

# A Brief Report On Implementation of the CHT Accord

Signed in 1997 between  
The Government of Bangladesh and the PCJSS



**Parbatya Chattagram Jana Samhati Samiti**

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(submitted to Sheikh Hasina, Honourable Prime Minister of Government of the People's Republic of Bangladesh by Jyotirindra Bodhipriya Larma, President of Parbatya Chattagram Jana Samhati Samiti and Chairman of CHT Regional Council on 1 April 2015)

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CHT Accord of 1997

## **GLOSSARY**

BNP	Bangladesh Nationalist Party
CHT	Chittagong Hill Tracts
CHTDB	Chittagong Hill Tracts Development Board
CHTJRW	CHT Returnee Jumma Refugees Welfare Association
CHTRC	Chittagong Hill Tracts Regional Council
DC	Deputy Commissioner
GoB	Government of Bangladesh
HDC	Hill District Council
HDLGC	Hill District Local Government Council
IDPs	Internally Displaced Persons
IPs	Indigenous Peoples
LGRD	Local Government and Rural Development
MoCHTA	Ministry of CHT Affairs
MP	Member of Parliament
NGO	Non-Government Organisation
PRC	Permanent Resident Certificate
SP	Superintendent of Police
PCJSS	Parbatya Chattagram Jana Samhati Samiti
UNO	Upazila Nirbahi Officer

## Preface

The CHT Accord of 1997 signed between Government of Bangladesh and Parbatya Chattagram Jana Samhati Samiti (PCJSS) is poised to step into its 18 years of existence since its signing. The Government keeps on claiming that 48 out of 72 provisions of the CHT Accord have been implemented. But as a matter of fact, the ground reality shows that only 25 provisions of the CHT Accord have been implemented as of now. While the core issues of the Accord relating to political and constitutional rights, economic and land rights, withdrawal of all temporary military camps including de facto military rule 'Operation Uttoron' and rehabilitation, have been left out from being addressed. Consequently, the special administrative system embodying the CHT Regional Council and the three Hill District Councils could not be evolved narrowing eventually the scope for mass peoples' participation in the administration system as well as the chances for political and peaceful solution to the CHT crisis. The government continues to maintain absolute indifference and is extremely passive as far as the implementation process of the Accord is concerned. In fact, the implementation process of the CHT

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 preperation 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

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

Instead of undertaking effective and visible initiative to implement the unimplemented issues of CHT Accord, the Government is now engaged in carrying out anti-Accord and anti-Jumma programs on the plea of implementing the CHT Accord. Despite tremendous opposition, the Government, by virtue of its sheer majority in the parliament, has amended the Hill District Council Act raising the number of the Interim Council from existing 5 to 15. This unilateral action, at the same time, has helped in turning the Hill District Councils into the den of anti-Accord activities and corruption.

To add to the woes, while the primary, secondary and college-level education is in doldrums, the rights and existence of the Jumma people is endangered, the political situation is unstable, and above all, the CHT Accord implementation process is brought to a complete halt, the government has taken 'die-hard' policy to advance its University of Science & Technology and Medical College projects in Rangamati, in spite of popular demand to postpone the project for the time being until a consultation process is initiated to assuage the apprehension of the local people. But defying popular demand for a dialogue, the authorities of these institutions have started taking classes under twenty four hours police and army protection. This is a step considered by the local people as an attempt to divert the implementation process of the CHT Accord to a different direction. The commencing of the academic programs of Rangamati University of Science & Technology and Medical College, ignoring strong popular demand, promises nothing gainful in future.

In order to thwart down the CHT Accord implementation process, the communal, fundamentalist and ultra-nationalist forces have intensified their



the country. While spreading communal venom, they are conducting communal attacks one after another on the Jumma people from time to time. In pursuance of this trend, at least 10 communal attacks were carried out including the one which saw Jumma students in Rangamati Government College assaulted on 17 October 2015 and the Jumma passengers aboard a motor launch, providing non-stop service, were attacked on 14 November 2015 at Gulsakhali under Longadu upazila of Rangamati. Tourism centers under the military ownership and control are being established in the mouza and Jum lands of the Jumma peoples disregarding the customary rights of the Jumma people. The Jumma people are getting evicted from their homesteads and lands owing to granting hundreds of acres lands in lease to outsiders coupled with the practice of declaring vast tracts as reserved forest by the forest department without following proper legal procedures. In such an incident, forcible occupation of lands took place very recently on 21 October 2015. Instead of taking legal measure against the land grabbers, police arrested the Karbari (village head) of Rupasi Puraton Para under Lama upazila in Bandarban district who protested against the land grabbing. Around 19 acres of recorded lands of two Jumma villagers of Poli Para under Naniarchar upazila has been forcibly occupied by the Bengali settlers with the support of army posted there. In recent days, there has been an attempt to construct 8 houses by Bengali settlers at Korolyachari of Kyangghat mouza under Mahalchari upazila in Khagrachari District.

Despite strong protest at home and abroad, the government has been implementing the anti-Accord and racist directives of the Ministry of Home Affairs that include imposing restrictions on foreigners' visit to the CHT and on talking with the Jumma people by the persons from foreign/national organizations without presence of persons from administration and BGB/army, transferring the Jumma police personnel to the plains from CHT and entrusting the overall responsibility of coordination of law & order upon 24 Infantry Division of Chittagong. In recent days, the army has intensified search operations, arrest, detention, political intimidation, etc. in the CHT. In August 2015, 8 PCJSS members in Bilaichari upazila were arrested by the Barthali army Camp Commander and severe physical torture was carried out on them while in detention. The army personnel at Ruma Zone arrested 7 innocent villagers including member of Barthali Union Council and Karbari (village head) upon calling them to the camp on the alleged abduction of three tourists on October 2015. They were severely tortured before they were sent to jail. Besides, in Kaptai upazila, one innocent Jumma was killed while another one sustained severe injuries caused by the Forest Department personnel.

Besides, suppression and oppression of the indigenous peoples and minority



grabbing their lands are on the increase throughout the country. Especially, in the recent times, the danger of violence on indigenous women and children has increased to an alarming state. A staggering figure of 55 incidents of violence against indigenous women and children has been attributed to a period beginning from January to November 2015. Altogether 69 indigenous women and children became victims of violence and abduction. Of them, 36 victims were from the CHT while 33 were from the plain land. There is an allegation of involvement of many powerful influential persons of ruling party in forcible grabbing of lands belonging to the indigenous and minority communities.

In pursuance of the PCJSS declaration made public through the Press Conference on the occasion of 17th anniversary of CHT Accord held in Dhaka on 29 November 2014, the Non-Cooperation Movement is going on, since 1 May 2015, aimed at advancing the Accord implementation process and resisting and resolving the government programs having negative impact on the Accord and the Jumma interest. In the meantime, programs such as mass demonstration, market boycott, black-flag procession, class boycott and strike in the educational institutions, student-youth assembly, symbolic hunger strike, office boycott, submission of memorandum, demonstration and protest rally in protest against commencing classes in the University of Science & Technology and Medical College, etc. have been successfully observed with spontaneous support and participation by the masses. Defying the popular sentiment, the government with its ultimate fascist role has been exhibiting passive attitude towards implementing the CHT Accord. Furthermore, the government has been abetting the conspiracy of ethnic cleansing by allowing implementation of anti-Accord and anti-Jumma programs.

The CHT crisis is both a national as well as a political problem. Hence, for the greatest interest of the country and nation, there is no alternative but to fully implement the CHT Accord. PCJSS calls upon the present grand alliance government to ensure speedy, proper and full implementation of the CHT Accord as well as declare a time-frame based work plan or roadmap aimed at proper implementation of the CHT Accord immediately. It should give priority to the issue of devolving all powers and functions to the CHT Regional Council and three Hill District Councils, withdrawal of all temporary camps including 'Operation Uttoron' that legitimises military domination over civil administration, resolution of land disputes by amending the CHT Land Dispute Resolution Commission Act, rehabilitation of Jumma refugees and IDPs and amendment of concerned laws and regulations including CHT

## **Part :One**

### **Statement on Unimplemented Issues of CHT Accord 1997**

Submitted to Sheikh Hasina, Honourable Prime Minister of Government of the People's Republic of Bangladesh by Jyotirindra Bodhipriya Larma, President of Parbatya Chattagram Jana Samhati Samiti (PCJSS) & Chairman of CHT Regional Council

**On 1 April 2015**

#### **Provisions of the CHT Accord**

Chittagong Hill Tracts (CHT) Accord was signed on 2 December 1997. There are 4 parts in the Accord. Under Part 'A', there are 4 Sections. As per Part 'B', amendment was brought to 35 Sections from among the 79 Sections of the Hill District Local Government Council Act and 44 Sections were retained as before. Under Part 'C' on Chittagong Hill Tracts Regional Council, there are 14 Sections and it is mentioned to the effect that the other Sections and Sub-Sections shall be incorporated following the Hill District Council Acts. Part 'D' contains General Amnesty, Rehabilitation and Other Matters and 19 Sections were incorporated in this part. Therefore, implementation of CHT Accord refers to implementation of the provisions included under Part 'A', provisions of Hill District Council (Amendment) Act 1989 including the concerned provisions incorporated as per Part 'B', the provisions of Chittagong Hill Tracts Regional Council Act 1998 formulated as per Part 'C' and implementation of the provisions incorporated in Part 'D' of the Accord.

#### **A. General**

##### **A.1: Preservation of Tribal-inhabited feature of CHT Region:**

"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."

In ensuring the provision of the Accord, the other provisions that have been incorporated are resolution of land disputes, establishment of special administrative system in CHT, rehabilitation of returnee refugees and internally displaced tribal families, determination of definition of non-tribal permanent residents, preparation of electoral roll with the permanent residents, etc. In context of demand placed by PCJSS, the Chief Whip Mr. Abul Hasnat Abdullah, Convener of National Committee on CHT Affairs time and again informed the PCJSS representatives that the settlers who had been rehabilitated in 1980s, as assured by the Prime Minister, would be relocated in the plain lands. But it was for some special reason that could not be mentioned in the accord. Referring to that assurance, Honorable Prime Minister reiterated the issue to the PCJSS representatives headed by PCJSS President soon after the occasion of signing the accord on 2 December 1997.

The statement pronounced by the government claiming that the issue of development and preservation of language and culture of the tribes, minor races, ethnic sects and communities has been ensured through inclusion in Article 23(a) under the 15th Amendment to the constitution is not appropriate.

In order to preserve the tribal pre-dominated characteristics of the region, on part of the government, it is urgent (1) to introduce a statutory measure to the constitution stating that CHT is a region pre-dominated by multi-lingual hill/tribal people; (2) to incorporate the words 'or the hill people of Chittagong Hill Tracts' immediately after the words "in favour of women or children or the backward sections of citizens" in Article 28(4) of the constitution and (3) to adopt and implement a plan for rehabilitation of settlers settled in 1980s in the plain districts.

But however, no measure has yet been undertaken to that effect.

## **A.2: Enactment and amendment of various laws**

"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."

The three Hill District Council Acts and CHT Regional Council Act were formulated in 1998. The Chittagong Hill Tracts Land Dispute Resolution Commission Act 2001, was though formulated, several sections of the Act are contravening to the CHT Accord, which have not been amended as yet. For

Circulations, Allocation of Business of various ministries, etc.) and the special laws relating to Chittagong Hill Tracts (such as, Chittagong Hill Tracts Regulation 1900, etc.) is a must [**Annex-1: List of laws to be amended (in English)**].

### **A.3: CHT Accord Implementation Monitoring Committee**

According to the provision of the Accord, the Chittagong Hill Tracts Accord Implementation Monitoring Committee has been being formed so far. But this Committee does not have any office and manpower of its own. Consequently, there is no continuity in the process of accord implementation and there is no process to monitor the implementation of decisions adopted by the Committee.

Putting an end to the situation, in order to maintain continuity of the Accord implementation process and to expedite and making it proper, it is necessary to allot office, manpower and fund for the office and it is expedient to appoint a competent person to post of Convener of Accord Implementation Committee.

### **A.4: Duration of Validity of the Accord**

In 2000 and 2007 two cases were filed with the High Court division of Supreme Court against CHT Accord and the three Hill District Council Act(s) formulated thereunder. The verdict given by High Court on 13 April 2010 pronounced CHT Regional Council and some of the sections in Hill District Council Act to be contravening to the constitution.

It is a matter of urgency to take necessary step to direct the Ministry of CHT Affairs, Ministry of Law and Attorney General to settle the appealed case with the Supreme Court on CHT Accord, Hill District Council and CHT Regional Council.

## **B: Hill District Local Government Council/Hill District Council**

### **B.4(d): Issuance of Certificate to the non-tribal people**

"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

The said provision of the Accord has been duly incorporated in the new Sub-Section (5) under Section 4 of the Hill District Council Act. But the provision has never been implemented.

It is mentioned in the letter from Ministry of CHT Affairs to the Deputy Commissioners and Circle Chiefs of Chittagong Hill Tracts [letter no. PCBM (P-1) PJP/certificate/62/99-587 dated 21/12/2000] that "Alongside the Deputy Commissioners of Hill Districts, the Circle Chiefs, in need relating to job, shall also issue Permanent Resident Certificate within their respective jurisdiction." The directive given in the letter is contravening to the Hill District Council Act enacted in light of the CHT Accord [**Annex-2: Letter dated 21/12/2000 given by Ministry of CHT Affairs on issuance of Permanent Resident Certificate (in Bangla)**].

It is to be mentioned that the Deputy Commissioners of three hill districts have been issuing Permanent Resident Certificates to such individuals who are not permanent residents of hill districts. The certificates of the kind have been being used especially, in obtaining jobs, land settlements or in admission cases of educational institutions. At this, the permanent residents of both tribal and non-tribal people are being deprived from getting jobs and opportunities of receiving due facilities during admission in the educational institutions all along.

A threadbare discussion on putting an end to the process of obtaining the said certificates from the Deputy Commissioners by the non-resident and non-tribal individuals in CHT and from outside CHT, was held at Ministry of CHT Affairs Conference Hall under chair of Syeda Sajda Chowdhury, Convener of CHT Accord Implementation Committee on 26 December 2010 and it was resolved that issuance of certificate by the Deputy Commissioners shall be cancelled [**Annex-3: 26 December 2010 Minutes of CHT Accord Implementation Committee meeting (in Bangla)**].

The responsibility of taking initiative to execute the said decision of CHT Accord Implementation Committee falls upon the Ministry of CHT Affairs. But no initiative has been undertaken to execute the said decision as yet.

It is to be mentioned that there is no provision relating to issuance of 'Permanent Resident Certificate to the non-tribal people' in CHT Regulation, 1900 and it is only the responsibility of granting citizenship certificate (v. granting domicile certificate) has been entrusted to the Deputy Commissioners in the Sub-directive No. 5 of Directive No. 11 (Licence and Certificates) under 'Charter of Duties of Deputy Commissioners' formulated by Cabinet Division in November 1983.

### **Section 9 of the HDCs Act: Privileges of the Chairman and the Members**

"The privileges of the Chairman and the Members shall be determined by regulation."

Privileges of the Chairman and the Members have been determined as per the regulation framed by the Hill District Councils. The Chairmen of Local Government Hill District Councils were awarded with status of a deputy minister by notification of Cabinet Division in 1989. The Chairmen enjoy facilities of having police guard, security personnel and hoisting flag in the vehicle, salary-allowances, etc. In later period, on formation of Interim HDCs, facilities of same kind continued for some time. These facilities began getting reduced by the Ministry of CHT Affairs from the tenure of four-party coalition government.

It is to be mentioned that the present HDC, though being an interim Council, has been entrusted with all responsibilities of discharging powers and functions of HDC. Hence, to awarding deputy minister status to the Chairmen of HDCs is statutory and logical. Similarly, it is of necessity to define status of members of the HDCs.

### **B9: Qualification of a voter and Voter List**

"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."

The provision of the Accord as aforesaid has been incorporated under Section 17 of the HDC Act. But this provision has not been made effective. It is worthy to be mentioned that the provision of permanent resident to become a voter is one of the provisions that have been incorporated to preserve the feature of CHT. Especially, the balance of population got changed due to transfer of almost 500,000 non-tribal people to CHT under government plan in 1980s. Hence, it has become indispensable to incorporate this provision in the Accord.

Ministry of CHT Affairs drafted Electoral Roll Rules 2000 for the three hill districts and Election Rules for the Chairman and the Members of Hill District Council in 2000. The CHT Regional Council submitted its recommendations

### **Functions of HDCs as stated under Section 22 of the main Act**

Under Section 22 of the Hill District Council (Amendment) Act 1989, it is mentioned, "22. The functions as set out in the First Schedule shall be the functions of the Council and it shall perform the functions consistent with the fund."

As per Section 22 of the Hill District Council Act, since the functions or subjects mentioned under Schedule-1 are the statutory functions of the HDC, the HDC can, by Section 69, frame up regulation and carry out the functions accordingly. So, there is no necessity of signing agreement afresh for transfer of the said functions to the HDCs.

On the other hand, the ministry concerned, can transfer the concerned functions or subjects (i.e. all activities under the concerned functions, concerned department or institution at district and Upazila levels, Officers and staff, salary-allowances, infrastructure, leaves, annual confidential report, etc.) by executive order.

