

# A BRIEF REPORT

## On Implementation of the CHT Accord



Parbatya Chattagram Jana Samhati Samiti

# A Brief Report On Implementation of the CHT Accord

Signed in 1997 between  
The Government of Bangladesh and the PCJSS



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# Report



## on Implementation of the CHT Accord 1997

# A Brief

**T**he Chittagong Hill Tracts (CHT) is located in the south-eastern part of Bangladesh and covered one-tenth of the total land area of the country. From time immemorial, the Chittagong Hill Tracts (CHT) has been the home to multi-lingual indigenous peoples. They collectively identify themselves as the Jumma people (High Landers), the first people of the CHT. The Jumma people are distinct and different from the majority Muslim people of Bangladesh in respect of race, language, culture, heritage and religion.

After waging decades long movement for the rights to self-determination by Jumma peoples, an accord popularly known as CHT Accord was signed in 1997 between the government of Bangladesh and the Parbatya Chattagram Jana Samhati Samiti (PCJSS), only political party of indigenous Jumma peoples in CHT, to resolve the CHT problem through political and peaceful means. The CHT Accord could conclude the decades-long fierce internal conflicts and paves the way for the peace, development, demilitarization of the region and opportunities to meaningful engagement and representation of the Jumma peoples.

The CHT Accord provides recognition of CHT region as tribal-inhabited region, introduction of special governance system in CHT with the CHT Regional Council (CHTRC) and three Hill District Councils (HDCs), demilitarisation of the region, resolution of land disputes, rehabilitation of returnee Jumma refugees and internally displaced persons, setting up CHT Affairs Ministry at national level and so on.

Though soon after signing of the Accord, some provisions of the Accord have been implemented, but most of main issues of the Accord remain unimplemented or partially implemented. Despite local, national and international lobbying, the 15th Amendment of the Bangladesh Constitution made in 2011, failed to provide constitutional guarantee of the CHT Accord and to recognise the entity of indigenous peoples in Bangladesh.

## A. Implementation of CHT Accord

**D**uring its tenure for 3 years and 8 months after signing the CHT Accord (1998-2001), the Sheikh Hasina-led government implemented some issues of the Accord, such as, enactment of CHT Regional Council Act, amendment of three Hill District Council Acts; formation of interim CHT Regional Council and Ministry of CHT Affairs; repatriation of Jumma refugees from India; withdrawal of around 66 temporary camps (where the government claims withdrawal of 172 camps); formation of CHT Accord Implementation Committee, Land Commission and Task Force, etc. But in later periods, the Awami League-led grand alliance government after its returning to power (2009-2015), no effective initiative for implementation of unimplemented issues of the Accord has taken though passing more than six years. Among the fundamental issues of the Accord, which the government has not undertaken any measure for implementation are as follows-

### Unimplemented Main Issues of the Accord

Preservation of tribal-inhabited-region feature of CHT and legal and administrative measures for preservation of tribal-inhabiting features in CHT.
Devolution of powers and functions to the CHT Regional Council and three Hill District Councils pertaining to General Administration, Law & Order; Land & Land Management; Police (Local); Forest, Environment etc.
Holding elections of the CHT Regional Council and three Hill District Councils and for this purpose, formulation of Election Rules of chairmen and members of the HDCs and Electoral Roll Rules for preparation of voter list with permanent residents of CHT.
Resolution of land disputes of CHT by bringing amendment to the contravening sections of CHT Land Dispute Resolution Commission Act 2001.
Rehabilitation of Internally Displaced Jumma families and India-returnee Jumma refugees and returning of their lands and homesteads back.
Withdrawal of all the temporary camps including de facto military rule 'Operation Uttoron' (Operation Upliftment).
Cancellation of lease of lands given to the non-residents.
Appointment of permanent residents of three hill districts in all jobs available in CHT on the basis of priority given to the Jumma peoples.
Amendment to the concerned laws applicable in CHT including Charter of Duties of Deputy Commissioners and Superintendent of Police in consistent with the CHT Accord.
Rehabilitation of Bengali settlers outside CHT with dignity and honor, etc.

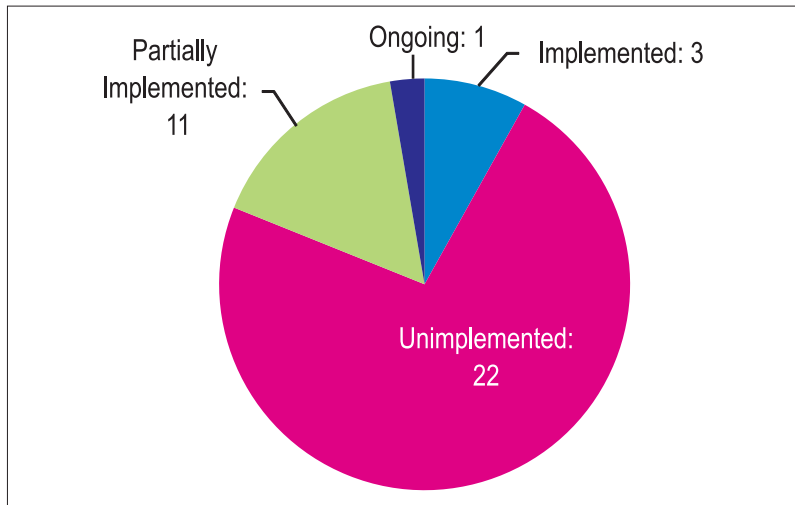
Please see Annex-1 for detailed description of present state of implementation of main issues of the Accord.

The government, in one hand, has been making dilly-dally in implementing the core issues of CHT Accord while has also been propagating, on the other, that 48 sections out of 72 sections of the Accord have been implemented in the mean time and 15 sections out of the rest have been partially implemented and the remaining 9 sections are under implementation process. In fact, the said statement or report made by the government on implementation of the CHT Accord is not true as a whole. As per the study of PCJSS, only 25 sections out of 72 sections of the Accord have been implemented. There are 34 sections of the Accord still remain unimplemented while 13 sections of the Accord have been partially implemented. It means that two-third sections of the Accord are lying unimplemented as of this day. There are some subjects, which are being claimed by the government to have been completely or partially implemented, indeed, they are being violated, let alone the implementation.

It is to be mentioned that the implementation issue of CHT Accord has to be viewed with a holistic approach. It is not such an issue that each section could be evaluated merely in terms of implementation statistics of the Accord while ignoring the holistic aspect of the main issue concerned. Indeed, each section of the Accord is based on particular main issue and may be integrated with several sections, which are inter-related and interdependent each other and therefore are also preconditional to each other. For instance, under Part D of the Accord, there are three Sections such as Section 4, 5 and 6 on land disputes. The government claims the Sections of 5 and 6 on land disputes to have been implemented while Section 4 to have been partially implemented showing importance on numerical statistics only. According to such statement of the government, outwardly it may be considered that more than two-third portion of the CHT Land Dispute issues have been settled. In fact, the main task of land dispute resolution has not yet been possible to commence after signing the Accord. All it has been possible is constitution of Land Commission and enactment of a defective act titled CHT Land Disputes Resolution Commission Act 2001. Even, dozens of meetings have been held during the last 15 years to bring amendment to the contravening sections of the defective act and a 13-point amendment proposal thereof has also been adopted several times in these meetings. But amendment to the Act has not yet been brought accordingly. Hence, resolution of the land disputes which is one of the most important core issues of the Accord has remained fully unimplemented. Whereas the government is misrepresenting the land dispute resolution issue simply by showing numerical statistics of the sections implemented - not the holistic spirit of the issue concerned and unfortunately, such approach is being observed in all cases relating to the core issues of the Accord.

Among the four Parts (A, B, C and D) of the Accord, the subjects that may be considered to have formed 37 core issues of the Accord. As per the PCJSS study, only 3 core issues out of 37 have been implemented so far and from among the rest core issues, as of this day altogether 22 core issues have absolutely been left unimplemented while only 11 core issues have been partially implemented and one issue is under implementation process.

### Implementation Status of Main Issues of the CHT Accord



Please see "Annex-1: At A Glance-Implementation Status of Main Issues of the CHT Accord" for detail

### Preservation of the tribal-inhabited features of CHT region

**A**nalysis over the Sections of 1, 2, 3, and 4 under Part-A, which the government claims to have already been implemented, exposes vivid picture of untruthfulness being uttered by the government. The first three of the said four sections are still lying unimplemented. Not only that the said sections have been left unimplemented but also they are extremely violated by the government in some cases. Firstly, as per Section-1 under Part-A, the CHT has been declared to be a 'Tribal-inhabited region'. But this has been left confined to the papers as yet. No legal or effective safeguard measures were taken to preserve tribal-inhabited feature of the region. No office order, directives or notification to that effect has been promulgated on part of the government. As a result, immigration of outsiders is taking place by different means and ways unabatedly and this has led to losing tribal-inhabited feature or status of the region.

### Alteration, Amendment and Addition to Relevant Laws, Regulations and Practices

**S**econdly, according to the provision laid under Section-2 states, "Both the parties have agreed to make alter, amend and add to, in consonance with the consensus and responsibilities expressed in the different section of this Accord, the relevant laws, regulations and practices according to law as early as possible"- the provision in accordance to which, though the three Hill District Council Acts and CHT Regional Council Act were formulated in 1998, the other laws in force in CHT have not yet been made undergo alteration, amendment and addition till this day. For instance, the acts such as, Bangladesh Police Act, Forest Act, Local Government Council Acts (Union Council, Upazila Council, Municipality), CHT Regulation, 1900, Charter of Duties of Deputy Commissioners, Superintendent of Police & Upazila Nirbahi Officer etc. have not been amended. That the fore mentioned information simply depicts out the voidness of content in the claim of the government on implementation of the CHT Accord.

## Special Administration System with CHTRC & HDCs and Devolution of Powers & Functions to them

**T**he CHT Accord introduces special government system with CHT Regional Council and three Hill District Council (HDCs) bestowing the authority of general administration, law and order, police (local), land and land management, development, education, health, environment and forest (except reserved forest) upon these institutions.

The government claims that with exception to Section-4(d), 9, 19, 24, 27 and 34 under Part-B of the CHT Accord, the remaining 29 sections have been completely implemented. But indeed, that is not correct. In 1998, except Section-19 relating to development, though all the sections under Part-B have been included in the three Hill District Council Acts properly but inclusion in an act cannot be a logical claim for complete implementation. Even after 17 years of signing of the Accord, no elections have been held in the three Hill District Councils and CHT Regional Council till now. Instead of forming 34-member elected Hill District Council, the Hill District Councils are being operated undemocratically by the interim Councils nominated by the ruling party. Hence, where there is no application of law, there cannot be claimed that the laws have been implemented.

