbcvtj i AšeZx¶msweavb Article 10. The State shall pursue a policy which will help to promote the interest of the marginalized communities and the peasants and labourers living below poverty line, including economically and socially backward indigenous tribes, Madhesis, Dalits, by making reservation for a certain period of time with regard to education, health, housing, food sovereignty and employment.</p> <p>tbcvj , tgv t¶Kvi msweavtbi weavbvej xi Rb` we`wi Z Av¶i v t` Lp Annexe-3(1): Emancipation from Exploitation, cŕv-46 </p>

Kv÷vi -3Pj gvb

mgZv, ^el g`nxbZv I weþkl c`þ¶c

eZgvb msweavþbi weavbvej x	cŭweZ Abþ"Q` (mstkvabx cŭve)	þhšw³KZv/h_v_Źv	mŕ :
<p>WZxq fvþMi (ivóªcwi Pvj bvi gj bwiZ) ŐA%ZwbK I eva`Zvgj K wk¶¶vŭ msµvš-Abþ"Q` -17</p> <p>Ő17 ivóª</p> <p>(K) GKB c×wZ MYgt_x I meRbxb wk¶¶v e`e`v cŭZŏvi Rb` Ges AvBþbi Őv v wbaŭi Z `þ chš-mKj evj K-evuj KvþK A%ZwbK I eva`Zvgj K wk¶¶v` vþbi Rb`;</p> <p>(L) mgvþRi cŭqvRþbi mwnZ wk¶¶vþK msMwZcY¶Kwi evi Rb` Ges þmB cŭqvRb w× Kwi evi h_vh_ cŭk¶¶YcŭB I mw`"ŐvcŭYw` Z bŭMwi K mwŏi Rb`;</p> <p>(M) AvBþbi av v wbaŭi Z mgþqi gþa` wbi ¶¶Zv `j Kwi evi Rb`</p> <p>KvhRi e`e`v MŕY Kwi þeb Ő</p>	<p>Abþ"Q` 17(M) Gi ci wþgwe³ Dc-Abþ"Q` mstþvRb Kiv-</p> <p><i>Ő(N) þ`þki wfbuefvlvfwi RwiZþMvŏxi gþa` wk¶¶v cŭþþi i j þ¶¶ gvZ.fvl vi gva`tg wk¶¶v` þbi Rb`;</i></p> <p><i>(Ő) ivŏtq civ`mþþZ þ`þki eŭgwiŕ K ms`wzi h_vh_ cŭZdj b NUvBeriv Rb`Ő</i></p>	<p>Avw` evmx RwiZþMvŏxi wk¶¶v` i Zvþ` i wBR`^Avw` evmx fvlvq A_ev Zvþ` i RbþMvŏx KZK mwavi Yfvþe eŭj e`eüZ fvlvq cov I wj Lvi Rb` wk¶¶v` vb Kivi Awakvi i þqþQ </p>	<p>fvi þZi msweavb Article 30(1). All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.</p> <p>gvj þqwkqv msweavb Article 152.I (1) The national language shall be the Malay language and shall be in such script as Parliament may by law* provide:</p> <p>Provided that- (a) no person shall be prohibited or prevented from using (otherwise than for official purposes), or from teaching or learning, any other language; and ...</p> <p>fvi Z, gvj þqwkqv, wlvj cvBb, þfþbRþqj v, ewj wfvv msweavþbi weavbvej xi Rb` we`wi Z Avþi v þ` Lþ Annexe-3(2): Education & in the Mother Tongue, cŭv-47 </p>

Kv÷vi -3Pj gvb

mgZv, ^el g`nxbZv I wefkl c`t¶c

eZgvb msweavtbi weavvej x	cŕ weZ Abj`Q` (mstkvabr cŕ ve)	thšw³KZv/h_v_Zv	mŕ :
<p>ZZxq fvŕMi (tgšuj K AwaKvi) ōag`cŕwZ Kvi tY ^el g`ŕ Abj`Q` -28 Ő(1) ...; (2) ...; (3); (4) Őbvix I wkiŕ i Abj`Kŕj wKsev bvMwi Kŕ i th tKvb AbMŕni Astki AMŕwZi Rb` wefkl weavb-cŕqb nBŕZ GB Abj`Qŕ i tKvb wKQB i vŕŕK ubeŔ Kwi te bvŐ</p>	<p>Abj`Q` 28(4) <i>ŐAw` evmx RvwZŕMvŕxmgŕ,</i> bvix I wkiŕ i Abj`Kŕj wKsev bvMwi Kŕ i th tKvb AbMŕni Astki AMŕwZi Rb` wefkl weavb-cŕqb nBŕZ GB Abj`Qŕ i tKvb wKQB i vŕŕK ubeŔ Kwi te bvŐ</p> <p>GB Abj`Qŕ i Avl Zvq msweavt bZb Zduj msthrRb Kŕi Aw` evmx RvwZŕMvŕxi bŕgi Zvj Kv mwŕek Kiv</p>	<p>Aw` evmx RbŕMvŕxŕK ŐbvMwi Kŕ i th tKvb AbMŕni AskŐ wŕmŕe weŕPbv Kŕi Zvŕ i AMŕwZi Rb` wefkl weavb cŕqb ev BwZevPK c`t¶c MŕY Kŕi _vKŕj I e`Z: msweavtbi D³ ŐbvMwi Kŕ i AbMŕni AskŐ cŕ`qŕw AZ`š-A`úŕ Ges Gi gva`tg Aw` evmx RvwZŕMvŕxi mvsweavbK` ŕKwZ cwi cŕY nq bv Aw` evmx RvwZŕMvŕxi mvsweavbK` ŕKwZ bv _vKvi Kvi tY mKj t¶ŕŕ Zviv bvbv Dŕc¶v I cŕšKZvi ŕKvi nŕq AvmŕQ </p> <p>Aw` evmxŕ i weŕŕq wefkl weavb cŕqb t¶ŕŕŕ ŕúŕKiy I b`vh`Zvgj K AwaKvi i Rb` GB Dc-Abj`Qŕ ŐAw` evmx RvwZŕMvŕxmgŕŕ kŕw msthrRb Kiv Avek`K </p> <p>Aw` evmx RvwZŕMvŕxmgŕni mvsweavbK` ŕKwZ cŕvb Kivi Rb` GB Abj`Qŕ i Avl Zvq msweavtbi Aw` evmx RvwZŕMvŕxi bŕgi Zvj Kv mwŕj Z bZb Zduj msthrRb Kiv AZ`vek`K </p> <p>mvsweavbK` ŕKwZ bv _vKvi Kvi tY cveZ` PÆMŕg Pw³ i wei`ŕx 2000 mvŕj ew` D³vvgvb I 2007 mvŕj G`wŕŕfvŕKU ZvRj Bmj vg KZR` vŕŕi KZ gvj vq nvB ŕKvUi i vŕq cveZ` PÆMŕg Avŕwŕj K cwi I` AvBb mwŕYŕvŕe I wZb cveZ` ŕRj v cwi Iŕ i KŕqKw ŕ i`ZcY`avi v AmvsweavbK gŕg`A%ea ej v nŕŕŕQ hv Abwŕŕcŕ I kwš-cŕuqvi cwi cšŕ </p>	<p>gvj t¶wŕqvi msweavb Article 8(5). This Article does not invalidate or prohibit – (c) any provision for the protection, wellbeing or advancement of the aboriginal peoples of the Malay Peninsula...;</p> <p>Article 161A(7) The races to be treated for the purposes of the definition of "native" in Clause (6) as indigenous to Sarawak are the Bukitans, Bisayahs, Dusuns, Sea Dayaks, Land Dayaks, Kadayans, Kalabit, Kayans, Kenyags (Including Sabups and Sipengs), Kajangs (including Sekapans, . Kejamans, Lahanans, Punans, Tanjongs dan Kanowits), Lugats, Lisums, Malays, Melanos, Muruts, Penans, Sians, Tagals, Tabuns and Ukits.</p> <p>gvj t¶wŕq, fvi Z, tbcvj , ŕŕŕBŕŕj v, ewj wŕqvi msweavtbi weavvej xi Rb` we`wŕi Z Avŕi v ŕ` Lŕ Annexe-3(3): Special Provision for Indigenous Peoples (Prohibition of Discrimination), cŕv-49 </p>

mgZv, ^el g'nxvZv I weþkl c`t¶c

eZ@vb msweavþbi weavbvej x	cŦ weZ Abþ"Q` (mstkrvabx cŦ ve)	þhšw³KZv/h_v_Zv	mŦ :
<p>ZZxq fvþMi (tgšuj K AwaKvi) Ŧmi Kvi x vbþqvM j vþF mþhvþMi mgZvŦ msµvš-Abþ"Q` 29(3) Ŧ29(3)(K) bvMwi Kþ` i th þKvb AbMþni Ask hvvþZ cŦRvZþšj KþgDchy³ cŦZvbwaZij vF Kwi þZ cvþi b, tmB DþĪ þk` Zuvþ` i AbþKþj weþkl weavb-cŦvb Kiv nBþZ, ...Ŧ</p>	<p>Abþ"Q` 29 (3) Ŧ(K) bvMwi Kþ` i th þKvb AbMþni Ask / Aw` evmx RvwZþMvŦxmgþK hvuvþZ cŦRvZþšj KþgDchy³ cŦZvbwaZij vF Kwi þZ cvþi b, tmB DþĪ þk` Zuvþ` i AbþKþj weþkl weavb-cŦvb Kiv nBþZ, Ŧ</p>	<p>Aw` evmx RbþMvŦxmgþK ŦbvMwi Kþ` i th þKvb AbMþni AskŦ wþmþe wetePbv Kiv nq GwJ AZ`š-A` úo I weavþš- gj K ZvB mý úo Kivi Rb` ŦAw` evmxŦ kãwJ mstþvRb Kiv` i Kvi </p>	<p>gvj þqwkqvi msweavb Article 153.(2) Notwithstanding anything in this Constitution, but subject to the provisions of Article 40 and of this Article, the Yang di-Pertuan Agong shall exercise his functions under this Constitution and federal law in such manner as may be necessary to safeguard the special provision of the Malays and natives of any of the States of Sabah and Sarawak and to ensure the reservation for Malays and natives of any of the States of Sabah and Sarawak of such proportion as he may deem reasonable of positions in the public service (other than the public service of a State)</p> <p>fvi þZi msweavb. Article 16(4A). Nothing in this article shall prevent the State from making any provision for reservation [in matters of promotion, with consequential seniority, to any class] or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State...</p> <p>gvj þqwkqv, fvi Z, tgw þKv msweavþbi weavbvej xi Rb` we`wi Z Avþiv þ` Lþ Annexe-3(4): Equal Opportunity in Public Services, cŦv-52]</p>

Kv÷vi -3Pj gvb

mgZv, ^el g'nxvZv I wefkl c`tfqc

eZgvb msweavtbi weavvej x	cŦweZ weavvej x (mstkrvabx cŦve)	thšw³KZv/h_v_Zv	mf :
<p>ZZxq fvM (tgšuj K AwaKvi) ŐPj vtdivi ^faxZv0 msµvš- Abt"Q` -36</p> <p>ŐRb`v`_A_vBtbi Őviv AvtiwcZ hµ³m½Z evavbtl a-mvctf¶ evsj v`tki meŦ emwZ`vcb Ges evsj v`k Z`vM I evsj v`tk cp:cŦek Kwievi AwaKvi cŦZ`K bvMwi tKi _vMkte Ő</p>	<p>Abt"Q` -36</p> <p>ŐRb`v`_A_vBtbi Őviv AvtiwcZ hµ³m½Z evavbtl a-mvctf¶ evsj v`tki meŦ emwZ`vcb Ges evsj v`k Z`vM I evsj v`tk cp:cŦek Kwievi AwaKvi cŦZ`K bvMwi tKi _vMkte Ő</p>	<p>Avi evmxt` i Rb` Avi ¶vgj K kvmb e`e`vi cŦqvRb hv Zv` i tK Zv` i HwZn`MZ mvs`wZK `KxqZv eRvq i vLtz `faxZv t`te hw` Avi ¶vgj K msweae`e`v bv_vtK Zvntj Avi evmxi v Zv` i bZvE`K I mvs`wZK `KxqZv I `ekó` nwi tq tdj te Ges epEi RbtMvöx Őviv cŦZwbqZ A`wZK tKvLY, ivR`wZK cŦZvi Yv Ges eAbvi wKviti cwi YZ nte </p> <p>1900 mvj cveZ` PÆMg kvmbweatZ emni vMZ tKvb e`w³ i cveZ` PÆMg`vqx emwZ`vctbi Dci wbtlavAv wQj </p>	<p>fvi tZi msweavb [Protection of certain rights regarding freedom of movement, etc.] Article 19(5). Nothing in [sub-clauses (d) and (e)] of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.</p> <p>tbcvtj i AšeZxmsweavb <i>Right to Freedom:</i> 12. (3) Every citizen shall have the following freedoms: (e) freedom to move and reside in any part of Nepal; and Provided that, (4) nothing in sub-clause (e) shall be deemed to prevent the making of laws which are in the interest of the general public, or which are made to impose reasonable restrictions on any act which may jeopardize the harmonious relations subsisting among the peoples of various castes, tribes, religion or communities.</p> <p>fvi Z, tbcvj, ewj wfqvi msweavtbi weavvej xi Rb` we`- wii Z Avti v` Lp Annexe-3(5): Restrictions on the exercise of Freedom of Movement for the protection of the interests of indigenous peoples, cŦv-54 </p>

mgZv, ^el g`nxbZv I weþkl c`t¶c

eZgvb msweavtbi weavbvej x	cŮ weZ weavbvej x (mstkvabx cŮ ve)	thšw³ KZv/h_v_Zv	mŕ :
<p>cŮg Zdimj (Abt`Q` -47)</p> <p>ŮAb`vb` weavb mŕEj KvhŔi AvBbŮ</p>	<p>cŮg Zdimj wbŕgwe³ AvBbmgn msthrBb Kiv-</p> <ul style="list-style-type: none"> • ŮcveZ` PÆMŮg kvmbwena 1900 (1900 mŕbi 1 bs kvmbwena) • i vŕgwmŮ cveZ` tRj v cwi l` AvBb, 1989 (1989 mŕbi 19 bs AvBb) (1998 mŕj i 9bs AvBtbi mstkvabimn) • LwMoiwŮ cveZ` tRj v cwi l` AvBb, 1989 (1989 mŕbi 20 bs AvBb) (1998 mŕj i 10bs AvBtbi mstkvabimn) • ev` i evb cveZ` tRj v cwi l` AvBb, 1989 (1989 mŕbi 21 bs AvBb) (1998 mŕj i 11bs AvBtbi mstkvabimn) • cveZ` PÆMŮg AvÂwŕ K cwi l` AvBb, 1998 (1998 mŕbi 12 bs AvBb)Ů 	<p>Aw` evmx RvwZtMvŕxi i vŕwKsev Zvŕ` i DÈi mŕxi mŕt_ mæŮwŮ Z Pw³, mgŕSvZv `šŕi K Ges Ab`vb` Pw³-Zj` AvBb (MVBgj K e`e`vej x) Gi `ŕKwZ, cŮZcvj b Ges ev`evqb Kivi AwKvi i ŕtŕQ Ges Gme Pw³, mgŕSvZv `šŕi K I MVBgj K e`e`vej xi Aek`B i vŕŕg ghŕ v j vŕfi AwKvi i ŕtŕQ </p> <p>ZvB 1997 mŕj t`¶wi Z cveZ` PÆMŮg Pw³ tgvZvŕeK cŮxZ mKj AvBbm n Aw` evmx AwKvi mswkŕ-mKj AvBb msweavbKfvŕe `ŕKwZ cŮ vb Kiv` i Kvi </p> <p>Dŕj E, msweavtbi ŮKvhŔi AvBbŮ wntmte Ašŕŕ bv_vKvi Kvi tŕ cveZ` PÆMŮg Pw³ i wei`tx 2000 mŕj ew D³⁄₄vgvb I 2007 mŕj G`wŕŕfvŕKU ZvRj Bmj vg KZŔ `vŕqi KZ gvgj vq nvB tKvUi i vŕq cveZ` PÆMŮg AvÂwŕ K cwi l` AvBb I wZb cveZ` tRj v cwi l` i KŕqKwŮ i`ZcY`avi v AmvsweavbK gŕg`A%ea ej v ŕtŕQ hv AbwŕŕcŮZ I kwš-cŮwŕqvi cwi cškl</p> <p>Abjfcfvŕe mvsweavbKfvŕe `ŕKZ bv_vKvi Kvi tŕ cveZ` PÆMŮg ti tŕj kŕbi Dci mi vmwi AvNvZ Avŕm 1964 mŕj thLvŕb cveZ` PÆMŮg ti tŕj kŕbi 51 weŕatK cwmK`vb msweavtbi Pj vŕdivi `ŕaxbZv weavtbi cwi cškl gŕg`ce`cwmK`vb nvB tKvUŕ vq t`qv nq </p>	<p>Article 371G, Constitution of India:</p> <p>Notwithstanding anything in this Constitution, — (a) no Act of Parliament in respect of— (i) religious or social practices of the Mizos, (ii) Mizo customary law and procedure, (iii) administration of civil and criminal justice involving decisions according to Mizo customary law, (iv) ownership and transfer of land, shall apply to the State of Mizoram unless the Legislative Assembly of the State of Mizoram by a resolution so decides.</p> <p>[Administration of Tribal Areas] Article 247(6), Constitution of Pakistan:</p> <p>The President may, at any time, by Order, direct that the whole or any part of a Tribal Area shall cease to be Tribal Area, and such Order may contain such incidental and consequential provisions as appear to the President to be necessary and proper: Provided that before making any Order under this clause, the President shall ascertain, in such manner as he considers appropriate, the views of the people of the Tribal Area concerned, as represented in tribal jirga.</p> <p>Article 19, UN Declaration on the Rights of Indigenous Peoples:</p> <p>States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.</p>