Relevantly it is to be mentioned that the concerned ministry transferred altogether 7 functions/subjects to the HDC by Executive Order following Section 22 and Section 69 of the HDC Act [**Annex-4: Transfer of 4 subjects through executive order dated 14-08-2014 (in Bangla)**]

The other 12 functions/subjects, instead of following Section 22 and Section 69, but only following Section-23(b), which is applicable to special cases, and by order or through signing agreement, various ministries have transferred the functions to HDCs. None of the functions or subjects transferred by the said way has been transferred to their fullest. It is only few functions, partial offices or institutions, officers and employees, salary allowances, etc. have been transferred to the HDCs as per whims and wishes of the ministry concerned. For instance, few functions of primary education and offices at district level, officers and employees and salary-allowances have been transferred to HDCs. But the offices, officers & employees and salary-allowances at Upazila level have not yet been transferred to HDCs. More to be mentioned that the functions of local tourism, have though been transferred to HDCs, no existing offices or institution and officers & employees, salary-allowances, etc. have been transferred. It is only the function of establishing tourism centers at own expense of the HDCs been transferred. The existing offices or institution i.e. Bangladesh Tourism Corporation or the tourism centers under control of other authorities have not been transferred to the three HDCs.



transferred to the three HDCs having signed agreement with the HDCs. From among the said 12 functions under which included 24 offices and institutions to Rangamati and Khagrachari HDCs each and 22 offices and institutions to Bandarban HDC, have been transferred [**Annex-5: List of transferred functions and subjects (in English)**].

On the other hand, 16 functions, out of 33, have not yet been transferred and various works, offices and institutions, officers-employees, infrastructure, salary-allowances, etc. have not been transferred [**Annex-6: List of functions or subjects not transferred (in English)**]

It is to be mentioned that it is stated in the said Section 23: "Notwithstanding anything contained in this Act or any other law for the time being in force, the Government may, with the consent of the council, direct that-

- (a) any institution or service maintained by the Council shall be transferred to the management and control of the Government; and
- (b) any institution or service maintained by the Government shall be transferred to the management and control of the Council."

The provision is in its clarity that the government shall give order for transfer only certain institution or function led by HDCs under government management & control and the certain government-led institution or function under management and control of HDCs. It means that this special provision can be applicable only to transfer the works or institutions already transferred to HDCs and managed by the HDCs or to transfer the works or institutions managed by the government. This, however, cannot be applicable to the functions or subjects detailed under Schedule-1.

In context of the provisions mentioned herein above, it is of jurisprudence that in lieu of following Section 23 of the Act, to transfer functions of the HDCs through executive order as per Section 22 of the Act. In this context, on part of CHT Regional Council, a letter on giving directives to transfer the functions of HDCs through executive order by the concerned ministry was sent to the Honorable Prime Minister on 19-11-2012. [**Annex-7: Letter of dated 18-11-2012 sent to the Prime Minister from the CHT Regional Council (in Bangla)**]

#### **B.14: Appointment of Officers and Employees of the Council**

"(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

(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."

The provisions of the Accord have been incorporated under Sub-Sections (1), (2), (3), and (4) of Section 32.

But the HDCs, as per their advantages or whims and wishes, have been giving appointment to the 3rd and 4th class employees by the appointment committee so formed. In some cases, without following provisions of the HDC Act, the HDCs have been giving appointment to the 3rd and 4th class employees as per the general quota-based policy existent in the country. Besides, the non-resident and non-tribal individuals gain employment in the HDCs on the basis of certificates granted by the Deputy Commissioners based on the certificates from Union Parishad Chairman or Municipality Chairman. As a result, the permanent residents are being deprived from their due rights.

In the posts of the council i.e. for the posts of 1st and 2nd class officers, in most cases, the government appoints the non-residents and non-tribal officers in lieu.

As a result, the provision, for the objective of which has been incorporated, could not be implemented properly.

#### **B19: Development Planning**

The provision stated in Section 19 has been incorporated in Sub-Section 4 under Section 42 as under: "all development programs undertaken at national level on transferred subjects shall be implemented through the HDC by the concerned Ministry/ Department/ Institution."

This provision has not yet been implemented.

#### **Section 44 under the main Act: Tax and other income sources of the government**

"The Council may, with the prior approval of the Government, levy all any other taxes, rates, tolls fees mentioned in the second schedule in accordance with procedure laid down by regulations and may collect its share of royalties from other government sources as specified in the said schedule."

## **B.24 and 25: District Police**

The provisions made under Section-24 and 25 of Part-B have been properly replaced under Sections-62 and 63 of HDC Act in the following manner respectively:

**62. District Police:** (1) Notwithstanding anything contained in any Act for the time being in force, all members of the rank of Sub-Inspector and below thereof of Rangamati Hill District Police shall be appointed by the Council in a manner laid down by regulations and the Council may transfer and take disciplinary action against them as per procedure laid down by regulations:

Provided that with regard to such appointment the preference shall be given to the tribal candidates of Rangamti Hill District.

(2) The terms and conditions of service of all the officers and members of the District Police, appointed by the Council, and their training, uniform, duties, responsibilities and administration shall be the same as those of the other District Police, and all the laws relating to these matter as applicable to the district police shall, subject to provisions of sub-section (1) be applicable to them as well.

(3) The officers and members of all ranks of the Rangamati Hill District Police shall, subject to provisions of all other relevant laws with necessary additions, be responsible to the Council in the matter of discharging their duties and responsibilities.

**63. Responsibilities of the Police:** It shall be the responsibility of all Police Officers to bring the incidence of any crime within Rangamati Hill District to the notice of the Chairman of the Council and to assist the Chairman of the Council and its officers in the exercise of lawful authority.

The said provisions have not yet been implemented. It is to be mentioned that the subject Police has been transferred to the HDCs by Home Ministry through an executive order on 12-07-1989 [**Annex-8: executive order of transfer of district Police subject (in Bangla)**].

Formation of district Police Force is indispensable to secure safety of life and property of inhabitants of CHT, especially, the hill people and to preserve the tribal-pre-dominated feature of CHT region.

## **B.26: Special Provision relating to Land**

**"64. Restriction on land transfer:** (1) Notwithstanding anything contained in any law for the time being in force- (a) no land including the khasland

shall be leased out, settled with, purchased, sold out or transferred otherwise with the prior approval of the Council;

Provided that, this provision shall not be applicable in case of Reserved forests, Kaptai Hydroelectricity Project area, Betbunia Earth Satellite Station, state-owned industries land recorded with the Government.

(b) No land, hills and forests under the control and jurisdiction of the Council shall be acquired or transferred without consultation and consent of the Council.

(2) The Council shall supervise and control the functions of Headmen, Chainmen, Amins, Surveyors, Kanungos and Assistant Commissioners (land).

(3) Fringe land in Kaptai lake shall be settled with the original owners on the priority basis."

As per this provision, though opinion is given on part of government to the effect that lands in settlement, purchase, selling, transfer and acquisition is done having prior approval of the HDC is not of jurisprudence. As per Section 34(a) under Part B of the Accord, the subject 'Land & Land Management' is a subject within jurisdiction of HDC. But since the subject has not been transferred to the HDC as yet, it is not possible to formulate regulation relating to this to deal with it.

On the other hand, the Deputy Commissioners have been practicing the process of mutation, acquisition, lease and settlement following the Chittagong Hill Tracts Regulation 1900. Thousand acres of lands are being taken in acquisition in the name of forestation and expansion of cluster villages, establishment and expansion of army camp and training centres including establishment of tourism centres.

So, it is utmost necessary that the subject of lands and land management is transferred to the HDCs.

#### **B29: Power of framing laws**

The provision mentioned in Sub-Section (1) of Section 29 under Part 'B' of the Accord has been incorporated under Section 68(1) and (3) of the Act as follows:

"(1) The Government may, for achieving the objectives of the Act, make rules in consultation with the Council and gazette notification.

### **Section-78 of the main Act: Removal of difficulties**

**78. Removal of difficulties:** If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, do anything which appears to it to be necessary for the purpose of removing the difficulty.

This provision has not been implemented.

### **B.32: Objection on provision of certain law**

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."

This provision has not been implemented.

### **B.34 Subjects under jurisdiction of HDC and their transfers**

The subjects mentioned in Section B.34 of the Accord have been incorporated under Schedule 1 of the HDC Act. From among these, the subjects mentioned in serials (g), (h), (j), (l) and (p) have been transferred to HDC through executive order. The rest of the subjects have not been transferred.

## **C: Chittagong Hill Tracts Regional Council**

### **C.1: Formation of Regional Council**

"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."

As per the provision, the Chittagong Hill Tracts Regional Council Act 1998 was formulated and the interim Council was formed in 1999. But the act could not be made effective properly.

Relevantly it is to be mentioned that the Regional Council submitted a project titled "Construction of Chittagong Hill Tracts Regional Council Head Office, Residence and Related Complex" to the government. For the said project, steep hill lands of several holding numbers measuring 42.13 acres under 102 no. Rangapani mouza of Rangamati Hill district were included in the project. Among these lands, 14.75 acres of abandoned lands under jurisdiction of National Housing Authority were brought under the project in consultation with the National Housing Authority. The National Housing Authority had a project named "Housing Project for Lower and Middle Income People" with the said lands in 1982-83. The said hill lands remained abandoned for not having been approved since 1983-84.

In July 2005, ECNEC approved the Regional Council Complex project and the Finance Ministry allotted a lump-sum grant for the project.

The Ministry of CHT Affairs sent money being the first installment from the allotted fund for the project to the Regional Council and directed to pay off the money of the said first installment for several lands including for the land abandoned by the National Housing Authority. A letter stating about the land measuring 14.75 acres that falls under disposal of National Housing Authority was sent to the concerned authority in due time. But due to receiving no favorable response from the National Housing Authority, the money could not be spent during the said fiscal year. Duration of the said project expired in June 2008.

The Regional Council re-sent a letter dated 24-06-2014 to the Ministry of CHT Affairs to undertake necessary measure for transfer of the said lands subject to setting the said 14.75 acres of land free from National Housing Authority or by way of paying the amount spent by the National Housing Authority [Annex-9: letter dated 24-06-2014 sent by Regional Council to the Ministry of CHT Affairs (in Bangla)]

The issue of transfer of lands subject to setting the said land measuring 14.75 acres free or paying price of the land has not yet been settled. Consequently, the Regional Council office is being run in the Chittagong Hill Tracts Development Board Rest House on rental basis.

#### **Section-11 under CHT Regional Council Act: Facilities of Chairman and Members**

"11. Facilities of chairman and Members: (1) The chairman shall have the status, and enjoy other facilities of a State Minister of the Government.

As per the provision, Chairman enjoys the status and facilities similar to that of a state minister of the government. Facilities of other members are determined from time to time. But the status of the members has not yet been defined. Though the issue has been put off with the Ministry of CHT Affairs and Principal Secretary of the Prime Minister's office, the problem of determining status of members has not yet been settled.

#### **C9 (a): Supervision and Coordination of HDC functions**

"The Council shall supervise and 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."

Till now, it is due to non-cooperation of three HDCs and the Ministry of CHT Affairs, the supervision and coordination of all the subjects including the development programs of the three HDCs could not be carried out by CHT Regional Council.

It is to be mentioned that an Office Order from the Cabinet Division was issued directing to follow the 'CHT Regional Council Act, 1998 and supervision & Coordination of development programs of the HDCs. [Annex-10: Office order dated 10 April 2001 relating to following of Regional Council Act, issued from the Cabinet Division (in Bangla)]. But other concerned authorities including the three HDCs maintained no effective role in compliance to the said Office Order.

#### **C9 (b): Supervision and Coordination of Local Councils including the municipalities**

"This council shall supervise and coordinate the Local Councils including the municipalities."

The local councils including the municipalities are administered by the Ministry of Local Government and Rural Development. So, it is expedient that the concerned laws and regulations are brought in amendment in consistence with the CHT Regional Council Act, 1998 in order to get the local councils including the municipalities supervised and coordinated by the Regional Council.



amendment to the Upazila Parishad Act in 2000 and in 2009. But no measure has been taken to that regard as yet. It is further to be mentioned that in context of raising the issue by Regional Council, a letter directing to take necessary step to follow the Regional Council Act properly, was sent from the Ministry of Local Government to hill district deputy commissioners [**Annex-11: letter of Local government ministry directing to follow the Regional Council Act (in Bangla)**]. Even after this, no progress was to be seen on the issue.

#### **C9(c): Supervision and Coordination of General Administration, Law & Order and Development**

"The Regional Council shall coordinate and supervise the three hill districts in matters of general administration, law and order and development."

The Deputy Commissioners in the three hill districts are exercising all powers relating to general administration of the districts as before in accordance with the CHT Regulation, 1900. On the other hand, due to having not mentioned about the Regional Council in the said regulation, the Deputy Commissioners kept abstaining from cooperation with the Regional Council all along. As a result, supervision and coordination of the general administration in the three hill districts cannot be carried out by the Regional Council.

Question arose on Chittagong Hill Tracts Regulation, 1900 when the Hill District Local Government Council Act was enacted in 1989. In this context, the notification promulgated in 1990 states that the Chittagong Hill Tracts Regulation shall remain in force and effective. CHT Regional Council submitted a set of recommendations to the government urging to cancel the said notification and promulgate a fresh notification to the effect that the said regulation shall remain in force and effective subject to the CHT Regional Council Act and the Hill District Council Acts. In that regard, a directive relating to promulgation of laws was given to the Ministry of CHT Affairs from Cabinet Division in 2013 [**Annex-12: Letter of dated 07-05-2013 on promulgation of laws sent to Ministry of CHT Affairs from Cabinet Division (in Bangla)**]

It is relevant to be mentioned that various provisions of CHT Regulation are conflicting to the HDC Acts and CHT regional Council Act. Hence, bringing amendment to CHT Regulation is indispensable. Above all, determination of 'Charter of Duties' of Deputy Commissioners in consistence with the Regional Council Act and three Hill District Council Acts is desirable.

Law & Order in the three Hill Districts has been being looked after by Deputy Commissioners and Superintendents of Police in accordance with the concerned laws in force before the Accord. Above all, as per the 'Operation Uttoran (Operation Upliftment),' an order of military 'modus operandi' imposed in 2001, the army has been providing assistance in law and order affairs i.e. the army has been indirectly controlling the region, as a whole.

Apart from office order issued by Cabinet Division according to which the law and order of CHT is to be supervised and coordinated by CHT Regional Council, a "circular dated 17-01-2000 was issued from Ministry of CHT Affairs for cooperation, on part of concerned ministries including the Deputy Commissioners posted for duty in the three hill districts in discharging duties by the Ministry of CHT Affairs as per CHT Regional Council Act, 1998 (Act XII of 1998)." Despite being so, the Deputy Commissioners, Police Superintendents or army authority did not pace forward to cooperate the Regional Council and on the contrary, these institutions have been conducting the law & order affairs by-passing the Regional Council absolutely. As a result, the law & order affairs cannot be supervised and coordinated by the Regional Council. So, it is agreeable that the Bangladesh Police Regulation is amended in consistent with Regional Council Act and the HDC Acts.

A circular dated 17-01-2000 was issued by Ministry of CHT Affairs for cooperation in discharging duties of supervision and coordination by Regional Council on development issues in the three hill districts. Whereas, the CHT Regional Council is seldom involved or informed by various ministries including the Ministry of CHT Affairs as per the CHRC Act in the affairs, such as, planning, formulation, adoption and implementation of development programs. As a result, supervision and coordination in development affairs could not be carried out on part of the Regional Council and that the waste of money and anti-public-interest development programs could not be stopped in the development sector. So, it is desirable that the Regional Council is informed of and gotten involved in overall development programs in CHT.

#### **C9(d): Coordination of Disaster Management and Relief Program including NGO Activities**

"The Council shall coordinate the activities of the NGOs in addition to disaster management and carrying out the relief programs."

As per Section 46, the CHT Regional Council can carry out disaster management and relief program, having the regulation formulated thereof. To that end, it is indispensable to incorporate food grains and fund in the annual

budget of the Regional Council. It is due to having undertaken no step on part of the government to that direction no program as such has been carried out by the Regional Council to this day. So, it is desirable that necessary measure is undertaken by the Ministry of Disaster and Relief Management in this regard.

The Regional Council has been persuading its effort as per the act to coordinate the NGO activities. On the other hand, a gazette notification titled "Code of Conducts to be followed by the foreign NGOs working in Bangladesh and Bangladeshi NGOs supported by the foreign fund" was issued from the Prime Minister's office in 2001. The Regional Council following Section 53 of its Act, submitted a set of recommendations stating several aspects of the gazette notification to be painful and objectionable to the tribal people of CHT. Accordingly, an amended office order was issued in 2012. In the office order, though several points of recommendations were accepted, but most of the recommendations were ignored. Besides, during the present government tenure, the process is on to entrust the Deputy Commissioners with responsibility of coordinating the NGO activities as it is currently being practiced in other districts of the country. Consequently, it has become difficult-some on part of the Regional Council to coordinate the NGO programs being implemented in CHT. In this context, it is desirable that the office order issued by the Prime Minister's office on NGO activities is amended in accordance with the recommendations submitted by Regional Council.