For instance, without holding elections in the three HDCs and CHTRC and contrary to the opinion of the CHT people, the government, in November 2014, amended three HDC Acts by increasing the numerical strength of the members of three interim HDCs from 5 to 15, including the chairman. Before signing of the CHT Accord, though the tenure of HDCs had already expired, the successive governments did not take any initiative to hold elections for these councils during the last 22 years. No initiative has yet been undertaken to formulate Election Rules of chairmen and members of the HDCs and Electoral Roll Rules for the purpose. The interim HDCs formed with the ruling party members have been functioning in an undemocratic way. In fact, these nominated interim HDCs work without any obligation and accountability to the people. Instead of holding elections for these institutions, the government has amended the laws of these councils to run the HDCs in an unfair manner. The main objective of making amendments to the three HDC Acts seems to be to by-pass the elections for the CHT institutions and deprive the CHT people from their political rights to franchise and access to representation and, above all, to shelve the implementation of the CHT Accord tactfully.

Section-34(a) under the Part B of the Accord mandates HDCs to have 'Land & Land Management' subject under its jurisdiction. But the said subject and power have not been devolved to HDC as of this day. On the other side, in pursuance to CHT Regulation 1900, the Deputy Commissioners have been continuing with the process of giving transfer of lands by name, occupying through acquisition, giving in lease and tenure. Thousand acres of lands are being taken to expand the settlers' cluster villages, army camps and for establishing training centers and their expansion. Section-26 under the Part B prohibits giving any lands in lease, settlement, purchasing-selling and transfer including khas lands suitable for settlements, without prior approval of the HDC and the provision prohibiting the government acquisition or transfer the lands of any sort, hills and forests that fall under jurisdiction of HDC without prior approval of HDC, though have been included in the Act, have not been made effective. But however, in some cases, process of obtaining prior approval from HDC has begun.

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As per Sub-section (d) of Section-9 under Part C of the Accord, provision for coordination and supervision on general administration, law & order and development of HDCs has been included in the CHT Regional Council Act. It is to be mentioned that an office order was served from Cabinet Division on 10 April 2001 stating to the effect that the CHTRC shall coordinate and supervise general administration, law & order and development subjects of the three HDCs. But despite so, the three HDCs, Deputy Commissioners, Police Superintendents, CHT Development Board and concerned authorities of three Hill Districts and Upazilas continue to ignore the CHT Regional Council. Especially, it is due to Anti-Accord stance being maintained by a quarter of vested interest seeking, communal and of ultra-nationalist kind and specifically, the reasons of having negative outlook and bureaucracy among the officers posted at District and Upazila levels of CHT and above all, the key to military supremacy 'Operation Uttoran' for being in force, the effective application of the Act providing provision for supervision and coordination on general administration, law & order and development, cannot be made possible.

On the other side, in Section-33(a) under the Part B of the Accord, contains: "Preservation of Law & Order and Supervision" and in section-34(b) contains: "Police (Local)" - are the two subjects to be transferred to the HDCs as per the provision therein. This provision has also been included in HDC Act in 1998 as per the Accord. But those subjects have not yet been transferred to the HDCs. As per Section-24 under the Part B, though the provision that confers authority to the HDCs, by regulation, to appoint all members of the rank of Sub-Inspector and below thereof of Hill District Police, their transfer and disciplinary action against them as per procedure laid down by regulations and provision of retaining priority preference to Jumma candidates, has been included in the HDC Act, no measure has yet been undertaken by the government to make the concerned power effective through the HDCs. The Hill Police Force has not yet been formed with the permanent residents based on priority preference to the tribal candidates. On the other side, administrative measure for transfer, punishment, etc. has been being exercised by the higher authority of Police as usually done before.

During its present tenure in 2014, the present grand alliance government has transferred 5 (Five) subjects to the Hill District Councils that are- (a) Shifting cultivation, (b) Secondary education, (c) Birth & Death and other Statistics, (d) Money lending business and (e) Tourism (Local). In addition, 7 (seven) offices/functions under previously transferred departments have also been transferred to the HDCs during grand alliance's earlier terms in office (2009-2013). But the other important subjects that have not yet been devolved are- Law & Order; Land & Land Management; Police (Local); Forests; Environment; Improvement Trust and other Local Administration except pourasava and union council; Primary Education through mother tongue, etc. More to be mentioned that devolution of Subjects or Functions/ Departments upon HDCs, have also been done defectively. For instance, the Tourism (Local) has been transferred through signing an agreement between Ministry of Tourism and three Hill District Councils on 28 August 2014. But the Subject of Tourism has not been transferred properly. The said agreement devolves authority on the HDC to oversee development of tourism in the district that is being managed through its own resources. However, the HDC has no control or authority over the tourism activities being conducted and managed by Tourism Corporation/Ministry of Tourism, Local Government Authorities, private sectors or any other state agencies.



### **Making Law on the CHT Affairs in consultation with and as per advice of the CHTRC**

**A**s per Section-13 under Part C of the Accord, the provision that obliges the government, in making any law in connection with CHT, to enact such law in consultation with and as per advice of the CHT Regional Council. But this provision is not being complied. CHTRC is not being consulted or its consultation is not being accepted. Apart from this, the government does not take any effective measure on recommendations of CHTRC regarding review of the laws that could be counter-productive to development in the hills or well being of hill peoples and framing up new laws. Despite submission of proposals for amendment to the Code of Rules on NGOs, CHT Land Dispute Resolution Commission Act 2001 and other laws and regulations, the government has not taken any step for the final till this day.

After returning to power, opinion of CHTRC on Forest Resources Transport Regulation 1973, Education Policy and Water Resources Act 2009, was sent to the grand-alliance government. But the government has not taken proper action in this regard. In cases, such during framing up the Wildlife Act that begun in 2010 and while bringing amendment to the Forest Act, no consultation or opinion from CHTRC was sought by the government. Besides, no opinion was sought from CHTRC during formulation of the Second Amendment to the Public Representation Ordinance 2008, Local Government (Municipality) Act 2009, Local Government (Union Council) Act 2009, Small Ethnic Groups Cultural Institutes Act 2010 and Bangladesh Wildlife Preservation Act 2012. However, some of the proposals of CHTRC have been included in the National Education Policy 2010. No opinion from CHTRC was sought while framing up National Women Development Policy 2011. Furthermore, the government has formulated CHTDB Act 2014 and passed the three HDC Act (Amendment) 2014 completely ignoring opinion of CHTRC the process of which is a straightway violation of the CHTRC Act 1998.

### **CHT Land Commission and Settlement of Land Disputes**

**T**he Articles 4, 5 and 6 of the Part 'D' of the CHT Accord stipulate formation of a Land Commission headed by a retired justice to resolve the land disputes, arisen due to land grabbing by Bengali settlers, in accordance with existing laws, customs and practices in CHT. Land Commission was formed, but land disputes are yet to be resolved since more than 16 years have passed after signing the Accord.

The CHT Land Dispute Resolution Commission Act was passed in 2001, but several issues contradictory to CHT Accord were included in this Act. After convening several meetings for more than a decade, on 20 June 2011 Ministry of CHT Affairs (MoCHTA), having consultation with the CHTRC, finalised 13-point amendment proposals of the Act and sent them to Land Ministry for taking necessary initiative to place before the Parliament for adoption. Accordingly, a Bill named "CHT Land Disputes Resolution Commission (Amendment) Act 2013" was introduced in the Parliament on 16 June 2013, during the last session of the 9th Parliament (2009-2013). However, the government finally kept it pending from adoption.

After assuming in the state power on 12 January 2014 by new government, in a meeting held on 20 January 2015, CHT Accord Implementation Committee again adopted 13-point amendment proposals of the Act and decided to place them in the winter session of the Parliament for adoption. However, the session of the Parliament was over and the government again failed to introduce them in that session.

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The issue of disposal of the disputes over lands has landed in an extreme uncertainty. It is because of non-amendment of contradictory provisions of the Land Commission Act, non-settlement of the disputes over the lands, every now and then, conflicts and communal attacks are being occurred in CHT centering the issue of the land disputes and the process of forcible occupation of lands belonging to the Jummas is going on unabated.

### **Withdrawal of All Temporary Military and Paramilitary Camps including Operation Uttoron**

**A**rticle 17(a) of the Part 'D' of the CHT Accord stipulates to take back all temporary camps of the army, the Ansars and the Village Defense Party (VDP), excepting the Border Guard Bangladesh (BGB) and six cantonments (consisting of those three at the three district headquarters and those at Alikadam, Ruma, and Dighinala), in phases from the CHT to permanent cantonments and to fix a time limit for this purpose.

However, no time limit has been determined for completion of the withdrawal of camps, which equates to a delaying of this process. Since the signing of CHT Accord, a total of 66 camps out of more than 500 have been withdrawn so far. On the contrary, a kind of 'de facto' military rule has been imposed through promulgation of 'Operation Uttoron' (Operation Upliftment) on 1 September 2001 in the post-Accord period. Military interference with and dominance over the civil administration, law and order, construction and repairing of roads, tribal affairs, forest resources etc. are still continuing on one hand, and on the other, they continue to actively support the outsider Bengali settlers in expanding and establishing new cluster villages in the CHT through counter-insurgency programme named "Shantakaran Prakolpa" (Pacification Project). Around 400 temporary camps are yet to be withdrawn and the military rule maintained under the "Operation Uttoron" is yet to be lifted. The military forces and its intelligence agencies played decisive role in adopting Home Ministry's directives in January 2015 to impose embargo to foreigners intending to visit CHT and to the national/foreign organisations/ individuals on meeting with the tribals/indigenous Jumma people in CHT.

A study conducted by a designated Special Rapporteur on the status of implementation of the CHT Accord 1997 for the tenth session of the UN Permanent Forum on Indigenous Issues (UNPFII) confirmed that "...with its pervasive power and influence over Bangladeshi society in general and the CHT in particular, the army continues to oppose any substantive progress on the implementation of the Accord".<sup>1</sup> The Special Rapporteur judged the army's intervention in civil affairs as one of the largest obstacles to the implementation of the CHT Accord. The UNPFII therefore adopted recommendations, among others, to recommend that the Government of Bangladesh declare a timeline and outline modalities of implementation and persons and/or institutions responsible for implementation of the CHT Accord and to recommend that the Government of Bangladesh undertake a phased withdrawal of temporary military camps from the region and otherwise demilitarise the region.<sup>2</sup>

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1 E/C.19/2011/6

2 E/2011/43-E/C.19/2011/14

## **Rehabilitation of Returnee Refugees and IDPs**

**J**umma refugees have repatriated from India as per 20-point package facilities and CHT Accord. But all lands of returnee refugees were not returned back and Internally Displaced Persons (IDPs) are yet to be rehabilitated. Rather, Government instructed to the Task Force on Rehabilitation of Returnee Tribal Refugees and IDPs to include Bengali settlers in the list of IDPs violating the CHT Accord. It is important to be mentioned that CHT Accord provides to rehabilitate only tribal IDPs.