Annexe 1(1)
State Languages etc

International Instrument/ National Constitution/ Policy	Extracts from Text
Constitution of Venezuela	Article 9: Spanish is the official language. The use of native languages also has official status for native peoples, and must be respected throughout the territory of the Republic, as constituting part of the cultural heritage of the Nation and humanity.
Constitution of Malaysia	<p>Article number:152.(1) The national language shall be the Malay language and shall be in such script as Parliament may by law* provide: Provided that-</p> <p>(a) no person shall be prohibited or prevented from using (otherwise than for official purposes), or from teaching or learning, any other language; and</p> <p>(b) nothing in this Clause shall prejudice the right of the Federal Government or of any State Government to preserve and sustain the use and study of the language of any other community in the Federation.</p> <p>Article number:161. (5) Notwithstanding anything in Article 152, in the State of Sabah or Sarawak a native language in current use in the State may be used in native courts or for any code of native law and custom, and in the case of Sarawak, until otherwise provided by enactment of the Legislature, may be used by a member addressing the Legislative Assembly or any committee thereof.</p>
Constitution of India	<p>Article 29. (1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.</p> <p>Article 345. Subject to the provisions of articles 346 and 347, the Legislature of a State may by law adopt any one or more of the languages in use in the State or Hindi as the language or languages to be used for all or any of the official purposes of that State [.]</p> <p>Article 347. On a demand being made in that behalf the President may, if he is satisfied that a substantial proportion of the population of a State desire the use of any language spoken by them to be recognised by that State, direct that such language shall also be officially recognised throughout that State or any part thereof for such purpose as he may specify.</p> <p>Article 350. Every person shall be entitled to submit a representation for the redress of any grievance to any officer or authority of the Union or a State in any of the</p>

	languages used in the Union or in the State, as the case may be.
Constitution of Spain	Article 3 [Official Language] (1) Castilian is the official Spanish language of the state. All Spaniards have the duty to know it and the right to use it. (2) The other languages of Spain will also be official in the respective autonomous communities, in accordance with their Statutes.
Constitution of Norway	Article 110 A. It is the responsibility of the authorities of the State to create conditions enabling the Sami people to preserve and develop its language, culture and way of life.
Constitution of Finland	Section 17 – Right to one's language and culture: The national languages of Finland are Finnish and Swedish. The right of everyone to use his or her own language, either Finnish or Swedish, before courts of law and other authorities, and to receive official documents in that language, shall be guaranteed by an Act. The public authorities shall provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking populations of the country on an equal basis. The Sami, as an indigenous people, as well as the Roma and other groups, have the right to maintain and develop their own language and culture. Provisions on the right of the Sami to use the Sami language before the authorities are laid down by an Act. The rights of persons using sign language and of persons in need of interpretation or translation aid owing to disability shall be guaranteed by an Act.
Constitution of Mexico	Article 2. A. This constitution recognizes and enforces the rights of the indigenous peoples and communities to self determination and therefore their autonomy to: IV. Preserve and enrich their language, knowledge and every part of their culture and identity.
Constitution of the Philippines	Article-XIV: Section 7. For purposes of communication and instruction, the official languages of the Philippines are Filipino and, until otherwise provided by law, English. The regional languages are the auxiliary official languages in the regions and shall serve as auxiliary media of instruction therein. Spanish and Arabic shall be promoted on a voluntary and optional basis. Article-XIV: Section 9. The Congress shall establish a national language commission composed of representatives of various regions and disciplines which shall undertake, coordinate, and promote researches for the development, propagation, and preservation of Filipino and other languages.

<p>Constitution of Bolivia</p>	<p>Article 5. 1. The official languages of the State are the Spanish language and all of the languages of the indigenous originary farmer nations and people, that include the languages aymara, araona, naure, bésiro, canichana, cavineño, cayubaba, chácobo, chimán, ese ejía, guaraní, guarasu'we, guarayu, itonama, leco, machajuyai-kallawaya, machineri, maropa, mojeño-trinitario, mojeño-ignaciano, moré, mosetén, movima, pacawara, puquina, quechua, sironó, tacana, tapiete, toromona, uru-chipaya, weenhayek, yaminawa, yuki, yuracaré and zamuco.</p> <p>Article 30. 1. The indigenous originary farmer nations and people constitute the human collective groups that share cultural identity, language, historical tradition, institutions, territoriality, and cosmovisions, with an existence prior to the Spanish colonial invasion.</p> <p>Article 95.1. The universities will have to implement programs for the recovery, preservation, development, learning and disclosure of the different languages of the indigenous originary farmer nations and people.</p> <p>Article 289. The indigenous originary farmer autonomy consists in self-government as an exercise of free determination of the indigenous originary farmer nations and people, of which population share territory, culture, history, languages, and their own juridical, political, social and economic organization or institutions.</p>
<p>ILO Convention No 107</p>	<p>Article 23(3). Appropriate measures shall, as far as possible, be taken to preserve the mother tongue or the vernacular language.</p>
<p>ILO Convention No 169</p>	<p>Article 28(3). Measures shall be taken to preserve and promote the development and practice of the indigenous languages of the peoples concerned.</p>

Annexe 1(2)
National Culture etc.

International Instrument/ National Constitution/ Policy	Extracts from Text
Constitution of Indonesia	Article 28(3) The cultural identities and rights of traditional communities shall be respected in accordance with the development of times and civilisations.
Constitution of India	29. (1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.
Constitution of Norway	Article 110 A. It is the responsibility of the authorities of the State to create conditions enabling the Sami people to preserve and develop its language, culture and way of life.
Constitution of Finland	<p>Section 17 - Right to one's language and culture: The national languages of Finland are Finnish and Swedish. The right of everyone to use his or her own language, either Finnish or Swedish, before courts of law and other authorities, and to receive official documents in that language, shall be guaranteed by an Act. The public authorities shall provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking populations of the country on an equal basis.</p> <p>The Sami, as an indigenous people, as well as the Roma and other groups, have the right to maintain and develop their own language and culture. Provisions on the right of the Sami to use the Sami language before the authorities are laid down by an Act. The rights of persons using sign language and of persons in need of interpretation or translation aid owing to disability shall be guaranteed by an Act.</p>
Constitution	<p>Article 2A This constitution recognizes and enforces the rights of the indigenous peoples and communities to self determination and therefore their autonomy to:</p> <p>IV. Preserve and enrich their language, knowledge and every part of their culture and</p>

<p>of Mexico</p>	<p>identity.</p> <p>VIII. Submit all kind of lawsuits to Mexican Courts. In order to enforce such a right in every judgement and procedure in which a indigenous group is a contesting party, indigenous practices and cultural traditions shall be taken into account under this Constitution. Indigenous individuals have a right to be advised by interpreters and lawyers acquainted with such individuals' native languages and cultures.</p>
<p>Constitution of Venezuela</p>	<p>Article 119: The State recognizes the existence of native peoples and communities, their social, political and economic organization, their cultures, practices and customs, languages and religions, as well as their habitat and original rights to the lands they ancestrally and traditionally occupy, and which are necessary to develop and guarantee their way of life. It shall be the responsibility of the National Executive, with the participation of the native peoples, to demarcate and guarantee the right to collective ownership of their lands, which shall be inalienable, not subject to the law of limitations or distraint, and non-transferable, in accordance with this Constitution and the law.</p> <p>Article 120: Exploitation by the State of the natural resources in native habitats shall be carried out without harming the cultural, social and economic integrity of such habitats, and likewise subject to prior information and consultation with the native communities concerned.</p> <p>Profits from such exploitation by the native peoples are subject to the Constitution and the law.</p> <p>Article 121: Native peoples have the right to maintain and develop their ethnical and cultural entity, world view, values, spirituality and holy places and places of cult. The State shall promote the appreciation and dissemination of the cultural manifestations of the native peoples, who have the right to their own education, and an education system of an intercultural and bilingual nature, taking into account their special social and cultural characteristics, values and traditions.</p>
<p>Constitution of Bolivia</p>	<p>Article 30. II. Within the framework of the State's unity and in accordance with this Constitution the indigenous originary farmer nations and people enjoy the following rights:</p> <p>2. To their cultural identity, religious creed, spiritualities, practices and customs, and to their own cosmovision.</p> <p>3. To have the cultural identity of each of its members, if wanted, be registered alongside the Bolivian citizenship in its identity document, passport or other identification document with legal validity.</p> <p>Article 98. II. The State assumes the existence of originary indigenous farmer cultures as reservoirs of values, knowledge, spirituality and cosmovisions.</p> <p>Article 100. I. It is the patrimony of the indigenous originary farmer nations and peoples the cosmovisions, the myths, the oral history, the dances, the cultural practices, the knowledge and traditional technologies. This patrimony forms part of the expression and identity of the State.</p> <p>Article 304.I. The indigenous originary farmer autonomies can exercise the following exclusive competences:</p>

	10. Tangible and intangible cultural patrimony. The safeguard, encouragement and promotion of its cultures, art, identity, archeological centers, religious and cultural places, and museums.
International Covenant on Civil and Political Rights	Article 27. International Covenant on Civil and Political Rights: Article 27. In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.
General Comment (GC)-23 (1994) of HR	9. The Committee concludes that article 27 relates to rights whose protection imposes specific obligations on States parties. The protection of these rights is directed towards ensuring the survival and continued development of the cultural, religious and social identity of the minorities concerned, thus enriching the fabric of society as a whole. Accordingly, the Committee observes that these rights must be protected as such and should not be confused with other personal rights conferred on one and all under the Covenant. States parties, therefore, have an obligation to ensure that the exercise of these rights is fully protected and they should indicate in their reports the measures they have adopted to this end.
General Comment (GC)-23 (1994) of ICERD	4. The Committee calls in particular upon States parties to: (a) Recognize and respect indigenous distinct culture, history, language and way of life as an enrichment of the State's cultural identity and to promote its preservation;

Annexe 1(3)

Definition of Adibashi (Indigenous Peoples) etc.

<p align="center">International Instrument/ National Constitution/ Policy</p>	<p align="center">Extracts from Text</p>
<p align="center">Constitution of Malaysia</p>	<p>Article 161A.(4) The Constitutions of the States of Sabah and Sarawak may make provision corresponding (with the necessary modifications) to Article 153.</p> <p>(6) In this Article "native" means- (a) in relation. to Sarawak, a person who is a citizen and either belongs to one of the races specified in Clause (7) as indigenous to the State or is of mixed blood deriving exclusively from those races; and (b) in relation to Sabah, a person who is a citizen, is the child or grandchild of a person of a race indigenous to Sabah, and was born (whether on or after Malaysia Day or not) either in Sabah or to a father domiciled in Sabah at the time of the birth.</p> <p>(7) The races to be treated for the purposes of the definition of "native" in Clause (6) as indigenous to Sarawak are the Bukitans, Bisayahs, Dusuns, Sea Dayaks, Land Dayaks, Kadayans, Kalabit, Kayans, Kenyags (Including Sabups and Sipengs), Kajangs (including Sekapans,. Kejamans, Lahanans, Punans, Tanjongs dan Kanowits), Lugats, Lisums, Malays, Melanos, Muruts, Penans, Sians, Tagals, Tabuns and Ukits.</p>
<p>UN Special Rapporteur Jose Martinez Cobo's "working definition" in his Study of the Problem of Discrimination against Indigenous Populations :</p>	<p>"Indigenous communities, peoples and nations are those which having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems."</p> <p>Moreover, the Special Rapporteur outlined a list of factors which may be relevant for defining indigenous peoples and identifying their historical continuity. He expresses the view that such a historical continuity may consist of the continuation, for an extended period reaching into the present, of one or more of the following factors: (1) Occupation of ancestral lands, or at least of part of them; (2) Common ancestry with the original occupants of these lands; (3) Culture in general, or in specific manifestations; (4) Language; (5) Residence in certain parts of the country, or in certain regions of the world; (6)</p>

	other relevant factors.”
ILO Convention No. 169	<p>Article 1.1. This Convention applies to:</p> <p>(a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;</p> <p>(b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.</p> <p>2. Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.</p>
Operational Directive 4.20 of the World Bank (now superseded by OP/BP 4.10)	<p>Paragraph 5.Indigenous peoples can be identified in particular geographical areas by the presence in varying degrees of the following characteristics:</p> <p>(a) a close attachment to ancestral territories and to the natural resources in these areas;</p> <p>(b) self-identification and identification by others as members of a distinct cultural group;</p> <p>(c) an indigenous language, often different from the national language;</p> <p>(d) presence of customary social and political institutions; and</p> <p>(e) primarily subsistence-oriented production.</p>

Annexe-2(1)
Cultural Pluralism

International Instrument/ National Constitution/ Policy	Extracts from Text
Bolivia	<p>Article 1. Bolivia is constituted in a Social Unitary State of Plurinational Communitarian Law, free, independent, sovereign, democratic, intercultural, decentralized and with autonomies. Bolivia is founded in plurality and in political, economic, legal, cultural and linguistic pluralism, within the integrating process of the country.</p> <p>Article 3. The Bolivian nation is comprised of all the Bolivian and Bolivians, the indigenous nations and peoples originating peasants, and intercultural and Afro-Bolivian communities that together constitute the people boliviano.</p> <p>Article 98. I. Cultural diversity forms part of the essential foundation of the Plurinational Communitarian State. Interculturality is the instrument of cohesion and harmonious and balanced conviviality amongst all peoples and nations. Interculturality will respect differences within equal conditions.</p>

Annexe 2(2)
Collective Ownership

International Instrument/ National Constitution/ Policy	Extracts from Text
Constitution of Indonesia	Article 18B(2) The State recognises and respects traditional communities along with their traditional customary rights as long as these remain in existence and are in accordance with the societal development and the principles of the Unitary State of the Republic of Indonesia, and shall be regulated by law.
Constitution of Canada	Section 35 (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed. Section 35 (3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.
Constitution of Venezuela	Article 119: The State recognizes the existence of native peoples and communities, their social, political and economic organization, their cultures, practices and customs, languages and religions, as well as their habitat and original rights to the lands they ancestrally and traditionally occupy, and which are necessary to develop and guarantee their way of life. It shall be the responsibility of the National Executive, with the participation of the native peoples, to demarcate and guarantee the right to collective ownership of their lands , which shall be inalienable, not subject to the law of limitations or distraint, and non-transferable, in accordance with this Constitution and the law.
Constitution of Bolivia	Article 30. II. Within the framework of the State's unity and in accordance with this Constitution the indigenous originary farmer nations and people enjoy the following rights: 6. To the collective titling of lands and territories. Article 31. I. The indigenous originary nations and people in danger of extinction, in situation of voluntary isolation and not contacted, will be protected and respected in their individual and collective ways of life. Article 394. III. The State recognizes, protects and guarantees communitarian or collective property, which includes indigenous originary farmer territory , native, intercultural communities and rural communities. Collective property is declared

	<p>indivisible, imprescribable, non-attachable, inalienable and irreversible, and will not be subjected to agrarian property taxes. Communities can be titleholders, recognizing the complementary character of collective and individual rights, respecting territorial unity with identity.</p>
<p>ILO Convention No. 107</p>	<p>Article 11. The right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognised.</p> <p>Article 7(1). In defining the rights and duties of the populations concerned regard shall be had to their customary laws. (2) These populations shall be allowed to retain their own customs and institutions where these are not incompatible with the national legal system or the objectives of integration programmes.</p>