#### **C9(e): Coordination and Supervision of Tribal Customary Laws and Community Adjudication**

"Tribal law and community adjudication shall be within the jurisdiction of the Regional Council."

This provision of the Accord has not been implemented.

#### **C9(f): Issuance of Licenses for Heavy Industries in Consistence With the National Industrial Policy**

"The Council shall be competent to grant License for heavy industries."

This provision of the Accord has not been implemented.

#### **C10: General and Overall Supervision over CHT Development Board**

The Government shall give preference to the eligible tribal candidates in appointing the Chairman of the Development Board."

The provision has though been incorporated in the Regional Council Act, the government partisan individual is appointed as Chairman all along and in most of the time, a non-resident and non-tribal officer is appointed as Vice Chairman. As a result, the CHT development Board has been conducting the overall programs without keeping touched with the Regional Council.

The Chittagong Hill Tracts Development Board Act, 2014 has been formulated and enacted by replacing the Chittagong Hill Tracts Development Ordinance, 1976. This act is incorporated of many provisions, which are not in consistence with the three Hill District Acts and CHT Regional Council Act and as of this day, the Development Board has been conducting its programs completely by-passing the Regional Council.

Hence, while placing opinion on CHT Development Board Act, 2014, the CHT Regional Council submitted a set of recommendations for cancellation of CHT Development Board Act, 2014 and abolishment of the Board. It is agreeable that necessary measure is undertaken as per the recommendation in the interest of overall development in CHT.

#### **C.11: Removal of Inconsistencies**

"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."

This provision of the Accord has not been implemented.

#### **C.13: Prerogatives of CHT Regional Council in Making Law**

"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."

This provision of the Accord has not been implemented.

amendment of laws, advice of CHT Regional Council is accepted. The CHT Regional Council so far, has provided advices in alteration or bringing amendment to such provisions of laws that may make adverse effects to CHT Accord, laws of CHT region and development of hill district and to the path towards welfare of the tribal peoples. But in most cases, either advice from CHT Regional Council was not sought or advice of CHT Regional Council was not accepted.

## **D: Rehabilitation, General Amnesty and Other Matters**

### **D.1: Rehabilitation of India-returnee refugees and the internally displaced people**

"After ascertaining the identity of the India-returnee Refugees and Internally Displaced Persons of the three hill districts, rehabilitation measures shall be undertaken through a Task Force."

The Task Force has been constituted.

#### On India-returnee refugees

Most of the economic facilities as per the Agreement were provided to most of the refugees numbering 64,609 of 12,222 families through the Task Force. But 9,780 Jumma families are yet to get back their lands; 890 families are yet to get cash against pairs of bullocks; and bank loan of many refugees has not been exempted. 6 primary schools, 5 bazaars (markets) and 7 temples shifted or illegally occupied from villages of India-returnee refugees have not been restored. 40 numbers of India-returnee refugee villages located at Matiranga of Feni valley, Manikchari and Ramgarh Upazila, Dighinala in Maini valley, Mahalchari Upazila under Khagrachari hill district and in Maini and Longadu of Kachalong valley are yet under complete occupation of the Bengali settlers.

#### ~~On rehabilitation of internally displaced Jumma families~~

The definition that was determined referring to the 'internally displaced refugees' in the Task Force Meeting held at the Khagrachari Circuit House on 27 June 1998, is as follows:

"In the time from 15 August 1975 to 10 August 1992 (from the day of the Cease fire) due to the prolonged unstable and commotion situation of the Chittagong Hill Tracts (Rangamati, Khagrachari and Bandarban), the tribal people who have compelled to abandon their own village, mouza, area and has gone or compelled to go other places within the country will be considered as Internally Displaced Persons."

A decision was resolved in the Task Force meeting held on 13-09-2014 to provide the ration and other financial facilities to the internally displaced tribal families and minutes of the meeting including the decision was approved in the Task Force meeting held on 28-02-2015. But the decision has not yet been implemented.

### **D.3: Settlement of lands with the landless**

"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."

This provision of the Accord has not yet been implemented.

### **D.4, 5, and 6: Land Commission and Land Dispute Resolution**

"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 judgments 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."

The Land Commission has been being constituted since 1999 as per Section 5 of the Accord. The Chittagong Hill Tracts Land Dispute Resolution Commission Act, 2001 was enacted in 2001. In the Act, several Sections contravening to the Accord have been incorporated. The said Act is under process for amendment. As a result, the land disputes have not been settled.

The Regional Council submitted recommendations for amendment of the said Act. 13 points of recommendations were adopted in a meeting held at Chittagong circuit house on 09-01-2015 and Gowher Rizvi, Advisor to the Prime Minister on external affairs; Jyotirindra Bodhipriya Larma, Chairman of CHT Regional Council and member of CHT Accord Implementation Monitoring Committee, and Naba Bikram Kishore Tripura, Secretary of CHT Affairs Ministry put their signature in approval of the recommendations. The recommendations were also adopted in the Accord Implementation Monitoring Committee Meeting held on 20-01-2015. Similarly, in the high level meeting held over the Act at Rangamati on 28-01-2015, the said recommendations were also unanimously accepted. But the Act has not yet been amended as per the recommendations [**Annex-13: Recommendations relating to Land Commission Act adopted and signed on 09-01-2015 (in English)**]

#### **D.8: Cancellation of leases on lands allotted for Rubber and other plantation**

"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."

This provision of the Accord has not yet been implemented properly. During 1980s and 1990s, some 46,750 acres of lands against total 1,877 plots located in Bandarban Sadar, Lama, Alikadam and Nakhyangchari upazilas were given in lease to individuals from plain districts.

In the meetings of Parliamentary Standing Committee on CHT Affairs Ministry held on 20 July and 18 July 2009 respectively at Khagrachari and Rangamati, it was resolved from among the leases given to the non-residents in Bandarban district, to cancel the leases of the lands in which no rubber plantation or grove plantation have yet been done as per the agreement. In light of the decision, leases on some 15,000 acres of lands given against 593 plots were cancelled by Deputy Commissioner of Bandarban district and leases on some 350 acres of lands were cancelled by Deputy Commissioner of Rangamati



But at two-month end of cancellation of leases, violating the decision, most of the cancelled leases were restored by Deputy Commissioner of Bandarban district by notification of Memo No.JPRABAN/Lease/Mo No.1060(d)/80-81/2009 dated 19-11-2009. On the other hand, the rest of the leases have though been cancelled in papers, the leasees concerned have kept the lands under their occupation.

#### **D.9: Allocation of funds and encouragement on Tourism**

"The Government shall allocate additional nance 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 nance 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."

Development is going on. But though there is provision to implement the development programs through HDCs under supervision of CHT Regional Council as per the provision conferred in the Accord and in the Act as well, that has not yet been followed properly.

The local Tourism, i.e. tourism of hill district has though been transferred, indeed, the office and tourism centers run by Bangladesh Tourism Corporation or some other organizations have not been transferred to the HDCs. So, it is urgent that the function of the subject tourism, which was transferred through an agreement, is cancelled and to transfer the subject to the fullest to HDCs by executive order to that effect.

#### **D.10: Preservation of Quota and providing stipend**

"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."

The number of seats in the earlier quotas has been reduced in different educational institutions. In jobs, the quota system is not being implemented properly.

**D.11: Distinctness of Tribal Customs & Culture**

"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 florescence at national level."

The distinctness of tribal customs and culture has not been ascertained as yet. There is lacking of proper patronization and assistance to develop the tribal customs and culture to national level.

The demand for constitutional recognition of the various multi-lingual ethnic nationalities of CHT region has not been fulfilled through the provision as mentioned Article 23(a) of the constitution.

**D.16: General Amnesty and Withdrawal of cases****D.16 (b): Withdrawal of cases and exemption of punishment**

"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."

This provision of the Accord has been partially implemented. A list of 839 cases against 1524 persons was submitted to the government. The committee for Withdrawal of Cases headed by Deputy Commissioner, after vetting, sent 720 cases attached with recommendations for withdrawal to the Ministry of Home. But no gazette notification relating to withdrawal of the cases has been made public. Besides, no decision has been taken on withdrawal of 119 numbers of cases. It is to be mentioned that the persons awarded punishment in abscondia for being involved in 43 numbers of cases made mercy petition to the Honorable President. Those appeals have not yet been sent to the Honorable President from the Ministry of Home Affairs. Furthermore, the three District Committees for Withdrawal of cases could not yet find out the cases lodged with the marshal court.

**D.16 (d): Exemption of Loan of Jana Samhati Samiti members**

"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."

**D.16 (e): Reinstatement of members of Jana Samhati Samiti to their jobs**

"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."

A list of 78 members of Jana Samhati Samiti who had been in government services was submitted to the government. From among them 64 persons were reinstated to their previous services. To award them with seniority status and other facilities, formulation of "Reinstated Tribal Employees (Exceptional Facilities) Rules 2000" is yet under process since 2000. It has been learnt that the Ministry of Law has given opinion on the draft regulation in the month of March 2015 and it has been sent to the Ministry of CHTA Affairs. At present the said regulation is lying under process with the Ministry of CHTA Affairs.

The returnee members of Jana Samhati Samiti and their family members are not being appointed in jobs as per their qualification and no relaxation is being applied in their age-limit.

**D.16 (f): Loan grants to the returnee members of Jana Samhati Samiti**

"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."

This provision of the Accord has not been implemented.

**D.16 (g): Education facilities to children of returnee members of Jana Samhati Samiti**

"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."

Certificates obtained from foreign board and educational institutions by the children of returnee members of Jana Samhati Samiti have been made legal. But no education facilities have been given to the children of returnee members of Jana Samhati Samiti as of this day.

## **D.17: Withdrawal of all temporary military camps and transfer of the abandoned lands**

### **D.17 (a) Withdrawal of all temporary military camps**

"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."

After signing the Accord, it has been learnt that from among more than 500 camps, it was only 70 temporary camps were withdrawn in 1997-1999 and 35 temporary camps in 2009-2013 were withdrawn. But many of the withdrawn camps have been re-established back.

As per this provision of the Accord, no time-line for withdrawal of the temporary camps back to their respective permanent stations has been fixed. With exception to border forces (BDR at present BGB) and 6 permanent cantonments (3 in 3 hill district headquarters and Alikadam, Ruma and Dighinala), the other temporary camps of Army, Ansar and Village Defence forces have not been withdrawn from CHT in gradual manner as envisaged.

It is to be mentioned that in place of 'Operation Dabanol' (Operation Wildlife), 'Operation Uttoran' (Operation Upliftment) was unilaterally decided and promulgated by the government in CHT.

As per this provision of the Accord, it is agreeable that fixation of the time-line for withdrawal of the temporary camps to their respective permanent stations, gradual withdrawal of all the temporary camps and withdrawal of Operation Uttoran are made.

### **D.17(b): Transfer of abandoned lands**

"The lands and premises abandoned by the cantonments, the camps of the military and para-military forces shall be made over to their real

This provision of the Accord is partially implemented. But some cases, though the authorities of the withdrawn camps abandoned the lands, transferring the lands to the actual owners has not been done.

**D.18: Appointment of permanent residents in all kinds of services on priority basis**

"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."

To make this provision of the Accord effective, CHT Regional Council submitted recommendations to the Ministry of CHT Affairs and Ministry of Establishment (at present Ministry of Public Administration).

In this regard, the Ministry of Establishment provided favorable advice to make the issue effective. **[Annex-14: Advice of Ministry of establishment on appointment in the services in CHT (in Bangla)]** and according to the said advice, the Ministry of CHT Affairs, in order to include this provision of the Accord in the concerned appointment regulations, sent to various ministries or departments or institutions **[Annex-15: Letter from Ministry of CHT Affairs (in Bangla)]**. However, no progress has been made in this regard.

CHT Regional Council re-submitted recommendations on this issue. In context to the approach, the Public Administration Ministry issued gazette notification on 27 June 2014 to make the provision effective **[Annex-16: Notification dated 27-06-2014 on appointment in jobs in the Chittagong Hill Tracts (in Bangla)]**. The said notification has not yet been sent to the concerned departments, institutions and authorities in CHT.

**D.19: Ministry of CHT Affairs**

The Ministry of CHT Affairs was set up as per the provision mentioned in Section 19 under Part 'D' of the Accord.

It is due to not having been amended the 'Allocation of Business' of various concerned ministries, the said ministries are dealing with the CHT related affairs as before. Consequently, the Ministry of CHT Affairs could not become properly effective.

Therefore, it is desirable that the existing Rules of Business of the various concerned ministries are amended in line with the Accord.

## **Annex-1:**

### **List of the laws require to be amended**

#### **A) General laws require amendment**

- 1) Union Council Act, 2009
- 2) Municipal Act, 2009
- 3) Upazila (Sub-District) Council Act, 1998
- 4) Municipal Budget Rules, 2010
- 5) Municipal Servants Rules, 1992
- 6) Registration of Birth and Death (Municipal) Rules, 2006
- 7) Municipal Rules of Business, 1999
- 8) Upazila Council Budget (preparation and approval) Rules, 2010
- 9) Upazila Council (Programs Implementation) Rules, 2010
- 10) Municipal Tax Rules
- 11) Union Council (Tax) Rules
- 12) Small Ethnic Groups Cultural Institution Act, 2010
- 13) Bangladesh Tourism Board Act, 2010
- 14) Bangladesh Art Academy Act, 1989
- 15) Bangladesh Statistics Act, 2010
- 16) Disaster Management Act, 2012
- 17) Child Act, 2013
- 18) Family Violence Resistance and Protection Act, 2010
- 19) Cooperative Act, 2001
- 20) Bangladesh Silk Development Board Act, 2013
- 21) Land Appeal Board Act, 2013
- 22) Land Reform Act, 2013
- 23) Sand and Soil Management Act, 2010
- 24) Bangladesh Rubber Board Act, 2013
- 25) Bangladesh Water Act, 2013
- 26) Bangladesh Environment Protection Act, 1995
- 27) Wild Life (Protection and Security), 2012
- 28) Cotton Act, 1957
- 29) Forest Act, 1927 (Draft Forest (Amendment) Bill, 2012)
- 30) Social Forestation Rules, 2004
- 31) Government Finance and Budget Management Act, 2009
- 32) Bangladesh Parjatan Corporation Order, 1972
- 33) Bangladesh Tourism Reserved Area and Special Tourism Act, 2010

- 34) Bangladesh Tourism Reserved Area and Special Tourism Region Rules, 2010
- 35) Circular of the Office of the Prime Minister in relation to the Rules of Business to be followed by the Non-Government Organizations
- 36) Industry Policy, 1999
- 37) Primary Education Policy
- 38) National Woman Policy
- 39) Secretariat Directives, 2008 (....)
- 40) Standing Order on Disaster
- 41) Order in relation to Operation Uttoron (Operation Upliftment), etc

**B) The Chittagong Hill Tracts related Special Rules that require amendment or omission**

- 1) CHT Regulation, 1900 (1 of 1900)
- 2) Bazar Fund Rules, 1937
- 3) CHT Loan Regulation, 1938
- 4) CHT Agriculture Loans Rules, 1939
- 5) Hill Districts (Repeal and application and special Rules) Act, 1989
- 6) Memorandum relating to effectiveness/operation of the Chittagong Hill Tracts Regulation 1900 proclaimed in 1990
- 7) Chittagong Hill Tracts Development Board Act, 2014
- 8) CHT (Land Acquisition) Regulation, 1958
- 9) Land Khatian (Chittagong Hill Tracts) Ordinance, 1984
- 10) Rangamati Science and Technology University Act, 2001 etc



## Annex-2:

Letter dated 21/12/2000 given by Ministry of CHT Affairs on  
issuance of Permanent Resident Certificate

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার  
পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়  
বাংলাদেশ সচিবালয়, ঢাকা।

সং-পার্বত্য (প-১)পাওপ/সনদপত্র/৬২/৯৯-৪৮৭

তারিখ : ২১/১২/২০০০খ্রিঃ

বিষয় : চাকুরীক্ষেত্রে তিন পার্বত্য জেলার স্থায়ী বাসিন্দার সনদপত্র প্রদানকারী কর্তৃপক্ষ যোগ্যতা প্রসংগে।

সূত্র : রাংগামাটি পার্বত্য জেলা পরিষদের স্মারক নং-রাংপাওপ/প্র-এক-১০৮/২০০০/১৯৩,  
তারিখ : ২১-০৮-২০০০খ্রিঃ

উপর্যুক্ত বিষয় ও সূত্র মোতাবেক জানানো যাচ্ছে যে, তিন পার্বত্য জেলার সরকারী, আধা সরকারী, পরিষদীয়, স্বশাসিত ও স্বায়ত্তশাসিত প্রতিষ্ঠানের চাকুরীতে বিভিন্ন শ্রেণীর পদে (১) উপজাতীয়দের অগ্রাধিকার (২) পার্বত্য চট্টগ্রামের স্থায়ী অধিবাসীদের নিয়োগ - দেবার নিয়মটি শাস্তিবিধির ১৮নং শর্তে উল্লেখ করা হয়েছে। সে প্রেক্ষিতে পার্বত্য চট্টগ্রামের স্থায়ী অধিবাসী নির্ধারণের নিমিত্তে স্থায়ী বাসিন্দার সংজ্ঞার (১৯৮৯ সনের পার্বত্য জেলা পরিষদ আইন ও তৎপরবর্তী সংশোধনী অনুযায়ী) ভিত্তিতে সনদপত্র ইস্যু করা প্রয়োজন।