Since reconstitution of the Task Force during the previous grand alliance government (2009-2013), no development in rehabilitating the internally displaced Jumma families, returnee Jumma refugees and ex-combatants of PCJSS has been achieved. After assuming in the state power on 12 January 2014 by new government, three meetings of Task Force were held, but no development in rehabilitating the Jumma IDPs and returnee refugees and in returning the land and homesteads back. The government side is still following the previous policy to rehabilitate Bengali settlers in CHT identifying them as IDP which is contradictory to the CHT Accord. As a result, the rehabilitation process of the tribal IDPs remains in standstill situation.

## **Government's anti-accord and anti-Jumma-interest programmes**

**T**he government, in one hand, continues to resorting to pretext in implementing the core issues of the CHT Accord while on the other, it has been adopting anti-accord and anti-Jumma-interest programmes on pleas of CHT Accord implementation, the main objective of which is to abolish the Jumma peoples racially and turn the CHT into a Muslim-dominated region.

Instead of undertaking initiative to implement the unimplemented significant issues of the Accord, on the contrary the government, violating the provisions of CHT Accord and trampling down the provision that sets forth obligation of having consultation with CHT Regional Council and concerned Hill District Council on affairs relating to CHT or on formulation of any laws applicable to CHT, unilaterally formulated CHT Development Board Act 2014 on 1 July 2014; amended the three HDC Acts on 23 November 2014 increasing the size of interim HDCs from 5 to 15 members including Chairman and has also taken initiative to establish University of Science & Technology and Medical College in Rangamati despite popular opposition. Decision was taken in a meeting held at Ministry of Home on 7 January 2015 to promulgate a set of racial, anti-CHT Accord and politically motivated directives whereby restriction has been imposed upon national/foreign organization/individual making the presence of local administration, army/BGB mandatory during their meetings/discussions with the tribal/indigenous peoples and the foreign nationals intending to visit CHT shall have to obtain permission from the Ministry of Home prior to one month. At the same time, the government has intensified its anti-accord and anti-Jumma interest programs to evict the Jumma peoples from their ancestral lands and homesteads through meting out massive communal attack, sponsoring forcible occupation of hundreds of acres of lands by the outsiders, declaring the Jum and community lands as reserve forests, expanding and establishing army/BGB camps and establishing tourism centers by the army.

In context of government's dilly-dallying attitude in implementing the CHT Accord and simultaneous execution of ill-designed programs of ruining the national entity of Jumma peoples by way of violating the Accord and Laws, if the government does not undertake a time- line-based effective initiative to implement

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the Accord, the NON-COOPERATION MOVEMENT will be launched on and from 1 May 2015 by the PCJSS and at the same time, the all-out movement of resistance will be expedited against all kinds of anti-accord and anti-Jumma-interest designs being meted out upon the Jumma peoples.

### B. Human Rights Situation

The CHT Accord of 1997 was expected to end militarization, systematic human rights violations and a culture of impunity, and allow indigenous peoples of the CHT to regain control over their lands, resources and local administration. The failure to fully implement the CHT Accord has led to widespread human rights violations. Bengali settlers, often with the help of a section of civil and military administration, continue large scale attacks upon Jumma people with the primary aim of grabbing their land. At least 19 massive communal and arson attacks were committed by the Bengali settlers after signing the CHT Accord. The communal attacks at Bogachari-Nanyachar on 16 December 2014, at Rangamati town on 10 January 2015 and at Balaghata-Bandarban on 11 March 2015 etc. were the latest communal attacks. In this attack, hundreds of Jumma houses including Buddhist temples, churches and schools have completely been burnt to ashes and looted, some innocent Jumma villagers shot dead and several villagers have been wounded and arrested.

Violence against indigenous Jumma women and girls is one of the most widespread violations of human rights in CHT. The biggest concern in rape and other violence against indigenous women and girls in CHT now is the lack of access to justice and absolute impunity that perpetrators enjoy. The record shows there have been reported increasing trend of violence against indigenous women and children. The victims of sexual and physical violence against indigenous women and girls committed by Bengali Muslim settlers increased 71 in 2014 which was 53 in 2013.

In the backdrop of such a situation, peace and security in the CHT almost entirely depend on devolution of authority to the CHT institutions, resolution of land disputes, demilitarization of the region and rehabilitation of trans-migrant Bengali Muslim settlers outside the CHT.

### C. Conclusion and Recommendations

Bangladesh has ratified several international human rights treaties, including the International Labour Organization (ILO) Convention on Indigenous and Tribal Populations of 1957 (Convention No. 107), the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The implementation of those ratified key international human rights conventions and the CHT Accord would help to promote and protect the rights of CHT Jumma indigenous peoples.

In light of the above situation, the Jumma people would like to seek your attention to pursue the Government of Bangladesh for urgent action on the following:

1. To encourage the Government of Bangladesh to declare a timeline and outline (roadmap) for implementation of the CHT Accord, prioritizing-
  - 1.1. Legal or effective safeguard measures be taken to preserve tribal-inhabited feature of the region.
  - 1.2. Devolution of authority to the CHTRC and three HDCs, particularly, transfer of important subjects, such as, general administration, law and order, land and land management, police (local), forest, environment, Improvement Trust and other institutions concerning local administration, other than Municipality and Union Council etc. to the three HDCs.
  - 1.3. Resolution of land disputes and amendment of contradictory provisions of the CHT Land Disputes Resolution Commission Act 2001 as per 13-point amendment proposals of CHT Accord Implementation Committee adopted on 20 January 2015 with an aim to preserve and protect indigenous peoples' traditional lands and territories.
  - 1.4. Withdrawal of all temporary camps and de facto military rule 'Operation Uttoron' from CHT by fixing a time limit for this purpose.
  - 1.5. Rehabilitation of Internally Displaced Jumma Families and Returnee Jumma Refugees and returning lands and homesteads back to them.
  - 1.6. Amendment to the concerned laws applicable in CHT including Charter of Duties of Deputy Commissioners and Superintendent of Police in consistent with the CHT Accord.
2. To encourage the Government of Bangladesh to include the CHTRC Act, 1998 and three HDC Acts, 1998 (Amendment) enacted as per CHT Accord in the First Schedule of the constitution as 'Effective Laws' to provide constitutional guarantee of the CHT Accord.
3. To persuade the Government of Bangladesh for relocating the Bengali settlers outside the CHT to preserve the characteristics of tribe-inhabited region of CHT.
4. To convince the Government of Bangladesh to end culture of impunity in order to ensure access to justice of indigenous peoples including protection of women and girls as per commitment of Government in the second cycle of the Universal Periodic Review (UPR).<sup>3</sup>

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<sup>3</sup> A/HRC/24/12, Recommendations No. 129.10, 129.93 and 129.152



# Annex-1



## At A Glance-Implementation Status of Main Issues of the CHT Accord

Section of Accord and Subject	Government Statement	Opinion of PCJSS
<b>Part A: General</b>		
Section-1: Preservation of the tribal-inhabited features of CHT region	<p>Outlines of various plans for preservation of features of CHT have been given in 6th Five-Year Plan and in Vision 2021 of the government.</p> <p>The 15th Amendment to the Constitution ensures to protect and develop the unique local culture and tradition of the tribes, minor races, ethnic sects and communities by inserting a new Article 23ka.</p> <p><b>(Implemented)</b></p>	<p>No legal and administrative measures for preservation of tribal-inhabiting features in CHT have been taken so far. Despite popular demand, tribal-inhabited status was not included in the Constitution even during 15th Amendment to the Constitution. Rather, Continuation of rehabilitation of settlers and expansion, communal attacks, inclusion of outsiders in the Electoral Roll, issuance of permanent resident certificates to the outsiders, giving employment to the outsiders, illegal occupation of lands, etc. is going on unabatedly.</p> <p><b>(Unimplemented &amp; violated)</b></p>
Section 2: Alteration, Amendment and Addition to Relevant Laws, Regulations and Practices	<p>The three Hill District Council Acts, 1989 have been altered as per the CHT Accord and put in place. The Chittagong Hill Tracts Regional Council Act, 1998 and Land Commission Act 2001 have been enacted. On the basis of consensus, amendment of some provisions of Land Commission Act is under process.</p> <p><b>(Implemented)</b></p>	<p>Though the Regional Council Act and three Hill District Council Acts have been framed, but no necessary amendments have been brought in the concerned laws and regulations, such as, Bangladesh Police Act, Forest Act, Local Government Bodies Acts, CHT Regulation 1900, Charter of Duties of Deputy Commissioners and to abridge the anomalies with the laws enacted in light of the CHT Accord.</p> <p><b>( Unimplemented)</b></p>

Section of Accord and Subject	Government Statement	Opinion of PCJSS
Section 3: CHT Accord Implementation Committee	<p>The CHT Accord Implementation Committee was formed with 3 members having Syeda Sajeda Chowdhury, the Honorable Deputy Leader of Parliament as Convener on 25-05-2009. The Committee recommended for amendment to the some provisions of CHT Land Dispute Resolution Commission Act 2001.</p> <p><b>(Implemented)</b></p>	<p>Though the Committee was formed, it does not have separate secretariat and no Secretary was appointed to discharge secretarial duties and responsibilities and no fund for conducting committee-related activities. Even it is a fact that the decisions were though concluded in the meeting, have not been implemented. For instance, though the 13-point amendment proposal for amendment to the contravening sections of CHT Land Commission Act 2001 was approved, yet the Act has not been amended accordingly.</p> <p><b>(Partially implemented)</b></p>
Section 4: Validity of CHT Accord	<p>The implementation of the Accord is continuing in phases. The two cases filed in 2000 &amp; 2007 with High Court against CHT Accord is being tried by the government to settle level best.</p> <p><b>(Implemented)</b></p>	<p>Validity of the important provisions of the Accord particularly relating to CHTRC Act and HDCs Acts have been thrown into uncertainty due to the verdicts of High Court on the two related cases provided on 13 April 2010 which was stayed by the Appellate Division. During the 15th amendment to the Constitution, the government did not include the CHTRC Act 1998 and three HDC Acts 1998 (Amendment) enacted as per CHT Accord in the First Schedule of the constitution as 'Effective Laws'. <b>(Ongoing)</b></p>
<b>Part B: Hill District Council</b>		
Amendment to the three Hill District Council Acts	<p>As per the Accord, having the concerned sections compiled, the three Hill District Council Acts 1998 has been put to affect.</p> <p><b>(Implemented)</b></p>	<p>The provision relating to Development was not amended properly as per CHT Accord. The Deputy Minister status of HDC Chairmen was not restored.</p> <p>Rules of Business of the HDCs are yet to be formulated properly and the provision relating to the development is yet to be amended as per CHT Accord.</p> <p><b>(Partially Implemented)</b></p>
Section 3: Definition of "Non-Tribal Permanent Residents"	<p>It has been implemented.</p> <p><b>(Implemented)</b></p>	<p>Even though there is specific definition made in the Act, the government continues to provide the non-tribal outsiders with support and various facilities as permanent residents. <b>(Unimplemented &amp; violated)</b></p>