Annexe 2(3)

Right to Land, Territory and Natural Resources

<p align="center">International Instrument/ National Constitution/ Policy</p>	<p align="center">Extracts from Text</p>
<p align="center">Constitution of the Philippines</p>	<p>Article-XII : Section 5. The State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being.</p> <p>Article-XIII: Section 6. The State shall apply the principles of agrarian reform or stewardship, whenever applicable in accordance with law, in the disposition or utilization of other natural resources, including lands of the public domain under lease or concession suitable to agriculture, subject to prior rights, homestead rights of small settlers, and the rights of indigenous communities to their ancestral lands.</p>
<p align="center">Constitution of Canada</p>	<p>Section 35 (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.</p> <p>Section 35 (3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.</p>
<p align="center">Constitution of Indonesia</p>	<p>Article 18B(2) The State recognises and respects traditional communities along with their traditional customary rights as long as these remain in existence and are in accordance with the societal development and the principles of the Unitary State of the Republic of Indonesia, and shall be regulated by law.</p>
<p align="center">Constitution of Malaysia</p>	<p>Article 161A. (5) Article 89 shall not apply to the State of Sabah or Sarawak, and Article 8 shall not invalidate or prohibit any provision of State law in the State of Sabah or Sarawak for the reservation of land for natives of the State or for alienation to them, or for giving them preferential treatment as regards the alienation of land by the State.</p>
<p align="center">Constitution</p>	<p>Article 119: The State recognizes the existence of native peoples and communities, their social, political and economic organization, their cultures, practices and customs,</p>

<p>of Venezuela</p>	<p>languages and religions, as well as their habitat and original rights to the lands they ancestrally and traditionally occupy, and which are necessary to develop and guarantee their way of life. It shall be the responsibility of the National Executive, with the participation of the native peoples, to demarcate and guarantee the right to collective ownership of their lands, which shall be inalienable, not subject to the law of limitations or distraint, and nontransferable, in accordance with this Constitution and the law.</p>
<p>Constitution of Bolivia</p>	<p>Article 2. Given the pre-colonial existence of the indigenous originary farmer nations and people and their ancestral domain over their territories, their free determination is guaranteed within the framework of the unity of the State, which consists in their right to autonomy, to self-government, to their culture, to the recognition of their institutions and to the consolidation of their territorial entities, in accordance to this Constitution and to the law.</p> <p>Article 30.I. The indigenous originary farmer nations and people constitute the human collective groups that share cultural identity, language, historical tradition, institutions, territoriality, and cosmovisions, with an existence prior to the Spanish colonial invasion.</p> <p>Article 30.II. Within the framework of the State's unity and in accordance with this Constitution the indigenous originary farmer nations and people enjoy the following rights:</p> <p>6. To the collective titling of lands and territories.</p> <p>Article 31.I. The indigenous originary nations and people in danger of extinction, in situation of voluntary isolation and not contacted, will be protected and respected in their individual and collective ways of life.</p> <p>Article 388. The indigenous originary farmer communities located within forest areas will have the exclusive right to their use and their management, in accordance with the law.</p> <p>Article 394.III. The State recognizes, protects and guarantees communitarian or collective property, which includes indigenous originary farmer territory, native, intercultural communities and rural communities. Collective property is declared indivisible, imprescribable, non-attachable, inalienable and irreversible, and will not be subjected to agrarian property taxes. Communities can be titleholders, recognizing the complementary character of collective and individual rights, respecting territorial unity with identity.</p> <p>Article 403.I. The totality of the indigenous originary farmer territory is recognized, which includes the right to its land, to the use and exclusive utilization of the renewable natural resources under the conditions determined by law; to prior and informed consultation and to participation in the benefits of the exploitation of the non-renewable natural resources that are found in their territories; to the authority to apply their own norms, administered by their structures of representation, and to define their development in accordance to their own cultural criteria and principles of harmonious coexistence with nature. The indigenous originary farmer territories can be composed of communities.</p> <p>II. The indigenous originary farmer territory includes areas of production, areas of use and conservation of natural resources and spaces for social, spiritual and cultural reproduction. The law will establish the procedure for the recognition of these rights.</p>

Annexe 2(4)

Local Government/Self-Government/Autonomous Areas

<p align="center">International Instrument/ National Constitution/ Policy</p>	<p align="center">Extracts from Text</p>
<p align="center">Constitution of Indonesia</p>	<p>Article 18(1) The Unitary State of the Republic of Indonesia shall be divided into provinces and those provinces shall be divided into regencies (kabupaten) and municipalities (kota), each of which shall have regional authorities which shall be regulated by law.</p> <p>(2) The regional authorities of the provinces, regencies and municipalities shall administer and manage their own affairs according to the principles of regional autonomy and the duty of assistance (tugas pembantuan).</p> <p>(5) The regional authorities shall exercise wide-ranging autonomy, except in matters specified by law to be the affairs of the central government.</p> <p>Article 18B(1) The State recognises and respects units of regional authorities that are special and distinct, which shall be regulated by law.</p>
<p align="center">Constitution of Philippines</p>	<p>Article X [Local Government General Provisions] Section 1. The territorial and political subdivisions of the Republic of the Philippines are the provinces, cities, municipalities, and barangays. There shall be autonomous regions in Muslim Mindanao and the Cordilleras as hereinafter provided.</p> <p>[Autonomous Regions Section] 15. There shall be created autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines.</p>
<p align="center">Constitution of Spain</p>	<p>[National Unity, Regional Autonomy] Article 2 . The Constitution is based on the indissoluble unity of the Spanish nation, the common and indivisible homeland of all Spaniards, and recognizes and guarantees the right to autonomy of the nationalities and regions which make it up and the solidarity among all of them.</p> <p>Article 143 [Autonomy Initiative] (1) In the exercise of the right to autonomy recognized in Article 2, bordering provinces with common historical, cultural, and economic characteristics, the island territories, and the provinces with a historical regional unity may accede to self-government and constitute themselves into autonomous communities in accordance with the provisions of that Title and the respective statutes.</p>

<p>Constitution of</p> <p>India</p>	<p>244A. Formation of an autonomous State comprising certain tribal areas in Assam and creation of local Legislature or Council of Ministers or both therefor.</p> <p>(1) Notwithstanding anything in this Constitution, Parliament may, by law, form within the State of Assam an autonomous State comprising (whether wholly or in part) all or any of the tribal areas specified in 7[Part I] of the table appended to paragraph 20 of the Sixth Schedule and create therefor—(a) a body, whether elected or partly nominated and partly elected, to function as a Legislature for the autonomous State, or (b) a Council of Ministers, or both with such constitution, powers and functions, in each case, as may be specified in the law.</p> <p>243D. Reservation of seats. (1) Seats shall be reserved for—(a) the Scheduled Castes; and (b) the Scheduled Tribes, in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.</p> <p>(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.</p> <p>(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:</p> <p>Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State:</p> <p>Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women:</p> <p>Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.</p>
<p>Constitution of Nepal</p>	<p>Article 21. Right to Social Justice: (1) Women, Dalit, indigenous tribes, Madheshi community, oppressed group, the poor peasant and labourers, who are economically, socially or educationally backward, shall have the right to participate in the state mechanism on the basis of proportional inclusive principles.</p>
	<p>Article 246. Tribal Areas.—In the Constitution—</p> <p>(a) “Tribal Areas” means the areas in Pakistan which, immediately before the commencing day, were Tribal Areas, and includes—(i) the Tribal Areas of 1[Balochistan] and the 1[Khyber Pakhtunkhawa] Province; (ii) the former States of</p>

<p>Constitution of Pakistan</p>	<p>Amb, Chitral, Dir and Swat; [(iii) Tribal Areas adjoining Lakki Marwat District; and (iv) Tribal Areas adjoining Tank District.]</p> <p>(b) “Provincially Administered Tribal Areas” means –,(i) the districts of Chitral, Dir and Swat (which includes Kalam) ³[the Tribal Area in Kohistan district,] Malakand Protected Area, the Tribal Area adjoining ⁴[Mansehra] district and the former State of Amb; and (ii) Zhob district, Loralia district (excluding Duki Tehsil), Dalbandin Tehsil of Chagai District and Marri and Bugti tribal territories of Sibi district; and</p> <p>(c) “Federally Administered Tribal Areas” includes (i) Tribal Areas, adjoining Peshawar district; (ii) Tribal Areas, adjoining Kohat district; (iii) Tribal Areas, adjoining Bannu district; (iv) Tribal Areas adjoining Dear Ismail Khan district; ⁵[(v) Bajaur Agency; (va) Orakzai Agency;] (vi) Mohmand Agency; (vii) Khayber Agency; (viii) Kurram Agency; (ix) North Waziristan Agency; and (x) South Waziristan Agency.</p>
<p>Constitution of Finland</p>	<p>Section 121 - Municipal and other regional self-government</p> <p>Finland is divided into municipalities, whose administration shall be based on the self-government of their residents. Provisions on the general principles governing municipal administration and the duties of the municipalities are laid down by an Act.</p> <p>....</p> <p>Provisions on self-government in administrative areas larger than a municipality are laid down by an Act. In their native region, the Sami have linguistic and cultural self-government, as provided by an Act.</p>
<p>Constitution of Mexico</p>	<p>Article 2....The right to self determination of the indigenous peoples shall be granted within a framework of autonomy according to the Constitution and in a way which preserves the national unity. State Constitutions and State laws shall establish the guidelines according to which indigenous peoples will be recognised as such. In doing so, State legal system shall take into account the general principles of laws and ethno-linguistic and territorial criteria.</p> <p>Article 2A This constitution recognizes and enforces the rights of the indigenous peoples and communities to self determination and therefore their autonomy to:</p> <p>VII. Elect their representative to the municipal offices located at indigenous municipalities. State Constitutions and State laws shall enforce and regulate such a right in order to strengthen participation and representation of indigenous peoples according with their traditions and internal regulations.</p>
<p>Constitution of Malaysia</p>	<p>Article number 153.(1) It shall be the responsibility of the Yang di-Pertuan Agong to safeguard the special position of the Malays and natives of any of the States of Sabah and Sarawak and the legitimate interests of other communities in accordance with the provisions of this Article.</p> <p>(2) Notwithstanding anything in this Constitution, but subject to the provisions of Article 40 and of this Article, the Yang di-Pertuan Agong shall exercise his functions under this Constitution and federal law in such manner as may be necessary to safeguard the special provision of the Malays and natives of any of</p>

	<p>the States of Sabah and Sarawak and to ensure the reservation for Malays and natives of any of the States of Sabah and Sarawak of such proportion as he may deem reasonable of positions in the public service (other than the public service of a State) and of scholarships, exhibitions and other similar educational or training privileges or special facilities given or accorded by the Federal Government and, when any permit or licence for the operation of any trade or business is required by federal law, then, subject to the provisions of that law and this Article, of such permits and licences.</p>
<p>Constitution of Bolivia</p>	<p>Article 2. Given the pre-colonial existence of the indigenous originary farmer nations and people and their ancestral domain over their territories, their free determination is guaranteed within the framework of the unity of the State, which consists in their right to autonomy, to self-government, to their culture, to the recognition of their institutions and to the consolidation of their territorial entities, in accordance to this Constitution and to the law.</p> <p>Article 30.II. Within the framework of the State's unity and in accordance with this Constitution the indigenous originary farmer nations and people enjoy the following rights:</p> <p>5. To have their institutions be part of the general structure of the State.</p> <p>17. To autonomous indigenous territory administration, and to the use and exclusive management of the renewable natural resources existent in their territories without prejudice of the rights legitimately acquired by third persons.</p> <p>Article 269. I. Bolivia is organized territorially into departments, provinces, municipalities and indigenous originary farmer territories.</p> <p>Article 289. The indigenous originary farmer autonomy consists in self-government as an exercise of free determination of the indigenous originary farmer nations and people, of which population share territory, culture, history, languages, and their own juridical, political, social and economic organization or institutions.</p> <p>Article 290.I. The formation of the indigenous originary farmer autonomy is based on the ancestral territories, currently inhabited by those nations and people, expressed in consultation, in accordance with the Constitution and the law.</p>

Annexe 2(5)

Consent and Consultation in making Laws on indigenous peoples

International Instrument/ National Constitution/ Policy	Extracts from Text
Constitution of India	<p>Article 371G. Notwithstanding anything in this Constitution,— (a) no Act of Parliament in respect of— (i) religious or social practices of the Mizos, (ii) Mizo customary law and procedure, (iii) administration of civil and criminal justice involving decisions according to Mizo customary law, (iv) ownership and transfer of land, shall apply to the State of Mizoram unless the Legislative Assembly of the State of Mizoram by a resolution so decides:</p> <p>Provided that nothing in this clause shall apply to any Central Act in force in the Union territory of Mizoram immediately before the commencement of the Constitution (Fifty-third Amendment) Act, 1986;</p>
Constitution of Philippines	<p>Article-XV (General Provision): Section 12. The Congress may create a consultative body to advise the President on policies affecting indigenous cultural communities, the majority of the members of which shall come from such communities.</p>
Constitution of Bolivia	<p>Article 30.II. Within the framework of the State's unity and in accordance with this Constitution the indigenous originary farmer nations and people enjoy the following rights:</p> <p>15. To be consulted by means of the appropriate procedures, and in particular through their institutions, every time legislative or administrative measures susceptible of affecting them are anticipated. Within this framework, the right to an obligatory prior consultation will be respected and guaranteed, conducted by the State, in good faith and in an agreed manner, regarding the exploitation of non-renewable natural resources within the territory where are settled.</p> <p>Article 304.I. The indigenous originary farmer autonomies can exercise the following exclusive competences:</p> <p>21. Participate, develop and execute the mechanisms of prior, free and informed consultation related to the application of legislative, executive and administrative measures that affect them.</p>
Constitution	<p>Article 21. Right to Social Justice: (1) Women, Dalit, indigenous tribes, Madheshi</p>

of Nepal	community, oppressed group, the poor peasant and labourers, who are economically, socially or educationally backward, shall have the right to participate in the state mechanism on the basis of proportional inclusive principles.
Constitution of Denmark	Section 42 [Referendum] (8) Rules for Referenda, including the extent to which Referenda shall be held on the Faeroe Islands and in Greenland , shall be laid down by Statute .
Constitution of Canada	Section 35 (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.
GC-23 of ICERD	4. The Committee calls in particular upon States parties to: (a)..., (b)..., (c)..., (d) Ensure that members of indigenous peoples have equal rights in respect of effective participation in public life and that no decisions directly relating to their rights and interests are taken without their informed consent;

Annexe 2(6)
Reservation of Seats in Parliament

International Instrument/ National Constitution/ Policy	Extracts from Text
Constitution of Pakistan	<p>Article 51. National Assembly.—(1) There shall be three hundred and forty-two seats of the members in the National Assembly, including seats reserved for women and non-Muslims.</p> <p>Article 59 (1) The Senate shall consist of one hundred members, of whom – (b) Eight shall be elected from Federally Administered Tribal Areas, in such manner as the President may, by order, prescribe;</p>
Constitution of India	<p>Article 330. Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People.</p> <p>Article 330 (1) Seats shall be reserved in the House of the People for —(a) the Scheduled Castes; [(b) the Scheduled Tribes except the Scheduled Tribes in the autonomous districts of Assam; and (c) the Scheduled Tribes in the autonomous districts of Assam.</p> <p>Article 332. Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States.</p> <p>(1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, except the Scheduled Tribes in the autonomous districts of Assam, in the Legislative Assembly of every State ***.</p> <p>(2) Seats shall be reserved also for the autonomous districts in the Legislative Assembly of the State of Assam.</p> <p>5[(3A) Notwithstanding anything contained in clause (3), until the taking effect, under article 170, of the readjustment, on the basis of the first census after the year 2026, of the number of seats in the Legislative Assemblies of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly of any such State shall be,—</p> <p>(a) if all the seats in the Legislative Assembly of such State in existence on the date of coming into force of the Constitution (Fifty-seventh Amendment) Act, 1987 (hereafter in this clause referred to as the existing Assembly) are held by members of the Scheduled Tribes, all the seats except one;</p> <p>(b) in any other case, such number of seats as bears to the total number of seats, a proportion not less than the number (as on the said date) of members belonging to the</p>