২। এরতাবস্থায় চাকুরীক্ষেত্রে এই সনদপত্র ইস্যুর বৈধ কর্তৃপক্ষ নির্ধারণ করার বিষয়টি অত্র মন্ত্রণালয় কর্তৃক সিদ্ধিক্রমে পর্যালোচনাস্থে সিদ্ধান্ত পূরীত হয় যে, পার্বত্য চট্টগ্রামের তিন জেলার জেলা প্রশাসকগণের স্থায়ী বাসিন্দার সনদপত্র ইস্যুর বিদ্যমান ক্ষমতার পাশাপাশি তিন সার্কেল চাকরগণও চাকুরী সংশ্লিষ্ট প্রয়োজনে নিজ নিজ অধিক্ষেত্রে স্থায়ী বাসিন্দার সনদপত্র ইস্যু করতে পারবেন।

৩। অতএব, সংশ্লিষ্ট ক্ষেত্রে উপরোক্ত সরকারী সিদ্ধান্তের গণ্যবহ অনুসরণ নিশ্চিত করার জন্য নির্দেশক্রমে অনুরোধ করা গেল।

(মোঃ শামসুল আরাফিন)  
সিনিয়র সহকারী সচিব  
ফোন : ৮৬১৭৪৮০

কার্যক্রম :

- ১। জেলা প্রশাসক, রাংগামাটি, বাগড়াছড়ি, বান্দরবান পার্বত্য জেলা।
- ২। সার্কেল চীফ, রাংগামাটি, বাগড়াছড়ি, বান্দরবান পার্বত্য জেলা।

অনুলিপি:-

- ১। চেয়ারম্যান, পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ, রাংগামাটি।
- ২। চেয়ারম্যান, পার্বত্য জেলা পরিষদ, রাংগামাটি, বাগড়াছড়ি, বান্দরবান।
- ৩। মাননীয় মন্ত্রী মহোদয়ের একান্ত সচিব, অত্র মন্ত্রণালয়।
- ৪। মাননীয় সচিব মহোদয়ের একান্ত সচিব, অত্র মন্ত্রণালয়।

### Annex-3:

26 December 2010 Minutes of CHT Accord Implementation  
Committee meeting.

#### পার্বত্য চট্টগ্রাম চুক্তি বাস্তবায়ন কমিটির সভার কার্যবিবরণী

তারিখ- ২৬ ডিসেম্বর ২০১০ খ্রিষ্টাব্দ। সময়- বিকাল ০৪.০০ টা।

স্থান- খাগড়াছড়ি সার্কিট হাউজ সম্মেলনকক্ষ, খাগড়াছড়ি।

সভাপতি : বেগম সৈয়দা সাজেদা চৌধুরী এমপি, মাননীয় সংসদ উপনেতা, বাংলাদেশ জাতীয় সংসদ  
ও সভাপতি, পার্বত্য চট্টগ্রাম চুক্তি বাস্তবায়ন কমিটি।

#### সভায় উপস্থিত ছিলেন-

- ০১) বাবু জ্যোতিরিন্দ্র বোধিপ্রিয় লারমা, সভাপতি, পার্বত্য চট্টগ্রাম জনসংহতি সমিতি ও মাননীয় চেয়ারম্যান (প্রতিমন্ত্রী পদমর্যাদা সম্পন্ন), পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ, রাঙ্গামাটি ও সদস্য, পার্বত্য চট্টগ্রাম চুক্তি বাস্তবায়ন কমিটি।
- ০২) বাবু যতীন্দ্র লাল ত্রিপুরা এমপি, চেয়ারম্যান (প্রতিমন্ত্রী পদমর্যাদা সম্পন্ন), ভারত প্রত্যাগত উপজাতীয় শরণার্থী প্রত্যাশাসন ও পুনর্বাসন এবং অভ্যন্তরীণ উদ্বাস্ত নির্দিষ্টকরণ ও পুনর্বাসন বিষয়ক টাফফোর্স, খাগড়াছড়ি ও সদস্য, পার্বত্য চট্টগ্রাম চুক্তি বাস্তবায়ন কমিটি।

সভার প্রারম্ভে সভাপতি উপস্থিত সম্মানিত সদস্যগণকে শুভেচ্ছা ও স্বাগত জানান। তিনি আন্তর্জাতিকভাবে প্রশংসিত পার্বত্য চুক্তি বাস্তবায়নে বর্তমান সরকারের পূর্ণ সদিচ্ছার কথা সভায় তুলে ধরেন। এই চুক্তি পরিপূর্ণ বাস্তবায়নে কমিটির সকলের সহযোগিতার প্রয়োজনীয়তার তরুত্ব তুলে ধরে তিনি বলেন অন্যথায় চুক্তি বাস্তবায়ন কঠিন হয়ে পড়ার সম্ভাবনা রয়েছে। তিনি পূর্ববর্তী সভার ধারাবাহিকতায় চুক্তির অসম্পন্ন/অবাস্তবায়িত বিষয়গুলি নিয়ে আভ্যন্তরীণ আলোচনা ও সিদ্ধান্ত গ্রহণের জন্য অনুরোধ করেন এবং সভার কার্যপত্র সভায় পাঠ করে শুনান।

পার্বত্য চুক্তি বাস্তবায়ন কমিটির সম্মানিত সদস্য বাবু জ্যোতিরিন্দ্র বোধিপ্রিয় লারমা সংবিধানে আদিবাসীদের স্বীকৃতি প্রদান, পার্বত্য চট্টগ্রাম আঞ্চলিক আইন কার্যকর, তিন পার্বত্য জেলা পরিষদ আইন কার্যকর, বিভিন্ন সরকারি/বেসরকারি/শারিত্ব-শাসিত প্রতিষ্ঠানসমূহের চাকুরীতে উপজাতীয় কোটা যথাযথ সংরক্ষণের জন্য সরকারের সদয় দৃষ্টি আকর্ষণ করেন। তাঁর এই দাবীসমূহ কমিটির অপর সদস্য বাবু যতীন্দ্র লাল ত্রিপুরা এমপি সমর্থন করেন। পার্বত্য জেলাসমূহের প্রকৃত বাসিন্দাদের স্থায়ী বাসিন্দা সনদ প্রদানের বিষয়ে জেলা প্রশাসকগণের বর্তমান ক্ষমতা রদ করে শুধুমাত্র সার্কুল টীফকে এই ক্ষমতা প্রদানের জন্য তাঁরা দাবী উত্থাপন করেন। এই বিষয়ে

বেতিজির সারনা আরো বলেন যে, জুনিয়র মেকানিক্স, ইউপি ডেভেলপমেন্ট/শৌখ মেম্বরের সনদ নিয়ে সার্কেল টাক ব্যাবহার আবেদন করা হলে সার্কেল টাক বিষয়টি পর্যালোচনাক্রমে উক্ত সনদ ইস্যুর ব্যবস্থা গ্রহণ করবেন।

আরো যোগ্যেলে পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয় হতে "স্মারক নং- ১) পার্বত্য(প-১)পার্বত্য/সনদপত্র/৬২/৯৩-৪৮৭, তারিখ- ২১/১২/২০০০ খ্রিস্টাব্দ ও ২) পার্বত্য(প-১)পার্বত্য/সনদপত্র/৬২/৯৩-২১৪, তারিখ- ২১/১০/২০০২ খ্রিস্টাব্দ মূলে আধিকৃত পার্বত্য জেলা ছাউনী খালিকা সনদপত্র প্রদানকারী কর্তৃপক্ষ যোগ্যতা সত্যায়িত পর দু'টি বাড়িল করার জন্য অনুরোধ করেন।

সভায় ভারত প্রত্যাপন উপস্থাপিত। পরবর্তী প্রত্যাপন ও পুনর্বাসন এবং অভ্যন্তরীণ উন্নয়ন নির্মিতকরণ ও পুনর্বাসন বিষয়ক টাউনশিপ এর মানবল ও ভূমি বিক্রয় ব্যবস্থা গ্রহণ, চুক্তি বাতিলকরণে ঢাকার একটি শিরোনামে অফিস স্থাপন ও জনবল নিয়োগ, পার্বত্য চট্টগ্রাম জমি বিক্রয় সম্পত্তি কমিশনের ২০০১ এর অধিনের সংশোধন, পার্বত্য জেলা পরিষদে অবস্থানকৃত বিভাগসমূহ জরুরিভিত্তিতে হস্তান্তর করা, জাতির বাগানের জন্য স্থিতি জমি দীর্ঘ বাড়িলের উদ্যোগ গ্রহণের সফ্টওয়্যার প্রদান প্রদানকরণে নির্দেশনা প্রদান করা, পর্বতারোহণ অফিস সেনা ক্যাম্প প্রত্যাহার করা, জমি বিক্রয় সম্পত্তি কমিশন আইন ২০০১ সংশোধন না হওয়া পর্যন্ত এই কমিশনের কার্যক্রম আপাততঃ স্থগিত রাখা, পার্বত্য চট্টগ্রাম জন সংশ্লিষ্ট পরিষদের প্রত্যাপন সমন্বয় ও ভারত প্রত্যাপনপত্রাবলীর চাকুরিসহ বিভিন্ন সমস্যা সমাধানের জন্য পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়কে নির্দেশনা প্রদান ও ECNEC এ ২০০৪ খ্রিস্টাব্দে অনুমোদিত পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ অফিস, দাপতন ও কর্মসূচী নির্মাণ প্রকল্পের বাস্তবায়নের জন্য প্রয়োজনীয় অর্থ ব্যয়নের ব্যবস্থা গ্রহণ ও পার্বত্য চুক্তির অব্যবহৃতিক বিষয়সমূহ অবিলম্বে চিহ্নিত করে এর সমাধান বা কার্যকর ব্যবস্থা গ্রহণের বিষয়ে সভায় বিতর্কিত আলোচনা হয়।

অতঃপর আলোচনা, সভাপতি ও সৌহার্দ্যপূর্ণ পরিবেশে অনুষ্ঠিত এই সভায় বিতর্কিত আলোচনা ও পর্যালোচনার পর নিম্নোক্ত সিদ্ধান্তসমূহ সর্বসম্মতিক্রমে গৃহীত হয়।

ক্রমিক	আলোচ্য বিষয়	গৃহীত সিদ্ধান্ত	ব্যবস্থাসমূহ
০১	সফ্টওয়্যার প্রদানে বসবাসকারী উপস্থাপিত জনগণকে -জমিদারী হিসেবে বিকৃতি প্রদান।	এ বিষয়ে কার্যকর ব্যবস্থা গ্রহণের জন্য সফ্টওয়্যার মন্ত্রণালয়কে অনুরোধ করা হবে।	সভাপতি, সংসদীয় কমিটি, পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়। পার্বত্য চট্টগ্রাম চুক্তি বাতিলকরণ কমিটি/আইন মন্ত্রণালয়
	পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয় হতে "স্মারক নং- ১) পার্বত্য(প-১)পার্বত্য/সনদপত্র/৬২/৯৩-৪৮৭, তারিখ- ২১/১২/২০০০ খ্রিস্টাব্দ ও ২) পার্বত্য(প-১)পার্বত্য/সনদপত্র/৬২/৯৩-২১৪, তারিখ- ২১/১০/২০০২ খ্রিস্টাব্দ মূলে আধিকৃত	এ বিষয়ে আইনানুগ ব্যবস্থা গ্রহণের উদ্যোগ গ্রহণ করতে সফ্টওয়্যারের অনুরোধ করা হলো।	পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়/আইন মন্ত্রণালয়।

ক্রমিক	আপোচ্য বিষয়	গৃহিত সিদ্ধান্ত	বাস্তবায়নে
০২	পার্বত্য জেলা ছাত্রী আদর্শতা সনদপত্র প্রদানকারী কর্তৃপক্ষ বোর্ডের সভার পর দুটি বাতিল করা।		
০৩	চুক্তি বাস্তবায়নে এই কমিটির ডাকার একটি সিরাজে অফিস স্থাপন ও জনকল নিয়োগ।	পার্বত্য চুক্তি বাস্তবায়নে ডাকার একটি সিরাজে অফিস স্থাপন ও প্রয়োজনীয় জনকল নিয়োগের ব্যবস্থা গ্রহণের সিদ্ধান্ত হয়।	সভাপতি, পার্বত্য চট্টগ্রাম চুক্তি বাস্তবায়ন কমিটি।
০৪	পার্বত্য চট্টগ্রাম জমি বিরোধ নিষ্পত্তি কমিশনের ২০০১ এর আইনের সংশোধন প্রসঙ্গে।	পার্বত্য চট্টগ্রাম জমি বিরোধ নিষ্পত্তি কমিশনের ২০০১-এর আইনের সংশোধনের প্রয়োজন মর্মে কমিটি মনে করে।	পার্বত্য চুক্তি বাস্তবায়ন কমিটি, আইন মন্ত্রণালয় ও পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়।
০৫	জমি বিরোধ নিষ্পত্তি কমিশন আইন ২০০১ সংশোধন না হওয়া পর্যন্ত এই কমিশনের কার্যক্রম চালু রাখা ও কমিশনের চেয়ারম্যানের একতরফা সিদ্ধান্ত গ্রহণ প্রসঙ্গে।	পার্বত্য এলাকার বিদ্যমান পরিস্থিতি ও জমি কমিশনের সদস্যদের সম্মুখীনতার কারণে পার্বত্য চট্টগ্রাম জমি বিরোধ নিষ্পত্তি কমিশন আইন ২০০১ প্রয়োজনীয় সংশোধন না হওয়া পর্যন্ত এই কমিশনের কার্যক্রম চালু রাখা না রাখার বিষয়ে কমিশন ও সরকারের মূক্তি আদর্শতা করার সিদ্ধান্ত গৃহীত হয়।	পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়, জমি মন্ত্রণালয় ও পার্বত্য জমি বিরোধ নিষ্পত্তি কমিশন।
০৬	ভারত প্রত্যাগত উপজাতীয় শরণার্থী প্রত্যাগমন ও পুনর্বাসন এবং অভ্যন্তরীণ উদ্বাস্ত নির্দিষ্টকরণ ও পুনর্বাসন বিষয়ক টাফমোর্স এর জনকল ও ভবিষ্যৎ কৃষির ব্যবস্থা গ্রহণ।	ভারত প্রত্যাগত উপজাতীয় শরণার্থী প্রত্যাগমন ও পুনর্বাসন এবং অভ্যন্তরীণ উদ্বাস্ত নির্দিষ্টকরণ ও পুনর্বাসন	পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়

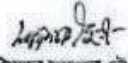
ক্রমিক	প্রাপ্যতা বিষয়	গৃহীত সিদ্ধান্ত	বাস্তবায়নে
		বিষয়ক টাফকোর্স এর জনবল ও তহবিল বৃদ্ধির ব্যবস্থা গ্রহণের সিদ্ধান্ত গ্রহণ করা হয়।	
০৭	পার্বত্য জেলা পরিষদে হস্তাক্ষরিত বিভাগসমূহ জরুরিভিত্তিতে হস্তান্তর করা।	পার্বত্য জেলা পরিষদে হস্তাক্ষরিত বিভাগসমূহ জরুরিভিত্তিতে হস্তান্তর করার সিদ্ধান্ত গৃহীত হয়।	পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়
০৮	রাবার বাগানের জন্য গৃহীত জমি লীজ বাড়িলের উদ্যোগ গ্রহণের সর্বশ্রেষ্ঠ জেলা প্রশাসকগণকে নির্দেশনা প্রদান করা।	কমিটির পূর্বের সিদ্ধান্তমতে পার্বত্য চট্টগ্রামে রাবার বাগানের জন্য গৃহীত জমি লীজ বাড়িলের উদ্যোগ গ্রহণের সঠিক, পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়কে অনুরোধ করা হয়।	সচিব, পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়
০৯	পর্যায়ক্রমে অস্থায়ী সেনা ক্যাম্প প্রত্যাহার করা।	পার্বত্য চুক্তি অনুযায়ী অস্থায়ী সেনা ক্যাম্প প্রত্যাহারের ব্যবস্থা গ্রহণের জন্য সর্বশ্রেষ্ঠ কর্তৃপক্ষকে অনুরোধ করার জন্য সভাপতি, পার্বত্য চুক্তি বাস্তবায়ন কমিটিকে অনুরোধ করা হয়।	সভাপতি, পার্বত্য চুক্তি বাস্তবায়ন কমিটি।
১০	পার্বত্য চট্টগ্রাম জন সংহতি সমিতির প্রত্যাগত সদস্য ও ভ্রমত প্রত্যাগত নবাবীদের চাকুরিসহ বিভিন্ন সমস্যা সমাধানের জন্য পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়কে নির্দেশনা প্রদান।	পার্বত্য চট্টগ্রাম জন সংহতি সমিতির প্রত্যাগত সদস্য ও ভ্রমত প্রত্যাগত নবাবীদের চাকুরিসহ বিভিন্ন সমস্যা সমাধানের জন্য পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়কে নির্দেশনা প্রদানের সিদ্ধান্ত গৃহীত হয়।	পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়।