<b>Section of Accord and Subject</b>	<b>Government Statement</b>	<b>Opinion of PCJSS</b>
Section 4(5): Issuance of Permanent Resident Certificate by the Concerned Circle Chief	Opinion of Ministry of Law has been accepted in this context. Ministry of Law, having the Hill District Council Act reviewed, has given legal opinion to the affect that "the concerned Deputy Commissioners of Hill Districts shall be in competency to issue, in all needs including the employments, Permanent Resident Certificates to the residents of hill districts." <b>(Partially Implemented)</b>	On 21 December 2000, violating the Act, an administrative order was issued by the MoCHTA to the affect that Deputy Commissioners of the hill districts shall be in competency to issue permanent resident certificates alongside the Circle Chiefs. Despite repeated demand for withdrawal of this office order, the government has taken no measures to that affect. Consequently, non-permanent non-Tribal residents too continue getting Permanent Resident Certificates from the concerned Deputy Commissioner. <b>(Unimplemented &amp; violated)</b>
Section 9: Making Electoral Rolls Rules and Preparation of Voter Lists	The Hill District Council Acts have been amended in 1998. The issue of land ownership in CHT, for being under implementation process of Land Commission, identification of permanent residents has not been determined. Besides, opinion of the Attorney General through Law, Justice & Parliamentary Affairs Ministry as to whether a separate Electoral Rolls could be made for holding elections in the Hill District Councils. Despite giving repeated reminder, no opinion was available. At last, Reminding Letter-12 was sent to the Secretary of Law & Justice Department, Law, Justice & Parliamentary Affairs Ministry for the same on 21/12/2011 <b>(Partially Implemented)</b>	Election Rules and Electoral Rolls Rules of HDCs were drafted in 2002 and CHTRC as per its provision placed recommendations on them timely. But the Govt is yet to finalise. On the other, parliament and local council elections continue holding with voter lists enrolled with both permanent and non-permanent residents. <b>(Unimplemented &amp; violated)</b>
Section 13: Appointment of Jumma Officers and Employees in CHT	The provision for appointment prioritizing to the Tribals has been included in the Act. <b>(Implemented)</b>	But despite the inclusion in the Act to that affect, the provision is not being made effective properly. The appointment process continues unabated with severe corruptions and party-line appointments. <b>(Partially Implemented)</b>
Section 19: Development Projects and Developmental Works	The Hill District Council Act was amended in 1998. Development programs adopted at national level is implemented through respective offices of the concerned departments, instead of through Hill District Councils. <b>(Partially Implemented)</b>	Provisions relating to development programs were not included in the Act properly. The government has not amended the rule as per the Accord. Though the HDCs are the main institutions for development, most of the development programs are implemented through CHT Development Board bypassing the HDCs. <b>(Partially implemented)</b>

Section of Accord and Subject	Government Statement	Opinion of PCJSS
Section 24: Appointment in the Hill District Police Force	<p>The provision has been included in the ACT. In an Office Order of Memo No. Swa-Ma/pu-2/Miscellaneous-1/2005/980 dated 04/09/2010, the Home Ministry has consented the physical criteria for appointment of the tribal people in police force with relaxation of height for males to be 5'-4" in place of 5'-6" and for females to be 5'-2" in place of 5'-4". Tribal people are being appointed in the police forces with an aim to form mixed police in hill districts.</p> <p><b>(Partially implemented)</b></p>	<p>Though the provision of appointing all members of the rank of Sub-Inspector and below thereof of Hill District Police has been incorporated in the act, no effective measure to execute the authority through the HDCs as per the act, has been undertaken. The Hill Police Force with the permanent residents of hill districts with priority preference to the tribal people has not yet been organized. On the other hand, the matters of transfer, punishment measures, etc. of police force, the power are being exercised by the authority of police.</p> <p><b>(Unimplemented &amp; violated)</b></p>
<p>Section 33(a): Improvement &amp; Supervision of the law and order and</p> <p>34(b): Hill District Police Force</p>	<p>A meeting chaired by Dr. Gowher Rizvi, Advisor on International Affairs to the Prime Minister was held at Prime Minister's office on 19 December 2012. In this meeting, decisions were taken that the Home Ministry has to initiate for appointment of police from Constable to Assistant Sub-Inspector (ASI) among from residents of CHT region and the ratio between Tribals and Bengalis in each police station would be 50 : 50. Home Ministry would appoint a total of 1,500 tribal persons comprising 500 police personnel in each hill district. Appointment of tribal police in three hill districts already started.</p> <p><b>(Implemented)</b></p>	<p>The subjects "Improvement and Supervision of Law &amp; Order in the Hill District" and "Police (Local)" are yet to be transferred to the HDCs.</p> <p>Hence, the subjects have not yet been taken under the jurisdiction of the HDCs. Deputy Commissioners (DCs) and Superintendent of Police (SPs) have been exercising this power ignoring the HDCs.</p> <p>In a meeting held on 7 January 2015, the Home Ministry decided to transfer tribal police personnel, who have been posted from plain land to three hill districts with an aim to form mixed police force in CHT, to other districts in phases.</p> <p><b>(Unimplemented)</b></p>
Section 26: Prohibition in transfer and acquisition of land without prior approval of the HDCs	<p>Hill District Council Acts have been amended in 1998. Lands are given settlement, purchased or sold with the prior permission of the HDCs.</p> <p>But with exception to special cases (education institutions, religious institutions, crematory ground, graveyard, government office and scout building, freedom fighters' complex, local tourism of HDCs) according to the letter of Memo No. PCB/M (P-1) Pa: Zilla/ Misc./85/2000-280 dated 23/10/01, settlement of lands has remained postponed. <b>(Ongoing)</b></p>	<p>Though the provision has been included in the HDC Acts, but is not being made effective. As of this day, the said Subject and power thereof have not been properly devolved to the HDCs. On pleas of CHT Regulation 1900, the Deputy Commissioners are carrying out the processes of transferring of lands, giving the lands in lease and settlement which is direct of violation of CHT Accord.</p> <p><b>( Unimplemented &amp; violated)</b></p>
Section 34(a): Land and Land Management	<b>(Partially implemented)</b>	<p>The subject 'Land and Land Management' has been included in the Act, but have not yet been transferred to the HDCs.</p> <p><b>( Unimplemented &amp; violated)</b></p>

<b>Section of Accord and Subject</b>	<b>Government Statement</b>	<b>Opinion of PCJSS</b>
Section 33 & 34: Subjects and Functions under the HDCs and their transfer	HDC Acts have been amended. Transfer of subjects is going on. <b>(Partially implemented)</b>	But no important subject, such as, Law & Order, Police (local), Land & Land Management, Forest & Environment etc. has yet been transferred to the HDCs. <b>(Partially implemented)</b>
<b>Part C: CHT Regional Council</b>		
Section 1: Enactment of CHT Regional Council Act and its Infrastructure	The CHT Regional Council Act was enacted on 6 May 1998. The Interim Regional Council was constituted in May 1999. <b>(Implemented)</b>	The Rules of Business of the CHTRC has not yet been formulated properly. As a result, the Regional Council has remained non-functional. No initiative has been taken to implement the CHTRC complex project. <b>(Implemented)</b>
Section 9(a): Supervision and Coordination of Three Hill District Councils	As an apex institution, the CHT Regional Council as per its act can supervise and coordinate the three HDCs. <b>(Implemented)</b>	Despite inclusion of the provision in the act, the authority of supervision and coordination on part of CHTRC is not being put into force. In fact, in performing the entrusted responsibilities by the three HDCs, no correspondence is maintained with the CHTRC for the reason of which supervision and coordination cannot be made possible on part of the CHTRC. <b>(Unimplemented)</b>
Section 9(b): Supervision and Coordination of Local Bodies Including Municipalities	<b>(Implemented)</b>	Local Govt. Council Acts has not been amended in consistence with the CHT Acts and out of political reasons the local councils do not abide by this provision of the CHTRC Act. <b>(Unimplemented)</b>
Section 9(c): Supervision and Coordination of the General Administration, Law & Order & Development	<b>(Implemented)</b>	An office circular was issued from Cabinet Division stating that the CHTRC would supervise and coordinate the general administration, law & order and development activities. But this provision, out of political reasons, is not abided by the Deputy Commissioners and the Superintendents of Police of the three hill districts and their subordinates in CHT. <b>(Unimplemented)</b>
Section 9(d): Coordination of NGO Activities and conducting of Disaster Management and Relief Operation	<b>(Implemented)</b>	Though this provision has been accorded in the Act and Cabinet Division issued a circular on the matters, but has not been implemented as yet. The process of Disaster Management and Relief Management are being continued by the DCs leaving the CHTRC aside, as it has been earlier. <b>(Unimplemented &amp; violated)</b>