	<p>Scheduled Tribes in the existing Assembly bears to the total number of seats in the existing Assembly.</p> <p>(3B) Notwithstanding anything contained in clause (3), until the re-adjustment, under article 170, takes effect on the basis of the first census after the year 2026, of the number of seats in the Legislative Assembly of the State of Tripura, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly shall be, such number of seats as bears to the total number of seats, a proportion not less than the number, as on the date of coming into force of the Constitution (Seventysecond Amendment) Act, 1992, of members belonging to the Scheduled Tribes in the Legislative Assembly in existence on the said date bears to the total number of seats in that Assembly.</p>
<p>Constitution of Nepal</p>	<p>Article 45. Constitution of Legislature-Parliament: (1) There shall be a unicameral Legislature-Parliament in Nepal which shall consist of the following 330 members: (c) 48 members from among the Samyukta Bam Morcha, people based and professional organizations, class organizations and professional bodies, oppressed tribe, backward region, indigenous tribe, women and various political personalities nominated through understanding.</p> <p>Article 63. Formation of the Constituent Assembly: (3) The Constituent Assembly shall consist of the following four hundred twenty five members, out of which four hundred and nine members shall be elected through Mixed Electoral System and sixteen members shall be nominated, as provided for in the law:- (a) two hundred and five members shall be elected from among the candidates elected on the basis of First-Past-the-Post system from each of the Election Constituencies existed in accordance with the prevailing law before the commencement of this Constitution. (b) two hundred and four members shall be elected under the proportional electoral system on the basis of the votes to be given to the political parties, considering the whole country as one election constituency.</p> <p>(4) The principle of inclusiveness shall be taken into consideration while selecting the candidates by the political parties pursuant to sub-clause (a) of clause (3) above, and while making the list of the candidates pursuant to sub-clause (b) above, the political parties shall have to ensure proportional representation of women, Dalit, oppressed tribes/indigenous tribes, backwards, Madhesi and other groups, in accordance as provided for in the law.</p>
<p>Constitution of Denmark</p>	<p>Section 28 [Membership] The Parliament shall consist of one assembly of not more than one hundred and seventy-nine Members, of whom two Members shall be elected on the Faeroe Islands and two Members in Greenland.</p> <p>Section 31 [Elections] (5) Special rules for the representation of Greenland in the Parliament may be laid down by Statute.</p> <p>Section 32 [Period] (5) Special rules may be provided by Statute for the commencement and determination of Faeroe Islands and Greenland representation in the Parliament.</p>

Constitution of Philippines	Article-VI: Section 5.(2) The party-list representatives shall constitute twenty per centum of the total number of representatives including those under the party list. For three consecutive terms after the ratification of this Constitution, one-half of the seats allocated to party-list representatives shall be filled, as provided by law, by selection or election from the labor, peasant, urban poor, indigenous cultural communities , women, youth, and such other sectors as may be provided by law, except the religious sector.
Constitution of Venezuela	<p>Article 125: Native peoples have the right to participate in politics. The State shall guarantee native representation in the National Assembly and the deliberating organs of federal and local entities with a native population, in accordance with law.</p> <p>Article 186: The National Assembly shall consist of Deputies elected in each of the federal entities by universal, direct, personalized and secret ballot with proportional representation, using a constituency base of 1. 1 % of the total population of the country. Each federal organ shall also elect three additional deputies.</p> <p>The native peoples of the Bolivarian Republic of Venezuela shall elect three deputies in accordance with the provisions established under election law, respecting the traditions and customs thereof..</p> <p>Constituents for Indigenous Communities :Guillermo Guevara; José Luis González; Noelí Pocaterra de Oberto</p>
Constitution of Bolivia	Article 147.II. In the election of assembly members the proportional participation of the indigenous originary farmer nations and people will be guaranteed.

Annexe 2(7)

Consent and Consultation in amending Constitutional Provision relating to indigenous peoples

International Instrument/ National Constitution/ Policy	Extracts from Text
Constitution of Pakistan	<p>Article 247. Administration of Tribal Areas. (6) The President may, at any time, by Order, direct that the whole or any part of a Tribal Area shall cease to be Tribal Area, and such order may contain such incidental and consequential provisions as appear to the President to be necessary and proper:</p> <p>Provided that before making any Order under this clause, the President shall ascertain, in such manner as he considers appropriate, the views of the people of the Tribal Area concerned, as represented in tribal jirga.</p>
Constitution of Canada	<p>Section 35.1 The government of Canada and the provincial governments are committed to the principle that, before any amendment is made to Class 24 of section 91 of the <i>Constitution Act, 1867</i>, to section 25 of this Act or to this Part, (a) ...; and</p> <p>(b) the Prime Minister of Canada will invite representatives of the aboriginal peoples of Canada to participate in the discussions on that item.</p>
Constitution of Malaysia	<p>Article 161E.(2) No amendment shall be made to the Constitution without the concurrence of the Yang di-Pertuan Negeri of the State of Sabah or Sarawak or each of the States of Sabah and Sarawak concerned, if the amendment is such as to affect the operation of the Constitution as regards any of the following matters:</p> <p>(a) the right of persons born before Malaysia Day to citizenship by reason of a connection with the State, and (except to the extent that different provision is made by the Constitution as in force on Malaysia Day) the equal treatment, as regards their own citizenship and that of others, or persons born or resident in the State and of persons born or resident in the States of Malaya;</p> <p>(b) ...; (c); (d); (e)</p> <p>(3) No amendments to the Constitution which affects its operation as regards the quota of members of the House of Representatives allocated to the State of Sabah or Sarawak shall be treated for purposes of Clause (1) as equating or assimilating the position of that State to the position of the States of Malaya.</p> <p>(4) In relation to any rights and powers conferred by federal law on the Government of the State of Sabah or Sarawak as regards entry into the State and residence in the State and matters connected therewith (whether or not the law is passed before</p>

	Malaysia Day) Clause (2) shall apply, except in so far as the law provides to the contrary, as if the law had been embodied in the Constitution and those rights and powers had been included among the matters mentioned in paragraphs (a) to (e) of that Clause.
Constitution of Philippines	Article-XV (General Provision): Section 12. The Congress may create a consultative body to advise the President on policies affecting indigenous cultural communities, the majority of the members of which shall come from such communities.
GC-23 of ICERD	4. The Committee calls in particular upon States parties to: (a)..., (b)..., (c)..., (d) Ensure that members of indigenous peoples have equal rights in respect of effective participation in public life and that no decisions directly relating to their rights and interests are taken without their informed consent;

Annexe-3(1)

Emancipation from Exploitation

Constitution/ International Covenant/ Policy	Text of the Articles/Sections
Constitution of Nepal	<p>Article 35. State Policies:(9) The state shall pursue a policy of making special provisions of social security for the protection and welfare of single women, orphans, children, helpless, the aged, disabled, incapacitated persons and the disguising tribes.</p> <p>(10) The State shall pursue a policy which will help to promote the interest of the marginalized communities and the peasants and labourers living below poverty line, including economically and socially backward indigenous tribes, Madhesis, Dalits, by making reservation for a certain period of time with regard to education, health, housing, food sovereignty and employment.</p> <p>(14) The State shall pursue a policy of making special provision based on positive discrimination to the minorities, landless, squatters, bonded labourers, disabled, backward communities and sections, and the victims of conflict, including women, Dalits, indigenous tribes, Madhesis and Muslims.</p> <p>Nepal Article 33. Responsibilities of the State: The State shall have the follows responsibilities:</p> <p>(d) To carry out an inclusive, democratic and progressive restructuring of the State by eliminating its existing form of centralized and unitary structure in order to address the problems related to women, Dalits, indigenous tribes, Madhesis, oppressed and minority community and other disadvantaged groups, by eliminating class, caste, language, sex, culture, religion and regional discriminations.</p>
Constitution of Mexico	<p>Article 2B. The Federation, States and Municipalities – working along with indigenous peoples – shall provide for agencies and policies directed to promote not equal opportunities for indigenous individuals but also prevent discriminatory practices against them. Such agencies and policies shall enforce the indigenous' rights as well as integral development for indigenous peoples and communities alike.</p>

Annexe 3(2)
Education & in the Mother Tongue

International Instrument/ National Constitution/ Policy	Extracts from Text
Constitution of India	<p>Article 30. Right of minorities to establish and administer educational institutions.</p> <p>(1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.</p> <p>(1A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.</p> <p>(2) The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.</p> <p>Article 350A. It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups; and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities.</p>
Constitution of Malaysia	<p>Article 152.1 (1) The national language shall be the Malay language and shall be in such script as Parliament may by law* provide:</p> <p>Provided that- (a) no person shall be prohibited or prevented from using (otherwise than for official purposes), or from teaching or learning, any other language; and (b) nothing in this Clause shall prejudice the right of the Federal Government or of any State Government to preserve and sustain the use and study of the language of any other community in the Federation.</p>
Constitution of Philippines	<p>Article-XIV: Section-2(4) Encourage non-formal, informal, and indigenous learning systems, as well as self-learning, independent, and out-of-school study programs particularly those that respond to community needs;</p>

Constitution of Venezuela	Article 121: Native peoples have the right to maintain and develop their ethnical and cultural entity, world view, values, spirituality and holy places and places of cult. The State shall promote the appreciation and dissemination of the cultural manifestations of the native peoples, who have the right to their own education, and an education system of an intercultural and bilingual nature, taking into account their special social and cultural characteristics, values and traditions.
Constitution of Bolivia	Article 30.II. Within the framework of the State's unity and in accordance with this Constitution the indigenous originary farmer nations and people enjoy the following rights: 12. To an intracultural, intercultural and plurilingual education in all of the educational system.

Annexe 3(3)

Special Provision for Indigenous Peoples (Prohibition of Discrimination)

International Instrument/ National Constitution/ Policy	Extracts from Text
<p>Constitution of Malaysia</p>	<p>Article number: 8 (1) All persons are equal before the law and entitled to the equal protection of the law.</p> <p>(5) This Article does not invalidate or prohibit – (c) any provision for the protection, wellbeing or advancement of the aboriginal peoples of the Malay Peninsula (including the reservation of land) or the reservation to aborigines of a reasonable proportion of suitable positions in the public service;</p> <p>153.(1) It shall be the responsibility of the Yang di-Pertuan Agong to safeguard the special position of the Malays and natives of any of the States of Sabah and Sarawak and the legitimate interests of other communities in accordance with the provisions of this Article.</p> <p>161A.(4) The Constitutions of the States of Sabah and Sarawak may make provision corresponding (with the necessary modifications) to Article 153.</p> <p>(6) In this Article "native" means- (a) in relation. to Sarawak, a person who is a citizen and either belongs to one of the races specified in Clause (7) as indigenous to the State or is of mixed blood deriving exclusively from those races; and (b) in relation to Sabah, a person who is a citizen, is the child or grandchild of a person of a race indigenous to Sabah, and was born (whether on or after Malaysia Day or not) either in Sabah or to a father domiciled in Sabah at the time of the birth.</p> <p>(7) The races to be treated for the purposes of the definition of "native" in Clause (6) as indigenous to Sarawak are the Bukitans, Bisayahs, Dusuns, Sea Dayaks, Land Dayaks, Kadayans, Kalabit, Kayans, Kenyags (Including Sabups and Sipengs), Kajangs (including Sekapans,. Kejamans, Lahanans, Punans, Tanjongs dan Kanowits), Lugats, Lisums, Malays, Melanos, Muruts, Penans, Sians, Tagals, Tabuns and Ukits.</p>
<p>Constitution of India</p>	<p>Article 15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.</p> <p>(4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.</p> <p>[(5) Nothing in this article or in sub-clause (g) of clause (1) of article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or</p>

	<p>the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30.]</p> <p>Article 46. Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections. The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.</p> <p>Article 275. Grants from the Union to certain States.</p> <p>(1) Such sums as Parliament may by law provide shall be charged on the Consolidated Fund of India in each year as grants-in-aid of the revenues of such States as Parliament may determine to be in need of assistance, and different sums may be fixed for different States:</p> <p>Provided that there shall be paid out of the Consolidated Fund of India as grants-in-aid of the revenues of a State such capital and recurring sums as may be necessary to enable that State to meet the costs of such schemes of development as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the welfare of the Scheduled Tribes in that State or raising the level of administration of the Scheduled Areas therein to that of the administration of the rest of the areas of that State:</p>
<p>Interim Constitution of Nepal</p>	<p>Article 13. Right to Equality: (3) The State shall not discriminate among citizens on grounds of religion, race, caste, tribe, sex, origin, language or ideological conviction or any of these.</p> <p>Provided that nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of the interests of women, Dalit, indigenous ethnic tribes, Madeshi, or peasants, labourers or those who belong to a class which is economically, socially or culturally backward and children, the aged, disabled and those who are physically or mentally incapacitated.</p> <p>Article 35. State Policies: (9) The state shall pursue a policy of making special provisions of social security for the protection and welfare of single women, orphans, children, helpless, the aged, disabled, incapacitated persons and the disguising tribes.</p> <p>(10) The State shall pursue a policy which will help to promote the interest of the marginalized communities and the peasants and labourers living below poverty line, including economically and socially backward indigenous tribes, Madhesis, Dalits, by making reservation for a certain period of time with regard to education, health, housing, food sovereignty and employment.</p> <p>(14) The State shall pursue a policy of making special provision based on positive discrimination to the minorities, landless, squatters, bonded labourers, disabled, backward communities and sections, and the victims of conflict, including women, Dalits, indigenous tribes, Madhesis and Muslims.</p>

<p>Constitution of Venezuela</p>	<p>Article 119: The State recognizes the existence of native peoples and communities, their social, political and economic organization, their cultures, practices and customs, languages and religions, as well as their habitat and original rights to the lands they ancestrally and traditionally occupy, and which are necessary to develop and guarantee their way of life. It shall be the responsibility of the National Executive, with the participation of the native peoples, to demarcate and guarantee the right to collective ownership of their lands, which shall be inalienable, not subject to the law of limitations or distraint, and non-transferable, in accordance with this Constitution and the law.</p> <p>Article 126: Native peoples, as cultures with ancestral roots, are part of the Nation, the State and the Venezuelan people, which is one, sovereign and indivisible. In accordance with this Constitution, they have the duty of safeguarding the integrity and sovereignty of the nation. The term people in this Constitution shall in no way be interpreted with the implication it is imputed in international law.</p>
<p>Constitution of Bolivia</p>	<p>Article 3. The Bolivian nation is formed by the totality of the Bolivian males and females, the indigenous originary farmer nations and people, and the intercultural and afro-Bolivian communities which altogether make up the Bolivian people.</p>

Annexe 3(4)
Equal Opportunity in Public Services

International Instrument/ National Constitution /Policy	Extracts from Text
Constitution of Malaysia	<p>Article 153.(2) Notwithstanding anything in this Constitution, but subject to the provisions of Article 40 and of this Article, the Yang di-Pertuan Agong shall exercise his functions under this Constitution and federal law in such manner as may be necessary to safeguard the special provision of the Malays and natives of any of the States of Sabah and Sarawak and to ensure the reservation for Malays and natives of any of the States of Sabah and Sarawak of such proportion as he may deem reasonable of positions in the public service (other than the public service of a State) and of scholarships, exhibitions and other similar educational or training privileges or special facilities given or accorded by the Federal Government and, when any permit or licence for the operation of any trade or business is required by federal law, then, subject to the provisions of that law and this Article, of such permits and licences.</p>
Constitution of India	<p>Article 16. Equality of opportunity in matters of public employment.</p> <p>(4A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.</p> <p>Article 335. Claims of Scheduled Castes and Scheduled Tribes to services and posts.</p> <p>335. The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State:</p> <p>Provided that nothing in this article shall prevent in making of any provision in favour of the members of the Scheduled Castes and the Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State.</p>
Constitution	<p>Article 2B. The Federation, States and Municipalities – working along with indigenous peoples – shall provide for agencies and policies directed to promote not equal opportunities for indigenous individuals but also prevent discriminatory practices</p>

of Mexico

against them. Such agencies and policies shall enforce the indigenous' rights as well as integral development for indigenous peoples and communities alike.