১৭



ক্রমিক	আলোচ্য বিষয়	গৃহিত সিদ্ধান্ত	বাস্তবায়নে
১১	ECNEC এ ২০০৫ খ্রিস্টাব্দে অনুমোদিত পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ অফিস, বাসভবন তথা কর্মপ্রেস নির্মাণ প্রকল্পের বাস্তবায়নের জন্য প্রয়োজনীয় অর্থ বরাদ্দের ব্যবস্থা গ্রহণ।	ECNEC এ অনুমোদিত পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ কর্মপ্রেস নির্মাণ প্রকল্পের বাস্তবায়নের জন্য প্রয়োজনীয় অর্থ বরাদ্দের ব্যবস্থা গ্রহণ অর্থ ও পরিকল্পনা মন্ত্রণালয় এবং পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়কে অনুরোধ করা হয়।	অর্থ ও পরিকল্পনা মন্ত্রণালয় এবং পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়
১২	পার্বত্য চুক্তির অব্যবহৃত বিষয়সমূহ অবিলম্বে চিহ্নিত করে এর সমাধান বা কার্যকর ব্যবস্থা গ্রহণ।	পার্বত্য চুক্তির অব্যবহৃত বিষয়সমূহ অবিলম্বে চিহ্নিত করে এর সমাধান বা কার্যকর ব্যবস্থা গ্রহণের জন্য পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়কে অনুরোধ করা হয়।	পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়।

সভায় আলোচনাব্যাপ্য অন্য কোন বিষয় না থাকায় উপস্থিত সম্মানিত সদস্যগণকে ধন্যবাদ জানিয়ে সভাপতি সভার সমাপ্তি ঘোষণা করেন।

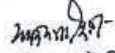
  
(সৈয়দা মাসুমা চৌধুরী এনপি)

সংসদ উপনেতা, বাংলাদেশ জাতীয় সংসদ  
ও সভাপতি, পার্বত্য চট্টগ্রাম চুক্তি বাস্তবায়ন কমিটি।

বিতরণ : সদর জারভাও ও কার্যার্থে-

- ০১) মাননীয় প্রধানমন্ত্রী, গণপ্রজাতন্ত্রী বাংলাদেশ সরকার।
- ০২) বাবু শীশকের ডায়াক্টার এনপি, প্রতিমন্ত্রী, পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়, গণপ্রজাতন্ত্রী বাংলাদেশ সরকার।

- ০৩) বাবু জ্যোতির্বিদ্য বোঝানোর শারদা, সভাপতি, পার্বত্য চট্টগ্রাম জনসংহতি সমিতি ও মাননীয় চেয়ারম্যান (হতিমন্ত্রী পদমর্যাদা সম্পন্ন), পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ, সারাদেশ ও সদস্য, পার্বত্য চট্টগ্রাম চুক্তি বাস্তবায়ন কমিটি।
- ০৪) বাবু খতিয়ান আল মিনা, চেয়ারম্যান (হতিমন্ত্রী পদমর্যাদা সম্পন্ন), ভারত প্রত্যগত উপজাতীয় পরশাধী প্রত্যাশন ও পুনর্বাসন এবং অভ্যন্তরীণ উন্নয়ন নির্দেশকরণ ও পুনর্বাসন বিষয়ক টাকফোর্স, বাগড়াহুড়ি ও সদস্য, পার্বত্য চট্টগ্রাম চুক্তি বাস্তবায়ন কমিটি।



(সৈয়দা সাঈদা সৌখীনী এনপি)

সংসদ উপনেতা, বাংলাদেশ জাতীয় সংসদ  
ও সভাপতি, পার্বত্য চট্টগ্রাম চুক্তি বাস্তবায়ন কমিটি।

## Annex-4:

Transfer of 4 subjects through executive order dated 14-08-2014

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার  
পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়  
পরিমদ-১ শাখা  
বাংলাদেশ সচিবালয়, ঢাকা।  
(www.mochta.gov.bd)

নং-২৯.২১৪.০০৩.০০.০০.১৫৪.২০০৬(অংশ-২)/১৫৮

তারিখ: ১৪/৮/২০১৪খ্রি:

বিষয়: তিন পার্বত্য জেলা পরিষদে (১) "পৌরসভা ও ইউনিয়ন পরিষদ ব্যতীত ইমপ্লিমেন্টে ট্রাস্ট ও অন্যান্য শাসন সংক্রান্ত প্রতিষ্ঠান" (২) "স্থানীয় শিল্প বাণিজ্যের লাইসেন্স" (৩) "জন-মুহুর্ত ও অন্যান্য পরিসংখ্যান সংরক্ষণ" এবং (৪) "মহাজনী কারবার" হস্তান্তর প্রসংগে।

সূত্র: প্রধানমন্ত্রীর কার্যালয়ের পত্র সংখ্যা নং ০৩.০৭৯.০১৩.২৯.০০.০০১.২০১২-৪১৭(১৬), তারিখ: ২৮/৫/২০১৪খ্রি:

উপর্যুক্ত বিষয়ে ও সূত্রোক্ত স্মারকের প্রেক্ষিতে তিন পার্বত্য জেলা পরিষদ আইন ১৯৮৯, বা ১৯৯৮ সনে সংশোধিত এর ধারা ২২ ও ২৩(ক) অনুসারে পরিষদসমূহের কার্যাবলির প্রথম তফসিলের ২৯ নং ক্রমিকের "পৌরসভা ও ইউনিয়ন পরিষদ ব্যতীত ইমপ্লিমেন্টে ট্রাস্ট ও অন্যান্য শাসন সংক্রান্ত প্রতিষ্ঠান" ৩০ নং ক্রমিকের "স্থানীয় শিল্প বাণিজ্যের লাইসেন্স" ৩১ নং ক্রমিকের "জন-মুহুর্ত ও অন্যান্য পরিসংখ্যান সংরক্ষণ" এবং ৩২ নং ক্রমিকের "মহাজনী কারবার" পরিষদসমূহে হস্তান্তরের লক্ষ্যে মাননীয় প্রধানমন্ত্রীর কার্যালয়ে ১২মে, ২০১৪ তারিখে অনুষ্ঠিত সভার সূত্রে বর্ণিত সিদ্ধান্তমতে জেলা পরিষদসমূহে হস্তান্তর করা হলো।

(ক) (২৯) "পৌরসভা ও ইউনিয়ন পরিষদ ব্যতীত ইমপ্লিমেন্টে ট্রাস্ট ও অন্যান্য শাসন সংক্রান্ত প্রতিষ্ঠান"ঃ পৌরসভা ও ইউনিয়ন পরিষদসমূহ তাদের স্ব স্ব কার্যক্রম পরিচালনা করবে। এ দুটি প্রতিষ্ঠান ব্যতীত ইমপ্লিমেন্টে ট্রাস্ট ও অন্যান্য শাসন সংক্রান্ত প্রতিষ্ঠানসমূহ (যদি থাকে) এর কার্যক্রম সংশ্লিষ্ট জেলা পরিষদসমূহে দায়িত্ব করা হলো এবং এসব প্রতিষ্ঠান এখন থেকে জেলা পরিষদের ব্যবস্থাপনায় পরিচালিত হবে।

(খ) (৩০) "স্থানীয় শিল্প বাণিজ্যের লাইসেন্স"ঃ এখন থেকে স্থানীয় শিল্প বাণিজ্যের লাইসেন্স জেলা পরিষদসমূহ স্ব স্ব প্রতিষ্ঠানের বিধি বিধান মোতাবেক ইস্যু করবে। তবে ভারী শিল্প বাণিজ্য স্থাপন সরকারের নিয়ন্ত্রণে থাকবে।

(গ) (৩১) "জন-মুহুর্ত ও অন্যান্য পরিসংখ্যান সংরক্ষণ"ঃ পেশের অন্যান্য জেলার মত জেলা পরিসংখ্যান কার্যালয় তাদের দায়িত্বকর্ম অর্থাৎ গ্রহণ, তবে জেলা পরিষদসমূহ প্রয়োজনে আশাব্যাহারে স্থানীয় জনগণের জন-মুহুর্ত ও অন্যান্য পরিসংখ্যান সংরক্ষণ করতে পারবে। প্রয়োজনে জেলা পরিষদসমূহ জেলা পরিসংখ্যান অফিসের সহায়তা নিতে পারবে।

(ঘ) (৩২) "মহাজনী কারবার"ঃ পার্বত্য জেলাসমূহে প্রথাগত মহাজনী কারবারের কার্যক্রম এখন থেকে জেলা পরিষদসমূহ বিধি মোতাবেক নিয়ন্ত্রণ করবে।

২। উপরোক্ত নির্দেশনামতে তিন পার্বত্য জেলা পরিষদ আইনের ১ম তফসিলে বর্ণিত ২৯, ৩০, ৩১, ও ৩২ নং ক্রমিকের বিষয় চারটি জেলা পরিষদের বিধি বিধান দ্বারা পরিচালনা ও ব্যবস্থাপনার লক্ষ্যে এতদ্বারা নির্দেশক্রমে জেলা পরিষদে হস্তান্তর করা হলো।

সংযুক্ত ৭ (সাত) ফর্ম।

১৪/৮/২০১৪  
(ফারহানা হায়াত)

সিনিয়র সহকারী সচিব

ফোনঃ ৯৫৪৫৬৯৮।

Email: sasparisad1@mochta.gov.bd

বিতরণ: কার্যার্থে (জ্যেষ্ঠতার ক্রমানুসারে নয়):

- ১। চেয়ারম্যান, পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ, রাঙ্গামাটি।
- ২। সচিব, স্থানীয় সরকার বিভাগ, বাংলাদেশ সচিবালয়, ঢাকা।
- ৩। সচিব, শিল্প মন্ত্রণালয়, মতিবিল বা/এ, ঢাকা।
- ৪। সচিব, বাণিজ্য মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।
- ৫। সচিব, পরিসংখ্যান বিভাগ, শেরে বাংলাদার, আগারগাঁও, ঢাকা।
- ৬। চেয়ারম্যান, রাঙ্গামাটি/খাগড়াছড়ি/খান্দারবান পার্বত্য জেলা পরিষদ।

অপর পৃষ্ঠায় ৯-খ



### Annex-5:

#### List of transferred functions and subjects (As of March 2015)

Subjects or Functions	Offices or Institutes	Rangamati	Khagrachari	Bandarban
1. Industry and Commerce	1. Bazar Fund	1989	1989	1989
	2. Small and Cottage Industry Corporation	1993	1993	1993
2. Agriculture	3. Agriculture Extension Department	1990	1990	1989
	4. District Horticulture Centre & Nurseries	2007	2007	2007
	5. Cotton Development Board / office	2007	2012	2007
	6. Bangladesh Agriculture Development Corporation	2012	2012	2012
3. Health	7. Civil Surgeon office	1990	1990	1990
	8. District Family Planning Division	1990	1990	1990
	9. Family Welfare Inspectors Training Institute	2008	-	-
	10. Nursing Training Institute	2009	-	-
	11. Health Engineering Department	2012	2012	2012
4. Education	12. District Primary Education	1990	1990	1990
	13. District Public Library	1993	1993	1993
	14. Rangamati Vocational Textile Institute	2006	-	-
	15. Khagrachari Technical School & College	-	2014	-
	16. District Secondary Education	2014	2014	2014
5. Cooperative	17. District Cooperative Division	1993	1993	1993
6. Social Welfare	18. District Social Welfare Department	1993	1993	1993
	19. Government Child Home	-	2012	2012
7. Fisheries	20. District Fishery Office	1993	1993	1993
	21. Ramgarh Fishery Farm (Hatchery)	-	2012	-
8. Public Health	22. District Public Health Engineering	1993	1993	1993
9. Animal Husbandry	Department	1993	1993	1993
10. Culture	23. District Livestock Department	1993	1993	1993
	24. District Sports Association	1993	1993	1993
	25. District Shilpakala Academy	1993	1993	1993
11. Youth Welfare	26. Small Ethnic Group Institute	2006	2011	2006
	27. District & Upazila Youth Development Offices			
12. Tourism (Local)	28. Local Tourism (no office or institute has been transferred)	2014	2014	2014
<b>Total 12 functions or subjects</b>	<b>Office and Institute</b>	<b>24</b>	<b>24</b>	<b>22</b>
13. Jum cultivation	No office or institute has been transferred	2013	2013	2013
14. Improvement trust and other local Government organization except Pourashava and Union Parishad.	No office or institute has been transferred	2014	2014	2014
15. Issuing license for local industries and business.	No office or institute has been transferred	2014	2014	2014
16. Preservation of statistics on death-birth and others.	No office or institute has been transferred	2014	2014	2014
17. Money lending business.	No office or institute has been transferred	2014	2014	2014
<b>Total 17 functions or subjects</b>	<b>Functions or subjects</b>	<b>5</b>	<b>5</b>	<b>5</b>

Note: A total of 25 offices and institutes under 13 functions have been transferred to Rangamati and Khagrachari HDCs each and 23 offices and institutes under 13 functions have been transferred to Bandarban HDC. Besides, five functions without office or institute have been transferred to each HDC.

## Annex-6

### List of functions or subjects not transferred

#### A. Functions not transferred to the HDCs (16)

Sl.	Entry No. & Functions/Subjects	Opinion of CHIRC
1.	1. Supervision, maintenance and improvement of the law and order of the district.	To transfer it through office order without any delay
2.	2. Coordination of the development activities of local authorities of the district; monitoring the implementation of its development projects and audit thereof;	It can be transferred through office order
3.	rendering assistance, cooperation and encouragement. 13. Construction, maintenance and development of highways, culverts and bridges not reserved by the Government or any local authority.	It can be transferred through office order
4.	13. Construction, maintenance and development of highways, culverts and bridges not reserved by the Government or any local authority.	It can be transferred through office order
5.	bridges not reserved by the Government or any local authority.	It can be transferred through office order
6.	15. Provision of public parks, sports grounds and open spaces and maintenance thereof.	It can be transferred through office order
7.	16. Establishment and maintenance of inns, inspection bungalows and rest houses.	It can be transferred through office order
8.	17. Implementation of development plans entrusted to the Council by the Government.	To transfer it through office order without any delay
9.	18. Development of communication system; 19. Provision of drainage and water supply system, metalling of roads and other essential public welfare activities.	To transfer it through office order without any delay
10.	20. Preparation of plans for local development.	It can be transferred through office order
11.	21. Taking measures of religious, moral and economic upliftment of the locality and its inhabitants.	It can be transferred through office order
12.	22. Police (local).	To transfer it through office order without any delay
13.	23. Tribal custom, tradition and social justice system.	It can be transferred through office order
14.	24. Land and land management.	It can be transferred through office order
15.	25. Proper utilization and irrigation of the water resources of rivulet, canal, and streams other than Kaptai lake.	It can be transferred through office order
16.	26. Conservation and development of	It can be transferred through office order


**B. Functions partially transferred (12)**

Sl.	Entry No. & Functions	Work & o ce not transferred	Opinion
1.	3. Education (1) District Primary Education	— Transfer of teachers at upazila level — Inter-district transfer — School construction and	To transfer them as per laws enacted under CHT Accord
		(l) Primary education through mother tongue;	To transfer this work
	(m) Secondary education.	Terms of the agreement: — To set up and maintain secondary school as per government rules and regulations — To appoint teachers and employees and render their transfer, promotion, training and take disciplinary action as per procedure laid down by regulations — To conduct all the functions relating to secondary education as per	According to section 69, HDCs may carry out this function as per regulation. According to section 32(2) of its act, HDCs may appoint 3rd and 4th class employees. According to section 32(3), HDCs can take disciplinary action against and transfer of other post of o cers.
2.	4. Health	Terms of the agreement: — All costs including salary-allowance to be paid from Service Directorate; — Service Directorate shall transfer o cers/employees to other districts — Admission of students will be made as per rules set forth centrally — Health Ministry will resolve if any dispute arises — Projects adopted by the centre will be implemented by national	According to section 69, HDCs can discharge this function as per its rules. Fund allocation can be made through MoCHTA & CHIRC. MoCHTA & CHIRC can also be involved in transferring to other districts. Projects adopted by the centre can be implemented through HDCs.
3.	5. Public Health	Terms of the agreement: — To appoint o cers and render their transfer, promotion, training and take disciplinary action as per procedure laid down by regulations — Projects adopted by the centre will be informed to HDCs by the Health Ministry.	The terms and conditions are not consistent with the HDC Acts.
4.	6. Agriculture and Forests	(b) 'Development and conservation of forest not reserved by the Government' means other forests or USE and Protected Forest except	This function can be transferred through o ce order.
		(d) taking measures for cultivation of fallow lands; (e) conservation of forestry in rural areas; (h) conservation and reclamation of land and drainage mars;	These works can be
5.	7. Animal husbandry	— All development programs adopted at national level shall be implemented through the Council by the HDCs. — All costs including salaries, allowances to be bestowed upon	These terms and conditions are consistent with the HDC Acts.