Section of Accord and Subject	Government Statement	Opinion of PCJSS
Section 10: General and Overall Supervision of the CHT Development Board	<p>CHT Regional Council can conduct overall supervision of the functions of the CHTDB. The secretary of CHT Affairs Ministry Naba Bikram Kishore Tripura was appointed as chairman of CHTDB.</p> <p><b>(Implemented)</b></p>	<p>Though there is provision in the CHTRC Act, but CHTDB authority ignores the law. The government has enacted the CHTDB Act 1014 unilaterally, which has undermined the special administrative system of CHT comprised of CHTRC and HDCs and it will create complexity in administration and development.</p> <p><b>(Unimplemented &amp; violated)</b></p>
Section 11: Removal of inconsistencies of CHT Regulation 1900 and other related Acts, Rules & Ordinances	<p>Implementation is going on. As two cases against the CHT Accord were filed with High Court which are now at Appellate Division, no initiative for inconsistencies of CHT Regulation 1900 and other related Acts could be taken. The matter is being reviewed.</p> <p><b>(Ongoing)</b></p>	<p>The Govt issued an order on 29 October 1990 that CHT Regulation would be functional fully. No fresh office order expressing to the effect that 'CHT Regulation shall be effective subject to the provisions of the CHT Accord' has been issued having the 'office order' of dated 29-10-1990 on the effectiveness of the CHT Regulation, 1900 cancelled.</p> <p><b>(Unimplemented)</b></p>
Section 13: Making Law on the CHT Affairs	<p>Implementation is going on.</p> <p><b>(Ongoing)</b></p>	<p>This section of the Act is not being followed by. While framing up laws, the CHTRC is not being consulted with and recommendations of CHTRC are not being accepted. For instances, advice or opinion of CHTRC has been ignored in cases of framing up the CHTDB Act 2014 and three Hill District Council (Amendment) Act 2014.</p> <p><b>(Unimplemented &amp; violated)</b></p>
<b>Part D: Rehabilitation, General Amnesty and Other Matters</b>		
Section 1: Repatriation of the Jumma Refugees	<p>Jatindra Lal Tripura is working as chairman of Task Force. A total of 12,222 families numbering altogether 64,609 tribal refugees repatriated to CHT from Tripura State of India. Most of the families were rehabilitated. However, many families are yet to get their land back.</p> <p><b>(Implemented)</b></p>	<p>From among the tribal refugees, 9,780 families have not yet got back their lands and homesteads and hence could not go back to their homes. 890 families have not got money to purchase cattles for ploughing and loan of 642 refugees has not been exempted.</p> <p><b>(Partially implemented)</b></p>

Section of Accord and Subject	Government Statement	Opinion of PCJSS
Section 1 & 2: Rehabilitation of Internally Displaced Jumma People	Implementation is going on. Land survey is yet to be started. Land Commission will resolve land disputes first, then conduct land survey. <b>(Ongoing)</b>	The Internally Displaced Jumma Peoples are yet to be rehabilitated. In an illegal meeting held in 2000, the earlier Task Force led by Dipankar Talukdar, MP, unilaterally declared 90,208 tribal families and 38,156 settler families to be IDPs. Violating the Accord, a letter dated 19-07-1998 was sent to the Task Force from the Special Affairs Division of PM's office directing to rehabilitate the Muslim Bengali settlers under the status of 'IDP' in CHT. Though it was decided to withdraw said illegal Office Order, but it has not yet been withdrawn. <b>(Unimplemented)</b>
Section 3: Settlement of Land with the Landless Jumma People	Implementation is going on. With exception to special cases (education institutions, religious institutions, crematory ground, graveyard, government office and scout building, freedom fighters' complex, local tourism of HDCs) according to the letter of Memo No. PCBM (P-1) Pa: Zilla/ Misc./85/2000-280 dated 23/10/01, settlement of lands has remained postponed. <b>(Ongoing)</b>	No measure has been taken by the government to that effect. On the other hand, due to having initiative to implement the Ashrayan Prokalpa (Shelter Project), the situation is getting more and more complex in CHT. <b>(Unimplemented)</b>
Section 4: CHT Land Commission and Settlement of Land Disputes	After ending the tenure of last chairman Khademul Islam Chowdhury on 18 July 2012, the government appointed Anowarul Haque, a retired justice of Appellate Division of Supreme Court, as chairman of the Commission in September 2014. It is mentionable that CHT Regional Council sent 23 amendment proposals of the CHT Land Dispute Resolution Commission Act 2001 which was enacted to resolve the CHT land disputes. Land Ministry sent them in revised form to the Cabinet and after approval of the Cabinet, it was placed in the previous Parliament for adoption. But as tenure of Parliament ended, the new process has been started by Land Ministry to place revised form of amendment of Land Commission Act. <b>(Partially implemented)</b>	So far, four successive retired justices were appointed as Chairman of the Land Commission. Though the Land Commission was constituted, the function of the Commission remains no-starter. Despite holding a series of meetings for bringing amendment to the provisions of Land Commission Act contravening to the Accord, the Act has not yet been amended. Recently in a meeting held on 20 January 2015, CHT Accord Implementation Committee again adopted 13-point recommendations for amendment of Land Commission Act and decided to place these amendment proposals in the winter session of the Parliament. Though the winter session of the Parliament was over, but the government did not take any action in this regard. It is due to not having the contravening sections of the act amended, the Commission could not start functions of the land dispute resolution. Due to not having the land disputes resolved, land grabbing by the settlers is going on unabatedly. <b>(Unimplemented)</b>

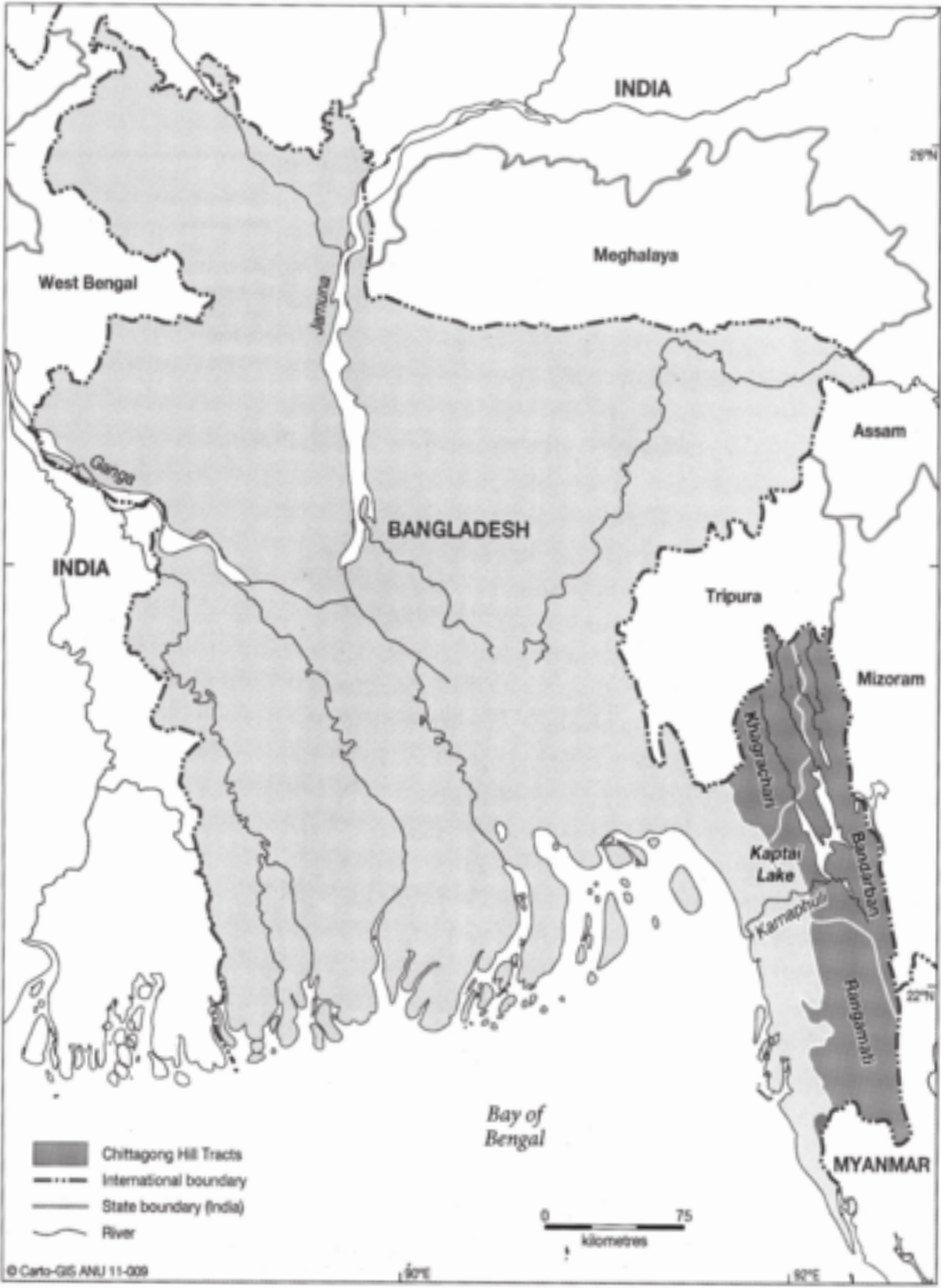
Section of Accord and Subject	Government Statement	Opinion of PCJSS
Section 8: Cancellation of Land Leases	During previous term of the government, the Parliamentary Standing Committee on CHT Affairs decided to cancel the lease of the lands given to the outsiders wherein no rubber plantation done or cultivation done thereof, as per the Accord. Accordingly, as per existing provisions, such leases were cancelled. <b>(Implemented)</b>	During the previous period of the Awami League-led grand alliance government, though 593 plots of lands given in lease to the outsiders were cancelled in Bandarban district, later on, most of them were restored to the lease holders through the process of various forms of corruption and irregularities. Even fresh leasing out to outsiders continues. <b>(Unimplemented)</b>
Section 9: Allocation of Funds for Development of the CHT	Implementation is going on. The initiative continues to raise additional fund for implementation of more projects targeting to the development of all people of CHT. Local tourism was transferred to the HDCs. Socio-economic Development of CHT people continues by keeping consideration of environment of the region and livelihood and culture of tribal people. <b>(Ongoing)</b>	Funds allocation is too meager to meet the requirement. In no issues relating to Tourism including the development, CHTRC is taken to involvement. The Subject of Tourism also has not been transferred properly. The funds so allocated are not being properly utilized due to corruptions and irregularities with the party-line facilitation. <b>(Partially implemented)</b>
Section 10: Quota Reservation and Scholarship for the Jumma Students	There is quota system reserved for the indigenous Jumma students in various academic institutions. The students are provided scholarship to study in Australia. <b>(Implemented)</b>	However, despite the quota system is already there, it is not being implemented properly. Except Australian Government scholarship, there is no scholarship of Bangladesh government for Jumma students for higher education. <b>(Partially Implemented)</b>
Section 11: Patronage to Tribal Culture, Traditions and Customs	The government established Small Ethnic Groups Cultural Institutes in three hill districts to develop tribal cultural activities at national level. The cultural institutes are allotted fund from Cultural Ministry. The 15th Amendment to the Constitution ensures to protect and develop the unique local culture and tradition of the tribes, minor races, ethnic sects and communities by inserting an Article 23ka. <b>(Implemented)</b>	The government enacted Small Ethnic Groups Cultural Institutes Act 2010 without having discussion with the CHTRC. Government also termed Jumma people as Bengali through the 15th Amendment to the Constitution. The successive governments have not taken any step for promotion and preservation and patronization of the traditions and culture of the indigenous people. Rather government continues conspiring for ethnic cleansing. <b>(Unimplemented &amp; violated)</b>
Section 13: Deposit of Arms and Ammunitions by the Members of the PCJSS	<b>(Implemented)</b>	1947 members of PCJSS have laid down their all arms and ammunitions in four phases after the CHT Accord. <b>(Implemented)</b>