Annexe 3(5)

Restrictions on the exercise of Freedom of Movement for the protection of the interests of indigenous peoples

International Instrument/ National Constitution/ Policy	Extracts from Text
Constitution of India	<p>Article 19. Protection of certain rights regarding freedom of speech, etc.</p> <p>(5) Nothing in 1[sub-clauses (d) and (e)] of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.</p>
Interim Constitution of Nepal	<p>Article 12. Right to Freedom:</p> <p>(3) Every citizen shall have the following freedoms:</p> <p>(e) freedom to move and reside in any part of Nepal; and Provided that,</p> <p>(4) nothing in sub-clause (e) shall be deemed to prevent the making of laws which are in the interest of the general public, or which are made to impose reasonable restrictions on any act which may jeopardize the harmonious relations subsisting among the peoples of various castes, tribes, religion or communities.</p>
Constitution of Bolivia	<p>Article 304.I. The indigenous originary farmer autonomies can exercise the following exclusive competences:</p> <p>7. Administration and preservation of protected areas in their jurisdiction, within the framework of the policy of the State.</p> <p>Article 385.II. Wherever indigenous originary farmer protected areas and territories overlap, shared management will be undertaken, subject to the norms and procedures of the indigenous originary farmer nations and people, respecting the objective of creation of these areas.</p>

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cveZ̄ P̄EMŃgi wētkl c̄kvm̄bK gh̄P̄ vi v̄Kw̄_Z I v̄bxq kv̄m̄t̄b Aw̄ evmx̄t̄ i cŃZ̄v̄waZ̄; v̄bw̄ŃZ̄KiY

eZ̄ḡvb ms̄weav̄t̄bi weav̄bvej x	cŃ weZ̄ weav̄bvej x (ms̄tkvabx cŃ ve)	th̄šw̄ ³ KZ̄v/h_v_Z̄v	m̄t̄
<p>PZ̄L̄²fv̄t̄Mi (v̄bēŋx wēf̄v̄M) (3q cwi t̄"Q`) Ń v̄bxq kv̄mbŃ ms̄μvš-Ab̄t̄"Q` -59</p> <p>Ń(1) AvBbv̄b̄h̄v̄qx v̄bēŋPZ̄ ēv̄³t̄ i mḡš̄t̄q M̄w̄Z̄ cŃZ̄Ńv̄mḡt̄ni Dci c̄R̄v̄t̄š̄j cŃZ̄"K c̄kvm̄bK GK̄K̄v̄st̄ki v̄bxq kv̄m̄t̄bi fvi cŃ vb Kiv nB̄t̄e </p> <p>(2) GB ms̄weav̄b I Ab̄ t̄Kvb AvBb-mv̄t̄c̄t̄ŋ m̄sm` AvB̄t̄bi Ńviv th̄ifc v̄bw̄ Ń K̄vi t̄eb, GB Ab̄t̄"Q̄t̄ i (1) `dv̄q D̄w̄j w̄L̄Z̄</p>	<p>Ab̄t̄"Q` -59(2) Gi t̄k̄t̄l ms̄thvRb Kiv-Ń(3) Aw̄ evmx Aaj̄w̄l Z̄/em̄ev̄mi Z̄ cveZ̄ i v̄v̄z̄gv̄w̄U, cveZ̄` Lv̄M̄ov̄Q̄w̄o I cveZ̄` ev̄³ i ev̄b t̄R̄j v̄l̄q mḡš̄t̄q M̄w̄Z̄ cveZ̄` P̄EMŃg GK̄w̄U wētkl AĀ̄j w̄nt̄m̄t̄e wētkl AvB̄t̄bi gvāt̄g c̄kvm̄Z̄ nB̄t̄e, Ges ms̄k̄Ń-t̄R̄j v I AĀ̄t̄j i cwi l` mḡt̄n Aw̄ evmx̄t̄ i Rb` Avmb msi v̄ŋ̄Z̄ v̄w̄K̄t̄e </p> <p>(4) t̄ t̄ki Aw̄ evmx Aaj̄w̄l Z̄ AĀ̄j t̄j vi v̄bxq kv̄mb-ms̄μvš-cŃZ̄Ńv̄mḡt̄n Aw̄ evmx ḡv̄nj v̄mn Aw̄ evmx R̄w̄Z̄t̄M̄v̄Ńmḡt̄ni Rb` Avmb msi v̄ŋ̄Z̄ v̄w̄K̄t̄e </p>	<ul style="list-style-type: none"> ■ cveZ̄` P̄EMŃgi wētkl c̄kvm̄bK ēē² vi mvs̄weawbK v̄Kw̄Z̄ cŃ vb Kiv n̄t̄j Gi mvs̄weawbK `eaZ̄v v̄bt̄q Av̄ v̄j t̄Z̄ t̄Kvb c̄k̄ŃŃ v̄cb Kiv hv̄t̄ebv ■ 1964 m̄t̄b c̄w̄K̄² v̄b mi Kvi KZ̄R̄ GKZ̄i dv̄fv̄t̄e em̄Z̄j KZ̄ wētkl Ḡj v̄Kv-i gh̄P̄ v c̄bi "xvi n̄t̄e² ■ mḡZ̄j AĀ̄t̄j i I cveZ̄` P̄EMŃgi Aw̄ evmx cŃZ̄v̄wāt̄ i v̄bxq mi Kvi cŃZ̄Ńv̄t̄b Aš̄f̄ŋ³ v̄bw̄ŃZ̄ n̄t̄e³ 	<ul style="list-style-type: none"> ■ B̄t̄² v̄t̄b̄nk̄qv, w̄dv̄j cv̄Bb, t̄² Ńb, fvi Z̄, t̄bc̄vj , c̄w̄K̄² v̄b, w̄cbj v̄Ń, t̄ḡw̄ t̄Kv, ḡvj t̄q̄nk̄qv I em̄j w̄f̄qv-Gi ms̄weav̄t̄b wētkl weav̄bvej x i t̄q̄t̄Q

² 1964 m̄t̄b c̄w̄K̄² v̄t̄bi ms̄weav̄b t̄² t̄K cveZ̄` P̄EMŃgi "Tribal Area" i gh̄P̄ v GKZ̄i dv̄fv̄t̄e em̄Z̄j nq| Z̄rm̄gt̄q cveZ̄` P̄EMŃg I v̄ŋ̄Y P̄EMŃgi w̄Kq` sk v̄gt̄j M̄w̄Z̄ RvZ̄xq AvB̄bm̄f̄vi v̄bēŋP̄bx Av̄m̄t̄b dR̄j j K̄v̄t̄ i t̄P̄š̄aj̄x m̄`m̄ v̄bēŋP̄Z̄ nb| cveZ̄` P̄EMŃg Gi wētkl mvs̄weawbK gh̄P̄ v em̄Z̄t̄j i cŃ²uq̄q Z̄v̄i f̄v̄ḡK̄v̄ w̄Q̄j et̄j Rb̄k̄Ńv̄ i t̄q̄t̄Q| Z̄r̄K̄vj̄x̄b ms̄weav̄t̄b ms̄k̄Ń-Giv̄K̄vi RbḡZ̄ hv̄P̄v̄t̄q̄i weav̄b j̄s̄w̄N̄ nq| Z̄t̄e eZ̄ḡv̄t̄b c̄w̄K̄² v̄t̄bi ms̄weav̄t̄b {Ab̄t̄"Q` 247 (6)} GZ̄`vel̄t̄q Ḡj v̄Kvi RbḡZ̄ I Tribal Jirga - i gZ̄v̄gZ̄ M̄Ńb Avek̄"K Kiv n̄t̄q̄t̄Q|

³ 2008 m̄t̄b ev̄sj̄ v̄t̄` k mi K̄v̄t̄i i v̄b̄KU t̄ck̄KZ̄ v̄bxq mi Kvi ms̄μvš-cŃZ̄t̄e` t̄b mḡZ̄j AĀ̄t̄j B̄D̄v̄bq̄b cwi l̄t̄` Aw̄ evmx̄t̄ i Rb` wētkl Avmb msi v̄ŋ̄Yi m̄j̄c̄w̄i k Kiv nq| D³ K̄v̄ḡk̄t̄bi c̄Ńv̄b w̄Q̄t̄j b v̄b̄³ŋ̄xq ZZ̄yeav̄q̄K mi K̄v̄t̄i i cŃ³b Dc̄t̄` Ńv̄ W. Gg Gg kl KZ̄ Av̄j x|

Abjfc c0Z`K c0Z0vb hf_vch ³ c0kvmibK GKKvstki gta` tmBifc0			
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RvZxq msm` I `vbxq mi Kvi c0Z0vfb Aw` evmx` i c0ZvbiaZ; vbow0Z Ki`b

eZgvb msveavtbi weavvej x	c0weZ weavvej x (mstkrabx c0ve)	thSw ³ KZv/h_v_Zv	m ⁴
<p>cAg fvtMi (AvBbmfv) c0g cwi`Q⁴ i 0msm` c0Z0v0 msµvš- Abj`Q`-65</p> <p>065 (1) RvZxq msm` bvtg evsj vt`tki GKwJ msm` _vukte... (2) GKK AvAj K vbePbx Gj vKvmgn nBtZ cZ`¶ vbePbtbi gva`tg AvBbvbjvqx vbePZ vZb kZ m`m` j Bqv ... msm` MwZ nBte; (3); (4) </p>	<p>Abj`Q` 65(3) Gi ci bZb Abj`Q` 65(3K) msthWRZ nte 0RvZxq msm⁴ cveZ` PÆM0gmn t`tki Aw` evmx AjwJ Z/emevni Z AA⁴tj i Aw` evmx` i c0ZvbiaZ; vbow0Z Kwi evi j t¶¶ Aw` evmx gnvj vmn Aw` evmx RvZtMv0xmgfni Rb` 15wJ Avmb (mvavi Y Avmb e`ZxZ) msi w¶¶Z _vukte Ges AvBbvbjvqx vba¶¶i Z cxwZtZ Aw` evmx msm` m`m`MY vbePZ nBteb:</p> <p>Zte kZ`_vtK th, GB` dvi tKvb wKQB GB Abj`Q⁴ i (2) `dvi Aaxb tKvb Avmtb tKvb Aw` evmx e`w³ i vbePb vbeE Kwi te bv0</p>	<p>■ msL`vj Nki tYi Kvi fb c0vSK tFvUvti cwi bZ nI qv mtEj¶ RvZxq msm⁴ Aw` evmx` i c0ZvbiaZ; vbow0Z nte</p> <p>■ c¶¶vš¶i, Gi`c weavb e`wZti tK Aw` evmx e`w³MY fivel`tZ RvZxq msm⁴ vbePZ nI qvi m`tebv µgk: ¶¶xY n¶q hvte⁴</p> <p>■ RvZxq msm⁴ chvß cwi gvb Aw` evmx msm` m`tm`i c0ZvbiaZ; vbow0Z nte</p>	<p>■ fvi tZi msveavtbi weavbetj {Abj`Q` 330(1)} KwZcq vbePbx Gj vKv tKej Scheduled Tribe ev Scheduled Caste -Gi Rb` msi w¶¶Z</p> <p>■ cwiK`vbi msveavtbi {Abj`Q` 247 (6)} I evj wfvqv msveavtbi (Abj`Q` 25) I tbcvtj i Aš- eZxKvj xb msveavtbi Abj`c weavb i tqt0</p> <p>■ evsj vt`k KZK Abj`gw` Z vbævj wLZ AvšRwZK Pw³ i weavvej xi mvt` mvgÄm`cb¶te:</p> <ul style="list-style-type: none"> • ILO Convention on Indigenous and Tribal Populations (No. 107), 1957 • International Convention on the Elimination of all forms of Racial Discrimination
<p>mBq fvtMi (vbePb) 0c0Z Gj vKvi Rb` GKwJgv¶ tFvUvi Zwj Kv0 msµvš-</p>	<p>121 Abj`Q⁴ i ci vbtgoev³</p>		

⁴ LvMov0w0 tRj v t`tk AZxtZ `Bevi, A-Aw` evmx msm` m`m` vbePZ n¶q¶tj b | mgZj AA⁴tj c0gv` gvbKb Gguc (eZgvfb ms`wZ c0Zgšx) e`ZxZ B` wbsKvtj Ab`tkvb Aw` evmx e`w³ msm` m`m` vbePZ n¶q¶ | msi w¶¶Z Avmb e`ZxZ fivel`tZ mgZj AA⁴tj Aw` evmx e`w³ msm⁴ c0ZvbiaZ; cvl qvi m`tebv AZ`š-¶¶xb |

<p>121 Abj"Q` 0msm†` i ubeP†bi Rb" c0Z`K AvAj K ubePbx Gj vKvi GKwJ Kwi qv †fvUvi -Zwj Kv _wik†e Ges ag°RvZ, eY9I bvi x-cj "l†††` i wfvE†Z †fvUvi†` i web" -Kwi qv †Kvb we†kl †fvUvi -Zwj Kv cYqb Kiv hvB†e bv 0</p>	<p>kZ8k msthrRb Kiv- 0Z†e kZ°_v†K th, cveZ" PÆM†gi ††††† `vqx ewm>` v†` i j Bqv †fvUvi Zwj Kv cYq†b GB Abj"Q†` i †Kvb wKQB i v0†K ubeE Kwi te bv 0</p>		

Aw` evmx` i Rb` msweavbK weavtbi msi 97b c×wZ

eZ9vb msweavtbi weavbvej x	cŭ weZ weavbvej x (mstkvabx cŭ ve)	thšw³ KZv/h_v_9v	mŕ :
<p>kg fvtMi (msweavb-mstkvab) Őmsweavtbi weavb mstkvatbi 97gZvŭ msŭš-142 Abt`Q`</p>	<p>142 Abt`Q` i (1) Dc-Abt`Q` i (Av) `dvi ci bZb `dv msthvRb Kiv- Ő(B) msweavtbi Ašfŕ t`tki Aw` evmx` i cwi Pq, `KxqZv, AskMŕY I AwaKvi msi 97Y Kti Ggb weavbvej x mstkvab, msthvRb A_ev ewZtj i cteŕ tk Aw` evmx RvZtMŕxi cŭZwbvazkxj tbZet` i mwnZ Avtj vPbv I ci vgkKwi teb cveZ` PÆMŕgi t97tŕ cveZ` PÆMŕg AvAwj K cwi l` I cveZ` tRj v cwi l` mgr Ges t97tŕgZ HvZnMZ cŭZŕvb GB Dvj weZ cŭZwbvazkxj tbZet` i gta` Ašfŕ _wKte Ő</p>	<p>■ fvel`tZ Aw` evmx` i gZvgZ e`wZwi tk wetkl weavbvej x GKZi dvfvte mstkvaxZ nte bv⁵</p> <p>■ RvZxq msmŕ` Aw` evmx msm` m`mMŕYi msL`vj wNŕZvi Kvi tb GBi e weavb Avek`K</p>	<p>■ cwK`wtbi msweavb (247(6) Abt`Q`</p> <p>■ KvbWv, gyj tqwkqv, wdiw cvBtbi msweavb</p> <p>■ evsj vt` k KZŕ Abt`gwi Z wbaej wLZ Avš-RŕZK Pw³ i weavbvej xi mvŕ_ mvgÄm`cb® nte:</p> <ul style="list-style-type: none"> • ILO Convention on Indigenous and Tribal Populations (No. 107), 1957 • International Convention on the Elimination of all forms of Racial Discrimination

⁵ 1964 mŕb cwK`wtbi msweavb t`tk cveZ` PÆMŕgi "Tribal Area" i ghŕ v GKZi dvfvte ewZj nq| Zrmgtq cveZ` PÆMŕg I `wŕY PÆMŕgi wKq`sk wgtj MWZ RvZxq AvBbmŕvi wbeŕbx Avmŕb dRj j Kŕt` i tPšaj x m`m` wbeŕPZ nb| cveZ` PÆMŕg Gi wetkl msweavbK ghŕ v ewZtj i cŭwqvq Zvi fvgKv wQj etj RbkŕZ i tqtŐ| ZrKij xb msweavtbi msŭš-GivKvi RbgZ hvPvBtqi weavb j swNz nq| Zte eZ9vŕb cwK`wtbi msweavtbi {Abt`Q` 247 (6)} GZ` wltŕq Gj vKvi RbgZ I Tribal Jirga - i gZvgZ Mŕb Avek`K Kiv nŕqtŐ|