Sl.	Entry No. & Functions	Work & office not transferred	Opinion
6.	8. Fisheries: almost all works transferred	— Fishery Development Corporation — Development programs adopted at national level shall be implemented through the Council by the HDCs.	To transfer aforesaid institutes & works through office order.
7.	9. Cooperatives	Development programs adopted at national level shall be implemented through the Council by the HDCs.	To transfer this work through office order.
8.	10. Trade and commerce- (a) small and cottage industries (c) haats and markets	(b) preparation and implementation of indigenous commercial project; (f) establishment and maintenance of rural sales centres. — Development programs adopted at national level shall be implemented through the Council by the HDCs.	To transfer these works through office order.
9.	11. Social welfare: almost all works transferred	Development programs adopted at national level shall be implemented through the Council by the HDCs.	To transfer this work through office order.
10.	12. Culture	(c) providing and maintenance of radio in the public places; (e) establishment of public halls and community centres; (f) spreading of civic education and publication of information on local Government, rural development, agriculture, cattle breeding and other matters of public interests; (g) celebration of national day and tribal festivals; (h) reception of distinguished guests; (j) preservation of historical and original characteristics of the local areas; (k) establishment and maintenance of information centres; — Development programs adopted at national level shall be implemented through the HDCs.	To transfer aforesaid works through office order.
11.	27. Youth welfare.	— Projects adopted at national level shall be implemented by Youth & Sports Ministry. — MoCHTA & CHTRC were not involved in transferring officers.	To transfer aforesaid works through office order.
12.	28. Local tourism: — supervision & coordination of own tourism — preparation, adoption & implementation of own planning	" Nothing of government / Bangladesh Tourism Corporation has been transferred. " Salaries-Allowances have not been transferred. " Implementation of development	Local tourism i.e. tourism of concerned hill district is a functions of HDCs. So, to transfer all works, man-powers and salaries-allowances of concerned institutes/offices

## Annex-7:

Letter of dated 18-11-2012 sent to the Prime Minister  
from the CHT Regional Council

 <b>পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ</b> <b>প্রধান কার্যালয়-রাঙ্গামাটি</b> <b>পার্বত্য চট্টগ্রাম</b>	
ফোন : ৪৮৮০-৩৩১-৬৩১২০, পিকবক্স : ৬৩২৯৬, ফ্যাক্স : ৪৮৮০-৩৩১-৬৩২৭৮ E-mail : chtrc@yahoo.com	
স্মারক নং :	তারিখ :
-২৯.২.২২.০০০.০৪.০১.০৪৬.২০১২- ৩৭৮৮	১৯/১১/১২
<b>বিষয় : সংশ্লিষ্ট মন্ত্রণালয় কর্তৃক নিবাহী আদেশের মাধ্যমে পার্বত্য জেলা পরিষদসমূহের কার্যাবলী হস্তান্তর করার জন্য নির্দেশনা প্রদান করা সম্পর্কে।</b>	
<p>সদয় জ্ঞাতার্থে ও কার্যার্থে জানানো যাচ্ছে যে, পার্বত্য চট্টগ্রাম চুক্তির আওতায় সংশ্লিষ্ট "রাঙ্গামাটি/খাগড়াছড়ি/বান্দরবান পার্বত্য জেলা পরিষদ আইন, ১৯৮৯" (বা রাঙ্গামাটি/খাগড়াছড়ি/বান্দরবান পার্বত্য জেলা পরিষদ(সংশোধন) আইন, ১৯৯৮) এর প্রথম তফসিল-এ মোট ৩৩(তেরিশ) টি বিষয় বা কার্যাবলী আওতাভুক্ত হয় (পরিশিষ্ট-ক)।</p> <p>২। আইনের ধারা ৬৯(১) ও (২)(ক) অনুযায়ী প্রবিধানমালা প্রণয়ন করে পার্বত্য জেলা পরিষদসমূহ সে সব কার্যাবলী পরিচালনা করতে পারে।</p> <p>৩। সংশ্লিষ্ট মন্ত্রণালয় নিবাহী আদেশের মাধ্যমে সংশ্লিষ্ট বিষয় বা কার্যাবলী অর্থাৎ সকল কর্ম, প্রতিষ্ঠান, জনবল ও অর্থবল(তহবিল) সংশ্লিষ্ট পার্বত্য জেলা পরিষদের নিকট হস্তান্তর করতে পারে।</p> <p>৪। সংশ্লিষ্ট মন্ত্রণালয় তা না করে কেবল বিশেষ ক্ষেত্রে প্রযোজ্য আইনের ২৩ ধারা অর্থাৎ বিশেষ ক্ষেত্রে কোন কর্ম বা প্রতিষ্ঠান পার্বত্য জেলা পরিষদ হতে সরকারের নিকট এবং সরকার হতে পার্বত্য জেলা পরিষদের নিকট হস্তান্তর করার বিশেষ বিধান (পরিশিষ্ট-খ) অপ্রয়োগ করে পার্বত্য জেলা পরিষদসমূহের সাথে চুক্তিনামায় বা নির্দেশনামায় স্বাক্ষরের মাধ্যমে সংশ্লিষ্ট বিষয় বা কার্যাবলী হস্তান্তর করে আসছে। তবে কোন বিষয় বা কার্যাবলীর সংশ্লিষ্ট দপ্তর বা প্রতিষ্ঠান, কর্ম, জনবল ও অর্থবল(তহবিল) পূর্ণাঙ্গভাবে হস্তান্তর করা হয়নি। এতে হস্তান্তরিত বিষয় বা কার্যাবলী পরিচালনায় প্রশাসনিক ক্ষেত্রে ঝেঁজততা বা সাংখ্যিক পরিস্থিতি হয়ে থাকে। তদুপরি বিভিন্ন মন্ত্রণালয় কর্তৃক সংশ্লিষ্ট কোন বিষয় বা কার্যাবলী হস্তান্তর বিষয়ে মীর্য়সূত্রতা দেখা দেয়।</p> <p>৫। প্রসঙ্গত উল্লেখ্য, পার্বত্য জেলা পরিষদ আইনের ২৩ ধারায় বর্ণিত অনুন্নত বিশেষ বিধান উপজেলা পরিষদ আইনের ২৪ ধারায় অন্তর্ভুক্ত রয়েছে। অর্থাৎ, উপজেলা পরিষদসমূহের নিকট তাদের কার্যাবলী হস্তান্তরের ক্ষেত্রে সংশ্লিষ্ট কোন মন্ত্রণালয়ের সাথে কোন ধরনের চুক্তিনামায় বা নির্দেশনামায় স্বাক্ষর করা আবশ্যিক হয়নি। স্থানীয় সরকার ও পল্লী উন্নয়ন মন্ত্রণালয় কর্তৃক উপজেলা পরিষদ আইন অনুসরণে সংশ্লিষ্ট নিবিমলা প্রণয়ন করে দেয়া হয়েছে এবং উপজেলা পরিষদসমূহ সংশ্লিষ্ট বিষয় বা কার্যাবলী প্রণীত নিবিমলা অনুযায়ী পরিচালনা করে চলেছে।</p> <p>৬। বর্তমান সরকারের আমলে সংশ্লিষ্ট কার্যাবলী হস্তান্তরের জন্য পার্বত্য মন্ত্রণালয় হতে পুনরায় বিভিন্ন মন্ত্রণালয়ে পত্র দেয়া হয় এবং ১, ২ ও ৩ আগস্ট ২০১২ খ্রিষ্টাব্দ তারিখে বিভিন্ন মন্ত্রণালয়ের কর্মকর্তাদের সাথে আলোচনা করা হয়। এ প্রেক্ষিতে বিগত ০৮ নভেম্বর ২০১২ খ্রিষ্টাব্দ তারিখে এযাবৎ হস্তান্তরিত ১২(বার) টি বিষয় বা কার্যাবলীর আওতাভুক্ত মিল্লোক্ত কর্ম/প্রতিষ্ঠান হস্তান্তর করা হয়েছে বাংলাদেশ কৃষি উন্নয়ন কর্পোরেশন (বিএজিসি), স্বাস্থ্য প্রকৌশল অধিদপ্তর, শিল্পসদন ও রামগড় হ্যাচারী। তবে কোন কোন মন্ত্রণালয় কর্তৃক সংশ্লিষ্ট বিষয় বা কার্যাবলী হস্তান্তর না করার পক্ষে মান্য অপ্রাসঙ্গিক যুক্তি তুলে ধরা হচ্ছে।</p>	



## পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ প্রধান কার্যালয়-রাজামাটি পার্বত্য চট্টগ্রাম

ফোন : ৮৮৮০-৩৩১-৬৩১২০, ফ্যাক্স : ৮৮৮০-৩৩১-৬৩১২০, ই-মেইল : chtrc@yahoo.com

প্রাপক নং : ২


তারিখ : ২

৭। এমতাবস্থায়, মাননীয় প্রধানমন্ত্রীর প্রত্যক্ষ স্ক্রমিকা ও তাঁর কার্যালয়ের সরাসরি নির্দেশনা ব্যতিরেকে পার্বত্য জেলা পরিষদসমূহের নিকট কোন বিষয় বা কর্ম হস্তান্তর আশা করা যাচ্ছে না। এতদপ্রেক্ষিতে মাননীয় প্রধানমন্ত্রীর কার্যালয় হতে সংশ্লিষ্ট সকল মন্ত্রণালয়কে নিম্নরূপ নির্দেশনা প্রদান করার সবিশেষ অনুরোধ জ্ঞাপন করা হল :

(ক) সংশ্লিষ্ট বিষয় বা কার্যাবলী অর্থাৎ সকল কর্ম, প্রতিষ্ঠান, জনবল ও অর্থবল(তহবিল) সংশ্লিষ্ট মন্ত্রণালয় কর্তৃক তিন পার্বত্য জেলা পরিষদের নিকট নিবাহী আদেশের মাধ্যমে যথাশীঘ্র হস্তান্তর করার ব্যবস্থা করা এবং

(খ) পার্বত্য জেলার আইন-শৃঙ্খলা, পুলিশ (স্থানীয়), জমি ও জমি ব্যবস্থাপনা, জল চাষ, উপজাতীয় রীতি-নীতি-প্রথা এবং সামাজিক বিচার, মাধ্যমিক শিক্ষা, পরিবেশ সংরক্ষণ ও উন্নয়ন, বন (Reserve Forest) বাণিজ্যিক অন্যান্য বন, স্থানীয় পর্যটন অধিদপ্তর ভিত্তিতে তিন পার্বত্য জেলা পরিষদের হস্তান্তর করার ব্যবস্থা করা।

স্বাক্ষর : এ. পি. সি.



(জ্যোতিবিন্দু বোধিজয় লারমা)  
চেয়ারম্যান

প্রাপক : মাননীয় প্রধানমন্ত্রী  
গণপ্রজাতন্ত্রী বাংলাদেশ সরকার  
প্রধানমন্ত্রী কার্যালয়  
তেজগাঁও, ঢাকা।

### অনুলিপি সদয় জ্ঞাতার্থে ও কার্যার্থে :

- ১। জনাব গওহর রিজভী, মাননীয় প্রধানমন্ত্রীর আর্থজাতিক ও পররাষ্ট্র বিষয়ক উপদেষ্টা, প্রধানমন্ত্রী কার্যালয়, তেজগাঁও, ঢাকা।
- ২। প্রতিমন্ত্রী মহোদয়ের একান্ত সচিব, পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।
- ৩। মুখ্য সচিব মহোদয়ের একান্ত সচিব, মাননীয় প্রধানমন্ত্রীর কার্যালয় তেজগাঁও, ঢাকা।
- ৪। সচিব মহোদয়ের একান্ত সচিব, পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।



## Annex-8:

Executive order of transfer of district Police subject

[illegible]

## Annex-9:

Letter dated 24-06-2014 sent by Regional Council to  
the Ministry of CHT Affairs



### পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ প্রধান কার্যালয়-রাজামাটি পার্বত্য চট্টগ্রাম

ফোন : +৮৮০-৩৫১-৬৩১২০, সি.এবিএস : ৬৩২৯৩, ফ্যাক্স : +৮৮০-৩৫১-৬৩২৭৮ E-mail : chtrc@yahoo.com

স্মারক নং : ২৯.২৩২.০০০.০৪.০৮.০০৫.১৯৯৯- ৮৬৭

তারিখ : ২৪/০৬/২০১৪

বিষয় : জাতীয় গৃহায়ন কর্তৃপক্ষের নানীয় জমি অবমুক্ত করা প্রসঙ্গে।

উপর্যুক্ত বিষয়ের প্রেক্ষিতে “পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ প্রধান কার্যালয়, বাসভবন ও এতদসংশ্লিষ্ট কমপ্লেক্স নির্মাণ” শীর্ষক প্রকল্পের জন্য প্রস্তাবিত ১০২ নং রাজাপানি মৌজাখু দাগ নং যথাক্রমে ৫৮৮ দাগে ০.০৫ একর, ৫৮৯ দাগে ০.৭৫ একর, ৫৯০ দাগে ২.৫০ একর, ৫৯১ দাগে ২.৯০ একর, ৫৯২ দাগে ০.১০ একর, ৫৯৩ দাগে ২.০০ একর, ৫৯৪ দাগে ৩.০০ একর এবং ৫৯৫ দাগে ৩.০০ একর অর্থাৎ সর্বমোট ১৪.৭৫ (চৌদ্দ দশমিক সাত পাঁচ) একর জমি অবমুক্ত করণ বিষয়ে বিগত ১৪/০৬/২০১২ খ্রিঃ তারিখ পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়ে অত্র পরিষদ হতে পত্র প্রেরণ করা হয় (কপি সংযুক্ত)। উক্ত জমি অবমুক্ত করণ বিষয়ে মন্ত্রণালয় হতে অদ্যাবধি কোন সিদ্ধান্ত পাওয়া যায়নি।

এতদবিষয়ে অত্র পরিষদের দায়িত্বপ্রাপ্ত প্রতিনিধি গৃহায়ন ও গণপূর্ত মন্ত্রণালয় সূত্রে অবগত হয়েছেন যে, জাতীয় গৃহায়ন কর্তৃপক্ষ উক্ত ১৪.৭৫ একর জমি জাতীয় গৃহায়ন কর্তৃপক্ষের স্বার্থে অবমুক্ত/হস্তান্তর করা সম্ভব নয় বলে গৃহায়ন ও গণপূর্ত মন্ত্রণালয়কে জানানো হয়েছে।

উল্লেখ্য যে, জাতীয় গৃহায়ন কর্তৃপক্ষের ১৯৮২-৮৩ সনে “খল্প ও মধ্যম আয়ের লোকদের জন্য আবাসন প্রট উন্নয়ন প্রকল্প”টি হাতে নেয়া হলেও তা অন্যাবধি বাস্তবায়িত হয়নি। অর্থাৎ এই প্রকল্পের বিপরীতে ১৯৮৩-৮৪ অর্থ বছর হতে অন্যাবধি কোন অর্থ ছাড় করা হয়নি। অর্থাৎ বাস্তবিক অর্থে জাতীয় গৃহায়ন কর্তৃপক্ষের গৃহীত প্রকল্পটি পরিত্যক্ত হিসেবে গণ্য এবং আত বাস্তবায়নের কোন সম্ভাবনা নেই মর্মে প্রতীয়মান। অব্যবহৃত এবং অরক্ষিত অবস্থা থাকায় প্রকল্পের জমি ক্রমে বেদখলে চলে যাচ্ছে।

এমতাবস্থায় “পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ প্রধান কার্যালয়, বাসভবন ও এতদসংশ্লিষ্ট কমপ্লেক্স নির্মাণ” শীর্ষক প্রকল্পের জন্য উক্ত ১৪.৭৫ একর জমি অবমুক্তক্রেম অথবা জাতীয় গৃহায়ন কর্তৃপক্ষ কর্তৃক ব্যয়িত অর্থ পরিশোধ সাপেক্ষে হস্তান্তর করার প্রয়োজনীয় ব্যবস্থা গ্রহণের জন্য পুনরায় অনুরোধ জ্ঞাপন করা হল।

(জ্যোতির্বিদ্য বোধিপ্রিয় শারমা)  
চেয়ারম্যান

সচিব  
পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়  
বাংলাদেশ সচিবালয়, ঢাকা।

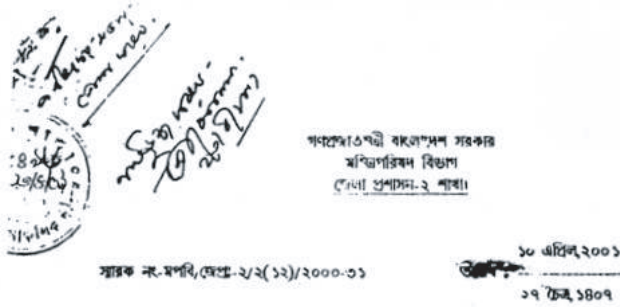
অনুলিপি জ্ঞাতার্থে ও কার্যার্থে :

- ১। সচিব, গৃহায়ন ও গণপূর্ত মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।
- ২। প্রতিমন্ত্রীর একান্ত সচিব, পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা (মাননীয় প্রতিমন্ত্রী মন্ত্রণালয়ের জ্ঞাতার্থে)।
- ৩। দাপ্তরিক কপি।



## Annex-10:

Order dated 10 April 2001 relating to following of  
Regional Council Act, issued from the Cabinet Division