<b>Section of Accord and Subject</b>	<b>Government Statement</b>	<b>Opinion of PCJSS</b>
Section 14: General Amnesty and Withdrawal of Cases	According to the information received from CHTRC, a list of 999 cases filed against 2524 persons was sent to Home Ministry. Out of them, 844 cases were reviewed and 720 cases out of 844 sent to Home Ministry for withdrawal. <b>(Implemented)</b>	Though the decision to withdraw 720 cases has been taken, this was not made in the gazette notification by the Home Ministry. In addition, cases pending with the martial court are yet to be withdrawn. <b>(Partially implemented)</b>
Section 16: Loan Exemption, Reinstatement in Service and Rehabilitation of Members of the PCJSS	Initially, a list of 1362 persons was available. In the first phase, loan of 642 persons was adjusted with exemption. In the second phase, from among 719 persons, loan of 33 persons was coordinated at own initiative. Opinion and list were sought from Deputy Commissioner on exemption of loan fallen defaulter against 686 persons. To that end, the Ministry was in receipt of a list of 686 persons, another one list of 33 persons and also a new list of 160 persons on 31/10/2012. CHT Affairs Ministry sent them to Finance Ministry for necessary action. The Finance Ministry sought some information and accordingly CHTAM forwarded it to DC of Khagrachari district seeking said information, but no information has been received so far. <b>(Partially implemented)</b>	1429 projects submitted by PCJSS members for self-employment and income generation have not been approved. Bank loans taken by four PCJSS members amounting Taka 22,783 and taken by 642 returnee Jumma refugees are also yet to be exempted. <b>(Partially implemented)</b>
Section 17: Withdrawal of All Temporary Military and Paramilitary Camps	Implementation is going on. <b>(Ongoing)</b>	Since the signing of CHT Accord, a total of 66 camps out of more than 500 have been withdrawn so far. However, many withdrawn camps have been reinstated. On the contrary, a kind of 'de facto' military rule has been imposed through promulgation of 'Operation Uttoron' (Operation Upliftment) in 2001. Around 400 temporary camps are yet to be withdrawn. Withdrawal process of temporary camps is completely stopped. <b>(Unimplemented &amp; violated)</b>

Section of Accord and Subject	Government Statement	Opinion of PCJSS
Section 18: Appointment of Permanent Residents with the Preference to the Jumma Candidates in Services of the CHT	<b>(Partially Implemented)</b>	This provision has not been being properly implemented. In this regard, proposal was sent to the Establishment Ministry to include concerned Rules and Regulations on the issue and advice was given to the Establishment Ministry from the Ministry of CHT Affairs. But all the concerned authorities have not been directed on the said issue. Hence, that has not been being followed in practice, too. <b>(Partially Implemented)</b>
Section 19: CHT Affairs Ministry and its Advisory Committee	A State Minister among from tribal people for the CHT Affairs Ministry has been appointed. He holds powers and function of full minister as a Minister-in-Charge of the ministry. There is 12-member Advisory Committee. <b>(Implemented)</b>	The Ministry is not capable of discharging its duties and responsibilities as per its Rules of Business and does not play supportive role towards implementation of the CHT Accord. The CHTAM remains non-functional. <b>(Implemented)</b>









# Annex-2



## **TRANSLATED ENGLISH VERSION OF AGREEMENT BETWEEN THE NATIONAL COMMITTEE ON CHITAGONG HILL TRACTS CONSTITUTED BY THE GOVERNMENT AND THE PARBATYA CHATTAGRAM JANA SAMHATI SAMITI**

Reposing full and unwavering allegiance in the State-sovereignty and territorial integrity of Bangladesh regarding its hill tracts region within the ambit of the Constitution of the People's Republic of Bangladesh, the National Committee on Chittagong Hill Tracts on behalf of the Government of the People's Republic of Bangladesh and the Parbatya Chattagram Jana Samhati Samiti on behalf of the inhabitants of the Chittagong Hill Tracts region have reached the following Agreement, comprised of four Parts (A, B, C, D), with a view to upholding the political, social, cultural, educational and economic rights of all the citizens of the Chittagong Hill Tracts region and expediting their socio-economic development process and preserving and developing the respective rights of all the citizens of Bangladesh:

### **(A) GENERAL:**

1. Both the parties, having considered the Chittagong Hill Tracts region as a tribe-inhabited region, recognized the need of preserving the characteristics of this region and attaining the overall development thereof.
2. Both the parties have agreed to make alter, amend and add to, in consonance with the consensus and responsibilities expressed in the different section of this Agreement, the relevant laws, regulations and practices according to law as early as possible.
3. In order to monitor the process of implementation of this Agreement, an Implementation Committee will be formed with the following members:
  - a) A member to be nominated by the Prime Minister: Convenor
  - b) The Chairman of the Task Force formed with the purview of this agreement: Member
  - c) The President of the Parbatya Chattagram Jana Samhati Samiti: Member
4. The Agreement shall come into force from the date of its signing and execution by both the parties. This Agreement shall remain valid from the date of its effect until all the steps are executed as per this Agreement.

**(B) HILL DISTRICT LOCAL GOVERNMENT COUNCIL/HILL DISTRICT COUNCIL:**

Both the parties have agreed to alter, amend, add to and repeal the Parbatya Zilla Sthanio Sarkar Parishad Ayin, 1989 (Rangamati Parbatya Zilla Sthanio Sarkar Parishad Ayin, 1989, Bandarban Parbatya Zilla Sthanio Sarkar Parishad Ayin, 1989 and Khagrachari Parbatya Zilla Sthanio Sarkar Parishad Ayin, 1989) and its various sections, as may be in force till the date of commencement of this Agreement, in the manner set forth here under:

1. The word "Tribe" used in the various sections of the Council Act shall remain in tact.
2. The name of "Parbatya Zilla Sthanio Sarkar Parishad" shall be amended and this Council shall be re-named as "Parbatya Zilla Parishad".
3. "Non-tribal Permanent Resident" shall mean a person who is not a tribal and who has lands of lawful entitlement in the hill districts and who generally lives in the hill districts at a specific address.
4. a) There shall be 3 (three) seats for women in every Hill District Council. One third (1/3) third (1/3) of these seats shall be for the non-tribals.  
b) Sub-section 1, 2, 3 and 4 of section 4 shall remain in force as per the original Act.  
c) The words "Deputy Commissioner" and "Deputy Commissioner's" appearing in the second line of sub-section (5) of section 4 shall be substituted by the words "Circle Chief" and "Circle Chief's" respectively.  
d) The following sub-section shall be added to section 4: "Whether a person is a non-tribal or not and, if so, which community he is a member of, shall be determined, subject to his producing a certificate from the concerned Mouza Headman/Union Council Chairman/Municipality Chairman, by the concerned Circle Chief and without a certificate in this connection being received from the Circle Chief, no person shall be eligible as a non-tribal to be candidate for the post of a non-tribal member".
5. It is provided in Section 7 that a person elected to the post of Chairman or Member shall, before assumption of office, swear or affirm oath before the Commissioner, Chittagong Division. This shall be amended by provisions to the effect that the Members shall swear or affirm oath before "a Judge of the High Court Division" instead of the "Commissioner, Chittagong Division".
6. The words "to the Commissioner, Chittagong Division" appearing in the fourth line of section 8 shall be substituted by the words "as per election rules".
7. The words "three years" in the second line of Section 10 shall be substituted by the words "five years".
8. It shall be provided in Section 14 that in the event of the post of Chairman falling vacant for any cause or of his absence, a tribal member elected by other members of the Council shall preside over and discharge other responsibilities.
9. The existing Section 17 shall be substituted by the following sentences: "A person shall be entitled to be considered as legally eligible for enlistment in the Voters' List if he is (1) a citizen of Bangladesh, (2) not below 18 years of age, (3) not declared by any competent court to be of unsoundly mind, (4) a permanent resident of the hill district.

10. The words "delimitation of constituencies" appearing in sub-section 2 of Section 20 shall be distinctly incorporated.
11. There shall be a provision in sub-section 2 of Section 25 to the effect that the Chairman and in his absence, a tribal Member elected by the other Members shall preside over all the meetings of the Council.
12. Since the entire area of Khagrachari district is not encompassed by the Mong Circle, the words "Khagrachari Mong Chief" appearing in Section 26 of the Act regarding Khagrachari Hill District Council shall be substituted by the words "Mong Circle Chief and Chakma Circle Chief". Similarly, there shall be made a scope for the attendance of the Bohmang Chief in the meetings of Rangamati Hill District Council. In the same manner there shall be provision that the Bohmang Circle Chief, at his will or on being invited, shall be entitled to attend the meetings of Bandarban Hill District Council.
13. It shall be provided in sub-section (1) and (2) of Section 31 that a Chief Executive Officer of the rank of a Deputy Secretary to the government shall be the Secretary of the Council and the tribal officers shall be given preference for appointment to this post.
14. a) There shall be provision in sub-section (1) of Section 32 that the Council shall be competent, subject to approval by the government, to create posts of officers and employees of different categories for the purpose of smooth completion of the works of the Council.  
  
b) Sub-section (2) of the Section 32 shall be formulated in the following manner "The Council shall, as per Regulations, have competence to appoint Class-III and Class-IV employees and to transfer, suspend, dismiss, remove or otherwise punish them.  
  
Provided that it shall be the condition attached to such appointments that the tribal residents of the district concerned shall have right of preference".  
  
c) It shall be provided in sub-section (3) of Section 32 that the Government shall, as per Regulations, have the authority to appoint officers in consultation with the Council and to transfer elsewhere, suspend, dismiss, remove or otherwise punish them.
15. The Words as per Rules shall be inserted in sub-section (3) of Section 33.
16. The words "or in any other way determined by the Government" appearing in the third line of sub-section (1) of Section 36 shall be deleted.
17. a) The provision starting with "Fourthly" in sub-section (1) of Section 37 of the original Act shall remain in tact.  
  
b) The pharae "as per as" shall inserted in clause 'D' of sub-section (2) of Section 37.
18. Sub-section (3) of Section 38 shall be deleted and sub-section (4) shall be formulated as follows: "At any time before the expiry of a financial year, a budget may be prepared and approved, if necessary, for that financial year".