Aw` evmx I c`išk Rb`Mv`oxi Rb` we`kl weavb

eZ`vb msweav`bi weavbvej x	c`i weZ weavbvej x (mst`kvabx c`i ve)	th`w`KZv/h_v_Zv	m`f :
<p>ZZxq fv`Mi (tg`Sij K AwaKvi) `mi Kvi x vb`qvM j v`f m`hv`Mi mgZv` msu`S-Ab`"Q` 29(3) `29(3)(K) bvMwi K` i th `Kvb AbM`ni Ask hvnt`Z c`RvZt`Sj Ktg`Dch` c`ZvwaZ;j vf Kwi `Z cv`i b, tmB D`i `k` Zuv` i AbK`j we`kl weavb- c`vqb Kiv nB`Z, ...`</p>	<p>Ab`"Q` 29 (3) ` (K) bvMwi K` i th `Kvb AbM`ni Ask I Aw` evmx RvwZ`Mv`oxmg` hvnt`Z c`RvZt`Sj Ktg`Dch` c`ZvwaZ;j vf Kwi `Z cv`i b, tmB D`i `k` Zuv` i AbK`j we`kl weavb-c`vqb Kiv nB`Z, `</p>	<p>■ mi Kvi x PvKi x`Z vb`qvM msu`S- Aw` evmx `KvUv msvweavbKfv`e m`j v`Z_vK`e </p>	<p>■ evsj v` k KZ` Ab`gwi` Z vb`vj vLZ Av`R`ZK P` i weavbvej xi m`v` mvg`Am`cb`h`e: ● International Covenant on Civil & Political Rights ● International Covenant on Economic, Social & Cultural Rights ● International Convention on the Elimination of all forms of Racial Discrimination ● ILO Convention on Discrimination in Employment (No. 111)</p>

সংবিধানে 'আদিবাসী' শব্দ উল্লেখের পক্ষে বিপক্ষে কারণ ও যৌক্তিকতা

■ আদিবাসী শব্দ উল্লেখের পক্ষের কারণ ও যৌক্তিকতা

- 'আদিবাসী' শব্দটি সংশ্লিষ্ট জাতিগোষ্ঠী-জনগোষ্ঠীর কাছে পছন্দনীয় ও গ্রহণযোগ্য
- 'আদিবাসী' শব্দটি সাধারণভাবে জনসাধারণের মাঝে প্রচলিত ও প্রচার মাধ্যমে ব্যবহৃত
- দেশের একাধিক আইনে বাংলায় 'আদিবাসী'^৭, ইংরেজীতে 'indigenous'^৮ ও 'aboriginal'^৯ শব্দসমূহের উল্লেখ রয়েছে
- 'আদিবাসী'-র ইংরেজী প্রতিশব্দ 'indigenous' আন্তর্জাতিক মানবাধিকার আইন, দ্বিপাক্ষিক দাতা সংস্থা ও বহুপাক্ষিক ঋণ প্রদানকারী সংস্থার আদিবাসী বিষয়ক নীতিমালাতে উল্লেখিত^{১০}
- মহামান্য সুপ্রীমকোর্ট এর রায়ে 'indigenous' স্বীকৃত^{১১}

⁷ A_©AvBb 2010, ¶i`ªb†Mvòx mvs`ªZK c†Zòvb AvBb, 2010, A_©AvBb 1995 |

⁸ CHT Regulation, 1900 |

⁹ East Bengal State Acquisition & Tenancy Act, 1950 |

¹⁰ UN Declaration on the Rights of Indigenous Peoples, World Conference on Human Rights, UNFCCC, †WbgvK© bi l†q, †b`vij`vÉ BZ`w` ††ki Aw`evmx msµvŠ-bxwZgvj v | World Bank, Asian Development Bank, International Finance Corporation Gi Aw`evmx †el qK bxwZgvj v |

¹¹ *Sampriti Chakma v. Commissioner of Customs* (5 BLC, AD, 2000: 29)|

- আদিবাসী শব্দটি একাধিক সরকারী নীতিমালাতে উল্লেখিত^{১২}
- মাননীয় প্রধানমন্ত্রী শেখ হাসিনা কর্তৃক বাংলাদেশে আন্তর্জাতিক আদিবাসী দিবস উদযাপন উপলক্ষে প্রেরিত একাধিক শুভেচ্ছা বার্তায় ব্যবহৃত
- বাংলাদেশ আওয়ামীলীগ এর ২০০৮ সনের নির্বাচনী ইশতেহারে ব্যবহৃত
- দেশের শ্রদ্ধাভাজন একাধিক প্রগতিশীল নেতা, শিক্ষাবিদ ও লেখক-সাহিত্যিক কর্তৃক গৃহীত^{১৩}

¹² `wii`^`we†gvPb †KŠkj , 2009, cĀewi RĀx cwi Kí bv 2011, RvZxq `Ā`"bwiZ, RvZxq wk†|vbwZ BZ`w` |

¹³ eZ@v†bi cvPmRb Aw` evmx msm` m`m", cveZ` PĀEMŃg weI qK gšYvj q msm`xq `vqx KugwJi m†vcwZ, iv†k` Lvb tgb, Ggwc, W. GBP †K Av†i dxb, W. Avej evivKvZ, W. mv†` Kv nwwj g, tmwj bv tnv†mb c†yL |

‘আদিবাসী’ শব্দ সংবিধানে উল্লেখ হওয়ার বিপাকের যুক্তি ও তার যথার্থতা

যুক্তি

- ‘আদিবাসী’-রা সাংবিধানিক স্বীকৃতি পেলে দেশে বিচ্ছিন্নতাবাদ ও অস্থিতিশীলতা বৃদ্ধি পাবে^{১৪}

যুক্তির যথার্থতা

আদিবাসী পরিচয়ের মাধ্যমে আদিবাসীরা “বিচ্ছিন্ন” হবেনা, বরঞ্চ “সম্পৃক্ত” হবে; তাদের স্বকীয়তা বজায় রেখে তারা জাতীয় উন্নয়নের মূলধারার সাথে ওতপ্রোতভাবে জড়িত হবে।

যুক্তি

- ‘আদিবাসী’ শব্দ সংযোজন হলে বাঙালী সম্প্রদায়ের ভূমিজ সন্তানের মর্যাদা ক্ষুণ্ণ হবে।

¹⁴ wclwj cvBbm, fviZ, tbcvj | cwlK`#b Awl`evmxt`i Rb" mvsweawbK `#KjZi gva`tg wew`ObZ`ver` #K c#ZnZ Kiv n#q#Q|

যুক্তির যথার্থতা

উপরোক্ত যুক্তি যথার্থ নহে। বাঙালী জাতি ও সম্প্রদায় বাঙালী রয়ে যাবে, এবং রাষ্ট্র পরিচালনায় ও অর্থনীতিতে ও অন্যান্য ক্ষেত্রে বাঙালী সম্প্রদায়ের ভূমিকা কোনভাবে নেতিবাচকভাবে প্রভাবিত হতে পারে না।

■ আদিবাসী / Indigenous ধারণাটি অস্ট্রেলিয়া, নিউজিল্যান্ড, উত্তর ও দক্ষিণ আমেরিকা মহাদেশে প্রযোজ্য। বাংলাদেশে বা দক্ষিণ এশিয়াতে নয়।

যুক্তির যথার্থতা

যুক্তিটি যথার্থ নয়। কেবল ভিন্ন মহাদেশ থেকে অভিবাসন হলে অভিবাসী নয় যারা তারা Indigenous মর্যাদা পাবে ও ভিন্ন মহাদেশ বা এলাকা থেকে আগত অভিবাসীরা Settler হিসেবে বিবেচিত হবে এই প্রেক্ষাপটের মধ্যে আন্তর্জাতিক আইন বর্তমানে সীমিত নয়। তাই UN Declaration on the Rights of Indigenous Peoples (UNDRIP) ও অন্যান্য আন্তর্জাতিক আইন ও নীতিমালায় Indigenous ও Tribal এর মধ্যে কোন পার্থক্য করা হয়নি। উভয় ক্ষেত্রে আদিবাসী/Indigenous ধারণা প্রযোজ্য, যেহেতু সংশ্লিষ্ট জাতিগোষ্ঠী সমূহ- অস্ট্রেলিয়া, আমেরিকা অথবা এশিয়াতে, যেখানেই হোক- সমভাবেই প্রান্তিক অবস্থানে রয়েছে ও তাদের দ্বারা কার্যকরভাবে সমঅধিকার চর্চার বেলায় বিশেষ বিধানের প্রয়োজন। কোন একটি দেশের অঞ্চলে হাজার বছর ধরে বসবাসরত এবং কেবল কয়েকশত বছর ধরে বসবাসরত উভয় জনগোষ্ঠীর ক্ষেত্রে আদিবাসী বা Indigenous পরিচয় যথার্থ, যদি তাদের বেলায় নিম্নলিখিত প্রেক্ষাপট প্রযোজ্য হয়।

- তারা বর্তমানে বসবাসরত অঞ্চলে প্রথম বা আদি অধিবাসী: পার্বত্য চট্টগ্রাম, বরেন্দ্রভূমি, বৃহত্তর ময়মনসিংহ, বৃহত্তর সিলেট, বৃহত্তর চট্টগ্রাম ও পটুয়াখালী-বরগুনা-কক্সবাজার এলাকার বিভিন্ন স্থানে যখন আদিবাসীরা বসতি স্থাপন করে সে এলাকায় বাঙালী জনগোষ্ঠীকে বিজীত করে অথবা অপসারিত করে আদিবাসীদের বসতি স্থাপন করার কোন নজির ইতিহাসে উল্লেখ নেই

- আধুনিক রাষ্ট্রের সীমানা নির্ধারণ অথবা ঔপনিবেশিকরণের সময় তাদের আবাসভূমিতে অবস্থান থাকা¹⁵
- রাষ্ট্রীয় আইনের চাইতে প্রথাগত আইনের মাধ্যমে তাদের আভ্যন্তরীণ বিরোধ নিষ্পত্তি করা
- প্রথাগত আইন কার্যকর করার জন্য সনাতনী ও প্রথানির্ভর প্রতিষ্ঠানের উপস্থিতি
- একটি বিশেষ আবাসভূমি ও তার প্রাকৃতিক সম্পদ ও প্রতিবেশের সাথে আত্মিক, সাংস্কৃতিক, জীবন-জীবীকার ইত্যাদির নিবিড় সম্পর্ক থাকা
- ধর্মীয় বহুমাত্রিকতা
- আধুনিক রাষ্ট্র গঠন প্রক্রিয়ার সাথে অসম্পৃক্ততা অথবা অত্যন্ত প্রান্তিক সম্পৃক্ততা
- বর্তমানের রাষ্ট্রশাসন প্রক্রিয়ায় খুবজোর প্রান্তিক ভূমিকা থাকা

¹⁵ ILO Convention 169 -Gi Indigenou RwiZiMvôx/Rb#Mvôxi cwi Pq msµvš-e"vL"v t_#K DØZ | D#j E" th, e#Uk Jcwb#tekyKi#Yi mgqKvtj Ges AwaKusk t#q#i Zvi c#e# evsj vt`#ki Aw` eymxi v Zv#` i eZ#v#bi Avevmf#wg#Z Ae`vb K#i#Qj |

Aw` evmxt` i t¶¶Î cÖhvR` GKwaK kã „Q I Aw` evmxt` i wbKU
 Zvi Avtcw¶¶K MÖYthvM`Zv

cQ>` bxq kã	mxwgZfvte MÖYthvM` kã	AMÖYthvM` kã
<ul style="list-style-type: none"> • Aw` evmx RvwZ¶Mvôx • Indigenous Peoples • Aboriginal 	<ul style="list-style-type: none"> • Aw` evmx Rb¶Mvôx • Tribal • Indigenous People • ^¶ RbmsL`vi Rb¶Mvôx • ^¶ RbmsL`vi RvwZ¶Mvôx • cÖwšK Rb¶Mvôx • AbMöni Gj vKv (Backward Area) 	<ul style="list-style-type: none"> • DcRvwZ • ¶l`^ b_¶Mvôx • bZwEjK Rb¶Mvôx • msL`vj Ny • mgv¶Ri AbMöni Ask

ms†hvRbx 3

Aww` evmx msµvš-mvsueavmbK ms`vi weI †q i vRv
†` evkxl i vq KZ℞ i wPZ cēÜ

Òevsj v†` †ki Aww` evmx†` i ÔAww` evmxÕ cwi Pq
†Kb mwWK I h_v_ℤv: GKwU ch†j vPbv0

GB cēÜwU ce℘Zx℘Lmov 07/06/2010 Lx: Zwi †L XvKv`' RvZxq
†cñKv†e AbyôZ evsj v†` k Aww` evmx mvsueavmbK `†KwZ: AvBbx
gvbemaKvi †cñ†Z kxl ℞ Aby††b Dc`wncZ

e.tj tQb Zui v mi Kvi tK mské- AvBbu tZ 00 tZ a b, tMvôx00 ev 00bZvZK Rb tMvôx00 kã „0 cwi nvi Kti i agv t 0Aw evmx0 kã e`envi KitiZ ci v gk t qv t j b |

Aw evmx ktã i mgv_ R kã m`oj Z B` vbsKvtj i Ab` KivZcq AvBb ntjv: 1995 m tbi A_ AvBb (1995 m tbi 12 bs AvBb), thLv t b cveZ` PÆM t gi cvnvox e`w³ KZR AvqKi c0 vtbi velq D t j t K i t Z v Mtq Z t` i tK indigenous hillman wntmte AvfwnZ Kiv nq |⁷ Abjfcvte indigenous hillman kã „ t`Qi e`envi CHT Regulation 1900 I RvZxq ivR` ^tev t W P GKvãK bu_ I ` g i t K I t` Lv hvq |⁸ GQvov ` w i ` a` w etgvPb tKSkj c t 2008 (PRSP, 2008)⁹ I ` w i ` a` w etgvPb tKSkj c t 2009 (PRSP, 2009)¹⁰- G evsj vt` tki Aw evmx t` i tK 0indigenous people” Ges ` w i ` a` w etgvPb tKSkj c t 2005 (PRSP, 2005)- G Z t` i tK adivasi wntmte AvfwnZ Kiv ntqtQ |¹¹

2.3 cveZ` PÆM t gi AvBb

cveZ` PÆM t gi wewfbæAvB t b wewfbækã e`envi Kti Aw evmx t` i m t` ab Kiv ntqtQ | Chittagong Hill Tracts Regulation 1900 – G cvnvox Rb tMvôxmg t K indigenous hillman A_ ev indigenous tribe wntmte AvfwnZ Kiv ntqtQ |¹² Ab` w` tK cveZ` tRjv cwi I` AvBb 1989 I cveZ` PÆM t g Av` Aj K cwi I` AvBb 1998- G cveZ` Aw evmx i v 0DcRvZ0 wntmte AvL` wqZ ntqtQ |¹³

2.4 Av` vj tZi i vtq wewfbækã c0qvM

wewfbæ` t i Av` vj tZ wfbæwfbæAvB t K Ae j a b Kti wewfbævte Aw evmx t` i AvfwnZ Kiv ntqtQ | thgb, gnvgyb` m` c0 g t K v t U P Sampriti Chakma v. Commissioner of Customs (5 BLC, AD, 2000: 29)- gvgj vq Av` vj Z ` i Lv` Kvi tK 'indigenous hillman' wntmte ` t K w Z w` t q t Q b |

2.5 mi Kvi cãvb KZR 0Aw evmx0 m t` ab I Avl qvgj tMi wbe Pbx BktZnvi

` fweKfvte c0 w j Z t i l qv R t K m` e Z: Avg t j G t b evsj vt` tki GKvãK mi Kvi cãvb Aw evmx t` i 0Aw evmx0 wntmte m t` ab Kti t Q b | eZ g v b cãvbgšx t k L nwmv 9 AvMó 2009 Lt: Zwi t L XvKvq Avš- R w Z K Aw evmx w` em D` hvc b Dc j t t j Zui i t` f` QvevZ t g Aw evmx t` i 0Aw evmx0 wntmte m t` ab Kti t Q b |¹⁴ Gi Av t M H GKB Abp v b t K Dc j t t j Kti wfbæwfbæmg t q W. dLi` i` x b Avntg` (c0³ b cãvb Dc t` óv) 2008 m t b¹⁵ Ges t eMg Lv t j ` v w Rqv, (c0³ b cãvbgšx I eZ g v t b w e t i v a x` j x q t b t x) 2003 m t b Aw evmx w` em D` hvc b Kvtj Aw evmx t` i tK 0Aw evmx0 wntmte m t` ab Kti t Q b |¹⁶ AwãKš; eZ g v b cãvbgšx Zui Dc t i v³ i t` f` QvevY t Z R w Z m s N K Z R M p x Z Aw evmx w e l q K t N v N Y v c t (UN Declaration on

the Rights of Indigenous Peoples) ev`evq̄t̄bi ṽc̄t̄q̄ e³e` tīt̄L̄t̄Q̄b | GQ̄vov Avl q̄v̄ḡx̄j̄ x̄t̄Mi w̄beP̄bx Bk̄t̄Zn̄v̄t̄i | Aw̄`evm̄x̄ Aw̄aK̄vi m̄si q̄q̄Y | 1997 m̄t̄bi c̄veZ` P̄ĀM̄Ńḡ P̄r̄³ ev`evq̄t̄bi K_v ej v n̄t̄q̄t̄Q | Avḡiv GK̄w̄aK̄ m̄t̄Ī t̄R̄t̄b̄w̄Q, Av̄B Ḡj | -Gi Aw̄`evm̄x̄ | Ūt̄B̄t̄ej R̄w̄iZ̄t̄M̄v̄Ńx̄ K̄b̄t̄f̄Ȳb, 1989 (ILO Convention No. 169 on Indigenous and Tribal Peoples, 1989) Gi Ab̄yng_Ńbi w̄el q̄w̄U mi K̄v̄t̄i i D`P̄ch̄Ńq̄i ḡn̄t̄j m̄w̄µ̄q̄ w̄eteP̄bv̄ax̄b i t̄q̄t̄Q |¹⁷