### পরিপত্র

বিষয়: পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ আইন, ১৯৯৮ এর যথাযথ অনুসরণ এবং পার্বত্য জেলার উন্নয়ন কর্মসূচির তত্ত্বাবধান ও সমন্বয় সাধন।

পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ আইন, ১৯৯৮-এ এই আঞ্চলিক পরিষদের কার্যবলী হিচক্বে নিম্নরূপ ক্ষেত্রসমূহ চিহ্নিত করা হইয়াছে :

- (ক) পার্বত্য জেলা পরিষদের অধীন পরিচালিত সকল উন্নয়ন কর্মসূচিসহ উন্নয়নের আওতাধীন এবং উন্নয়নের উপর অর্পিত দায়িত্বের সার্বিক তত্ত্বাবধান ও সমন্বয় সাধন ;
  - (খ) শেঁকড়াভাসহ স্থানীয় পরিষদসমূহ তত্ত্বাবধান ও সমন্বয় সাধন ;
  - (গ) পার্বত্য চট্টগ্রাম উন্নয়ন বোর্ডের কার্যবলীর সার্বিক তত্ত্বাবধান ;
  - (ঘ) পার্বত্য জেলার সাধারণ প্রশাসন, আইনশৃঙ্খলা ও নিয়ন্ত্রণের তত্ত্বাবধান ও সমন্বয় সাধন ;
  - (ঙ) উপস্থানীয় রীতিনীতি, পুরা ইত্যাদি এবং সাময়িক বিচার সমন্বয় ও তত্ত্বাবধান ;
  - (চ) জাতীয় শিল্প নীতির সহিত সঙ্গতি রক্ষার পার্বত্য জেলাসমূহে জাতীয় শিল্প শক্তির লাইসেন্স প্রদান ;
  - (ছ) দুর্গোপ ব্যবস্থাপনা ও এর কার্যক্রম পরিচালনা এবং এনজিও কার্যবলীর সমন্বয় সাধন।
- ২। পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদের উল্লিখিত কার্যবলী সুষ্ঠুভাবে সম্পাদন ও সমন্বয় সাধনের স্বার্থে পার্বত্য চট্টগ্রাম এলাকার সমস্ত স্থানীয় পরিষদ এবং দপ্তরসমূহ কর্তৃক পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ আইন ১৯৯৮ যথাযথভাবে অনুসরণ করা বাহ্যিকীয়া।

১৪ পৃঃ

৩। অতঃপর পার্বত্য এলাকার সামগ্রিক উন্নয়নমূলক কার্যক্রমের সমন্বয় সাধন ও সহায়ক ভূমিকাভার লক্ষ্যে এই এলাকার সাংগঠনিক ক্ষমতা পরিমার্জন ও সরকারী অফিসসমূহকে আঞ্চলিক পরিষদ আইন ১৯৯৮ ফাঙ্কশনভিত্তক অনুসরণ করার জন্য পরামর্শ প্রদান করা হইবে। পার্বত্য জেলাস্তরের উন্নয়ন কর্মকাণ্ড সমন্বয়ের উদ্দেশ্যে সকল মণ্ডল-সদস্য/বিভাগ ও ডায়ালগ জবিন্দার দপ্তর/সংস্থা কর্তৃক পার্বত্য চট্টগ্রাম এলাকায় পৃথিবী/পৃথিবীতে সকল উন্নয়নমূলক কার্যক্রমের বিষয়ে আঞ্চলিক পরিষদকে অবহিত রাখার ব্যবস্থা অনুসরণ করা হইবে।

  
(মুহম্মদ আব্দুল গাফার)  
মুদ্রাঙ্কিত

কার্যক্রম:

- ১। চেয়ারম্যান,  
পার্বত্য চট্টগ্রাম উন্নয়ন বোর্ড, রাংগামাটি।
- ২। চেয়ারম্যান,  
\_\_\_\_\_ পার্বত্য জেলা পরিষদ (সকল)।
- ৩। সচিব/অতিরিক্ত সচিব,  
\_\_\_\_\_ মণ্ডল/বিভাগ/সংস্থা(সকল)।

জ্ঞাতার্থে:

- ১। চেয়ারম্যান/পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ, রাংগামাটি।
- ২। মুখ্য সচিব/প্রশাসনিক কর্মকর্তা, ঢাকা।


**পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ**  
প্রধান কার্যালয়  
রাংগামাটি

স্মারক নং এক-৮/৬/পাচআপ/২০০৬/৪০০ (২৫০)

তারিখ ১৪-০৪-২০০১ ইং

অনুলিপি সহিত জ্ঞাতার্থে ও কার্যক্রম:

- ১। চেয়ারম্যান, রাংগামাটি/মণ্ডল/বিভাগ/সংস্থা পার্বত্য জেলা পরিষদ, রাংগামাটি/মণ্ডল/বিভাগ/সংস্থা।
- ২। চেয়ারম্যান, পার্বত্য চট্টগ্রাম উন্নয়ন বোর্ড, রাংগামাটি।
- ৩। বিভাগীয় কমিশনার, চট্টগ্রাম বিভাগ, চট্টগ্রাম।
- ৪। ডি. আই. জি, চট্টগ্রাম জেলা, চট্টগ্রাম।
- ৫। জেলা প্রশাসক, রাংগামাটি/মণ্ডল/বিভাগ/সংস্থা পার্বত্য জেলা পরিষদ, রাংগামাটি/মণ্ডল/বিভাগ/সংস্থা।
- ৬। পুলিশ সুপার, রাংগামাটি/মণ্ডল/বিভাগ/সংস্থা পার্বত্য জেলা পরিষদ, রাংগামাটি/মণ্ডল/বিভাগ/সংস্থা।
- ৭। \_\_\_\_\_

  
(মুহম্মদ আব্দুল গাফার)  
মুখ্য নির্বাহী কর্মকর্তা  
পার্বত্য-রাংগামাটি আঞ্চলিক পরিষদ

## Annex-11:

Letter of Local government ministry directing to follow the Regional Council Act

সংসদীয়-বাংলাদেশ সরকার  
সংসদীয় সরকার, শ্রী উন্নয়ন ও সমবায় মন্ত্রণালয়  
সংসদীয় সরকার বিভাগ  
উপজেলা-১ পাবনা

স্মারক নং- স্মারক/উজ-১/বিবিধ-১/২০০১/১১৩  
তারিখঃ- ১৯/০৬/২০০১ ইং।

বিষয় :- আঞ্চলিক পরিষদ প্রতিবিধানের উপস্থাপিত রেজোলিউশন প্রবর্তন এবং সংশ্লিষ্ট আইনের ২২(খ) ধারা অনুসরণ সম্পর্কে।

উপর্যুক্ত বিষয়ে বিবেচনায় জানানো যাক যে, পাবনা জেলা সংসদীয় সরকার পরিষদ আইন ১৯৭৯-এর ১৭ ধারা এবং ১৯৮৯-এর সংশোধনকৃত আইন ১৯৯৮-এর ৯ নং আইনের ১৬ ধারাতে রেজোলিউশন প্রণয়ন করণের ক্ষমতা সংসদীয় পরিষদের অধীনে উঠে আসে। উক্ত আইনে উল্লিখিত বিধান অনুযায়ী প্রয়োজিত আইন প্রণয়ন করার জন্য প্রয়োজন করা হলো।

অতএব পাবনা উন্নয়ন আঞ্চলিক পরিষদ পাবনা জেলা আইন ১৯৯৮-এর ৯ নং আইনের ২২(খ) ধারার বিধান অনুযায়ী পৌরসভায় সংসদীয় পরিষদ গঠন করণের ও সমন্বয় পাবনা প্রয়োজিত পদক্ষেপ নেওয়ার জন্য বিবেচনায় প্রেরণ করা হলো।

✓ প্রাপ্ত :- শ্রী পৌরসভা কমান্ডার,  
প্রতিবিধান প্রবর্তন,  
সদস্য, পাবনা উন্নয়ন আঞ্চলিক পরিষদ,  
পাবনা উন্নয়ন।

স্মারক নং- স্মারক/উজ-১/বিবিধ-১/২০০১/১  
তারিখঃ- ১৯/০৬/২০০১ ইং।

সদস্য এবং পতি ও প্রয়োজিত ব্যবস্থা গ্রহণের জন্য অনুরোধ প্রেরণ করা হলো :-

১। জেলা প্রশাসক - জেলা প্রশাসক/সংশ্লিষ্ট/সমন্বয়, পাবনা উন্নয়ন - তার পক্ষে পাবনা জেলা প্রশাসক/সংশ্লিষ্ট/সমন্বয় -এর ১২ নং আইনের ২২(খ) ধারা অনুসরণ করার বিষয়ে পদক্ষেপ করার জন্য প্রয়োজন করা হলো এবং রেজোলিউশন প্রবর্তনের মাধ্যমে পাবনা জেলা সংসদীয় সরকার পরিষদ আইন, ১৯৭৯ এর ১৭ ধারা ও ১৯৯৮ এর ৯ নং আইনের ১৬ ধারার বিধান অনুযায়ী পদক্ষেপ নেওয়ার জন্য প্রয়োজন করা হলো।

(স্বাক্ষর)  
নির্বাহন সচিব  
তারিখঃ- ১৯/০৬/২০০১ ইং।

## Annex-12:

Letter of dated 07-05-2013 on promulgation of laws sent to  
Ministry of CHT Affairs from Cabinet Division



নং-০৪.৫১২.০৮২.০০.০০.০০০.২০১০-৯৩

পরিপ্রজাতন্ত্রী বাংলাদেশ সরকার  
মন্ত্রিপরিষদ বিভাগ  
মন্ত্রি প্রশাসন সংযোগ শাখা  
www.cabinet.gov.bd

নিম্নোক্ত ক্রমে মন্ত্রিপরিষদে  
নং: নি: ক:  
নি: ক: (প্র: ক:)/নি: ক: (উ: ক: প্র: ক:)  
স: নি: ক:  
২৪ বৈশাখ ১৪২০ বঙ্গাব্দ  
তারিখ: ০৭ মে ২০১৩ খ্রিষ্টাব্দ

বিষয়: বিধান আদিকরণ সংক্রান্ত।

সূত্র: পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদের স্মারক নম্বর- ২৯.২০২.০০০.০৪.১৬.০০২.২০১০-৩৫৩ তারিখ: ১০.০৪.১৩ খ্রিষ্টাব্দ।


উপর্যুক্ত বিষয়ে সূত্রস্থ পত্রে নিম্নলিখিত ব্যবস্থা গ্রহণের অনুরোধ জানানো হয়েছে:-

(ক) পার্বত্য চট্টগ্রাম শাসনবিধি, ১৯০০ (১৯০০ সনের ১ নং শাসনবিধি) রাস্তামাটি/খাগড়াছড়ি/বান্দরবান পার্বত্য জেলা পরিষদ আইন, ১৯৯৮ (সংশোধন); পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ আইন, ১৯৯৮ ও পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয় সংক্রান্ত কার্যবিধিমালা, ২০০০-এর বিধানাবলী সাপেক্ষে কার্যকর থাকবে মর্মে নতুন স্মারক আদিকরণ।

(খ) পার্বত্য চট্টগ্রাম শাসনবিধি, ১৯০০ (১৯০০ সনের ১ নং শাসনবিধি)-এর কার্যকারিতা বিষয়ে ২৯.১০.১৯৯০ তারিখে মাননীয় প্রধানমন্ত্রীর বিশেষ কায়াদি বিভাগ থেকে আদিকৃত স্মারক বাতিলকরণ।

২। এমতাবস্থায়, এ বিষয়ে প্রয়োজনীয় ব্যবস্থা গ্রহণের জন্য নির্দেশক্রমে অনুরোধ করা হল।

সংযুক্তি: বর্ণনামতে ০৬(ছয়) ফর্দ।

  
(মদনউল ইসলাম)  
সিনিয়র সহকারী সচিব  
ফোন: ৭১৬৮৩৯৬

সচিব  
পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়  
বাংলাদেশ সচিবালয়, ঢাকা।

অনুলিপি:

মুখ্য নির্বাহী কর্মকর্তা  
পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ  
রাস্তামাটি, পার্বত্য চট্টগ্রাম।

E:\Nicos folder\Hill tracts Ministry\Letter Hill Tracts Ministry.doc

### Annex-13

Recommendations adopted for amendment of CHT Land  
Dispute Resolution Commission Act 2001  
Venue: Chittagong Circuit House, Chittagong  
09 January 2015

Sl.	Act 53 of 2001	CHT Accord 1997	Recommendations adopted unanimously in the meeting
1.	Preamble Para 4 Line 3: Hill District Committee and Parbatya Jana Samhati Samiti .. signed an Agreement	The title in the Accord states: National Committee on Chittagong Hill Tracts and Parbatya Chattagram Jana Samhati Samiti .. signed an Agreement	Hill District Committee would be replaced by the National Committee on CHT and Parbatya Chattagram Jana Samhati Samiti .. signed an agreement
2.	Section 3(2)(d): Circle Chief of the concerned circle, ex-o cio;	Section 3(2)(d): Circle Chief of the concerned circle, ex-o cio;	Section 3(2)(d): Circle Chief of the concerned circle, ex-o cio or his representative nominated by him;
3.	Section 4(2): The Government can set up branch office in any hill districts as necessary.		Section 4(2): The Government can set up branch office in Chittagong Hill Tracts and liaison office in Dhaka.
4.	Section 6(1)(a): To settle the land related dispute of the rehabilitated refugees in accordance with the existing laws and customs in the	Section 6(b) under Part D of the Accord: The Commission shall resolve the disputes in consonance with the law, custom and practice in force in the Chittagong Hill Tracts.	To add the word 'practices' to the words 'laws and customs'.
5.	Section 6(1)(b): The claim and rights of the petitioner or the opposite party on the land referred shall be settled and if necessary, restored under the existing laws and customs of Chittagongs Hill Tracts;	Section 6(b) under Part D of the Accord: The Commission shall resolve the disputes in consonance with the law, custom and practice in force in the Chittagong Hill Tracts.	To add the word 'practices' to the words 'laws and customs'.
6.	Section 6(1)(c): Any land has been given in settlement in violation of the existing laws of CHT, shall be cancelled and if any lawful owner has been illegally occupied on account of such settlement shall be restored:	Section 4 under Part D of the Accord: 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	To replace Section 6(1)(c) with: "Any land including fringe land has been given in settlement or occupied in violation of the existing laws, customs and practices of CHT, shall be cancelled and if any lawful owner has been illegally occupied on account of such settlement shall be restored:

Sl.	Act 53 of 2001	CHT Accord 1997	Recommendations adopted unanimously in the meeting
7.	Proviso of Section 6(1): Provided that, this sub-section shall not be applicable in case of Reserved Forests, Kaptai Hydroelectricity Project area, Betbunia Earth Satellite Station, state-owned industries and land recorded with the Government or local	Section 4 under Part D of the Accord: 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	Proviso of Section 6(1) may be put as follows: Provided that, this sub-section shall not be applicable in case of the lands, the Kaptai Hydroelectricity Project area except the fringe lands, hillocks and hills including the homesteads and the Betbunia Earth Satellite Station acquired as per existing laws, customs and practices in force in the Chittagong Hill Tracts.
8.	Section 7(3): Attendance of the Chairman and another two members on the meeting shall be necessary for maintaining quorum....		Section 7(3): To replace the words 'Chairman and other two members' with the words 'Chairman and other three members'.
9.	Section 7(4): If any agenda remains unresolved in any meeting that can be presented for consideration and resolution in any of the subsequent meeting and this shall not be held up on the ground that the members who were present in the earlier meeting have remained absent and the decision on this issue shall		Section 7(4): If any agenda remains unresolved in any meeting that can be presented for consideration and resolution in any of the subsequent meeting and however, notices shall be delivered to all members and the matter shall not be held up on the ground that the members who were present in the earlier meeting have remained absent and the decision on this issue shall not be
10	Section 7(5): Chairman shall take decision on the basis of discussion with other members present on the areas of its activities along with the matter stated in section 6(1) unanimously and in case decision is not unanimous his decision shall be treated as the decision of the Commission.		Section 7(5): Chairman shall take decision on the basis of discussion with other members present on the areas of its activities along with the matter stated in section 6(1) unanimously and in case decision is not unanimous, decision of majority including the chairman shall be treated as the decision of the Commission.

Sl.	Act 53 of 2001	CHT Accord 1997	Recommendations adopted unanimously in the meeting
11.	Section 9: Submission of petition of the commission		Section 9: Submission of petition to the
12.			To add new Section 10(4) after section 10(3): The applicant, in the interest of having proper justice can apply, before disposal of the matter, at any time to amend his/her petition.
13			To add new Section 13(3) after section 13(2): In the post of Secretary, officers and employees of the Commission, under this sub-section, the permanent inhabitants of the Chittagong Hill Tracts shall be appointed giving priority to the tribal persons of the Hill
14	Section 18: The Government may, for achieving the objectives of the Act, can formulate, through gazette notification, rules within 6 months of framing the Act.		Section 18: The Government may, for achieving the objectives of the Act, can formulate, through gazette notification, rules as soon as possible of the framing of the Act.