19. The following sub-section shall be added to section 42: "(4) The Council shall be competent to prepare, undertake and implement, with the help of money receivable from the Government, development projects in respect of the matters transferred to it and all development programs at national level shall be implemented through the Council by the concerned Ministry / Department / Institution".
20. The word "Government" appearing in the second line of sub-section (2) of Section 45 shall be substituted by the word "Council".
21. Sections 50, 51 and 52 shall be repealed and in their stead the following Section shall be enacted: "In order to ensure harmonization of the activities of the Council advice or instructive orders, if necessary, if the Government be convinced on having received such evidence that any activity done or proposed to be done by or on behalf of the Council is inconsistent with law or contrary to public interest, it shall then have the authority to call for in writing from the Council information and explanation about the matter concerned and give advice or directive in that regard.
22. The words "after the expiry of the period of being defunct" in Sub-section (3) of Section 53, shall be deleted and instead thereof the words "Within 90 days of cancellation of the Council" shall be inserted before the words "this Act".
23. The word "Government" will be replaced by word "Ministry" in the third and fourth lines of Section 61.
24. a) Sub-section (1) of Section 62 shall be amended as follows: "Notwithstanding anything contained in any other law for the time being in force, Sub-Inspectors and all members of ranks subordinate thereto of the Hill District Police shall be appointed by the Council as per Regulations and prescribed procedure and the Council shall be competent to transfer them and take punitive action against them in accordance with the procedure prescribed by the Regulations;  
  
Provided that, the tribals of the district shall have preference in case of the said appointment.
- b) The words "subject to the provisions of all other laws for the time being in force" as appear in the second line of sub-section (3) of Section 62 shall repealed and substituted by the words "as per law and rules".
25. The words "to render assistance" in the third line of Section 63 shall remain in tact.
26. Section 64 shall be amended and enacted as follows:
  - a) "Notwithstanding anything contained in any other law for the time being in force, no land and premises, including the leasable Khas lands, within the territorial limits of the Hill Districts shall be transferable by Ijara, settlement, purchase or sale except with the prior permission of the Council; Provided that this provision shall not be applicable in respect of the area of Reserved Forest, Kaptai Hydro-electric Project, Betbunia Satellite Station, State-owned in the industries and factories and the lands recorded in the name of the Government".
  - b) "Notwithstanding anything contained in any other law for the time being in force, No land, hill or forest under the controlled and within the jurisdiction of the Council shall be acquired or transferred by the Government without consultation with or the consent of the Council.

- c) The Council may supervise and control the works of the Headmen, Chainmen, Amins, Surveyors, Kanungos and Assistant Commissioner (land).
  - d) The reclaimed fringe lands of Kaptai Lake shall be leased out on priority basis to the original owners.
27. Section 65 shall be amended and formulated as follows: "Notwithstanding anything contained in any other law for the time being in force, the responsibility of collecting the Land Development Tax of the district shall rest in the hands of the Council and the collected tax of the district shall be deposited in the fund of the Council."
28. Section 67 shall be amended and formulated as follows: "in the event of necessity for harmonization of the works of the Council and the Governmental authorities, the Government or the Council shall raise proposals on specific subject and the harmonization of the works shall be effected through mutual communications between the Government and Council".
29. Sub-section (1) of Section 68 shall be amended and formulated as follows: "With a view to carrying out the purposes of this Act, the Government may, upon consultation with the Council, make Rules through Notification in the Government official Gazette and the Council shall have a rights to apply to the Government for review of the said Rules even after they are already made".
30. a) The words "with prior approval of the Government" in the first and second lines of Sub-section (1) of Section 69 shall be repealed and after the words "may make" in the third line the following proviso shall be added: "Provided that if the Government does not agree with any part of the Regulations made, it shall be competent to give advice or directive to the Council towards amendments of the said regulations".
- b) The words "conferment of the powers of the Chairman on any officer of the Council" in clause (h) of sub-section (2) of Section 69 shall be deleted.
31. Section 70 shall be deleted.
32. Section 79 shall be amended and formulated as follows:
- "If, in the opinion of the council, any law made by the National Parliament or any other authority as applicable to the hill district is one which creates hardship for the said district or is objectionable for the tribals, the Council may, upon stating the cause of hardship or abjection, apply to the Government in writing for amending or relaxing the application of such law and the Government may take remedial measures in accordance with such application".
33. a) The word "discipline" appearing in Item No. 1 under the heading the activities of the Council in the First Schedule shall be substituted by the word "supervision".
- b) In Item No. 3 of the Council's activities, the following shall be added: "(1) Vocational education, (2) Primary education through mother tongue, (3) Secondary education".
- c) The words "reserved or" appearing in Clause 6(b) of the Council's activities shall be deleted.

34. The following subjects shall be included in the functions and the responsibilities of the Hill District Council:
- a) Land and land management;
  - b) Police (local);
  - c) Tribal law and social justice;
  - d) Youth welfare;
  - e) Environmental protection and development;
  - f) Local tourism;
  - g) Improvement Trust and other institutions concerning local administration, other than Municipality and Union Council;
  - h) Issuing license for local commerce and industries;
  - i) Proper utilization of rivers and streams, canals and Beels and irrigation system other than water resources of the Kaptai Lake;
  - j) Maintaining of the statistics of birth and deaths;
  - k) Wholesale business;
  - l) Jum cultivation.
35. The following items shall be added to the subjects for imposition of taxes, rates, tolls and fees by the Council as stated in the Second Schedule:
- a) Registration fees of non-mechanical transports;
  - b) Tax on buying and selling of commodities;
  - c) Holding tax on lands and buildings;
  - d) Tax on selling of domestic animals;
  - e) Fees for community adjudication;
  - f) Holding tax on Government and Non-government industries;
  - g) A specified part of the royalty on forest resources;
  - h) Supplementary Tax on Cinema, Jatra and Circus;
  - i) Part of the royalty received by the Government against granting Licenses or Pattas for the exploitation of mineral resources;
  - j) Tax on business;
  - k) Tax on lottery;
  - l) Tax on catching Fish.



**(C) CHIITAGONG HILL TRACTS REGIONAL COUNCIL:**

1. Subject to amendment and addition of the various sections in the Parbatya Zilla Sthanio Sarkar Parishad Ayin, 1989 (Act IXX, XX and XXI of 1989) for purpose of making the Hill District Council more powerful and effective, a Regional Council will be formed comprising the Local Government Councils of three Hill Districts.
2. The elected Members of the Hill District Councils shall, by indirect mode, elect the Chairman of this Council whose status shall be equivalent to that of a State Minister and who shall be a tribal.
3. The Council shall consist of 22 (twenty-two) Members including the Chairman. Two third of the Members shall be elected from amongst the tribals. The Council shall determine the modality of its functioning. The constitution of the Council shall be as follows:

Chairman	1 person
Member	12 persons
Member (tribal female)	2 persons
Member	6 persons
Member (non-tribal female)	1 person

Of the male tribal Members, 5 shall be elected from the Chakma tribe, 3 from the Marma tribe, 2 from Tripura tribe, 1 from the Murung and Tanchangya tribes and 1 person from amongst the Lusai, Bowm, Pankho, Khumi, Chak and Khiang tribes.

Of the male non-tribal Members, 2 persons shall be elected from each district.

Of the female tribal Members, 1 person shall be elected from the Chakma tribe and another from the rest of the tribes.

4. There shall be reserved 3 (three) seats for the women in the Council and one third (1/3) thereof shall be for the non-tribals.
5. The Members of the Council shall, by indirect mode, be elected by the elected Members of the three Hill District Councils. The Chairman of the three hill districts shall be ex-officio Members of the Council and they shall have right to vote. The qualification and disqualification of candidature for membership of the Council shall be similar to those of the Members of the Hill District Councils.
6. The tenure of office of the Council shall be 5 (five) years. The procedure and other matters regarding the preparation and approval of the budget of the Council, dissolution of the Council, framing of the Rules of the Council, appointment and control of the officers and employees, etc. shall be similar to the procedure and other matters as are applicable to the Hill District Councils.
7. There shall be the Council, a Chief Executive Officer of the rank equivalent to that of a Joint Secretary to the Government and the tribal candidate shall be given preference for appointment to this post.
8. a) If the post of Chairman of the Council falls vacant, one person from amongst the other tribal members shall be, by indirect mode, elected Chairman for the interim period by the Members of the three Hill District Councils.

- b) If the post of a Member of the Council falls vacant for any reason, it shall be filled up by by-election.
9. a) The Council shall coordinate all the development activities carried out by the three Hill District Councils, and shall also superintend and harmonize all the affairs of and assigned to the three Hill District Councils. Besides, in the event of lack of harmony or any inconsistency being found in the discharge of responsibilities given to the three Hill District Councils, the decision of the Regional Council shall be final.
- b) This Council shall coordinate and supervise the Local Council, including the municipalities.
  - c) The Regional Council shall coordinate and supervise the three hill districts in matters of general administration, law and order and development.
  - d) The Council shall coordinate the activities of the NGOs in addition to disaster management and carrying out the relief programs.
  - e) Tribal law and community adjudication shall be within the jurisdiction of the Regional Council.
  - f) The Council shall be competent to grant License for heavy industries.
10. The Chittagong Hill Tracts Development Board shall discharge the assigned duties under the general and overall supervision of the Council. The Government shall give preference to the eligible tribal candidates in appointing the Chairman of the Development Board.
11. The Chittagong Hill Tracts Regulation of 1900 and other related Acts, Rules and Ordinances being found inconsistent with the Local Government Council Acts of 1989, it shall be removed by law as per advice and recommendations of the Regional Council.
12. Until the formation of the Regional Council through direct and indirect election, the Government shall be competent to constitute an interim Regional Council and to empower it to discharge the responsibilities of assignable to the Council.
13. In making any law in connection with Chittagong Hill Tracts, the Government shall enact such law in consultation with and as per advice of the Regional Council. If it becomes necessary to amend any law which bears an adverse effect on the development of the three hill districts and welfare of the tribal people or to enact new law, the Council shall be competent to apply or submit recommendations to the Government.
14. The sources of the Council Fund shall be as follows:
- a) Money received from the District Council Fund;
  - b) Money or profits received from all the properties vested in or managed by the Council;
  - c) Loans and grants from the Government and other authorities;
  - d) Grants given by any institution or person;
  - e) Profits earned from the investments of the Council Fund;
  - f) Any money received by the Council;
  - g) Money received from other sources provided to the Council as per direction of the Government.