2.6 Aw̄`evm̄x̄ w̄n̄t̄m̄t̄e i v̄Ńq̄f̄v̄t̄e ṽK̄w̄Z

Dc̄t̄iv³ Av̄t̄j v̄P̄bv t_ŃK̄ ḠUv ṽúŃ th, ev̄sj v̄t̄`t̄ki Aw̄`evm̄x̄` i Av̄B̄bx ṽK̄w̄Z i t̄q̄t̄Q i v̄Ńq̄f̄v̄t̄e | m̄ȳZ̄iv̄s ṽK̄w̄Z t̄b̄B, G K_v ej v h̄v̄t̄e b̄v | Z̄t̄e c̄Z`q̄ | m̄b̄w̄b̄R̄b̄K̄f̄v̄t̄e m̄v̄s̄w̄eav̄w̄b̄K ṽK̄w̄Z _v̄K̄v D̄w̄P̄Z | Ḡt̄q̄t̄Ī mi K̄v̄ix̄ K̄ḡR̄Z̄Ń i Aw̄`evm̄x̄ k̄ā e`env̄t̄i i w̄b̄t̄`R̄bv w̄`t̄j f̄v̄t̄j v n̄t̄Zv Z̄t̄e t̄mi K̄ḡ c̄Z`q̄ w̄b̄t̄`R̄bv b̄v _v̄K̄t̄j | Z̄v̄iv ḡb̄M̄ov w̄K̄Q̄ȳv̄j L̄t̄Z ev ej t̄Z c̄v̄t̄i b̄ b̄v, t̄h̄ḡb: Aw̄`evm̄x̄ k̄ā e`env̄i K̄iv h̄v̄t̄e b̄v BZ`w̄ | Z̄v Av̄B̄bv̄b̄M̄ n̄t̄eb̄v | eis Z̄v m̄s̄w̄eav̄t̄bi `el ḡw̄ēt̄i v̄ax̄ w̄eav̄b̄ m̄ḡt̄ni j s̄Nb̄ n̄t̄e | GK̄B̄f̄v̄t̄e m̄s̄M̄v̄t̄bi b̄v̄t̄gi t̄K̄vb̄ Ās̄t̄k̄ ev c̄k̄t̄i i t̄K̄vb̄ t̄q̄t̄Ī `indigenous' ev ŪAw̄`evm̄x̄Ń k̄ā _v̄K̄v̄q̄ c̄veZ` ĀĀt̄j i GK̄w̄aK̄ Ḡb̄w̄R̄I c̄veZ` P̄ĀM̄Ńḡ w̄el q̄K̄ ḡš̄ȳv̄j q̄ t_ŃK̄ c̄Ńq̄v̄R̄bx̄q̄ Ab̄t̄ḡv̄`b̄ c̄v̄q̄w̄b̄ w̄K̄s̄ev̄ t̄c̄t̄q̄ _v̄K̄t̄j | Z̄v n̄t̄q̄t̄Q `x̄N̄K̄v̄j t̄q̄c̄b̄ t̄k̄t̄i | Ḡw̄U n̄q̄i w̄bi m̄w̄iḡj Ges Av̄B̄b̄ ēw̄f̄Z̄I ēt̄U | w̄K̄š̄`m̄s̄w̄k̄e-Ḡb̄w̄R̄I m̄ḡn̄ P̄r̄t̄ci ḡt̄L̄ | n̄q̄i w̄bi f̄t̄q̄ m̄p̄c̄Ńḡ t̄K̄v̄t̄ŪP̄ Av̄k̄t̄ t̄b̄q̄w̄b̄ | Z̄t̄e Aw̄iḡ Av̄kv̄ Kīt̄ev̄ th, ḡv̄ḡj v̄ t̄ḡv̄K̄Ī ḡv̄ Q̄vov̄B̄ w̄el q̄w̄U i h_vh_ ḡx̄ḡv̄s̄m̄v̄ n̄t̄e |

2.7 Av̄š̄R̄ŃZ̄K̄ t̄c̄Ńq̄v̄c̄t̄U indigenous eb̄v̄ḡ tribe

2008 m̄v̄t̄j R̄w̄iZ̄m̄s̄N̄ UN Declaration on the Rights of Indigenous Peoples M̄h̄Ȳ K̄t̄i | D³ `w̄j t̄j w̄et̄k̄t̄i Aw̄`evm̄x̄` i t̄K̄ indigenous peoples w̄n̄t̄m̄t̄e Aw̄f̄w̄n̄Z̄ K̄iv n̄q̄ |¹⁸ GQ̄vov Aw̄`evm̄x̄` i Aw̄aK̄vi m̄si q̄q̄Y | D̄b̄q̄t̄bi c̄t̄q̄ R̄w̄iZ̄m̄s̄N̄ GK̄w̄U Av̄š̄R̄ŃZ̄K̄ ēl̄Ń | `ȳU Av̄š̄R̄ŃZ̄K̄ `k̄K̄ (w̄ŃZ̄x̄q̄ `k̄K̄ P̄j ḡv̄b) D`h̄v̄cb̄ K̄t̄i Ges D`h̄v̄cb̄K̄v̄t̄j t̄m̄B̄ GK̄B̄ k̄ā „Ń Ūindigenous peoples' e`env̄i K̄t̄i t̄Q |¹⁹ R̄w̄iZ̄m̄s̄t̄Ni w̄ek̄j̄ k̄t̄ḡ m̄s̄`v̄ (ILO)- Gi Aw̄`evm̄x̄ | Ūt̄B̄t̄ej R̄w̄iZ̄t̄M̄v̄Ńx̄ K̄b̄t̄f̄Ȳb, 1989 [Indigenous and Tribal Peoples Convention, 1989 (Convention No. 169)]-G indigenous Ges tribal D̄f̄q̄ k̄t̄āi c̄Ńj̄ b̄ _v̄K̄t̄j | b̄eȲB̄ `k̄K̄ t_ŃK̄ µ̄ḡv̄š̄t̄q̄ R̄w̄iZ̄m̄s̄N̄ | Ab̄`v̄b̄` Av̄š̄R̄ŃZ̄K̄ t̄d̄v̄i v̄t̄ḡ tribal k̄ā c̄w̄i n̄vi K̄iv n̄q̄ Ges indigenous k̄t̄āi c̄Ńj̄ b̄B̄ t̄ek̄x̄ n̄t̄Z̄ _v̄t̄K̄ | ēZ̄Ńv̄b̄ t̄c̄Ńq̄v̄c̄t̄U R̄w̄iZ̄m̄s̄N̄ | Ab̄`v̄b̄` Av̄š̄R̄ŃZ̄K̄ ḡn̄t̄j tribal k̄ā w̄U i c̄Ńj̄ b̄ t̄b̄B̄ ēj t̄j B̄ P̄t̄j | w̄ek̄p̄`v̄s̄t̄Ki Aw̄`evm̄x̄ w̄el q̄K̄ b̄x̄w̄Z̄ḡȳj v̄q̄ {Operational Procedure (OP) 4.10 | Bank Procedure (BP) 4.10} `Indigenous Peoples' k̄t̄āi m̄s̄Āv̄t̄Z̄ D̄t̄j Ē-K̄iv n̄q̄ t̄h, w̄ēw̄f̄b̄Ńt̄` k̄x̄q̄ Av̄B̄b̄ | `w̄j t̄j tribes, tribals, ethnic minorities BZ`w̄` k̄t̄ā Aw̄f̄w̄n̄Z̄ R̄b̄t̄M̄v̄Ńx̄ w̄ek̄p̄`v̄s̄K̄ Gi K̄v̄t̄Q indigenous peoples w̄n̄t̄m̄t̄e c̄w̄i M̄w̄ȲZ̄ n̄t̄e |²⁰ Ab̄j̄f̄c̄f̄v̄t̄e Asian Development Bank (ADB)²¹ | w̄ēw̄f̄b̄ŃŃc̄w̄Ńq̄K̄ `v̄Z̄v̄ m̄s̄`v̄ (h_v:

DANIDA, NORAD, DFID)²² Ges RvZmsfNi wetkl ms`vmgfnI (h_v: UNDP, IFAD) Indigenous Peoples Policy -
fZI Abjfcfite indigenous kãW e`envi Kiv nq|²³ Tribe ev tribal ktãi mvt_ eeP, Aw`g, Abpã
BZ`w` avš-I AmbvRbK avi Yv m`ú,³ ni qvq G kãmgfni c`qMfK wbi`rmwnZ Kiv nqtQ,²⁴ hw` I ev
wetkl wetkl t`vctU GB kãmgfni c`j b gwK h`ivó, KvbWv, Atóij qv Ges fvi fZ GLbl f`Lv
hvq|²⁵ Ab`w` fK Pxb, wf`qZbvq I jvl m-G ethnic minority kã_ f`Qi c`j b tekx f`Lv hvq| w`ij cvBtb
Indigenous People ktãi c`j b i`qtQ| Avi B`v`v`kqv fZ Masyarakat Adat (“Customary Law
People”) kã_ f`Qi c`j b i`qtQ|

RvZmsfNi wkl k`y ms`vi (ILO) Aw` evmx I U`Btej Rb`Mvõx Kb`fkb, 1957 {Indigenous and Tribal
Populations Convention, 1957 (Convention No. 107)} evsj v`k KZ` 1972 mvtj Abjmg`Z nq| Gi
c`eP convention w` cwK`vb Avgfj G f`k c`hr` w`j th`nZi 1960 m`b cwK`vb mi Kvi GB
convention w` Ab`gv`b Kti| GB Convention Gi ms`Av Abjv`ti evsj v`k eZ`v`b hviv Aw` evmx
w`m`te `vex Ki`Q Zviv m`nvZxfite indigenous peoples Gi Avl Zvf`³ | Kvi Y evsj v`k i G mKj
RvZ`Mvõxmg` ÒDcwb`kxKiYó (h_v: 1860 m`b, cveZ` P`M`g`K ZrKvjxb evsj vi Aaxb` Ò`Rjvó
fNvl Yvi mgq) ÒivR` w`Rqó (h_v: 1785 m`b, Pvkgv ivRv I w`UK MFY` fRbv`ij i m`U P`³ i mgq) ev
Òiv`oi eZ`vb mxgvbv c`Zw`Z nevió (h_v: 1947/1971) mgq ms`k`-A`fj emevm Ki`Zv hv GB
convention - Gi indigenous peoples ms`Avi mvt_ ms`MvZcY` D`j E` th, GB convention G indigenous
I tribal `B` tkYxi Rb`Mvõxi K_v D`j E`vK`j I GB convention Gi Avl Zvf`³ Aw`Kvi mg` indigenous I
tribal Rb`Mvõxi D`fqi f`f`B mgfite c`hr` Ges Avi I cwi c`Zv jvf Ki`te|

A`bK AvSR`ZK P`³ Abjmg`/Ab`gv``bi mgq Avc`EKi w`avbvejxi e`v`v`i ivó reservation ivL`Z
c`ti | Z`te GB convention Abjmg` ev Ab`gv``bi mgq f`Kvb reservation Kiv hvq bv| GB convention
Abjmg``bi mgq ev c`eP evsj v`k mi Kvi indigenous ktãi c`qv`Mi tejvq f`Kvb c`k`Zv`j bvB| GLb
Zv f`Zjv Aek`B A`h`K I gvbewaKvi w`ivax| AvSR`ZK gvbewaKvi AvBb µgk: MvZkxj I
D`vi c`š nq| GUVB Customary International Human Rights Law Gi `v`weK tilqvR|
RvZ`xfiteI Zvb ni qv D`vPZ| 1997 m`bi cveZ` P`M`g` P`³ fZ I P`³-D`Ei K`Zc`q AvBtb ÒDcRw`Zó kã
fj Lv AvtQ etj tm tilqvR GLbl ti`L th`Z n`te Gi c`f` f`Kvb th`š`KZv fbB| Zvb, 2010 m`b `i`b,
f`Mvõx mvs`ZK c`Z`vb AvBtb ÒAw` evmxó kãW t`v`b G`b tmB c`MvZkxj aviv`KB tg`b tbqv nqtQ| Awg
Avkv Kwi G aviv Ae`vnZ `vK`te|

Abjfcfite, cveZ` PÆMõtgi t`Lv hvq th, wLqvs (tLqvs), Lgx, Pvk, Pvkgv, ZsP½v, wĭcjv, cvsLqgv, eg, tğt, gvi gv, I j yvb, tğvU 11wU cveZ` RwiZtMvõxmgñ weMZ 500 eQti i I AwakKvj ați (wĭY Gukqvq cZMxRt` i AvMgtbi cte) cveZ` PÆMõtgi emevm Kti AvmtQ| D`vniY`fj, cZMxR Cartographer, Joao de Barros Gi 1550 Lîvõtâi gvbwPĭtĭ “chacomas” (PvkGvt` i AĀj) Gi Dĭj t`Lv hvq| ZLb “chacomas” AĀj evsj vi Ask wQj bv| cĶZcĭq| ZrKvj xb evsj v cĶ k epĶk Bó-BwĒqv tKvuvbx KZĶ AwMpxZ nevi AvtM “chacomas” I PÆMög Ges cveZ` PÆMög AĀj mn AĭbK Aw`evmx AajwZ AĀj evsj vi Aaxtb wQj bv|²⁸

1800 kZtKi cte cveZ` PÆMõtgi evOvj x RbtMvõxi tKvb vqx emwZ wQj bv| 1800 kZtK PvkGv ivtRi Dĭt`vM PÆMõtgi i vĭybvq AĀtj PvkGv Rwg`vixi wKQy evĭvj x K.l.k cwi evitK ivOvgwUĭZ nvj Pvl Kivi Rb` AvgšY Kti cĶg wbtq Avmv nq (ZLb cveZ`vĀtj i Aw`evmxiv nvj Pĭtĭ Af`-wQĭj vbv)| ZvivB cveZ`vĀtj i cĶg vqx evOvj x emevmKvix| mZivs Avĭwi K Aĭt` cveZ` Aw`evmxiv cveZ`vĀtj wbtRt`itK Aw`evmx wntmte`vex Kitz cvti| ZvQov Zviv tZv cveZ` PÆMög I Zvi cvkšZxGj vKvi Aw`evmx wntmte`vex Kitz, XvKvi ev t`tki Abĭtĭ AĀtj i Aw`evmx wntmte bv|

cveZ` PÆMõtgi wefbaRwiZtMvõxtK evĭvj xiv ōcvvovō wntmte AwfwnZ Kti vtK| Zte, 1993 Gi ci t`tK cveZ`vĀj mn t`tki mKj Aw`evmx RbtMvõxtK ōAw`evmxō wntmte AwfwnZ Kivi ti I qvR Pĭj AvtM| Gi gj KviY ntjv th, AvšRĶZK gvbewaKvi AvBĭbi gva`tg Aw`evmx` i HwZnwmKfvte`el tğ`i wKvi nI qvi cĶqvĭtK tğtb tbqv Ges Zv` i gvbewaKviti DbwZi j tĭq` weĭkl c`ĭtĭci cĶqvRbxqZvi Dci .i“Zĭtĭvc Kiv |