Signature/illegible  
Dr. Gawher Rizvi

Signature/illegible  
Jyotindra Bodhipriya Larma

Signature/illegible  
Naba Bikram Kishore Tripura



## Annex-14:

Advice of Ministry of establishment on appointment in the services in CHT

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার  
সংস্থাপন মন্ত্রণালয়  
বিধি-১ শাখা

নং- সম(বিবি-১)/এস অরে -১/২০০০-১৮৩ তারিখ ২৯ অক্টোবর ২০০০ খ্রিঃ/০৭ কার্তিক ১৪০৭ বাংলা

বিষয়ঃ পার্বত্য চট্টগ্রামের সকল সরকারী, আধা-সরকারী ও স্বায়ত্তশাসিত প্রতিষ্ঠানের সকল ক্ষেত্রে কর্মকর্তা ও বিভিন্ন শ্রেণীর কর্মচারী পদে উপজাতীয়দের অধিকার উদ্ভিষ্টে পার্বত্য চট্টগ্রামের স্থায়ী অধিবাসীদের নিয়োগ প্রসঙ্গে।

সূত্রঃ আঃ পরিঃ/টাকি বাস্তবায়ন/৩১/২০০০ তারিখ ২৯/০৮/২০০০

● উপরোক্ত বিষয় ও সূত্রের প্রেক্ষিতে নির্দেশক্রমে জানানো যাচ্ছে যে, চাকুরীর ক্ষেত্রে অধিকারের বিষয়টি সংশ্লিষ্ট পদের নিয়োগবিধি/চাকুরী প্রবিধানমালায় আওতায় বিবেচ্য। এমতাবস্থায়, চাকুরীর ক্ষেত্রে উপজাতীয়দের মুক্তিসঙ্গত অধিকার দানের বিষয় সংশ্লিষ্ট পদের নিয়োগবিধি/চাকুরী প্রবিধানমালায় অন্তর্ভুক্তির লক্ষ্যে প্রয়োজনীয় পদক্ষেপ গ্রহণ করার জন্য পরামর্শ জ্ঞাপন করা হলো।

স্বাক্ষর- অসম্পূর্ণ  
(আ. স. ম. আলিদুর রহমান)  
সিনিয়র সহকারী সচিব  
বিধি-১ শাখা

সচিব,  
পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়  
বাংলাদেশ সচিবালয়, ঢাকা।

(দৃষ্টি আকর্ষণঃ মোঃ মইনুল ক, সহকারী সচিব, প-২)



## Annex-15:

### Letter from Ministry of CHT Affairs

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার  
পার্বত্য ঊন্থ্যায় বিখরক মন্ত্রণালয়  
বাংলাদেশ সচিবালয়, ঢাকা।

নং-পাটবিম(সম-১)-৩০-২০০১/৫০৫ তারিখঃ ২৫-০৮-২০০২ ইং।

বিষয়ঃ পার্বত্য ঊন্থ্যায়ের সকল সরকারী আধা-সরকারী, পরিমলীয় ও স্বায়ত্বশাসিত প্রতিষ্ঠানের সকল ত্তরের কর্মকর্তা ও বিভিন্ন শ্রেণীর কর্মচারী পদে উপজাতীয়দের অধাধিকার ভিত্তিতে পার্বত্য ঊন্থ্যায়ের স্থায়ী অধিবাসীদের নিয়োগ প্রসঙ্গে।

সূত্রঃ ১। সংস্থাপন মন্ত্রণালয়ের স্মারক নং-সম(বিবি-১)এস আর-১/২০০০-১৮৩, তারিখ ২২ অক্টোবর ২০০০ খ্রী।  
২। পার্বত্য ঊন্থ্যায় বিখরক মন্ত্রণালয়ের স্মারক নং-পাটবিম(সম-১)-৩০/২০০১-৫২৯, তারিখ ২৬-৬-২০০২।

উপস্থিত বিষয় ও সূত্রস্থ স্মারকখয়ের প্রতি পৃষ্টি আকর্ষণ করে জানানো যাচ্ছে যে, গণপ্রজাতন্ত্রী বাংলাদেশ সরকার কর্তৃক গঠিত পার্বত্য ঊন্থ্যায় বিখরক জাতীয় কমিটির সংগে পার্বত্য ঊন্থ্যায় জনসংহতি সমিতির 'খ' খণ্ডের ১৮শ অণুচ্ছেদে পার্বত্য ঊন্থ্যায়ের সকল সরকারী, আধা-সরকারী, পরিমলীয় ও স্বায়ত্বশাসিত প্রতিষ্ঠানের সকল ত্তরের কর্মকর্তা ও বিভিন্ন শ্রেণীর কর্মচারী পদে উপজাতীয়দের অধাধিকার ভিত্তিতে পার্বত্য ঊন্থ্যায়ের স্থায়ী অধিবাসীদের নিয়োগ করা হবে মর্মে উল্লেখ রয়েছে।

২। উপস্থিত শর্তের অধোকে সকল সরকারী, আধা-সরকারী, পরিমলীয় ও স্বায়ত্বশাসিত প্রতিষ্ঠানের সকল ত্তরের কর্মকর্তা ও বিভিন্ন শ্রেণীর কর্মচারী পদে উপজাতীয়দের অধাধিকার ভিত্তিতে পার্বত্য ঊন্থ্যায়ের স্থায়ী অধিবাসীদের নিয়োগের শর্ত নিয়োগ বিধিতে অত্বত্বকরণের বিধে সরকারী নির্দেশ/সাব্দীয়ার জাতীয় প্রয়োজনীয় কার্যক্রম প্রমের অন্য সংস্থাপন মন্ত্রণালয়ে অনুপ্রোথ জানানো হইছিল।

৩। উক্ত অণুরোধের মোফিতে, সংস্থাপন মন্ত্রণালয় তিন পার্বত্য জেলায় চাকুরীর ক্ষেত্রে উপজাতীয়দের সুভিসংগত অধাধিকার প্রদানের বিষয়টি সর্বত্র পদের নিয়োগ বিধিমালা/চাকুরী প্রবিধানমালাতে অত্বকৃতির লাক্ষ্য প্রয়োজনীয় পদক্ষেপ প্রমের অন্য পরামর্শ প্রদান করেছে(অনুলিপি সংযুক্ত)।

৪। সংস্থাপন মন্ত্রণালয়ের পরামর্শের পরিপ্রেক্ষিতে, তিন পার্বত্য জেলায় অর্থাত্ব সকল সরকারী, আধা-সরকারী, পরিমলীয় ও স্বায়ত্বশাসিত প্রতিষ্ঠানের সকল ত্তরের কর্মকর্তা ও বিভিন্ন শ্রেণীর কর্মচারী পদে উপজাতীয়দের অধাধিকার ভিত্তিতে পার্বত্য ঊন্থ্যায়ের স্থায়ী অধিবাসীদের নিয়োগের শর্ত নিয়োগ বিধিমালা/নিয়োগ প্রবিধানমালাতে অত্বকৃতি করে সর্বত্র নিয়োগ বিধিমালা/নিয়োগ প্রবিধানমালা সংশোধন করার জন্য নির্দেশক্রমে অনুপ্রোথ জানানো হল।

৫। প্রতলবিধয়ে ইতোপূর্বে প্রারিত পার্বত্য ঊন্থ্যায় বিখরক মন্ত্রণালয়ের ২৬-৬-২০০২ তারিখের পাটবিম(সম-১)-৩০/২০০১-৫২৯ নং স্মারকটি বাতিল করা হল।

০/৮

৬০২৩৮২৫  
(মোঃ মইনুল হক)  
সিনিয়র সহকারী সচিব(সম-১)

১। সচিব/কার্যায় সচিব-----মন্ত্রণালয়/বিভাগ, ঢাকা।  
২। চেয়ারম্যান, পার্বত্য ঊন্থ্যায় অঞ্চলিক পরিষদ, রাংগামাটি।  
৩। চেয়ারম্যান, পার্বত্য জেলা পরিষদ, রাংগামাটি/বাপরবান/মাগড়ামড়ি।

## Annex-16:

Noti cation dated 27-06-2014 on appointment in jobs in the Chittagong Hill Tracts

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার  
জনপ্রশাসন মন্ত্রণালয়  
বিধি-১ শাখা।  
[www.mopa.gov.bd](http://www.mopa.gov.bd)

### পরিশ্রুতি

নং- ০৫.১৭০.০২২.০৯.০০.১৩৩.২০১০-২২৬


তারিখঃ ১৩ আষাঢ়, ১৪২০ বঃ  
২৭ জুন, ২০১৩ খ্রিঃ

বিষয়ঃ পার্বত্য চট্টগ্রামের সকল সরকারী, আধা-সরকারী, পরিষদীয় ও স্বায়ত্বশাসিত প্রতিষ্ঠানের চাকুরিতে উপজাতীয়দের অধিকার প্রদান।

০২ ডিসেম্বর ১৯৯৭ তারিখে গণপ্রজাতন্ত্রী বাংলাদেশ সরকার কর্তৃক পঠিত পার্বত্য চট্টগ্রাম বিষয়ক জাতীয় কমিটির সহিত পার্বত্য চট্টগ্রাম জন সংহতি সমিতির চুক্তি স্বাক্ষরিত হয়। উক্ত চুক্তির 'ঘ' খন্ডের ১৮নং অনুচ্ছেদটি নিম্নরূপঃ

“১৮। পার্বত্য চট্টগ্রামের সকল সরকারী, আধা-সরকারী, পরিষদীয় ও স্বায়ত্বশাসিত প্রতিষ্ঠানের সকল স্তরের কর্মকর্তা ও বিভিন্ন শ্রেণীর কর্মচারী পদে উপজাতীয়দের অধিকার ভিত্তিতে পার্বত্য চট্টগ্রামের স্থায়ী অধিবাসীদের নিয়োগ করা হইবে। তবে কোন পদে পার্বত্য চট্টগ্রামের স্থায়ী অধিবাসীদের মধ্যে যোগ্যতাসম্পন্ন ব্যক্তি না থাকিলে সরকার হইতে প্রেষণে অথবা নির্দিষ্ট সময় মেয়াদে উক্ত পদে নিয়োগ করা যাইবে।”

২। এমতাবস্থায়, উল্লিখিত চুক্তির 'ঘ' খন্ডের ১৮নং অনুচ্ছেদ অনুসরণ করিবার জন্য সংশ্লিষ্ট সকল নিয়োগকারী কর্তৃপক্ষকে অনুরোধ করা হইল।

  
(আবদুস সোবহান-সিকদার)  
সিনিয়র সচিব

### বিতরণঃ

- ১। যন্ত্রপরিষদ সচিব, যন্ত্রপরিষদ বিভাগ, বাংলাদেশ সচিবালয়, ঢাকা।
- ২। মুখ্য সচিব, প্রধানমন্ত্রীর কার্যালয়, পুরাতন সংসদ ভবন, তেজগাঁও, ঢাকা।
- ৩। সিনিয়র সচিব/সচিব, .....সকল মন্ত্রণালয়/বিভাগ।  
(তাহার আওতাধীন সকল মন্ত্রণালয়/বিভাগ/অধিদপ্তর/সংস্থা/দপ্তর/প্রতিষ্ঠানকে অবহিত করিবার অনুরোধসহ)
- ৪। মহা-হিসাব নিরীক্ষক ও নিয়ন্ত্রক, সিএন্ডএজি'র কার্যালয়, ৪৩ নং কাকরাইল সড়ক, ঢাকা।
- ৫। অতিরিক্ত সচিব (প্রশাসন), জনপ্রশাসন মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।
- ৬। সচিব, বাংলাদেশ সরকারি কর্ম কমিশন সচিবালয়, পুরাতন বিমানবন্দর, ঢাকা।
- ৭। উপ-পরিচালক, বাংলাদেশ ফরমস ও প্রকাশনা অফিস, তেজগাঁও, ঢাকা (পরবর্তী গেজেটে প্রকাশের জন্য)।
- ৮। সিনিয়র সিস্টেম এনালিস্ট, পিএসসি, জনপ্রশাসন মন্ত্রণালয় (ওয়েব সাইটে প্রকাশের জন্য)।

## Part : Two

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

Section of Accord and Subject	Government Statement	Opinion of PCISS
<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>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>
Section 2: Alteration, Amendment and Addition to Relevant Laws, Regulations and Practices	<p>The three Hill District Council Acts, 1989 has 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 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>

Section of Accord and Subject	Government Statement	Opinion of PCISS
Section 4: Validity of CHT Accord	The implementation of the Accord is continuing in phases. The two cases led in 2000 & 2007 with High Court against CHT Accord is being tried by the government to settle level best. <b>(Implemented)</b>	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>
<b>Part B: Hill District Council</b>		
Amendment to the three Hill District Council Acts	As per the Accord, having the concerned sections compiled, the three Hill District Council Acts 1998 has been put to a effect. <b>(Implemented)</b>	The provision relating to Development was not amended properly as per CHT Accord. The Deputy Minister status of HDC Chairmen was not restored. 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. <b>(Partially Implemented)</b>
Section 3: Definition of "Non-Tribal Permanent Residents"	It has been implemented. <b>(Implemented)</b>	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>
Section 4(5): Issuance of Permanent Resident Certificate by the Concerned Circle	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 effect 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 effect 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 order, the government has taken no measures to that effect. Consequently, non-permanent non-Tribal residents too continue getting Permanent Resident Certificates from the concerned Deputy

Section of Accord and Subject	Government Statement	Opinion of PCISS
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 effect, 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.
Section 24: Appointment in the Hill District Police Force	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. <b>(Partially implemented)</b>	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.

Section of Accord and Subject	Government Statement	Opinion of PCISS
Section 33(a): Improvement & Supervision of the law and order and  34(b): Hill District Police Force	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.	The subjects "Improvement and Supervision of Law & Order in the Hill District" and "Police (Local)" are yet to be transferred to the HDCs. Hence, the subjects have not yet been taken under the jurisdiction of the HDCs. Deputy Commissioners (DCs) and Superintendant of Police (SPs) have been exercising this power ignoring the HDCs. 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
Section 26: Prohibition in transfer and acquisition of land without prior approval of the HDCs	Hill District Council Acts have been amended in 1998. Lands are given settlement, purchased or sold with the prior permission of the HDCs. 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. PCBM (P-1) Pa: Zilla/Misc./85/2000-280 dated 23/10/01, settlement of lands has remained postponed. <b>(Ongoing)</b>	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.
Section 34(a): Land and Land Management	<b>(Partially implemented)</b>	The subject 'Land and Land Management' has been included in the Act, but have not yet been transferred to the HDCs. <b>(Unimplemented &amp; violated)</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 of Accord and Subject	Government Statement	Opinion of PCISS
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.	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 10: General and Overall Supervision of the CHT Development Board	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. <b>(Implemented)</b>	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. <b>(Unimplemented &amp; violated)</b>

Section of Accord and Subject	Government Statement	Opinion of PCISS
Section 11: Removal of inconsistencies of CHT Regulation 1900 and other related Acts, Rules & Ordinances	Implementation is going on. As two cases against the CHT Accord were led 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. <b>(Ongoing)</b>	The Govt issued an order on 29 October 1990 that CHT Regulation would be functional fully. No fresh order expressing to the effect that 'CHT Regulation shall be effective subject to the provisions of the CHT Accord' has been issued having the 'order' of dated 29-10-1990 on the effectiveness of the CHT Regulation, 1900 cancelled. <b>(Unimplemented)</b>
Section 13: Making Law on the CHT Affairs	Implementation is going on. <b>(Ongoing)</b>	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 CHIDB Act 2014 and three Hill District Council (Amendment) Act 2014. <b>(Unimplemented &amp; violated)</b>
<b>Part D: Rehabilitation, General Amnesty and Other Matters</b>		
Section 1: Repatriation of the Jumma Refugees	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. <b>(Implemented)</b>	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. <b>(Partially implemented)</b>
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 Order, but it has not yet been withdrawn. <b>(Unimplemented)</b>



Section of Accord and Subject	Government Statement	Opinion of PCISS
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 Anowar-ul 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.	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.
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.	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 of Accord and Subject	Government Statement	Opinion of PCJSS
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.	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.
Section 11: Patronage to Tribal Culture, Traditions and Customs	The government established Small Ethnic Groups Cultural Institutes in three hill district 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.	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>
Section 14: General Amnesty and Withdrawal of Cases	According to the information received from CHTRC, a list of 999 cases led 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.

Section of Accord and Subject	Government Statement	Opinion of PCJSS
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 A airs 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.
Section 18: Appointment of Permanent Residents with the Preference to the Jumma Candidates in Services of the	<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 A airs. But all the concerned authorities have not been directed on the said issue. Hence, that has not been being followed in practice, too.
Section 19: CHT A airs Ministry and its Advisory Committee	A State Minister among from tribal people for the CHT A airs 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.

**Part : Three**

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

Reposing full and unswerving 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

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

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 phrase "as per as" shall be 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



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

- 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

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:

- 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) CHITAGONG 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, Bawm, Pangkho, Khumi, Chak and Kiang 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

- 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;

- 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 be 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 their 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



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:
  - f) Retired Justice;
  - g) Circle Chief (concerned)
  - h) Chairman/Representative of the Regional Council;
  - i) Divisional Commissioner/Additional Commissioner;
  - j) 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 florescence 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- ve) 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

- 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 made 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.
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 Chattogram Jana Samhati Samiti

### **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.



## **A Brief Report on Implementation of the CHT Accord**

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