**(D) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS:**

In order to restore normalcy in the Chittagong Hill Tracts region and, to that end, in respect of the works and matters of rehabilitation, general amnesty and allied issues, both the parties have been arrived at the following consensus and agreed to undertake programs as follows:

1. With a view to bringing the tribal refugees staying in the Tripura State of India back to the country, an agreement was signed on the 9th day of March, '97 at Agartala of Tripura State between the Government and the Leaders of tribal refugees. In pursuance of that Agreement, the tribal refugees started coming back to the country since 28th day of March, '97. This process shall remain un-hindered and to that end all possible cooperation shall be given from the end of the Jana Samhati Samiti. After ascertaining the identity of the Internally Displaced Persons of the three hill districts, rehabilitation measures shall be undertaken through a Task Force.
2. After the signing the Agreement between the Government and the Jana Samhati Samiti and implementation thereof and rehabilitation of the tribal refugees and internally displaced tribals, the Government shall, as soon as possible, commence, in consultation with the Regional Council to the constituted under this Agreement, the Land Survey in Chittagong Hill Tracts and finally determine the land-ownership of the tribal people through settling the land-disputes on proper verification and shall record theirs land and ensure their rights thereto.
3. In order to ensure the land-ownership of tribal families having no land or lands below 2 (two) acres, the Government shall, subject to availability of land in the locality, ensure settling 2 (two) acres of land per family. In the event of non-availability of required land, grove-lands shall be tapped.
4. A Commission (Land Commission) shall be constituted under the leadership of a retired Justice for settlement of disputes regarding lands and premises. This Commission shall, in addition to early disposal of land disputes of the rehabilitated refugees, have full authority to annul the rights of ownership of those hills and lands which have been illegally settled and in respect of which illegal dispossession has taken place. No appeal shall be maintainable against the judgment of this Commission and the decision of this Commission shall be deemed to be final. This provision shall be applicable in case of Fringe-lands.
5. This Commission shall be constituted with the following Members:
  - a) Retired Justice;
  - b) Circle Chief (concerned)
  - c) Chairman/Representative of the Regional Council;
  - d) Divisional Commissioner/Additional Commissioner;
  - e) Chairman of the District Council (concerned).
6. a) The tenure of office of the Commission shall be three years. But its tenure shall be extendible in consultation with the Regional Council.  
  
b) The Commission shall resolve the disputes in consonance with the law, custom and practice in force in the Chittagong Hill Tracts.

7. The loans which were taken by the tribal refugees from Government agencies, but could not be properly utilized on account of the state of belligerency, shall be remitted along with interest.
8. Land allocation for rubber and other plantation: Out of the lands allotted to non-tribal and non-local persons for rubber and other plantations, the lease (allocation) in respect of the lands of those who did not undertake any project during the last ten years or did not properly utilize the lands shall be cancelled.
9. The Government shall allocate additional finance on priority basis for the implementation of increased number of projects towards developments in the Chittagong Hill Tracts. The Government shall implement new Project on priority basis for the construction of required infrastructure for the development of the region and shall allocate necessary finance to this end. Keeping in view the environment of this region, the Government shall encourage the development of tourism facilities for the tourists, indigenous and foreign.
10. Quota reservation and stipend grant: The Government shall maintain the quota system for the tribals in respect of government service and in institutions for higher studies until their attainment of parity with other regions of the country. To the aforesaid end, the Government shall grant increased number of stipends for the tribal male and female students in the educational institutions. The Government shall provide necessary scholarships for higher education and research in foreign countries.
11. The Government and the Elected Representatives shall strive to uphold the characteristics of tribal creed and culture. The Government shall patronize and help the cultural activities of the tribes towards their efflorescence at national level.
12. The Jana Samhati Samiti shall, within 45 (forty five) days of the signing of this Agreement, submit lists of all its members to the Government including the armed ones, and the particulars of arms and ammunitions in its possession and within its control.
13. The Government and the Jana Samhati Samiti shall, within 45 (forty-five) days of the signing of this Agreement, jointly determine the date, time and place for deposit of arms. After the determination of the date and place for deposit of arms and ammunitions of the listed members of Jana Samhati Samiti, all sorts of security shall be provided for the return of the members of Jana Samhati Samiti as per list also of their family members to normal life.
14. The Government shall declare amnesty for those members who will deposit arms and ammunitions on the scheduled date. The Government shall withdraw all those cases which were lodged against them.
15. In the event of any person's failing to deposit arms within the specified time limit, the Government shall take legal action against such a person.
16. A general amnesty shall be given to all the members of the Jana Samhati Samiti after their return to normal life and a general amnesty shall also be given to all the permanent inhabitants connected with the activities of the Jana Samhati Samiti.
  - a) For the purpose of rehabilitating the returning members of the Jana Samhati Samiti, Taka 50,000/00 per family shall be given at a time.

- b) After deposit of arms and return to normal life of all such members, including the armed ones, of the Jana Samhati Samiti against whom cases were filed, warrants of arrest were issued, 'hulias' were published or sentence was given on trial in absentia, as against them all cases shall be withdrawn, warrants of arrest and 'hulias' shall be called back and sentence given in absentia shall be remitted as early as possible. If any member of the Jana Samhati Samiti is in Jail, he too shall be set at liberty.
  - c) Similarly, after deposit of arms and return to normal life, no case shall be filed against or punishment be given to or arrest be made of any person merely on account of his/her being a member of the Jana Samhati Samiti.
  - d) The loans which were taken by such members of the Jana Samhati Samiti from Government Banks and Establishments, who could not have utilized such loan properly on account of the state of belligerency, shall be remitted with interest.
  - e) Those of the returned members of the Jana Samhati Samiti, who were previously in the service of the Government or of government organizations, shall be reinstated to their respective posts and the members of the Jana Samhati Samiti and members of their families shall be given employment in accordance with their qualification. In this respect, government policy regarding relaxation of age-bar for them shall be followed.
  - f) Priority shall be given to the members of the Jana Samhati Samiti in giving bank loans on simple terms with a view to helping their self-employment generating activities such as cottage industries, horticulture, etc.
  - g) Education facilities shall be provided to the children of the members of the Jana Samhati Samiti and their certificates obtained from foreign Boards academic Institutions shall be treated as valid.
17. a) After the signing and execution of the Agreement between the Government and the Jana Samhati Samiti and immediately after return of the members of Jana Samhati Samiti to normal life, all the temporary camps of the army, the Ansars and the Village Defence Party (VDP), excepting the Border Security Force (BDR) and permanent army establishment (being those three at the three district headquarters and those at Alikadam, Ruma and Dighinala), shall be taken back by phases from Chittagong Hill Tracts to permanent cantonments and the time-limit shall be fixed for its purpose. In case of deterioration of the law and order situation, in time of normal calamities and for similar other purposes, Army Forces may be deployed under the authority of the civil administration in adherence to Law and Rules as are applicable to all the other parts of the country. In this respect, the Regional Council may, in order to get the required or timely help make requests to the appropriate authority.
- b) The lands and premises abandoned by the cantonments, the camps of the military and para-military forces shall be make over to their real owners or to the Hill District Councils.
18. Against all the posts of officers of all ranks and employees of different classes in government, semi-government, local government and autonomous bodies of the Chittagong Hill Tracts, the permanent dwellers of the Chittagong Hill Tracts shall be appointed, subject to priority being given to the tribals. But, in case of non-availability of a qualified person among the permanent dwellers of Chittagong Hill Tracts for any post, appointment may be made to such post on deputation from the Government or for a definite period.

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19. A ministry on Chittagong Hill Tracts shall be established on appointing a Minister from among the tribals. The following Advisory Committee shall be constituted to lend support to this Ministry:

- 1) The Minister on Chittagong Hill Tracts;
- 2) The Chairman/Representative, Regional Council;
- 3) The Chairman/Representative, Rangamati Hill District Council;
- 4) The Chairman/Representative, Khagrachari Hill District Council;
- 5) The Chairman/Representative, Bandarban Hill District Council;
- 6) The Member of the Parliament, Rangamati;
- 7) The Member of the Parliament, Khagrachari;
- 8) The Member of the Parliament, Bandarban;
- 9) The Chakma Raja
- 10) The Bohmang Raja
- 11) The Mong Raja
- 12) Three non-tribal Members nominated by the Government from amongst the permanent residents of the three hill districts.

This Agreement is prepared in the aforesaid manner in Bengali language and executed and signed in Dhaka on Agrahayan 18, 1404 corresponding to December 2, 1997.

On Behalf of the Government of the People's  
Republic of Bangladesh

Sd/Illegible  
(Abul Hasanat Abdullah)  
Convenor

National Committee on Chittagong Hill Tracts,  
Government of Bangladesh

On Behalf of the inhabitants of  
Chittagong Hill Tracts

Sd/Illegible  
(Jyotirindra Bodhipriya Larma)  
President

Parbatya Chattagram Jana Samhati Samiti



### Annex-3:

#### **Facts about CHT, Bangladesh:**

Indigenous Jumma Population of CHT: 845,541 (Census 2011)

Total Population of Bangladesh: 164,700,000

#### **Timeline:**

1860: British Annexation of the CHT (100 years after the annexation of Bengal in 1760)

1900: British enacted the CHT Regulation, 1900 and declared the region as an "Excluded Area". The Regulation functioned as a safeguard for the Jumma peoples and prohibited the land ownership and migrations of non-indigenous peoples into CHT.

1919: Government of India Act of 1919 recognised CHT as 'Excluded Area'.

1935: Government of India Act of 1935 retained CHT as 'Excluded Area'.

1947: British decolonization and creation of East Pakistan (present Bangladesh including the CHT)

1956: First Constitution of Pakistan retained CHT as 'Excluded Area'.

1962: Second Constitution of Pakistan replaced Excluded Area Status with "Tribal Area"

1971: Independence of Bangladesh from Pakistan

1972: Constitution of Bangladesh adopted and no provision for the CHT and its Jumma people included in the Constitution.

1973-1990: About 115,000 Bangladesh military personnel were deployed in the CHT; over 500 military camps were established; 1 military personnel to every 5-6 indigenous persons.

1979-1985: 400,000 Bengali settlers were transmigrated in the CHT by the government. By 1991 Bengali population in the CHT jumped to nearly 50% (from only 20% in 1974).

1997: PCJSS and the Bangladesh government signed the Chittagong Hill Tracts Accord (CHT Accord) which recognises the CHT as a tribal inhabited region and its special governance system. The Accord also provides for the strengthening of local autonomy, resolution of land disputes and dismantling of all temporary camps.

2011: UN Special Rapporteur reports failure of full implementation of the CHT Accord, and notes concern about stationing of one third of the Bangladesh military in the CHT.



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Parbatya Chattagram Jana Samhati Samiti (PCJSS)  
Central Office, Kalyanpur, Rangamati-4500  
Chittagong Hill Tracts, Bangladesh  
Tel: +88-0351-61248  
E-mail: pcjss.org@gmail.com, pcjss.cht@hotmail.com  
Website: www.pcjss-cht.org