5. AvšRĶZK gvbewaKviti i wofwĭ t`tK Aw`evmx RwiZtMvõx ev **indigenous peoples**

cw_exi wefbaAĀtj wefbaRbtMvõx wefbaemgtq emwZ vcb Kti AvmtQ| DĒi I wĭY Avtgm Kiv Ges Atōtj qvq nvRvi nvRvi eQi ați Aw`evmx` i emwZ wQj | cĭvšĭ, wgvvbgvi I DĒi ce`fviĭZi b`vq evsj vt`tk Aw`evmx RwiZtMvõxi Ae`vb AtcĭvKZ B`wbsKvtj i | cĭwĭtğ AtbK tĭtĭ, evsj vfvI vfvI xmn Ab`vb` epĒi RbtMvõxmgñi evsj vt`tk AvMgbl AtcĭvKZ B`wbsKvtj i ntZ cvti| Zte, evsj vt`tki Aw`evmx RwiZtMvõx mgñ hLb Zv` i eZĶvb AvevmfwtZ emwZ vcb Kti, ZLb tmLvĭb evsj v fvI vfvI x RbtMvõxtK wefba Kti ev tLw`tq w`tq emwZ vcb Kti wQj Gi Kg tKvb cĶvY wgtj bv| mZivs tmĭtĭtĭ I Zv`itK Aw`evmx wntmte AvL`wqZ Kiv AthšwĶ bq| Zte, Aek`B cw_exi mKj RbtMvõx

peoples ZvZ wGZ tcvY Kivi tKvb mthvM Awg t`wLbv| DUcvLxi gZ ewj tZ gv_v cZz Aw` evmx bv-
t` Lvi fvb Kiv hvte, Zte Zv wek; i evti tKej nvm`Ki t` Lvte |

6. Dcmsnvi :

cw_exi weirfbwAAjtj i b`vq evsj vt` tki Aw` evmxivl DcubtekrKiY, `elg` I cOŠKxKiYi wkKvi ntqtQ|
GB HwZnvmK cOμqvK cOZnZ Ki tZ ntj meM0c`qvRb tmB RmZtMvôxmgfni cwi PqtK mefZvfvte
mvsweambKfvte tgbt btlqv| AZ:ci mvsweambKfvte Aw` evmx` i eAbv, cOŠKxKiY I `elg`i wkKvi
nl qvi cOμqvi cZ`¶ Dtj E-mvct¶ Zv` i AwaKvi I ghP`v msi ¶¶Yi Rb` Zv` i m`šZ mnKvti wekI
weavbvej x Ašf³ Kiv DwPr| ivótk hw` GKwU evoxi mvt_ Zj bv Kwi Ges t` tki msweavbtk hw` tmB
evoxi cwi Kí bvi mvt_ Zj bv Kwi, Zvntj evsj vt` k bigK evomUtZ evsj vt` tki gvbyl wntmte
Aw` evmx` i tK h_vh_ `vb Kti w` tZ ntj evoxi cwi Kí bvq, A_¶ msweavtb, Zv` i tKI Ašf³ Ki tZ
nte| Kvi Y Foundation bv_vKtj thgb tKvb evoxZ Bt`OgZ eúZj wbg¶ Kiv hvqvb tZgub cwi Kí bvq bv
_vKtj tKvbw` tK K¶ m`cOvi tYi mthvMI (extention Gi scope) _vtK bv |

evsj vt` tki Aw` evmx` i cZ`¶fvte mvsweambK `¶KwZ tB, Zv mZ`| ivóqfvte `¶KwZ tB G K_vtZv
bq| Kvi Y AvtMB etj wQ th, t` tK cPwj Z GKwaK AvBb I Ab`vb` `wj tj Aw` evmx ev Zvi Bsti Rx cOZkā
indigenous I aboriginal Gi Dtj E-AvtQ| Zte, GB ōAw` evmxō cwi Pq mevB tgbt wbtj `elg` thgb Ktg
hvte tZgub evsj v fvlvflx I Aw` evmx gvbtI i m`úK°Avi I Dbz nte| evsj vt` tki mKj Aw` evmx
RmZtMvôxK ōAw` evmxō wntmte t` tki msweavtb cZ`¶, mbwbRbK I h_vh_fvte `¶KwZ w` tj miz`Kvi
A_t`MYZtšj PPFnte Ges evsj v fvlvflx RbtMvôxi AwaKvi tKvbfvte Le`ntebv| tbcvtj i Aw` evmx` i
mvsweambK `¶KwZi gva`tg wöqB kZvāxKvj atj ivR%wZK, A_¶wZK I mvgmRKfvte cfievkj x et`šb
I tQŀx (¶wŀq) tMvôxi gvbtI iv cOŠK RbtMvôxZ cwi YZ nte bv| Abjfcfvte, cO weZ mvsweambK
ms`vti i dtj evsj vt` tki epEi msL`v_i" ev½vj x RbtMvôxi ivR%wZK, A_¶wZK I mvgmRK AvnacZ`
úgKxi gŀL cote G i Kg wPšv-Aek` Aevšt| eis evsj vt` tki msL`v_i" evOvj x RbtMvôxi D`vi ZvB cKvk
cvte, evsj vt` tki AvšRwZK fvegyZ`mgx nte Ges t` tK MYZš; kwš-I w`wZkxj Zv mpcOZwZ nte|

fvlv AwaKvi Ges `vaxbZvi Rb` msMöG Kivi Rb` evsj vt` tki evOvj x RbtMvôx wekL`vZ| Aw` evmx I
Ab`vb` msL`vj Nt` i AwaKvi I `KxqZv i ¶vt_¶ GKBFvte mpvg ntZ cvti | cw_exi weirfbw` tK Aw` evmx
RbtMvôxi mvsweambK `¶KwZ t` qvq tm t` tki Aw` evmx RbtMvôx I Ab`vb` RbtMvôxi m`útkP` DbwZ mwiaZ
ntqtQ I RvZxq t¶tŀ AwaK HK", msnwZ I w`wZkxj Zv tetotQ, thgb bi l tq, tbcvj I Avi I AtbK

t`tk| GB chwctclqfz ILO Convention No. 169 evsj v`k miKvi Aby`fqi Kivlvi Lp Ri`ix| D`P chfqi eZgvb miKvii GKwaK tbZe` Aby`fqi i`ctf Ae`vb wbtqfQb| Guv Aek`B Avkv e`AK| Avgv` i cZteKx ivó` tbcvj GB Kbtfmbb Aby`fqi KtítQ| GQov, thme Aw`evmx RmZtMvóxi bvg 2010 mtbi mvs`wZK cZóvb AvBtb ev` ctofQ Zv` i bvg h_vh_fvte Ri`ixfvte Ašf` Kiv DvPZ|

gnvgvb` mpcgtKvU`- Gi cAg mstkvbxi gvjvi ivtqi gva`tg t`tk ag`bitc`Zv c`pt cZwZ ntj th AMhvT`v` i` nte Zvi h_vh_ ev`evqtb Aw`evmx`i`K` ÚAw`evmú` wntmte msvewmbK` `KwZ` w`tj evsj v`tki tMŠie Avtiv evote Ges t`tki RmZMZ I mvs`wZK eúgvw`KZvi h_vh_ cZdj b I eúZev` cZóvq Zv` i`Zcy`fvgKv ivLte| Zte, mwZ`Kvi At`eúZev` I mvs`wZK eúgvw`KZv AvbZ ntj ag` wbitc`Zvi mv`_ RmZ-wbitc`Zv, fvlv-wbitc`Zv I mvs`wZK wbitc`ZvI msthvRb Kitz nte| GB cZ`vkv Avgvi, Avil AtbK Aw`evmxi I AtbK MYZšev`x ag`wbitc`Zvq wekpmx wevfbcRmZtMvóxi I agx` m`cú`vtqi evsj v`kx bvmwi`tki |

¹ GB cE`Uwi ce`Zx`Lmov 07/06/2010 Lt: Zwi L Xvkv` RvZxq tchKvte Aby`óZ` 0evsj v`tki Aw`evmx` i msvewmbK` `KwZ: AvBbx I gvbewaKvi tch`Z` kxl` GK Abpv`b cv` Kiv nq, hvZ mfvcwZ`Zi KtítQ` b RmZ`-m` tMvj vg iv`vbx| GB cE`U` iPbvq h_vh_ ká` c`qm I fvlv`e`nvti Av`v`i` gta` tj LK`K` c`dmi gsmvby`Pšajx I` cj` K` ivq mrvh` KtítQb hvi Rb` tj LK` Zv` i` KtítQ` KZÁ| Wwcd` I Ab`fvte mrvh` Kivi Rb` tj LK` mēZ` Pvkgi KtítQ` KZÁ|

² AtkvK Kgi Pvkgy, "Who Decides Whose Identity", The Daily Star, Dhaka, 24 February, 2010. Abjcfvte ci ivó` gšy`vj qI` c`e`cveZ` P`EMig` weiqK` gšy`vj qfK` civgk`cú`vb` KtítQj` . t`Lp` ci ivó` gšy`vj tqi` 19.04.2006 Lt: Zwi`Li` `š`i`K` I Roy (2009), c; 7, c`wUKv` 31| Raja Devasish Roy, The ILO Convention on Indigenous and Tribal Populations, 1957 and the Laws of Bangladesh: A Comparative Review, Project to Promote ILO Policy on Indigenous and Tribal Peoples and ILO Office Dhaka, Bangladesh July 2009, p. 7, footnote 31.

³ AtkvK Kgi Pvkgy, ...`be`|

⁴ Abt`Q` 28(1), MYcRvZš` evsj v`k msvewmb|

⁵ Abt`Q` 28(4), MYcRvZš` evsj v`tki msvewmb|

⁶ GB AvBtb mvsj , Mtiv, nvrS, tKvP, gUv I I ivl mn 21wJ Awv evmx RvZtMvxi K_v Dtj E-AvtQ |

⁷ Abt`Q` 27, 1995 mti A_@AvBb (1995 mti 12 bs AvBb) |

⁸ Chittagong Hill Tracts Regulation, 1900- Gi 4, 6 I 52 bs wewa I Zdmj | RvZxq ivR`^tevtWp 1967, 1980, 1988, 1992, 1994 I 1995-Gi mwi tKi G ka e`envi Kiv nq| `Si tKi bvti i Rb` t`Lp ivRv t`evkl ivq, *The ILO Convention on Indigenous and Tribal Populations, 1957 and the Laws of Bangladesh: A Comparative Review*, Project to Promote ILO Policy on Indigenous and Tribal Peoples and ILO Office, Dhaka, Bangladesh, July, 2009, footnote no. 40.

⁹ General Economic Division, Planing Commission, Government of Peoples Republic of Bangladesh, *Moving Ahead: National Strategy for Accelerated Poverty Reduction II (FY 2009-11)*, 2008.

¹⁰ Avi I t`Lp, Macro and Perspective Planning Wing, General Economics Division, Planning Commission, Government of the People's Republic of Bangladesh, "Perspective Planning for Bangladesh: 2010-2021", 2010

¹¹ General Economic Division, Planning Commission, Government of People's Republic of Bangladesh, 2005. *Unlocking the Potential: National Strategy for Accelerated Poverty Reduction*, General Economics Division, Planning Commission, October 30, 2005.

¹² c`wJKv 8 `be` |

¹³ t`Lp cveZ` tRj v cwi I` AvBb, 1989-Gi 2,4 I 6 bs aviv| cveZ` P`EMtg AvAwj K cwi I` AvBb, 1998-Gi 2, 5, 7, I 8 bs aviv|

¹⁴ mÄxe `š m`úw` Z, 'Solidarity', Bangladesh Adivasi Forum, Dhaka, 2009.

¹⁵ mÄxe `š m`úw` Z, 'Solidarity', Bangladesh Adivasi Forum, Dhaka, 2008.

¹⁶ mÄxe `š m`úw` Z, 'Solidarity', Bangladesh Adivasi Forum, Dhaka, 2003.

¹⁷ 22 tk Rj vB 20101 Lt: Zwi tL wgvWqv tmUtv, RvZxq msm` feb, XvKvq AbjvZ Awv evmx msm` xq caucus msµvš-GK mfvq tJ LtKi Dcw`wZtZ cveZ` P`EMtg wcl qK gšYvj tqi cUzgšy wq: `xcsKi Zij K`vi, Gg. wc. 169 bs Kbtfbkb Abj`v`ti i c`v` Zvi gZvgZ Rvbyb |

¹⁸ RvZmstNi mvavi Y cwi I` KZK 61/295 bs ti Rtj kb Øiv 13 tmtp`ft, 2007 Lt: Zwi tL MpxZ |

¹⁹ RvZmsN 1993 tK AvSRwZK Awv evmx w`em tNvI Yv t`q Ges 1995-2004 Ges 2005-2014-tK h_vµtg cUg I wZxq AvSRwZK Awv evmx `kK tNvI Yv t`q |

²⁰ Operational Policy 4.10 Gi 3 bs avivZ w`æifc eYv i tqfQ: "Identification. Because of the varied and changing contexts in which Indigenous Peoples live and because there is no universally accepted definition of "Indigenous Peoples," this policy does not define the term. Indigenous Peoples may be referred to in different countries by such terms as "indigenous ethnic minorities," "aboriginals," "hill tribes," "minority nationalities," "scheduled tribes," or "tribal groups."

²¹ 20 Rvbyvix, 2010 t`tK GvKqv Dbqb e`vsK-Gi "Environment, Involuntary Resettlement and Indigenous Peoples" msµvš-bzb cuj wv KvhRi nq| GLtb wck;e`vsK-Gi 'indigenous peoples'-Gi msÄvi b`vq Abjfc msÄv MhY Ki v nq|

²² w`cw`K AvSRwZK Dbqb ms`v` i gta` tWbgvK` bil tq, h`p`ivR`, t`ub I tb`vij`vE-Gi Awv evmx wcl qK bwiZgv i tqfQ| Gi gta` tWbgvK`ni Kvti i bwiZgv (Danish Ministry of Foreign Affairs, 2004. *Strategy for Danish Support to*

Indigenous Peoples, Ministry of Foreign Affairs, 2, Asiatisk Plads, DK-1448 Copenhagen K. Denmark (<http://www.netpublikationer.dk/um/5751/index.htm>) mePvBtZ D`vi cŠk|

²³ RvZmstNi ms`vmgñi gta` UNDP I IFAD-Gi wełkI Aw`evmx wełqK bwiZgvj v iłqłQ| 2009-G MpxZ IFAD Gi bwiZgvj v Zj bvgj Kfvte cłwZkxj |

²⁴ mxgZ cwi mti GB kã ev Zvi cłZkã Avtgwi Kv, KvbWv, wDwRj`vÉ I fviłZ e`envi ntj I AvtMi PvBtZ AtbK Kg|

²⁵ KvbWv I Atólj qvtZ ‘aboriginal’ ktãi cłqvm wełkI ł`Lv hvq, hı`I ev KvbWvłZ ‘indigenous’ I “First Nations” kã,“Q cłj b iłqłQ|

²⁶ ł`Lp, h_v, Article 46, Constitution of India.

²⁷ Draft Constitution of Nepal. ł`Lp UNCESCR, UN Document E/C.12/NPL/Co/2, paragraph 28 I the National Foundation for Development of Indigenous Nationalities Act of Nepal (2002).

²⁸ J.J.A. *Campus History of the Portugese in Bengal*, Butterworths & co., Calcutta, 1919. Joao de Barros, Asia, Dec IV, PT II, P. 451.

²⁹ ckvš-wł cjev, cł³b włłK, bweÁvb wefvM, Rvrvłxi bMi wełke`vj q, AvŠRwłZK wełkI Aw`evmx eI`D`hıcb Kugwł KZł AvłqwlRZ Avłj vPbv Abpłtb cıwZ gj cłÚ| 18 włłmłł, 1993, BwÁwbqwi s Bbıw-włUD, XıKv|

³⁰ ł`Lp: Jose Martinez Cobo, *Study of the Problem of Discrimination Against Indigenous Populations*, 1986, UN Document: E/CN.4/Sub.2/1986/7/Add.4. Erica-Irene Daes, (i) *Reports on the Study: Indigenous Peoples and their Relationship to Land* (1997), E/CN.4/Sub.2/1997/17, (ii) *Indigenous Peoples: Permanent Sovereignty Over Natural Resources* (2002), E/CN.4/Sub.2/2002/23, (iii) *Indigenous Peoples: Keepers of Our Past – Custodians of Our Future*, International Work Group for Indigenous Affairs (IWGIA), Copenhagen, 2008.

³¹ Parliamentary Debates (25.10.1972: 292-295; 31.10.1972: 452) of 25 and 31 October, 1972 as cited in Amena Mohsin, *The Politics of Nationalism: The Case of the Chittagong Hill Tracts*, Bangladesh, University Press Limited, Dhaka, 2000 ed, (2002). p. 62.

ms†hvRbx 4

Aw` evmx msµvš-mvsweawbK ms`«i weI†q ivRv
t` evkxl ivq KZR iWPZ cëÜ

*Constitutional Reform & Indigenous Peoples' Rights in Bangladesh:
Terminology on Identity: 'Indigenous' versus Other Terms*